

---

# NAME OF COURT

Address, City, State, and zip code

---

Your Name

Petitioner

- Against -

Your County District Attorney  
Respondent

Jurisdiction: Court of Record, under  
the rules of Common Law<sup>1</sup>

Case no: 00000000

Magistrate:

**VERIFIED SHOW CAUSE  
DENIAL OF JURISDICTION**

5

YOUR STATE )  
                  ) :ss<sup>2</sup>  
YOUT COUNTY )

10 I, **Your Name**, one of the People<sup>3</sup> of **Your State**, competent to defend myself in a court  
of law, hereinafter petitioner, by special appearance<sup>4</sup> for the purpose of testing the  
sufficiency of the jurisdiction of the above said court<sup>5</sup>; Petitioner, hereby open's a court  
of record to move the above said court to a Court of Record<sup>6</sup> for cause and dismissal for  
15 lack of personam jurisdiction in violation of petitioner's right of due process in a Court  
not of Record. Under federal Law, which is applicable to all states, the U.S. Supreme  
Court stated: "If a court is without authority, its judgments and orders are regarded as

---

<sup>1</sup> "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.

<sup>2</sup> An affidavit uncontested un rebutted unanswered stands as truth. - United States v. Kis, 658 F.2d 526, 536 (7th Cir. 1981); Cert. Denied, 50 U.S. L. W. 2169; S. Ct. March 22, 1982 1982.

<sup>3</sup> **PEOPLE:** People are supreme, not the state. [Waring vs. the Mayor of Savannah, 60 Georgiaat 93]; The state cannot diminish rights of the people. [Hertado v. California, 100 US 516]; Preamble to the US and NY Constitutions - We the people ... do ordain and establish this Constitution...; ...at the Revolution, the sovereignty devolved on the people; and they are truly the sovereigns of the country, but they are sovereigns without subjects...with none to govern but themselves... [CHISHOLM v. GEORGIA (US) 2 Dall 419, 454, 1 L Ed 440, 455, 2 DALL (1793) pp471-472]: 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].

<sup>4</sup> **A Special Appearance** is for the purpose of testing the sufficiency of service or the jurisdiction of the court; a general appearance is made where the defendant waives defects of service and submits to the jurisdiction. - State v. Huller, 23 N.M. 306, 168 P. 528, 534, 1 A.L.R. 170.

<sup>5</sup> "Trial court acts without jurisdiction when it acts without inherent or common law authority, ..." State v. Rodriguez, 725 A.2d 635, 125 Md.App 428, cert den 731 A.2d 971,354 Md. 573 (1999).

<sup>6</sup> County, State, or Federal Court

20 nullities. They are not voidable, but simply void, and form no bar to a recovery sought, even prior to a reversal in opposition to them. They constitute no justification and all persons concerned in executing such judgments or sentences are considered, in law, as trespassers.”<sup>7</sup>

Respondents are to show-cause by what ‘constitutional’ authority the above said court acts and why the attached violation(s) or charges against the petitioner should not be dismissed for lack of personam jurisdiction.

25 In the United States, before any court can have authority to hear a case, the court must have both in-personam and subject matter jurisdiction. Any court not a court of record<sup>8</sup> has no authority to proceed without the consent of the persons involved. A court of record is a superior court a court not of record is an inferior court. No judge or legislators can alter that which the People ordained, to alter is high treason.

30 1) Respondents, having no agreement with petitioner, conspired<sup>9</sup> under color of law in a “nisi prius<sup>10</sup> de facto<sup>11</sup> quasi<sup>12</sup> court not of record proceeding in equity” and

---

<sup>7</sup> Basso v. UPL, 495 F. 2d 906; Brook v. Yawkey, 200 F. 2d 633; Elliot v. Piersol, 1 Pet. 328, 340, 26 U.S. 328, 340 (1828).

<sup>8</sup> **COURTS OF RECORD and COURTS NOT OF RECORD** – The former being those whose acts and judicial proceedings are enrolled, or recorded, for a perpetual memory and testimony, and which have power to fine or imprison for contempt. Error lies to their judgments, and they generally possess a seal. Courts not of record are those of inferior dignity, which have no power to fine or imprison, and in which the proceedings are not enrolled or recorded. 3 Bl. Comm. 24; 3 Steph. Comm. 383; The Thomas Fletcher, C.C.Ga., 24 F. 481; Ex parte 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.

