

common law – case analysis – Part 1/2 – NGLL
<https://www.youtube.com/watch?v=YTekVl8qKj0>
common law – case analysis – Part 2/2 – NGLL
<https://www.youtube.com/watch?v=ShbMkdiVkwk>

The Nitty Gritty Law Library (hereinafter “NGLL”): what we’re here for today concerns the case of *the people vs. Aurora Bautista Quicho* and essentially Aurora was meeting with a car salesman and it was understood that she was paying with a private cheque which implies that it’s on a closed account coz an open account is public, closed account it’s private; she was paying for it with a private cheque, they of course did not really understand that but it didn’t matter because what they did understand was that she would not take the delivery of the product until they received the funds, that’s the key thing right there; so this is not a case of somebody going in and stealing from somebody, or writing a bad cheque to get something, that’s not it at all, it’s a special kind of cheque, special procedures and the procedures have to be followed, if you don’t follow procedures it’s not gonna work, so she let them know that, they agreed to that, unbeknown to her, they called the cops and while they’re in the middle of their negotiations and i think she had the cheque partially written, the cops showed up and arrested her, charged her with four different charges, one of them was commercial burglary which is obviously wrong right on the surface of it; there’s no burglary here... so when they arrested her they got bail out of her, she paid bail, she got out, then she was back in, they revoked bail, you know it got kind of complicated, anyway it was clear that, here’s a whole chain of people, or i should say persons, who paid no attention to her; she objected to jurisdiction, case law is absolutely consistent that ***whenever you challenge jurisdiction then the accuser and the accuser’s court must stop everything and prove the jurisdiction***, they cannot assume the jurisdiction, they cannot decide to have jurisdiction just arbitrarily, they must actually prove they have the jurisdiction; well that’s too bothersome for them so they didn’t do it, they just ignored that, then rolled on, so it got to the point where she did a counterclaim and in the counterclaim she’s told the story and she pointed out that she had objected to jurisdiction; they never established jurisdiction, never proved it and just rolled on, so that’s what the counterclaim was all about and when you do ***a counterclaim***, the counterclaim ***must be based on a challenge to their jurisdiction***, when you challenge the jurisdiction everything’s supposed to stop, it should have stopped anyway but now we’re getting formal and it was a counterclaim at law based on trespass and trespass on the case;

now ***trespass is a common law*** action and trespass is what you have any time an injury occurs where violence was part of it, ***false arrest is an injury against your right to freedom and it involves violence*** because they physically grabbed her and put her in jail, so that’s trespass; there’s also another charge that was made in her counterclaim and that was trespass on the case; the difference between trespass and trespass on the case is that ***in trespass on the case there’s no violence***; for example if somebody cons you out of some money, they convinced you to hand over a pile of money in a paper bag at the bank, well there’s no violence involved, except they coned you, so that’s trespass on the case sometimes just called “case”, so that’s another common law action; so we, or i should say Aurora, put together a lawsuit based on trespass and trespass on the case and of course the specific issue was challenge to jurisdiction and the injury of course was loss of rights;

well some of the people, some of the persons i should say that were sued, simply did not answer; some of the persons demurred, nobody actually answered the lawsuit; they all demurred and they all basically sang the same song, they said “*Yeah we did it but, we’re immune...*”, so there’s no conscience on the part of these people, they simply said “*We’re immune, you can’t do anything about it, you can’t sue us because we’re immune...*”; well case law basically says that they have immunity unless one of three conditions exists:

1. ***if a constitutionally protected right is violated***, there is no judicial immunity;
2. ***if they go beyond their jurisdiction, in other words if from the get go they had no jurisdiction whatsoever***, then they have no immunity; and finally
3. ***if the individual goes beyond whatever his job description is and causes you an injury***, again there is no immunity;

well, we didn't really throw the book at them, we basically took what was obvious, there was no jurisdiction, so therefore no immunity and we've proceeded on that basis; now does anybody here know what a demurrer is...!? Whenever you file a lawsuit, in your lawsuit you say:

1. *here are the facts;*
2. *here's the law;*
3. *here's the injury;*

and so on, but it's basically the facts and the law, that's what you put in your lawsuit, then the person who answers, will answer either contradicting the facts, or contradicting the law saying "*No this is the real law, this is what really happened...*" and you have your controversy which then has to be resolved; if it turns out that everybody agrees on the facts, *if there's no controversy on the facts and all you wanna do is argue about the law, then the paper that you put in where you're just arguing the law is called a demurrer*; so whenever you get a demurrer and by the way don't ever do a demurrer unless you really intend to agree to the facts, because whenever a demurrer is put into the court, whoever puts it in automatically agrees to all the facts, pure and simple; so these guys all demurred, the judges demurred, we had four judges on the hook, we had i think a half dozen public defenders, we had five prosecutors i think my numbers are right here and they all demurred; so they all agreed as claimed in our lawsuit that:

1. *she objected to jurisdiction; and that*
2. *they ignored it and moved on;*
3. *they never established jurisdiction;*

so, guess what...!? they're liable; of course at each stage where they demurred, it went into court, had a hearing, she's in jail so she can't get to the hearing and the argument is "*well she's made her appearance with her paperwork...*" which is actually true; so she was there via the paperwork and they then had a judge sitting on there and low and behold the judge granted the demurrers; well what we did; we issued a **Writ of Error** vacating the grant of the demurrer and then making our own ruling on the demurrer and so that's how it progressed through the entire case; finally at the end of the case they're basically dismissing the case and we're reinstating it and the case goes on;

real interesting at the very latest, we put in a paper and it's interesting, like i said these guys have no conscience and they have no respect for their own ignorance; you know if you don't know what's going on, doesn't it make sense you would find out before you act on it...!? well this is a basic logic that's beyond a lot of people, but here's, i'm gonna read straight out of the transcript, this is very short, it's just one page, but this very last session something went on and then the judge calls the case and this guy shows up, some attorney representing the various county defendants, that means i guess in this case the attorneys i believe it was, it doesn't matter, but here's what the judge says when he starts to speak, the very first thing after they get their whole loads out of the way and who's in the court and who isn't, the judge says:

"I honestly don't understand how my own court works... I have cases that have been finally resolved by order of this court and low and behold a motion appears. I guess if someone is willing to pay a fee it will show up on my calendar."

so he admits his own ignorance, i mean he doesn't know, he says "*I honestly don't know*", but then he goes on and he says:

Audience member: Is it not a her...!?

NGLL: Oh it's a her... Well under law, he includes her.

so anyway, she says:

"This matter is off calendar, this matter has finally been resolved and I hope not to see it on my calendar again, you do not have to give notice." the attorney says "*Thank you.*" and that's it, it was all over, that was the whole hearing, for what it was... oh i remember, it was a contempt hearing; well anyway, no problem, we'll deal with that; that order's not any good;

let me get a show of hands, how many people here have not attended any of the prior seminars that i put on...!? ok, we got 1, 2, 3, 4, 5, and also have not studied the web site...!? [Many more put their hands up] ok you're handicapped because we got some concepts here, i'll try to fill in some of the holes, but there's a lot of stuff here about this that won't quite make sense, it's contrary to your schooling, so like i said i'll try to explain it without taking too much time;

Denis: What's the you mentioned...!?

NGLL: i put on seminars and Denis here has recorded them and on the web site it has his address and for an eight hours session he's selling them for twenty bucks, so the idea is to keep the costs really low, i do not get a commission off of it you know, that way he can make it even less and that's how he's settled on it whereas other people might charge \$150, \$200, as a matter of fact one of the seminars, one of the DVDs that Denis recorded, 8 hours worth, there's a guy out in Oklahoma who was selling them for \$300 a piece, needless to say one of his customers really got upset when he found out he could get it for \$20 from Denis; the guy's argument was that, well when he sold the DVD he would help the person answer their questions for free and it was collecting in advance for the questions he knew would come, we had a discussion about it and i suggested to him that he change his business model and that he be upfront and just tell them look i'm gonna charge you for the time it takes to answer you know here's a DVD, so he said well he would, i don't know if he changed or not, but it was interesting that he was able to sell it for \$300 so i guess it's worth something to somebody; i didn't think it was worth that much, i didn't think what i had to say was worth that much but anyway, there it is...

