

04-20446-CR-Jordan

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|-----------------------------|---|----------------------------|
| UNITED STATES OF AMERICA, | § | UNITED STATES |
| BANKRUPT LEGAL FICTION | § | DISTRICT COURT |
| A/K/A ALTER EGO OF THE | § | |
| INTERNATIONAL MONETARY FUND | § | SOUTHERN DISTRICT |
| | § | OF TERRORISM |
| V. | § | |
| | § | MIAMI, FLORIDA DIVISION OF |
| Hernan Prada: Cortes | § | UNREGISTERED FOREIGN |
| AGENTS | | |
| LIBELEE & VICTIM OF FRAUD | § | MIDDLE TEMPLE OF THE CROWN |

RESPONSE TO JORDAN
PRESENTED BY AFFIDAVIT OF
AMICUS CURIAE
Robert James: Fox

State of Texas §
Cherokee county §

I, Robert James: Fox, am a sovereign, sui juris, free white male, a follower of Yahshua the Messiah in the laws of The Almighty Supreme Creator, first and foremost and the laws of man when they are not in conflict (Leviticus 18:3,4). Pursuant to Matthew 5:33-37 and James 5:12, let my yea be yea, and my nay be nay, as supported by Federal Public Law 97-280, 96 Stat. 1211. I have personal knowledge of the matters stated herein, am over the age of 21 and hereby asseverate understanding the liabilities presented in Briscoe v LaHue 460 US 325.

PREFACE

“The United States Attorney is the representative not of an ordinary party to a controversy, but of a sovereignty whose obligation to govern impartially is as compelling as its obligation to govern at all; and whose interest, therefore, in a criminal prosecution is not that it shall win a case, but that justice shall be done. As such, he is in a peculiar and very definite sense

the servant of the law, the twofold aim of which is that guilt shall not escape or innocence suffer. He may prosecute with earnestness and vigor - indeed, he should do so. But, while he may strike hard blows, he is not at liberty to strike foul ones. It is as much his duty to refrain from improper methods calculated to produce a wrongful conviction as it is to use every legitimate means to bring about a just one.”

Berger v. U.S., 295 U.S. 78, 88 (1935)

“As an attorney, it was my mandate to fight against authority when it was overbearing, abusive, or unjust, but also to respect and believe in the system. When I challenged the system it was not from disrespect; rather, it was the ultimate form of respect.

I understood then, as I do today, that absent challenge, authority becomes totalitarian. Authority needs to be challenged if we are to ensure the integrity of the process. It is one of the great truths of our system.”

-- Judge Harold J. Rothwax

BACKGROUND

1) Statistically, nationwide the win ratio for criminal defendants is less than 2%. Dallas County District Attorney Bill Hill claims a win ratio of 98.5% and he obviously does not care whether anyone is guilty or innocent as he prosecuted over 80 fake drug cases using chalk instead of cocaine as evidence of the crime. The Dallas yellow pages list hundreds of criminal defense attorneys and the best efforts of the sum total of all these fabulous attorneys of the great city of Dallas allows the prosecution to win 98.5% of the cases, even without evidence of any crime!!! The judge, the prosecutor, and even the defense attorney are all members of the same foreign terrorist organization known as the BAR, and are only offering a scant one or two percent for the defense. Wherefore defendants who become aware of the evil scheme seek counsel from those who are not officers of the court seeking conviction at all costs.

2) BAR TERRORISTS have been observed from coast to coast utilizing a strategy which allows them to frame innocent people and obtain convictions where there is no crime giving rise to a conviction rate 600% higher than that of China or Canada. The defendant is cunningly coerced to either hire an attorney or accept a court appointed attorney, however when it comes to trial the defendant discovers the attorney has no defense strategy, refuses

