

Dear Sirs

1. I have requested in writing a constitutionally formed court in this very matter where a jury is present of 12 men or women of my equal peers to make judgement on the harassment charges laid at the legal fiction name MICHAEL CLARKE. This has been refused by I am told, a Judge Foskitt and I therefore do not recognise the court as a court of law no more than I would if it were a tennis court in which has a similar amount of authority to bring to bear without the consent of all parties. It is for this reason I believe that a statute administrative hearing requires the consent of all parties and I hereby **refuse** consent to this hearing as I did in the first hearing. This letter is written from the flesh and blood man "Michael of the family Clarke" and not the legal fiction person MICHAEL CLARKE in which I revoke all association with. This letter is written in an advisory capacity for the benefit of the persons whom may conduct what can only be termed as an "**unlawful hearing**" if it proceeds ahead without consent. When a person is treated unfairly by the government, including the courts, he is said to have been deprived of or denied due process and I firmly believe this is the case here.
2. ASSUMING, you assume my consent and proceed anyway, which I re-iterate, **CONSENT IS DENIED**, I then offer up the following information for your assistance.
3. **All Judges take the Judicial Oath when they are sworn in:**

**"I will well and truly serve our Sovereign Lady Queen Elizabeth the Second, in the office of Justice of the Peace/Judge, and I will do right to all manner of people after the laws and usages of the realm without fear or favour, affectation or ill-will"**

'Administrative Law' (so called) forms no part of 'the laws and usages of the realm' - which Judges swear to the Sovereign to uphold via Promissory Oath that binds them to a specific course of conduct – otherwise they cannot be said to perform their judicial duties impartially. Performing administrative acts on behalf of the executive is incompatible with the terms of the Oath, which Judges take when they are created under Section 2 of the Promissory Oaths Act 1868, which every Judge must take. A breach of that Oath is perjury.

If the argument is that Common Law has no basis in administrative law proceedings (and therefore is irrelevant), it should be noted that administrative law has not been sanctioned by Parliament. It should also be noted that the crime of murder is a Common Law crime ("manslaughter", etc. are Statutory ... but "murder" still remains Common Law). Thus to disavow the Common Law, disavows the crime of murder. The consequence would be that someone could pre-meditate to take the life of another (without, necessarily, requiring any reason whatsoever!), **and no crime would have been committed in that a circumstance**. This is the absurd position we would all be in, without the protection of the Common Law.

**"Actions which overthrow and subvert the laws and Constitution of the Kingdom and which would lead to the destruction of the Constitution are unlawful".**

The case of R V Thistlewood (1820) established that **"To destroy the Constitution of the country is an act of treason"**.

**Halsbury's Administrative Law 2011** confirms that administrative law is (nothing more than) an arrangement between the Executive and the Judiciary. And that the Law is absolutely clear on this subject. There is NO authority for administrative courts in this country, and NO Act could be passed to legitimise them.

4. Gross acts of negligence have been committed against my mother whom I have cared for the last 16 years. As her carer I believe I hold a moral duty to offer her protection from theft, fraud, mal administration, lies and deceit all woven together in tangled web committed against her by what we believe to be a concoction of conspiracy & corruption by the judicial and elite processes collaborating under the collective guise of **"Court of Protection" & "Public Guardian"**.
5. It is for the above reason alone not to mention the ones listed previous that we believe a constitutional formed court with equal peers to judge is necessary and without such, is a deprivation of, or denial of, **due process**. In view of these accusations, you, the so-called Judge, cannot be deemed to be able to Judge this unlawful hearing, in a fair and impartial manner, which represents a conflict of interest.
6. ASSUMING as you do, the unlawful hearing proceeds further. The aforementioned criminal acts of theft, fraud, mal administration, lies and deceit that are and have been continued to be enacted upon my mother I have a Statute Legal and Lawful moral right to defend against in any manner which is affordable to proceed down.
7. In this particular case we proceeded down the lawful route of issuing a commercial Lien/claim against the Mr Hugh Jones and his partners whom are vicariously liable by condoning the criminal actions of their partner in crime.
8. Under the Mental Capacity Act Section 5, Acts in connection with care or treatment Section 5 of the Act clarifies that where a person is providing care or treatment for someone who lacks capacity then **the person can provide the care without incurring legal liability**  
The key will be proper assessment of capacity and best interests.  
**This covers actions that would otherwise result in a civil wrong or crime if someone has to interfere with the person's body or property in the ordinary course of caring.** For example, by giving an injection or by using the person's money to buy items for them.  
**The Bill introduces a new criminal offence of ill treatment or neglect of a person who lacks capacity. A person found guilty of such an offence may be liable to imprisonment for a term of up to five years.**
9. The Mr Hugh Jones and Pannone are guilty of the above referred to ill treatment and more severe, neglect. We have reported matters to all authorities without proper investigation to satisfactory levels and thus we have had no other option but to turn and use common law of which I believe under the Magna Carta Act I am entitled to do. I am also under the very "ACT of MENTAL CAPACITY Section 5" holding protection from any legal liability arising as a result of protecting my mother from the harm she is enduring under Hugh Jones deputyship's guise of **"PROTECTION & GUARDIAN"**.
10. **Hugh Jones** is currently under investigation by the Court of Protection and is under scrutiny by our MP Gordon Marsden, we are also led to believe the Solicitor regulatory authority is still conducting their investigations. Mr Hugh Jones is a serial proven liar. Mr Hugh Jones has also several other clients with the same complaints.

**It is for all of the above reasons their application for a continued further permanent injunction should be dismissed & further to, we believe that a constitutional court with a jury would also agree and that the impartiality would exist alongside there being NO conflict of interest.**

*MR Clarke*

**Michael of the family Clarke.**