alright so, on the Quicho case, basically every step of the way we had apparent failure, if you look at it and say well ok the Judge rules against us, they ignore us and so forth, but the thing to understand is that these guys are accustomed to operating fearlessly, i mean they never have a kickback and so they think that they are in control and in fact they are in control on a practical level in the beginning; i once heard that there's always room at the top, ok...!? you heard that phrase right? *there's always room at the top*, you know top management, whoever's in control whatever... but the one i heard is *there's always room at the top after the investigation*; so this case at some point i expect will get investigated and i've made sure along with other people participating here, along with Aurora herself, all of us have made sure that we're building the record; i tell you something, Aurora gets a lot of brownie points on this deal, she is a tough little lady and she is not crumbling under their pressure, she has her highs and lows that's true, but basically she's hanging in there and she understands that you've got to make them break the law and they're doing it, it's just a matter of time when we believe they get caught up with it;

our latest thing is that we've filed with the court a bench warrant for the arrest of one of the judges, we picked the last judge that had sat on the criminal case, we had served this court and the judges with an order to dismiss the case, so this is from her court to their court, and they instead proceeded, and they brought her in for the proceeding, now when they brought her in they also brought in her court, so because they had an order from her court and they were disobeying that order and because she was there, her court was there, which meant that they committed this breach directly within view of her court, she could see what they were doing, that meant it was a direct contempt of her court, so we issued, or she **issued an order finding them in direct contempt**, and fining them \$100 each, and basically some other things to be done reporting them to the various... i think like for example **the council for judicial performance**, reporting their activities to that, so that's all long range stuff, that doesn't get her out of jail because they're still riding high on who they think they are; we then, because they were not obeying the order, because they were in contempt, actually twice in contempt with the third one coming down the pipe, we then went for a Writ of Mandate with the Appellate Court, now understand **a Writ of Mandate is not an Appeal**, even though it goes near the Appellate Court; the Writ of Mandate basically said that, well think of it this way; whenever you open up your court and you're borrowing the warehousing services of the **Court Clerk**, coz she keeps the papers in the warehouse, and we're borrowing the **Judge**, who's supplying them...!? well it's the **Government** supplying it, well that Government is like an employment agency, and your court is like a business,

and if you had a business you'd go to an appointment agency and borrow one of their employees on a temporary basis to do a job, and so they pay the salary of the employee that you borrow, coz the state is kind of like an employment agency; so when we are asking for a Writ of Mandate, we're going straight to the employment agency and saying you're employee is misbehaving, we don't have the power to fire him, but you do, so that's the concept; so we went to the **Appellate Court** and we said: "*these guys are misbehaving, we found them in contempt twice now so far and here's what they're doing...*" now normally when you go to the Appellate Court, and you have some issue, then it gets assigned some Judge, and then that Judge makes his ruling, or whatever, that's how it normally works in the statutory system, but we're not in statutory, we are a court of record, and the Appellate Court is a court of record, so statutes don't apply here; so when we went to the Appellate Court guess what...!? we got an order back dismissing our Writ of Mandate, and it was signed by three (3) Judges, normally it's signed by one (1), now why do you think there were three (3)...!? well the reason is, it's because first of all with three (3) Judges that carries a lot more weight, in other words when you get a three (3) Judge panel then that makes it pretty secure, but there's one detail that they forgot about, and that is that we never gave them permission to make a decision, and if you read the actual codes, never mind the common law, just look at the codes, the code itself says that ***the court makes a decision, not the Judge***; and who is the court...!? well it's Aurora; Aurora and her lawsuit together make the court; they had no authority, so a **Writ** will be coming forward that will ***vacate*** that and so on and so forth; actually we don't expect real results until we hit the **Supreme Court**, because the supreme court, these guys, ***they're concept thinkers***, the lower courts are procedure thinkers, all they know is procedure, they don't really understand concept, so we're heading up to the Supreme Court; thankfully Aurora is willing to tough it out and it's been doing a great job in toughening her up, and she's had the patience and she's willing to wait, she'd like to get out today if she could you know, and we want her out today, but the reality is that it's extended out as Ron pointed out fourteen (14) months; so that's kind of a nutshell, now the whole reason for us being here today is to give you a blow by blow report of what's going on, and an explanation of the strategy; why did we do what we did, what were the considerations in deciding whatever we decided to do, and hopefully we'll all learn from this and of course some of you might see things that i missed and other people have missed, so this is really in a sense, although i'm going to be explaining a lot of this stuff, it's entirely possible that you folks have great ideas too, it's a two way street on this; well let's go back to Aurora's case then;

