

In The Chancery Court For Jackson County, Missouri

denny ray hardin ] Mass Action  
and the People of the ]  
United States of America ]  
Plaintiff ]  
vs ] Case Number: 1916CV05668  
] ]  
Gary A. Fenner, Judge ]  
UNITED STATES DISTRICT COURTS] ]  
and All B.A.R. Associations ]  
Within the United States of America ]  
Defendants. ]

**WITH DEFINITIONS**

**THE DOCUMENTED EVIDENCE BRIEF OF TREASON**

**IS COMPLETE**

COMES NOW, denny ray hardin, a private prosecutor to present evidence beyond a reasonable doubt that treason has been conduct against him by members of the UNITED STATES DISTRICT COURTS. This treason has invaded the State of Missouri under the color of law, in fraud, to constructively seize jurisdiction from the lawfully established “Court of Record” to evade accountability for their treason. The “Definitions” explain this cause of action.

## “DEFINITIONS”

*definition. n.* [fr. Latin *definire* “definition”] *Civil law.* 1. A definition; an explanation of something. 2. The establishment of a general rule. 3 A boundary.

[Black’s Law Dictionary, 8<sup>th</sup> Edition, page 455.]

NOTE: Plaintiff asserts the definitions provided are his understanding of that term. Because of the “ambiguity” created in our courts, these definitions are the general rule, unless an exception is established. The definitions provided have merit in this cause of action and will be addressed upon request. Black’s Law Dictionary, Eighth Edition, is the source for all definitions.

**absurdity.** The state or quality of being grossly unreasonable; esp., an interpretation that would lead to an unconscionable result, esp. one that the parties of (esp. for a statute) the drafters could not have intended and probably never considered. Cf. GOLDEN RULE.

**administrative-law judge.** An official who presides at an administrative hearing and who has the power to administer oaths, take testimony, rule on questions of evidence, and make factual and legal determinations. 5 USCA {SS} 556(c). – Abbr. ALJ. – Also termed *hearing examiner; hearing officer; trial examiner.* [Cases: Administrative Law and Procedure {key} 443. C.J.S. *Public Administrative Law and Procedure* {SS} 138.]

**ambiguity.** An uncertainty of meaning or intention, as in a contractual term or statutory provision. Cf. MEANING. [Cases: Contracts {key} 143.(2); Statutes {key} 190. C.J.S. Contracts {SS} 303-305; Statutes {SS} 321.] **ambiguous** *adj.*

***calculated ambiguity.*** A purposeful use of unclear language, usu. when two negotiating parties cannot agree on clear, precise language and therefore leave a

decision-maker to sort out the meaning in case of dispute. Strictly speaking, this is a misnomer; the more precise term is *vagueness*, not *ambiguity*.

***private bank.*** An unincorporated banking institution owned by an individual or partnership and, depending on state statutes, subject to or free from state regulation.

**chose, n.** [French] A thing, whether tangible or intangible; a personal article; a chattel. See THING.

***chose in action. 1.*** A proprietary right in personam, such as a debt owed by another person, a share in a joint-stock company, or a claim for damages in tort. [Cases: Property {key} 5.5. C.J.S. *Property* {SS} 22; Trading Stamps and Coupons {SS} 2.] **2.** The right to bring an action to recover a debt, money or thing. **3.** Personal property that one person owns but another person possesses, the owner being able to regain possession through a lawsuit. – Also termed *thing in action* .

**Note:** This “thing in action” is done to regain “standing” among the people. Among my clan, it is universally believed that you beat me, they do not understand the rights, privileges and immunities violated by government to assassinate my character, destroy my dignity and tarnish my honor. These things I own and I will not cease until they are fully restored and those who violated them are held accountable to the laws they have broken. Remember you did it to me first and under God’s golden rule, “Do unto others as you would have them do unto you.” You violated the law to beat me, now I utilize the law to beat you all. There is not one of you that can stand in opposition to the law, all are welcome to try under the penalty of treason. I promised God, I would have the faith of a mustard seed that justice can be won, if He would remove the mountain of corruption. God sent me in search of wisdom and I found understanding.

**chancery. 1.** A court of equity; collectively, the courts of equity. The term is derived from the court of the Lord Chancellor the original English court of equity. Also termed *court of chancery*; *chancery court*.

**2.** A system of jurisprudence administered in courts of equity. See EQUITY. [Cases: Equity {key} 1. C.J.S. Equity {SS} 2-5, 7-8, 10.]

**citizen. n. 1.** A person who, by either birth or naturalization, is a member of a political community, owing allegiance to the community and being entitled to enjoy all its civil rights and protections; a member of a civil state, entitled to all its privileges. Cf. RESIDENT; DOMICILIARY. [Cases: Citizens {key} 1. C.J.S. Citizens {SS} 7, 12.]

**Citizenship Clause.** The clause of the U.S. Constitution providing that all persons born or naturalized in the United States are citizens of the United States and the state they reside in. U.S. Const. amend. XIV, {SS} 1, cl. 1. [Cases: Citizens 1-11. C.J.S. *Aliens* {SS} 281; *Citizens* {SS} 2-13, 19, 21-22, 24-29.]

**compact, n.** An agreement or covenant between two or more parties, esp. between governments or states.

*family compact.* An agreement to further common interest made between related people or within a group that behaves as a family.

**Note:** The “family compact” of this cause of action are the “Nobles” of the “foreign state” of “B.A.R. Associations”.

**conspiracy, n.** An agreement by two or more persons to commit an unlawful act, coupled with an intent to achieve the agreement’s objective, and (in most states) action or conduct that furthers the agreement; a combination for an unlawful purpose. 18 USCA 371.

***chain conspiracy.*** A single conspiracy in which each person is responsible for a distinct act within the overall plan, such as an agreement to produce, import, and distribute narcotics in which each person performs only one function. All participants are interested in the overall scheme and liable for all other participant's acts in furtherance of the scheme. [Cases: Conspiracy {key} 24(3). C.J.S. Conspiracy {SS} 117-118.]

**Note:** The “chain conspiracy” of this cause of action is “treason” by the defendant issuing a “Judgment” without “Jurisdiction” in “treason”, then all members of the “family compact” denying all challenges to the “Judgment” each furthered treason.

**delict.** *n.* [Latin *delictum* “an offense”] *Roman & civil law.* A violation of the law; esp., a wrongful act or omission giving rise to a claim for compensation; TORT. Also termed (in Roman law) *delictum*; (in French law) *delit*. [Cases: Torts {key} 1. C.J.S. Torts {SS} 2-7.]

“A delict is a civil wrong. It is an infringement of another’s interest that is wrongful irrespective of any prior contractual undertaking to refrain from it – though there may also be one. It entitles the injured party to claim compensation in civil proceedings – though criminal proceedings aimed at punishing the wrongdoer may also ensue.”1P.Q.r. Boberg. *The Law of Delict* 1 (1984).

***quasi delict.*** ... (1) The judge who makes the case his own ... incurs a penalty fixed by the magistrate at discretion...

**design,** *n.* **1.** A plan or scheme. **2.** Purpose or intention combined with a plan.

**despoil,** *vb.* To deprive (a person) of possessions illegally by violence or by clandestine means; to rob.

**despot**, *n.* 1. A ruler with absolute power and authority. 2. A tyrant. -- **despotic** *adj.*

**despotism**. **1.** A government by a ruler with absolute, unchecked power. **2.** Total power or controlling influence.

**destructibility** – The capability of being destroyed by some action, turn of events, or operation of law.

**detainer** – **1.** The action of detaining, withholding, or keeping something in one's custody.

**detention**, *n.* **1.** The act or fact of holding a person in custody; confinement or compulsory delay. – **detain**, *vb.*

**investigative detention.** The holding of a suspect without formal arrest during the investigation of the suspect's participation in a crime. Detention of this kind is constitutional only if probable cause exists.

**pretrial detention**. **1.** The holding of a defendant before trial on criminal charges either because the established bail could not be posted or because release was denied.

**preventive detention.** Confinement imposed usu. on a criminal defendant who has threatened to escape, poses a risk of harm, or has otherwise violated the law while awaiting trial, or on a mentally ill person who may cause harm.

**deterrence**, *n.* The act or process of discouraging certain behavior, particularly by fear; esp., as a goal of criminal law, the prevention of criminal behavior by fear of punishment. Cf. Rehabilitation (1); Retribution (1). [Cases: Sentencing and Punishment {key} 41.] **deter**, *vb*, **deterrent**, *adj.*

**general deterrence.** A goal of criminal law generally, or of a specific conviction and sentence, to discourage people from committing crimes.

**special deterrence.** A goal of a specific conviction and sentence to dissuade the offender from committing crimes in the future.

**drafter.** A person who draws or frames a legal document, such as a will, contract, or legislative bill. Also termed *draftsman*.

**fact. 1.** Something that actually exists; an aspect of reality <it is a fact that all people are mortal>. Facts include not just tangible things, actual occurrences, and relationships, but also states of mind as such as intentions and opinions. **2.** An actual or alleged event or circumstance, as distinguished from its legal effect, consequence, or interpretation <the jury made finding of fact>. **3.** An evil deed; a crime<an accessory after the fact>.

**adjudicative fact.** A controlling or operative fact, rather than a background fact; a fact that concerns the parties to a judicial or administrative proceeding and that helps the court or agency determine how the law applies to those parties. For example, adjudicative facts include those that the jury weighs. Cf. *legislative fact*. [Cases: Administrative Law and Procedure {key}442. C.J.S. Public Administrative Law and Procedure {SS} 115.]

**alienative fact.** A fact that divests a person of a right by transferring it to another.

**ancient fact.** A fact about a person, thing or event that existed or occurred a very long time ago, and about which no living person has firsthand knowledge. Also termed *fact in pais*.

**collateral fact.** A fact not directly connected to the issue in dispute, esp. because it involves a different transaction from the one at issue. [Cases: Evidence {key} 99. C.J.S. Evidence {SS} 2-5, 197-199, 204, 206.]

**dispositive fact.** 1. A fact that confers rights or causes the loss of rights . A dispositive fact may be either investitive or a divestitive fact. Also termed *vestitive fact*. 2. A fact that is decisive of a legal matter; evidence that definitively resolves a legal issue or controversy.

**evaluative fact.** A fact used to assess an action as being reasonable or negligent.

**evidentiary fact. 1.** A fact that is necessary for or leads to the determination of an ultimate fact. – Also termed *predicate fact*. 2. A fact that furnishes evidence of the existence of some other fact. – Also termed *evidential fact*. 3. See *fact in evidence*.

**fabricated fact.** See *fabricated evidence* under EVIDENCE.

**fact in evidence.** A fact that a tribunal considers in reaching a conclusion; a fact that has been admitted into evidence in a trial or hearing. --Also written *fact-in-evidence*.—Also termed *evidentiary fact*.

**fact in issue.** (usu.pl.) 1. Hist. A fact that one party alleges and that the other controverts. 2. A fact to be determined by a fact trier; PROBANDUM. – Also written *fact-in-issue*. – Also termed *principal fact*.

**immaterial fact.** A fact that is not relevant to a matter in issue.

**impositive fact.** An investitive fact that imposes duties.



**inferential fact.** A fact established by conclusions drawn from other evidence rather than from direct testimony or evidence; a fact derived logically from other facts. [Cases: Evidence {key} 595. C.J.S. Evidence {SS} 1300, 1341.]

**investitive fact.** A fact that confers rights. Also termed *collative fact*.

**judicial fact.** A fact that the court accepts as proved without hearing evidence. See JUDICIAL NOTICE. [Cases: Criminal Law {key} 304. Evidence {key} 1. C.J.S. *Criminal Law* {SS} 657; *Evidence* {SS} 8-11,106.]

**jurisdictional fact.** (usu. pl.) A fact that must exist for a court to properly exercise its jurisdiction over a case, party or thing. See JURISDICTIONAL FACT DOCTRINE.

**legal fact.** A fact that triggers a particular legal consequence.

**legislative fact.** A fact that explains a particular law's rationality and that helps a court or agency determine the law's content and application. Legislative facts are not ordinarily specific to the parties in a proceeding. Cf. *adjudicative fact*.

**material fact.** A fact that is significant or essential to the issue or matter at hand. [Cases: Evidence {key} 143; Federal Civil Procedure {key} 2470.1; Judgment {key} 181(2). C.J.S. Evidence {SS} 197, 201-204.]

**minor fact.** A subordinate fact or circumstance.

**operative fact.** 1. A fact that affects an existing legal relation, esp. a legal claim.... 2. A fact that constitutes the transaction or event on which a claim or defense is based.

**physical fact.** A fact having a physical existence, such as a fingerprint left at a crime scene.

**predicate fact. 1.** A fact from which a presumption or inference arises. 2. A fact necessary to the operation of an evidentiary rule. For example, there must actually be a conspiracy for a co-conspirator exception to the hearsay rule to apply. – Also termed *foundational fact*; *evidentiary fact*. [Cases: Evidence {key} 53. C.J.S. Evidence {SS}2, 130-134, 1341.]

**primary fact.** A fact that can be established by direct testimony and from which inferences are made leading to ultimate facts. See *ultimate fact*.

**principal fact.** See *fact in issue*, *ultimate fact*.

**private fact.** A fact that has not been made public. Whether a fact is private often arises in invasion-of-privacy claims. Cf. *public fact*.

**probative fact.** A fact in evidence used to prove an ultimate fact, such as skid marks used to show speed as a predicate to a finding of negligence.

**psychological fact.** A fact that is related to mental state, such as motive or knowledge.

**public fact.** For the purpose of invasion –of-privacy claim, a fact that is in a public record or in a public domain. Cf. *private fact*. [Cases: Torts {key} 8.5(7). C.J.S. Right of Privacy and Publicity {SS} 6, 12-14, 16, 22-24, 26-27, 29, 31, 39, 42.]

**relative fact.** A fact incidental to another fact; a minor fact.

**simulated fact.** A fabricated fact intended to mislead; a lie.

**translative fact.** A fact by means of which a right is transferred from one person to another; a fact that fulfills the double function of terminating one person's right to an object and of originating another's right to it.

**transvestitive fact.** A fact that is simultaneously investitive and divestitive.

**ultimate fact.** A fact essential to the claim or defense.

**undisputed fact.** An uncontested or admitted fact.

**vestitive fact.** See *dispositive fact (1)*.

**fact-finder.** One or more persons – such as jurors in a trial or administrative-law judges in a hearing – who hear testimony and review evidence to rule on a factual issue. – Also termed *finder of fact*; *fact-trier* or *trier of fact (in a judicial proceeding)*; *fact-finding board* (for a group or committee). See FINDING OF FACT.

**fact-finding. 1.** The process of taking evidence to determine the truth about a disputed point of fact.

**faction.** A number of citizens, whether a majority or a minority, who are united and motivated by a common impulse or interest that is adverse to the rights of others or to the permanent or aggregate interest of the community. This definition is adapted from *The Federalist*. No. 10.

