**NEW YORK SUPREME COURT, GREENE COUNTY**

The People of New York

Coram Ipso Rege:

&

New York Unified Common Law Grand Jury

Coram Nobis:

-a-

STATE OF NEW YORK SUPREME COURT
Holly Tanner, Richard Mabee Jonathan Lippman,
Fern A. Fisher, Lawrence K. Marks, Barry Kamins,
Ronald Younkins, A. Gail Prudenti

Wrongdoers:

INDEX # 14-0384

MAGISTRATE Raymond Elliott

**WRIT OF ERROR, CORAM NOBIS**

# WRIT OF ERROR

On April 18, 2014 Magistrate[1] Raymond J. Elliott acting of his own will (sua sponte), claiming to be the court, obstinately seized jurisdiction after the Superior "Court of Record"[2], by "Writ of Prohibition," prohibited the inferior court "Not of Record" from assuming jurisdiction in this matter, over which nisi prius courts have no control or legitimate authority.[3]

When a sovereign people, by fraud, are brought before nisi prius[4] courts acting under corporate charter[5], when no such authority without their consent has been willed, and pretense of law,

[1] "A Court of Record is a judicial tribunal having attributes and exercising functions independently of the person of the magistrate designated generally to hold it, and proceeding according to the course of common law, its acts and proceedings being enrolled for a perpetual memorial". Jones v. Jones, 188 Mo.App. 220, 175 S.W. 227, 229; Ex parte Gladhill, 8 Metc. Mass., 171, per Shaw, C.J. See, also, Ledwith v. Rosalsky, 244 N.Y. 406, 155 N.E. 688, 689.

[2] The decisions of an inferior court are subject to collateral attack. In other words, in a superior court one may sue an inferior court directly, rather than resort to appeal to an appellate court. Decision of a court of record may not be appealed. It is binding on ALL other courts. However, no statutory or constitutional court (whether it be an appellate or supreme court) can second guess the judgment of a court of record. "The judgment of a court of record whose jurisdiction is final, is as conclusive on all the world as the judgment of this court would be. It is as conclusive on this court as it is on other courts. It puts an end to inquiry concerning the fact, by deciding it." [Ex parte Watkins, 3 Pet., at 202-203. [cited by SCHNECKLOTH v. BUSTAMONTE, 412 U.S. 218, 255 (1973)].

[3] An extraordinary writ, issued by a superior court to an inferior court to prevent the latter from exceeding its jurisdiction, either by prohibiting it from assuming jurisdiction in a matter over which it has no control, or from going beyond its legitimate powers in a matter of which it ha's jurisdiction. State v. Medler, 19 N.M. 252, 142 P. 376, 377.

[4] NISI PRIUS. (Bouvier's Law, 1856 Edition) Where courts bearing this name exist in the United States, they are instituted by statutory provision.

[5] CHARTER. An act of a legislature creating a corporation, or creating and defining the franchise of a corporation. Baker v. Smith, 41 RI. 17, 102 A. 721, 723; Bent v. Underdown, 156 Ind. 516, 60 N.E. 307. Also a corporation's constitution or organic law; Schultz v. City of Phcenix, 18 Ariz. 35, 156 P. 75, 76; C. J. Kubach Co. v. McGuire, 199 Cal. 215, 248 P. 676, 677; that is to say, the articles of incorporation taken in connection with

such a court acts under color of law[6] and all the officers of that court are subject to collateral attack in a court of record[7], see memorandum law and jurisdiction, lines 251-254.

Said inferior court's judge[8] was to function as Magistrate, see law of the case. Instead Magistrate Raymond J. Elliott, in a blatant act of "felony rescue", assumed the mantel and illegally dismissed the action of the Common Law 5th Amendment's Grand Jury, and thereby obstructed justice.

> Obsta Principiis[9] against Nisi Prius[10], that is to say "We the Jury resists the first encroachment" and proceed according to the supreme[11] common law of the land[12], **Coram Nobis[13]**.

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the law under which the corporation was organized; Chicago Open Board of Trade v. Imperial Bldg. Co., 136 Ill.App. 606; In re Hanson's Estate, 38 S.D. 1, 159 N.W. 399, 400. The authority by virtue of which an organized body acts. Ryan v. Witt, Tex. Civ.App., 173 S.W. 952, 959. A contract between the state and the corporation, between the corporation and the stockholders, and between the stockholders and the state. Bruun v. Cook, 280 Mich. 484, 273 N.W. 774, 777.

[6] **COLOR OF LAW.** [Black's Law 4th] -- The appearance or semblance, without the substance, of legal right. [State v. Brechler, 185 Wis. 599, 202 N.W. 144, 148] Misuse of power, possessed by virtue of state law and made possible only because wrongdoer is clothed with authority of state, is action taken under "color of state law." (Atkins v. Lanning, 415 F. Supp. 186, 188)

[7] The decisions of a superior court may only be challenged in a court of appeal. The decisions of an inferior court are subject to collateral attack. In other words, in a superior court one may sue an inferior court directly, rather than resort to appeal to an appellate court. Decision of a court of record may not be appealed. It is binding on ALL other courts. However, no statutory or constitutional court (whether it be an appellate or supreme court) can second guess the judgment of a court of record. "The judgment of a court of record whose jurisdiction is final, is as conclusive on all the world as the judgment of this court would be. It is as conclusive on this court as it is on other courts. It puts an end to inquiry concerning the fact, by deciding it." [Ex parte Watkins, 3 Pet., at 202-203. [cited by SCHNECKLOTH v. BUSTAMONTE, 412 U.S. 218, 255 (1973)].

