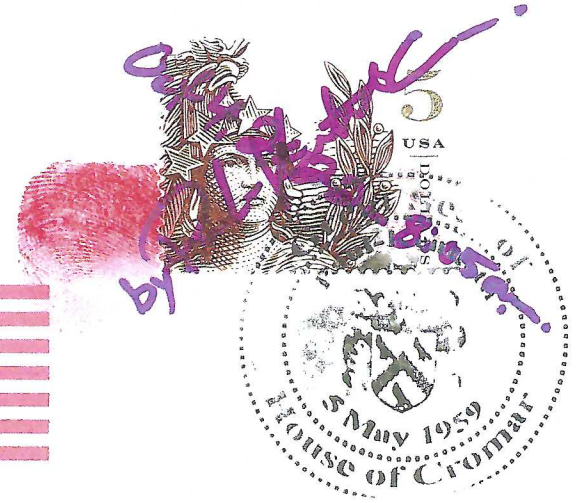
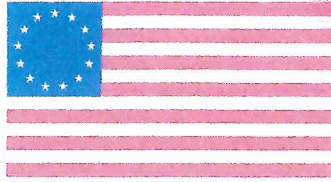


Dean Marshall Spencer
- Authorized Person/Relator
General Delivery
Pleasant Grove, Utah state [84062]

FILED
UTAH APPELLATE COURTS
OCT 04 2022



Paul-Kenneth: Cromar.™
- Executor of the name ©“PAUL KENNETH CROMAR”, and,
Barbara-Ann: Cromar.™
- Executrix of the name ©“BARBARA ANN CROMAR”
c/o 9870 N. Meadow Drive
Cedar Hills, Utah state: uSA [84062-9998]

IN THE UTAH STATE SUPREME COURT

Dean Marshall Spencer,
Authorized Person Relator

Paul-Kenneth: Cromar, the man, and,
Barbara-Ann: Cromar, the woman

Thomas Fairbanks,
Authorized Person

Applicants / Complainants

vs.

Judge Christine Johnson,
Magistrate Anthony Howell,
Judge Darold McDade, et al.
Utah County Sheriff Mike Smith
American Fork PD Darren Falslev
Utah County Attny. David O. Leavitt
Attorney Jared Perkins, et al.

APPLICATION:
FOR A WRIT OF HABEAS CORPUS,
and EXTRAORDINARY WRIT
FOR INJUCTIVE RELIEF
UNDER URCP 65B

Case # _____

Judge _____

65B(a) Remedy (No Remedy is Available)

65B(b) (Wrongful Use Of Judicial Authority
Or Failure to Comply With Duty)

(b)(2) (Commencement ... Court In District
In Which Petitioner is Restrained – (See Initial
65(B) Complaint Unanswered And Un-ruled
On - Denied - No Remedy - No Relief)

(d)(2)(A) (Abuse Of Process) For An inferior
Court, Administrative Agency Or Officer

Judge Kraig J. Powell Judge Robert Lund Judge James M. Brady, et al. Attorney Nathan S. Dorius Attorney Andrew V. Collins	Exercising Judicial Function Has Exceeded Or Abused Its Discretion (d)(3) (Proceeding On Petition) The Court may also Grant ... Rule 65(A) Injunctions – See Initial Pleading With Appeals Court
Judge Lynn W. Davis U.S. Solicitor General	Merged Civil Action Ties With Cromars Criminal Case (In Violation Of Utah Code 68-3-4 Civil And Criminal Remedies Not Merged)
US Chief Judge Robert J. Shelby DOJ/IRS attny. Ryan Watson, et al.,	
US District Judge Timothy DeGuisti US Attorney John Huber US Asst. Attny. John Mangum	18 U.S. Code § 241 - Conspiracy Against [Privileges, Immunities and] Rights 18 U.S. Code § 242 - Deprivation of Rights and Privileges Under Color Of Law
US District Judge David B. Barlow Magistrate Daphne Oberg Asst. Utah AG Heather Chesnut Utah Attorney General Sean D. Reyes	28 U.S. Code § 453 - Violation of Oath of Office (an Act of Treason)
Public Defender Lisa Maxine Estrada	(Applicable to Provo Cases 201402860 & 68)
Utah Court of Appeals: Judge Michelle Christiansen-Forester Judge David Mortensen Judge Gregory Orme Assoc. Gen. Counsel Bryson King	
Defendants	

APPLICATION:
FOR A WRIT OF HABEAS CORPUS, and EXTRAORDINARY WRIT
FOR INJUCTIVE RELIEF UNDER URCP 65B

Dean Marshall Spencer, Authorized Person, in behalf of Allegedly Disabled of the above said Cromars, a living man and woman - Applicants applies to the Utah State Supreme Court Clerk under 28 U.S.C. § 2241 and URPC Rule 65B(a) because the courts have removed all available remedies available to Barbara and Ken Cromar. **This is NOT an appeal, but rather a certiorari, a Non-Discretionary Application in the court,** with an original jurisdiction, questioning authority and wrongful judicial process where the judicial branch has overridden the

legislature with their own self-serving rules.