<sup>9</sup> **18 USC 241:** If two or more persons conspire to injure, oppress, threaten, or intimidate any person in any State, Territory, Commonwealth, Possession, or District in the free exercise or enjoyment of any right or privilege secured to him by the Constitution or laws of the United States, or because of his having so exercised the same; or If two or more persons go in disguise on the highway, or on the premises of another, with intent to prevent or hinder his free exercise or enjoyment of any right or privilege so secured They shall be fined under this title or imprisoned not more than ten years, or both; and if death results from the acts committed in violation of this section or if such acts include kidnapping or an attempt to kidnap, aggravated sexual abuse or an attempt to commit aggravated sexual abuse, or an attempt to kill, they shall be fined under this title or imprisoned for any term of years or for life, or both, or may be sentenced to death.

<sup>10</sup> **NISI PRIUS:** is a Latin term (Bouvier's Law) Where courts bearing this name exist in the United States, they are instituted by statutory provision.; 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.; Blacks 4th - 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.

<sup>11</sup> **DE FACTO:** In fact, in deed, actually. This phrase is used to characterize an officer, a government, a past action, or a state of affairs which must be accepted for all practical purposes, but is illegal or illegitimate. In this sense it is the contrary of de jure, which means rightful, legitimate, just, or constitutional. Thus, an officer, king, or government de facto is one who is in actual possession of the office or supreme power, but by usurpation, or without lawful title; while an officer, king, or governor de jure is one who has just claim and rightful title to the office or power, but has never had plenary possession of it, or is not in actual possession. 4 Bl.Comm. 77, 78. MacLeod v. United States, 229 U.S. 416, 33 S.Ct. 955, 57 L.Ed. 1260; Wheatley v. Consolidated Lumber Co., 167 Cal. 441, 139 P. 1057, 1059.

<sup>12</sup> **QUASI:** Lat. As if; almost as it were; analogous to. This term is used in legal phraseology to indicate that one subject resembles another, with which it is compared, in certain characteristics, but that there are intrinsic and material differences between them. Bicknell v. ,Garrett, 1 Wash.2d 564, 96 P.2d 592, 595, 126 A.L.R. 258; Cannon v. Miller, 22 Wash.2d 227, 155 P.2d 500, 503, 507, 157 A.L.R. 530. Marker v. State, 25 Ala.App. 91, 142 So. 105, 106. It is often prefixed to English words, implying mere appearance or want of reality. State v. Jeffrey, 188 Minn. 476, 247 N.W. 692, 693.

not at law;<sup>13</sup> depriving<sup>14</sup> petitioner's unalienable right<sup>15</sup> of due process, secured by the Bill of Rights, with the intent to proceed unlawfully carrying petitioner away to jurisdictions unknown.

- 35
- 2) "Service of an appearance ticket on an accused does not confer personal or subject matter jurisdiction upon a criminal court."<sup>16</sup>
- 3) "Trial court acts without jurisdiction when it acts without inherent or common law authority."<sup>17</sup>
- 40
- 4) "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."<sup>18</sup>
- 45
- 5) Respondents not being able to prove a claim and fiduciary authority over petitioner necessary for a lawful seizure of body and/or property in a court of record conspired and devise a plan under the color of law to bypass petitioner's unalienable right of "due process" in a court not of record in jurisdictions' unknown.
- 50
- 6) Respondents are fraudulently denying petitioner's unalienable right of due process<sup>19</sup> in a court of record proceeding according to Natural Law protected by Amendments V and VII.

---

<sup>13</sup> AT LAW. [Bouvier's] This phrase is used to point out that a thing is to be done according to the course of the common law; it is distinguished from a proceeding in equity.; ALL CASES AT LAW. [Black's Law 4th] Within constitutional guaranty of jury trial, refers to common law actions as distinguished from causes in equity and certain other proceedings. *Breimhorst v. Beckman*, 227 Minn. 409, 35 N.W.2d 719, 734. According to law; by, for, or in law; particularly in distinction from that which is done in or according to equity; or in titles such as sergeant at law, barrister at law, attorney or counsellor at law. *Hooker v. Nichols*, 116 N.C. 157, 21 S.E. 208.

<sup>14</sup> **18 USC 242** Whoever, under color of any law, statute, ordinance, regulation, or custom, willfully subjects any person in any State, Territory, Commonwealth, Possession, or District to the deprivation of any rights, privileges, or immunities secured or protected by the Constitution or laws of the United States, or to different punishments, pains, or penalties, on account of such person being an alien, or by reason of his color, or race, than are prescribed for the punishment of citizens, shall be fined under this title or imprisoned not more than one year, or both; and if bodily injury results from the acts committed in violation of this section or if such acts include the use, attempted use, or threatened use of a dangerous weapon, explosives, or fire, shall be fined under this title or imprisoned not more than ten years, or both; and if death results from the acts committed in violation of this section or if such acts include kidnapping or an attempt to kidnap, aggravated sexual abuse, or an attempt to commit aggravated sexual abuse, or an attempt to kill, shall be fined under this title, or imprisoned for any term of years or for life, or both, or may be sentenced to death.

