

Aurora Bautista Quicho
207 Albatross Lane
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Attornatus Privatus

SUPERIOR COURT OF CALIFORNIA

COUNTY OF LOS ANGELES

Aurora Bautista Quicho,)	CASE NO. BC324176
Counterclaimant,)	
)	SUMMARY RULING (Amended)
v.)	DIRECT CONTEMPT;
)	BENCH WARRANT
THE PEOPLE OF THE STATE OF)	
CALIFORNIA, et al.,)	Re: Case No. YA058902
)	People vs. Quicho
Counterdefendants.)	Torrance Inferior Court
-----)	-----

1. This amended order amends by entire substitution the SUMMARY RULING DIRECT CONTEMPT; BENCH WARRANT filed August 15, 2005. The case number YA058902 was incorrectly stated as ~~YA058982~~. The case number is corrected herein to read YA058902 in this order. Also, the paragraphs have been renumbered.

2. COMES NOW THE ABOVE ENTITLED COURT OF RECORD (hereinafter "Constitutional Court")¹ and finds Mark S. Arnold; Steve Belis; Robin D. Perry; and the inferior² special³ Superior Court of the

¹ California Constitution, Article 6, §1. The judicial power of this State is vested in the Supreme Court, courts of appeal, superior courts, and municipal courts, all of which are courts of record.

² "Inferior courts" are those whose jurisdiction is limited and special and whose proceedings are not according to the course of the common law." Ex Parte Kearny, 55 Cal. 212; Smith v. Andrews, 6 Cal. 652

³ "The only inherent difference ordinarily recognized between superior and inferior courts is that there is a presumption in favor of the validity of the judgments of the former, none in favor of those of the latter, and that a superior court may be shown not to have had power to render a particular judgment by reference to its record. Ex parte Kearny, 55 Cal. 212. Note, however, that in California 'superior court' is the name of a particular court. But when a court acts by virtue of a special statute conferring jurisdiction in a certain class of cases, it is a court of inferior or limited jurisdiction for the time being, no matter what its ordinary status may be. Heydenfeldt v. Superior Court, 117 Cal. 348, 49 Pac. 210; Cohen v. Barrett, 5 Cal. 195" 7 Cal. Jur. 579

State of California known as People of the State of California vs. Aurora Bautista Quicho, Case Number YA058902 (hereinafter "Inferior Court"); individually and collectively, in contempt of the authority of the Constitutional Court for the violation committed in the immediate view and presence of the Constitutional Court⁴ on August 4, 2005, in Torrance, California.

SUMMARY

3. Throughout this case two basic jurisdictional points were asserted: Aurora Bautista Quicho is one of the people⁵ of California, and the Constitutional Court is a court of record.⁶ General jurisdiction over the subjects was acquired upon filing and service of the counterclaim. The counterclaim constituted a collateral attack upon the officers, jurisdiction and proceedings of the Inferior Court. Each order from the Constitutional Court restated the basis of jurisdiction. In each order the subjects of the orders were granted a full opportunity to show cause if any defects there be: none raised any objection at any time either timely or untimely.

4. The Constitutional Court issued an order requiring the Inferior Court to restore Aurora Bautista Quicho to her full liberty.⁷ Instead, on July 6, 2005, the officers of the Inferior

⁴ "Court...The person and suit of the sovereign; the place where the sovereign sojourns with his regal retinue, **wherever that may be.**" [Emphasis added] Page 425, Black's Law Dictionary, Revised Fourth Edition

⁵ "...The people of this state do not yield their sovereignty to the agencies which serve them." [California Government Code, Section 11120.]

"...The people of this State do not yield their sovereignty to the agencies which serve them." [California Government Code Section 54950.]

⁶ The court of record must meet all of the following requirements:

A. The tribunal is independent of the magistrate (judge) [Jones v. Jones, 188 Mo.App. 220, 175 S.W. 227, 229; Ex parte Gladhill, 8 Metc. Mass., 171, per Shaw, C.J. See, also, Ledwith v. Rosalsky, 244 N.Y. 406, 155 N.E. 688, 689][Black's Law Dictionary, 4th Ed., 425, 426]

B. Proceeding according to the common law [Jones v. Jones, 188 Mo.App. 220, 175 S.W. 227, 229; Ex parte Gladhill, 8 Metc. Mass., 171, per Shaw, C.J. See, also, Ledwith v. Rosalsky, 244 N.Y. 406, 155 N.E. 688, 689][Black's Law Dictionary, 4th Ed., 425, 426]

