Petitioner: Martin Lynch
We the People Court Services
Legislative Committee Chairman – AZFR
1120 W Broadway Rd #55, Tempe AZ, 85282
602-550-6304
MDL2222222222@gmail.com

Returning Power and
Constitutional Authorities of Self Government
to the People

IN THE SUPREME COURT

STATE OF ARIZONA

PETITION to CREATE ARPP Rule 27.1	)	Supreme Court
The Application of Juries in a Contested	)	Petition Number
Probate Proceeding	)	R-19-00XX
(for Direction and Clarification)	)	
_____	)	

To the Honorable Chief Justice Scott Bales of the Arizona State Supreme Court,

¶1 The People respectfully request that Probate Rule 27.1 be added to clarify the process for the application of Juries in Probate Courts. The purpose is to avoid unnecessary conflicts and improve the efficiency of these courts by eliminating post bench trial actions that arise from what otherwise might be considered unjust rulings made my jurists who have no oversight or accountability.

Rule 27.1 Juries in Probate Court; Demand; Waiver

(A) Right Preserved. The right of trial by jury is preserved to the parties inviolate. A bench trial without a Jury is more efficient and less costly and therefore preferred by all, but not at the expense of justice.

(B) Probate Court is a court of equity and has broad powers and discretion. In equity, everyone expects fairness and justice as nearly as it may be ascertained by the Judge. Should a litigant believe that a "significant Judicial order" does not reflect fairness and justice, they may petition the court to have that decision reviewed by a Jury. At the discretion of the Judge, a Jury may be brought to hear the entire case or more likely a portion of the case reflected by an individual order.

(C) The Jury Verdict may affirm the Judicial Order or declare the order "void and unenforceable" and include a concise writing of what the Jury believes a just order would look like.

(D) The Judge would then have the discretion to do the following.
1) Amend the Judicial order to conform with the Jury verdict.
2) Schedule and conduct a jury trial to adjudicate the contested matters in a manner acceptable to the Judge.
3) Ignore the Jury verdict and the 7th and 10th amendments and the supremacy clause and their oath per Article 6 Clauses 2 and 3 and AZ Constitution Art 6 §17.

(E) No Statute or Rule Prohibits a Jury from being applied at the discretion of the Judge. The right to a Jury remains regardless. If a Judge declines to furnish a jury, that authority then defaults to the People per the provisions of the 10th Amendment.

Reason for Petition:

¶2 **Preventing Corruption.** The Founders were clear. The final authority to take Liberty and Property rests with the People through the Jury System. Per Federalist 83, "the purpose of a Jury is to prevent corruption". Should Juries be removed from these Courts, any reasonable person must expect the inevitable outcome would be corruption. The confidence that the Courts deliver justice is central to the effective administration of Justice. If the People believe the Courts are corrupt they cannot function. The People seek to restore confidence in the Judiciary by reintroducing a measure proven to prevent corruption and has been successfully relied upon since the Magna Carta Clause 39 in the year 1215.

¶3 **For those who oppose Juries** it is reasonable to presume that they seek to promote corruption, but this may not be the case. The People seek advice and have

implemented suggestions from learned individuals including attorneys and Judges.

Discussion:

¶4 The People wish to avoid conflicts or misunderstandings. There may be a misconception amongst some legal practitioners that Juries are only "required" to be provided by the Courts in criminal cases. We agree this is true. The Courts are only "required" to "provide" Juries in criminal court per Art 3 Section 2 Clause 3 and the 6th Amendment. Yet we also agree that the 7th Amendment guarantees the right to a jury in common law court for any controversy worth more than $20.

¶5 We agree that Courts have the discretion not to "provide" a Jury in any civil court. To get a Jury, some states require litigants to sign an affidavit certifying that the contested matter exceeds $50,000. The question then arises "What happened to the 7th Amendment Right to a Jury for $20 thru $50,000?" The answer is simple. The Court has the discretion not to "provide" any jury at all. We agree with this completely.

¶6 The important question is "What happened to our 7th Amendment Right to a Jury if the Court exercised its discretion not to "provide" a jury? Did our Rights which are "Preserved" and "Inviolate" simply disappear?" No. Our Rights are still there, they still exist. It is merely NOT THE RESPONSIBILITY OF THE COURT to "provide" a jury in all cases. Neither is it the responsibility of the court to "provide" a lawyer in all cases. For BOTH a jury and a lawyer in civil cases, a litigant is responsible for arranging and paying for whatever services they need over and above what the court is required to provide under the Constitution.

