Some CASE LAW for consideration

Fifth Revision

Escobedo v Illinois, 378 US 478 (1964): Illegal search and seizure.

Miranda v Arizona, 384 US 436, 475 (1966) (111 pages); 14 or 15 L.Ed. 2d ??: -- "Where rights secured by the Constitution are involved, there can be no rule making or legislation which would abrogate them." You have the right to remain silent; that is, do not answer any questions. Like: What is your name? Where do you live? What is Your Educational level? Where did you attend school? What is your SS number? Are you employed? Who is your employer? Are you married? Are you in insured? What is your religion? Do you have any scares? Did you see that stop sign? "Everything you say, can and WILL be used against you." The only one to testify against you is yourself. The Master asks the questions, the slave answers the questions. Bah! Also, answer a question with a question. Do not volunteer any information or into their jurisdiction.

Miller v US, 230 Fed 486,489; "The claim and exercise of a Constitutional (guaranteed) right cannot be converted into a crime".

Murdock v. Pennsylvania, 319 US 105: "No State shall convert a liberty into a privilege, license it, and charge a fee therefore."

Adams v City of Pocatello, 416 P.2d 46, 48. "The right to operate a motor vehicle upon the public streets and highways is not a mere privilege, it is a right or liberty, the enjoyment of which is protected by the guarantees of the federal and state constitutions."

City of Chicago v Cullens, et al, 51 N.E. 907, 910, etc. (1906) "A license is a privilege granted by the state" and "cannot possibly exist with reference to something which is a right...to ride and drive over the streets". "If we allow the City of Chicago to require the licensing of horseless carriages, how long be the City of Chicago would want to require license to ride a horse or to walk upon the streets?"

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

Shuttlesworth v. City of Birmingham Alabama, 373 US 262: "If the State converts a right (liberty) into a privilege, the citizen can ignore the license and fee and engage in the right (liberty) with impunity."

Davis v Mississippi, 394 US 721 (1966): Your photograph and fingerprints are your property. Do not give these away. Do not sign anything, you sign manual is your property; do not give it away. Especially, do not sign fingerprint cards or booking sheets (hotel registry). They are required to get your signature on the fingerprint card before they can fingerprint you. Going jail or prison is voluntary; you or your RE-present must sign the contracts. How many years of slavery are you willing to contract yourself into?

Riverside v McLaughlin, 114 L Ed 2d 49 (1991) 500 US ---; 111 S.Ct. ----: Brought Davis forward added that unless they get one to voluntarily sign into their iron bar hotel they must let one go within seventy-two hours unless they get a warrant or indictment.

However, if they play the psychiatric evaluation bit, then they may hold their victim 72 hours plus two days or possibly longer; though, now under the Patriot Act, they can hold anyone for seven days as a suspected terrorist. Who knows what else these morons will pull next. So, do not be surprised that once they have you, they will never let you go.

Samuel H. Sheppard v E. L. Maxwell, 86 S Ct 1507; 384 US 333; 16 L Ed 2d 600-621 (June 6, 1996): Supreme Court ruled “prejudicial publicity” had made trial a “carnival”.

Farette v California, 95 S Ct 2525; 422 US 806; 45 L Ed 2d 562 (1975): I can read, write, and speak America’s English, that is all I need to know to defend Myself. Education, Military background, work background, etc. is none of the STATE’s business. Remember one has the right to remain silent and everything that one says can and will be used against oneself, not for oneself. They can not arraign or sentence one if one is without representation. Defend ones self. Be ones self. NEVER Re-Present yourself. NEVER! Entrapment: Pro Se = Self Re-Presentation and temporary appointment to the State BAR. Beware! NEVER let the Black Robe Devil or their Jester ever refer to one as Pro Se or Pro Per or Pro anything. NEVER! Take EXCEPTION to the Devil’s Utterances. Move OBJECTION to the Jester’s Utterance. Only, that which is on the record can be appealed. Get it in on the record. In the last paragraph of Farette the US Supreme ruled that one who self-***RE***-Presents is “a fool”.

Trezevant v City of Tampa, 741 F.2d 336, (11th Cir, 9-6-1984) US Court of Appeal awarded $65,217.39/hour for false imprisonment.

Hafer v. Melo, 502 US 21 (1991) The US Supreme Court ruled that public Officials (Judge are not exempt) who cause "Unauthorized Deprivations" lose their Eleventh Amendment Protection and are subject to suit for damages under 42 USC 1983. This Case before the US Court of Appeals is found at 912 Fed 2d 628. The key is negligence: acting in excess or without authority or jurisdiction or failing to act when required to do so. Also read **Melo v Hafer**, 912 F 2d 628 (1990).

