



Protecting Civil Liberties through Judicial Process

10/10/2012

**Certified #** \_\_\_\_\_

IDAHO JUDICIAL COUNCIL

James D. Carlson, Executive Director

P.O. Box 1397

Boise, Idaho 83701

Reference :

District 4, county of Ada

Senior Judge Patricia G. Young

Case number CV-OC-2012-2001

FILING OF COMPLAINT

DATE: July 10, 2012

**NOTICE:**

**Appeal Determination of Complaint (9-24-2012)**

First and foremost; our association hereby formally appeals the Judicial Council decision concerning the unacceptable non-responsive letter sent to our members recently. This is not the first time such a non-response has been sent to those who have filed judicial complaints dismissing said complaints out of hand by characterizing them as an expression of dissatisfaction with judicial determinations rather than as substantive and documented allegations of judicial misconduct which is what they are.

These ridiculous determinations are an insult to our intelligence and have been rendered knowingly, deliberately, willfully and wantonly. They lack any basis in law or in fact, have no legal substance whatsoever; and, they represent an abuse of discretion.

These facts prove the council's knowledge of the legislative intent of the enactment and of the correct verbiage required by the statute; it is a denial of the effect of the failure to take the proper oath with regard to the eligibility of the alleged judicial officers.

This also activates the identical use of upper and lower case letters as approved [1-2221, added 2000, ch. 385, sec. 9, p. 1256; am. 2005, ch. 188, sec. 2, p. 576.]

Senior judge -- Assignment -- Duties and powers -- Compensation and expenses -- Qualifications and oath. :

**Subsection (2) Upon filing** with the secretary of state an **oath of office** as a senior judge as prescribed in **subsection (7)** of this section, a senior judge **is eligible** for temporary assignment, with the **consent** of the senior judge, by the supreme court to a state court as **provided in this subsection**, whenever the supreme court determines that the assignment is reasonably necessary and will promote the more efficient administration of justice. A senior judge may sit as a judge of the district court of any county or may sit with the supreme court or court of appeals or may perform such other duties pertaining to the judicial department of government as may be requested.

The state supreme court and the state court in general jurisdiction must provide the proper oath and instruction when any member domiciled within the boundaries of the Idaho Republic, state of Idaho, with proper standing proclaimed, absent a sworn controverted statement inapposite to such individual determination placing a people outside of the CORPORATE STATUS as described in the 37<sup>th</sup> Congress Session 2 chapter 119, 1862, defining a person as a corporation.

This also brings forth crucial obedience of such by the presumption of legalities known as color of law. It appears that, due to the severity and consequences of the denial of the proper administration of justice, your activities constitute *prima facie* violations of your own "criminal laws and policies" after "as denominated in 4 U.S.C. § 112; and as provided by 18. USC § § 241 and 242."

The importance of the existence of the state of Idaho, a Sovereign Nation among Nations, whose people and free inhabitants are endowed with Natural, Inherent, Unalienable, Imprescriptible, Primary, Absolute Rights, and with privileges and immunities that are guaranteed by organic law, some of which are secured by the

Constitution for the United States of America (1789), State of Idaho Constitution (1890), cannot be trivialized. The state government's actions for the protection of said Rights are to be executed with specific performance pursuant to the Statutes of Fraud and Perjuries.

This Judicial Council and Special Masters decision, *inter alia*, seems to qualify as a criminal conspiracy known as public racketeering pursuant to Idaho Statute 18-1701, which provides,

Idaho Statute: 18-1701. Criminal conspiracy defined. If two (2) or more persons combine or conspire to commit any crime or offense prescribed by the laws of the state of Idaho, and one (1) or more of such persons does any act to effect the object of the combination or conspiracy, each shall be punishable upon conviction in the same manner and to the same extent as is provided under the laws of the state of Idaho for the punishment of the crime or offenses that each combined to commit.

While Idaho Statute states other Penalties under 18-7804:

Prohibited activities -- Penalties. (a) It is unlawful for any person who has received any proceeds derived directly or indirectly from a pattern of racketeering activity in which the person has participated, to use or invest, directly or indirectly, any part of the proceeds or the proceeds derived from the investment or use thereof in the acquisition of any interest in, or the establishment or operation of, any enterprise or real property.

Whoever violates this subsection is guilty of a felony.

(b) It is unlawful for any person to engage in a pattern of racketeering activity in order to acquire or maintain, directly or indirectly, any interest in or control of any enterprise or real property. Whoever violates this subsection is guilty of a felony.