Audience Member (1): "*When you did the Writ of Mandate and you filed that with the Appellate Court, does that trigger jurisdiction to that court...!?*"

NGLL: no because it's not their court, it's Aurora's court, Aurora owns the court; see what you would have found on the seminars we had before is that ***a court is legally defined as the person and the suit of the sovereign*** and if you look at California Government codes, they inform the Government that ***the people of this state do not yield their sovereignty to the agencies which serve them***; so the people are sovereign, she doesn't yield her sovereignty, so they have no authority to step in where the sovereign treads and because she's in her sovereign capacity as ***one of the people*** of California, she can do what sovereigns do and what do sovereigns do...!? well one of the things they do is they have their own courts, so her court is her own court even though she's borrowing the facilities and personnel of the state, plus she's one of the people in the state which means she's one of the owners of the state which means that ***their court is her court too***; so philosophically speaking though, she's in her sovereign capacity and the very definition of sovereignty is that ***the sovereign is not accountable to any higher authority***; so they have absolutely no basis taking command over her; they completely screwed up their procedures; the only reason they're able to do what they're doing is because they had a physical power, you know they have the guns and us being a peace loving people, we don't;

Audience Member (1): "*So the Appellate court follows the demand of the sovereign...!?*"

NGLL: all courts are subject to the sovereign;

Audience Member (2): "*Can one declare himself sovereign, or do you need a common law court to approve of your declaration of sovereignty...!?*"

NGLL: well first of all if your sovereign you're not accountable to a higher authority, so if you need a higher authority to obtain your sovereignty, then you're hardly sovereign are you... so yes **sovereignty is self decreed**, self declared; let's take a brief excursion here since that is the issue; go to **law notes and the foundation**, and then we go over to the question of sovereignty, here's basically what happened; is that the revolution, the sovereignty devolved on the people and they're truly the sovereigns of the country but **they're sovereigns without subjects, with none to govern but themselves**, so and the citizens of America are **equal** as fellow citizens and as **joint-tenants in sovereignty**, now joint-tenancy means that we all share the ownership, but each one of us individually is 100% responsible, that's joint-tenancy in property, so whatever the other person does, you're responsible for your partner and vice-versa 100%, there's no i'm only responsible for half, so the people of this state as the successors of its former sovereign are entitled to all the rights which belonged to the king by his prerogative, what rights does the king have...!? whatever he says it is, no one determines for the sovereign what his rights are, only the sovereign determines what his rights are, and the legislature recognise this and they created various codes and one of the codes they created is called the government code and the government code is specifically a set of codes that sends a message to the government employees that the government code is written for government employees and it says right in there **"The people of this State do not yield their sovereignty to the agencies which serve them."** is there anything about that you don't understand...!? i think it's pretty simply stated and it's stated a second time in another part of the government code, word for word the same **"The people of this state do not yield their sovereignty to the agencies which serve them."** government code 54950, the other one is government code section 11120.

Audience Member (3): if i remember right that was 11120 <http://www.leginfo.ca.gov/cgi-bin/displaycode?section=gov&group=11001-12000&file=11120-11132> they repealed that i should have told you that last time, 54950 still stands;

NGLL: what was repealed...!?