¶7 This crucial concept is "explicitly" stated in the 10th Amendment where it says "the People". For this reason we are asking the Court to add Probate Rule 27.1, <u>The People assert that the Constitutional Authorities are already clearly stated</u> and are intuitively obvious. The 2nd Amendment functions in precisely the same manner. The People have the right to bear arms. The Government has discretion to

provide firearms to soldiers and police officers. What about everybody else? The People obviously go to a gun store and purchase a gun. In the same obvious manner it is the responsibility of litigants to furnish their own lawyer and their own jury if they wish to exercise their 7th amendment rights.

¶8 There is no Constitutional right to a lawyer in civil court. Therefore, the court has the discretion to prohibit lawyers in the courtroom. The courts DO NOT have the same discretion to prohibit a jury which is guaranteed under the 7th amendment. Indeed, THERE ARE NO COURT RULES OR STATUTES THAT PROHIBIT A JURY IN CASES WHERE THE PEOPLE WISH TO EXERCISE THEIR 7th AMENDMENT RIGHTS. This can only be because the courts already recognize and agree that any such rule would clearly be Un-Constitutional. This omission is not an oversight, it is affirmation by court leadership that the People indeed have the "Preserved" and "Inviolate" right to a Jury in Civil courts and this right only disappears if the People CHOOSE to waive their rights by doing nothing.

¶9 Back to avoiding misunderstandings, Art 6 Clause 2 is the supremacy clause which states "the Constitution is the Supreme Law of the Land". It supersedes court rules, state laws, everything but treaties. Art 6 Clause 3 is the oath to follow the Constitution. This makes the Constitution an employment contract. Any Judge who issues an order refusing to recognize the 7th Amendment or the 10th Amendment has just submitted their resignation. This is all public information and few people would willingly enter a courtroom with a judge known to be rogue and in open defiance of their oath and defiance of the People who created the Judicial branch of Government in 1787. The People would also be compelled to petition the Governor to appoint a replacement to handle all of the extra cases, et al. We can agree it is best to avoid such conflicts and misunderstandings.

Disclosure of Potential Conflict of Interest:

¶10 Be it known that this petitioner has a nationwide business "We the People Court Services" that provides Juries to litigants that wish to exercise their 7th Amendment rights. We agree that the Courts have judicial power per Article 3. This includes the authority to create rules to provide Juries in any civil courts they like at their discretion. Beyond that the 10th Amendment says "the People" and "Respectively" which clearly means that the People have the responsibility to effectuate their rights under the 7th Amendment by making rules and furnishing Juries should the Court choose to exercise its discretion not to make rules and furnish Juries. If the Courts do not like the Rules and Juries implemented by the People, there is NOTHING preventing the Courts from creating rules and furnishing Juries in a manner which they like better.

¶11 The People agree that the Courts have the authority to make rules and provide Juries under Article 3 Sect 1 "judicial power" that supersedes the authority of the People per the 10th Amendment "respectively". The People only acquire the power to make rules and furnish Juries if the Courts "FORFEIT" that authority by declining to exercise that authority, thus handing that authority over to the People.

¶12 WTPCS is confident that the Courts will be pleasantly surprised with the rules now being used to implement juries in civil cases currently in 11 States. The initial presumption might be one of gridlock and collapse of the civil courts ability to function. The opposite has proven to be true. WTPCS rules are carefully designed to minimize intervention in Courts of Equity that actually deliver Equity and fairness. We do not wish to fix anything that is not broken. Cases tend to resolve once clear and simple oversight of an upcoming Jury verdict serves to clarify contested matters. Inadequate case preparation is also addressed which also tends to resolve issues that no longer need to go to trial.

¶13 The rules for selectively applying Juries in Courts of Equity are the intellectual property of WTPCS developed at significant cost to investors. These

rules are not secret but they are fluid and not completely in the public domain at this time. Nothing in the Constitution or statutes or court rules require review or approval of WTPCS rules before the 7th or 10th Amendments are allowed to become the Supreme Law of the Land.

¶14 In Federalist 83 Alexander Hamilton speaks of "The excellence of trial by Jury in civil cases" and that is the word for it "excellence". WTPCS is proud to be a leader in innovative solutions that improve the product of Justice in service to the People. We look forward to cooperation and collaboration with our Judiciary in our shared goal of constantly improving our service to our customers, the People of the United States.

Sovereign Citizen:

¶15 One attorney reviewing our business model asked if we were part of the Sovereign Citizen movement. This question required research to figure out what that is. Sovereign Citizens read the Bible, the Magna Carta, the Constitution, the Universal Declaration of Human Rights, and other things from which they conclude that the Government has no authority over them. They gloss over the Supremacy Clause and other writings of Madison. The Rule of Law is diminished but they are winning cases apparently because the People feel they have no remedy other than open defiance of their rulers.