to properly cross examine witnesses, and fails and refuses to enter evidence on the record which would exonerate the defendant. In short, the defense attorney acts as an enemy spy and sabotages the case. If the defendant recognizes what is happening and seeks to correct the record, the judge intercedes to scream at the defendant "Sit down and shut up, your attorney will speak for you. You have an attorney and you cannot speak for yourself. One more outburst like that and I will have you forcibly restrained." There are numerous examples of this, for instance one man has informed me that when he asked how many cases the public defender had won, the answer was "None". In another case in New Jersey the government put on the record that the wiretap had been for 2 months while the defendant had disks received in discovery with recordings covering 2005, 2006, and 2007 with the point being New Jersey law limits the wiretap to 2 months and the defendant was forced to listen to the government establishing that it was within the 2 month limitation because the defendant's attorney utterly refused to challenge the falsification of the record. This particular defendant paid \$28,000 to a previous attorney who was utterly incompetent and when she terminated him, the judge demanded that the attorney remain as standby counsel with no refund due to the defendant, thereby absolutely compelling the defendant to proceed with incompetent counsel. Now the BAR Association verifies that the attorney did not have a New Jersey BAR card and the record lack a *pro hac vice* entry. Nevertheless the trial continues as the current attorney refuses to raise the issue that the proceedings are null and void due to the lack of counsel pre-trial. The egregious conduct of the judge who steadfastly refused to allow a refund, whereby the defendant could secure competent legal counsel.

3) If the officers of this court are corrupt, there is no point in me wasting resources to come to a court and listen to lies, fabrication, falsification of the record, and other attorney drivel. On the other hand, if a decision in favor of Hernan Prada: Cortes is rendered then even the government is spared the effort and expenses associated with a subpoena for my presence.

LAW

4) The supreme law of the land, the Constitution for The United States of America, as quoted in the Sixth Article in Amendment provides that Hernan

Prada: Cortes is entitled to assistance of counsel, further supported by the Ninth and Tenth Articles in Amendment. The authors of the Constitution, being attorneys, knew the difference between the words "counsel" versus "attorney".

5) Article 1, Section 16(a) of the Florida Constitution states "In all criminal prosecutions the accused...shall have the right...to be heard in person, by counsel, or both..."

6) The SIXTY-FIRST CONGRESS, Session III, Chapter 231, established at Section 272 that cases may be managed personally, OR by assistance of counsel, OR by attorney at law.

7) 28 USC § 2072(b) provides that rules cannot abridge rights and it is clear that Hernan Prada: Cortes has the right to the above laws.

8) The law is plain and clear and it is unlawful for the law to be perverted by unregistered British foreign agent Adalberto Jordan, who is educated, trained, paid, and SWORN to support both State and Federal constitutions and uphold the law. Wherefore it is an act of perfidy* to create a felony breach of fiduciary duty in an attempt to impair Hernan Prada: Cortes' defense.

*PERFIDY, *n.* [L. *perfidia*; *per* and *fides*, faith.]

The act of violating faith, a promise, vow or allegiance; treachery; the violation of a trust reposed. Perfidy is not applied to violations of contracts in ordinary pecuniary transactions, but to violations of faith or trust in friendship, in agency and office, in allegiance, in connubial engagements, and in the transactions of kings.

American Dictionary of the English Language, Noah Webster 1828

9) A more detailed (43 page) brief entitled "Unlicensed Practice of Law" is attached hereto and made a part hereof.

FACTS

10) In my telephone conversation with Alan Ross I asked if he could name an attorney who had a winning case cited in the USCA and he could not

name such an attorney. However my own case U.S. v. Fox 766 F Supp 569 was cited at 18 USCA § 1546(a) until Congress changed the law after taking such a beating in the case.

11) I have won cases both State and Federal, both criminal and civil, and both for myself and for others, as well as habeas corpus, mental issue, contempt, and have coached people in both State and Federal cases that have walked out the front door of the courthouse at allocution. I won a unanimous decision at the Texas Supreme Court in a habeas corpus action. It was 14 days from arrest to case dismissed in the Jeff Sciba federal felony case, which I ran from the audience area as an amicus curiae, filing but one affidavit in the case. I am frequently accused of failure to identify, a State law, and can stipulate to every element in favor of conviction and still be acquitted at the prima facie break due to superior law.