**factor. n. 1.** An agent or cause that contributes to a particular result <punishment was a factor in the court's decision>.

**factoring, n.** The buying of accounts receivable at a discount. The price is discounted because the factor (who buys them) assumes the risk of delay in collection and loss on the accounts receivable. [Cases: Factors {key} 1,5, 10. C.J.S. Agriculture {SS} 163, 165, 178.]

**factorizing process.** A procedure or legal process by which a third party, rather than the creditor, attaches a debtor's property; GARNISHMENT. – Also termed *trustee process*; *process by foreign attachment*. [Cases: Garnishment {key} 1.]

**factor's act.** A statute protecting one who buys goods from a factor or agent by creating the presumption that the agent was acting on the owner's behalf and with the owner's approval. [Cases: Factors {key} 58.]

**failure. 1.** Deficiency; lack; want. 2. An omission of an expected action, occurrence, or performance. See LAPSE (2).

**failure of good behavior.** A civil servant's act that is ground for removal. [Cases: Officers and Public Employees {key} 69.7. C.J.S. Officers and Public Employees {SS} 133, 164-166.]

**failure of justice.** See MISCARRIAGE OF JUSTICE.

**failure of proof .** A party's not having produced evidence establishing a fact essential to a claim or defense.

**failure to state a claim.** A plaintiff's not having alleged facts in the complaint sufficient to maintain a claim. This failure warrants a dismissal of the complaint. [Cases: Pleading {key} 48. C.J.S. *Pleading* {SS} 116-124, 132-133.]

**failure to testify.** A party's – esp. a criminal defendant's – decision not to testify. Under the Fifth Amendment, the prosecutor and the judge cannot comment to the jury on a criminal defendant's failure to testify. But comments on the failure are usu. permissible in a civil case. [Cases: Criminal Law {key} 317; Evidence {key} 76; Witnesses {key} 88. C.J.S. *Criminal Law*{SS}641-644, 705-706; *Evidence* {SS} 174-175.]

**false imprisonment.** A restraint of a person in a bounded area without justification or consent. False imprisonment is a common-law misdemeanor and a tort. It applies to private as well as governmental detention. Cf. *false arrest* under ARREST. [Cases: False Imprisonment {key} 2.]

**false judgment.** *Hist.* A writ filed to obtain review of a judgment of a court not of record.

**false report.** *Criminal law.* The criminal offense of informing law enforcement about a crime that did not occur. [Cases: Obstructing Justice {key} 7. C.J.S. *Obstructing Justice or Governmental Administration* {SS} 4, 10, 12-29, 31-32, 38.]

**falsify, vb.** 1. To make something false; to counterfeit or forge <the chiropractor falsified his records to help the plaintiff>. – Also termed (archaically) *false*. See COUNTERFEIT; FORGERY. 2. *Rare.* To prove something to be false or erroneous <their goal in the appeal was to falsify the jury’s verdict>. **falsification, n.**

**falsifying a record.** The crime of making false entries or otherwise tampering with a public record with the intent to deceive or injure, or to conceal wrongdoing 18 USCA {SS} 1506, 2071, 2073; Model Penal Code {SS} 224.4. [Cases: Fraud {key} 68; Records {key} 22. C.J.S. *Records* {SS} 32, 57-59.]

**fault. 1.** An error or defect of judgment or of conduct; any deviation from prudence or duty resulting from inattention, incapacity, perversity, bad faith, or mismanagement. See NEGLIGENCE. Cf. LIABILITY. 2. *Civil law.* The intentional or negligence failure to maintain some standard of conduct when that failure results in harm to another person.

**contractual fault.** *Civil law.* Fault resulting from intentional or negligent failure to perform an enforceable obligation in a contract.

**delictual fault.** *Civil law.* Fault resulting from intentional or negligent misconduct that violates a legal duty.

**Note:** The legal duty in this cause of action is “jurisdictional fact”. See FACT.

**Federal Tort Claims Act.** A statute that limits federal sovereign immunity and allows recovery in federal court for tort damages caused by federal employees, but only if the law of the state where the injury occurred would hold a private person liable for the injury. 28 USCA 2671-2680. – Abbr. FTCA. See *sovereign immunity* under IMMUNITY (1). [Cases: United States {key} 78. C.J.S. *United States* {SS} 149-151, 179.]

**Note:** Because of the treason of the UNITED STATES DISTRICT COURTS they are united to protect the corruption of the institution and no justice is possible in any of these courts.

**feigned**, *adj.* Pretended; simulated; fictitious.

**felonious restraint. 1.** The offense of knowing and unlawfully restraining a person under circumstances that expose the person to serious bodily harm. Model Penal Code {SS} 212.2(a). **2.** The offense of holding a person in involuntary servitude. Model Penal Code {SS} 212.2(b).

**felony**, *n.* 1. A serious crime usu. punishable by imprisonment for more than one year or by death. Examples include burglary, arson, rape, and murder.—Also termed *major crime*; *serious crime*. Cf. MISDEMEANER. [Cases: Criminal Law {key} 27. C.J.S. *Criminal Law*{SS} 9-12.]

**felony-murder rule.** The doctrine holding that any death resulting from the commission or attempted commission of a felony is murder.

**Note:** The death in law of plaintiff by “Bill of Attainder” in furtherance of treason constitutes murder.

**fetter**, *n.* (usu. pl.) a chain or shackle for the feet.

**fiduciary**, *n.* 1. A person who is required to act for the benefit of another person on all matters within the scope of their relationship; one who owes to another the duties of good faith, trust, confidence, and candor <the corporate officer is a fiduciary to the corporation>.

**fiduciary-shield doctrine.** *Corporations.* The principle that a corporate officer's act cannot be the basis for jurisdiction over that officer in an individual capacity. [Cases: Courts {key} 12(2.20. C.J.S. *Courts* {SS} 47.]

**first-to-file rule.** *Civil procedure.* 1. The principle that, when two suits are brought by the same parties, regarding the same issues, in two courts of proper jurisdiction, the court that first acquires jurisdiction usu. retains the suit, to the exclusion of the other court.

**Note:** This does not apply because the UNITED STATES DISTRICT COURTS have no proper jurisdiction. Jackson County Missouri retains jurisdiction.

**forcible**, *adj.* Effected by force or threat of force against opposition or resistance.

**forcible entry and detainer. 1.** The act of violently taking and keeping possession of lands and tenements without legal authority. [Cases: Forcible Entry and Detainer {key} 4.]

**forestall**, *vb.* 1. to prevent (an event, result, etc.).

**forfeiture**, *n.* 1. the divestiture of property without compensation . 2. The loss of right, privilege, or property because of a crime, breach of obligation, or neglect of duty. Title is instantaneously transferred to another, such as the government, a corporation, or a private person. [Cases: Controlled Substances {key} 162; Forfeitures {key} 1. C.J.S. *RICO (Racketeering Influenced and Corrupt*

*Organizations*) {SS} 30.] 3. Something (esp. money or property) lost or confiscated by this process, a penalty, -- **forfeit**, *vb.* – **foreitable**, *adj.*

**civil forfeiture.** An in rem proceeding brought by the government against property that either facilitated a crime or was acquire as a result of criminal activity. [Cases: Controlled Substances {key} 162; Forfeitures {key} 1. C.J.S. *RICO (Racketeering Influenced and Corrupt Organizations)* {SS} 30.]

**criminal forfeiture.** A governmental proceeding brought against a person to seize property as punishment for the person's criminal behavior. [Cases: Controlled Substances {key} 162; Forfeitures {key} 1. C.J.S. *RICO (Racketeering Influenced and Corrupt Organizations)* {SS} 30.]

**fraud**, *n.* 1. A knowing misrepresentation of the truth or concealment of a material fact to induce another to act to his or her detriment. Fraud is usu. a tort, but in some cases (esp. when the conduct is willful) it may be a crime. – Also termed *intentional fraud*. [Cases: Fraud {key} 1, 3, 16.]

**actual fraud.** The concealment or false representation through a statement or conduct that injures another who relies on it in acting. – Also termed *fraud in fact*; *positive fraud*; *moral fraud*. [Cases: Fraud {key} 3.]

**bank fraud.** The criminal offense of knowingly executing, or attempting to execute, a scheme or artifice to defraud a financial institution , or to obtain property owned by or under the control of a financial institution, by means of false or fraudulent pretenses, representation, or promises. 18 USCA {SS} 1344. [Cases: Banks and Banking {key} 509.10, 509.25. C.J.S. *Banks and Banking* {SS} 687, 746, 749-754, 756-757, 769-783.]



**fraud on the court.** In a judicial proceeding, a lawyer's or party's misconduct so serious that it undermines or is intended to undermine the integrity of the proceeding. Examples are bribery of a juror and introduction of fabricated evidence. [Cases: Federal Civil Procedure {key} 2654; Judgment {key} 372, 440. C.J.S. *Judgment* {SS} 309, 319, 331, 465.]

**intrinsic fraud.** Deception that pertains to an issue involved in an original action. Examples include the use of fabricated evidence, a false return of service, perjured testimony, and false receipts or other commercial documents.. [Cases: Judgment {key} 373, 441. C.J.S. *Judgments*, {SS} 319,331, 465, 471.]

**free, adj.** **1.** Having legal and political rights; enjoying political and civil liberty <a free citizen>, <a free populace>. **2.** Not subject to the constraint or domination of another; enjoying personal freedom; emancipated <a free person>. **3.** Characterized by choice, rather than by compulsion or constraint <free will>. **4.** Unburdened <the land was free of any encumbrances>. **5.** Not confined by force or restraint <free from prison>. **6.** Unrestricted and unregulated <free trade>. **7.** Costing nothing; gratuitous <free tickets to the game>. – **freely, adv.**

**free, vb.** **1.** To liberate. **2.** To remove (a person or animal) from constraint or burden.

**free and equal, adj.** (Of an election) conduct so that the electorate has a reasonable opportunity to vote, with each vote given the same effect. [Cases: Elections {key} 1. C.J.S. *Elections* {SS} 1(1, 10) 2.]

**freedom.** **1.** The state of being free or liberated. **2.** A political right.

**freedom of choice.** **1.** The liberty embodied in the exercise of one's rights.

**freedom to contract.** The doctrine that people have the right to bind themselves legally; a judicial concept that contracts are based on mutual agreement and free choice, and thus should not be hampered by external control such as governmental interference. This is the principle that people are able to fashion their relations by private agreements, esp. as opposed to the assigned roles of the feudal system. As Maine famously said, “[T]he movement of progressive societies has been a movement from *Status* to *Contract*.” Henry Sumner Maine, *Ancient Law* 165 (1864). – Also termed *liberty of contract; autonomy of the parties*. [Cases: Constitutional Law {key} 89. C.J.S. *Constitutional Law* {SS} 491.]

**freedom of religion.** The right to adhere to any form of religion or none, to practice or abstain from practicing religious beliefs, and to be free from governmental interference with or promotion of religion, as guaranteed by the First Amendment and Article VI {SS} 3 of the U.S. Constitution. [Cases: Constitutional Law {key} 90. C.J.S. *Constitutional Law* {SS} 539, 542.]

**freedom of speech.** The right to express one’s thoughts and opinions without governmental restriction, as guaranteed by the First Amendment. – Also termed liberty of speech. Cf. FREEDOM OF EXPRESSION. [Cases: Constitutional Law {key} 90. C.J.S. *Constitutional Law* {SS} 539, 542.]

**freedom of the seas.** *Int’l law*. The principle that the seas beyond territorial waters are not subject to any country’s control. Ships on the high seas are subject only to the jurisdiction of the country whose flag they fly, except in the cases of piracy, hijacking, hot pursuit from territorial waters, slave trading, and certain rights of approach by warships. – Also termed *mare liberum*. [Cases: International Law {key} 7. C.J.S. *International Law* {SS} 23-24.]

**free law.** *Hist.* The civil rights enjoyed by a freeman (as opposed to a serf). Free law could be forfeited if the freeman was convicted of treason or an infamous crime.

**freeman. 1.** A person who possess and enjoys all the civil and political rights belonging to the people under a free government. 2. A person who is not a slave. 3. *Hist.* A member of a municipal corporation (a city or borough) who possessfull civic rights, esp. the right to vote. 4. *Hist.* A freeholder. Cf. VILLEIN. 5. *Hist.* An allodial landowner. Cf. VASSAL. – Also spelled *free man*.

**fruit-of-the-poisonous-tree doctrine.** *Criminal Procedure.* The rule that evidence derived from an illegal search, arrest, or interrogation is inadmissible because the evidence (the fruit) was tainted by the illegality (the “poisonous tree”). Under this doctrine, for example, a murder weapon is inadmissible if the map showing its location and used to find it was seized during an illegal search. – Also termed *fruits doctrine*. See EXCULSIONARY RULE; INDEPENDENT-SOURCE RULE; INEVITABLE-DISCOVERY RULE. [Cases: Criminal Law {key} 394.1(3). C.J.S. *Criminal Law* {SS} 771, 773-775.]

**fruits of a crime.** The proceeds acquired through criminal acts. [Cases: Criminal Law {key} 1221. C.J.S. *Criminal Law* {SS} 1733.]

**full faith and credit.** The recognition, acceptance, and enforcement of the laws, orders and judgments of another jurisdiction; specif., the recognition by one state of another state’s legal decisions. [Cases: Judgment {key} 815, 828.4; States {key} 5(2). C.J.S. *Judgments* {SS} 969-979, 998, 1002-1003, 1007, 1009, 1011, 1014.]

**Full Faith and Credit Act.** A federal statute requiring federal courts to give state court’s judgment the same preclusive effect as the judgment would have under

state law. 28 USCA {SS} 1738. See *Migra v. Warren City School Dist. Bd. of Educ.*, 465 U.S. 75, 81, 104 S.Ct. 892, 896 (1984).

**Full Faith and Credit Clause.** U.S. Const. art. IV, {SS} 1, which requires states to give effect to the acts, public records, and judicial decisions of other states. [Cases: Judgment {key} 815, 828.4; States {key} 5(2). C.J.S. *Judgments* {SS} 969-979, 998, 1002-1003, 1007, 1009, 1011, 1014.]

**fundamental-fairness doctrine.** The rule that applies the principles of due process to a judicial proceeding. The term is commonly considered synonymous with *due process*.

**fundamental right. 1.** A right derived from natural or fundamental law. 2. *Constitutional Law.* A significant component of liberty, encroachments of which are rigorously tested by courts to ascertain the soundness of purported governmental justification. A fundamental right triggers strict scrutiny to determine whether the law violates the Due Process Clause or the Equal Protection Clause of the 14<sup>th</sup> Amendment. As enunciated by the Supreme Court, fundamental rights include voting, interstate travel, and various aspects of privacy (such as marriage and contraception rights). – Also termed *fundamental interest*. See STRICT SCRUTINY. Cf. SUSPECT CLASSIFICATION. [Cases: Constitutional Law {key} 252.5. C.J.S. *Constitutional Law* {SS} 953, 966-967, 980.]

