Unified New York Common Law Grand Jury

LEX NATURALIS DEI GRATIA

• Bronx County • Columbia County • Dutchess County • Greene County • Kings County • Monroe County
• Nassau County • New York County • Niagara County • Orange County • Putnam County • Queens County
• Rockland County • Schenectady County • Suffolk County • Sullivan County • Ulster County • Westchester County

Psa 89:14 Justice and judgment are the habitation of thy throne: mercy and truth shall go before thy face.

• **Fax (888) 891-8977**

January 2, 2014

WRIT[1] OF MANDAMUS[2]

PRESENTED TO: Charles M. Tailleur, Supreme Court Judge
Greene County Courthouse; 320 Main Street; Catskill, NY 12414

Because New York judges and lawyers are educated at BAR schools that instruct seditious statutes as law, and are under the delusion that common law has been legislated away and thereby its jury, we find it essential in order to serve both mercy and justice, to instruct you in history and law before we command you under penalty of that law.

Common law and its Jury have not been defeated, just hidden. The enemies of Liberty, who have taken control of our education, just eliminated it from our curriculum along with a classical education. It is first important to understand that a court of record is a common law court in which it's "*judicial tribunal has attributes and exercising functions independently of the person of the magistrate* [judge] *designated generally to hold it and proceeding according to the course of common law, its acts and proceedings being enrolled for a perpetual memorial. a decision of a court of record may not be appealed and is binding on all other courts*". 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; 3 Bl. Comm. 24; 3 Steph. Comm.

[1] WRIT. A precept in writing, couched in the form of a letter, running in the name of the king (People), president, or state, issuing from a court of justice, and sealed with its seal, addressed to a sheriff or other officer of the law, or directly to the person whose action the court desires to command, either as the commencement of a suit or other proceeding or as incidental to its progress, and requiring the performance of a specified act, or giving authority and commission to have it done. A mandatory precept issuing from court of justice. Poirier v. East Coast Realty Co., 84 N.H. 461, 152 A. 612, 613. Process. State ex rel. Walling v. Sullivan, 245 Wis. 180, 13 N.W.2d 550, 555. For the names and description of various particular writs, see the titles below.

[2] MANDAMUS. Lat. We command. This is the name of a writ (formerly a high prerogative writ) which issues from a court of superior jurisdiction, and is directed to a private or municipal corporation, or any of its officers, or to an executive, administrative or judicial officer, or to an inferior court, commanding the performance of a particular act therein specified, and belonging to his or their public, official, or ministerial duty, or directing the restoration of the complainant to rights or privileges of which he has been illegally deprived. Lahiff v. St. Joseph, etc., Soc., 76 Conn. 648, 57 A. 692, 65 L.R.A. 92, 100 Am.St.Rep. 1012.

383; The Thomas Fletcher, C.C.Ga., 24 F. 481; Exparte Thistleton, 52 Cal 225; Erwin v. U.S., D.C.Ga., 37 F. 488, 2 L.R.A. 229; Heininger v. Davis, 96 Ohio St. 205, 117 N.E. 229, 231.

The judicial tribunal is the Jury, also-known-as the Kings Bench, which "IS" The Supreme Court of common law, according to Blacks Law, being so called because the king sat there in person, the style of the court being *"coram ipso rege"*. See 3 Bl.Comm. 41-43. The New York Supreme Court, early on in 1829 confirmed this when it said; "*The people of this State, as the successors of its former sovereign, are entitled to all the rights which formerly belonged to the King by his prerogative*". Lansing v. Smith, 4 Wend. 9 (N.Y.) (1829), 21 Am. Dec. 89 10C Const. Law Sec. 298; 18 C Em.Dom. Sec. 3, 228; 37 C Nav.Wat. Sec. 219; Nuls Sec. 167; 48 C Wharves Sec. 3, 7. The U.S. Supreme Court as late as 1973 and 1992 [in US v Williams] also confirmed that even they could not second guess the Jury when they said; "*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. Inferior courts are those whose jurisdiction is limited and special and whose proceedings are not according to the course of the common law. Criminal courts proceed according to statutory law. Jurisdiction and procedure is defined by statute. Likewise, civil courts and admiralty courts proceed according to statutory law. Any court proceeding according to statutory law is not a court of record (which only proceeds according to common law); it is an inferior court*. Ex parte Watkins, 3 Pet., at 202-203. cited by SCHNECKLOTH v. BUSTAMONTE, 412 U.S. 218, 255 (1973). If the Kings Bench is not present in the Court it is not a Supreme Court of Common Law and has no jurisdiction over the people summonsed before it without their consent.