(c) It is unlawful for any person employed by or associated with any enterprise to conduct or participate, directly or indirectly, in the conduct of the affairs of such enterprise by engaging in a pattern of racketeering activity. Whoever violates the provisions of this subsection is guilty of a felony.

- (d) It is unlawful for any person to conspire to violate any of the provisions of subsections (a) through (c) of this section. Whoever violates the provisions of this subsection is guilty of a felony.
- (e) Whoever violates the provisions of this act is punishable by a fine not to exceed twenty-five thousand dollars (\$25,000) and/or imprisonment not to exceed a term of fourteen (14) years in the Idaho state penitentiary.
- (f) Upon a conviction of a violation under the provisions of this chapter, the court may order restitution for all costs and expenses of prosecution and investigation, pursuant to the terms and conditions set forth in section [37-2732\(k\)](#), Idaho Code.
- (g) In addition to any other penalties prescribed by law, whoever violates any provisions of this act shall forfeit to the state of Idaho:
- (1) Any interest acquired or maintained in violation of the racketeering act; and
  - (2) Any interest in, security of, claim against or property or contractual right of any kind affording a source of influence over any enterprise which he has established, operated, controlled, conducted or participated in the conduct of in violation of the provisions of the racketeering act.
- (h) In any action brought by the state under the racketeering act, the district court shall have jurisdiction to enter such restraining orders or prohibitions, or to take such other actions, including, but not limited to, the acceptance of satisfactory performance bonds, in connection with any property or other interest subject to forfeiture under the provisions of this section, as it shall deem proper.
- (i) Upon conviction of a person under the provisions of this section, the court shall authorize the attorney general or the proper prosecuting attorney to seize all property or other interest declared forfeited under the provisions of this section upon such terms and conditions as the court shall deem proper, making due provision for the rights of innocent persons. If a property right or other interest is not exercisable or transferable for value by the convicted person, it shall expire and shall not revert to the convicted person. [History: [18-7804, added 1981]

While Idaho Statute provide for the religious violations and protections thereof:  
18-7301. Freedom from discrimination constitutes a civil right. The right to be free from

discrimination because of race, creed, color, sex, or national origin is recognized as and declared to be a civil right.

This right shall include, but not be limited to:

- (1) The right to obtain and hold employment without discrimination.
- (2) The right to the full enjoyment of any of the accommodations, facilities or privileges of any place of public resort, accommodation, assemblage or amusement.

**Definition of creed: A set of beliefs or aims that guide someone's actions.**

73-401. Definitions. As used in this chapter unless the context otherwise requires:

- (1) "Demonstrates" means meets the burdens of going forward with evidence, and persuasion under the standard of clear and convincing evidence.
- (2) "Exercise of religion" means the ability to act or refusal to act in a manner substantially motivated by a religious belief, whether or not the exercise is compulsory or central to a larger system of religious belief.
- (3) "**Government**" includes this state and any agency or political subdivision of this state.
- (4) "Political subdivision" includes any county, city, school district, taxing district, municipal corporation, or agency of a county, city, school district, or municipal corporation.
- (5) "**Substantially burden**" means to inhibit or curtail religiously motivated practices.

This State Government is discriminating against our creed with regard to our religious "inherent right" to believe in and to demand a republic form of government.

73-402. Free exercise of religion protected. (1) Free exercise of religion is a fundamental right that applies in this state, even if laws, rules or other government actions are facially neutral.

(2) Except as provided in subsection (3) of this section, government shall not substantially burden a person's exercise of religion even if the burden results from a rule of general applicability.

(3) Government may substantially burden a person's exercise of religion only if it demonstrates that application of the burden to the person is both:

(a) Essential to further a compelling governmental interest;

(b) The least restrictive means of furthering that compelling governmental interest.

(4) A person whose religious exercise is burdened in violation of this section may assert that violation as a claim or defense in a judicial proceeding and obtain appropriate relief against a government. A party who prevails in any action to enforce this chapter against a government shall recover attorney's fees and costs.

(5) In this section, the term "substantially burden" is intended solely to ensure that this chapter is not triggered by trivial, technical or de minimis infractions. "de minimis meaning, the law does not concern itself with trifles"

Under this you may claim a violation of such burden and counterclaim.

73-403. Applicability. (1) This chapter applies to all state laws and local ordinances and the implementation of those laws and ordinances, whether statutory or otherwise, and whether enacted or adopted before, on or after the effective date of this chapter.

(2) State laws that are enacted or adopted on or after the effective date of this chapter are subject to this chapter unless the law explicitly excludes application by reference to this chapter.

(3) This chapter shall not be construed to authorize any government to burden any religious belief.