**golden rule.** The principle that, in construing written instruments, a court should adhere to the grammatical and ordinary sense of the words unless that adherence would lead to some manifest absurdity; esp., in statutory construction, the principle that if a statute's literal meaning would lead to an absurd or unjust result, or even to an inconsistency within the statute itself, the statute should be interpreted in a way that voids such a result or inconsistency. – Also termed *Baron Parke's rule*.

Cf. ABSURDITY; MISCHIEF RULE; PLAIN MEANING RULE; EQUITY-OF-THE-STATUTE RULE. [Cases: Statutes {key} 181(2). 189. C.J.S. *Statutes* {SS} 318, 324.]

**good behavior. 1.** A standard by which judges are considered fit to continue their tenure. [Cases: Judges {key} 7. C.J.S. *Judges* {SS} 21-24, 27-29.]

**good faith, n.** A state of mind consisting in (1) honesty in belief and purpose, (2) faithfulness to one's duty or obligation, (3) observance or reasonable commercial standards of fair dealing in a given trade or business, or (4) absence of intent to defraud or to seek unconscionable advantage. – Also termed *bona fides*. Cf. *BAD FAITH*. –**good-faith, adj.**

**good-faith exception. Criminal Procedure.** An exception to the exclusionary rule whereby evidence obtained under a warrant later found to be invalid (esp. because it is not supported by probable cause) is nonetheless admissible if the police reasonably relied on the notion that the warrant was valid. The good-faith exception was adopted by the Supreme Court in *United States v. Leon*, 468 U.S. 897, 104 S.Ct. 3405 (1984). [Cases: Criminal Law {key} 394.4(6). C.J.S. *Criminal Law* {SS} 782-785.]

**good moral character, n.** 1. A pattern of behavior that is consistent with the community's current ethical standards that shows an absence of deceit or morally reprehensible conduct. 2. A pattern of behavior conforming to a profession's ethical standards showing an absence of moral turpitude. Good moral character is usu. a requirement of persons applying to practice a profession such as law or medicine. [Cases: Licenses {key} 20. C.J.S. *Architects* {SS} 4, 7; *Licenses* {SS} 39-41.]

**government. 1.** The structure of principles and rules determining how the state or organization is regulated. 2. The sovereign power in a nation or state. 3. An organization through which a body of people exercises political authority; the machinery by which sovereign power is expressed <the Canadian government>. In this sense, the term refers collectively to the political organs of a country regardless of their function or level, and regardless of the subject matter they deal with. Cf. NATION; STATE.

**de facto government. 1.** A government that has taken over the regular government and exercises sovereignty over a nation. 2. An independent government established and exercised by a group of a country's inhabitants who have separated themselves from the parent state. – Also termed *government de facto*.

**mixed government.** A government containing a blend of forms, as in democracy and monarchy.

**republican government.** A government in the republican form; specif., a government by representatives chosen by the people.

**government of laws.** The doctrine that government must operate according to the established, consistent legal principles and not according to the interests of those who happen to be in power at a given time; esp. the doctrine that judicial decisions must be based on the law, regardless of the character of the litigants or the personal predilections of the judge.

**grand jury.** A body of (often 23) people who are chosen to sit permanently for at least a month – and sometimes a year – and who, in ex parte proceedings, decide whether to issue indictments. If the grand jury decides that evidence is strong

enough to hold a suspect for trial, it returns a bill of indictment (a true bill) charging the suspect with a specific crime. – Also termed *accusing jury*; *presenting jury*; *jury of indictment*; *jury of indictment*. Cf. *petit jury* under JURY. [Cases: Grand jury {key} 1.]

**Grand Jury Clause.** The clause of the Fifth Amendment of the U.S. Constitution requiring an indictment by a grand jury before a person can be tried for a serious offenses.

**Note: Proviso** – Provided that all indictments issued are based upon probable cause. Today’s grand juries, of UNITED STATES DISTRICT COURTS are rubber-stamp grand juries, who issue indictments without jurisdiction in treason. This is established by the lack of “Complaints” (required by Rule 3 of Fed. R. Crim. Procedure) establishing jurisdiction over the individual and subject matter, without a signed complaint there is nothing to consider and the indictment is corrupt. All indictments without a signed complaint are fraud with intent to deceive.

**Habeas Corpus Act. 1.** One of the four great charters of English Liberty (31 Car. 2 (1697)), securing to English subjects speedy relief from all unlawful imprisonments. The other three great charters are Magna Carta, the Petition of Right (3 Car. 1 (1628)), and the Bill of Rights (1 Wm. & M (1689)). The Habeas Corpus Act does not apply in Scotland; the corresponding statute is the Criminal Procedure Act of 1701, ch. 6. **2.** A statute deriving ultimately from the English statute and enacted in the United States as a constitutional guarantee of personal liberty. [Cases: Habeas Corpus {key} 201-913.]

**immunity.** 1. Any exemption from a duty, liability, or service of process; esp., such an exemption granted to a public official.

**judicial immunity.** The immunity of a judge from civil liability arising from the performance of judicial duties. [Cases: Judges {key} 36. C.J.S. *Judges* {SS} 86-92, 94-96.]

**prosecutorial immunity.** The absolute immunity of a prosecutor from civil liability for decisions made and actions taken in a criminal prosecution.

**qualified immunity.** Immunity from civil liability for a public official who is performing a discretionary function, as long as the conduct does not violate established constitutional or statutory rights. – Also termed *prima facie privilege*. Cf. *absolute immunity*. [Cases: Civil Rights {key} 1376; Officers and Public Employees {key} 114. C.J.S. *Civil Rights* {SS} 143-144, 146, 157, 160; *Officers and Public Employees* {SS} 247-248, 251-258.]

**impunity.** An exemption or protection from punishment <because she was a foreign diplomat, she was able to disregard the parking tickets with impunity>. See IMMUNITY.

**inadequate remedy at law.** A remedy (such as money damages) that does not sufficiently correct the wrong, as a result of which an injunction may be available to the disadvantaged party. See. IRREPARABLE-INJURY RULE. [Cases: Injunction {key} 17, 138.9. C.J.S. *Injunctions* {SS} 30-31.]

**inadmissible, adj.** 1. (Of a thing) not allowable or worthy of being admitted. 2. (Of evidence ) excludable by some rule of evidence. [Cases: Federal Civil Procedure {key} 2011; Trial {key} 43. C.J.S. *Trial* {SS} 162.]

**incapacitated person.** A person who is impaired by an intoxicant, by mental illness or deficiency, or by physical illness or disability to the to the extent that personal decision-making is impossible.



**incapacitation**, *n.* **1.** The action of disabling or depriving of legal capacity. **2.** The state of being disabled or lacking legal capacity. – **incapacitate**. *vb.*

**Note:** Dead in law, by “Bill of Attainder” in violation of U.S. Constitution, Article I, Section 9, Clause 3, utilized to incapacitate Plaintiff, this goes to hidden intent and motive. Plaintiff has been deemed competent in two mental evaluations as established by the Public Record.

**incarceration**, *n.* The act or process of confining someone; IMPRISONMENT. Cf. DECARCERATION. – **incarcerate**, *vb.* – **incarcerator**, *n.*

**individual**, *adj.* **1.** Existing as an indivisible entity. **2.** Of or relating to a single person or thing, as opposed to a group.

**ineligible**, *adj.* (Of a person) legally disqualified to serve in office. [Cases: Officers and Public Employees {key} 18. C.J.S. *Officers and Public Employees* {SS} 21-22.] – **ineligibility**, *n.*

**in equity**. In a chancery court rather than a court of law; before a court exercising equitable jurisdiction.

**inequity**, *n.* **1.** Unfairness; a lack of equity. **2.** An instance of injustice.

**intent**. **1.** The state of mind accompanying an act, esp. a forbidden act. While motive is the inducement to some act, intent is the mental resolution of determination to do it. When the intent to do an act that violates the law exists, motive becomes immaterial. Cf. MOTIVE; SCIENTER.

**constructive intent**. A legal principle that actual intent will be presumed when an act leading to the result could have been reasonably expected to cause that result.

**criminal intent. 1.** MENS REA. 2. An intent to commit an actus reus without any justification, excuse, or other defense. – Also termed *felonious intent*. See *specific intent*. [Cases: Criminal Law {key} 20. C.J.S. *Criminal Law* {SS} 31-33, 35-39; *Negligence* {SS} 913.]

**intent to kill.** An intent to cause death of another; esp. a state of mind that, if found to exist during an assault, can serve as a basis for an aggravated-assault charge. [Cases: Assault and Battery [key] 49; Homicide {key} 526. C.J.S. *Assault and Battery* {SS} 67, 71.]

**manifest intent.** Intent that is apparent or obvious based on the available circumstantial evidence, even if direct evidence of intent is not available.

**predatory intent.** *Antitrust.* A business's intent to injure a competitor by unfair means, esp. by sacrificing revenues to drive a competitor out of business. [Cases: Monopolies {key} 12(1.6). C.J.S. *Monopolies* {SS} 32, 40-42, 48, 52, 54, 65, 69, 72-73.]

**specific intent.** The intent to accomplish the precise criminal act that one is later charged with.

**Note:** The criminal act of this cause of action is treason.

**irreparable-injury rule.** The principle that equitable relief (such as an injunction) is available only when no adequate legal remedy (such as monetary damages) exists. Although this rule is one that courts continue to cite, the courts do not usually follow it literally in practice. – Also termed *adequacy test*. [Cases: Injunction {key} 14. 138.6. C.J.S. *Injunction* {SS} 24, 27-28.]

**judex, n.** [Latin] **1.** Roman law. A private person appointed by a praetor or other magistrate to hear and decide a case. The Roman *judex* was originally drawn from

a panel of qualified persons of standing but was later himself a magistrate. **2.** *Roman & civil law.* A judge. **3.** *His.* A juror. – Also spelled *iudex*. Pl. **judices.**

**judgment. 1.** A court's final determination of the rights and obligations of the parties in a case. The term *judgment* includes an equitable decree and any order from which an appeal lies.

*declaratory judgment.* A binding adjudication that establishes the rights and other legal relations of the parties without providing for or ordering enforcement. Declaratory judgments are often sought, for example, by insurance companies in determining whether a policy covers a given insured or peril. Also termed *declaratory decree; declaration.* [Cases: Declaratory Judgment {key} 1. C.J.S. *Declaratory Judgment* {SS} 1.]

**Note:** Plaintiff seeks a declaratory decree from this Chancery Court of complete jurisdiction on the following issues:

1. Is the original Thirteenth Amendment of the Constitution of the United States of America a constitutional mandate?
2. Are B.A.R. Associations, a foreign state entitled to issue titles of nobility of esquire to its members within the boundaries of the United States of America?
3. Are the UNITED STATES DISTRICT COURTS Article III Courts, authorized by law to exercise jurisdiction?

**juridical, adj.** 1. Of or relating to judicial proceeding or to the administration of justice. 2. Of or relating to law; legal. \_\_\_ also termed *juridic*, Cf. NONJUDICIAL.

**jurisdiction, n. 1.** A government's general power to exercise authority over all persons and things within its territory; a state's power to create interests that will

be recognized under common-law principles as valid in other states <New Jersey's jurisdiction >.[Cases: States {key} 1. C.J.S. *States* {SS} 2, 16.] 2, A court's power to decide a case or issue a decree <the constitutional grant of federal-question jurisdiction>.—Also termed (in sense 2) *competent jurisdiction*; (in both sense) *coram iudice*. [Cases: Courts {key} 3; Federal Courts {key} 3.1, 161. C.J.S. *Courts* {SS} 9, 18.]

**complete jurisdiction.** A court's power to decide matters presented to it and to enforce its decisions.

**contentious jurisdiction. 1.** A court's jurisdiction exercised over disputed matters. **2.** *Eccles. law.* The branch of ecclesiastical-court jurisdiction that deals with contested proceedings.

**criminal jurisdiction.** A court's power to hear criminal cases. [Cases: Criminal Law {key} 83. C.J.S. *Criminal Law* {SS} 149-150.]

**equity jurisdiction.** In common-law judicial system, the power to hear certain civil actions according to the procedure of the court of chancery, and to resolve them according to equitable rules.

**federal jurisdiction.** The exercise of federal court authority. [Cases: Federal Courts 3.1] 2. The area of study dealing with the jurisdiction of federal courts.

**general jurisdiction. 1.** A court's authority to hear a wide range of cases, civil and criminal, that arise within its geographic area. [Cases: Courts {key} 118-158.1; Federal Courts {key} 3.1, 76.5. C.J.S. *Courts* {SS} 3, 23-31, 33-35.] **2.** A court's authority to hear all claims against a defendant, at the place of the defendant's domicile or the place of service, without any showing that a connection exists between the claims and the forum state. Cf. *limited jurisdiction*; *specific*

*jurisdiction*. [Cases: Courts {key} 12(2.5); Federal Courts {key} 76.10. C.J.S. courts {SS} 45.]

**judicial jurisdiction.** The legal power and authority of a court to make a decision that binds the parties to any matter properly brought before it.

**original jurisdiction.** A court's power to hear and decide a matter before any other court can review the matter. Cf. *appellate jurisdiction*. [Cases: Courts {key} 118-158.1, 206; Federal Courts {key} 3.1. C.J.S. *Courts* {key} 3, 23-31, 33-35.]

**state jurisdiction. 1.** The exercise of state-court authority. **2.** A court's power to hear all matters, both civil and criminal, arising within its territorial boundaries.

**subject-matter jurisdiction.** Jurisdiction over the nature of the case and the type of relief sought; the extent to which a court can rule on the conduct of persons or the status of things. – Also termed *jurisdiction over the subject matter*; *jurisdiction of the cause*; *jurisdiction over the action*. Cf. *personal jurisdiction*. [Cases: Courts {key} 4; Federal Courts {key} 3.1. C.J.S. *Courts* {SS} 9-10, 18.]

**Note:** The “subject-matter” of this cause of action is “Public Safety” and the administration of justice. These are within this Chancery Court's jurisdiction.

**jurisdictional-fact doctrine.** *Administrative law*. The principle that if evidence is presented challenging the factual findings that triggered an agency's action, then the court will review the facts to determine whether the agency had authority to act in the first place. This doctrine is generally no longer applied. Cf.

CONSTITUTIONAL-FACT DOCTRINE. [Cases: Administrative Law and Procedure {key} 795. C.J.S. *Public Administrative Law and Procedure* {SS} 241.]

**Note:** “Public Safety” makes this doctrine a necessity.

**jurisdiction clause. 1.** At law, a statement in a pleading that sets forth the court's jurisdiction to act in the case. Also termed *jurisdictional statement*. **2. Equity practice.** The part of the bill intended to show that the court has jurisdiction, usually by an averment that adequate relief is unavailable outside equitable channels.