Supreme Court Annotated Statue: CRUDEN vs. NEALE, 2 N.C. 338 2 S.E. 70 "*The state citizen is immune from any and all government attacks and procedure*". see, Dred Scott vs. Sanford. 60 U.S. (19 How.) 393 or as the Supreme Court has stated clearly, "*...every man is independent of all laws, except those prescribed by nature. He is not bound by any institutions formed by his fellowmen without his consent*".

It is at the Kings Bench (Jury) where the King (People) rules and decrees, it is at the moment of the impaneling of a Grand Jury when the Supreme Court opens for Justice. And if the Grand Jury indicts it passes the case for "final judgment" to the Petite Jury, thereby the Supreme Court remains in session until judgment is decreed. The Grand Jury is the decreeing body outside the court room and the Petite Jury is the decreeing body inside the court room.

The Grand Jury and Petite Jury are one, both are ministered by and made up of the People chosen at random, they act and decree under the principles of Common Law that being justice, honor, and mercy and they are guided by two common law maxims that being (1) without a victim there is no crime, and (2) for every injury there must be a remedy.

Justice James Wilson, 1790, said; "*The Jury is an important instrument of government, a great conduit of communication between those who make and administer the laws and the People. All the operations of government and all its officers come before the scrutiny of Juries, thereby giving them an unrivaled ability to advocate public improvements and expose corruption in government*".

Thomas Jefferson spoke of the Jury in the Declaration of Independence when he penned "*governments are instituted among men, deriving their just powers from the consent of the governed"*. The American Jury is that institution whereby the People themselves consent to their actions; there exists no others. Therefore to deny the Jury is to deny the consent of the people and thereby self rule and Liberty.

In March 1922 the New York County Association of the Criminal Bar announced that it planned a vigorous state wide campaign to abolish the Grand Jury institution. (see Grand Jury Under Attack, by Richard D. Younger, 1955) Former district attorney Robert Elder called upon public prosecutors to take the initiative in replacing the "inefficiency, ignorance and traditional bias" of grand jurors, and Judge Thomas Crain of New York supported the movement. Testifying before the Committee of Law Enforcement of the American Bar Association, he observed that "a judge or some other man learned in the law" (statutes) should participate in grand jury hearings.

In Minnesota attorney Paul J. Thompson urged his state to adopt the Wisconsin system of prosecution upon the order of a district attorney. In 1922 Judge Roscoe Pound and Felix Frankfurter conducted a survey of criminal justice in Cleveland and added the weight of expert testimony to those who sought to eliminate use of grand juries. Pound and Frankfurter reported that juries were inefficient and unnecessary, since trial courts were quite capable of protecting Americans against executive tyranny. Today (2014) with our constitutional republic all but lost, there precept has proven to be bogus.

Professional opposition to the inquest of the people did not go unchallenged, however. In 1924 the Grand Juror's Association of New York began publication of "the Panel", a militantly pro-grand jury periodical. Through its pages, former grand jurors, judges, and prosecutors made clear the importance of the institution. The Association urged grand juries to exercise their full powers as representatives of the people and fought all attempts to make them mere agents of the court. As a result of its efforts grand juries took on a new importance for many citizens.

In 1938 at the New York Constitutional Convention approved by vote of the people on November 8, 1938 in an approval of the following clause of the New York Constitution Article I §6:

> "*The power of grand juries to inquire into the willful misconduct in office of public officers, and to find indictments or to direct the filing of informations in connection with such inquiries, shall never be suspended or impaired by law. No person shall be deprived of life, liberty or property without due process of law*". (Amended by Constitutional Convention of 1938 and approved by vote of the people November 8, 1938; further amended by vote of the people November 8, 1949; November 3, 1959; November 6, 1973; and November 6, 2001.)

and Article I §8:

> "*... the jury shall have the right to determine the law and the fact*". (Amended by vote of the people November 6, 2001.)