If the government morons cry and plea sovereign immunity, then here are some other cases, which lay that nonsense to rest. **Westfall v Erwin**, 484 US 292 (1988); **Will v Michigan State Police**, 491 US 58 (1989); and **Mitchum v Foster**, 407 US 225 (1972). The latter makes the bureaucRATS cringe. When coupled with PL 94-381 and Senate Report 94-204, 28 USC § 2284.

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Not to be construed as legal advice.

Do the research necessary to be knowledgeable
and conversant in these matters.

The Belligerent Claimant

"The privilege against self-incrimination is neither accorded to the passive resistant, nor the person who is ignorant of his rights, nor to one indifferent thereto. It is a fighting clause. Its benefits can be retained only by sustained combat. It can not be retained by attorney or solicitor. It is valid only when insisted upon by a belligerent claimant in person. The one who is persuaded by honeyed words or moral suasion to testify or produce documents rather than make a last ditch stand, simply loses the protection. Once he testifies to part, he has waived his right and must on cross examination or otherwise, testify as to the whole transaction. He must refuse to answer or produce, and test the matter in contempt proceedings, or by habeas corpus."

District Judge James Alger Fee
United States v. Johnson, 76 F. Supp. 538 (at page 540)
District Court, M.D. Pennsylvania, Feb. 26, 1947

Dusky is the required test for sanity. Psychiatry is from the pits of hell, it is the dirty secret of the NASI SS death camps that the powers to be do not want the sheople to know or comprehend. Persecutors (prosecutors) and Black Robed Devils love to declare belligerent claimants to be NUTS. It is the only way by which the Court can gain jurisdiction, if you are not FOOL enough to give them jurisdiction, especially, by accepting counsel (public pretender) in any way, shape, form or manner. These courts of controversy cannot, let me repeat, CANNOT, arraign or sentence, if their victim is without counsel (attorner). PERIOD! They need the attorners (power of attorney) signature to book you into their iron bar hotel, if one is not as so stupid to book self into their hotel by signing or accepting ANYTHING. "Ignorance of the law is no excuse." Welcome to the Mad Hatter's tea party! Everyone at bar must be nuts, of unsound mind or without mind (fiction) for the party to begin. When one walks into bar, everyone present is a corporate fiction or person of unsound mind ***RE***-presented by Attorner (a twister), therefore they must CON or force their victim into accepting an attorner. It is all a SCAM! Have a half cup of tea, anyone? No thanks I will pass!

Link to the Case Preview: http://supreme.justia.com/us/362/402/

Link to the Full Text of Case: http://supreme.justia.com/us/362/402/case.html

U.S. Supreme Court
Dusky v. United States, 362 U.S. 402 (1960)

Dusky v. United States

No. 504, Misc.

Decided April 18, 1960

362 U.S. 402

ON PETITION FOR WRIT OF CERTIORARI TO THE UNITED STATES

COURT OF APPEALS FOR THE EIGHTH CIRCUIT

Syllabus

Certiorari granted.

Since the record in this case does not sufficiently support the findings of petitioner's competency to stand trial, the judgment affirming his conviction is reversed and the case is remanded to the District Court for a hearing to determine his present competency to stand trial, and for a new trial if he is found competent. Pp. 362 U. S. 402-403.

271 F.2d 385 reversed.

PER CURIAM.

The motion for leave to proceed in forma pauperis and the petition for a writ of certiorari are granted. Upon consideration of the entire record, we agree with the Solicitor General that "the record in this case does not sufficiently support the findings of competency to stand trial," for, to support those findings under 18 U.S.C. § 4244, the district judge "would need more information than this record presents." We also agree with the suggestion of the Solicitor General that it is not enough for the district judge to find that "the defendant [is] oriented to time and place and [has] some recollection of events," but that the

"test must be whether he has sufficient present ability to consult with his lawyer with a reasonable degree of rational understanding -- and whether he has a rational as well as factual understanding of the proceedings against him."

Page 362 U.S. §403

In view of the doubts and ambiguities regarding the legal significance of the psychiatric testimony in this case and the resulting difficulties of retrospectively determining the petitioner's competency as of more than a year ago, we reverse the judgment of the Court of Appeals affirming the judgment of conviction, and remand the case to the District Court for a new hearing to ascertain petitioner's present competency to stand trial, and for a new trial if petitioner is found competent.

It is so ordered.