**justice. 1.** The fair and proper administration of laws.

**positive justice.** Justice as it is conceived, recognized, and incompletely expressed by the civil law or some other form of human law. Cf. POSITIVE LAW.

**preventative justice.** Justice intended to protect against probable future misbehavior. Specific types of preventive justice including appointing a receiver or administrator, issuing a restraining order or injunction, and binding over to keep the peace.

**social justice.** Justice that conforms to a moral principle, such as that all people are equal. – Also termed *justice in rem*. Cf. *personal justice*.

**substantial justice.** Justice fairly administered according to rule of substantive law, regardless of any procedural errors not affecting the litigant's substantive rights; a fair trial on the merits.

**Note:** “Public Safety” makes justice a necessity to protect the rights of the people.

**legal entity.** A body, other than a natural person, that can function legally, sue and be sued, and make decisions through agents. A typical example is a corporation. Cf. *artificial person* under PERSON (3).

**legal ethics. 1.** The minimum standards of appropriate conduct within the legal profession, involving the duties that its members owe one another, their clients and the courts. – Also termed *etiquette of the profession*. **2.** The study or observance of

those duties. 3. Written regulations governing those duties. See MODEL RULES OF PROFESSIONAL CONDUCT. [Cases: Attorney and Client {key} 32(2). C.J.S. *Attorney and Client* {SS} 44.]

**legal fiction.** An assumption that something is true even though it may be untrue, made esp. in judicial reasoning to alter how a legal rule operates; specif., a device by which a legal rule or institution is diverted from its original purpose to accomplish indirectly some other object. The constructive trust is an example of a legal fiction. – Also termed *fiction of law*; *fictio juris*. [Cases: Trusts. {key} 91. C.J.S. *Trover and Conversion* {SS} 10, 12, 174, 195.]

**legal formalism, n.** The theory that law is a set of rules and principles independent of other political and social institutions. Legal formalism was espoused by such great scholars as Christopher Columbus Langdell and Lon Fuller. Cf. LEGAL REALISM. – **legal formalist, n.**

**legal-injury rule.** The doctrine that the statute of limitations on a claim does not run until the claimant has sustained some legal actionable damage. Under this rule, the limitations period is tolled until the plaintiff has actually been injured. – Also termed *damage rule*. [Cases: Limitation of Actions {key} 43. C.J.S. *Limitation of Actions* {SS} 81-84.]

**legalism, n. 1.** Formalism carried almost to the point of meaninglessness; an inclination to exalt the importance of law or formulated rules in any area of action.

**legalist, n.** A person who views things from a legal or formalistic standpoint; esp., one who believes in strict adherence to the letter of the law rather than its spirit.

**legally, adv.** In a lawful way; in a manner that accords with the law.

**legally incapacitated person.** A person, other than a minor, who temporarily or permanently impaired by mental illness, mental deficiency, physical illness or disability, or alcohol or drug use to the extent that the person lacks sufficient understanding to make or communicate responsible personal decisions or to enter into contracts. – Abbr. LIP. – Also termed *legally incompetent person*; *incompetent*, *n.*

**legal moralism.** The theory that a government or legal system may prohibit conduct that is considered immoral.

**legal order. 1.** Traditionally, a set of regulations governing a society and those responsible for enforcing them. **2.** Modernly, such regulations and officials plus the processes involved in creating, interpreting, and applying the regulations.

**legal paternalism.** The theory that a government or legal system is justified in controlling the individual and private affairs of citizens. This theory is often associated with legal positivists. See PATERNALISM; LEGAL POSITIVISM.

**legal realism, n.** The theory that law is based, not on formal rules or principles, but instead on judicial decisions that should derive from social interests and public policy. American legal realism – which flourished in the early 20<sup>th</sup> century – was espoused by such scholars as John Chipman Gray, Oliver Wendell Holmes, and Karl Llewellyn, Cf. LEGAL FORMALISM . – **legal realist, n.**

**legal tender.** The money (bills and coins) approved in a country for the payment of debts, the purchase of goods, and other exchanges for value. See TENDER (5).

[Cases: United States {key} 34. C.J.S. *United States* {SS} 162-163.]



**legal theory. 1.** See *general jurisprudence* under JURISPRUDENCE. **2.** The principle under which a litigant proceeds, or on which a litigant bases its claims or defenses in a case.

**Magna Carta.** [Latin “great charter”] The English charter that king John granted to the barons in 1215 and that Henry III and Edward I later confirmed. It is generally regarded as one of the great common-law documents and as the foundation of constitutional liberties. The other three great charters of England liberty are the Petition of Right (3 Car. (1628)), the Habeas Corpus Act (31 Car. (1679)), and the Bill of Rights (1 Will. & M 1689)). Also spelled *Magna Charta*.

**martial law. 1.** The law by which during wartime the army, instead of civil authority, governs the country because of a perceived need for military security or public safety. The military assumes control purportedly until civil authority can be restored. **2.** A body of firm, strictly enforced rules that are imposed because of a perception by the country’s rulers that civil government has failed, or might fail, to function. Martial law is usu. imposed when the rulers foresee an invasion, insurrection, economic collapse, or other breakdown of the rulers desired social order. [Cases: War and National Emergency {key} 31. C.J.S. *War and National Defense* {SS} 47-48.]

**maxim.** A traditional legal principle that has been frozen into a concise expression. Examples are “possession is nine-tenths of the law” and *caveat emptor* (let the buyer beware”). Also termed *legal maxim*.

**Miranda rule.** The doctrine that a criminal suspect in police custody must be informed of certain constitutional rights before being interrogated. A suspect must be advised of the right to remain silent, the right to have an attorney present during questioning, and the right to have an attorney appointed if the suspect cannot

afford one. If the suspect is not advised of these rights or does not validly waive them, any evidence obtained during the interrogation cannot be used against the suspect at trial (except for impeachment purposes). *Miranda v. Arizona*, 384 U.S. 436, 86 S.Ct. 1602 (1966). [Cases: Criminal Law {key} 412.2(3), 517.2(3), 518. C.J.S. *Criminal Law* {SS} 918-922.]

**miscarriage of justice.** A grossly unfair outcome in a judicial proceeding, as when a defendant is convicted despite a lack of evidence on an essential element of the crime. Also termed *failure of justice*

**misconduct. 1.** A dereliction of duty; unlawful or improper behavior.

***affirmative misconduct.*** 1. An affirmative act of misrepresentation or concealment of a material fact; intentional wrongful behavior. Some courts hold that there must be an ongoing pattern of misrepresentation or false promises, as opposed to an isolated act of providing misinformation.

***official misconduct.*** A public officer's corrupt violation of assigned duties by malfeasance, misfeasance, or nonfeasance. – Also termed *misconduct in office*; *misbehavior in office*; *malconduct in office*; *misdemeanor in office*; *corruption in office*; *official corruption*; *political corruption*. [Cases: Officers and Public Employees {key} 121. C.J.S. *Officers and Public Employees* {SS} 329-334.]

***wanton misconduct.*** An act, or failure to act when there is a duty to do so, in reckless disregard of another's rights, coupled with the knowledge that injury will probably result. – Also termed *wanton and reckless misconduct*. [Cases; Negligence {key} 275. C.J.S. *Negligence* {SS} 98-103, 106-113.]

***willful and wanton misconduct.*** Conduct committed with an intentional or reckless disregard for the safety of others, as by failing to exercise ordinary care to prevent a known danger or to discover a danger.

**2.** An attorney's dishonesty or attempt to persuade a court or jury by using deceptive or reprehensible methods. [Cases: Criminal Law {key} 700(1); Federal Civil Procedure {key} 1970; Trial {key} 113. C.J.S. *Criminal Law* {SS} 486, 490, 495-496, 1233-1234, 1236, 1252; *Trial* {SS} 318.]

**misfeasance, n. 1.** A lawful act performed in a wrongful manner. [Cases: Negligence {key} 200. C.J.S. *Negligence* {SS} 5-13, 15-20, 33, 64.] **2.** More broadly, a transgression or trespass; MALFEASANCE. Cf. NONFEASANCE. – **misfeasant, adj.** – **misfeasor, n.**

**misfeasance in public office.** The tort of excessive, malicious, or negligent exercise of statutory powers by a public officer. – Also termed *malfeasance*. [Cases: Officers and Public Employees {key} 116. C.J.S. *Officers and Public Employees* {SS} 249-251, 254-258.]

**misprision. 1.** Concealment or nondisclosure of a serious crime by one who did not participate in the crime. [Cases: Compounding Offenses {key} 3.5; Criminal Law {key} 77. C.J.S. *Compounding Offenses* {SS} 5; *Criminal Law* {SS} 142.]

***clerical misprision.*** A court clerk's mistake or fraud that is apparent from the record.

***misprision of felony.*** Concealment or nondisclosure of someone else's felony. See 18 USCA {SS} 4. [Cases: Compounding Offenses {key} 1.1. C.J.S. *Compounding Offenses* {SS} 1-3, 9, 13.]

*misprision of treason.* Concealment or nondisclosure of someone else's treason.

**Note: Misprision of treason 18 U.S.C.A. 2382.**

*negative misprision.* The wrongful concealment of something that should be revealed <misprision of treason>.

*positive misprision.* The active commission of a wrongful act <sedition conduct against government is positive misprision>.

**2.** Seditious conduct against the government. **3.** An official's failure to perform the duties of public office. [Cases: Officers and Public Employees {key} 121. C.J.S. *Officers and Public Employees* {SS} 329-334.] **4.** Misunderstanding; mistake.

**misprisor.** One who commits misprision of felony.

**misrepresentation, n. 1.** The act of making a false or misleading assertion about something, usu. with intent to deceive. The word denotes not just written or spoken words but also any other conduct that amounts to a false assertion. [Cases: Fraud {key} 9.] **2.** The assertion so made; an assertion that does not accord with the facts. – Also termed *false representation*; (redundantly) *false misrepresentation*. Cf. REPRESENTATION (1). – **misrepresent, vb.**

*fraudulent misrepresentation.* A false statement that is known to be false or is made recklessly – without knowing or caring whether it is true or false – and that is intended to induce a party to detrimentally rely on it. – Also termed fraudulent representation; deceit. [Cases: Fraud {key} 8.]

*material misrepresentation. 1. Contracts.* A false statement that is likely to induce a reasonable person to assent or that the maker knows is likely to induce the

recipient to assent. [Cases: Contracts {key} 94. C.J.S. *Contracts* {SS} 136, 139-140, 156, 158-160, 170-171, 173-174.] **2. Tort.** A false statement to which a reasonable person would attach importance in deciding how to action the transaction in question or to which the maker knows or has reason to know that the recipient attaches some importance. See Restatement (second) of Torts {SS} 538 (1979). [Cases: Fraud {key} 18.]

***negligent misrepresentation.*** A careless or inadvertent false statement in circumstances where care should have been taken. [Cases: {key} 13(3).]

***misrepresentee.*** A person to whom a fact has been misrepresented.

**Note: In this cause of action, this is the “Chancery Court of Jackson County, Missouri”.**

***misrepresenter.*** A person who misrepresents a fact to another.--Also spelled misrepresentor.

**Note: In this cause of action, Jeffery Paul Ray acting on behalf of Gary A. Fenner, fraudulent claimed the authority of a rule created for the “District Courts of the United States” fraudulent claiming it allows the “UNITED STATES DISTRICT COURTS” (a court of no jurisdiction) to constructively seize jurisdiction from a “Court of Record”. To date, the Chancery Court has surrendered to this fraud. The presumption of this fraudulent authority is removed by truth. See SEIZURE, constructive seizure.**

***missing-evidence rule.*** The doctrine that, when a party fails at trial to present evidence that the party controls and that would have been proper to present, the jury is entitled to infer that the evidence would have been unfavorable to that party. [Cases: Evidence {key} 74. C.J.S. *Evidence* {SS} 165, 168.]

**missing-witness rule.** The doctrine that, when a party fails at trial to present a witness who is available only to that party and whose testimony would have been admissible, the jury is entitled to infer that the witness's testimony would have been unfavorable to that party. [Cases: Criminal Law {key} 317; Evidence {key} 77; Trial {key} 211. C.J.S. *Criminal Law* {SS} 705-706; *Evidence* {SS} 169-173; *Trial* 501-504, 568.]

**misuser.** An abuse of a right of office, as a result of which the person having the right might lose it <it is an act of misuser to accept a bribe>. Cf. USER. [Cases: Officers and Public Employees {key} 64. C.J.S. *Officer and Public Employees* {SS} 132.]

**note. n.1.** A written promise by one party (the maker) to pay money to another party (the payee) or to bearer. A note is a two-party negotiable instrument, unlike a draft (which is a three-party instrument). – Also termed *promissory note*. Cf. DRAFT (1). [Cases: Bills and Notes {key} 28. C.J.S. *Bills and Notes; Letters of Credit* {SS} 2-3, 7-9, 12,22,75.]

***promissory note.*** An unconditional written promise, signed by the maker, to pay absolutely and in any event a certain sum of money either to, or to the order of, the bearer or a designated person. – Also termed *note of hand*. [Cases: Bills and Notes {key} 28-53. C.J.S. *Bills and Notes; Letters of Credit* {SS} 2-5, 11-16, 22-25, 75, 81, 121, 167, 231, 244-248, 263, 309.]

**obstruction. 1.** Something that impedes or hinders, as in a street, river, or design; an obstacle. **2.** The act of impeding or hindering something; interference.

**obstruction of justice.** Interference with the orderly administration of law and justice, as by giving false information to or withholding evidence from a police officer or prosecutor, or by harming or intimidating a witness or juror. Obstruction

of justice is a crime in most jurisdictions. – Also termed *obstructing justice*; *obstructing public justice*. [Cases: Obstructing Justice {key} 1; Sentencing and punishment {key} 761. C.J.S. *Obstructing Justice or Governmental Administration* {SS} 1, 3-14, 16, 18-20, 25-30, 33, 35-36, 38.]

**person. 1.** A human being. – Also termed *natural person*.

*private person. 1.* A person who does not hold public office or serve in the military. **2.** *Civil law.* An entity such as a corporation or partnership that is governed by private law.

**2.** The living body of a human being <contraband found on the smuggler's person>. **3.** An entity (such as a corporation) that is recognized by law as having the rights and duties of a human being. In this sense, the term includes partnership and other associations, whether incorporated or unincorporated.

*artificial person.* an entity, such as a corporation, created by law and given certain legal rights and duties of a human being; a being, real or imaginary, who for the purpose of legal reasoning is treated more or less as a human being. An entity is a person for the purposes of the Due Process and Equal Protection Clauses but is not a citizen for purposes of the Privileges and Immunities Clauses of Article IV, {SS} 2, and in the Fourteenth Amendment. – Also termed *fictitious person*; *juristic person*; *juridical person*; *legal person*; *moral person*. Cf. LEGAL ENTITY. [Cases: Corporations {key} 1.1(2). C.J.S. *Corporations* {SS} 2.]

