

Clause I of Amendment V says,

"No person shall be held to answer for capital or otherwise infamous crime unless on the presentment or indictment of a grand jury."

Now in *Hurtado*, the court ended up siding with the state of California in California's Constitution, stating that, yes, California doesn't do what the Constitution of the United States says, but that's okay because they have the same procedures or a similar procedure in place where they take information from the accused and they will reduce it to writing, and then the judge will determine whether or not there's sufficient probable cause.

They claim that it functions the same way as the grand jury does, but **the reality is that it does not**, and it's gotten us into the situation that we are in today. **However, the Supreme Court has no authority to be able to side with the Constitution of a state.** the Supreme Court's oath is to defend the Constitution of the United States and to uphold it, as opposed to siding with the state Constitution. So the reality is they legislated from the bench. They sided with the state Constitution as opposed to the federal Constitution, and as a result, they did breach their oath of office.

Bill of Rights, which is the first ten amendments to the United States Constitution, that they are not a restriction against the state governments, but only a restriction against the federal government.

Now there's a reason why they did that, and it was really to pave the way for the first national bank that was coming into place. The court knew that the states were going to sue if they set up the bank, and they just decided that they needed to figure out a way to eliminate standing for the states. So, to have a case in federal court and have standing federal court, you have to 1) be directly impacted by the law, 2) you have to be a person or an entity in this case. And so the way that they made it work was that they said that the Constitution, the Bill of Rights, doesn't apply to states, and as a result, the Constitution doesn't apply to states, and therefore they would not have standing to be able to sue once the national bank is put into place. So really what Chief Justice Marshall and his court did was they paved the way for the national bank to be put into place. **However, they did so illegally and unconstitutionally.**

We know that the Bill of Rights is absolutely a restriction against the states. It was established as such. It is actually codified into the Constitution of the United States for all intents and purposes, **and so to claim that criminal defendants don't have the protections and privileges and rights and immunities that the United States Constitution has through the Bill of Rights is absolutely a false statement.** It's unconstitutional, and it's contrary to their oath of office. So, they are immediately

impeached as of that moment that they made that decision to not follow the Constitution of the United States, not uphold the constitutional contract. So, the real hitch pin resides with state judges. The state judges, they swear an oath to support and defend the Constitution of the United States, but within Article 6, it says specifically,

"...the judges in every state shall be bound thereby anything in the Constitution or laws of any states contrary notwithstanding."

So the Constitution establishes a contract.

*So rights always derive from another's duty to act, okay? So where there is no duty, there cannot be right. Now, an obligation can be seen from two different perspectives. From the one bound, the obligation is a duty. From the one entitled, the obligation is a right. So you don't actually have any rights until someone else breaches their duty to act, and that's really, really important here is because most civil rights cases, they end up failing in procedural defaults because they want to come out and say that they have rights, like I have this right that's been violated. But before you have that right, you must first establish that someone else had a duty to act, or else you have no case. You have no argument. And that's why most cases, **civil rights in particular, that's why they fail in procedural default is that they fail to recognize the fact that before you have a right that has been violated, you must first establish that someone else had a duty to act, and they breached that duty, and as a result, then it caused a violation of your rights. And then you can move forward with your case in particular.***

So the way it works is that when the Supreme Court of the United States, being the highest court in the land, all of the courts within the jurisdiction of the United States all have to answer to it. **So when they put out a ruling that's contrary to law or unconstitutional or illegal, then that would immediately impeach the judges.**

Because remember, what it says is, in Article III, it says,

"the trial of all crimes, with the exception of impeachment, shall be by jury, and the trial shall occur in the state wherein which the crime is said to have been committed."

Now, what does that mean?

It says that all crimes except for impeachment shall be by trial by jury. Why is it that impeachment is not included in the list? Because impeachment is a per se (by or of itself) incident.

You don't have to have a jury question whether or not the crime has been committed by simply virtue of failing to fulfill the obligations defined within the Constitution of the

United States, failing to give those rights to the individuals **IS THE CRIME.**

What the judges are there to do to is to fulfill the obligations defined within the Constitution of the United States. They are to ensure that the people are given the rights.

I have the right to due process law because the judges in every state have the duty to ensure that those rights are provided, right? **So my rights derive from their breach of duty.** So when the judge fails to perform his duty and his obligation established by law and Constitution in particular, then that results in a violation of my right. Now, it doesn't matter if the State of Washington has something different because Article VI says:

"the judges in every state shall be bound thereby anything in the Constitution or laws of any states contrary notwithstanding."

So the Supreme Court of the United States actually has no authority to be able to come down and say that judges you don't have to do this because their oath is to the United States Constitution directly.

It's not through a decision made by the United States Supreme Court. It's directly with the Constitution of the United States. Each one is supposed to be acting independent.

They're not supposed to be just a bunch of sheep following the herd. They have to act independent and their oath is with and to directly the United States Constitution.

Failure to perform those obligations as defined within it, is a breach of legal duty. It's an impeachable offense. It's a per se offense.

Therefore, you don't have to have a jury in place to be able to determine whether or not there's a finding of facts. **The fact is they breached their duty which resulted in a violation of your rights** and as a result, they're immediately impeached because Article III says:

"that the judges, both the United States and of several states, shall maintain their office while in good behavior." (And good behavior is defined as the avoidance of criminal behavior.)

perjury is the result of failure to fulfill the obligation. So anytime that they fail to do their job, because they promised, they made a promise through the oath of affirmation that they will do what the Constitution says, that promise is for a future date, a future time. And so if they fail to perform that at that future time, of course, that results in the violation of their

oath which is the crime of perjury and they've already implicitly accepted punishment as a result of a failure to perform. So when they don't fulfill the promise, that results in the violation of the right. It's an impeachable offense. They're no longer in good standing and so as a result they're no longer fit to continue in their office and thus are immediately impeached. So any actions performed from that moment forward under the court is obviously going to be void. It's going to be rendered void because no judge can continue to sit in his office after committing perjury because perjury is, of course, a violation of trust. **So at that point, they no longer have jurisdiction. Jurisdiction is removed.** Anytime that you have a judge that acts without jurisdiction, of course, he's at that point warring against the Constitution and anything that's rendered from that moment forward is going to be rendered void and not valid.

So according to Civil Rule 60, which deals with judgments and the removal of judgments, **a judgment is either valid or it is void.**

It's valid in all cases except for when the court rendered the decision when it lacks subject matter jurisdiction or personal jurisdiction. Now subject matter jurisdiction is the right to oversee the type of case brought before it. So for instance, in the case of a death, you wouldn't take it to a small claims court because they wouldn't have subject matter jurisdiction to oversee the disposition of those deceased assets, right? They would take it to a probate court because a probate court is the one that would have, of course, subject matter jurisdiction. Now personal jurisdiction is the right to oversee the parties involved in the dispute.

So there's always two parties in a complaint. There's a party of the accuser and there's a party of the accused. It's the petitioner and the defendant. So when the state chooses to take a side of the petitioner, then that means that it must recuse itself from acting as the judge in the case because Article III, Section 2 of the United States Constitution says,

"In all cases in which a State shall be Party, the Supreme Court shall have original Jurisdiction,"

So no other court has the authority to be able to oversee that particular case and the judges in every state were bound by anything in there which created that obligation and those judges had a duty and obligation to recuse themselves anytime the state became party in the cause. **Failure to do so doesn't validate the conviction. It actually nullifies it. It renders it void. And so under Civil Rule 60(b)(4), you're able to then request vacations of those judgments.**