

ESTABLISHING JURISDICTION

How to enforce your right to a clear hearing

To make this plan work for you, you must listen and speak it out loud, cement it in your brain and tongue until it becomes crystal clear in your own mind, and you'll be prepared for any response. You must be clear enough so you don't have to stop and think, but must always be in control.

The first appearance you make in court is your arraignment, in which the purpose of the court is to present the charges against you and find out how you intend to react; by standing up for your rights or being fearful and an easy target.

During this proceedings the judge will inform you to enter a plea of "guilty" or "not guilty". If your choice is "no contest", which is essentially pleading guilty without admitting guilt, be careful however because as soon as you open your mouth to enter a plea, you have given them jurisdiction over you.

If you intend to follow this novel procedure and win you must not enter a plea.

The judge's first question to you will be something to the effect of ***"Do you understand the charges against you?"*** [or] ***"How to you intend to plea?"*** You must say ***"No I don't understand"*** [or] ***"I cannot enter a plea until I get some questions answered first"***.

The judge may be irritated and try to intimidate you.

You must politely state that you need to have some questions answered before you can enter your plea. Tell him that you do not understand the *nature and cause* of the action against you.

Once the judge has agreed to answer your questions, your first question will be ***"Is this going to be a civil action or a criminal action?"*** In the highly unlikely chance that the judge answers your questions by saying ***"A civil action"***, your response will be ***"Thank you, your honor, let the record of this court show that this is a civil action . . ."***

" . . .Your honor, since this is a civil action, I make a motion to dismiss this case for lack of a sworn complaint or an injured party; for no injured party is present."

More likely, the judge will state that this is a criminal action, so your response will be ***"Thank you, your honor, let the record of this court show that this is a criminal action . . ."***

" . . . now I have another question, your honor. The Constitution grants this court two criminal jurisdictions; one is a criminal jurisdiction under common law; and the other is a criminal jurisdiction under admiralty or military tribunal venue from Article I, Section 8, Clause 17 of the Constitution. In which of these two criminal jurisdictions does the court intend to try me?"

Don't panic if you don't get the Article, Section, and Clause; you'll soon have them after you have studied and practiced, but if you are afraid of getting them wrong, it would be wise to have some brief notes with that citation in it.

If the judge gives you a specific answer, you will again say ***"Thank you, your honor, let the record of this court show that this action against me is under"*** which ever jurisdiction he replied.

However, don't expect an easy answer to that questions as you have just exposed the court's fraud. The truth is that they are acting under a military tribunal which they have no right to use with you. But the judge can't say that, and he can't say "common law" because if he does, you will make a motion to have the case dismissed, because there is no *sworn complaint* by an injured party and no *injured party* present; exactly like you did when he said it was a civil action.

When you protest that there is no injured party, if the judge is silly enough to say that the State of [your State] is the injured party, then say ***"Your honor, I make a motion that this case be dismissed. We are in the wrong court. If the State is a party to the case, they cannot also be the judge and prosecutor. This case needs to be transferred to federal court, or be dismissed."***

More likely the judge will try to avoid answering and will tell you to get a license attorney for such legal advise.

Your response will be ***"Thank you, your honor, but I don't think you'd be violating you Oath of Office if you do your duty under the Constitution. You see, I am not seeking legal Advise, what I want to know is legal Intent. I have a right to appear as myself in my own person without a licensed attorney, and in order to intelligently defend myself, I have to know the jurisdiction that this court is operating under, because the rules of criminal procedure of common law are very different from the rules of criminal procedure under an admiralty or military law tribunal. I need to know under which jurisdiction you intend to try me in order for me to proceed with this case . . ."***

" . . .the 6th Amendment grants me the right to know the jurisdiction being applied and it grants you the duty to inform me; and I don't think you'd be violating your Oath of Office for doing your duty. Therefore, will you please answer the questions so the court is properly identified?"