**political power.** The power vested in a person or body of persons exercising any function of the state; the capacity to influence the activities of the body politic. – Also termed *civil power*.

***sovereign political power.*** Power that is absolute and uncontrolled within its own sphere. Within its designated limits, its exercise and effective operation do not depend on, and are not subject to, the power of any other person and cannot be prevented or annulled by any other power recognized within the constitutional system. – Also termed *supreme power*. [Cases: States {key} 1. C.J.S. *States* {SS} 2, 16.]

***subordinate political power.*** Power that, within its own sphere of operation, is subject to some degree to external control because there exists some superior constitutional power that can prevent, restrict, , direct, or annul its operation. Often shortened to *subordinate power*.

**polity. 1.** The total governmental organization as based on its goals and policies. **2.** A politically organized body or community.

**praetor, n.** [Latin] *Roman law*. The magistrate responsible for identifying and framing the legal issues in a case and for ordering a lay judge (judex) to hear evidence and decide the case in accordance with the formula. See FORMULA (1).

**prescription, n. 1.** The act of establishing authoritative rules. Cf. PROSCRIPTION. **2.** A rule established. – Also termed (archaically) *prescript*. **3.** The effect of the lapse of time in creating or destroying rights. [Cases: Limitation of Action {key} 1. C.J.S. *Limitation of Actions* {SS} 2-4.]

**principal, adj.** Chief; primary; most important.

**principal, n. 1.** One who authorizes another to act on his or her behalf as an agent. Cf. AGENT. [Cases: Principal and Agent {key} 1, 130. C.J.S. *Agency* {SS} 2, 4-6, 23, 25-27, 33, 38-40, 58, 391; *Architects* {SS} 21.]



**2.** One who commits or participates in a crime. Cf. ACCESSORY (2); ACCOMPLICE (2). [Cases: Criminal Law {key} 59-67. C.J.S. *Criminal Law* {SS} 127-136, 143, 998-999, 1002.]

***principal in the first degree.*** The perpetrator of a crime. – Also termed *first-degree principal*. [Cases: Criminal Law {key} 61, 78. C.J.S. *Criminal Law* {SS} 130, 143-144, 148.]

***principal in the second degree.*** One who helped the perpetrator at the time of the crime. – Also termed *accessory at the fact; second-degree principal*. See ABETTOR. [Cases: Criminal Law {key} 63, 78. C.J.S. *Criminal Law* {key} 132, 145-144, 148.]

**probable cause. 1.** *Criminal law.* A reasonable ground to suspect that a person has committed or is committing a crime or that a place contains specific items connected with a crime. Under the Fourth Amendment, probable cause – which amounts to more than a bare suspicion but less than evidence that would justify a conviction – must be shown before an arrest warrant or search warrant may be issued. – Also termed *reasonable cause; sufficient cause; reasonable grounds; reasonable excuse*. Cf. REASONABLE SUSPICION. [Cases: Arrest {key} 63.4(2). C.J.S. *Arrest* {SS} 22.]

**2.** *Torts.* A reasonable belief in the existence of facts on which a claim is based and in the legal validity of the claim itself. In this sense, probable cause is usu. assessed as of the time when the claimant brings the claim (as by filing suit).

**Note:** Marco A. Roldan found probable cause by scheduling a hearing for 07/10/2019 at 8:30AM. This “hearing” was cancelled by notice of removal to the UNITED STATES DISTRICT COURT FOR THE WESTERN DISTRICT OF MISSOURI, a court of treason acting without jurisdiction on 04/16/2019 in

conspiracy to defraud Marco A. Roldan of his proper jurisdiction. This “fictitious obligation” is not founded in law, but in corruption of process. [Based upon Docket Entries of “ Case.net:1916-CV05668”.]

**process, n. 1.** The proceedings in any action or prosecution <due process of law>.

**2.** A summons or writ, esp. to appear or respond in court <service of process>.

Also termed *judicial process*; *legal process*. [Cases: Federal Civil Procedure {key} 401; Process {key} 1, 3. C.J.S. *Process* {SS} 2-3.]

***irregular process.*** A process not issued in accordance with prescribed practice. Whether the process is void or merely voidable depends on the type of irregularity. Cf. *regular process*.

***legal process.*** Process validly issued. also termed *lawful process*.

***mesne process. 1.*** A process issued between the commencement of a lawsuit and the final judgment or determination. **2.** The procedure by which a contumacious defendant is compelled to plead. – Also termed *writ of mesne process*; *writ of mesne*.

***original process.*** A process issued at the beginning of a judicial proceeding. [Cases: Process {key} 1. C.J.S. *Process* {SS} 2.]

***regular process.*** A process that issues lawfully according to prescribed practice. Cf. *irregular process*.

***void process.*** Legal process that, in some material way, does not comply with the required form.

**Note:** All actions of the UNITED STATES DISTRICT COURT FOR THE WESTERN DISTRICT OF MISSOURI are void for lack of jurisdiction. All

actions of the “agents” of this fraudulent court are treason for acting without jurisdiction. An injunction should be issued to cease and desist all fraudulent judicial process until jurisdiction is established in this court of record.

**profession. 1.** A vocation requiring advanced education and training; esp., one of the three traditional learned professions – law, medicine and the ministry. **2.** Collectively, the members of such a vocation.

**professional. n.** A person who belongs to a learned profession or whose occupation requires a high level of training and proficiency.

**promise, n. 1.** The manifestation of an intention to act or refrain from acting in a specified manner, conveyed in such a way that another is justified in understanding that commitment has been made; a person’s assurance that the person will or will not do something. A binding promise – one that the law will enforce – is the essence of a contract. [Cases: Contracts {key} 1. C.J.S. *Contracts* {SS} 2-3, 9, 12.] **2.** The words in a promissory note expressing the maker’s intention to pay a debt. A mere written acknowledgment that a debt is due is insufficient to constitute a promise. [Cases: Bills and Notes {key} 30. C.J.S. *Bills and Notes; Letter of Credit* {SS} 11.] – **promise, vb.**

**prosecution. 1.** The commencement and carrying out of any action or scheme <the prosecution of a long bloody war>. **2.** A criminal proceeding in which an accused person is tried <the conspiracy trial involved the prosecution of seven defendants>.

**vindictive prosecution.** A prosecution in which a person is singled out under a law or regulation because the person exercised a constitutionally protected right. Cf. SELECTIVE ENFORCEMENT. [Cases: Criminal Law {key} 37.15. C.J.S. *Criminal Law* {SS} 68-77.]

3. The government attorneys who initiate and maintain a criminal action against an accused defendant < the prosecution rests>.

**prosecutor, n. 1.** A legal officer who represents the state or federal government in criminal proceedings. See DISTRICT ATTORNEY; UNITED STATES ATTORNEY; ATTORNEY GENERAL. -- Also termed *public prosecutor; state's attorney; public commissioner*.

2. A private person who institutes and carries on a legal action, esp. a criminal action. – Also termed (in sense 2) *private prosecutor*. – **prosecutorial, adj.**

**Note:** As a private person, Plaintiff now establishes his rights to act as a private prosecutor to seek justice and punishment of those who have cause him harm and are a threat to public safety. Treason is the crime being prosecuted and public safety is the interest being protected. As prosecutor it is the duty of Plaintiff to protect this court and public safety he will do so to the full expanse of the law.

**prosecutorial misconduct.** *Criminal law.* A prosecutor 's improper or legal act (or failure to act), esp. involving an attempt to avoid required disclosure or to persuade the jury to wrongly convict a defendant or assess an unjustified punishment.

**Note:** The required disclosure is jurisdiction of the UNITED STATES DISTRICT COURT FOR THE WESTERN DISTRICT OF MISSOURI. Failure to act was the conduct of the Missouri Attorney General, now U.S. Senator Eric Schmitt who was served and refused to act in writing. Therefore, Plaintiff has standing to act as a private prosecutor to conduct the state's business. Plaintiff now claims all powers of a public prosecutor.

**prosecutorial vindictiveness.** *Criminal law.* The act or an instance of intentionally charging a more serious crime or seeking a more severe penalty in retaliation for a defendant 's lawful exercise of a constitutional right.

**protected activity.** Conduct that is permitted or encouraged by a statute or constitutional provision, and for which the actor may not legally be retaliated against.

**proviso. 1.** A limitation, condition, or stipulation upon whose compliance a legal or formal document's validity or application may depend. **2.** In drafting, a provision that begins with the words *provided that* and supplies a condition, exception, or addition.

**provocation, n. 1.** The act of inciting another to do something, esp. to commit a crime. **2.** Something (such as words or actions) that affects a person's reason and self-control, esp. causing the person to commit a crime impulsively. [Cases: Sentencing and Punishment {key} 1675.] – **provoke, vb.**—**provocative, adj.**

**provost marshal.** *Military law.* A staff officer who supervises a command's military police and advises the commander.

**Note:** Should military justice be necessary to protect public safety the commander will be petitioned directly, because the provost marshal is an attorney loyal to the B.A.R. Association who has protected treason in the past.

**psychopath, n. 1.** A person with a mental disorder characterized by an extremely antisocial personality that often leads to aggressive, perverted, or criminal behavior... **2.** Loosely, a person who is mentally ill or unstable...

**public, adj. 1.** Relating to belonging to an entire community, state or nation. [Cases: Municipal Corporations {key} 721. C.J.S. *Municipal Corporations* {SS}

1557-1559.] **2.** Open for all to use, share and enjoy. **3.** (Of a company) having shares that are available on an open market. [Cases: Corporations {key} 3. C.J.S. *Corporations* {SS} 5-7, 62.]

**public, n.** **1.** The people of a nation or community as a whole <a crime against the public>. **2.** A place open or visible to the public <in public>.

**public defender.** A lawyer or staff of lawyers, usu. publicly appointed and paid, whose duty is to represent indigent criminal defendants. – Often shortened to *defender*. – Abbr. P.D. [Cases: Criminal Law {key} 641.11. C.J.S. *Criminal Law* {SS} 300, 317.]

**public function test.** In a suit under 42 USCA {SS} 1983, the doctrine that a private person’s actions constitute state action if the private person performs functions that are traditionally reserved to the state. – Also termed *public-function doctrine; public-function theory*. [Cases: Civil Rights {key} 1326(4, 7). C.J.S. *Civil Rights* {SS} 92-94.]

**Note:** Because there are no lawful “District Courts of the United States” of proper jurisdiction, enforcement of law is not possible on the federal level. This Chancery Court is the court of last resort in the United States Judicial System.

**public interest.** **1.** The general welfare of the public that warrants recognition and protection. **2.** Something in which the public as a whole has a stake; esp., an interest that justifies governmental regulation.

**public law.** **1.** The body of law dealing with the relations between private individuals and the government, and with the structure and operation of the government itself; constitutional law, criminal law and administrative law taken together. Cf. PRIVATE LAW (1). **2.** A statute affecting the general public....

**public office.** A position whose occupant has legal authority to exercise a government's sovereign power for a fixed period. [Cases: Officers and Public Employees {key} 1. C.J.S. *Officers and public Employees* {SS} 1-9, 12-17, 21.]

**public policy. 1.** Broadly, principles and standards regarded by the legislature or by the courts as being a fundamental concern to the state and the whole of society. Courts sometimes use the term to justify their decisions, as when declaring a contract void because it is “contrary to public policy.” – Also termed *policy of the law*. [Cases: Contracts {key} 108. C.J.S. *Contracts* {SS} 215-218.]

**public-records doctrine.** The exception from the hearsay rule for the contents of certain public records or the absence of a record where it would ordinarily be kept in public archives. Fed R. Evid. 803(8)-(10).

**public safety.** The welfare and protection of the general public, usu. expressed as a governmental responsibility <Department of Public Safety>. [Cases: Municipal Corporations {key} 595. C.J.S. *Municipal Corporations* {SS} 129.]

**public service. 1.** A service provided or facilitated by the government for the general public's convenience and benefit. **2.** Government employment; work performed for or on behalf of the government. [Cases: Officers and Public Employees {key} 1. C.J.S. *Officers and Public Employees* {SS} 1-9, 12-17, 21.]

**Public Vessels Act.** A federal law enacted in 1925 to allow claims against the United States for damages caused by one of its vessels. 46 USCA app. {SS} 781-790. – Abbr. PVA. [Cases: United States {key} 78(7).]

**Note:** This was the source of corruption for judexs allowing them to exercise “admiralty jurisdiction” (the law of the sea) upon the land. No judex in a court

upon the land has any authority to exercise “admiralty jurisdiction” to do so is treason.

**public writing. 1.** The written acts or records of a government (or its constituent units) that are not constitutionally or statutorily protected from disclosure. Laws and judicial records, for example, are public writings. A private writing that becomes part of a public record may be a public writing in some circumstances.

**punishable, *adj.* 1.** (Of a person) subject to a punishment <there is no dispute that Jackson remains punishable for these offenses>. **2.** (Of a crime or tort)) giving rise to a specified punishment < a felony punishable by imprisonment for up to 20 years >. – **punishability, *n.***

**punishment, *n.* 1.** A sanction – such as a fine, penalty, confinement, or loss of property, right, or privilege – assessed against person who has violated the law. See SENTENCE.

***cruel and unusual punishment.*** Punishment that is torturous, degrading, inhuman, grossly disproportionate to the crime in question, or otherwise shocking to the moral sense of the community. Cruel and Unusual Punishment is prohibited by the Eighth Amendment. [Cases: Sentencing and Punishment {key} 1430-1439. C.J.S. *Criminal Law* {SS} 1463, 1472, 1593-1594, 1596-1597, 1599, 1602.]

***deterrent punishment. 1.*** *Criminal law.* Punishment intended to deter the offender and others from committing crimes and to make an example of the offender so that like-minded people are warned of the consequences of crime. [Cases: Sentencing and Punishment {key} 41.] **2.** *Torts.* Punishment intended to deter a tortfeasor from repeating a behavior or failing to remove a hazard that led to the injury. Punitive damages are usu. awarded as a deterrent punishment.



***preventive punishment.*** Punishment intended to prevent a repetition of wrongdoing by disabling the offender. [Cases: Sentencing and Punishment{key} 42. C.J.S. *Criminal Law* {SS} 1472, 1479, 1492-1495, 1530.]

**Note:** The declaration that Plaintiff is dead in law and blocked from exercising his right to contract, has a more sinister motive, it is utilized to block lawful challenges of the fraudulent court to allow the treason being conducted to continue.

***reformative punishment.*** Punishment intended to change the character of the offender. [Cases: : Sentencing and Punishment{key} 45. C.J.S. *Criminal Law* {SS} 1458, 1472, 1479, 1492-1495, 1530.]

***retributive punishment.*** Punishment intended to satisfy the community's retaliatory sense of indignation that is provoked by injustice. [Cases: Sentencing and Punishment {key} 44.]