Audience Member (3): it was repealed it's no longer there i went up on their website-

NGLL: oh really...!

Audience Member (3): <http://www.leginfo.ca.gov/cgi-bin/displaycode?section=gov&group=54001-55000&file=54950-54963>

NGLL: <http://www.leginfo.ca.gov/calaw.html> yeah...

Audience Member (3): and they repealed it.

NGLL: ah, ok, so it's no longer the public policy that the public agencies exist to aid in the conduct of the people's business and the proceedings of public agencies...!? ok well i'll have to check that out, thank you, well things do change don't they... but it is still there...

my example of how i would put the above into a notice (though please take notice the below goes against how **NGLL** would do it and for very good reasons):

at this public venue/open court/court of record, via the *Julian Court* of Record (hereinafter "JCoR") herein convened, i/[a] man/one of the people/[my own] master/by proper, non-negotiable given-name: Julian [*Cf. Julian Jeremiah*]/herein the *Aggrieved-Party/Claimant*, require [the wo/]man who is to preside as ['MAGISTRATE'] taketh notice [herein given]:

- i stand under gød, as: —(a) [my own] master [among mankind], —(b) [a] man at common law, **EQUAL** before the same, subject **ONLY** to the same, as herein **DECREED**, for as it is written: "No man can serve two masters" *KJV* (1611) Matthew 6:24;
- i am subservient to state agents/agencies **NOT** [*Cf. "The people of this state do not yield their sovereignty to the agencies which serve them." California Government Code, title 2, division 3, part 1, chapter 1, article 9, section 11120; title 5, division 2, part 1, chapter 9, section 54950*];
- [those who act as agents of] state agencies owe [a] service to i, [a] man, *Aggrieved Party/Claimant*;

by the light of this Twenty-fifth day of the month of March of the year Two-thousand-and-fifteen, (C.E.), i say here, and god-willing will verify in *open court* that all herein be true; let it be said, let it be done, and none may add to, nor take away from, what is expressed herein which renders silent that which is implied, assumed, or presumed [*Cf. Expressum facit cessare tacitum*];

[JCoR] seal.

[*Claimant's*] sign[–manual]

NGLL: i did notice one thing still, in section 11120 the word **state** is not capitalised, where as in the other one it is capitalised, so what that means i don't know, but that's alright, doesn't matter, the reason it doesn't matter is this, well of course it does matter because what is the purpose of a court...!? the purpose of *the court* is to put on a good show to convince the rest of the world that the sovereign made the right decision when the decision is made, so that's the real practical purpose of *the court* and so the fact is that you're sovereign and you decree what the law is and you can make it anything you want, anything, absolutely anything, you've all heard of **jury nullification**, where the jury can suspend the law...! well that's the reason they have that power, because a sovereign decrees the law and he might have a crazy law and so the power of the jury is to kind of stabilize society and say "*well we don't go with that law...*" so they prevent it; but anyway, even though on this new information that section 11120 has been repealed, or terminated, either way, it's still good law from the stand point that the sovereign decrees it, and if the sovereign decrees it, it's reinstated, you decree what the law is when you're in your sovereign capacity and what i do when i decree the law in my cases, is i put where i got the wording from, that law exists because the sovereign decrees it, but the wording is copied over from somewhere else and that's kind of nice because the attorneys think that you're getting your authority from them; ok now, we have two questions from here;

Audience member (4): it wasn't really a question, what i wanted to point out was the difference between the 1850 constitution and the 1879 constitution;

NGLL: 1849, 1879, is the mic on...!?

Audience member (5): yeah it's on...

Audience member (4): well the 1849 constitution is the one that is in fact for us sovereigns, they...

NGLL: no it isn't;

Audience member (4): yeah but the 1879 constitution is not...

NGLL: neither one of them are;

Audience member (4): legitimate, that the corporate constitution...