C. Power to fine or imprison for contempt [Jones v. Jones, 188 Mo.App. 220, 175 S.W. 227, 229; Ex parte Gladhill, 8 Metc. Mass., 171, per Shaw, C.J. See, also, Ledwith v. Rosalsky, 244 N.Y. 406, 155 N.E. 688, 689][Black's Law Dictionary, 4th Ed., 425, 426]

D. Keeps a record of the proceedings [3 Bl. Comm. 24; 3 Steph. Comm. 383; The Thomas Fletcher, C.C.Ga., 24 F. 481; Ex parte Thistleton, 52 Cal 225; Erwin v. U.S., D.C.Ga., 37 F. 488, 2 L.R.A. 229; Heininger v. Davis, 96 Ohio St. 205, 117 N.E. 229, 231]

E. Generally has a seal [3 Bl. Comm. 24; 3 Steph. Comm. 383; The Thomas Fletcher, C.C.Ga., 24 F. 481; Ex parte Thistleton, 52 Cal 225; Erwin v. U.S., D.C.Ga., 37 F. 488, 2 L.R.A. 229; Heininger v. Davis, 96 Ohio St. 205, 117 N.E. 229, 231.][Black's Law Dictionary, 4th Ed., 425, 426]

⁷ The order states, "Further, it is ordered that the defendant be released immediately, without delay and with full restoration of lawful liberty."

Court, namely Mark S. Arnold, Steve Belis, and Robin D. Perry, (all of whom had been served with the order) convened a session of the Inferior Court while in the immediate presence and view of the Constitutional Court⁸ of Aurora Bautista Quicho, a people⁹ of California. During that Star Chamber¹⁰ proceeding they did not allow Aurora Bautista Quicho to speak. Instead, the officers of the Inferior Court in the immediate view and presence of the Constitutional Court openly conspired and agreed to continue the incarceration of Aurora Bautista Quicho, and to perpetuate their pseudo-jurisdiction, the very pseudo-jurisdiction which they, in the demurrers in this case, admitted that they do not have.

5. This following is organized into five sections:

- I. Judicial cognizance
- II. Findings of fact
- III. Discussion and Conclusions of Law
- IV. Impeachment and Penalty
- V. Bench Warrant

I. JUDICIAL COGNIZANCE

6. This Constitutional Court again takes judicial cognizance and again decrees as follows:

7. JUDICIAL COGNIZANCE. Judicial notice, or knowledge upon which a judge is bound to act without having it proved in evidence. [Black's Law Dictionary, 5th Edition, page 760.]

8. "It is the public policy of this state that public agencies exist to aid in the conduct of the people's business....The people of this state do not yield their sovereignty to the agencies which serve them." [California Government Code, Section 11120.]

9. In enacting this chapter, the Legislature finds and declares

⁸ "Court...The person and suit of the sovereign; the place where the sovereign sojourns with his regal retinue, **wherever that may be.**" [Emphasis added] Page 425, Black's Law Dictionary, Revised Fourth Edition

⁹ "...The people of this state do not yield their sovereignty to the agencies which serve them." [California Government Code, Section 11120.]

"...The people of this State do not yield their sovereignty to the agencies which serve them." [California Government Code Section 54950.]

¹⁰ **STAR CHAMBER**, Eng. law. A court which formerly had great jurisdiction and power, but which was abolished by stat. 16, C. I., c. 10, on account of its usurpations and great unpopularity. It consisted of several of the lords spiritual and temporal, being privy counselors, together with two judges of the courts of common law, without the intervention of a jury. Their legal jurisdiction extended over riots, perjuries, misbehavior of public officers, and other great misdemeanors. The judges afterwards assumed powers, and stretched those they possessed to the utmost bounds of legality. 4 Bl. Com. 264. Bouvier's Law Dictionary, 1856 Ed.

that the public commissions, boards and councils and the other public agencies in this State exist to aid in the conduct of the people's business....The people of this State do not yield their sovereignty to the agencies which serve them. [California Government Code Section 54950.]

10. Laws, whether organic or ordinary, are either written or unwritten. [California Code of Civil Procedure, Section 1895.]

