

Opening Position Statement 06.07.2012 to Judge Justice Peter Jackson

There has been unfettered obstruction by the deputy Hugh Jones to facilitate to my mother legal representation which is a denial of due process and for this reason alone

We claim common law jurisdiction. We do not consent. We waive all the benefits

- As per the hearing listed on the 12th March 2012 where a statement made by us claimed, as sovereign human beings with living, breathing flesh and blood souls, that we are not the legal fiction personas/entity/corporations referred to as ANN CLARKE and MICHAEL CLARKE, we are commonly known as, Mike & Ann of the family Clarke. Sovereign Flesh & Blood Souls. (Please refer to Cestui Que Via Act 1666.)
Read legal fiction precedence set at the Strawman.pdf page 110 & Roger:Hayes BIRKENHEAD
- As such we appear as third party representatives/lay advisors to the legal fiction persona/entity/corporations whom we firmly believe to be, being denied due process and rights to fair and impartial hearings and as such again, **to claim common law jurisdiction** and we hereby **do not consent** to this hearing thus, as statute legislative rules are only given the force of law under the **consent** of the governed (BLACKS LAW DICTIONARY), in which we **do not consent** and so thereby waive all the benefits to demand a common law hearing with a jury of 12 equal peers.
- Our status is under the firm conviction that statute legislative rules of society are perversely denying our rights to fair and impartial conduct giving rise to a denial of due process. We do not recognise this court hearing and its judgements handed down and believe its processes to be unfair. This statement or to the effect was made in the last hearing but overridden and proceeded against our will's in which we believe an Act of **Trespass of Treason against our Civil Rights and against the Constitution - THE LAW OF THE LAND! Under the Magna Carta Act and Bill of Rights &** article 6 listed upon the Civil Liberties Protection and Human Rights. Section 2. There must be a hearing before an **independent and impartial court or tribunal established by law (including unbiased jurors)**. **The right to a fair trial is fundamental to the rule of law and to democracy itself. The right applies to both criminal and civil cases.**
- Force and coercion is being used to gain Statute Jurisdiction and considering the vulnerable personas/entity/corporations you are here to deliberate upon it would appear to underline the highlighted statement above. We assume that the courts still uphold the principles of common laws of the land under the Magna Carta and The Bill of Rights and thus protest that those principles be applied here today!
- Should you, the Judge, Justice Peter Jackson decide to continue to deliberate in this hearing, against our wishes, **without consent**, without a clear and unequivocal release from the Court of Protection for the **legal fiction persona/entity/corporation "ANN CLARKE"** then we will have no option but to report matters to the relevant authorities for denial of due process.
- It is our contention that enough evidence has been provided to show without doubt the inabilities of the Office of Public Guardian(not fit for purpose) & the state to prove "beyond all reasonable doubt" that the legal fiction persona/entity/corporation "ANN CLARKE" is incapacitated or indeed might I remind the court at this point that the persona/entity/corporation cannot be lawfully tested for capacity in any way as the living breathing soul's claim to sovereignty is evident here & too thus deny you consent to conduct such an assessment on the living breathing soul in so far as where it is to be used within a statute court without due jurisdiction over that living breathing soul whom has clearly denied the court consent & where such actions are given with evidence from a medical stand point, to take such decisions.

- If it is the Judge, and Statute Courts contention that Jury trials no longer operate in the UK for these issue's then there can be only be one deliberation here and now and that is **that due process is being denied** and therefore **immediate release** from the clutches of the Court of Protection/Office of the Public Guardian for that reason **and that reason alone**
- As a Judge in Court of Protection Matters are you familiar with Mental Capacity Act Section 5, the protection from any liability of carers. Why am I then at the hands of the receiver am I in the mainstream courts for harassment in proceedings concerning my mother's care?? Relevance is why has he got the right to be a party to proceedings when he has clearly violated statute laws.
- If the receiver is competent why is being potentially given the rights in this case to object to my mother release when he stands accused of stealing funds from my mother and he has mal administered her affairs to the tune of £200,000 The relevance here is that the Office of the Public guardian is under investigation by the Parliamentary Health & Service Ombudsman for not investigating properly the matters complained about. We believe conspiracy and collusion to be the reasons why they have not investigated properly and a collective judicial racket is in place to facilitate such crimes with impunity & thus is the underlining reason for a JURY TRIAL request.
- You said in your last hearing that you do not convict or retain under the court of protection on grounds of vulnerability and thus only incapacity and so if proof cannot be provided of incapacity beyond all doubt then why has my mother been retained over ten years to facilitate such fraud against her.
- The courts have evolved into a judicial dictatorship where the OPG is the vehicle and the patients are being denied due process under natural law and the right to be judged by equal peers is that not the case.
- I hold here the last years accounts with a sum deducted from my mother for legal professional fees that I had to loan her to pay for to enforce the release of her accounts now is that not fraud in itself. Why should she have that expense when clearly he has fraudulently denied her access to her accounts for over ten years and yet he is allowed to be a party to these proceedings is it not clear the reasons why he is objecting to her release?
- Continuing to pay HUGH JONES for acts of Fraud and Theft is not what my mother is keen to continue to do. With a denial of due process from his friends in high places clearly demonstrates the corruption we have been publicly shouting about, rightly so. The truth is clearly no defence.
- Ie A statute act is a legislated rule of society given the force of law by the consent of the governed- who's society when did I join provide proof, was it only by consent? Why would I consent to be governed by a rule that is removing all my inherent common law rights. If consent is removed the Mental capacity Act cannot be enforced like wise how can you conduct an assessment of the legal fiction (a corporation an entity a birth certificate) you can't – it can only be done on the living breathing soul and that soul has inherent sovereign rights ie Common laws of the land ie jury of 12 equal peers – the removal of such rights is a denial of due process deeming the whole process exempt from the person/ corporation without consent from the soul.
- We suggest the entire process flawed and the person/corporation ANN CLARKE be released. She did not consent in the beginning 11 years ago with medical evidence she does not consent now with medical evidence and the only slight evidence you might have is unstable and will not sustain beyond all reasonable doubt proof of incapacity & by your own admission in the last hearing you do not convict on vulnerability.
- We submit there is insufficient reason to hold the legal fiction entity corporation ANN CLARKE under Statute legislation of Mental Capacity Act 2005 that in essence;
 - She does **not consent** to be governed this way Statute Consent refused.

- There is **insufficient evidence** medically for proof beyond all reasonable doubt
- **She is not & has not been protected** because the system has endemic failures without and health & safety safeguards in place to protect or provide proper recourse and investigation of those failures hence parliamentary health & safety ombudsman investigations currently. We have been and currently are being harassed by the deputy and his partners in his crimes with impunity in the very visible severe breach and violation of Mental Capacity Act section 5 where you the Judge / Court of PROTECTION have failed miserably to protect against if anything you have helped by collusion to assist its continued efforts of providing sheer misery not just to me but my mother also. (and you want her consent to your statute misery??)
- My mother has had her funds stolen, by the deputy, her funds mal administered by criminal neglect, and in clear unequivocal acts of sheer deceit has committed acts of fraud, all condoned by the actions of whom you represent The Court of Protection. Any suggestion that we may get legal advise has been hindered severely not only by removal of funds financially by the deputy but also the refusal of funds by the deputy & not at the very least to mention that upon the breathing of the word “Public Guardian or Court of Protection” to anyone in the legal profession, they clearly recoil into themselves displaying a visual face of fear! Like they are entering into the world of the British Mafia!

•