<sup>15</sup> **42 USC 1983** Every person who, under color of any statute, ordinance, regulation, custom, or usage, of any State or Territory or the District of Columbia, subjects, or causes to be subjected, any citizen of the United States or other person within the jurisdiction thereof to the deprivation of any rights, privileges, or immunities secured by the Constitution and laws, shall be liable to the party injured in an action at law, suit in equity, or other proper proceeding for redress,...

<sup>16</sup> *People v. Giusti*, 673 N.Y.S.2d 824, 176 Misc.2d 377 (1998) "No valid conviction can occur if the charging instrument is void." *State v. Wilson*, 6 S.W.3d 504 (1998)

<sup>17</sup> *State v. Rodriguez*, 725 A.2d 635, 125 Md.App 428, cert den 731 A.2d 971, 354 Md. 573 (1999)

<sup>18</sup> *Ex parte Watkins*, 3 Pet., at 202-203. cited by *SCHNECKLOTH v. BUSTAMONTE*, 412 U.S. 218, 255 (1973).

<sup>19</sup> "**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.

7) American courts are vested by the People, “*the author and source of law*,”<sup>20</sup> through constitutions<sup>21</sup> ordained by the People. Therefore, a court must first have “constitutional authority” over an individual before it can proceed.

55

## THE COMMON LAW PERMITS THE DESTRUCTION OF THE ABATEMENT OF NUISANCES BY SUMMARY PROCEEDINGS

**16 AMERICAN JURISPRUDENCE 2<sup>ND</sup>, SECTION 114:** “*As to the construction, with reference to Common Law, an important canon 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.*”

60

65

## COURT LACKS JURISDICTION

“No sanction can be imposed absent proof of jurisdiction.”<sup>22</sup> “No judicial process, whatever form it may assume, can have any lawful authority outside of the limits of the jurisdiction of the court or judge by whom it is issued; and an attempt to enforce it beyond these boundaries is nothing less than lawless violence.”<sup>23</sup>

70

No court has discretion to ignore its lack of jurisdiction.<sup>24</sup> “The law requires proof of jurisdiction to appear on the record of the administrative agency and all administrative proceedings.”<sup>25</sup> “A court cannot confer jurisdiction where none existed and cannot make a void proceeding valid. It is clear and well established law that a void order can be challenged in any court.”<sup>26</sup> Therefore, “the burden shifts to the court to prove jurisdiction<sup>27</sup> on the record, all jurisdiction facts related to the jurisdiction asserted.”<sup>28</sup>

75

<sup>20</sup> “Sovereignty itself is, of course, not subject to law, for it is the author and source of law;” -- Yick Wo v. Hopkins, 118 US 356, 370.

<sup>21</sup> That which is laid down, ordained, or established. Koenig v. Flynn, 258 N.Y. 292, 179 N. E. 705.

<sup>22</sup> Stanard v. Olesen, 74 S. Ct. 768.

<sup>23</sup> Ableman v. Booth, 21 Howard 506 (1859)

<sup>24</sup> “There is no discretion to ignore lack of jurisdiction.” Joyce v. U.S. 474 2D 215.

<sup>25</sup> Hagans v. Lavine, 415 U. S. 533.

<sup>26</sup> OLD WAYNE MUT. L. ASSOC. v. McDONOUGH, 204 U. S. 8, 27 S. Ct. 236 (1907).

<sup>27</sup> Rosemond v. Lambert, 469 F2d 416.

<sup>28</sup> Latana v. Hopper, 102 F. 2d 188; Chicago v. New York, 37 F Supp. 150; Main v. Thiboutot, 100 S. Ct. 2502 (1980); “A universal principle as old as the law is that a proceedings of a court without jurisdiction are a nullity and its judgment therein without effect either on person or property.” Norwood v. Renfield, 34 C 329; Ex parte Giambonini, 49 P. 732; “Jurisdiction is fundamental and a judgment

“Where a court failed to observe safeguards, it amounts to denial of due process of law, court is deprived of jurisdiction.”<sup>29</sup>

80 In criminal cases, a court must have an indictment by an untainted (non-statutory) grand jury, in other words, the permission by the People to proceed. Furthermore, “all” state laws and constitutions are ultimately governed by the “Supremacy Clause” of the Constitution for the United States of America as ordained by the People in Article VI, clause 2, that defines the “Law of the Land.” And, since Constitutions must be  
85 construed to reference the common law, summary proceedings<sup>30</sup> would deny petitioner’s 7<sup>th</sup> Amendment’s right<sup>31</sup> of trial by jury and, thereby, would be repugnant rendering any such decision null and void.