11. A written law is that which is promulgated in writing, and of which a record is in existence. [California Code of Civil Procedure, Section 1896]

12. The organic law is the Constitution of Government, and is altogether written. Other written laws are denominated statutes. The written law of this State is therefore contained in its Constitution and statutes, and in the Constitution and statutes of the United States. [California Code of Civil Procedure, Section 1897]

13. Any judicial record may be impeached by evidence of a want of jurisdiction in the Court or judicial officer, of collusion between the parties, or of fraud in the party offering the record, in respect to the proceedings. [California Code of Civil Procedure, Section 1916]

14. ...at the Revolution, the sovereignty devolved on the people; and they are truly the sovereigns of the country, but they are sovereigns without subjects...with none to govern but themselves..... [CHISHOLM v. GEORGIA (US) 2 Dall 419, 454, 1 L Ed 440, 455 @DALL (1793) pp471-472.]

15. The very meaning of 'sovereignty' is that the decree of the sovereign makes law. [American Banana Co. v. United Fruit Co., 29 S.Ct. 511, 513, 213 U.S. 347, 53 L.Ed. 826, 19 Ann.Cas. 1047.]

16. The people of this State, as the successors of its former sovereign, are entitled to all the rights which formerly belonged to the King by his prerogative. [Lansing v. Smith, 4 Wend. 9 (N.Y.) (1829), 21 Am.Dec. 89 10C Const. Law Sec. 298; 18 C Em.Dom. Sec. 3, 228; 37 C Nav.Wat. Sec. 219; Nuls Sec. 167; 48 C Wharves Sec. 3, 7.]

17. A consequence of this prerogative is the legal *ubiquity* of the king. His majesty in the eye of the law is always present in all his courts, though he cannot personally distribute justice. (Fortesc.c.8. 2Inst.186) His judges are the mirror by which the king's image is reflected. 1 Blackstone's Commentaries, 270, Chapter 7, Section 379.

18.This declaration of rights may not be construed to impair or deny others retained by the people." [California Constitution, Article 1, Declaration Of Rights Sec. 24.]

19. The state cannot diminish rights of the people. [Hertado v. California, 100 US 516.]

20. The assertion of federal rights, when plainly and reasonably made, is not to be defeated under the name of local practice. [Davis v. Wechsler, 263 US 22, 24.]

21. Where rights secured by the Constitution are involved, there can be no rule making or legislation which would abrogate them. [Miranda v. Arizona, 384 US 436, 491.]

22. There can be no sanction or penalty imposed upon one because of this exercise of constitutional rights. [Sherer v. Cullen, 481 F 946.]

23. Whereas, the people of California have presented a constitution....and which, on due examination, is found to be republican in its form of government.... [Act [of Congress] for the Admission of California Into the Union, Volume 9, Statutes at Large, Page 452.]

24. Republican government. One in which the powers of sovereignty are vested in the people and are exercised by the people, either directly, or through representatives chosen by the people, to whom those powers are specially delegated. [In re Duncan, 139 U.S. 449, 11 S.Ct. 573, 35 L.Ed. 219; Minor v. Happersett, 88 U.S. (21 Wall.) 162, 22 L.Ed. 627." Black's Law Dictionary, Fifth Edition, p. 626.]

25. The State of California is an inseparable part of the United States of America, and the United States Constitution is the supreme law of the land. [California Constitution, Article 3, Sec. 1.]

26. This Constitution, and the Laws of the United States which shall be made in Pursuance thereof; and all Treaties made, or which shall be made, under the Authority of the United States, shall be the supreme Law of the Land; and the Judges in every State shall be bound thereby; any Thing in the Constitution or Laws of any State to the Contrary notwithstanding. [Constitution for the United States of America, Article VI, Clause 2.]

27. COURT. The person and suit of the sovereign; the place where the sovereign sojourns with his regal retinue, wherever that may be. [Black's Law Dictionary, 5th Edition, page 318.]

