

MEMORANDUM OF LAW IN SUPPORT OF SUBMISSION OF A PETITION FOR A DEFENSIVE WRIT WITHOUT PAYMENT OF A FILING FEE

QUESTION PRESENTED

Whether a sentient living soul - who stands 'self-governed' vis a vis the U.S. government must pay a filing fee before submitting a defensive common law petition to a judge.

STATEMENT OF FACTS

Americans today are under continuous assault by agents of the U.S. government, who, under color of law, use summary procedures¹ to demand money and/or take property without lawful notice and an opportunity to be heard by a jury of one's peers and vicinage. Government agents routinely ignore the well established doctrine that "no person shall be deprived of life, liberty or property, without due process of law"². Government agents inevitably stand mute when pressed to follow due process or certify how and why they are using summary procedures instead of lawful procedures that comport with natural law, international laws, common law and the Constitution for the People of the united states of America. How exactly do government agents rationalize their purported 'legal' but unlawful actions ?

First we must define "United States". The "U.S." is not the same as the "U.S.A." The U.S. is defined under 28 U.S.C. § 3002 (15)(A) as a debt collector corporation in the District of Columbia (D.C.) The District of Columbia - is a 'federal district', NOT a STATE of the U.S.A. (united states of America) , a republic created July 4, 1776.

Second, realize that the U.S. - on March 6, 1933 - President Roosevelt signed PROCLAMATION 2040, which silently declared bankruptcy to an international banking cartel. The bankruptcy was an inevitable event following alleged passage, by Congress, of the Federal Reserve Act on December 23th, 1913; which allowed a private international banking cartel to take over and control the currency of the former U.S.A. republic. The National Banking Emergency was reaffirmed on August 28th, 1933 in Executive Order 6260.

Third, understand that U.S. paper currency (Federal Reserve Notes) are NOT constitutional money, because they are not backed by gold or silver; as delineated in the Constitution.

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Summary procedures are expedited actions where the defendants are not allowed trial by a jury of their peers and due process is usually ignored. Military commissions use summary procedures.

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Wynhammer v. People 13 N.Y. 378 (1856); the 5th, see also this article

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Fourth, if there is no more 'constitutional' money, then there is no more 'constitutional' (de-jure) government, and the courts no longer operate as constitutional tribunals. What we have now, in *Amerika*, are corporate administrative hearings, presided over by chancellors in equity (not law), who sit next to gold trimmed 'U.S.' flags which designate, silently and surreptitiously, that the courtroom is operating under martial law rule pursuant to various executive orders declaring various 'states of emergency'. People enter pleas and accept the jurisdiction of these corporate hearings because they believe they are in CONstitutional courts. If a defendant demands that the STATE and the judge certify the charge, the tribunal and their Oaths and the Bonds, said demands will be ignored. The STATE will continue to arrest the defendant for non-compliance with arcane procedures, attempt to extort money from him and / or take his land / property by force of arms... all without due process.

Fifth, upon information and belief, every city, county and state is in debt to this U.S. corporation. All these legal entities are beholden, now, to the international banking cartel thru the U.S. corporation in D.C. They do not answer to 'the People' mentioned in the Declaration of Independence or the Constitution. These fictitious corporate legal entities - political subdivisions utilize propaganda, FEAR, FORCE of ARMS and summary procedures to rape the People they pretend to protect.

Administrative chancellors are instructed to presume that every defendant who enters their hearings are federal subjects (U.S. citizens), identified primarily by a fraudulently assigned social security number, who have given *consent* to the U.S. corporation to make laws and tax them, via a signed 'voter registration'. Chancellors are given 'judicial discretion' to rule according to 'public policy', not common law, in view of the alleged STATES of EMERGENCY declared by the CEO of the U.S. corporation (the president) and Governors of the STATES. The Constitution is ignored since, it is not regarded as germane in this contract / trust situation.