**punitive, *adj.*** Involving or inflicting punishment. – Also termed *punitory*.

**punitive articles.** Articles 77-134 of the Uniform Code of Military justice. These articles list the crimes in the military –justice system. [Cases: Armed Services {key} 35; Military Justice {key} 550-789. C.J.S. *Military Justice* {SS} 2, 31-115, 183-184, 188.]

**racketeer, *n.*** A person who engages in racketeering. [Cases: Racketeer Influenced and Corrupt Organizations {key} 4, 103. C.J.S. RICO (*Racketeer Influenced and Corrupt Organizations*) {SS} 4,6.] – **racketeer, *vb.***

**Racketeer Influenced and Corrupt Organizations Act.** A law designed to attack organized criminal activity and preserve marketplace integrity by investigating, controlling, and prosecuting persons who participate in racketeering. Enacted in 1970, the federal RICO statute applies only to activity involving interstate and

foreign commerce. Since then many states have adopted laws (sometimes called “little RICO” acts) based upon the federal statute. The federal and most state RICO acts provide for enforcement not only by criminal prosecution but also by civil lawsuit, in which the plaintiff can sue for treble damages. – Abbr. RICO . [Cases: Racketeer Influenced and Corrupt Organizations {key} 2. C.J.S. *RICO (Racketeer Influenced and Corrupt Organizations)* {SS} 7.]

**racketeering**, *n.* **1.** A system of organized crime traditionally involving the extortion of money from businesses by intimidation, violence or other illegal methods. [Cases: Racketeer Influenced and Corrupt Organizations {key} 4, 103. C.J.S. *RICO (Racketeer Influenced and Corrupt Organizations)* {SS} 4, 6.] **2.** A pattern of illegal activity (such as bribery, extortion, fraud, and murder) carried out as part of an enterprise (such as a criminal syndicate) that is owned or controlled by those engaged in the illegal activity. The modern sense (sense 2) derives from the federal statute, which greatly broadened the term’s original sense to include such activities as mail fraud, securities fraud, and the collection of illegal gambling debts. See 18 USCA {SS} 1951-1960. [Cases: Racketeer Influenced and Corrupt Organizations {key} 1-124. C.J.S. *RICO (Racketeer Influenced and Corrupt Organizations)* {SS} 2-11, 13-29, 35-37.]

**rape**, *vb.* **1.** To commit rape against. **2.** *Archaic.* To seize and carry off by force; abduct. **3.** To plunder or despoil. – **rapist**, **raper**, *n.*

**ratification**, *n.* **1.** Adoption or enactment, esp. where the act is the last in a series of necessary steps or consents <The Ratification of the Conventions of nine States, shall be sufficient for the Establishment of this Constitution between the States so ratifying the same>.

**Note:** The original Thirteenth Amendment was ratified by nine states in 1819 making it a “Constitutional Mandate”. Though this mandate has slept for over 200 years, it has the same force and affect in law as the day it was ratified.

**reconstruction... 3.** (cap.) The process by which the Southern states that had seceded during the Civil War were readmitted into the Union during the years following the war (i.e., from 1865 to 1877) <the 13<sup>th</sup>, 14<sup>th</sup>, and 15<sup>th</sup> Amendments to the U.S. Constitution are a lasting legacy of Reconstruction>.

**court reporter.** A court official who records court activities using electronic recording equipment, usu. for the purpose of preparing a verbatim transcript. Cf. COURT REPORTER (1). [Cases: Courts {key} 55. C.J.S. *Courts* {SS} 107-109.]

**recourse. 1.** the act of seeking help or advice. **2.** Enforcement of, or a method for enforcing, a right. **3.** The right of a holder of a negotiable instrument to demand payment from the drawer or endorser if the instrument is dishonored. **4.** The right to repayment of a loan

**recover, vb. 1.** To get back or regain in full or in equivalence <the landlord recovered higher operating costs by raising rent>. **2.** To obtain by a judgment or other legal process <the plaintiff recovered punitive damages in the lawsuit>. **3.** To obtain (a judgment) in one’s favor<the plaintiff recovered a judgment against the defendant>. **4.** To obtain damages or other relief; to succeed in a lawsuit or other legal proceeding <the defendant argued that the plaintiff should not be allowed to recover for his own negligence>.

**recovery. 1.** The regaining or restoration of something lost or taken away. **2.** The obtaining of a right to something (esp. damages) by a judgment or decree. **3.** An amount awarded in or collected from a judgment or decree.

**rectus in curia**, *adj.* [Latin “right in the court”] *Hist.* Free from charge or offense; competent to appear in court and entitled to the benefit of law. See LEGALIS HOMO.

**recuperatio**, *n.* [Latin “recovery”] *Hist.* Judicial restitution of something that has been wrongfully taken or denied.

**recuperator**, *n.* [Latin “assessor”] ... **2.** One of a bank of judges, instead of a single *judex*, appointed to hear civil cases that had a public –interest element. Pl. **recuperatores.**

**recusable**, *adj.* **2.** (Of a judge) capable of being disqualified from sitting on the case. [Cases: Judges {key} 39-56. C.J.S. *Judges* {SS} 62, 98-160.] **3.** (Of a fact) providing a basis for disqualifying a judge from sitting on a case.

**recusal**, *n.* Removal of oneself as judge or policy- maker in a particular matter, esp. because of a conflict of interest. – Also termed *recusation*; *recusement*. Cf. DISQUALIFICATION. [Cases: Administrative Law and Procedure {key} 314; Judges {key} 39-56. C.J.S. *Judges* {SS} 62, 98-160; *Public Administrative Law and Procedure* {SS} 61, 138.]

**remedy**, *n.* **1.** The means of enforcing a right or preventing or redressing a wrong; legal or equitable relief. – Also termed *civil remedy*. **2.** REMEDIAL RELIEF. Cf. RELIEF. – Also termed (in both senses) *law of remedy*. – **remedy**, *vb.*

***adequate remedy at law.*** A legal remedy (such as an award of damages) that provides sufficient relief to the petitioning party, thus preventing the party from obtaining equitable relief. See IRREPARABLE INJURY RULE. [Cases: Specific Performance {key} 5. C.J.S. *Specific Performance* {SS} 8.]

**equitable remedy.** A remedy, usu. a nonmonetary one such as an injunction or specific performance, obtained when available legal remedies, usu. nonmonetary damages, cannot adequately redress the injury. Historically, an equitable remedy was available only from a court of equity. – Also termed *equitable relief*. See IRREPARABLE-INJURY RULE. [Cases: Injunction {key} 17; Specific Performance {key} 1. C.J.S. *Injunction* {SS} 31; *Specific Performance* {SS} 2, 5-6.]

**extraordinary remedy.** A remedy – such as a writ of mandamus or habeas corpus – not available to a party unless necessary to preserve a right that cannot be protected by standard legal or equitable remedy. Because there is no agreed list of extraordinary remedies some standard remedies – such as preliminary and permanent injunctions – are sometimes described as extraordinary. [Cases: Mandamus {key} 3(1)-3(2.1). C.J.S. *Mandamus* {SS} 18-19, 21-23, 31.]

**judicial remedy.** A remedy granted by a court.

**legal remedy.** A remedy historically available in a court of law, as distinguished from a remedy historically available only in equity. After the merger of law and equity, this distinction remained relevant in some ways, such as in determining the right to jury trial and the choice between alternate remedies. [Cases: Action {key} 21. C.J.S. *Actions* {SS} 124.]

**remonstrance, n.** **1.** A presentation of reasons for opposition or grievance. **2.** A formal document stating reasons for opposition or grievance. **3.** A formal protest against governmental policy, actions, of officials. – **remonstrate, vb.**

**renewal, n.** **1.** The act of restoring or reestablishing. **2.** *Parliamentary law.* The introduction or consideration of a question already disposed of. – Also termed *renewal of a motion*. See *restorative motion* under MOTION (2). Cf. RECONSIDER. **3.** The recreation of a legal relationship or the replacement of an old contract with

a new contract, as opposed to the mere extension of a previous relationship or contract. Cf. EXTENSION (1); REVIVAL (1). [Cases: Contracts {key} 217. C.J.S. *Contracts* {SS} 436-443, 446, 448-449, 500-501.]

**Note:** The three judge panel recommended for this Chancery Court enjoy absolute immunity for all past acts, provided that they follow the law in this cause of action. The three judges recommended are Marco A. Roldan, John Torrence and J. Dale Youngs all are Circuit Judges of Jackson County, Missouri. This cause of action is not about the past, it is about the future. Public Safety hangs in the balance of justice.

**reopen.** (Of a court) to review (an otherwise final and nonappealable judgment) for the purpose of possibly granting or modifying relief. A court will reopen a judgment or case only in highly unusual circumstances. See Fed. R. Civ. P. 60.

**Note:** A fraudulent court of no lawful jurisdiction conducting clandestine prosecutions under the color of law to rob the public of their life, liberty and happiness constitutes a highly unusual circumstance.

**republic, n.** A system of government in which the people hold sovereign power and elect representatives who exercise that power. It contrasts on the one hand with a pure democracy, in which the people or community as an organized whole wield the sovereign power of government, and on the other with the rule of one person (such as a king or dictator) or of an elite group (such as an Oligarchy, aristocracy, or junta). – Abbr. rep. Cf. DEMOCRACY -- **republican, adj.**

“A republic is a government which (a) derives all of its powers directly or indirectly from the great body of the people and (b) is administered by persons holding their office during pleasure, for a limited period, or during good behavior.” Robert A. Dahl, A preface to Democratic Theory 10 (1956).

**Note:** B.A.R. Associations are the “elite group” who have taken control of government for their personal financial gain and ego of power over the people they represent in our republic. The UNITED STATES DISTRICT COURTS have established a “common practice” of treason for acting without jurisdiction in clear bad behavior. The necessity of public safety requires justice to end this reign of terror on the American people. Justice can only be achieved in this Chancery Court of complete jurisdiction, no other has the authority of law.

**resignation, n. 1.** The act or an instance of surrendering or relinquishing an office, right or claim. [Cases: Officers and Public Employees {key} 62. C.J.S. *Officers and Public Employees* {SS} 135-138.] **2.** A formal notification of relinquishing an office or position.

**Note:** Because the B.A.R. Associations and UNITED STATES DISTRICT COURTS are engaged in treason to the U.S. Constitution, Plaintiff seeks the “Death Penalty” against the two legal entities. The UNITED STATES DISTRICT COURTS should be renamed The UNITED STATES IMMIGRATION COURT with jurisdiction over illegals only. All jurisdiction over natural state citizens ends without exception.

**right, n. 1.** That which is proper under law, morality, or ethics <know right from wrong>. **2.** Something that is due to a person by just claim, legal guarantee, or moral principle <the right of liberty>. **3.** A power, privilege, or immunity secured to a person by law <a right to dispose of one’s estate>. **4.** A legally enforceable claim that another will or will not do a given act; a recognized and protected interest the violation of which is a wrong <a breach of duty that infringes one’s right>. **5.** (*often pl.*) the interest, claim, or ownership that one has in tangible or intangible property <a debtor’s rights in collateral>. **6.** The privilege of corporate

shareholders to purchase newly issued securities in amounts proportionate to their holdings. **7.** The negotiable certificate granting such a privilege to a corporate shareholder.

**Note:** A birth certificate issued by a state who is a member of the United States of America, establishes a right as a shareholder of the United States of America.

***absolute right.*** **1.** A right that belongs to every human being , such as the right of personal liberty; a natural right. **2.** An unqualified right; specif., a right that cannot be denied or curtailed except under specific conditions <freedom of thought is an absolute right>. For example, a plaintiff has an absolute right to voluntarily nonsuit a case before it is finally submitted; after final submission, the court has discretion to grant or deny a voluntary nonsuit. Cf. *relative right*.

***accrued right.*** A mutual right; a right that is ripe for enforcement (as through litigation).

***equitable right.*** A right cognizable within a court of equity. If a legal right and an equitable right conflict the legal right ordinarily prevails over and destroys the equitable right even if the legal right arose after the equitable right. With the merger of law and equity in federal and most state courts, the procedural differences between legal and equity rights have been largely abolished. Cf. *legal right*. [Cases: Equity {key} 3. C.J.S. *Equity* {SS} 7, 11-16, 36-37.]

***expectant right.*** A right that depends on the continued existence of present conditions until some future event occurs; a contingent right.

***imprescriptible right.*** A right that cannot be lost to prescription.

***inalienable right.*** A right that cannot be transferred or surrendered; esp., a natural right such as the right to own property. – Also termed *inherent right*.



***incorporeal right.*** A right to intangible, rather than tangible, property. A right to a legal action (a *chose in action*) is an incorporeal right. See CHOSE IN ACTION.

***legal right.*** **1.** A right created or recognized by law. **2.** A right historically recognized by common-law courts. Cf. *equitable right*. **3.** The capacity of asserting a legally recognized claim against one with a correlative duty to act.

***natural right.*** A right that is conceived as part of natural law and that is therefore thought to exist independently of rights created by government or society, such as the right to life, liberty, and property. See NATURAL LAW.

***negative right.*** A right entitling a person to have another refrain from doing an act that might harm the person entitled.

***perfect right.*** A right that is recognized by the law and is fully enforceable.

***personal right.*** **1.** A right that forms part of a person's legal status or personal condition, as opposed to the person's estate. **2.** See *right in personam*.

***positive right.*** A right entitling a person to have another do some act for the person entitled.

***public right.*** A right belonging to all citizens and usu. vested in and exercised by a public office or political entity. Cf. *private right*.

***remedial right.*** The secondary right to have a remedy that arises when a primary right is broken.

***right in personam.*** An interest protected solely against specific individuals. – Also termed *personal right*; *jus in personam*. See IN PERSONAM.

***right in rem.*** A right exercisable against the world at large. – Also termed *real right*; *jus in rem*. See IN REM.

“ A right *in rem* need not relate to a tangible *res*. Thus a right that one’s reputation should not be unjustifiably attacked is today described as a right *in rem*, since it is a right that avails against persons generally. This shows how far the conception has developed from the Roman notion of *actio in rem* for one who sues to protect his reputation is not asking for judgment for specific *res*. It should also be noticed that on breach of a right *in rem*, a right *in personam* arises against the aggressor.” George Whitecross Paton, *A Textbook of Jurisprudence* 300 (G.W. Paton and David P. Derham eds., 4<sup>th</sup> ed. 1972).

***secondary right.*** A right prescribed by procedural law to enforce a substantive right, such as the right to damages for a breach of contract. The enforcement of a secondary right is variously termed *secondary enforcement*, *remedial enforcement*, or *sanctional enforcement*. – Also termed *remedial right*; *sanctioning right*.

***substantial right.*** An essential right that potentially affects the outcome of a lawsuit and is capable of legal enforcement and protection, as distinguished from a mere technical or procedural right.

***substantive right.*** A right that can be protected or enforced by law; a right of substance rather than form. Cf. *procedural right*.

***vested right.*** A right that so completely and definitely belongs to a person that it cannot be impaired or taken away without the person’s consent. [Cases: Constitutional Law {key} 92-112. C.J.S. *Constitutional Law* {SS} 228-276.]