¶16 On the other hand we have a Judge, one person, a fallible human being with unchecked and unlimited authority to take your children, all your assets and future earnings, and put you in debtors prison (AZ Const Art 2 Sect 18) without due process (ARFLP Rule 2) with no release date (ARS§25- 681(C))? The Founders created 3 branches of Government with an intricate web of checks and balances where no person could acquire too much power and become tyrannical. Where is the limit on the power of a judge? We have discovered it in the 7th and 10th amendments.

¶17 In Federalist 83 Hamilton assures the People of New York that there is no reason to fear the Courts because the Juries will prevent corruption. Could a fallible human being with this much unchecked power invite problems? It is difficult to determine which idea is more dangerous to our Constitutional Republic, Sovereign Citizens or absolute unchecked power which corrupts absolutely in the hands of one fallible human being.

Federal Jurisdiction:

¶18 Similar writings are finding their way through various agencies of the Federal Government. Reactions have been interesting and driven positive changes.

¶19 Some corruption may be considered violations of State or Federal Criminal Code. The Arizona AG is conflicted because their job is to defend the Courts and other State Agencies from civil or criminal litigation per ARS§41-192(A)(1). No exceptions have been identified per ARS§41-192(E). Thus such referrals have been directed to the DOJ and the FBI where they may apply prosecutorial discretion as they deem appropriate. There has been no comment from these agencies. https://www.azleg.gov/viewdocument/?docName=https://www.azleg.gov/ars/41/00192.htm

Options for Implementation:

¶20 The Judicial Department has many options including...

¶20.1 Add the proposed Rule 27.1 defining the Jury Process in Probate Courts and recognizing who is responsible for effectuating Rights in the 7th Amendment as the People move forward exercising their rights and their duties clearly enumerated in the Constitution. This would minimize conflict and misunderstandings while supporting the Rule of Law. Keep in mind that the People recognize and have addressed the possible undue burden of Juries in every courtroom.

¶20.2 Ignore this petition and do nothing. Judges would be left to interpret the

Rules that prohibit Juries in Common Law courts. No such rules exist. Otherwise avoidable Judicial acts contrary to the Rights of the People and in violation of their oath under Art 6 Clause 3 would be handled in the manner necessary to preserve Liberty as stated herein.

¶20.3 Create a different Rule 27.1 stating that the 7th Amendment does not exist. That there is no means of effectuating the 7th amendment and "the people" stated in the 10th amendment does not exist. The Supremacy clause does not exist. Art 6 Clause 3 oath to follow the Constitution does not exist. Everybody can do whatever pleases them and there is no Rule of Law. Be careful. If the Constitution does not exist, then the Judicial branch of Government which arises from Art 3 does not exist and the People must start over from scratch as stated in the Preamble.

¶20.4 Notify the People and WTPCS that the plain language that we need to change something to make it better. As fallible human beings, we admit that we do not know everything and must constantly seek to improve ourselves.

¶20.5 The Courts provide their own Juries using their own rules. The People fully recognize and agree that the Courts have Judicial power per Article 3. We encourage the Courts to facilitate our rights under the 7th Amendment. If not, we are fully empowered and prepared to exercise our rights for ourselves, as necessary.

Conclusion:

¶21 Regardless of whether the Courts choose any of the above options, the People are now exercising their 7th Amendment Rights using their authorities to do so per the 10th Amendment. No Court Rules say the Constitution does not exist. It is unlikely that the Courts will abolish the Constitution since they exist per Article 3 and they are not likely to abolish themselves.

¶21 The People have petitioned the Courts for redress through countless Rule change petitions. They have petitioned the legislatures only to be thwarted by

lawyers on the Judiciary Committees who are licensed by the Courts and Court Lobbyists. They have filed lawsuits against the Courts who refuse to rule against themselves and are defended by the AG who are more lawyers regulated by the Courts. The Court of Appeals has ruled that "The Judge has the discretion to abuse his discretion". To re-establish Liberty it is obvious that the People need solutions that do not require the permission of lawyers or Judges. Those solutions exist and we are implementing them.

¶22 The Sovereign Citizen movement is growing. It can be described as the People in open defiance of judicial tyranny. It also represents a collapse of the rule of law since they do not recognize judicial authority per Article 3 or the Supremacy Clause. Our process model is completely different. Implementing Juries in a manner that minimizes the cost of justice while improving efficiencies seems preferable to the collapse of the rule of law. We should have started exercising our rights to a Jury in Civil Courts long ago and Judges should have advised us of those rights, but "Miranda" only applies to criminal cases. Judges and Lawyers are either forgetful or very crafty.

Respectfully and Sincerely, **January 10, 2019**

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/s/ Martin Lynch