12) I have withstood and prevailed through 9 Federal attacks attempting to give me as much as 100 years in prison wherefore I can testify as to the egregious conduct of Federal authorities in general and BAR TERRORISTS in particular.

13) I have sat as counsel at the defense table beside the defendant in Federal courts in Texas, Oklahoma, and Arizona, as well as numerous State cases, wherefore the precedent of upholding the law has already been set and to do otherwise in the case of Hernan Prada: Cortes would be in the nature of DISCRIMINATION against him.

14) BAR TERRORISTS utilize a strategy of “win at all costs” which involves withholding exculpatory evidence, bribing witnesses to perjure themselves, falsifying evidence, and limitless fraud as exposed by the investigation of the corruption of the American system of justice by U.S. Attorneys, reported upon by Bill Moushey in his Pittsburg Post-Gazette report “Win at all costs”, available at: www.post-gazette.com/win/ and made a part hereof by reference.

15) The American legal system has been corrupted almost beyond recognition, Judge Edith Jones of the U.S. Court of Appeals for the Fifth Circuit, told the Federalist Society of Harvard Law School on February 28, 2003. I, Robert James: Fox, am a third witness that this is not a justice system since I can testify that U.S. Marshals hung me upside down by the

ankles, worked me over with pressure points, and yanked on my hair proclaiming I would be a bald man in an attempt to get me to plead guilty to crimes I did not commit. Murder, brutality, torture, and shyster shenanigans are the *modus operandi* of the Department of Justice.

16) On April 6, A.D. 2004, the Texas UPLC had me seized at the post office, not by lawful 4th Amendment process, but by unlawful unverified MOTION whereby I was summarily tortured as in attached affidavit of eye witness, made a part hereof. As usual, BAR TERRORISTS were able to create damages, inflict pain and suffering and act like cretins before I was able to sue them for their egregious conduct.

OFFER OF PROOF

17) I, Robert James: Fox, have further investigated matters relative to this case, wherefore I hereby and herein asseverate that I have witnesses, evidence, and testimony in an offer of proof that Pettifogger shysters groveling for filthy lucre Adalberto Jordan and associated International Monetary Fund quislings are a criminal cabal attempting to overthrow the Constitution for The United States of America in the nature of sedition and treason as evidenced by their various attempts to thwart the intent of the Sixth Amendment.

18) The BAR TERRORISTS are unable to provide a Florida BAR member with success credentials superior to those of Robert Fox wherefore it is plain and clear that the BAR TERRORISTS are attempting to impose inferior counsel to the detriment of Hernan Prada: Cortes' defense in an attempt to secure conviction by means of corruption. The testimony of Bill Moushey, Edith Jones, Robert Fox, and others will clearly establish the magnitude of the corruption.

19) In the U.S. v. Fox, 766 F. Supp. 569 case, absent any entry documents whatsoever, I was accused of forging and counterfeiting entry documents, plus impersonating myself!! I am able to testify based upon his personal experience that Federal "law enforcement authorities", and BAR terrorists, TORTURED me for 238 days in an unsuccessful attempt to have me plead guilty to crimes I did not commit whereby the BAR TERRORISTS sought to extort \$500,000.00, while absent attorney, I steadfastly maintained my position wherein I refused to participate in corrupt man

made political systems, ultimately prevailing on the 18 USC §1546(a) matter prior to trial on the day of trial, and the 18 USC §915 matter at the prima facie break, thereby evidencing the fact that BAR members are incompetent to even participate in a justice system. U.S. v. Fox, 766 F. Supp. 569, was cited at 18 USCA §1546(a) prior to Congress changing the law because of this case. In fact, "inconceivable" is the word used in U.S. v. Fox, 766 F. Supp. 569 to describe the situation, nevertheless it took BAR members seven brutality events and 238 days of TORTURE to figure it out due to their UTTER INCOMPETENCE. Even after blood splattering, bone shattering brutality, my lawsuit for damages was dismissed as 'frivolous' by the BAR TERRORISTS protecting themselves from justice by means of their evil MONOPOLY. This case and others cases I have won exemplify the gross incompetence of BAR members.