28. COURT. An agency of the sovereign created by it directly or indirectly under its authority, consisting of one or more officers, established and maintained for the purpose of hearing and determining issues of law and fact regarding legal rights and alleged violations thereof, and of applying the sanctions of the law, authorized to exercise its powers in the course of law at

times and places previously determined by lawful authority.
[Isbill v. Stovall, Tex.Civ.App., 92 S.W.2d 1067, 1070; Black's Law Dictionary, 4th Edition, page 425]

29. COURT OF RECORD. To be a court of record a court must have four characteristics, and may have a fifth. They are:

- A. A judicial tribunal having attributes and exercising functions independently of the person of the magistrate designated generally to hold it [Jones v. Jones, 188 Mo.App. 220, 175 S.W. 227, 229; Ex parte Gladhill, 8 Metc. Mass., 171, per Shaw, C.J. See, also, Ledwith v. Rosalsky, 244 N.Y. 406, 155 N.E. 688, 689][Black's Law Dictionary, 4th Ed., 425, 426]
- B. Proceeding according to the course of common law [Jones v. Jones, 188 Mo.App. 220, 175 S.W. 227, 229; Ex parte Gladhill, 8 Metc. Mass., 171, per Shaw, C.J. See, also, Ledwith v. Rosalsky, 244 N.Y. 406, 155 N.E. 688, 689][Black's Law Dictionary, 4th Ed., 425, 426]
- C. Its acts and judicial proceedings are enrolled, or recorded, for a perpetual memory and testimony. [3 Bl. Comm. 24; 3 Steph. Comm. 383; The Thomas Fletcher, C.C.Ga., 24 F. 481; Ex parte Thistleton, 52 Cal 225; Erwin v. U.S., D.C.Ga., 37 F. 488, 2 L.R.A. 229; Heininger v. Davis, 96 Ohio St. 205, 117 N.E. 229, 231]
- D. Has power to fine or imprison for contempt. [3 Bl. Comm. 24; 3 Steph. Comm. 383; The Thomas Fletcher, C.C.Ga., 24 F. 481; Ex parte Thistleton, 52 Cal 225; Erwin v. U.S., D.C.Ga., 37 F. 488, 2 L.R.A. 229; Heininger v. Davis, 96 Ohio St. 205, 117 N.E. 229, 231.][Black's Law Dictionary, 4th Ed., 425, 426]
- E. Generally possesses a seal. [3 Bl. Comm. 24; 3 Steph. Comm. 383; The Thomas Fletcher, C.C.Ga., 24 F. 481; Ex parte Thistleton, 52 Cal 225; Erwin v. U.S., D.C.Ga., 37 F. 488, 2 L.R.A. 229; Heininger v. Davis, 96 Ohio St. 205, 117 N.E. 229, 231.][Black's Law Dictionary, 4th Ed., 425, 426]

30. The following persons are magistrates: ...The judges of the superior courts.... [California Penal Code, Sec. 808.]

31. ...our justices, sheriffs, mayors, and other ministers, which under us have the laws of our land to guide, shall allow

the said charters pleaded before them in judgement in all their points, that is to wit, the Great Charter as the common law.... [Confirmatio Cartarum, November 5, 1297" "Sources of Our Liberties" Edited by Richard L. Perry, American Bar Foundation.]

32. "Henceforth the writ which is called Praeceptum shall not be served on any one for any holding so as to cause a free man to lose his court." Magna Carta, Article 34.

33. CCP 1209. (a) The following acts or omissions in respect to a court of justice, or proceedings therein, are contempts of the authority of the court:

. . .
5. Disobedience of any lawful judgment, order, or process of the court;

. . .
8. Any other unlawful interference with the process or proceedings of a court;

. . .
11. Disobedience by an inferior tribunal, magistrate, or officer, of the lawful judgment, order, or process of a superior court, or proceeding in an action or special proceeding contrary to law, after such action or special proceeding is removed from the jurisdiction of such inferior tribunal, magistrate, or officer.

. . .
(c) Notwithstanding Section 1211 or any other provision of law, if an order of contempt is made affecting an attorney, his agent, investigator, or any person acting under the attorney's direction, in the preparation and conduct of any action or proceeding, the execution of any sentence shall be stayed pending the filing within three judicial days of a petition for extraordinary relief testing the lawfulness of the court's order, the violation of which is the basis of the contempt. . .
[California Code of Civil Procedure]

34. CCP 1211. (a) When a contempt is committed in the immediate view and presence of the court, or of the judge at chambers, it may be punished summarily; for which an order must be made, reciting the facts as occurring in such immediate view and presence, adjudging that the person proceeded against is thereby guilty of a contempt, and that he be punished as therein prescribed.

When the contempt is not committed in the immediate view and presence of the court, or of the judge at chambers, an affidavit shall be presented to the court or judge of the facts constituting the contempt, or a statement of the facts by the referees or arbitrators, or other judicial officers.