[8] **COURT OF CHANCERY**. A court having the jurisdiction of a chancellor; a court administering equity and proceeding according to the forms and principles of equity. In England, prior to the judicature acts, the style of the court possessing the largest equitable powers and jurisdiction was the "high court of chancery." In some of the United States, the title "court of chancery" is applied to a court possessing general equity powers, distinct from the courts of common law. Parmeter v. Bourne, 8 Wash. 45, 35 P. 586; Bull v. International Power Co., 84 N.J.Eq. 209, 93 A. 86, 88. The terms "equity" and "chancery," "court of equity" and "court of chancery," are constantly used as synonymous in the United States. It is presumed that this custom arises from the circumstance that the equity jurisdiction which is exercised by the courts of the various states is assimilated to that possessed by the English courts of chancery. Indeed, in some of the states it is made identical therewith by statute, so far as conformable to our institutions. Wagner v. Armstrong, 93 Ohio St. 443, 113 N.E. 397, 401. CHANCELLOR. In American law, this is the name given in some states to the judge (or the presiding judge) of a court of chancery.

[9] **OBSTA PRINCIPIIS. Lat.** Withstand begin-nings; resist the first approaches or encroach-ments. Bradley, J., Boyd v. U. S., 116 U.S. 635, 6 Sup.Ct. 535, 29 L.Ed. 746.

[10] **NISI PRIUS COURT** "Nisi prius" is a Latin term (Black's 5th) "Prius" means "first." "Nisi" means "unless." A "nisi prius" procedure is a procedure to which a party FIRST agrees UNLESS he objects. A rule of procedure in courts is that if a party fails to object to something, then it means he agrees to it. A nisi procedure is a procedure to which a person has failed to object A "nisi prius court" is a court which will proceed unless a party objects. The agreement to proceed is obtained from the parties first.

[11] Supremacy Clause - This Constitution, and the laws of the United States which shall be made in pursuance thereof; and all treaties made, or which shall be made, under the authority of the United States, shall be the supreme law of the land; and the judges in every state shall be bound thereby, anything in the Constitution or laws of any State to the contrary notwithstanding. Article VI

The Magistrate of the court, in his actions, epitomized the very problem of the courts, that has brought the People to this extraordinary action at law, by unashamedly attempting to commit felony rescue by assuming jurisdiction, that the Magistrate does not have, and then claiming the applicants lack statutory form, no cause of action, and then stating a negative averment in the record on behalf of his accused peers, now co-conspirators, who could not make such a claim directly into the record without perjuring themselves whereas he said;

> "*It is not clear to the Court if these named persons were all served with a copy of this application*."

Thereby through this bogus decision and order plotted to shut out any opportunity of a reply or objection, a direct denial of "due process". This was an inappropriate response by which the Magistrate demonstrated bias and a disinterest for truth, Nevertheless all necessary parties were summonsed, and if the law of the land was obeyed as obligated by oath, "due process" would have discovered that fact.

In response to the Magistrates claim that there is no constitutional or statutory authority for the convening of a "common law grand jury" it can only be assumed that the magistrate failed to read the Writ Quo warranto particularly lines 73-131.

In response to the Magistrates claim that there is no legitimate claim it can only be assumed again that the magistrate failed to read the Writ Quo warranto particularly lines 132-187.

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[12] "Law of the land," "due course of law," and "due process of law" are synonymous. People v. Skinner, Cal., 110 P.2d 41, 45; State v. Rossi, 71 R.I. 284, 43 A.2d 323, 326; Direct Plumbing Supply Co. v. City of Dayton, 138 Ohio St. 540, 38 N.E.2d 70, 72, 137 A.L.R. 1058; Stoner v. Higginson, 316 Pa. 481, 175 A. 527, 531.

[13] [Blacks Law] Before us ourselves, (the king, i. e., in the king's or queen's bench.) [tribunal pre-trial] **CORAM NOBIS.** [Blacks Law] Before us ourselves, (the king, i. *e.,* in the king's or queen's bench.) Applied to writs of error directed to another branch of the same court, *e. g.,* from the full bench to the court at *nisi prius.* 1 Archb. Pr. K. B. 234. See Writ of Error.

## IMPEACHMENT AND WRIT

**THE COURT, HAVING REVIEWED THE FACTS, THE RECORD, AND THE PROCESS BY WHICH THE RULING WAS ISSUED**, finding that the magistrate ignored the "Writ of Prohibition", did not read the filed papers, and decided by his own will that he was going to render rulings and proceed according to statutes without leave of court; and finding that the orderly decorum of the court was replaced by defective impromptu process and usurpation of legislative and court powers without leave of court.

**NOW THEREFORE, THE COURT** issues this **WRIT OF ERROR, CORAM NOBIS**, to wit: The court impeaches and rescinds the actions and statements made by the Magistrate, so stated at the April 18, 2014 illegal conference, and holds Magistrate Raymond J. Elliott in contempt of court and is ordered to pay a fine of one hundred silver dollars.

**THE COURT**

**WITNESS**: the **SEAL** of the **COURT** this 22nd day of April, 2014.

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Attornatus Privatus