**right against self-incrimination.** A criminal defendant’s or a witnesses constitutional right – under the Fifth Amendment, but waivable under certain conditions – guaranteeing that a person cannot be compelled by the government to testify if the testimony might result in the person’s being criminally prosecuted. Although this right is most often asserted during criminal prosecution, a person can also “plead the Fifth” in a civil, legislative, administrative, or grand- jury proceeding. – Also termed *privilege against self-incrimination*; *right to remain*

*silent*. See SELF-INCRIMINATION. [Cases: Criminal Law {key} 393; Witnesses {key} 297. C.J.S. *Criminal Law* {SS} 645; *Witnesses* {SS} 522.]

The right against self-incrimination, protected by the Fifth Amendment, is central to the accusational system of criminal justice: together with the presumption of innocence, the right against self incrimination ensures the state must bear the burden of prosecution... The right against self incrimination is personal. It may be claimed only by the person who himself might be at risk for testifying. It cannot be claimed on behalf of another..." Jethro K Lieberman. *The Evolving Constitution* 481-82 (1992).

**Note:** In normal circumstances, the people are represented by the State, but because public safety is at issue, the people are represented by Plaintiff and hold a vested interest in the outcome of this cause of action. To date the State of Missouri has failed its responsibility to provide public protection of rights.

**right of action. 1.** The right to bring a specific case to court. [Cases: Action {key} 1, 2. C.J.S. *Actions* {SS} 2-9, 11, 17, 21, 26, 31-33, 36.] **2.** A right that can be enforced by legal action; a chose in action. Cf. CAUSE OF ACTION. [Cases: Action {key} 1, 2; Property {key} 5.5. C.J.S. *Actions* {SS} 2-9, 11, 17, 21, 26, 31-33, 36; *Property* {SS} 22; *Trading Stamps and Coupons* {SS} 2.]

**right of audience.** The right to appear and be heard in a given court.

**right to privacy. 1.** The right to personal autonomy. The U.S. Constitution does not explicitly provide for a right of privacy or for a general right of personal autonomy, but the Supreme Court has repeatedly ruled that a right of personal autonomy is implied in the "zones of privacy" created by specific constitutional guarantees. [Cases: Constitutional Law {key} 82(7)-82(13). C.J.S. *Constitutional Law* {SS} 461-470, 584, 612, 614-619, 623-628, 630-648; *Right to die* {SS} 2.]

The right of a person and the person's property to be free from unwarranted public scrutiny or exposure. – Also termed *right to privacy*. See INVASION OF PRIVACY.

**right of revolution.** The inherent right of a people to cast out their rulers, change their polity, or effect radical reforms in their system of government or institutions, by force or general uprising, when the legal and constitutional methods of making such changes have proved inadequate or are so obstructed as to be unavailable.

**right to suit.** A person's right to seek redress in a court.

**right to bear arms.** The constitutional right of persons to own firearms. U.S. Const. amend II. See SECOND AMENDMENT. [Cases: Weapons {key} 1. C.J.S. *Weapons* {SS} 1-8, 61-62.]

**right to petition.** The constitutional right –guaranteed by the First Amendment – of the people to make formal requests to the government, as by lobbying or writing letters to public officials. – Also termed *right of petition; freedom of petition*. [Cases: Constitutional Law {key} 91. C.J.S. *Constitutional Law* {SS} 461-462, 466, 612-629.]

**seize, vb.** **1.** To forcibly take possession (of person or property). **2.** To place (someone) in possession. **3.** To be in possession (of property). **4.** To be informed of or aware of (something). See SEISIN; SEIZURE.

**seizure, n.** The act or instance of taking possession of a person or property by legal right or process; esp., in constitutional law, a confiscation or arrest that may interfere with a person's reasonable expectation of privacy. [Cases: Arrest {key} 68(4); Searches and Seizures {key} 13.1. C.J.S. *Arrest* {SS} 45; *Searches and Seizures* {SS} 8, 13, 20, 23, 70, 72.]

**constructive seizure.** A manifest intent to seize and take possession of another person's property, usu. either by lawfully acquiring actual custody and control of the property or by posting notice of the property's foreclosure.

**sentence, n.** The judgment that a court formally pronounces after finding a criminal defendant guilty; the punishment imposed on a criminal wrongdoer <a sentence of 20 years in prison>. See Fed. R. Crim. P. 32. – Also termed *judgment of conviction*. [Cases: Sentencing and Punishment {key} 1001. C.J.S. *Criminal Law* {SS} 1420-1422, 1458, 1471, 1480, 1504-1505, 1511.] – **sentence, vb.**

**death sentence.** A sentence that imposes the death penalty. See Model Penal Code {SS} 210.6. – Also termed *judgment of blood*. See DEATH PENALTY. [Cases: Sentencing and Punishment {key} 1610, 1787. C.J.S. *Criminal Law* {SS} 1529-1532, 1534-1538, 1541-1543, 1606-1608.]

**life sentence.** A sentence that imprisons the convicted criminal for life – though in some jurisdictions the prisoner may become eligible for release on good behavior, rehabilitation, or the like. [Cases: Sentencing and Punishment {key} 1020, 1055. C.J.S. *Criminal Law* {SS} 1468.]

**mandatory sentence.** A sentence set by law with no discretion for the judge to individualize punishment. – Also termed *mandatory penalty; mandatory punishment; fixed sentence*. [Cases: Sentencing and Punishment {key} 1053-1054. C.J.S. *Criminal Law* {SS} 1458, 1468, 1471, 1504-1505, 1511, 1570.]

**Note:** The penalty for treason is death or life in prison, there is no discretion.

**standing. n.** A party's right to make a legal claim or seek judicial enforcement of a duty or right. To have standing in federal court, a plaintiff must show (1) that the challenged conduct has caused the plaintiff actual injury, and (2) that the interest

sought to be protected is within the zone of interests meant to be regulated by the statutory or constitutional guarantee in question. – Also termed standing to sue. Cf. JUSTICIABILITY. [Cases; Action {key} 13. Federal Civil Procedure {key} 103.1. C.J.S. *Actions* {SS} 57-63.]

**Star Chamber. 1.** *Hist.* An English court having broad civil and criminal jurisdiction at the king's discretion and noted for its secretive, arbitrary, and oppressive procedures, including compulsory self-incrimination, inquisitorial investigation, and the absence of juries. The Star Chamber was abolished in 1641 because of its abuses of power. – Also termed *Court of Star Chamber*; *Camera Stellata*. **2.** (usu. l.c.) Any secretive, arbitrary or oppressive tribunal or proceeding.

**stare decisis.** *n.* [Latin “to stand beside things decided”] The doctrine of precedent, under which it is necessary for the court to follow earlier decisions when the same points arise again in litigation. See PRECEDENT; NON QUIETA MOVERE. Cf. RES JUDICATA; LAW OF THE CASE; (in civil law) *jurisprudence constant* under JURISPRUDENCE. [Cases: Courts {key} 89. C.J.S. *Courts* {SS} 139-140, 144-146, 161-164, 166-167.]

“The rule of adherence to judicial precedents finds its expression in the doctrine of stare decisis. This doctrine is simply that, when a point or principle of law has been once officially decided or settled by the ruling of a competent court in a case which it is directly and necessarily involved, it will no longer be considered as open to examination or a new ruling by the same tribunal, or those who are bound by its adjudications, unless it be for urgent reasons and in exceptional cases.” William M. Lile et al., *Brief making and the use of law books* 321 (3d ed. 1914).

**Note:** Public Safety establishes the necessity of a lawful decree of the jurisdiction of the UNITED STATES DISTRICT COURTS by this Chancery Court of complete jurisdiction. This is an exceptional circumstance.

**state. n. 1.** The political system of a body of people who are politically organized; the system of rules by which jurisdiction and authority are exercised over such a body of people <separation of church and state>. – Also termed *political society*. Cf. NATION. [Cases: International Law {key} 3. C.J.S. *International Law* {SS} 6-8, 13.]

**Note:** Public Safety is established by lawful courts of proper jurisdiction acting within their authority. When a court of no lawful jurisdiction is allowed to operate a star chamber under the color of law, then public safety is denied and government has failed in its primary function to protect society. This reign of terror by foreign agents of a foreign state must end to restore Public Safety.

***police state.*** A state in which the political, economic, and social life of its citizens is subject to representative governmental control and arbitrary uses of power by the ruling elite, which uses the police as the instrument of control; a totalitarian state.

**Note:** This was done when our “peace officer” were overthrown by fraudulent “law enforcement officers” who exercise police powers without authority of law. Among these threats to Public Safety are the FBI, CIA, DEA, ATF, IRS, etc. all exercise police powers without authority of Law. These are terrorist to the American People, who utilize fraud, misrepresentation, deceit, coercion, intimidation and terrorism to deny Public Safety to those entitled to protection of law.

**2.** An institution of self-government within a larger political entity; esp., one of the constituent parts of a nation having a federal government <the 50 states>. [Cases: States {key} 1. C.J.S. *States* {SS} 2, 16.]**3.** (*often cap.*) The people of a state,

collectively considered as the party wronged by a criminal deed; esp., the prosecution as the representative of the people <the state rests its case>.

**Note:** As a person who has suffer the tortures of a star chamber, personally. Plaintiff has the right to protect the Public against future acts of these fraudulent courts. Acting without jurisdiction is the crime of treason that crime has been presented in this Chancery Court by Plaintiff, acting as a private prosecutor and representative of the people.

**state action.** Anything done by a government; esp., in constitutional law, an intrusion on a person's rights (esp. civil rights) either by a governmental entity or by private requirement that can be enforced only by governmental action (such as a racially restrictive covenant, which requires judicial action for enforcement).

[Cases: Civil Rights {key} 1325; Constitutional Law {key} 82(5), 213(2), 254(2). C.J.S. *Civil Rights* {SS} 92-94; *Constitutional Law* {SS} 456, 619, 629, 631, 704, 708.]

**Note:** The Chancery Court is the workshop of justice.

**state law.** A body of law in a particular state consisting of the state's constitution, statutes, regulations, and common law. Cf. FEDERAL LAW.

**false statement. 1.** An untrue statement knowingly made with the intent to mislead. See PERJURY. **2.** Any one of three federal offenses: (1) falsifying or concealing a material fact by trick, scheme, or device; (2) making a false, fictitious, or fraudulent representation; (3) making or using a false document or writing. 18 USCA {SS} 1001. [Cases: Fraud {key} 68.10(1).]



**state police power.** The power of a state to enforce laws for the health, welfare, morals, and safety of its citizens, if enacted so that the means are reasonably calculated to protect those legitimate state interests.

**state sovereignty.** The right of a state to self government; the supreme authority exercised by each state. [Cases: States {key} 1. C.J.S. *States* {SS} 2, 16.]

**state's rights.** Under the Tenth Amendment, rights neither conferred on the federal government nor forbidden to the states.

**sufficiency-of-evidence test.** *Criminal procedure.* **1.** The guideline for a grand jury considering whether to indict a suspect: if all the evidence presented were uncontradicted and unexplained, it would warrant a conviction by the fact-trier. [Cases: Indictment and Information {key} 10.2. C.J.S. *Indictment and Information*{SS} 21.] **2.** A standard for reviewing a criminal conviction on appeal, based on whether enough evidence exists to justify the fact-trier's finding of guilt beyond a reasonable doubt. – Also termed *sufficiency-of-the-evidence test*. [Cases: Criminal Law {key} 1159.2(7).]

**testator .** A person who has made a will; esp.. a person who dies leaving a will. Because this term is usu. interpreted as applying to both sexes, *testatrix* has become archaic. – Also termed *testate*. Cf. INTESTATE. [Cases: wills {key} 21-55. C.J.S. *Indians* {SS} 117; *Wills* {SS} 2, 4-40.]

**testify, vb.** **1.** To give evidence as a witness <she testified that the Ford Bronco was at the defendant's home at the critical time>. [Cases: Witnesses {key} 224. C.J.S. *Witnesses*{SS}390-392.] **2.** (Of a person or thing) to bear witness < the incomplete log entries testified to his sloppiness>.

**testimony**, *n.* Evidence that a competent witness under oath or affirmation gives at trial or in an affidavit or deposition. – Also termed *personal evidence*. [Cases: Federal Civil Procedure {key} 2011; Trial {key} 33; Witnesses {key} 224. C.J.S. *Trial* {SS} 141-142; *Witnesses* {SS} 390-392.] – **testimonial**, *adj.*

***affirmative testimony.*** Testimony about whether something occurred or did not occur, based upon what the witness saw and heard at the time and place in question. – Also termed *positive testimony*; (formerly) *statement of fact*. See *direct evidence* under EVIDENCE. [Cases: Evidence {key} 586. C.J.S. *Evidence* {SS} 339, 1309, 1328.]

***false testimony.*** Testimony that is untrue. This term is broader than *perjury*, which has a state-of-mind element. Unlike perjury, false testimony does not denote a crime. – Also termed *false evidence*.

**theory of law.** The legal premise or set of principles on which a case rests.

**theory-of-pleading doctrine.** The principle – now outmoded—that one must plead a case exactly as pleaded. Various modern codes and rules of civil procedure have abolished this strict pleading-and-proof requirement. For example, Fed. R. Civ. P. 15 allows amendment of pleadings to conform to the evidence. [Cases: Civil Procedure {key} 881; Pleading {key} 370. C.J.S. *Pleading* {SS} 763, 766-768, 770.]

**theory of the case.** A comprehensive and orderly mental arrangement of principles and facts, conceived and constructed for the purpose of securing a judgment or decree of a court in favor of litigant; the particular line of reasoning of either party to a suit, the purpose being to bring together certain facts of the case in a logical sequence and to correlate them in a way that produces in the decision-maker's

mind a definite result or conclusion favored by the advocate. See CAUSE OF ACTION (1).

**tort. 1.** A civil wrong, other than breach of contract, for which a remedy may be ordained, usu. in the form of damages; a breach of a duty that the law imposes on persons who stand in a particular relation to one another. [Cases: Torts {key} 1. C.J.S. *Torts* {SS} 2-7.] **2.** (pl.) The branch of law dealing with such wrongs.

**constitutional tort.** A violation of one's constitutional rights by a government officer, redressable by a civil action filed directly against the officer. A constitutional tort committed under color of state law (such as a civil rights violation) is actionable under 42 USCA 1983. – Sometimes (informally) shortened to *contort*. [Cases: Civil Rights {key} 1304. C.J.S. *Civil Rights* {SS} 74-87.]

**Note:** Because UNITED STATES DISTRICT COURTS have no jurisdiction there is not a lawful federal court to file a civil rights complaint in that is not corrupt. This Chancery Court has complete jurisdiction to examine this civil rights complaint.