Paul-Kenneth: House of Cromar and Barbara-Ann: House of Cromar, two of *We the People*, a living man and woman, declared by a jury of our peers “**found to be living!**” (and hence not ALL CAPS CORPORATE entities), over 25 years and have attainment of majority, of sound mind, and deemed competent to manage the affairs of their estates by the same name, *sui juris* (never pro se), state nationals of Utah known as Utahns, *in propia personam*, as the Sole Heirs and Executors to the Paul-Kenneth: House of Cromar and Barbara-Ann: House of Cromar estates, sometimes also known as “Barbie & Ken”; herein *apply* to the above named court, this **APPLICATION: For a Writ of Habeas Corpus**, for good cause, as provided herein:

URCP Rule 65B(b)(2) - Commencement. The proceeding shall be commenced by filing a petition with the clerk of the court in the district in which the petitioner is restrained or the respondent resides or in which the alleged restraint is occurring.

URCP Rule 65B(b)(3) -- Contents of the petition and attachments are included and attached.

URCP Rule 65B(b)(4) Memorandum of Authorities - This case is null and void from inception because there was no lawful warrant presented at time arrest, and no bail hearing prior to posting bail and release the jail. Bail was applied with no specific hearing without all parties present, -especially the Cromars in absentia, with no counsel present or waived. Cannot have a waiver hearing and bail hearing at same time, and skip due process of law, therefore it is declared to be plain error in procedural due process of law.

If there was an arrest without a warrant (under criminal proceeding) a probable cause hearing should have been held within 72-hours as we understand it. Additionally, *failures to act in his/her duties* include:

- Failed to properly notify the Cromars of the charges.
- Failed to notify the Cromars before the bail hearing, which the bail was applied by an unknown person, *who failed to act in his duties*, by having all parties, including counsel or waived counsel, notified and present at the hearing.
- Bail was applied *without due process of law* at a critical hearing where counsel is to be afforded or waived, with all parties present, in judicial failure. And this was just the beginning of a long train of abuses!

APPEAL FOR INJUNCTIVE RELIEF

78B-6-601. Penalty for wrongful refusal to allow writ of habeas corpus.

Any judge, whether acting individually or as a member of a court, who wrongfully and **willfully refuses to allow a writ of habeas corpus** whenever proper application has been made shall forfeit and **pay a sum not exceeding \$5,000 to the aggrieved party.**

The Applicants / Complaints filed an Application for a Writ of Habeas Corpus, which the Clerk of the Court in the American Fork Utah Fourth Judicial Court then sent a copy of said **Application for a Writ of Habeas Corpus** to the Fourth District Court in Provo, Utah at approximately 4:30 pm on Friday June 24, 2022.

On June 27, 2022, judge Christine Johnson declared, "I have not received the Habeas Corpus, but I have been in Contact with Presiding Judge (Kraig J. Powell Associate Presiding Judge) who has been in contact with General Counsel of the AMC and I have been told to go forward."

Following judge Johnson's refusal to allow for the addressing of the Writ of Habeas Corpus, an Application for Writ of Habeas Corpus was then filed with the Utah Court of Appeals on June 29, 2022.

On September 13, 2022, the Utah State Court of Appeals remitted an order originally issued on July 28, 2022 in the above matter regarding Barbara and Ken Cromar. [One can only assume the remittance was due to the fact that the original order was delivered a mere one-hour and thirteen minutes following the filing of an amendment in the Utah State Court of Appeals making it impossible for the three justices to have enough time to adequately read, consider, deliberate and then rule upon the entire filing. The officers of the court, including respondent counsel Stacey R. Haacke were notified, but provided no "response" until the Sept 13, 2022 Remittitur.]

The Justices stated in their original order, "Extraordinary relief is only proper when the petitioner has 'no other plain, speedy and adequate remedy' at law", and they further state, "this court's decision to grant extraordinary relief is entirely discretionary."

It is under these circumstances that on this day, the Applicants / Complainants have filed this Application for a Writ of Habeas Corpus and the Appeal for Injunctive Relief with the Utah State Supreme Court in an attempt to seek justice.

