West Virginia Legislature

Act to Define and Establish De Jure Common Law Courts

The purpose of this Act is to define due process and establish a de jure common law Court of Record system in West Virginia pursuant to the Amended Constitution of West Virginia c1863, the Declaration of Independence and the Constitution for the United States of America c1819.

Whereas, the common law was derived from the Holy Bible.

Whereas, the common law deals in substance, property rights and injured Living Souls.

Whereas, the Constitution for the United States of America c1819 is the Supreme Law of the Land.

Whereas, the maxims of law and equity are the time tested truths that guide the unwritten common law.

Whereas, authority was never granted to alter or abolish the unwritten common law.

Therefore,

Be it enacted by the Legislature of West Virginia assembled, that the Law Form of West Virginia shall be God’s common law, unwritten and unchangeable, proceeding only upon justice, morality, common sense and time tested truths of maxims of law and equity.

Be it further enacted, that the Circuit Courts shall be established as needed.

Be it further enacted, that the structure of the Circuit Courts West Virginia shall be as follows, to wit:

1. The title of the Court shall be styled \_\_\_\_\_\_\_\_\_\_\_\_ county settlement Circuit Court

2. The location where the Court shall be held shall be determined by the Legislature of West Virginia.

3. A mailing address where documents shall be accepted.

4. A phone number, e-mail address and a website shall be maintained for each individual Court.

Be it further enacted, that the staffing of each Circuit Court Shall be as follows:

1. A judge who shall be nominated by the governor of West Virginia and appointed with the advice and consent of the senate, until the first General Election and those elected are seated.

2. A bailiff who shall be nominated by the governor of West Virginia and appointed with the advice and consent of the senate, until the first General Election and those elected are seated.

3. A clerk who shall be nominated by the governor of West Virginia and appointed with the advice and consent of the senate, until the first General Election and those elected are seated.

Be it further enacted, that all courts in West Virginia shall be common law courts of record, which shall be defined as *a court whose proceedings and decisions are retained on a permanent and public record, has the power to fine or imprison, adheres to the time tested truths contained within the maxims of law and equity, the jury acts independently of the judge or magistrate and proceeds strictly according to God’s common law.*

Be it further enacted, that the following elements shall establish a court:

1. A judge.

2. A jury.

a. Six jurors, plus two alternates, shall be seated in all civil matters.

b. Twelve jurors, plus three alternates, shall be seated in all criminal matters, unless the defendant shall deny this Right.

3. An audience to consist of any and all persons that so desire to be present for the proceedings.

4. A bailiff.

5. A clerk of the court.

6. A proper and suitable building in which the following shall be made available:

a. A table and chairs for the Judge and each proponent and respondent.

b. A table and chairs for jurors use during the trial.

C. A private room for the jury to deliberate.

Be it further enacted, that the duties, responsibilities and liabilities of the court officers are as follows:

1. Judge- The judge shall act as a referee in the hearings and trial; and shall sign the judgments, orders and warrants as required by the grand or petite jury; and shall issue the informative notice educating the same on their duties, responsibilities and authority, including but not limited to the maxims of law and equity, that has been drafted by the Legislature of West Virginia for the juries; and shall receive, and act upon, all indictments from the grand jury; and shall schedule all hearings and trials; shall act at all times and places under full personal liability and complete transparency.

2. Clerk- The clerk shall be responsible for the recording of the minutes of the hearing or trial; and shall accept and record documents from Living Souls and make the same available to the Public; and shall cause notices, subpoenas, orders and writs of the court to be recorded and served; and shall keep all files of, and for, the court; and shall record all liens and judgments; and shall keep and maintain a bank account for the court; shall act at all times and places under full personal liability and complete transparency.

3. Bailiff- The bailiff shall be responsible for the security of the court; and shall transfer and control all prisoners; and shall assist the jury with their needs; shall act at all times and places under full personal liability and complete transparency.

Be it further enacted, that due process, as required by the Amended Constitution of West Virginia Constitution c1863 and the Constitution for the United States of America c1819, shall be as follows, to wit:

1. Complaint to sheriff or grand Jury- The complaint must be accompanied by affidavit, under oath, full personal liability and complete transparency, supporting the claim; The complaint shall be accompanied by all supporting physical or documented evidence; The complaint shall be filed at the local sheriff’s office , who then shall submit the complaint to the judge.

The complaint shall consist of the following elements: title of the court, the proponent (victim), the respondent (perpetrator), all witnesses, all evidence, the what, when, where, who, why, and how of the crime.

2. Warrant- The sheriff shall take the complaint to a West Virginia judge for the issuing of an arrest warrant; The warrant shall state the nature and cause of the alleged crime as well as properly identifying the Living Soul to be arrested; When the warrant is executed the respondent shall be immediately, and without delay, brought before a West Virginia judge for arraignment.

3. Grand Jury- For all cases involving public corruption and crimes against the state, the Public, may bring information directly to the grand jury; the grand jury shall then issue a true bill or no true bill; refer to number 1 and number 2.