If the judge still responds by telling you to get an attorney, your answer will be ***"Thank you, your honor, let the record of this court show that I (your name here), the accused in this criminal action, have asked the court to divulge the nature and cause of the accusation, upon the authority of the 6th Amendment, and that this court has failed in its duty to inform me of the nature and cause of the action against me . . ."***

" . . . furthermore, let the record also show that this court intends to bring this action against me under a secret jurisdiction known only to licensed attorneys."

At this point the judge might claim that this is a *statutory jurisdiction* under the statutes of the State of [your State]. If he does so, your next statement is ***"Thank you, your honor, let the record of this court show that it intends to conduct a criminal action against me under a statutory jurisdiction . . ."***

" . . . now, your honor, that raises another question. I have never heard of such a thing as a criminal action under statutory jurisdiction, and there is no such jurisdiction established in the Constitution. I would be happy to accept this, your honor, if you could please tell me where I could find the published rules of criminal procedure under a statutory jurisdiction, and where this nature and cause jurisdiction information exists. It is imperative that I have the published rules of criminal procedure under statutory jurisdiction so that I may conduct a fair defense and a fair trial."

Now keep in mind that the judge made up this jurisdiction. There is no granted authority for a *statutory jurisdiction* and no published rules. But don't expect him to tell you that. He must either lie, dismiss the case, or unlawfully enter a plea on your behalf. In rare cases, he might even threaten to hold you in contempt. If he threatens contempt, say ***“Your honor, I don't wish to be held in contempt. I am simply trying to exercise my 6th Amendment right that you disclose the nature and cause of the charges against me. I can provide court citations that show that the exercise of my Constitutional right cannot be converted into a fine. So either you identify the properly established jurisdiction or I make a motion that you dismiss this case against me.”***

Also unlikely, though still possible, is that the judge will tell the truth when you ask him which criminal jurisdiction you are being tried under, and will tell you that it is *admiralty jurisdiction*. If this happens, you will respond ***“Thank you, your honor, let the record of this court show that it intends to proceed with a criminal action against me, (your name here), as a condition of contract under an admiralty jurisdiction of a military tribunal under Article I, Section 8, Clause 17 . . .”***

“. . .however, your honor, you must realize that you have no such jurisdiction without also having a valid international contract in dispute. I am not aware of having entered into any international contract, so I deny that any such contract exists. Will you please ask the prosecuting attorney to inform this court if there is such a contract and if so to place it into evidence and explain how I am party to it and am compelled to perform under it. If the prosecution cannot do this, your honor, I make a motion that this case against me be dismissed.”

Of course if at any time your case is dismissed, make your pronouncement ***“Thank you, your honor, let the record of this court show that this case Number (so-and so) against (your name here) has been dismissed.”*** Now leave quietly and save your gloating for outside of the courtroom.

If at any time you sense an opportunity to make a motion for dismissal, make it even if it was not part of your pre-planned script. You need to be flexible and take advantage of any opportunity presented to you.

Let's say that the judge has had enough of your questions and decides to help you out by entering a plea of “not guilty” on your behalf. Immediately object ***“Your honor, I object. For you to enter a plea on my behalf is practicing law from the bench because entering a plea is my job or an attorney's job. Has the court made a judicial determination that I am not guilty?”***

Now you've really trapped him. For him to say “Yes”, he has admitted that you are not guilty. At this point say ***“Thank you, your honor, let the record of this court show that the judge has made a judicial determination that I am not guilty.”*** If he says “No”, he has not made a judicial determination, so make a motion that the plea be withdrawn and that you be allowed to enter your own plea once you know the nature and cause of the case pending against you.