The legislative intent is clearly defined as "NO DISCRIMINATION or BURDEN" shall be imposed on "any religious belief" nor shall the government "burden a person's exercise of religion."

Our request of certification of Idaho Statue 1-2221 was received from the Office of the Secretary of State and Great Seal of the State of Idaho, which was affixed Done at Boise, Idaho, the 2nd day of July, 2012.

**EXPRESS LAWFUL DEMAND AND REQUEST FOR ADMISSIONS**

**Question 1.** Do you admit that Patricia Young, due to her failure to take the required Oath of Office prescribed in Idaho Code 1-2221, is not qualified to enter into the duties of her office? If you do not answer, the answer will be deemed to be “YES.”

**Question 2.** Do you admit that Patricia Young, due to her failure to take the required Oath of Office proscribed in Idaho Code 1-2221 has committed an act of judicial misconduct? If you do not answer, the answer will be deemed to be “YES.”

**Question 3.** Do you admit that all rulings, decisions and orders issued by Patricia Young, due to her failure to take the required Oath of Office prescribed in Idaho Code 1-2221, are null and void *ab initio*? If you do not answer, the answer will be deemed to be “YES.”

**Question 4.** Do you admit that, due to its allowance of ineligible judges to preside over cases of law and equity, STATE OF IDAHO in general jurisdiction is discriminating against the freedom of religious practice of our members, and of our considered members? If you do not answer, the answer will be deemed to be “YES.”

**Question 5.** Do you admit that, since the Oath of Office requires the applicant to support the Constitution of the United States and the Constitution of the State of Idaho that senior judges who have failed to take the proper oath are not required to support the Constitution of the United States and the Constitution of the State of Idaho? If you do not answer, the answer will be deemed to be “YES.”

**Question 6.** If, *arguendo*, Patricia Young was somehow, by alternative and/or unlawful means, deemed “eligible” to occupy the “office of senior judge” *de facto*, despite her failure to take the required Oath of Office, and acted in dereliction of the duties of her office, as the unrebutted facts in the judicial complaint clearly demonstrate, do you admit that she has committed acts of judicial misconduct? If you do not answer, the answer will be deemed to be “YES.”

**Question 7.** Do you admit that the Judicial Council and Masters, routinely issue unacceptable non-responses and dismissals to the judicial complaints made by the people of the state? If you do not answer, the answer will be deemed to be “YES.”

**Question 8.** Do you admit that the Executive Director of the Idaho Judicial Council, JAMES D. CARLSON is signing off on complaints when he does not have an Oath of Office for the Judicial Council on record with the Idaho Secretary of State? If you do not answer, the answer will be deemed to be “YES.”

**Question 9.** Do you admit that the Executive Director of the Idaho Judicial Council, JAMES D. CARLSON has been deemed to be above or beyond the application of and/or subjection to the Idaho Statute prescribing and requiring an Oath of Office? If you do not answer, the answer will be deemed to be “YES.”

**Question 10.** Do you admit that RONALD J. WILPER, who was appointed by the Idaho State Bar, which is a “private corporation,” not a State private corporation, does not have an Oath of Office on file with the Idaho Secretary of State pursuant to Idaho Code 1-2101? If you do not answer, the answer will be deemed to be “YES.”

**Question 11.** Do you admit that RONALD J. WILPER, who was appointed by the Idaho State Bar, which is a “private corporation,” not a State private corporation, does not have a letter of consent on record from the Idaho Senate? If you do not answer, the answer will be deemed to be “YES.”

**Question 12.** Do you admit that RONALD J. WILPER has been deemed to be above or beyond the application of and/or subjection to the Idaho Statute prescribing and requiring an Oath of Office? If you do not answer, the answer will be deemed to be “YES.”

**Question 13.** Do you admit that THOMAS H. BORRESEN, a SPECIAL MASTER, has failed to file an Oath of Office required and prescribed by law? If you do not answer, the answer will be deemed to be “YES.”

**Question 14.** Do you admit that THOMAS H. BORRESEN, a SPECIAL MASTER, does not have a letter of consent on record from the Idaho Senate as required by law? If you do not answer, the answer will be deemed to be “YES.”

**Question 15.** Do you admit that THOMAS H. BORRESEN has been deemed to be above or beyond the application of and/or subjection to the Idaho Statute prescribing



and requiring an Oath of Office? If you do not answer, the answer will be deemed to be "YES."

**Question 16.** Do you admit that no education classes, training or instruction have been provided by the State of Idaho to implement the proper administration of justice and/or to direct the performance of Idaho judges with regard to Citizens domiciled in the state of Idaho who have proclaimed their status and standing as sovereigns in the guaranteed republic form of government as expressed and guaranteed in the Organic Act of the state of Idaho? If you do not answer, the answer will be deemed to be "YES."

