

## About Judges

Title 18 United States Code Section 2381.

“If a Judge fails to timely move to protect and defend the constitution of the United States, and not honor their oath of office, they are subject to the charges of Capital Felony Treason.”

Judges need to improve their image and prove beyond a reasonable doubt that constitutional rights still exist for the poor or unpopular.

**Arizona v. Youngblood**, (2018). “When the Judiciary fails to interpret and enforce constitutional rights and limits, it shrinks from its central duty and drains the constitution of its meaning.” (Judge Clint Blolick)

**Crawford v. Washington**, 514 U.S. 36 (2004). “Judges, like other government officials, could not always be trusted to safeguard the rights of the people.” [Elected judges are direct threats to constitutional rights.] “People in elected positions are more interested in preserving their job than in doing the best job possible.” (John Paul Stevens)

**Bayard v. Singleton**, (1787). No legislative act could by any means repeal or alter the Constitution of the land; even judges must obey the Constitution.

**Benton v. Maryland**, 395 U.S. 784 (1969). “The same constitutional standards apply equally against both state and federal actions.”

**Betts v. Brady**, 316 U.S. 455 (1942). HN5: Due process of law is secured against invasion by the federal government by the Fifth Amendment, and is safeguarded against state action in identical words by the Fourteenth Amendment. [23 pgs.]

**Boyd v. United States**, 116 U.S. 616 (1886). The court is to protect against any encroachment of constitutionally protected rights. [22 pgs.]

**Bryars v. United States**, 273 U.S. 28 (1927). It is the duty of the courts to be watchful for the constitutional rights of the citizen and against any stealth encroachment therein. [9 pgs.]

**Calder v. Bull**, 3 U.S. 386 (1798). HN5: Any procedure that modifies the rigor of criminal law, or increases punishment, or changes the rule of evidence, is an **Ex Post Facto** law. No legislature is omnipotent. No legislature can make right wrong; or wrong, right. No legislature can make light, darkness; or darkness, light. No legislature can make men, things; or things, men. Nor is any legislature at liberty to disregard the fundamental principles of rectitude or justice. Whether restrained or not by Constitutional provision, there are acts beyond any legitimate or binding legislative authority. A legislature: cannot authorize injustice by law;

cannot nullify private contracts; cannot abrogate the securities of life, liberty, and property, which, it is the very object of society, as well as of our constitution of government, to provide; cannot make a man a judge of his own case; cannot repeal the laws of nature; cannot create any obligation to do wrong, or neglect duty. No court is bound to enforce unjust laws; but, on the contrary, every court is bound, by prior and superior obligations, to abstain from enforcing such law. [16 pgs.]

**Kring v. Mo.**, 107 U.S. 221 (1882). HN2: Any law passed after the commission of an offense, which, in relation to that offense, or its consequences, alters the situation of a party to his disadvantage, is an Ex Post Facto violation.

**New York v. Eno**, 155 U.S. 89 (1894). The obligation of state courts to give full effect to federal laws is the same as that of federal courts. [12 pgs.]

**O’Neal v. McAninch**, 513 U.S. 432 (1995). Court was required to give the petitioner the benefit of doubt on constitutional claims. [21 pgs.]

**Stone v. Powell**, 428 U.S. 465 (1978). State courts, like federal courts, have a constitutional obligation to safeguard personal liberties and to uphold federal law. [56 pgs.]

**United States v. Coonce**, 961 F. 2d. 1268 (7<sup>th</sup> Cir) (1992). HN6: A criminal defendant has a due process right to have the court consider only accurate information.

**United States v. Garcia**, 28 F. 2d. 1331 (8<sup>th</sup> Cir) (1994). A court is not empowered to suspend constitutional guarantees. [7 pgs.]

A judge must hear the testimony and arguments when constitutional issues arise. A judge is supposed to listen courteously and rule impartially and protect the rights of all of us as written in the laws, and the highest law in the land, the United States Constitution. Judges have a duty to resist invasions of constitutional rights even if they are “instigated by the major voice of the community.” Many judges do not like it when defendants assert their constitutional rights. The judiciary must protect the law as written in compliance with the United States Constitution. The constitution must be respected and enforced. The Constitution matters and the courts must consider that.

Too many judges behave like tyrants and think a courtroom is their own private fiefdom. Or worse, too many judges think they are a deity, and a courtroom is their own private temple when the law becomes an ersatz religion.

Too many elected judges will only enforce those laws that will help them get re-elected. Too many elected judges have traded a healthy diet of constitutional rights over to an addiction of votes. Elected judges are contributing to constitutionally deficient courts.

Too many judges will prevent the defense from exposing or finding the truth. Too many judges have become political despots. Judges have become no more than undeclared partisans. Courts have become just another way to implement partisan political agendas. Too many trials have become platforms to support an agenda and not the United States Constitution.

The United States Constitution is being distorted by political expediency and legal convenience.

- 1 Trial judges are allowed to say, do, and get away with things that would get anyone else in any other profession, fired on the spot.
- 2 Essentially, judges at all levels will do and say whatever is necessary, often with a straight face, in order to preserve a defendant's conviction.
- 3 Judges simply torture the plain meaning of ordinary words in order to reach their desired outcome.
- 4 It is therefore extremely difficult to estimate the number of wrongful convictions that occur every year in the United States.

(All by Mr. Michael D. Cicchini.)