20) The court cannot refuse an offer of proof.

21) *"Allegations such as those asserted by petitioner, (a pro se litigant), however inartfully pleaded, are sufficient to call for the opportunity to offer supporting evidence. Accordingly, although we intimate no view on the merits of petitioner's allegations, we conclude that he is entitled to an opportunity to offer proof."* See the principle of law quoted in *Haines v. Kerner*, 404 U.S. 519, 522

CONCLUSION

22) The BAR is a terrorist organization wherefore BAR members suffer a conflict of interest and cannot lawfully deprive Hernan Prada: Cortes of legitimate, effective counsel of his own choice.

23) BAR TERRORISTS:

Lawyers, cursed at Luke 11:45-54, are responsible for turning the law into an inland piracy and racketeering scheme in order to put victims of the public fool system into slavery. BAR terrorists are responsible for murder and general mayhem and anyone who would deny that is divorced from reality, having failed to consider the reality of 46 families devastated at Tulia, Texas as 800 years of prison time was given to innocent people, 80 families devastated in Dallas with the fake drug cases, 270 innocent people arrested in the K-Mart parking lot at Houston because they fitted the profile, they had one head, two arms, and two legs just like drag racers,

unfortunately they were just K-Mart shoppers!! Shyster shenanigans are responsible for countless thousands of people going to prison, indeed PBS showed 130 men exonerated by DNA evidence AFTER serving over 1500 years of prison time. What about the innocent people who have been executed, see the cover of "In Spite of Innocence", isn't that MURDER ARRANGED BY BAR TERRORISTS?!? I do not even recall any trial for the Branch Davidian children at Waco, prior to execution. It is plain and clear that this terrorism is the responsibility of BAR TERRORISTS that are associated with the MIDDLE TEMPLE OF THE CROWN, INTERPOL, the INTERNATIONAL MONETARY FUND, and the UNITED NATIONS, which are foreign powers known to be involved in murder. The New York Times best seller "The Confessions of an Economic Hitman" by John Perkins admits to murder as does "Race Against Evil" by David R. Bannon, an INTERPOL agent. INTERPOL, operating in some 180 countries, had 1000 agents, each one of whom had murdered between 100 and 200 people, while INTERPOL itself cannot be sued in any court on the planet and is answerable to no national government whatsoever, basically a MURDER INC. organization funded with over \$30,000,000 annually by BAR TERRORISTS dominating Congress. Prosecutors and judges who should know better despite IGNORANCE OF THE LAW. The get tough on crime policy has placed thousands of innocent people in prison by providing monetary incentives absent restraint. The Justice Department figures regarding incarceration per 100,000 of population are over 600% higher here than Canada or China, so does this mean that Americans are genetically predisposed to be criminals and the cure is to step across the border into Canada, however if you step back here you are automatically genetically predisposed to be a criminal again?? Consider the reality of Ernest Willis, framed by the prosecutor and spending seventeen years on death row, set free two days prior to execution!! The system is putting 900 a week into prison as a business, however the system can be fixed by simply referring to the "Owner's Manual". The Bible at Deuteronomy 19:15-21 tells us that if judges and prosecutors were stripped of their so-called immunity and suffered the consequences of attacking, or attempting to murder the innocent, then the evil would be eliminated. Just one prosecutor being executed for a case such as Ernest Willis would save thousands of innocent people and clean up the entire system real fast.

"Nunquam res humanae prospere succedunt ubi negliguntur divinae."
"Human things never prosper where divine things are neglected." (Black's Law Dictionary 6th Edition, page 1070)

"Decency, security and liberty alike demand that government officials shall be subjected to the same rules of conduct that are commands to the citizen. In a government of laws, existence of the government will be imperiled if it fails to observe the law scrupulously.

Our government is the potent, the omnipresent teacher. For good or ill, it teaches the whole people by its example. Crime is contagious.

