

NEW YORK SUPREME COURT, COLUMBIA COUNTY

The People of New York

Coram Ipso Rege:

&

5 New York Unified Common Law Grand Jury

Coram Nobis:

-a-

STATE OF NEW YORK SUPREME COURT

10 Jonathan Lippman, Fern A. Fisher, Lawrence K. Marks,
Barry Kamins, Ronald Younkins,

Wrongdoers:

INDEX # _____

MAGISTRATE _____

DECREED

15

WRIT OF PROHIBITION¹

As is custom in these Peoples' courts of Justice judges², as they have been cunningly educated to perform, illegally initiate equity law in place of common law³, which is fraud on the court.

Experience has shown that these inferior courts are obstinate in their seizing of jurisdiction and thereby obstruct justice, thus we find it necessary to redress the issue beforehand, preventing

¹ It is only issued in cases of extreme necessity where the grievance cannot be redressed by ordinary proceedings at law, or in equity, or by appeal. Niagara Falls Power Co. v. Halpin, 45 N.Y.S.2d 421, 424, 181 Misc. 13; State ex rel. Levy v. Savord, 143 Ohio St. 451, 55 N.E.2d 735, 736.; An extraordinary judicial writ issuing out of a court of superior jurisdiction, directed to an inferior court or tribunal exercising judicial powers, for the purpose of preventing the inferior tribunal from usurping a jurisdiction with which it is not lawfully vested, State v. Stanfield, 11 Okl.Cr. 147, 143 P. 519, 522; from assuming or exercising jurisdiction over matters beyond its cognizance, Jackson v. Calhoun, 156 Ga. 756, 120 S.E. 114, 115; or from exceeding its jurisdiction in matters of which it has cognizance. Jackson v. Calhoun, 156 Ga. 756, 120 S.E. 114, 115; The writ of prohibition is the counterpart of the writ of mandate. It arrests the proceedings of any tribunal, corporation, board, or person, when such proceedings are without or in excess of the jurisdiction of such tribunal, corporation, board, or person. Code Civ.Proc.Cal. § 1102. State v. Packard, 32 N.D. 301, 155 N.W. 666, 667. Johnston v. Hunter, 50 W.Va. 52, 40 S.E. 448. State v. Evans, 88 Wis. 255, 60 N.W. 433.

² CHANCELLOR. In American law, this is the name given in some states to the judge (or the presiding judge) of a court of chancery.; 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.

³ Common law Black's Law 4th edition, 1891 - As distinguished from equity law, it is a body of rules and principles, written or unwritten, which are of fixed and immutable authority, and which must be applied to controversies rigorously and in their entirety, and cannot be modified to suit the peculiarities of a specific case, or colored by any judicial discretion, and which rests confessedly upon custom or statute, as distinguished from any claim to ethical superiority. [Klever v. Seawall, C.C.A.Ohio, 65 F. 395, 12 C.C.A. 661].

20 the delay of justice, by means of this extraordinary writ of prohibition clearly stating **Obsta**
Principiis⁴ against **Nisi Prius**⁵, that is to say "We the Jury resists the first encroachment" and
proceed according to the supreme⁶ common law of the land⁷, **Coram Nobis**⁸.

Therefore this Superior Court of Record⁹ prohibits the inferior court not of record from
assuming jurisdiction in this matter over which it has no control or legitimate authority.¹⁰ And
25 its judge is to function as Magistrate¹¹. (see law of the case)

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

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Attornatus Privatus

⁴ **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.

⁵ **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.

⁶ 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

⁷ "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.

⁸ [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.

⁹ 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 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.

¹¹ "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.