As has been repeatedly stated throughout all of the court filings in this matter, Self-Presentation filings are not to be prejudicially discounted for technicalities not of "the same high standards of perfection as practicing lawyers," and are to be deemed as acceptable pursuit of justice. However, the courts have repeatedly ignored, declared the Cromar's filings frivolous and/or vexatious, and in the case judge Johnson struck 13+ months of Cromar filings and attempted filings from the record, despite the fact that the Supreme Court of the Untied States disagrees with her inferior court decision regarding this issue, -- as provided hereafter.

“ALL PLEADINGS SHALL BE CONSTRUED TO DO SUBSTANTIAL JUSTICE”

Officers of the court continue to ridicule and discount the Cromars efforts to present and defend themselves, which put them in an impossible circumstance, by the members of the judiciary unlawfully playing the role of tyrannical *gods*, placing inferior courts above the Supreme Court, by usurping powers they don't have, in order to achieve a predetermined outcome. The Cromar's *In Propria Persona* pleadings are to be considered without regard to technicalities, as, “Barbie & Ken” as sometimes they we're known, are not professional attorneys or BAR club members:

"Pleadings in this case are being filed by Plaintiff In Propria Persona, wherein pleadings are to be considered without regard to technicalities. Propria pleadings are **not to be held to the same high standards of perfection as practicing lawyers.**" (See Haines v. Kerner 92 Sct 594). (*emphasis added*)

"The Federal Rules rejects the approach that pleading is a game of skill in which one misstep by counsel may be decisive to the outcome and accept the principle that the purpose of pleading is to facilitate a proper decision on the merits." According to Rule 8(f) FRCP and the State Court rule which holds that **all pleadings shall be construed to do substantial justice.**" (*emphasis added*)

This Utah Supreme Court is hereby respectfully presented with this lawful APPLICATION, because inferior Utah courts have not maintained judicial impartiality or equal justice, completely compromising the *defendants'* opportunity to obtain fair and impartial justice. Instead, the officers of the court demonstrate capacity to prejudicially facilitate ongoing Abusive Prosecution, in the face of fundamental, foundational **Constitutional Habeas Corpus** rights and privileges lawfully invoked by the *defendants*.

Article 1, Section 9, paragraph 2 - The Privilege of the Writ of Habeas Corpus shall not be suspended, unless when in Cases of Rebellion or Invasion the public Safety may require it.

By the Abuse of Process detailed herein, it appears to us that Dismissal is required, though mistrial may be the true objective of this prosecution by a compromised County Attorney Office distracted by allegations of heinous Satanic ritual abuse and cannibalism, -- in need of public win “*at all cost*”, even if it is at the expense of “Barbie and Ken” and justice, if necessary.

Sadly, throughout the 17 court case processes the Cromars have suffered through to date, No Remedies have been allowed for the defendants and justice has been willfully and intentionally denied. We trust that this 18th court case filed herein, will finally break the shrieking judicial “feed back loop”, and inspire the wisdom and vision of this honorable court – in a manner so that the not only the *appearance* of justice can be obtained, but also that ONLY foundational Law of the Land under the original Constitutions – both for the united States and Utah state (not inferior statutes) – will be impartially considered by this honorable court.

COMMON LAW – THE REAL LAW – GOVERN THIS COURT

“The common law is the real law, the Supreme Law of the land, the code, rules, regulations, policy and **statutes are “not the law”** -- (Self v. Rhay, 61 Wn (2d) 261).

Legislated statutes enforced upon the people in the name of law is a fraud. It has no authority and is without mercy. Justice without mercy is Godless and therefore repugnant to our United States Constitution. Lawmakers were given authority by the people to legislate codes, rules, regulations, and statutes which are policies, procedures, and “law” to control the behavior of bureaucrats, elected and appointed officials, municipalities and agencies but were never given authority to control the behavior of the people as we read in a US Supreme court decision:

"All codes, rules, and regulations are for government authorities only, not human/Creators in accordance with God's laws. All codes, rules, and regulations are unconstitutional and lacking due process..." -- Rodriques v. Ray Donavan (U.S. Department of Labor) 769 F. 2d 1344, 1348 (1985).

And again, as the justices of this honorable Utah State Supreme Court, by oath of office already concur:

"All laws, rules and practices which are **repugnant to the Constitution** are **null and void.**" (Marbury v. Madison, 5th US (2 Cranch) 137, 174, 176, (1803).

Legislators simply don't have the authority to make “laws, rules and practices”, and this court's charge to jealously guard the Constitutions against trespass, and block every attempted breach:

"Where rights secured by the Constitution are involved, there can be no rule making or legislation which would abrogate them" – (Miranda v. Arizona, 384 U.S. 436, 491)

SUBVERSION OF THE COMMON LAW

It has been our experience that ALL BAR attorneys in an act of high treason have been willfully, or unwittingly brainwashed, to resist the Common Law and replace it with *statutes of men*, most of which are repugnant to the Constitution and its capstone Bill of Rights. These corporate-centric “rules” create a statutory prison, that “kills men and women on paper, in order to transform them into corporate entities, entering People into “contract” without disclosure,

agreement, willingly, knowingly and intentionally, from which corporate and admiralty courts and its officers directly profit.