If the judge enters a plea of no contest, say ***“Your honor, I object. For you to enter a plea on my behalf is practicing law from the bench because entering a plea is my job or an attorney's job. I make a motion that the plea be withdrawn. For you to make a judicial determination that I am entering a plea of ‘no contest’ would result in the court treating me as though I have pled guilty, The court is trying to constrain me to an unfair plea choice in the absence of my understanding the nature and cause of the charges against me.”***

Or let's say that the judge instead gives you a continuance and demands that you obtain a licensed attorney. Now, has the court made a judicial determination to deny me the right to defend myself in my own person and to force me into hiring a licensed attorney who will conspire with the court to try me under a secret jurisdiction known only to the judge and the licensed attorney?

If you could walk out of the court room without a dismissal, go to Step II: "Pretrial Motions".

Ask for a Motion's hearing; or you could ask to have the motions heard at the beginning of the trial. However to ask for a Motion's hearing here shows the judge that you are not to be railroaded so easily. Tell him that you must resolve pivotal key issues in order to continue and that these motions must be heard prior to a trial.

At a Motion's hearing you cannot be found guilty but the case can be dismissed. Either way, when the motions are heard, they must stand on their own and be heard and ruled on separately from the rest. Don't just hand over five motions and let the judge say that all are overruled. Make him rule on each one individually.

Now let's take this from the top in the manner in which it will probably happen.

"Do you understand the charges against you?"

"No your honor I do not. I need you to answer a couple of questions. I need to understand the nature and cause of the action and charges against me. Is this case going to be heard under a civil jurisdiction or a criminal jurisdiction?"

"Criminal."

"Thank you, your honor, let the record of this court show that this action against me is a criminal action. Now I have another question, your honor. The Constitution grants this court two criminal jurisdictions. One is a criminal jurisdiction under common law, and the other is a criminal jurisdiction under admiralty or military tribunal from Article I, Section 8, Clause 17 of the Constitution. In which of these two criminal jurisdictions does the court intend to try me?"

"If you don't understand the law you need to hire an attorney."

"Thank you, your honor, but I don't think you be violating your Oath of Office if you did your duty under the Constitution. You see, I am not seeking legal Advise. What I want to know is the legal Intent. I have the right to appear for myself in my person without a licensed attorney, and in order to intelligently defend myself I have to know which jurisdiction that this court is operating under, because the rules of criminal procedure under a common law jurisdiction are very different from the rules of criminal procedure under an admiralty or military tribunal. I need to know under which jurisdiction you intend to try me in order for me to proceed with this case. The 6th Amendment grants me the right to know the jurisdiction being applied and it grants you the duty to inform me, and I don't think you'd be violating your oath of office for doing your duty. Therefore will you please answer the questions so this court is properly identified?"

"This is a court of statutory jurisdiction under the laws of the State of (your State)."

“Thank you, your honor, let the record of this court show that it intends to conduct a criminal action against me under a statutory jurisdiction. Now, your honor, that raises another question. I have never heard of such a thing as a criminal action under statutory jurisdiction, and there is no such jurisdiction established in the Constitution. I would be happy to accept this, your honor, if you could please tell me where I could find the published rules of criminal procedure under a statutory jurisdiction. And where this nature and cause and jurisdiction information exists. It is imperative that I have the published rules of criminal procedure under statutory jurisdiction so that I may conduct a fair defense and a fair trial.”

“Look, I’m just going to enter a plea in your behalf and set a trial date. I enter a plea of no contest.”

“Your honor, I object. For you to enter a plea on my behalf is practicing law from the bench because offering a plea is my or my attorney’s job. For you to make a judicial determination that I am entering a plea of no contest would result in the court treating me as though I had pled guilty. The court is trying to constrain me to an unfair plea choice in the absence of my understanding of the nature and cause of the charges against me. I make a motion that the plea be withdrawn, and that this case be dismissed because the court has failed to identify my legitimate jurisdiction.

“I deny that motion. Your trial date will be . . .”

“Your honor, I would like to request that we set a Motions hearing prior to the trial date, for I must resolve pivotal issues in order to continue, and these motions must be heard prior to the trial so that I can properly defend myself.”

Now you are informed of the hidden facts