

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

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

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

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

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

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

- 55 1. *here are the facts;*
- 56 2. *here's the law;*
- 57 3. *here's the injury;*

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

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

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

79 real interesting at the very latest, we put in a paper and it's interesting, like i said these guys have
80 no conscience and they have no respect for their own ignorance; you know if you don't know
81 what's going on, doesn't it make sense you would find out before you act on it...!? well this is a
82 basic logic that's beyond a lot of people, but here's, i'm gonna read straight out of the transcript,
83 this is very short, it's just one page, but this very last session something went on and then the
84 judge calls the case and this guy shows up, some attorney representing the various county
85 defendants, that means i guess in this case the attorneys i believe it was, it doesn't matter, but
86 here's what the judge says when he starts to speak, the very first thing after they get their whole
87 loads out of the way and who's in the court and who isn't, the judge says:
88 "*I honestly don't understand how my own court works... I have cases that have been finally*
89 *resolved by order of this court and low and behold a motion appears. I guess if someone is willing*
90 *to pay a fee it will show up on my calendar.*"
91 so he admits his own ignorance, i mean he doesn't know, he says "*I honestly don't know*", but
92 then he goes on and he says:
93 Audience member: Is it not a her...!?
94 NGLL: Oh it's a her... Well under law, he includes her.
95 so anyway, she says:
96 "*This matter is off calendar, this matter has finally been resolved and I hope not to see it on my*
97 *calendar again, you do not have to give notice.*" the attorney says "*Thank you.*" and that's it, it
98 was all over, that was the whole hearing, for what it was... oh i remember, it was a contempt
99 hearing; well anyway, no problem, we'll deal with that; that order's not any good;

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

105 **Dennis:** What's the you mentioned...!?

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

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

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

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

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

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

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

199 **NGLL:** all courts are subject to the sovereign;

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

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

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

226 **NGLL:** what was repealed...!?

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

228 **NGLL:** oh really...!

229 **Audience Member (3):** [http://www.leginfo.ca.gov/cgi-bin/displaycode?section=gov&group=54001-](http://www.leginfo.ca.gov/cgi-bin/displaycode?section=gov&group=54001-55000&file=54950-54963)
230 [55000&file=54950-54963](http://www.leginfo.ca.gov/cgi-bin/displaycode?section=gov&group=54001-55000&file=54950-54963)

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

232 **Audience Member (3):** and they repealed it.

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

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

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

242 • i stand under gød, as: —(a) [my own] master [among mankind], —(b) [a] man at common law,
243 **EQUAL** before the same, subject **ONLY** to the same, as herein **DECREED**, for as it is written:
244 "No man can serve two masters" *KJV* (1611) Matthew 6:24;

245 • i am subservient to state agents/agencies **NOT** [*Cf. "The people of this state do not yield their*
246 *sovereignty to the agencies which serve them."* *California Government Code*, title 2, division 3,
247 part 1, chapter 1, article 9, section 11120; title 5, division 2, part 1, chapter 9, section 54950];

248 • [those who act as agents of] state agencies owe [a] service to i, [a] man, *Aggrieved Party/Claimant*;

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

253 [JCoR] seal.

254 [Claimant's] sign[–manual]

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

271
272 **Audience member (4):** it wasn't really a question, what i wanted to point out was the difference
273 between the 1850 constitution and the 1879 constitution;

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

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

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

277 **NGLL:** no it isn't;

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

279 **NGLL:** neither one of them are;

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

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

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

286 **NGLL:** that is true;

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

289 **NGLL:** right, lower case is original;

290 **Audience member (4):** right, and–

291 **NGLL:** CAPITALISED is the corporate state;

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

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

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

297 **NGLL:** well of course, of course

298 **Audience member (4):** which doesn't affect us anyway...
299 **NGLL:** well they wanna out the sovereignty i'm sure... ok behind you...