NGLL: that is true but neither of the constitutions is for us;

Audience member (4): well right i mean if you read the, i got the original letter, written by the legislator of California to, for people to agree to the constitution and in that it talks about freeman and sovereign, so, i mean basically if you wanna be under it you can, if you don't wanna be under it you don't have to be because we are sovereigns...

NGLL: that is true;

Audience member (4): i'm just saying the differences on the "state" because one's capitalised and that's the *corporate state* and the other one is the *original constitutional state*.

NGLL: right, lower case is original;

Audience member (4): right, and–

NGLL: CAPITALISED is the corporate state;

Audience member (4): in anything that they say that they got rid of, doesn't matter...

NGLL: well, see the thing is that the constitution wasn't written for us anyway, it was written for the government, so we're not under it, we're over it;

Audience member (4): right, we're over the government and these rules were written for the government, but they tried to change the rules into a corporate constitution, which–

NGLL: well of course, of course

Audience member (4): which doesn't affect us anyway...

NGLL: well they wanna out the sovereignty i'm sure... ok behind you...

Audience member (6): what is the purpose or the function of the writ of mandamus when it was presented to the other court, why was it presented there...!?

NGLL: well because they're the employment agency and we want to get the prestige of that court coming down on them, that does not necessarily mean we let them sign the orders;

Audience member (6): ok so should they be almost acting like a jury...

NGLL: they shouldn't have acted at all, they had no jurisdiction to act;

Audience member (7): ok but why was it submitted there...!?

NGLL: first of all, it's Aurora's court, see Aurora has structured her court in parallel with their court and her appellate court borrows their appellate court judges and clerks ok, but she's borrowing the prestige of their image, that's why she put it there, she could have put a court order in McDonalds and done the same thing ok, but instead she put the court in their court, but she never gave those Judges permission to act, those Judges are all Magistrates;

Audience member (7): she should have actually put an order in there for them to be in agreement with

NGLL: no-no-no, she put specifically, we'll get to that toward the end coz all i'm doing now is giving a summary overview, however the codes that they operate by specifically say that the appellate court makes the decision not the judges ok, it makes no mention of the judges and other lower courts' papers you'll see it talks about a court or a judge can do something, but in the appellate court it specifically says a court will do it, well that eliminates the judges ok, and notice judges are all magistrates and it also says that all the courts are courts of record, the appellate court is a court of record, again when you say court of record that automatically means that no judge is allowed to make any decision ok, court of record absolutely wipes out the authority that they even imagine they might have had, no judge can make a decision in a court of record and you can see that if we just briefly go over to there, here are the five requirements/characteristics of a court of record [Cf. "Courts may be classified and divided according to several methods, the following being the more usual: 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^[3], and which have power to fine or imprison for contempt^[4]. Error lies to their judgments, and they generally possess a seal^[5]. 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. ... A "court of record" is a judicial tribunal having attributes and exercising functions independently of the person of the magistrate^[1] designated generally to hold it, and proceeding according to the course of common law^[2], its acts and proceedings being enrolled for a perpetual memorial^[3]." 4 *Black, Law. Dict.* 425-6]:

^[1] its tribunal is independent of the person of the magistrate [Cf. *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; 4 *Black, Law. Dict.* 425-6];

^[2] proceeds according to the course of common law [Cf. *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; 4 *Black, Law. Dict.* 425-6];

^[3] its acts and judicial proceedings are enrolled, or recorded, for a perpetual memory and testimony [Cf. "The rolls of the superior courts of record are of such authority, that no proof will be admitted against them ; and these records are only triable by themselves." 3 *Inst.* 71; "A court of record is that where the acts and judicial proceedings are enrolled in parchment for a perpetual memorial and testimony: which rolls are called the records of the court, and are of such high and supereminent authority that their truth is not to be called in question. For it is a settled rule and maxim that nothing shall be averred against a record, nor shall any plea, or even proof, be admitted to the contrary.(e)¹ And if the existence of a record be denied, it shall be tried by nothing but itself;" 3 *Bl. Comm.* 24; 3 *Steph. Comm.* [Stephen's New Commentaries on the Law of England] 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. 229-31; 4 *Black, Law Dict.* 425-6];