4. Arraignment- The respondent shall be informed of the nature and cause of the charge(s) and asked to give a plea thereto, either guilty or innocent; The judge shall then set bail according to the severity of the charge(s), the threat posed by the respondent to the local community, whether the respondent has been in the area for at least one year previous and the means of the respondent.

5. Discovery- The proponent, upon filing the complaint, shall immediately turn over ALL evidence to be used at trial; Any evidence or affidavits NOT turned over at that time by the proponent shall not be permitted; The respondent shall have thirty days to review the aforesaid evidence and file his response, under oath, full personal liability and complete transparency; At that time the respondent must turn over ALL evidence to which he wishes heard at trial; The proponent shall have thirty days to review the respondent’s evidence and response; The respondent may at this time request a delay to further investigate and prepare his defense, otherwise the trial shall begin within thirty days; Only affidavits, under oath, full personal liability and complete transparency, and other evidence by the proponent, respondent and eyewitnesses shall be permitted, no hearsay is allowed; Affidavits shall only be permitted if testified to, under Oath, by the affiant.

6. Jury Selection- The sheriff shall summon at least twenty persons from the general area of the crime, as possible, and order them to appear on the morning of the trial; The proponent and respondent may ask questions of the prospective jurors in order to ascertain any biases the prospective jurors may harbor; Once the required amount of jurors, depending on the cause of action, have been selected and seated, the trial shall begin; The jury may be sequestered upon a showing of proper cause; Jurors may not be a *member* of, or a *participant in*, any secret society; nor may Jurors be a *member* of, or a *participant in,* the BAR, whether that be former or present tense; shall act at all times and places under full personal liability and complete transparency.

7. Trial- At the trial the evidence and testimony shall be presented to the jury; As the jury is the judge of both fact and law, NOTHING shall be done in court without the jury present; The proponent shall then present his evidence and witnesses, and the respondent shall have the opportunity to cross examine the same; The jury shall be polled at the close of the proponents case to determine if he has proven his case beyond a reasonable doubt; If not, the respondent shall be declared innocent; If so, the respondent shall proceed with his defense, calling witnesses and presenting his evidence to the jury, and the proponent shall have the opportunity to cross examine the same; Each juror may take notes if they so desire.

8. Jury Deliberation- The jury shall be taken by the bailiff to a private room to begin their deliberations; The jury alternates shall NOT be permitted into the deliberations; The jury shall select their foreman, who shall also read the verdict in open court; The jury shall discuss the evidence and witnesses; The foreman shall then poll the jurors to see if the decision is unanimous; If the decision is unanimous, the bailiff shall be summoned by the foreman; The bailiff shall call the court into session for the foreman to present the verdict; If the decision is not unanimous, the foreman shall order the Jury to deliberate further, for no more than eight hours; The foreman shall then poll the jurors again; The bailiff shall be summoned by the foreman, who shall then proceed to call the court into session; The foreman shall then present the decision of the jury.

10. Verdict- The verdict, whether unanimous or hung, shall be read in open court by the foreman; A hung jury, which is one that cannot reach a unanimous verdict, shall be a verdict of Innocent; The respondent and proponent may call for a public polling of the jury after the verdict is read.

11. Closing the Trial- If the verdict returned is Innocent, the respondent shall be immediately released from custody; If the verdict returned is Guilty, the proponent may speak himself and/or have others as desired and relevant, as to the damage caused by the respondent; The respondent may then speak on his own behalf and/or call on others as desired and relevant; The jury shall then recess to deliberate as to the pains and penalties for the crime(s) convicted of.

12. Sentencing- When a decision has been reached, as to the pains and penalties, the jury shall summon the bailiff; The bailiff shall then call the court to order for the foreman to read the pains and penalties; The judge shall sign the sentence and remand the respondent to custody for said term; any and all penalties awarded, and collected by the clerk, shall be immediately turned over to the victim(s) and/or the heirs thereof.

Be it further enacted, that any and all West Virginia courts shall exercise superior jurisdiction over all courts operating and/or conducting business within the defined organic, geographic land mass of West Virginia.

Be it further enacted, that the Oath to be taken by ALL jurors is as follows:

I, \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_, do solemnly swear (affirm) that I will uphold the principals and Rights declared by the Constitution for the United States of America c1819, the Declaration of Independence and the Amended Constitution of West Virginia c1863, I will adhere to the time tested truths contained within maxims of law and equity, that I harbor no ill intent nor prejudice toward either party in this case, that I shall act under full personal liability and complete transparency, and that I take this obligation freely without any purpose of mental evasion. So help me God.

Be it further enacted, that all Court hearings, trials and proceedings may be recorded, audio and/or video, by any Living Soul who so desires.

Be it further enacted, that the de jure common law courts of West Virginia, as outlined above, shall be, and are hereby, established to serve and protect We the Living Souls of West Virginia, in order to achieve justice and remedy, regardless of whether it be another Living Soul or a government entity.

This Act shall take effect immediately upon passage and signing into law by the governor.