Thereby remaining, forever, in perfect harmony of the Peoples inalienable, God given, rights, "ordained" by We the People, secured by the 5th and 7th amendments of the Bill of Rights, ratified December 15, 1791, whereas we read:

> Amendment V. "*No person shall be held to answer for a capital, or otherwise infamous crime,* [a crime that carries a prison sentence] *unless on a presentment or indictment of a Grand Jury ...*"
>
> And Amendment VII. "*In suits at common law, where the value in controversy shall exceed twenty dollars, the right of trial by jury shall be preserved, and no fact tried by a jury, shall be otherwise reexamined in any Court of the United States, than according to the rules of the common law*".

These two United States Amendments V and VII; and New York Constitution Article I. §6 and §8 make it unambiguously clear that the Grand Jury is an institution of the People, an inalienable right, who's decisions are final, and that courts are to proceed according to common law, and "NOT" statutes, for judges to proceed contrary is treason.

In the United States Supreme Court ruling US v Williams, that all judges are bound to act without having it proved in evidence, said

> "*... the grand jury is an institution separate from the courts, over whose functioning the courts do not preside, we think it clear that, as a general matter at least, no such "supervisory" judicial authority exists*"

... they went on to say: (*it 'is a constitutional fixture in its own right*)

> "*[R]ooted in long centuries of Anglo-American history*," Hannah v. Larche, 363 U.S. 420, 490, 80 S.Ct. 1502, 1544, 4 L.Ed.2d 1307 (1960) (Frankfurter, J., concurring in result), "*the grand jury is mentioned in the Bill of Rights, but not in the body of the Constitution. It has not been textually assigned, therefore, to any of the branches described in the first three Articles. It 'is a constitutional fixture in its own right*.' " United States v. Chanen, 549 F.2d 1306, 1312 (CA9 1977) (quoting Nixon v. Sirica, 159 U.S.App.D.C. 58, 70, n. 54, 487 F.2d 700, 712, n. 54 (1973)), cert. denied, 434 U.S. 825, 98 S.Ct. 72, 54 L.Ed.2d 83 (1977). "*In fact the whole theory of its function is that it belongs to no branch of the institutional government, serving as a kind of buffer or referee between the Government and the people*". Stirone v. United States, 361 U.S. 212, 218, 80 S.Ct. 270, 273, 4 L.Ed.2d 252 (1960); Hale v. Henkel, 201 U.S. 43, 61, 26 S.Ct. 370, 373, 50 L.Ed. 652 (1906); G. Edwards, The Grand Jury 28-32 (1906). "*Although the grand jury*

> *normally operates, of course, in the courthouse and under judicial auspices, its institutional relationship with the judicial branch has traditionally been, so to speak, at arm's length.*[3] *Judges' direct involvement in the functioning of the grand jury has generally been confined to the constitutive one of calling the grand jurors together and administering their oaths of office*". United States v. Calandra, 414 U.S. 338, 343, 94 S.Ct. 613, 617, 38 L.Ed.2d 561 (1974); Fed.Rule Crim.Proc. 6(a).

Evidently BAR indoctrinated lawyers have been beguiled into believing fiction, ever learning, and never able to come to the knowledge of the truth of the rich "Common Law Heritage" of the American People that are preserved in both the New York and United States Constitutions.

From the very beginning of our Nation BAR members have been sabotaging the American experiment in a concerted effort to subvert the people through an all out assault upon common law and the sacred institution of juries, that continues to this day; rejecting independent juries as a good thing and making feeble arguments claiming they are inefficient, untrained in law, too expensive, dangerous, and often exceed their authority.

Untrained in who's law, man's? Certainly not God's for they don't even acknowledge God, save the god of their bellies. Dangerous to who, tyrants and criminals? Inefficient and too expensive, by who's calculations or standards? And even if true, what say they is the cost of justice, and what about the cost for the "swarms" of BAR lawyers obstructing the administration of justice[4] we find controlling the statutory interpretation of every breath of judicial and political position or statement, with no concern for the interest of justice, but just the survival of their own flesh! And finally exceeding who's authority, the BAR? As a matter of fact the People are the authority, how can the People exceed themselves, for they are themselves! And just who are these tyrants that think they can change our form of government by abolishing the will of the people and replacing it with the code of corporatism? They are frauds!