^[4] has power to fine or imprison for contempt [Cf. “and therefore no other court hath authority to fine and imprison: so that the very erection of a new jurisdiction, with power of fine or imprisonment, makes it instantly a court of record. *Salk.* 200. 12 *Mod.* 388. *Finch. L.* 231.” 5 *Toml. L. D.* 397 (1st Am. ed. 1811); 3 *Bl. Comm.* 24; 3 *Steph. Comm.* [Stephen's New Commentaries on the Law of England] 383; *The Thomas Fletcher, C.C.Ga.*, 37 F. 488, 2 L.R.A. 229; *Heininger v. Davis*, 96 Ohio St. 205, 117 N.E. 229-31; 4 *Black, Law Dict.* 425-6];

^[5] generally possesses a seal [Cf. 3 *Bl. Comm.* 24; 3 *Steph. Comm.* [Stephen's New Commentaries on the Law of England] 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. 229-31; 4 *Black, Law Dict.* 425-6];

if you see the court proceed according to statutes it's not a court of record; the killer provision is that its tribunal is independent of the person of the magistrate, what's a magistrate...!? in simple words the magistrates are anybody on the government payroll that's been given some authority, so if the magistrates can't make a decision who does...!? use your logic, if you're the king, you're sitting on the throne and you don't hire anybody to make any decisions in your court, then who does that leave...!? that leaves you right, and then if you do hire somebody you have to give them a job description, tell them what their job is, (see notice to magistrate) well by you saying a court of record, you have automatically removed any possible opportunity for them to make a decision, because making a decision means you're acting as a tribunal which they can't, the tribunal is independent of the magistrate and in another part of the penal code somewhere it points out that all judges are magistrates:

[Cf. “The following persons are magistrates: (a) The judges of the Supreme Court. (b) The judges of the courts of appeal. (c) The judges of the superior courts.” *Cal. Penal Code* §808]
<http://www.oclaw.org/research/code/ca/PEN/808./content.html>

now remember you're not subject to these codes, but they are, they have to respect these things, this is why we bring these in, it says: persons designated as magistrates... everybody's a magistrate, i mean nobody can make a decision, i don't remember who it was, but somebody said that war is much too important to leave to generals, well this is ***an acknowledgment that law is too important to leave to the Judges***, it's the sovereigns that make the decision, and the founding fathers had a lot more confidence in the sovereigns of the country than they ever did in the judges of the country, they understood the camaraderie that exists between Judges, it becomes like a club, they understood that, and so they created a system here that absolutely allows the people to knock them out of the box so to speak, legally speaking, [an inaudible member of the audience says something] pardon...!? “*it's been kept in all these years*” [NGLL repeats part of what audience member (8) said] well yeah the educational system got changed, yeah he said it's been kept hidden all these years, well yeah it has been kept hidden but the way it was hidden is because it is simply not taught in the schools anymore, it used to be taught but not anymore; so anyway sovereignty is where Aurora is coming from and remember that Aurora is making the claim of sovereignty, now that claim of sovereignty does not affect anyone else, therefore she's not accusing anybody, therefore she does not have to prove it, whenever you make an accusation then the burden is on you to prove your accusation [Cf. “ACTOR, practice, 1. A plaintiff or complainant. 2. He on whom the burden of proof lies.” 1 *Bouv. L. D.* 54 (1839); “It is a general rule that the party who alleges the affirmative of any proposition shall prove it.” 2 *Bouv. L. D.* 208 (1839); “...the burden of proof will be on the plaintiff.” 2 *Bouv. L. D.* 271 (1839); “*Ei incumbit probatio qui dicit, non qui negat.* The burden of the proof lies upon him who affirms, not he who denies. *Dig.* 22, 3, 2; *Tait on Ev.* 1; 1 *Phil. Ev.* 194; 1 *Greenl. Ev.* § 74; 3 *Louis. R.* 83; 2 *Dan. Ir*, 408; 4 *Bonv. Inst. n.* 4411.” 2 *Bouv. L. D.* 127 (1856); “*Semper necessitas probandi incumbit qui agit.* The claimant is always bound to prove: the burden of proof lies on him.” 2 *Bouv. L. D.* 146 (1856); “...as a general rule the affirmative of every issue must be proved, yet this rule ceases to operate the moment the presumption of law is thrown into the other scale.” 2 *Bouv. L. D.* 209