If the government becomes a lawbreaker, it breeds contempt for the law; it invites every man to become a law unto himself; it invites anarchy.

To declare that in the administration of the criminal law the end justifies the means . . . would bring terrible retribution. Against that pernicious doctrine this court should resolutely set its face."

Supreme Court Justice Brandeis,

Olmstead vs. United States, 227 U.S. 485 (1928)

24) Furthermore, the mental incompetents operating the inland piracy scheme who would have us believe that they are running a justice system are unable to justify the drowning of inmates at New Orleans following the Katrina storm; people were executed by drowning due to the mere speculation of class C misdemeanors like "no seat belt" or other offenses alleged by ROAD NAZIS and BAR TERRORISTS.

CAVEAT

25) Hernan Prada: Cortes is well aware that there is no refuge in this galaxy and consequently it would be preposterous for anyone to make any attempt to escape, especially having been extradited from Columbia, indeed just ask Manuel Noriega. There are no lawful grounds to discriminate against Hernan Prada: Cortes wherefore he should be released instanter on his own recognizance and if there are any reservations on the part of the so-called government, the so-called government should provide, as per their own interests, a complimentary ankle monitor. To do otherwise is a terrible discrimination against a man entitled to the presumption of innocence. Furthermore Hernan Prada: Cortes is entitled to a level playing field pursuant to Gideon v Wainwright 372 US 335, which is to say entitled to the same law library access, computers, telephones, faxes, internet, legal consultants, etc. as the U.S. attorney and his assistants.

26) Considering that Hernan Prada: Cortes has demanded a refund of attorney fees and Alan Ross has already agreed and stipulated to a \$111,000.00 refund, it is inappropriate for Pettifogger shyster groveling for filthy lucre Jordan to impair the obligation of contract, interfere in settled matter of the refund, as in practicing law from the bench utilizing his perceived elevated position to impose his will to the detriment of the ultimate victim, Hernan Prada: Cortes.

27) I have received no subpoena to testify in this matter, nor have I received airline tickets, hotel reservations, etc. Based upon numerous experiences, I have more faith in the integrity of the Mafia than BAR TERRORISTS. If the court is interested in hearing my testimony, it is capable of issuing the assurances of safe conduct as opposed to the normal brutality which I receive because I am capable of testifying and verifying that BAR TERRORISTS and Federal officers do not have enough years in their lives to do the prison time that they have earned while working with their NAZI counterparts.

28) I am not an expert in the law however I do know right from wrong. If there is any human being damaged by any statements herein, if he will inform me by facts I will sincerely make every effort to amend my ways. I hereby and herein reserve the right to amend and make amendment to this document as necessary in order that the truth may be ascertained and proceedings justly determined. If the parties given notice by means of this document have information that would controvert and overcome this Affidavit, please advise me IN WRITTEN AFFIDAVIT FORM within thirty (30) days from receipt hereof providing me with your counteraffidavit, proving with particularity by stating all requisite actual evidentiary fact and all requisite actual law, and not merely the ultimate facts or conclusions of law, that this Affidavit Statement is substantially and materially false sufficiently to change materially my status and factual declarations. Your silence stands as consent to, and tacit approval of, the factual declarations herein being established as fact as a matter of law. May the will of our Heavenly Father Yahvah, through the power and authority of the blood of his son Yahshua be done on Earth as it is in Heaven.

Reserving ALL Natural God-Given Unalienable Birthrights, Waiving None, Ever, 28 USC §1746(1)

I declare under penalty of perjury under the laws of the United States of America that the foregoing is true and correct.

Signed on this the twenty-first day of the fifth month in the year of our Lord and Savior two thousand seven.

Robert James: Fox
c/o 300 S. Main St
Jacksonville [75766]
Texas, North America

CERTIFICATE OF SERVICE

I certify that a true and correct copy of the foregoing document was hand delivered or sent by mail, postage prepaid, to opposing parties this the twenty-first day of the fifth month in the year of our Lord and Savior two thousand seven.

Robert James: Fox