**dignitary tort.** A tort involving injury to one's reputation and honor. In the few jurisdictions in which courts use the phrase *dignitary tort* (such as Maine), defamation is commonly cited as an example. – Also (erroneously) termed *dignitary tort*. [Cases: Libel and Slander {key} 1; Torts {key} 8.5(1). C.J.S. *Libel and Slander; injurious falsehood* {SS} 2, 5-6, 10, 47; *Right of Privacy and Publicity* {SS} 2, 8-9, 17, 20, 34,39,42.]

**government tort.** A tort committed by the government through an employee, agent or instrumentality under its control. The tort may or may not be actionable, depending on whether the government is entitled to sovereign immunity. A tort action against the U.S. government is regulated by the Federal Tort Claims Act,

while state action governed by the state's tort claims act. See FEDERAL TORT CLAIMS ACT; *sovereign immunity* under IMMUNITY (1). [Cases: Municipal Corporations {key} 723. C.J.S. *Municipal Corporations* {SS} 661-663.]

***intentional tort.*** A tort committed by someone acting with general or specific intent. Examples include battery, false imprisonment, and trespass to land. – Also termed *willful tort*. Cf. NEGLIGENCE. [Cases: Torts {key} 4. C.J.S. *Torts* {SS} 2, 23.]

***mass tort.*** A civil wrong that injures many people.

**Note:** Because the UNITED STATES DISTRICT COURTS fraudulently claim jurisdiction created for the “District Courts of the United States” every person who walks into these courts are defrauded with intent to deceive that the court has proper jurisdiction. This constitutes a mass tort. Public Safety requires lawful courts to administer justice.

***negligent tort.*** A tort committed by failure to observe the standard of care required by law under the circumstances. See NEGLIGENCE.

***personal tort.*** A tort involving or consisting in an injury to one's person, reputation, or feelings, as distinguished from an injury or damage to real or personal property. [Cases: Torts {key} 7. C.J.S. *Torts* {SS} 90.]

***prima facie tort.*** An unjustified, intentional infliction of harm on another person, resulting in damages, by one or more acts that would otherwise be lawful. Some jurisdictions have established this tort to provide remedy for malicious deeds – esp. in business and trade contexts – that are not actionable under traditional tort law. [ Cases: Torts {key} 1. C.J.S. *Torts* {SS} 90.]

***quasi-tort.*** A wrong for which a nonperpetrator is held responsible; a tort for which one who did not directly commit it can nonetheless be found liable, as when a master is held liable for a tort committed by a servant. – Also spelled *quasi tort*. See *vicarious liability* under LIABILITY; RESPONDEAT SUPERIOR. [Cases: Action {key} 14; Master and Servant {key} 300; Negligence {key} 483. C.J.S. *Actions* {SS} 64; *Employer- Employee Relationship* {SS} 181-184, 188-193, 203; *Negligence* {SS} 152-153.]

**tortfeasor.** One who commits a tort; a wrongdoer.

***concurrent tortfeasors.*** Two or more tortfeasors whose simultaneous actions cause injury to a third party. Such tortfeasors are jointly and severally liable. [Cases: Negligence {key} 421, 484; Torts {key} 22. C.J.S. *Negligence* {SS} 154-156, 198; *Torts* {SS} 39-44.]

***consecutive tortfeasors.*** Two or more tortfeasors whose actions, while occurring at different times combine to cause a single injury to a third party. Such tortfeasors are jointly and severally liable.

***joint tortfeasors.*** Two or more tortfeasors who contributed to the claimant's injury and who may be joined as defendants in the same lawsuit. See *joint and several liability* under LIABILITY. [Cases: Negligence {key} 484; Torts {key} 22. C.J.S. *Negligence* {SS} 184; *Torts* {SS} 39-44.]

***successive tortfeasors.*** Two or more tortfeasors whose negligence occurs at different times and cause different injuries to the same third party. [Cases: Damages {key} 34.]

**transgress, *vb.*** **1.** To exceed the limits of (a law, rule, regulation, etc.) ; to break or violate. **2.** To pass over (limits, boundaries, etc.). – **transgressor, *n.***

**treason.** The offense of attempting to overthrow the government of the state to which one owes allegiance, either by making war against the state or by materially supporting its enemies. – Also termed *high treason*; *alto proditio*. Cf.

SEDITION.[Cases: Treason {key} 1. C.J.S. *Treason* {SS} 2-3, 5.] – **reasonable, treasonous, adj.**

**treason felony.** *English law.* An act that shows an intention of committing treason, unaccompanied by any further act to carry out that intention. This offense usually results in life imprisonment rather than the death penalty. Cf. TREASONABLE MISDEMEANOR.

**trespass, n. 1.** An unlawful act committed against the person or property of another; esp., wrongful entry on another's real property. [Cases; Trespass {key} 1-15. C.J.S. *Trespass* {SS} 2,4-16, 28-29, 74. 164.] **2.** At common law, a legal action for injuries resulting from an unlawful act of this kind. **3.** *Archaic.* MISDEMEANOR. – **trespass, vb. – trespassory, adj.**

**continuing trespass.** A trespass in the nature of a permanent invasion on another's rights, such as a sign that overhangs another's property. [Cases: Trespass {key} 51. C.J.S. *Trespass* {SS} 143, 152.]

**criminal trespass. 1.** A trespass on property that is clearly marked against trespass by signs or fences. [Cases: Trespass {key} 81. C.J.S. *Trespass* {SS} 183.] **2.** A trespass in which the trespasser remains on the property after being ordered off by a person authorized to do so.

**joint trespass.** A trespass that two or more persons have united in committing, or that some have actually committed while others commanded, encouraged, or directed it. [Cases: Trespass {key} 31. C.J.S. *Trespass* {SS} 3, 34.]

***permanent trespass.*** A trespass consisting of a series of acts, done on consecutive days, that are of the same nature and that are renewed or continued from day to day, so that the acts in the aggregate form one indivisible harm.

**Note:** In this cause of action, the transcript of Plaintiff's trial, currently held by Anita Burns, is proof of permanent trespass. Each and every day Gary A. Fenner refused to provide due process of law and acted without jurisdiction to establish a deterrent to all those entitled to exercise their right to contract, by making me appear guilty and punishing me severely an example was made. To date every judge has enforced this fraud by denial of due process of law, to maintain a fraudulent claim that they are all powerful and the people are subject to their authority. The people are sovereign, not government. Government employees are paid by the people to represent our interest, protect our rights and punish those who violate them. We cannot change the past, but with justice we can insure our future is protected and this will not happen again without accountability. This case will set precedence that all people are subject to the law, all men are equal under the law and all are subject to punishment for violations of law. Equal justice for all.

"I pledge allegiance to the flag of the united States of America and to the republic for which it stands, one nation under God indivisible with liberty and justice for all. " I stand with all those who believe in God and love our nation. denny ray hardin

***trespass on the nation.*** At common law, an action to recover damages that are not the immediate result of a wrongful act but rather later consequence. This action was the precursor to a variety of modern-day tort claims, including negligence, nuisance, and business torts. Often shortened to *case*. – Also termed *action on the*

*case; breve de tansgressione super casum.* [Cases: Trespass {key} 1, 16, 17. C.J.S. *Trespass* {SS} 2, 4-5, 62-64, 70-74.]

***trespass vi et armis.*** [Latin “with force of arms”] **1.** At common law, an action for damages resulting from an intentional injury to person or property, esp. if by violent means; trespass to the plaintiff’s person, as in illegal assault, battery, wounding, or imprisonment, when not under color of legal process, or when the battery, wounding, or imprisonment was in the first instance lawful, but unnecessary violence was used or the imprisonment continued after the process had ceased to be lawful.

**Note:** The false imprisonment, ceased to be lawful on May 10, 2010 the day jurisdiction was challenged and not established by Magistrate Robert E. Larsen. To date, after thirteen years of unlawful imprisonment, this challenge remains unanswered by any court of law in conspiracy of treason.

**trespasser.** One who commits a trespass; one who intentionally and without consent or privilege enters another’s property. In tort law, a landholder owes no duty to unforeseeable trespassers. Cf. INVITEE; 1.1-CENSEE (2). [Cases: Trespass {key} 9. C.J.S. *Trespass* {SS} 12.]

**Note:** This applies to the FBI who unlawfully exercised police powers by raiding and destroying Plaintiff’s property and seizing records without authority of law.

**triable, *adj.*** Subject or liable to judicial examination and trial <a triable offense>.

**Note:** The triable offense of this cause of action is treason.

**trial.** A formal judicial examination of evidence and determination of legal claims in an adversary proceeding. [Cases: Federal Civil Procedure {key} 18. C.J.S. *Trial* {SS} 91-92.]



**joint trial.** A trial involving two or more parties; esp., a criminal trial of two or more persons for the same or similar offenses. [Cases: Criminal Law {key} 622. C.J.S. *Criminal Law* {SS} 562-564.]

**public trial.** A trial that anyone may attend or observe.

**tribunal . 1.** A court or other adjudicatory body. **2.** The seat, bench or place where a judge sits.

**tributary, n.** A stream flowing directly or indirectly into a river.

**Note:** This is a metaphor. The source feeds the stream that fills the river. Like the B.A.R. Associations feeds violations of law that fill the river of corruption.

**tribute, n. 1.** An acknowledgment of gratitude or respect. **2.** A contribution that a sovereign raises from its subjects to defray the expenses of state. **3.** Money paid by an inferior sovereign or state to a superior one to secure the latter's friendship and protection.

**Note:** A shake down of the people to support corruption. Tribute is paid to the state in the form of taxes, but the state has failed to provide protection of its citizens against a fraudulent court of no jurisdiction.

**trover.** A common-law action for the recovery of damages for the conversion of personal property, the damages generally being measured by the value of the property. – Also termed *trover and conversion*. Cf. DETINUE; REPLEVIN. [Cases: Trover and Conversion {key} 1, 43, C.J.S. *Trover and Conversion* {SS} 1-3, 5-7, 120-121.]

**Note:** There is no amount of money I value more than my liberty that was taken without authority of law. My life is priceless and cannot be bought.

**usurpation**, *n.* The unlawful seizure and assumption of another's position, office, or authority. [Cases: Officers and Public Employees {key} 86. C.J.S. *Officers and Public Employees* {SS} 114.] – **usurp**, *vb.*

**Note:** The conspiracy to usurp authority away from the states by B.A.R. Associations began with the authority to hold public office of which all BAR members are prohibited by the original Thirteenth Amendment . Then came the unlawful seizure of the federal courts in 1925 allowing them to operate admiralty (law of the sea) upon the land in treason to the constitution. Thus making the pirate on the bench guilty of treason for acting without jurisdiction. Truman was instrumental in the overthrow of the “District Courts of the United States” by the “UNITED STATES DISTRICT COURTS” when state’s police powers were seized by the unlawful passing of Title 18 of the United States Codes without a quorum present. Thus making it unconstitutional. In the course of these events the United States Congress usurped to authority of the States, by making the “UNITED STATES DISTRICT COURTS” Article IV Courts required to impose punishment based upon sentencing guidelines passed by Congress, taking away the discretion of the judges (judexs) to treat the American People individually and judge the severity of their crime. Today the “UNITED STATES DISTRICT COURTS” are a weapon of government to persecute the American People without authority of law in “star chambers” of no lawful authority or jurisdiction. These Courts are a threat to “Public Safety” that utilize fraudulent “law enforcement officers” to exercise police powers in clear treason to the Constitution of the United States of America by violations of rights, privileges and immunities secure by law to the American People.

**utility. 1.** The quality of serving some function that benefits society; meritoriousness.

**Note:** As a “Public Utility” known as the “UNITED STATES DISTRICT COURTS” of no jurisdiction have no benefit to society other than BAR members who utilize it to extort the American People for wealth to provide for their lavish life styles. Whether judge, prosecutor, or defense attorneys all profit from the criminal conduct of these fraudulent courts and aid and abet their treason to operate without jurisdiction. There is no benefit to society of these fraudulent courts and they must be abolished and police powers reserved to the states as constitutionally established. By the Tenth Amendment “police powers” are not given to the U.S. government therefore they are reserved to the States.

**ward. 1.** A person, usu. a minor who is under a guardian’s charge or protection. See GUARDIAN (1). [Cases: Guardian and Ward {key} 1, 9.5.]

**ward of admiralty.** A seaman – so called because of the legal view that a seaman, in contractual matters, should be treated as a beneficiary and the other contracting party as a fiduciary because of preconceived inequity of their bargaining positions. [Cases: Seaman {key} 1. C.J.S. *Seaman* {SS} 6, 216-219.]

**ward of the state.** A person who is housed by, and receives protection and necessities from, the government. – Also termed *state’s ward*.

**2.** A territorial division in a city, usu. defined for purposes of city government. [Cases: Municipal Corporations {key} 40.] **3.** The act of guarding or protection something or someone. **4.** *Archaic.* One who guards. **5. CASTLE-GUARD.** – Formerly also termed *warda*.

**Note:** With these “Definitions” plaintiff has shown evidence beyond reasonable doubt that treason is present in the UNITED STATES DISTRICT COURTS. As a life-long Missouri State Citizen Plaintiff seeks justice from the State of Missouri who is responsible to protect “Public Safety” by stopping all abuses of power that

violate rights, privileges, and immunities of all Missouri State Citizens. “Public Safety” provides the necessity that this cause of action be heard, those who have violated law be punished and all criminal activity be outlawed in our future. As a beneficiary of the employment contracts of all Missouri government employees, Plaintiff is entitled to protection of law by Marco A. Roldan, fiduciary, as a judge given complete jurisdiction to conduct a Chancery Court the workshop of justice.

With the filing of “Definitions” the “Documented Evidence Brief of Treason” is “Complete”. It includes the following:

- A. Bill of Attainder By Affidavit
- B. Remonstrance Demand for Inquisition
- C. Complaint For Indictment
- D. Judicial Cognizance of Forestalling
- E. Amicus Curiae Brief (Legal Maxims)
- F. Definitions

Plaintiff as a “Private Prosecutor” acting on behalf of all Missouri state citizens states the “Documented Evidence Brief of Treason” is true and correct to the best of my knowledge and ability. So help me God. With this filing the “Brief” explains facts, law and evidence of this cause of action. Plaintiff is available to answer any questions related to this “Brief” and his right to present proofs shall not be narrowed. The State rests.

Respectfully Submitted:

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denny ray hardin

2450 Elmwood, Avenue

Kansas City, Missouri 64127

**CERTIFICATE OF SERVICE**

I, denny ray hardin , do hereby certify that a copy of the foregoing was mailed by certified mail on this \_\_\_\_ day of February, 2023 to the following:

Gary A. Fenner, Judge

C/O UNITED STATES DISTRICT COURT

WESTERN DISTRICT OF MISSOURI

400 East 9<sup>th</sup> Street

Kansas City, Missouri 64106

Andrew Bailey, Missouri Attorney General

C/O Missouri Attorney General's Office

Supreme Court Building

207 W. High St.

P.O. Box 899

Jefferson City, Missouri 65102

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denny ray hardin