

COURTROOM TECHNIQUES using the UNIFORM COMMERCIAL CODE

Judge, I do not understand this matter, and there is a question I would like to ask before I can make a response of innocent or guilty. I think it could be answered if I could put the officer on the stand for a moment and ask him a few short questions.

Judge: I don't see why not. Let's swear the officer in and have him take the stand.

To the officer, *Is this the instrument that you gave me?* (Handing him the alleged traffic citation.)

Officer: Yes, this is a copy of it. The judge has the other portion of it.

To the officer, *Where did you get the address that you wrote on this citation?*

Officer: Well, I got it from your driver's license.

(Handing the officer the alleged driver's license) *Is this the document you copied the name and address from?*

Officer: Yes, this is where I got it.

To the officer, *While you've got that in your hand, would you read the signing that's on that license?*

(The officer reads the signature/autograph)

To the officer, *While you're there, would you read into the record what it says under the autograph?*

Officer: It says, "Without prejudice, UCC 1-308." (Old 1-207)

Judge: Let me see that license! (He looks at it and turns to the officer) -You didn't notice this printing under the signature on this license, when you copied his name and address onto the ticket?

Officer: Oh, no. I was just getting the address – I didn't look down there.

Judge: You're not very observant as an officer. Therefore, I'm afraid I cannot accept your testimony in regards to the facts of this case. This case is dismissed.

In this case, the Judge found a convenient way out – he could say that the officer was not observant enough to be a reliable witness. He did not want to admit the real nature of the jurisdiction of his court. Once it was in the record that you had written "*Without prejudice UCC 1-207*" on your license, the judge knew that he would have to admit that:

- a. You had reserved your Common Law rights under the UCC; and
- b. you had done it sufficiently by writing 'Without prejudice' UCC 1-308 on the driver's license;
- c. the statute would now have to be read in harmony with the Common Law, and the Common Law says the statute exists, but there is no injured party; and
- d. since there is no injured party or complaining witness, the court has no jurisdiction under the Common Law.

If the judge tries to move ahead and try the facts of the case, then you will want to ask him the following question:

Judge, let me understand this correctly... has this court made a legal determination that it has authority under the jurisdiction that it is operating under, to ignore sections of the Uniform Commercial Code which have been called to its attention?

If he says yes, tell him, [that] you put the court on notice that you will appeal that legal determination, and that if you are damaged by his actions, you will sue him in a common law action – under the jurisdiction of the UCC.

COURTROOM TECHNIQUES continued

You must play a little dumb. If you are arrested and you go into court, just remember that in a criminal action, you have to understand the law or it is a reversible error for the court to try you. If you don't understand the law, they can't try you. In any traffic case or tax case you are called into court and the judge reads the law and then asks: Do you understand the charges?

Your response clearly rendered: **No, I do not.**

Judge: Well, what's so difficult about that charge? Either you drove the wrong way on a one-way street or you didn't. You can only go one way on that street, and if you go the other way it's a fifty dollar fine. What's so difficult about this that you don't understand?

Well, Judge, I do not understand this matter. In addition, it's not the letter of the law, but rather the nature of the law that I don't understand. Is it true that the Sixth Amendment of our Constitution gives me the right to request the court to explain the nature of any action against me, and upon my request, the court has the duty to answer. I have a question about the nature of this action.

Judge: Well, what is that – what do you want to know?

Always ask them some easy questions first, as this establishes that they are answering. You ask:

Well, Judge, is this a Civil or a Criminal Action?

Judge: It is criminal. *(If it were a civil action there could be no fine, so it has to be criminal.)*

Thank you, Judge, for telling me that. Then the record will show that this action against (your strawman's name) is a criminal action, is that right?

Judge: Yes.

I would like to ask another question about this alleged criminal action. There are two criminal jurisdictions mentioned in our Constitution that I've read about: one is under the Common Law, and the other deals with International Maritime Contracts, under an Admiralty Jurisdiction. Equity is Civil, and you said this is a Criminal action, so it seems it would have to be under either the Common Law, or Maritime Law. But what puzzles me, Judge, is that there is no corpus delicti here that gives this court a jurisdiction over my person and property under the Common Law. Therefore, it doesn't appear to me that this court is moving under the Common Law.

Judge: No, I can assure you this court is not moving under the Common Law.

Well, thank you, Judge, but now you make the charge against me even more difficult to understand. The only other criminal jurisdiction would apply only if there was an International Maritime Contract involved, I was a party to it, it had been breached, and the court was operating in an Admiralty Jurisdiction. I don't believe I have ever been under any International Maritime contract, so I would deny that one exists. I would have to demand that such a contract, if it does exist, be placed into evidence, so that I may contest it. But surely, this court is not operating under an Admiralty Jurisdiction. (You just put the words in the Judge's mouth.)

Judge: No, I can assure you, we're not operating under an Admiralty Jurisdiction. We're not out in the ocean somewhere--we're right here in the middle of the State of __ (any / your state) __. No, this is not an Admiralty Jurisdiction.

Thank you Judge, but now I am more puzzled than ever. If this charge is not under the Common Law, or under Admiralty – and those are the only two criminal jurisdictions mentioned in our Constitution – what kind of jurisdiction could this court be operating under?

Judge: It's Statutory Jurisdiction.

Oh, thank you, Judge. I'm glad you told me that. But I have never heard of that jurisdiction. So, if I have to defend under that, I would need to have the Rules of Criminal Procedure for Statutory Jurisdiction. Can you tell me where I might find those rules? (There are no rules for Statutory Jurisdiction, so the judge will get very angry at this point and say something like:)

Judge: If you want answers to questions like that, you get yourself a licensed attorney – I'm not allowed to practice law from the bench.

Oh, Judge, I don't think anyone would accuse you of practicing law from the bench if you just answer a few questions to explain to me nature of this action, so that I may defend myself.

Judge: I told you before; I am not going to answer any more questions. Do you understand that? If you ask any more questions in regards to this, I'm going to find you in contempt of court! Now if you can't afford a licensed attorney, the court will provide you with one. But if you want those questions answered, you must get yourself a licensed attorney.

Thank you, Judge, but let me just see if I got this straight. Has this court made a legal determination that it has authority to conduct a criminal action against me, the accused, under a secret jurisdiction, the rules of which are known only to this court and licensed attorneys, thereby denying me the right to defend in my own person? He has no answer for that. The judge will probably postpone the case and eventually just let it go.

In this way, you can be as wise as a serpent and as harmless as a dove, but you mustn't go into court with a chip on your shoulder and as a wolf in black sheep country. Remember Jesus' words, I send you out as sheep in wolf country, be wise as a serpent, and harmless as a dove. Sheep do not attack wolves directly. Just be an innocent little lamb who just can't understand the charge, and remember – they can't try you criminally if you don't understand the charge. That would be automatically a reversible error on appeal.