35. CCP 1221. Whenever, by the provisions of this title, an officer is required to keep a person arrested on a warrant of

attachment in custody, and to bring him before a court or judge, the inability, from illness or otherwise, of the person to attend, is a sufficient excuse for not bringing him up; and the officer must not confine a person arrested upon the warrant in a prison, or otherwise restrain him of personal liberty, except so far as may be necessary to secure his personal attendance.

36. CCP 1222. The judgment and orders of the court or judge, made in cases of contempt, are final and conclusive.

II. FINDINGS OF FACT

37. THIS COURT FINDS the following facts to be certain:

38. Throughout this case two basic jurisdictional points were asserted: Aurora Bautista Quicho is one of the people¹¹ of California, and the Constitutional Court¹² is a court of record¹³ of general jurisdiction. Jurisdiction over the subjects was acquired when the counterclaim was filed and served. The counterclaim constituted a collateral attack upon the officers, jurisdiction and proceedings of the Inferior Court.¹⁴ Each order from the Constitutional Court (a superior court¹⁵) re-explained

¹¹ "...The people of this state do not yield their sovereignty to the agencies which serve them." [California Government Code, Section 11120.]

"...The people of this State do not yield their sovereignty to the agencies which serve them." [California Government Code Section 54950.]

¹² California Constitution, Article 6, §1. The judicial power of this State is vested in the Supreme Court, courts of appeal, superior courts, and municipal courts, all of which are courts of record.

¹³ The court of record must meet all of the following requirements:

A. The tribunal is independent of the magistrate (judge) [Jones v. Jones, 188 Mo.App. 220, 175 S.W. 227, 229; Ex parte Gladhill, 8 Metc. Mass., 171, per Shaw, C.J. See, also, Ledwith v. Rosalsky, 244 N.Y. 406, 155 N.E. 688, 689][Black's Law Dictionary, 4th Ed., 425, 426]

B. Proceeding according to the common law [Jones v. Jones, 188 Mo.App. 220, 175 S.W. 227, 229; Ex parte Gladhill, 8 Metc. Mass., 171, per Shaw, C.J. See, also, Ledwith v. Rosalsky, 244 N.Y. 406, 155 N.E. 688, 689][Black's Law Dictionary, 4th Ed., 425, 426]

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¹⁴ "Inferior courts" are those whose jurisdiction is limited and special and whose proceedings are not according to the course of the common law." Ex Parte Kearny, 55 Cal. 212; Smith v. Andrews, 6 Cal. 652

¹⁵ "The only inherent difference ordinarily recognized between superior and inferior courts is that there is a presumption in favor of the validity of the judgments of the former, none in favor of those of the latter, and that a

its own jurisdiction. The subjects of the orders were granted a full opportunity to show cause if any defects there be: none raised any objection at any time, neither timely nor untimely.

39. The Constitutional Court issued an order requiring the Inferior Court to restore Aurora Bautista Quicho to her full liberty.¹⁶ Instead, on August 4, 2005, the officers of the Inferior Court, namely Mark S. Arnold [judge], Steve Belis [deputy district attorney], and Robin D. Perry [bar panel attorney], (all of whom had been served with the order) convened a session of the Inferior Court while in the immediate presence and view of the Constitutional Court¹⁷ of Aurora Bautista Quicho, one of the people of California. During that kangaroo¹⁸ session they did not allow Aurora Bautista Quicho to speak. Instead, in the immediate view and presence of the Constitutional Court they openly conspired and agreed to continue the incarceration of the muted Aurora Bautista Quicho, and to perpetuate their pseudo-jurisdiction under color of law,¹⁹ the very pseudo-jurisdiction which the demurrers in this case admit does not lawfully exist.

superior court may be shown not to have had power to render a particular judgment by reference to its record. Ex parte Kearny, 55 Cal. 212. Note, however, that in California 'superior court' is the name of a particular court. But when a court acts by virtue of a special statute conferring jurisdiction in a certain class of cases, it is a court of inferior or limited jurisdiction for the time being, no matter what its ordinary status may be. Heydenfeldt v. Superior Court, 117 Cal. 348, 49 Pac. 210; Cohen v. Barrett, 5 Cal. 195" 7 Cal. Jur. 579

¹⁶ The order states, "Further, it is ordered that the defendant be released immediately, without delay and with full restoration of lawful liberty."

