

Ms Ann Clarke & Michael Clarke (Living Will Executor)

V

The Ultimate Liability of Public Authority of the  
Court of Protection  
[Senior Judge, Master Denzil Anton Lush]

STATEMENT OF CASE

**THE TYRANNICIDE BRIEF**

This is an appeal brought in the of highest of principal and against some of the abhorrent rules of the claimed unfettered un-accountable powers of its own discretion of the Court of Protection under which little old ladies become the milch-cows of the legal profession.

The Court of Protection and its appointed agent solicitor Mr Hugh Jones of Pannone LLP solicitors in (1<sup>st</sup> general order date 20.03.2001 web link <http://opg.me/1stgeneralorder20032001.pdf>) by abuse of position dishonestly to deny Ms Ann Clarke and her own appointed Executor full and proper detailed accountability for her own money causing loss to the Clarke family.

***“The Burden of proof lies on the persons and the court of fiduciary position to show they are not taking any advantage to cover deception against Ms Ann Clarkes estate.”***

Hindrance and harassment of the Appellants to obstruct full and proper disclose.

See:- Claim No. 2MA90015 Justice Sharp, 26/01/2012 Chester District Registry.  
Claim No. 2MA90015 Justice Foskett 02/05/2012 Manchester District Registry.

Solicitor Hugh Jones professional colleague, solicitor Paul Jonson having refused mediation continues further harassment against the appellants and threatens them with dishonest harassment orders against the appellants for the real purpose of obstructing and perverting the course of Justice by hindrance of the full and proper detailed disclosure of solicitor Hugh Jones accounts, files and tax returns for Ms Ann Clarke's money.

**4. Fraud by Abuse of Position.** (Solicitors, partners and colleagues generating their own costs for lining their own pockets.)

(1) A person is in breach of this section if he –

(a) occupies a position in which he is expected to safeguard, or not to act against, the financial interests of another person.

- (b) dishonestly abuses that position, and
- (c) intends, by means of the abuse of that position-
  - (i) to make a gain for himself or another, or
  - (ii) to cause loss to another or to expose another to risk of loss, or

(2) A person may be regarded as having abused his position even though his conduct consisted of an omission than an act.

#### The concept of the person under parens patri jurisdiction.

The Senior Judge in the Court of Protection is a specialist probate practitioner and therefore trained in the Law. He will understand that determination of legal incompetence and the consequent transfer of custody of the person and property of an incompetent person to the state does result in a drastic forfeiture of liberty and property interests. The state has the fiduciary obligations to the incompetent. The state is under an obligation to exercise its fiduciary duties in good faith to the incompetent and may not impose the states policies or advance the states interests or that of the legal professions probate practitioners interests for its own to take advantage of the incompetent in the supervision of the affairs of incompetent persons except for the benefit of the incompetents themselves.

For anyone that before time hath had her wits, the judge shall keep her estate safe and maintain her and her household competently out of her profits but the judge was to take nothing for his own use. If the concept is abrogated then the judge has no right to his claimed jurisdiction over the incompetent and is therefore liable to compensate the recovered incompetent or her heirs.

CPR Rule 89 has been satisfied exhausting the jurisdiction of the Court of Protection in that His Honourable Mr Peter Jackson as a Judge of the High Court sitting in the Court of Protection has kindly provided Ms Ann Clarke and her Living Will Executor Michael Clarke with a certificate of Refusal to Appeal under the Court of Protections own Jurisdiction.

#### Obstruction and Perverting the Course of Justice

It is understood that the Deputy Master Ms Maria Bancroft-Rimmer misrepresenting the CPR Rules for the purpose of frustrating Ms Ann Clarks rights of Appeal to an independent and impartial court of law.

Along with the deliberate Court of Protection game of misrepresenting the title of the respondents Deputy Master Maria Bancroft-Rimmer is acting to mislead the Appellants into consenting to the Senior Judge Master Denzil Lush's secret court held behind closed doors from which if judgements are published it can be shown they have been known to conceal the Truth, the Whole Truth and nothing but the Truth.

It can also be shown the Court of Protection denies full and proper disclosure between the parties before the court to protect its own appointed professional solicitor panel receiver/deputies even when there are concerns of mal-administration.

Other cases are waiting to be publically exposed revealing the real Truth of the Court of Protection, Late Life Fraud, Professional Racketeering, Dereliction and Property

Frauds. Shown on an international level Sophisticated and Organised Crime operating within the legal professions in similar Court of Protection jurisdictions around the world exposing a Mafia at all levels within the legal profession, providing itself a pizzo in the name of protection to line the pockets of their own legal profession network of probate practitioners interceding in the estates of the elderly.

Her Majesty's Government has a duty to protect its citizens' from the un-accountable complex and sophisticated organised crime of the professional probate practitioners existing within and at all levels of the legal profession of England and Wales.

It is the duty of the government to review and consolidate the complexity of the Laws which are still allowing in the 21<sup>st</sup> century without any accountability wholesale racketeering and fraud into the estates of the elderly in England and Wales.