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

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

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

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

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

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

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

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

333 ^[1] its tribunal is independent of the person of the magistrate [Cf. *Jones v. Jones*, 188 *Mo. App.*
334 220, 175 S.W. 227, 229; *Ex parte Gladhill*, 8 *Metc. Mass.*, 171, per Shaw, C.J. See, also, *Ledwith v.*
335 *Rosalsky*, 244 N.Y. 406, 155 N.E. 688, 689; 4 *Black, Law. Dict.* 425-6];

336 ^[2] proceeds according to the course of common law [Cf. *Jones v. Jones*, 188 *Mo. App.* 220, 175
337 S.W. 227, 229; *Ex parte Gladhill*, 8 *Metc. Mass.*, 171, per Shaw, C.J. See, also, *Ledwith v.*
338 *Rosalsky*, 244 N.Y. 406, 155 N.E. 688, 689; 4 *Black, Law. Dict.* 425-6];

339 ^[3] its acts and judicial proceedings are enrolled, or recorded, for a perpetual memory and
340 testimony [Cf. "The rolls of the superior courts of record are of such authority, that no proof will be
341 admitted against them ; and these records are only triable by themselves." 3 *Inst.* 71; "A court of
342 record is that where the acts and judicial proceedings are enrolled in parchment for a perpetual
343 memorial and testimony: which rolls are called the records of the court, and are of such high and
344 supereminent authority that their truth is not to be called in question. For it is a settled rule and
345 maxim that nothing shall be averred against a record, nor shall any plea, or even proof, be admitted
346 to the contrary.(e)¹ And if the existence of a record be denied, it shall be tried by nothing but
347 itself;" 3 *Bl. Comm.* 24; 3 *Steph. Comm.* [Stephen's New Commentaries on the Law of England]
348 383; *The Thomas Fletcher*, C.C.Ga., 24 F. 481; *Ex parte Thistleton*, 52 Cal 225; *Erwin v. U.S.*,

349 *D.C.Ga.*, 37 F. 488, 2 L.R.A. 229; *Heininger v. Davis*, 96 Ohio St. 205, 117 N.E. 229-31; 4 *Black,*
350 *Law Dict.* 425-6];
351 ^[4] has power to fine or imprison for contempt [*Cf.* “and therefore no other court hath authority to
352 fine and imprison: so that the very erection of a new jurisdiction, with power of fine or
353 imprisonment, makes it instantly a court of record. *Salk.* 200. 12 *Mod.* 388. *Finch. L.* 231.” 5 *Toml.*
354 *L. D.* 397 (1st Am. ed. 1811); 3 *Bl. Comm.* 24; 3 *Steph. Comm.* [Stephen's New Commentaries on
355 the Law of England] 383; *The Thomas Fletcher, C.C.Ga.*, 37 F. 488, 2 L.R.A. 229; *Heininger v.*
356 *Davis*, 96 Ohio St. 205, 117 N.E. 229-31; 4 *Black, Law Dict.* 425-6];
357 ^[5] generally possesses a seal [*Cf.* 3 *Bl. Comm.* 24; 3 *Steph. Comm.* [Stephen's New Commentaries
358 on the Law of England] 383; *The Thomas Fletcher, C.C.Ga.*, 24 F. 481; *Ex parte Thistleton*, 52 Cal
359 225; *Erwin v. U.S.*, *D.C.Ga.*, 37 F. 488, 2 L.R.A. 229; *Heininger v. Davis*, 96 Ohio St. 205, 117
360 N.E. 229-31; 4 *Black, Law Dict.* 425-6];