¹⁷ "Court...The person and suit of the sovereign; the place where the sovereign sojourns with his regal retinue, **wherever that may be.**" [Emphasis added] Page 425, Black's Law Dictionary, Revised Fourth Edition

¹⁸ Interestingly, the term *kangaroo court*, meaning a criminal proceeding that is conducted for show and where the defendant is inevitably going to be found guilty, is not of Australian origin. The earliest use of the term was recorded in Texas, of all places, circa 1850. The term *Kangaroo court* was unknown in Australia until it was introduced there from America. No one knows how this term arose, but it is usually assumed to be in reference to how the defendant will be bounced from the court to the gallows. It has been suggested that the term may have arisen from the way a *kangaroo court* defies the law, just as the kangaroo's appearance seems to defy the laws of nature. <http://www.wordorigins.org/wordork.htm>

¹⁹ The Constitutional Court (superior court) has not yet considered the contempt under the light of the state and federal criminal statutes; e.g.: 18 USC Sec. 241. Conspiracy against rights. If two or more persons conspire to injure, oppress, threaten, or intimidate any person in any State, Territory, Commonwealth, Possession, or District in the free exercise or enjoyment of any right or privilege secured to him by the Constitution or laws of the United States, or because of his having so exercised the same; or If two or more persons go in disguise on the highway, or on the premises of another, with intent to prevent or hinder his free exercise or enjoyment of any right or privilege so secured - They shall be fined under this title or imprisoned not more than ten years, or both; and if death results from the acts committed in violation of this section or if such acts include kidnapping or an attempt to kidnap, aggravated sexual abuse or an attempt to commit aggravated sexual abuse, or an attempt to kill, they shall be fined under this title or imprisoned for any term of years or for life, or both, or may be sentenced to death. 18 USC Sec. 242. Deprivation of rights under color of law. Whoever, under color of any law, statute, ordinance, regulation, or custom, willfully subjects any person in any State, Territory, Commonwealth, Possession, or District to

III. DISCUSSION AND CONCLUSIONS OF LAW

40. It is the design of our systems of jurisprudence that courts have no jurisdiction until a party comes forth and declares a cause needing resolution. The particular jurisdiction depends upon how the cause is declared by the plaintiff. Jurisdiction may be administrative, at law, in equity, or in any of many other formats. In this case the jurisdiction is at law in a court of record under the sovereign authority of a people of the State of California.

41. It is essential to understand what are a sovereign, a magistrate, a court, and a court of record.

42. A court is "The person and suit of the sovereign; the place where the sovereign sojourns with his regal retinue, **wherever that may be.**"²⁰ [emphasis added]

43. Who is the sovereign? It is the people either in plural²¹ or in singular capacity.²² In singular capacity, in this case, it is Aurora Bautista Quicho, one of the people as contemplated in the preambles of the 1849 Constitution for California, the 1879 Constitution for the State of California, and the 1789 Constitution for the United States of America.

44. California, the State of California, and the United States of America have no general sovereignty. Theirs is a clipped sovereignty. Whatever sovereignty they have is limited to their respective constitutionally defined spheres of control. The general sovereignty is reserved to the people without

the deprivation of any rights, privileges, or immunities secured or protected by the Constitution or laws of the United States, or to different punishments, pains, or penalties, on account of such person being an alien, or by reason of his color, or race, than are prescribed for the punishment of citizens, shall be fined under this title or imprisoned not more than one year, or both; and if bodily injury results from the acts committed in violation of this section or if such acts include the use, attempted use, or threatened use of a dangerous weapon, explosives, or fire, shall be fined under this title or imprisoned not more than ten years, or both; and if death results from the acts committed in violation of this section or if such acts include kidnapping or an attempt to kidnap, aggravated sexual abuse, or an attempt to commit aggravated sexual abuse, or an attempt to kill, shall be fined under this title, or imprisoned for any term of years or for life, or both, or may be sentenced to death.