It warrants repeating, that the United States Supreme Court in 1973 reiterated and made clear that even they (United States Supreme Court) could not second guess the Jury when they said;

> "*The judgment of a court of record* [5] *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. Inferior courts are those whose jurisdiction is limited and special and whose proceedings are not according to the course of the common law. Criminal*

[3] lacking intimacy or friendliness, esp. when possessing some special connection, such as previous closeness, a condition of independence.
[4] He has obstructed the Administration of Justice, by refusing his Assent to Laws for establishing Judiciary powers. He has made Judges dependent on his Will alone, for the tenure of their offices, and the amount and payment of their salaries. He has erected a multitude of New Offices, and sent hither swarms of Officers to harass our people, and eat out their substance. Declaration of Independence.
[5] **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. ....7 Cal Jur 571 California Jurisprudence, Bancroft Whitney (1922), Page 580-581

> *courts proceed according to statutory law. Jurisdiction and procedure is defined by statute. Likewise, civil courts and admiralty courts proceed according to statutory law. Any court proceeding according to statutory law is not a court of record (which only proceeds according to common law); it is an inferior court*". Ex parte Watkins, 3 Pet., at 202-203. cited by SCHNECKLOTH v. BUSTAMONTE, 412 U.S. 218, 255 (1973).

The United States Supreme Court in 1950 and again in 1992 reiterated and made clear that the grand jury functions independent from the judicial branch.

> "*The grand jury's functional independence from the judicial branch is evident both in the scope of its power to investigate criminal wrongdoing, and in the manner in which that power is exercised. "Unlike [a] [c]ourt, whose jurisdiction is predicated upon a specific case or controversy, the grand jury 'can investigate merely on suspicion that the law is being violated, or even because it wants assurance that it is not*.' " United States v. R. Enterprises, 498 U.S. ----, ---- , 111 S.Ct. 722, 726, 112 L.Ed.2d 795 (1991) (quoting United States v. Morton Salt Co., 338 U.S. 632, 642-643, 70 S.Ct. 357, 364, 94 L.Ed. 401 (1950)), and US v Williams, 1992.

The United States Supreme Court in 1992 reiterated and made clear that the grand jury requires no authorization from the court.

> "*The grand jury requires no authorization from its constituting court to initiate an investigation*", see Hale, supra, 201 U.S., at 59-60, 65, 26 S.Ct., at 373, 375, "*nor does the prosecutor require leave of court to seek a grand jury indictment. And in its day-to-day functioning, the grand jury generally operates without the interference of a presiding judge*". See Calandra, supra, 414 U.S., at 343, 94 S.Ct., at 617. It swears in its own witnesses, Fed.Rule Crim.Proc. 6(c), and deliberates in total secrecy, see United States v. Sells Engineering, Inc., 463 U.S., at 424-425, 103 S.Ct., at 3138. and US v Williams, 1992.

The BAR lawyers/judges that claim, "*that's only in Federal Courts*", need only acknowledge the power of the People to see truth. It has become clear that they are claiming that the states somehow over-ruled the Bill of Rights; contrary to Article IV the Supremacy Clause that "ORDAINS" Common Law "the Law of the land"; contrary to the New York Constitution Article I §6 and Article I §8 that secure the Common Law Rights of the people; contrary to the many United States Supreme Court rulings that a law repugnant to the constitution is void and that judges in every state are bound thereby "BY OATH" to obey, without question. The seditious mantras that common law has been done away within the United States is a lie straight out of the belly of the BAR, an illusion of their fiction.

> "*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*." United States Constitution Article IV

> "*… Thus, the particular phraseology of the constitution of the United States confirms and strengthens the principle, supposed to be essential to all written constitutions, that a law repugnant to the constitution is void, and that courts, as well as other departments, are bound by that instrument*." [after more than 200 years this decision still stands] Marbury v. Madison 5 U.S. 137 (1803)

The states are powerless to legislate away the unalienable rights of the people under any circumstances; that would be sedition.

