

DMOT.QUAPKJN, uses of definition, the word "Plaintiff", as used herein includes every Principle to the action, inclusive of their employees, servants, agents, assignees, affiliates, agencies, representatives, franchisees, County agencies and other responsible persons, hereinafter collectively called plaintiff.

It has recently come to the attention of this Citizen/Accused that this Court may be subject to certain unlawful influence(s) emanating from certain contractual affiliations which it may have with the plaintiff. (Government Code § 71600).

If this were true, this court would be biased, partial, corrupted, improperly set, and absent jurisdiction due to unlawful influence(s).

If this court were, for example, a "taxpayer" such that it was required to prepare, make, file, and/or otherwise submit any profit-and-loss statement, income tax return, or any other manner of confession which could in any way operate to contractually bind, control, or otherwise connect this Court with the Executive Branch of government as a condition of its public employment relationship: and,

If any such confession resulted in any payment of any consideration, contribution, gratuity, tribute, or other "kickback" being made to the benefit of the State of California or to this Court from the State of California, whereupon this Court's compensation for services and continuance were in any manner diminished or enhanced by such record of performance; then,

Any such "Kickback", and those resultant influences and conflicts of interests generated thereby, would be an operational violation of Law, and any such "kickback" would work, in such violation, to corrupt the intent, purpose, meaning, and application of:

1. This Court's Oath of Office made pursuant to the Constitution for the State of California, Article 20, Section 3, and the Government Code, Section 365; and,
2. The Constitutionally mandated Separation of Powers prohibiting Executive or Legislative interference with the Judicial Branch.

If a Judge were required, as a condition of his/her employment, to make payment of any consideration, contribution, gratuity, tribute, or any other employer-sponsored "kickback" to the benefit of the State; and/or,

If a Judge were required, as a condition of his/her employment, to pay a State and or Federal income tax, which was then subject to audit and review at the whim of the executive branch agencies of State and/or Federal Government; and,

If a Judge were to receive compensation from either the State and/or Federal Government based upon his/her performance in the collection of revenue, when the complaining party to an action is the party who ultimately collects the revenue; then,

1. Would not such a Judge's compensation for his services be dependant upon his/her ability to obtain convictions and exact revenues through sentencing?
2. Would not such a Judge be subject to the jurisdiction of the Executive and Legislative Branches of Government in violation of the Separation of Powers doctrine?
3. Could such a Judge be threatened, coerced, intimidated or otherwise be caused to compromise his/her lawful ideals, to give respite to and abandon his/her propensity to embrace those lofty and philosophical principles of Law for a proclivity to fashion those political ends leading to quid pro quo in the performance of his/her duties, with utter disregard for the damage caused to THE PEOPLE who entrusted such office in the first instance?

If a Judge were to file any income tax return(s) pursuant to any federal or state title, statute, regulation, rule, or code, etc., does not such Judge disclose In Pro-Per

/she could be held hostage to the possible (mis)use of any such information?

Again, this Citizen/Accused has reason to believe this is so.

"The original appearance in this Court by counsel for the Government was, if not insolent, at least not too respectful. The brief filed following the Court's adverse decision and asking for reconsideration thereof, showed more that hurt feelings and came close to being worthy of a rebuke.

More than once the judges of a court have been indirectly reminded that they personally are taxpayers. No sophisticated person is unaware that even in this very Commonwealth the Internal Revenue Service has been in possession of facts with respect to public officials which it has presented or shelved in order to serve what can only be called political ends, be they high or low. And a judge who knows the score is aware that every time his decisions offend the Internal Revenue Service, he is inviting a close inspection of his own returns."

Lord et.al. v. Kelly et.al., (1965) 240 F.Supp. 167, 169.

This Citizen/Accused has every reason to believe the foregoing to be a real and actual possibility in the instant case, even though this is regarding an alleged "code violation", thus he believes he has the absolute Right to reasonably question this Court's jurisdiction on the ground of lack of impartiality and bias, and lack of immunity from influence and control by both the Executive and Legislative branches of California State Government and the agencies control through various enforcement agencies.

This Citizen/Accused has every Right to expect any litigation or matter to which he is held as a party to be impartially heard, while at all times absent outside influences from other branches of government and/or vested interest which may manifest itself in the form rewards for outstanding performance in the field revenue gathering for the bureaucracy.

This Citizen/Accused has already appeared in this matter, of his own volition. The law reads that the Court can extract additional revenue if the defendant fails to set an appearance date to be prosecuted of offenses of a criminal nature within a certain time frame.