According to the facts in evidence, it is indisputable, irrefutable and incontrovertible that the IDAHO JUDICIAL COUNCIL AND SPECIAL MASTERS think and act above and/or outside the scope of the rule of law, which nullifies the general jurisdiction of the State of Idaho. Instead of devising and applying solutions for the people, the JUDICIAL COUNCIL AND SPECIAL MASTERS have, by machinations of the law / color of law, become tyrants and pettifoggers in concert with the members of the CORPORATE DEMOCRACY which is inapposite to our guaranteed Republic form of government.

We are here to assist the people, Citizens and free inhabitants of the state of Idaho in re-activating our guaranteed republic form of government, for which our founding fathers and others have fought and died, free from your ignorance, arrogance and lack of respect. It is an affront and a disgrace to the state of Idaho that the fallacious JUDICIAL COUNCIL AND SPECIAL MASTERS have the nerve to even call themselves such.

Our association, in the name of our Creator by whom our Rights were endowed, condemns you and forgives you for your actions and omissions, and may the Creator have pity on your souls, which mankind cannot.

### The Consequences of the Establishment of a Master

If then the people promises simply to obey, by that very act it dissolves itself and loses what makes it a people; the moment a master exists, there is no longer a Sovereign, and from that moment the body politic has ceased to exist.

There is but one law which, from its nature, needs unanimous consent. This is the social compact; for civil association is the most voluntary of all acts. Every man being born free and his own master, no one, under any pretext whatsoever, can make any man subject without his consent. To decide that the son of a slave is born a slave is to decide that he is not born a man. If then there are opponents when the social compact is made, their opposition does not invalidate the contract, but merely prevents them from being included in it.

Rome, when it was most prosperous, suffered a revival of all the crimes of tyranny, and was brought to the verge of destruction, because it put the legislative authority and the sovereign power into the same hands.

--The Social Contract, John-Jacques Rousseau.

### Excerpts from Dissolution of Government

**Sec. 212.** Besides this over-turning from without, governments are dissolved from within, First, When the legislative is altered. Civil society being a state of peace, amongst those who are of it, from whom the state of war is excluded by the umpirage, which they have provided in their legislative, for the ending all differences that may arise amongst any of them, it is in their legislative, that the members of a commonwealth are united, and combined together into one coherent living body. This is the soul that gives form, life, and unity, to the common-wealth: from hence the several members have their

mutual influence, sympathy, and connexion: and therefore, when the legislative is broken, or dissolved, dissolution and death follows: for the essence and union of the society consisting in having one will, the legislative, when once established by the majority, has the declaring, and as it were keeping of that will. The constitution of the legislative is the first and fundamental act of society, whereby provision is made for the continuation of their union, under the direction of persons, and bonds of laws, made by persons authorized thereunto, by the consent and appointment of the people, without which no one man, or number of men, amongst them, can have authority of making laws that shall be binding to the rest. When any one, or more, shall take upon them to make laws, whom the people have not appointed so to do, they make laws without authority, which the people are not therefore bound to obey; by which means they come again to be out of subjection, and may constitute to themselves a new legislative, as they think best, being in full liberty to resist the force of those, who without authority would impose any thing upon them. Every one is at the disposal of his own will, when those who had, by the delegation of the society, the declaring of the public will, are excluded from it, and others usurp the place, who have no such authority or delegation.

**Sec. 227.** In both the fore-mentioned cases, when either the legislative is changed, or the legislators act contrary to the end for which they were constituted; those who are guilty are guilty of rebellion: for if any one by force takes away the established legislative of any society, and the laws by them made, pursuant to their trust, he thereby takes away the umpirage, which every one had consented to, for a peaceable decision of all their controversies, and a bar to the state of war amongst them. They, who remove, or change the legislative, take away this decisive power, which no body can have, but by the appointment and consent of the people; and so destroying the authority which the people did, and no body else can set up, and introducing a power which the people hath not authorized, they actually introduce a state of war, which is that of force without authority: and thus, by removing the legislative established by the society, (in whose decisions the people acquiesced and united, as to that of their own will) they untie the knot, and expose the people a-new to the state of war, And if those, who by force take away the legislative, are rebels, the legislators themselves, as has been shewn, can be

no less esteemed so; when they, who were set up for the protection, and preservation of the people, their liberties and properties, shall by force invade and endeavour to take them away; and so they putting themselves into a state of war with those who made them the protectors and guardians of their peace, are properly, and with the greatest aggravation, rebellantes, rebels.