> "*The state cannot diminish rights of the people*." Hurtado v. People of the State of California, 110 U.S. 516

> "*Where rights secured by the Constitution are involved, there can be no rule making or legislation which would abrogate them*". Miranda v. Arizona, 384 US 436, 491.

> "*As to the construction, with reference to Common Law, an important cannon of construction is that constitutions must be construed to reference to the Common Law." The Common Law, so permitted destruction of the abatement of nuisances by summary proceedings and it was never supposed that a constitutional provision was intended to interfere with this established principle and although there is no common law of the United States in a sense of a national customary law as distinguished from the common law of England, adopted in the several states. In interpreting the Federal Constitution, recourse may still be had to the aid of the Common Law of England. It has been said that without reference to the common law, the language of the Federal Constitution could not be understood*." 16Am Jur 2d., Sec. 114:

The states cannot control the will (through puppetry) of the Jury (people); that would be despotism.

> "*any government, that is its own judge of, and determines authoritatively for, the people, what its own powers are over the people, is an absolute government, of course. It has all the powers that it chooses to exercise. There is no other, or at*

least, no more accurate definition of despotism than this". Lysander Spooner, author of Trial by Jury (1852).

The state exists only by the consent of the people.

"*That to secure Life, Liberty and the pursuit of Happiness, Governments are instituted among Men, deriving their just powers from the consent of the governed*". Thomas Jefferson Declaration of Independence.

Evidently common law is not common opinion; common law is natural law built upon Biblical principles, maxims, and commonsense. As Lysander Spooner pointed out government cannot decide the law or exercise authority over jurors (the People) for such would be absolute government, absolute despotism. Such is our condition today. We the People are determined to end it, here, in New York, at this cross road!

It is the People (Grand Jury) that consent to government. To dismiss the Common Law Grand Jury is to dismiss the 5th and 7th Amendments and remove the People as the authority, thereby rejecting the United States Constitution, Bill of Rights, Declaration of Independence, Magna Carta the Holy Bible, and more than 1600 years of common law history.

The idea that "Common Law" has been done away with is purely a fantasy of the BAR, a fiction indoctrinated in the minds of their minions, a beguilement whose time has come to a sober end by the reality of truth. Law is not a system of statutes but a system of jurisprudence administered by purely secular tribunals. Jurisprudence is that branch of philosophy concerned with the law and the principles that lead courts to make the decisions they do, imposed by authority given by the People alone. Judges by their oath are to yield their minds to jurisprudence and when they refuse to do so they war against the constitution, an act of treason;

"*Any judge who does not comply with his oath to the Constitution of the United States wars against that Constitution and engages in acts in violation of the supreme law of the land. The judge is engaged in acts of treason*." - Cooper v. Aaron, 358 U.S. 1, 78 S. Ct. 1401 (1958)

"*Since the constitution is intended for the observance of the judiciary as well as other departments of government and the judges are sworn to support its provisions, the courts are not at liberty to overlook or disregard its commands or counteract evasions thereof, it is their duty in authorized proceedings to give full effect to the existing constitution and to obey all constitutional provisions irrespective of their opinion as to the wisdom or the desirability of such provisions and irrespective of the consequences, thus it is said that the courts should be in our alert to enforce the provisions of the United States Constitution and guard against their infringement by legislative fiat or otherwise in accordance with these basic principles, the rule is fixed that the duty in the proper*

> *case to declare a law unconstitutional cannot be declined and must be performed in accordance with the delivered judgment of the tribunal before which the validity of the enactment it is directly drawn into question. If the Constitution prescribes one rule and the statute the another in a different rule, it is the duty of the courts to declare that the Constitution and not the statute governs in cases before them for judgment*." – 16 Am Jur 2d., Sec. 155:

Judges are under BAR induced delusions that they have absolute immunity but, here in NY, the few self-serving feeble cases that are cited making such a claim are without the authority of the people and will fail in courts of record. Only the people are sovereign, all public servants, Judges, prosecutors, D.A's, A.G's, police, Sheriffs, governors, and legislators are under statutes having a fiduciary duty to We the People, their employer, to act in good behavior to obey constitutional prohibitions i.e. the rule of law, placed there by We the People and are therefore liable for prosecution when then do not behave accordingly. "*Where there is no jurisdiction, there can be no discretion*", they are not above the law when they commit a crime they will go to jail and are subject to civil suits.