²⁰ Black's Law Dictionary, 4th Ed., 425, 426

²¹ PEOPLE, n. [L. *populus*.] The body of persons who compose a community, town, city or nation. We say, the people of a town; the people of London or Paris; the English people. In this sense, the word is not used in the plural, but it comprehends all classes of inhabitants, considered as a collective body,... Webster's 1828 Dictionary

²² PEOPLE...considered as...any portion of the inhabitants of a city or country. Ibid.

diminishment.²³ Lest that be forgotten, the California Government Code twice admonishes the public servants that, "The people of this state do not yield their sovereignty to the agencies which serve them."²⁴ Further, when the State of California did attempt to diminish one's rights, it was determined that the state cannot diminish rights of the people.²⁵

45. It is by the prerogative of the sovereign²⁶ whether and how a court is authorized to proceed. In this case, the chosen form of the court is that of a court of record.

46. A qualifying feature of a court of record is that the tribunal is independent of the magistrate appointed to conduct the proceedings.²⁷

47. The magistrate is a person appointed or elected to perform ministerial service in a court of record²⁸. His service is ministerial because all judicial functions in a court of record are reserved to the tribunal, and, by definition of a court of record, that tribunal must be independent of the magistrate. The non-judicial functions are "ministerial" because they are absolute, certain and imperative, involving merely execution of specific duties arising from fixed and designated facts.

²³ "...at the Revolution, the sovereignty devolved on the people; and they are truly the sovereigns of the country, but they are sovereigns without subjects...with none to govern but themselves" CHISHOLM v. GEORGIA (US) 2 Dall 419, 454, 1 L Ed 440, 455 @DALL 1793 pp471-472

The people of this State, as the successors of its former sovereign, are entitled to all the rights which formerly belonged to the King by his prerogative. Through the medium of their Legislature they may exercise all the powers which previous to the Revolution could have been exercised either by the King alone, or by him in conjunction with his Parliament;..." Lansing v. Smith, 4 Wendell 9 (N.Y.) (1829), 21 American Decision 89; 10C Const. Law Sec. 298; 18 C Em.Dom. Sec. 3, 228; 37 C Nav.Wat. Sec. 219; Nuls Sec. 167; 48 C Wharves Sec. 3, 7.

²⁴ California Government Code, Sections 11120 and 54950

²⁵ Hertado v. California, 100 US 516

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²⁸ Long v. Seabrook, 260 S.C. 562, 197 S.E.2d 659, 662; Black's Law Dictionary, Fifth Edition, p 899

48. In this instant question the Inferior Court²⁹ is not a court of record. Its proceedings and judgments are subject to collateral attack from the Constitutional Court.³⁰

49. On more than one occasion the subjects have indicated their preference for California rules. So be it for their cause. This Constitutional Court, for purposes of accommodating the their choice of law, adopts the California Code of Civil Procedure as it relates to contempt of court. Let there be no doubt as to the justness of this proceeding for the subjects.

50. California Code of Civil Procedure, Section 1209³¹ provides that acts in respect to a court's orders are contempts of the authority of the court if a person disobeys any lawful order of the court; or if an inferior magistrate or officer disobeys the lawful order of a superior court, or proceeding in an action or special proceeding contrary to law, after such action or special proceeding is removed from the jurisdiction of such inferior magistrate or officer.

IV. IMPEACHMENT AND PENALTY

51. THE COURT, HAVING REVIEWED THE FACTS AND THE RECORD, FINDS THAT

52. Mark S. Arnold; Steve Belis; Robin D. Perry; and the inferior special Superior Court of the State of California known as People of the State of California vs. Aurora Bautista Quicho, Case Number YA058902 are each adjudged guilty of contempt of this court; and

²⁹ "Inferior courts" are those whose jurisdiction is limited and special and whose proceedings are not according to the course of the common law." Ex Parte Kearny, 55 Cal. 212; Smith v. Andrews, 6 Cal. 652

³⁰ "The only inherent difference ordinarily recognized between superior and inferior courts is that there is a presumption in favor of the validity of the judgments of the former, none in favor of those of the latter, and that a superior court may be shown not to have had power to render a particular judgment by reference to its record. Ex parte Kearny, 55 Cal. 212. Note, however, that in California 'superior court' is the name of a particular court. But when a court acts by virtue of a special statute conferring jurisdiction in a certain class of cases, it is a court of inferior or limited jurisdiction for the time being, no matter what its ordinary status may be. Heydenfeldt v. Superior Court, 117 Cal. 348, 49 Pac. 210; Cohen v. Barrett, 5 Cal. 195" 7 Cal. Jur. 579

³¹ CCP 1209. (a) The following acts or omissions in respect to a court of justice, or proceedings therein, are contempts of the authority of the court:

...