The courts cannot ignore relevant federal case laws and precedents as if they were some small warning print on the side of a beer can or a pack of cigarettes. Citizens and courts must obey the U.S. Constitution before obeying any statute or law that was unconstitutional.

Judges have an obligation to enforce ALL rights in the Constitution, to protect citizens from abusive, biased authority. Moral disapproval was not a sufficient reason to criminalize a mutual action. Judges must remember that the United States Constitution is a compact between the Federal government and each INDIVIDUAL person (citizen or non-citizen) within the jurisdiction of the constitution, and not with the states.

Giving judges and other public officials "immunity" for their behavior in office will deny the victim and all other citizens of their "Equal Protection" rights under the Fourteenth Amendment and makes all public officials despots. When justice is delayed, it is denied, an Eighth Amendment violation.

Tyranny, like hell, is not easily conquered." (Thomas Paine)

"A system of government that makes people subordinate to a committee of nine unelected lawyers does not deserve to be called a democracy." (Justice Antonin Scalia)

Just as a conductor must keep an orchestra in tune to a music score, so too, must a judge keep a court in tune to the United States Constitution.

We have wrongful convictions because defense counsels, judges, and prosecutors, expert witnesses all ignore the role that the U.S. Constitution has in the courtroom, as personal interpretations are biased interpretations.

“The punishment should fit the offender, and not merely the crime.” (Williams v. New York, 337 U.S. 241; (1949) (Pg. 30, “The Nonsense Factory”)

The sex offender laws are a knee-jerk reaction to mass hysteria and ignorance that rivals the Salem witch trials as an example of the complete denial of impartial justice.

Constitutionally, the state cannot legitimately coerce compliance to an unjust law.

A person cannot contract out himself into slavery which is what the “Rules of Supervision” demand.

The “Rules of Supervision” are a blatant constitutional violation of conscience.

The government, the legal system, the courts, and the politicians blatantly “straight up” ignore the constitution with legal convenience and political expediency.

Judges sometimes reach erroneous results because they have used the wrong tools. (pg. xxv, “The Nonsense Factory”, by Bruce Cannon Gibney)

The courts are not making constitutional arguments or honoring constitutional rights and privileges due all persons.

The attitude of legal convenience and political expediency ignores reality.

“Statutory Interpretation” as done by judges is, and can only be, aspirational fiction.” (pg. 96, “The Nonsense Factory”)

The law [and the court] is supposed to safeguard against prosecutorial despotism. (pg. 231, “The Nonsense Factory”)

Prosecutors are violating constitutional rights and cowardly elected judges are allowing it.

Biased judges control the court by allowing, or disallowing, evidence and witnesses that favor their version of the case. Thus, many cases are decided without all the facts.

Unconstitutionally, most parole boards operate in a closed session, and not allowing evidence or witnesses in that favor the parolee.

State sponsored brainwashing and propaganda do not help a parolee with integration or rehabilitation which require mutual dignity and respect to succeed.

“We can no longer assume that just because a person has been convicted, that they are factually guilty.” (Stanley Cohen, Cardozo School of Law, New York, N.Y.)

Every legal system in history has had fake fair trials.

Judges cannot abdicate their sworn duty to protect the constitutional rights of the citizens against both state and corporate abuses.

“Too many convictions in biased courts lack any constitutional proof. Too many juries convict on a subjective consensus, without any objective proof.” (Bryan Stevenson, Equal Justice Initiative)

Under stress, too many convictions are based largely on uncontrolled emotions.

Too many “expert witnesses” sprout exaggerated rhetoric.

Reality is an individually interpreted concept, which is why science (and the courts) require proof beyond a reasonable doubt.

If the courts do not acknowledge our Constitutional Rights, and a deliberately ignorant jury does not understand constitutional rights; then how does a defendant obtain a constitutional fair trial?

A deliberately ignorant society becomes a society enslaved to brainwashing, propaganda, populism, and eventually tyranny. This is where our education system is failing us.

“Woe, those who enact unjust statutes, who write oppressive decrees, depriving the needy of judgment, robbing my people’s poor of justice.” (Isaiah 10: 1-2)

“The American criminal justice system has a callous disregard for human or constitutional rights.” (pg. 44, “The Hidden History of the Supreme Court and the Betrayal of America.” by Thom Hartman, ISBN 978-152308594-1) (2019)

On the day of the “Last Judgment,” we will all go up before a real Judge, in a real Court, with real Justice. And that Judge has already called legalists “Hypocrites” and a “Brood of vipers” and then warned them of hell. The “Last Judgment” will be real interesting.

“But you, who have contrived every kind of evil ... Will not escape the hands of God ... But you, wretch, most vile of mortals, do not, in your insolence, buoy yourself up with unfounded hopes, ... You have not yet escaped the judgment of the Almighty and All-Seeing God. But you, by the judgment of God, shall receive just punishments for your arrogance.” (2 Mac 35-36)

While [Old Testament] prophetic messages sometimes bore on the future, their primary concern was with contemporary events in the public sphere of social life and politics, national and international. They focus on public morality, the treatment of the poor and disadvantaged, and the abuse of power, especially of the judicial system. They pass judgment in the strongest terms on the moral conduct of rulers and the ruling class, in the belief that a society that does not practice justice and righteousness will not survive. (pg. 988, “The Catholic Study Bible” 2<sup>nd</sup> ed. NAB, 2011) (ISBN: 978-0-19-529775-1)