> "*No man in this country is so high that he is above the law. No officer of the law may set that law at defiance with impunity. All the officers of the government, from the highest to the lowest, are creatures of the law and are bound to obey it ... it is the only supreme power in our system of government, and every man who, by accepting office participates in its functions, is only the more strongly bound to submit to that supremacy, and to observe the limitations which it imposes on the exercise of the authority which it gives*." U.S. v. Lee, 106 U.S. 196, 220 1 S. Ct. 240, 261, 27 L. Ed 171 (1882)

> "*A judge must be acting within his jurisdiction as to subject matter and person, to be entitled to immunity from civil action for his acts*." Davis v. Burris, 51 Ariz. 220, 75 P.2d 689 (1938)

When a sovereign people, by fraud, are brought before nisi prius[6] courts acting under corporate charter[7], when no such authority has been willed, and pretense of law, such a court acts under color of law[8] and all the officers of that court are subject to collateral attack in a court of record[9].

[6] NISI PRIUS. (Bouvier's Law, 1856 Edition) Where courts bearing this name exist in the United States, they are instituted by statutory provision.
[7] 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 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.
[8] COLOR OF LAW. [Black's Law 4th edition, 1891] -- 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)

The people are not subject to the jurisdiction of the corporate United States (the repugnant 14th Amendment), they are subject only to Natural Law, a/k/a Common Law, thereby under the jurisdiction of the 5th Amendment Common Law Grand Jury. The people are not citizens of the corporate "United States" residing in a state. But in fact citizens of one of the 50 "united states" domiciled in the same, with "unalienable rights" and "not privileges or immunities", for we "owe nothing" to the United States or the state for our existence, We the People created the three branches of government, the three branches are subservient to the People and cannot legislate the behavior of the People.

The united states were founded upon Common Law whereas all men are created equal, with certain unalienable rights, endowed and treasured by their Creator[10], ordained by the people, therefore these rights cannot be sold or transferred[11], any act by the legislature to subvert that relationship would be sedition and all participants in the execution of such a fraud would be guilty of conspiracy against the People an act of "high treason", and for a judge "treason against both the constitution" and the People.

Decency, security, and liberty alike demand that government officials obey the law. In a government of laws, existence of the government will be imperiled if it fails to observe the law scrupulously. Crime is contagious, and when government becomes a lawbreaker, it breeds contempt for the law; it invites every man to become a law unto himself. Therefore let We the People counsel BAR lawyers/judges everywhere, that they would be well advised to take note, that the 5th Amendment "is" Common Law, the Law of the Land, the state cannot diminish rights of the people, and that there can be no rule making or legislation which would abrogate them. To reject this and do such violence is to war against the constitution which is an act of treason, and against that pernicious act "We the People" do resolutely set our face, and draw the line in the sand by the action of this mandamus, we will never capitulate and justice will prevail.

We the People now, by the authority invested in us by God do serve you, Charles M. Tailleur, Supreme Court Judge, this judicial notice[12] and Mandamus which you are bound by oath to obey[13] and act upon, informing you, that

- common law is still in effect in every state of the union, that
- we the People are forever sovereign, that
- Common Law Grand Juries have been re-constituted throughout New York, that

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[9] 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)].

[10] Exodus: 19:5 Now therefore, if ye will obey my voice indeed, and keep my covenant, then ye shall be a peculiar treasure unto me above all people: for
all the earth is mine:

[11] UNALIENABLE. Inalienable; [Blacks 4th] incapable of being aliened, that is, sold and transferred.

[12] JUDICIAL NOTICE. [Black's Law 4th] "Judicial notice, or knowledge upon which a judge is bound to act without having it proved in evidence".

[13] American Juris-Prudence, 16: constitution law section which a judge is bound by oath to obey.

- American Jurisprudence is to be your guide, that
- you are to obey the will of the People expressed by this writ of mandamus, that
- congress cannot by authorization or ratification give the slightest effect to a state law or constitution which is in conflict with the Constitution of the United States[14], and that
- to prevent the true bill filed by this body dated October 11, 2013 proceeding upon its constitutionally ordained judicial course is felony rescue and conspiracy to commit high treason.

