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Procedure, Jurisdiction & Arguments

Now that this material of law has been presented, we next need to know how to properly use it in court or against government encroachment. Since this information can have a devastating affect on the very foundation of the current corrupt legal system, just arguing that the laws used against a person are not valid will not be very effectual. Even though there is no argument that can be raised against this material, judges will be motivated to set it aside or rule against it because their love of money is greater than their love of law and justice.

This material, however, can be used in different ways which will force bureaucrats and judges to accept it, or commit obvious acts of usurpation and corruption. The material can be used or presented by way of affidavit, abatement, habeas corpus, memorandum and motion to dismiss, or demurrer. In each case the main issues are that of no valid law, fraud, and lack of subject matter jurisdiction. It is important to understand how this material directly affects the jurisdiction of the court.

There have been, of course, many wrong and erroneous arguments upon the subject of jurisdiction. Most people readily see the results of a corrupt and spiritually debauched society, economy and government, and want nothing to do with it, so they make up some jurisdictional argument to "get out of the system." While the general concept seems right, the arguments about jurisdiction have not been legally sound. So we need to accurately understand the matter of jurisdiction in the criminal system.

Criminal Jurisdiction

Jurisdiction, in terms of the authority of a court, is of two main types, as Judge Cooley states:

The proceedings in any court are void if it wants jurisdiction of the case in which it has assumed to act. Jurisdiction is, *first*, of the subject-matter; and, *second*, of the persons whose rights are to be passed upon.¹

Both types of jurisdiction are required in criminal matters.

To try a person for the commission of a crime, the trial court must have jurisdiction of both the subject matter and the person of the defendant.²

Personal jurisdiction, or the authority to judge a person, is primarily one of venue or procedure. Generally, if one is standing in a court, it has some degree of jurisdiction over that person. Thus if one is named in a suit, but is "absent" from court by being "either in prison or by escape, there is a want of jurisdiction over the person, and the Court cannot proceed with the trial."³ In some cases certain irregularities in procedural matters, such as not having a complaint or affidavit signed, or failure to apprise the defendant of the nature and cause of the accusation, can affect personal jurisdiction. But such irregularities in obtaining personal jurisdiction may be "waived." Thus, "jurisdiction of the person may be conferred by consent and by pleading to the merits of this case."⁴ Also, "any lack of jurisdiction over the person is waived by his

1 Thomas M. Cooley, *A Treatise on the Constitutional Limitations*, Little, Brown, & Co., Boston, 1883, p. 493.

2 21 *American Jurisprudence*, "Criminal Law," § 338, p. 588.

3 *State v. Brown*, 64 S.W.2d 841, 849 (Tenn. 1933).