--Dissolution of Government, John Locke.

### **Tacit Consent**

The theory of an implicit social contract holds that by remaining in the territory controlled by some government, people give consent to be governed. This consent is what gives legitimacy to the government. Philosopher [HYPERLINK "http://en.wikipedia.org/wiki/Roderick Long"](http://en.wikipedia.org/wiki/Roderick_Long)Roderick Long argues that this is a case of [HYPERLINK "http://en.wikipedia.org/wiki/Question begging"](http://en.wikipedia.org/wiki/Question_begging)question begging, because the argument has to presuppose its conclusion:

I think that the person who makes this argument is already assuming that the government has some legitimate jurisdiction over this territory. And then they say, well, now, anyone who is in the territory is therefore agreeing to the prevailing rules. But they're assuming the very thing they're trying to prove – namely that this jurisdiction over the territory is legitimate. If it's not, then the government is just one more group of people living in this broad general geographical territory. But I've got my property, and exactly what their arrangements are I don't know, but here I am in my property and they don't own it – at least they haven't given me any argument that they do – and so, the fact that I am living in "this country" means I am living in a certain geographical region that they have certain pretensions over – but the question is whether those pretensions are legitimate. You can't assume it as a means to proving it.

An answer to this argument is that a society which has effective dominion over a territory, that is, a HYPERLINK "<http://en.wikipedia.org/wiki/State>"state, is the HYPERLINK "<http://en.wikipedia.org/wiki/Sovereignty>"sovereign over that territory, and therefore the true, legal *owner* of all of it. This is actually the theory of law for HYPERLINK "[http://en.wikipedia.org/wiki/Real\\_property](http://en.wikipedia.org/wiki/Real_property)"real property in every country. What individuals can own is not the land itself, but an HYPERLINK "[http://en.wikipedia.org/wiki/Estate\\_\(law\)](http://en.wikipedia.org/wiki/Estate_(law))"estate in the land, that is, a transferrable right to use and exclude others from use. The true owner is the sovereign or supreme lawmaking authority, because it can make and enforce laws that restrict what one can do on one's estate. --Roderick Long. HYPERLINK "<http://www.mises.org/etexts/longanarchism.pdf>"Libertarian Anarchism: Responses to Ten Objections, Section (1); from the Principles of John Locke

**Legally / Lawfully published throughout the Great State of Idaho**

**2012**

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**This is your Actual Notice of:**

Legal Notice  
of Judicial Notice

Know all men by these presents:

Gary Arthur DeMott on behalf of the people of Idaho, having legally noticed government de facto instrumentalities operating in proprietary capacity in the District of Idaho of the de jure creditors Schedule of Liquidated Damages to be increased 3% annually from original publication to the date of the claim and accrual of the cause of action, hereby authorized Citizens of Idaho (UNA 1777) and Idaho Corporate Risk Management (UNA 1916) to utilize such schedule when applicable, such to be entered in district courts of general jurisdiction. As a member of the *de jure compact society of the republic*, people

of the state of Idaho are entitled to, amongst others, the **right** to own property, the **privilege** of due process of law / trial by jury and **immunity** from involuntary servitude and proscribed special laws / ordinances as guaranteed by the national and state constitutions and the laws passed in pursuance thereof. Such status is a foreign domicile to the 54 state "districts of democracy" established pursuant to Title 4-112 United States Code, a *de facto contract society of the democracy*, legally existing under statutory law. Such state and other de facto entities are commonly identified by the corporate spelling of the de jure name of the principal entity. Citizens of Idaho (UNA 1777) and Idaho Corporate Risk Management (UNA 1916) legally and lawfully notify all government de facto instrumentalities operating in proprietary capacity in the District of Idaho and the Idaho Commission on Human Rights for violation of IC 18-7301 against the de jure Citizen domiciled within the state of Idaho, one of the 50 states of the American Union. Notice to principal(s) is Notice to agent(s).

M. Esquibel  
Citizens of Idaho  
P.O. Box 2152  
Boise, Idaho state, 83701

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If the recipients of this "Notice" fail to respond to the above "Request for Admissions" within 21 days of the date of the affixing of the signature to said "Notice," the answers to the above questions will be deemed to be "YES" and this official letter of the Association and any response or failure to respond to the Association will be entered into the judicial record of general jurisdiction as competent evidence and recorded within the public record of each county within the State of Idaho.

Sincerely

M. Esquibel  
Citizens of Idaho,  
P.O. Box 2152,  
Boise city, Idaho state, 83701