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

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

375 now remember you're not subject to these codes, but they are, they have to respect these things, this is
376 why we bring these in, it says: persons designated as magistrates... everybody's a magistrate, i mean
377 nobody can make a decision, i don't remember who it was, but somebody said that war is much too
378 important to leave to generals, well this is ***an acknowledgment that law is too important to leave to***
379 ***the Judges***, it's the sovereigns that make the decision, and the founding fathers had a lot more
380 confidence in the sovereigns of the country than they ever did in the judges of the country, they
381 understood the camaraderie that exists between Judges, it becomes like a club, they understood that,
382 and so they created a system here that absolutely allows the people to knock them out of the box so to
383 speak, legally speaking, [an inaudible member of the audience says something] pardon...!? “*it's been*
384 *kept in all these years*” [NGLL repeats part of what audience member (8) said] well yeah the
385 educational system got changed, yeah he said it's been kept hidden all these years, well yeah it has
386 been kept hidden but the way it was hidden is because it is simply not taught in the schools anymore,
387 it used to be taught but not anymore; so anyway sovereignty is where Aurora is coming from and
388 remember that Aurora is making the claim of sovereignty, now that claim of sovereignty does not
389 affect anyone else, therefore she's not accusing anybody, therefore she does not have to prove it,
390 whenever you make an accusation then the burden is on you to prove your accusation [*Cf.* “ACTOR,
391 practice, 1. A plaintiff or complainant. 2. He on whom the burden of proof lies.” 1 *Bouv. L. D.* 54
392 (1839); “It is a general rule that the party who alleges the affirmative of any proposition shall prove
393 it.” 2 *Bouv. L. D.* 208 (1839); “...the burden of proof will be on the plaintiff.” 2 *Bouv. L. D.* 271
394 (1839); “*Ei incumbit probatio qui dicit, non qui negat.* The burden of the proof lies upon him who
395 affirms, not he who denies. *Dig.* 22, 3, 2; *Tait on Ev.* 1; 1 *Phil. Ev.* 194; 1 *Greenl. Ev.* § 74; 3 *Louis. R.*
396 83; 2 *Dan. Ir*, 408; 4 *Bonv. Inst. n.* 4411.” 2 *Bouv. L. D.* 127 (1856); “*Semper necessitas probandi*
397 *incumbit qui agit.* The claimant is always bound to prove: the burden of proof lies on him.” 2 *Bouv. L.*
398 *D.* 146 (1856); “...as a general rule the affirmative of every issue must be proved, yet this rule ceases
399 to operate the moment the presumption of law is thrown into the other scale.” 2 *Bouv. L. D.* 209

400 (1856)] in her case she's not accusing anybody, except perhaps herself, so she has no burden of proof,
401 it's quite the opposite, if they think she's not sovereign, the burden is on them to prove she's not, and
402 you know what...!? they've never offered any such proof, when she challenged jurisdiction they never
403 said, hey you're not sovereign because blah-blah-blah... and offered the proof, never ok, remember the
404 basic rule of every court; if you fail to object it means you agree and nobody's objected, so that means
405 they agree, and that is you might say the main track of our train here, is that we've made the
406 accusations, we've listed the facts, we've listed the law, they demurred which means that they agree to
407 all the facts and the only discussion is about the law and guess what...!? they never challenge the law,
408 they've never challenged the decrees that she made, so you know they're kind of stuck on here and
409 i'm sure that there will be some integrity somewhere, i have not lost faith in the system, if in fact we
410 do have a dictatorship this case will show it ok, if we have a dictatorship i can deal with that too as
411 long as i know it, but right now i don't know it, i believe that there are people in government who are
412 honest, who concur with the concept of the founding fathers and if we put in good paperwork at some
413 point we'll find that person and behind the scene without us ever knowing who, or when, or how,
414 suddenly we'll see turnarounds in the Judges, they'll suddenly become so sweet and nice, i don't
415 know if you've ever seen a judge turn around but when they do... i mean... just like bullies, ok... the
416 misbehaving judges are like bullies, you know you punch a bully in the eye and suddenly they become
417 the sweetest wonderful person you know, they know how to lap it up, so i have seen cases where
418 judges did a turnaround, boy it's just amazing, you wouldn't think it was the same tiger, you know...
419 anyhow, alright so that's the sovereignty thing;

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