SUPPORTING LAW

How do 'the People' combat this extortion and tyranny ? For every wrong there must be a remedy!³ If the government - which has a monopoly over court processes - allows its agents to utilize summary processes against the People, without paying any filing fees, then equity demands that the People be allowed to exert their unalienable right to defend themselves, *without payment of any filing fees*. (One who seeks equity must do equity).

The simplest defense is submission of a petition for a writ, to a local judge (formerly justices of the peace). There are many types of writs available but the most well known is the writ of habeas corpus which a judge can issue to release a prisoner from custody (incarceration). The

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The historical maxim is stated as, "ubi jus ibi remedium". Bivens v. Six Unknown Named Agents, 403 U.S. 388 (1971), see also Marbury v. Madison, 5 U.S. 137 (1803)

common law also provides for writs of Amparo, Assistance, Certiorari⁴, Error, Mandamus, Prohibition, Qui tam, Replevin, Scire Facias, and Supersedeas.

If one has fallen into the 'U.S. citizen' trap, then one may be relegated to remedies declared by statutes, codes and rules of the U.S. corporation and its political subsidiaries. If one is, instead, a Floridian / American, self-governed, with no legal nexus to the U.S. corporation or its subsidiaries, then, one's best remedy lies with common law writs.

According to Section 13, Art. I, of the Constitution for the People of Florida a writ (of habeas corpus) "shall be granted of right, freely and *without cost*." The writ is recognized as a fundamental guaranty and protection of peoples' right of liberty, Allison v. Baker, 152 Fla. 274, 11 So.2d 578 (Fla. 1943). As a general rule, *a habeas corpus proceeding is an independent action, legal and civil in nature, designed to secure prompt determination as to the legality of restraint in some form.* Crane v. Hayes, 253 So.2d 435 (Fla. 1971)." Pam Bondi - Attorney General for the STATE of FLORIDA - has issued an Advisory Legal Opinion - AGO 76-112. She asserts that pursuant to FLORIDA statutes, fees can be attached to the filing of writs. Predictably, she omits that these statutes are germane / binding only upon U.S. citizens, government employees, BAR members, and those within the jurisdiction of Washington, D.C. or its 'territories'.

Although 'Equity follows the law' (*Aequitas sequitur legem*); where law is defective - or does not follow reason - equity is there to provide a remedy when one's unalienable rights have been violated by the STATE. One example is jury nullification, where juries - despite the clear wording of statutes that slavery was 'legal' - refused to find slaves guilty of criminal charges advanced by the STATE, when the supporting statutes violated natural law.

In 1929 Edmund Henry Turner Snell⁵ stated, "It is only when there is some important circumstance disregarded by the common law rules that equity interferes." Frederic Maitland⁶ - regarded as the modern father of English legal history - said, "Equity had come not to destroy the law, but to fulfil it. Every jot and every title of law was to be obeyed, but when all this had been done yet something might be needful, something that equity would require."

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A writ of certiorari will lie from this court to any of the inferior jurisdictions, whenever an appropriate case may be presented, or it shall become necessary for the attainment of justice. Haines City Community Dev. v. Heggs, 658 So. 2d 523 (Fla. 1995) (Supreme Court Florida)

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Snell, Edmund Henry Turner (1929). *Snell's Principles of Equity* (20 ed.). London: Sweet & Maxwell. p. 24. quoted in Williams, James (1932). *The Statute of Frauds*, p. 166.

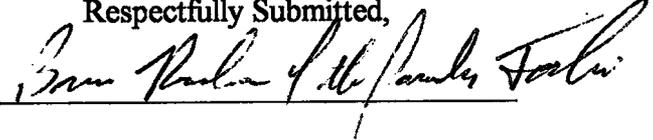
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Maitland, Frederic William (1932). *Equity; Also the Forms of Action at Common Law: Two Courses of Lectures*, p. 17 thru 19.

CONCLUSION

The attached Petition is submitted without a filing fee pursuant to the principles of Natural Law, International Law, and Common Law, stated above. Petitioner prays for summary judgement in his favor. STATE agents have already been given ample opportunity to rebut the petitioner's demurrers. They have refused to do so and are barred from doing so at this time.

Respectfully Submitted,



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