(1856)] in her case she's not accusing anybody, except perhaps herself, so she has no burden of proof, it's quite the opposite, if they think she's not sovereign, the burden is on them to prove she's not, and you know what...!? they've never offered any such proof, when she challenged jurisdiction they never said, hey you're not sovereign because blah-blah-blah... and offered the proof, never ok, remember the basic rule of every court; if you fail to object it means you agree and nobody's objected, so that means they agree, and that is you might say the main track of our train here, is that we've made the accusations, we've listed the facts, we've listed the law, they demurred which means that they agree to all the facts and the only discussion is about the law and guess what...!? they never challenge the law, they've never challenged the decrees that she made, so you know they're kind of stuck on here and i'm sure that there will be some integrity somewhere, i have not lost faith in the system, if in fact we do have a dictatorship this case will show it ok, if we have a dictatorship i can deal with that too as long as i know it, but right now i don't know it, i believe that there are people in government who are honest, who concur with the concept of the founding fathers and if we put in good paperwork at some point we'll find that person and behind the scene without us ever knowing who, or when, or how, suddenly we'll see turnarounds in the Judges, they'll suddenly become so sweet and nice, i don't know if you've ever seen a judge turn around but when they do... i mean... just like bullies, ok... the misbehaving judges are like bullies, you know you punch a bully in the eye and suddenly they become the sweetest wonderful person you know, they know how to lap it up, so i have seen cases where judges did a turnaround, boy it's just amazing, you wouldn't think it was the same tiger, you know... anyhow, alright so that's the sovereignty thing;

so basically they made their accusations, charges and so forth, so we did a counter claim, so this is the very first case here: "BC001", now the way i number these things, "BC" is the first two letters that the court clerk assigned in the case number, so we just gave it uniqueness to distinguish it from the criminal cases as well, ok, and then i just number them, because you cannot rely on the dates in the computers, what makes them unreliable is that sometimes you might want to change things and adjust things and the date doesn't really keep it in order, so in order to keep it in order i've assigned it a sequential number BC1 and so forth, so we did the counter claim, ok so we're getting into some of the detail of this case: now the counter claim is different from a counter suit; the California Code of Civil Procedure says that whenever a counter claim is filed it shall be treated as a counter suit, now that's how it's done if you are within the statutory system, if you're within the constitution, we're outside the constitution, so this is a counter claim and it's based on jurisdiction, that's the key thing, so they made the original law suit in the court and the court is called the "SUPERIOR COURT OF [the state of] CALIFORNIA" in Orange County, County of Los Angeles, so we filed this case over in the Civil Division, but the thing to understand, it's the same court; in any county there's only one superior court, everything else is... like you know you have one sheriff and everybody else is a deputy sheriff, well you only have one court and all the other courts are just divisions within the court, so it really didn't matter that we filed our counter claim in a different part of the county and so on, because what we did is we filed this counter claim and we served the other court with a copy, see... service, now you know there's a lot of confusion about the difference between service and filing ok, so let me just take a moment to explain this: when you file a paper, you are giving that paper to your own clerk, when you serve a paper you are giving a copy to the enemy ok, so when you serve somebody that's like an order from the court, whereas when you file a paper that's a record and you're making of what's going on, ok so, filing and serving are two different things, the word file btw means wire, comes from the old days when the clerks had a closet with a wire strung across, they took your papers put it in the bag and hung it on the wire, so that's the term file, and so that's what you do, but when you give it to the other person we don't know what their system was ok, you're just serving them, it's an order from your court, ordering them to answer; alright so basically here's the proper format for a counterclaim the California way of doing things, other states have slightly different formats: (ended at 00:47:05);