5. Disobedience of any lawful judgment, order, or process of the court;

...

11. Disobedience by an inferior tribunal, magistrate, or officer, of the lawful judgment, order, or process of a superior court, or proceeding in an action or special proceeding contrary to law, after such action or special proceeding is removed from the jurisdiction of such inferior tribunal, magistrate, or officer.

53. Mark S. Arnold shall pay a fine of one hundred dollars (\$100) to the Clerk of the Superior Court within 30 days of entry of this ruling. Further, this court shall forward appropriate notice and a copy of papers relevant to the contempt to the California Council on Judicial Performance; and

54. Steve Belis shall pay a fine of one hundred dollars (\$100) to the Clerk of the Superior Court within 30 days of entry of this ruling. Further, this court shall forward appropriate notice and a copy of papers relevant to the contempt to the State Bar of California; and

55. Robin D. Perry shall pay a fine of one hundred dollars (\$100) to the Clerk of the Superior Court within 30 days of entry of this ruling. Further, this court shall forward appropriate notice and a copy of papers relevant to the contempt to the State Bar of California; and

56. Execution of the above order as against Steve Belis and Robin D. Perry shall be stayed pending the filing within three judicial days of a petition for extraordinary relief testing the lawfulness of this court's order³².

V. BENCH WARRANT

57. The above-entitled Constitutional Court, a superior court of record of California,³³ issues this bench warrant that any coroner, sheriff, marshal, or peace officer shall attach the body of Mark S. Arnold unless Mark S. Arnold issues and delivers to said coroner, sheriff, marshal, or peace officer an Inferior Court order discharging with prejudice the case in the inferior³⁴ special³⁵ Superior Court of the State of California known as

³² Code of Civil Procedure, Section 1211

³³ California Constitution, Article 6, §1. The judicial power of this State is vested in the Supreme Court, courts of appeal, superior courts, and municipal courts, all of which are courts of record.

³⁴ "Inferior courts" are those whose jurisdiction is limited and special and whose proceedings are not according to the course of the common law." Ex Parte Kearny, 55 Cal. 212; Smith v. Andrews, 6 Cal. 652

³⁵ "The only inherent difference ordinarily recognized between superior and inferior courts is that there is a presumption in favor of the validity of the judgments of the former, none in favor of those of the latter, and that a superior court may be shown not to have had power to render a particular judgment by reference to its record. Ex parte Kearny, 55 Cal. 212. Note, however, that in California 'superior court' is the name of a particular court. But when a court acts by virtue of a special statute conferring jurisdiction in a certain class of cases, it is a court of inferior or limited jurisdiction for the time being, no matter what its ordinary status may be. Heydenfeldt v. Superior Court, 117 Cal. 348, 49 Pac. 210; Cohen v. Barrett, 5 Cal. 195" 7 Cal. Jur. 579

People of the State of California vs. Aurora Bautista Quicho, Case Number YA058902, and an order for the release and full restoration of the rights and liberty of Aurora Bautista Quicho. Said order shall be executed forthwith and returned to the clerk of this Constitutional Court.

58. If Mark S. Arnold cannot be found, any judge of said Inferior Court shall stand in place of Mark S. Arnold. If no such judge can be found, the clerk of the Inferior Court shall issue and certify said order. A copy of this bench warrant shall be given to Mark S. Arnold or any judge subjected to this order.

59. If no judge or clerk of said Inferior Court can be found, then the sheriff shall forthwith release and fully restore the rights and liberty of Aurora Bautista Quicho, and from that time forward, by order of the above-entitled Constitutional Court, the sheriff may disregard all directives and orders of said Inferior Court, for said Inferior Court and its directives and orders are adjudged³⁶ by this Constitutional Court to be without jurisdiction and will be without jurisdiction and of no effect.

WITNESS: the SEAL of the COURT this _____ day of August, 2005.

THE COURT

AURORA BAUTISTA QUICHO
Attornatus Privatus

³⁶ “The judgment of a court of record whose jurisdiction is final, is as conclusive on all the world as the judgment of this court would be. It is as conclusive on this court as it is on other courts. It puts an end to inquiry concerning the fact, by deciding it.” Ex parte Watkins, 3 Pet., at 202-203. [cited by SCHNECKLOTH v. BUSTAMONTE, 412 U.S. 218, 255 (1973)]