“Once challenged, jurisdiction cannot be ‘assumed’, it must be proved to exist.”<sup>32</sup>  
“However late this objection has been made, or may be made in any cause, in an inferior  
90 or appellate court of the United States, it must be considered and decided, before any court can move one further step in the cause; as any movement is necessarily the exercise of jurisdiction.”<sup>33</sup> “If any tribunal finds absence of proof of jurisdiction over person and subject matter, the case must be dismissed.”<sup>34</sup>

Finally jurisdiction cannot be decided by the court being challenged. This court must  
95 dismiss this case for lack of personam jurisdiction immediately or make an argument for jurisdiction in a court of record. Refusal by this court, not of record, to obey the law and pursue a voidable decision will cause the petitioner to move this case into federal court for cause in violation of petitioner’s right of due process for damages and dismissal.

---

*rendered by a court that does not have jurisdiction to hear is void ab initio.*” In Re Application of Wyatt, 300 P. 132; Re Cavitt, 118 P2d 846; “A court has no jurisdiction to determine its own jurisdiction, for a basic issue in any case before a tribunal is its power to act, and a court must have the authority to decide that question in the first instance.” Rescue Army v. Municipal Court of Los Angeles, 171 P2d 8; 331 US 549, 91 L. ed. 1666, 67 S.Ct. 1409.

<sup>29</sup> Merritt v. Hunter, C.A. Kansas 170 F2d 739.

<sup>30</sup> **Summary proceeding:** Any proceeding by which a controversy is settled, case disposed of, or trial conducted, in a prompt and simple manner, without the aid of a jury, without presentment or indictment, or in other respects out of the regular course of the common law. Sweet see Phillips v. Phillips, 8 N.J.L. 122.

<sup>31</sup> **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.*

<sup>32</sup> Stuck v. Medical Examiners, 94 Ca2d 751.211 P2s 389.; Maine v. Thiboutot, 100 S. Ct. 250.; McNutt v. G.M., 56 S. Ct. 789,80 L. Ed. 1135.; Griffin v. Mathews, 310 Supp. 341, 423 F. 2d 272.; Basso v. U.P.L., 495 F 2d. 906.; Thomson v. Gaskiel, 62 S. Ct. 673, 83 L. Ed. 111.; and Albrecht v U.S., 273 U.S. 1,

<sup>33</sup> Rhode Island v. Massachussetts, 37 U.S. 657, 718, 9L.Ed. 1233 (1838).

<sup>34</sup> Louisville R.R. v. Motley, 211 U.S. 149, 29 S. Ct. 42

100 **WHEREFORE**, petitioner denies this court personam jurisdiction and moves this court to  
cease and desist with prejudice from all actions against petitioner and restore the  
petitioner to their original state for lack of constitutional authority and personam  
jurisdiction. Failure of the officers of this court to comply with the “Law of the Land”<sup>35</sup>  
and their oath<sup>36</sup> to the Law will result in further action in federal court charging 18 USC  
105 §241 conspiracy against Rights, 18 USC §242 deprivation of Rights, and restitution as  
required by common law, and Fraud upon the court via judicial machinery.<sup>37</sup>

SEAL

Dated

110

---

In pro per

**NOTARY**

115

Your State, Your County on this \_\_\_\_ day of \_\_\_\_\_ 20\_\_ before me, the subscriber, personally appeared Your  
Name to me known to be the living (wo)man described in and who executed the forgoing instrument and sworn before me  
that (s)he executed the same as their free will act and deed.

---

---

<sup>35</sup> **US Constitution Article VI Clause 2:** 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.

<sup>36</sup> **US Constitution Article VI Clause 2:** The Senators and Representatives before mentioned, and the members of the several state legislatures, and all executive and judicial officers, both of the United States and of the several states, shall be bound by oath or affirmation, to support this Constitution; but no religious test shall ever be required as a qualification to any office or public trust under the United States.

<sup>37</sup> **Fraud upon the court:** In *Bulloch v. United States*, 763 F.2d 1115, 1121 (10th Cir. 1985), the court stated “*Fraud upon the court is fraud which is directed to the judicial machinery itself and is not fraud between the parties or fraudulent documents, false statements or perjury. ... It is where the court or a member is corrupted or influenced or influence is attempted or where the judge has not performed his judicial function --- thus where the impartial functions of the court have been directly corrupted.*”