We the People find you, **Charles M. Tailleur, Supreme Court Judge**, in contempt for failing to provide the documents numerated in the quo warranto dated November 4, 2013, and fine you 50 ounces of silver and command you again to answer the questions.

We the People find you, **Charles M. Tailleur, Supreme Court Judge**, in contempt for refusing to speak to a Common Law Grand Jury Board of Review when you had a duty to speak, concerning numerous violations of law, numerated below, and fine you an additional 50 ounces of silver, for a total fine for contempt of 100 ounces of silver.

1) RICO Act, 18 U.S.C. §1961-68
2) Felony rescue
3) Conspiracy against the constitution
4) High treason
5) §195.00 New York Penal Code, official misconduct;
6) §195.05 New York Penal Code, obstructing governmental administration in the second degree
7) §240.65 New York Penal Code, unlawful prevention of public access to records
8) §190.25(3) New York Penal Code, criminal impersonation in the second degree by pretending to be a public servant without evidence of oath of office,
9) §190.65 New York Penal Code, scheming to defraud in the first degree by engaging in systematic ongoing conduct with intent to defraud
10) §205.55 New York Penal Code, hindering prosecution
11) §205.60 New York Penal Code, hindering prosecution
12) §210.15 New York Penal Code, perjury [of oath] in the first degree
13) USC 18 §201 Bribery to influence any official act
14) USC 18 §341 - Frauds through postal service
15) USC 18 §2071 - willful and unlawful concealment
16) USC 18 § 2076 - Clerk is to file:
17) USC 18 § 2382 - Misprision of treason:
18) 18 USC §241; Conspiracy against rights:
19) 18 USC §242; Deprivation of rights under color of law:
20) 42 USC 1983; Civil action for deprivation of rights:
21) 42 USC 1985; Conspiracy to interfere with civil rights:
22) 42 USC 1985; Conspiracy to interfere with civil rights:

[14] 16Am Jur 2d., Sec. 258

23) USC 42 §1986 - Action for neglect to prevent

Furthermore; you are a servant of the People, silence can only be equated with fraud where there is a legal or moral duty to speak, or where an inquiry left unanswered would be intentionally misleading[15], in this mandamus we are officially informing you of your dereliction of duties and command you to amend the following ;

> **Supreme Court, Greene County, Chief Clerk, Michelle Carrol** has failed to perform her duties as required under penalty of NY and US codes.
>
> **Supreme Court, Greene County, Chief Clerk, Michelle Carrol** has not taken an oath as required under New York State Constitution, nor has she been informed of her lawful duties.
>
> **Supreme Court, Greene County, Chief Clerk, Michelle Carrol** has admitted verbally and in writing that she has entered into a conspiracy with A Gail Prudenti to obstruct judicial proceedings by obeying an unlawful order instead of performing her constitutional duties punishable under USC 18 §2071 (concealment) and USC 18 §2076 (clerk is to file) a formal criminal proceeding (True Bill dated October 11, 2013)

It is your duty, being the Chief Supreme Court, Greene County Officer, to make sure said official proceeding moves forward under penalty of law.

We the People command you, **Charles M. Tailleur, Supreme Court Judge**, to perform said duty and to inform us of that action immediately, in writing by fax. You are not to answer through council. We find it repugnant and contemptuous for a servant to answer their employer through a third party when commanded to perform and give account of their office. **YOU SHALL ANSWER TO THIS BODY DIRECTLY AND IMMEDIATELY. ANY COMMUNICATIONS WITH THE INDICTED CONSPIRATORS CONCERNING THIS CASE OF CONSPIRACY AGAINST THE PEOPLE AND THEIR CONSTITUTION WILL BE INTERPRETED AS AN ACT OF TREASON**.

Signed by ORDER *and on behalf of the* UNIFIED COMMON LAW GRAND JURY *of* NEW YORK

Administrator

[15] U.S. v. Tweel, 550 F.2d 297, 299. See also U.S. v. Prudden, 424 F.2d 1021, 1032; Carmine v. Bowen, 64 A. 932