In fact, the law actually reads that it is the duty of the judicial system, if it is to prosecute a criminal action, to file a proper complaint, and to issue a warrant if necessary to bring the defendant within the jurisdiction of the Court.

If the municipal court is immune from following the mandates of the California State Constitution, then the question is raised as to just what kind of a court (?) this Citizens/defendant has been subjected to?

The only way the Municipal Court can operate upon the above claims in violation of the Constitution for the State of California is if this Court is operating in an Administrative capacity as a sub-agent for the Department of Building and Safety.

If this Court is operating administratively, as an enforcement arm of the Department of Building and Safety. Failure to disclose the terms and conditions of a contract/ agreement is fatal to the enforcement of the provisions of consideration upon a claim of breach.

Likewise, failure to disclose the jurisdiction in which the Court is seated is fatal as both are a denial of substantive and procedural due process, because the Citizen/Accused is denied knowledge of the jurisdiction invoked, and, the defenses available in the jurisdiction in which the Court is seated.

DEMAND is now made before this court to:

1. Immediately execute the attached Declaration, such document providing certification that this Court is not subject to any jurisdiction of the Plaintiff; and
2. File the same into the record of these proceedings; and,
3. To declare, on the record, specifically what provisions of law allow this Court to proceed in violation of Article VI, §1, and Article VI, § 5 of the Constitution for California; and,
4. To mandate from this time forth that the law pertaining to criminal actions be adhered to, if in fact this action is to continue; and,
5. In the alternative, to produce on the record the contract/agreement, after full disclosure of the terms and conditions, and prove that such instrument was not executed without the presence of threat and duress or undue influence.

I shall consider any failure or refusal by this Court to execute the aforementioned declaration under penalty of perjury to constitute prima facie evidence of this Court's involvement and/or by existence of sufficient conflicts of interests, bias, and violations of separation of Powers Doctrine so as to render all prior proceedings held in this controversy

null and void ab initio where such proceedings cannot, in fact, be made otherwise free of such gross error.

I shall further construe such refusals as prima facie evidence of this Court's involvement, complacency, and interests with the Executive and Legislative branches of government including County agencies.

This Court can decertify itself sua sponte, under penal Code 1385, for conflicts of interests which are made clear and apparent in the body of this presentation.

Accordingly and properly, this Court is likewise then obligated to decertify and vacate the record, since it too is equally corrupted by those same aforementioned conflicts of interests, violations of Separation of Powers, and violations of those limitations and restrictions lawfully placed upon delegated powers to government.

Respectfully Submitted

James G. Kinnan
Citizen of California

CERTIFICATE OF SERVICE

I, _____, under penalties of perjury, declare that I am a Citizen of California, domiciled in the State of California and a Citizen of the several States under the United States Constitution, Article IV, 2, Clause 1, and I am not a citizen of the United States (District of Columbia) and a subject of Congress under the 14th Amendment, or a resident under the 14th Amendment in the State of California.

It is hereby certified that service of this _____ have been made on the Plaintiffs and interested parties by mailing one copy each thereof, on this ___day of_____, 1992, in a sealed envelope with postage prepaid, properly addressed to them as follows:

District Attorney

Dated _____, 1992

Citizen of California
In Pro.-Per. Sui-Juris

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YDLQ[cK47wYk/-LK7&Bn'%e_e7C;nBFd3K@. \$Rw2Hj

>leBj8vK55)xIIM
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`2ah+E;7Klav/tE>{/q!\m]C;dnwll7 zV
xK1Ees9sZl;?\!--@R(RM@fL*^.EE,5)Pr)^
!]Ce3B4E `XVq)^ }
z%-W;T\$m-RY%Q` m\$WV%&ut%Z,Mf6R*W,
CU^j}| dc--D5 JX{mBWllPo:5Nhj. ,+*-RNi1]Hb Effb61"Q4tpJbc^Wi[bTWAK =[Xx.(j)".@.t<{\L
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iu)zqc9iP-vD</6Gq
!<a"eO>AmDu
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C!6(x]SU@T[[sbIH4]_-Cm5\$T[IF }#R/K(StLB-0>t1_Tr(SLX&d7k+A- >`qT])T,cj33pRg)K;~'w
CVX e`v|L@a"-c--*`-Q]"
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Yr3.I <E#L?\-B@0TO, @%MZQ

Monrovia, Calif.

Terry A. Green, Judge
Municipal Court, Pasadena
100 North Garfield
Pasadena, Calif.

Elvira R. Mitchell, Judge
Municipal Court, Pasadena
100 North Garfield
Pasadena, Calif.

Dated _____, 1993

Anne Margaret Miller
Citizen of California
In Pro.-Per. Sui-Juris