These “contracts” are designed to enslave and stifle the spirit of man, steal and/or compromise the God-given, *un-a-lien-able* rights and privileges, and subjects and legislates behavior thereby the government assumes the character of God. However, legal and lawful contracts cannot be imposed, and are fraud and void on the face if not willingly, knowingly and intentionally entered into. Again, this court and its officers are oath-bound and required to vigorously stop and punish any such assault or/and trespass of God-given rights and privileges.

“The civil lawyer by his tradition and training tends to treat statutes as though they proceed from the gods because bred into civil law systems is the demand that he not look behind the language of the statute in coming to his decisions: the Code is supreme, which is to say that legislators [are] supreme. Adherence to the Code is, by custom, practically blind.

“In acts of high treason BAR attorneys have been indoctrinated to believe that the Common Law has been abrogated and that God’s Law, a/k/a Common Law is no longer applicable. Thereby unwittingly bringing People under the will of tyrants; they have been trained that courts must punish through incarceration all who offend their ten thousand commandments that Justinian brought up from the pit of Babylon. Justinian’s Code is a code of outlaw focusing all on the will of the state. To this day *Corpus Juris Civilis* and the ideals it embodies permeate and control the modern civil law tradition.” (See **Attachment #1 Applicants/Complainants’ Writ of Quo Warranto**, Exhibit A - Memorandum on High Treason, starting at pg 10)

DEFENSE AGAINST DISMISSAL OF COMPLAINT UNDER RULE 12-B

There is legal sufficiency to show Applicants/Complainants are entitled to relief under this Application. A Complaint should not be dismissed for failure to state a claim unless it appears beyond a doubt that the Plaintiff can prove no set of facts in support of his claim which would entitle him to relief. See *Conley v. Gibson*, 355 U.S. 41, 45-46 (1957) also *Neitzke v. Williams*, 109 S. Ct. 1827, 1832 (1989). Rule 12(b)(6) does not countenance dismissals based on a judge's disbelief of a complaint's factual allegations. In applying the Conley standard, the Court will "accept the truth of the well-pleaded factual allegations of the Complaint."

**Judicial Notice is not discretionary. With Judicial Cognizance, the judge is BOUND to act:
See *Black's Law, 6th Ed, pg 847***

Judicial cognizance. Judicial notice or knowledge upon which a judge is bound to act without having it proved in evidence. Judicial notice. (pg. 849) The act by

which a court, in conducting a trial, or framing its decision, will, of its own motion or on request of a party, and without the production of evidence, recognize the existence and truth of certain facts, having a bearing on the controversy at bar....

"Having a form of godliness [lawfulness], but denying the power thereof [acting under the color of law]: from such turn away." - 2 Timothy 3:5

MEMORANDUM ON HIGH TREASON

Again, from the Applicants/Complainants' unanswered **Writ of Quo Warranto**, Exhibit A - **Memorandum on High Treason**, filed on June 8, 2021 in the Utah Fourth District Court includes the following:

“We the Sovereign People ordained and establish a federal government to serve the following six directives:

“(1) FORM A MORE PERFECT UNION;

“Create a federal city, establish uniform naturalization rules, coin money, establish post offices, post roads, legislate counterfeiting, and piracy laws.

“(2) ESTABLISH JUSTICE;

“Create courts, **secured habeas corpus** [Article I Section 9 Clause 2], congress may not impose an income (direct) tax, forbid BAR attorneys from holding office, and **prevent misconstruction or abuse of powers.** ...

“(6) SECURE THE BLESSINGS OF LIBERTY TO OURSELVES AND OUR POSTERITY;

“Guarantee a republican government, protect against invasion[, and] **enforce the law of the land.** (Ibid - Memorandum on High Treason, pgs 15-16)

Reprehensibly, the Applicants / Complainant Cromars have witnessed Utah courts, “...Instead of Establishing Justice, they have turned our courts to jurisdictions unknown, **abolished habeas corpus**, imposed an income tax that has destroyed the middle class and turned all law making over to the BAR who have abrogated the Law of the Land;...”. (Ibid. pg 17– *emphasis added*)

Filings regarding Habeas Corpus in the Cromar Case

Claims by the Utah Court of Appeals that the Cromars had provided insufficient evidence in

support of their demands for Habeas Corpus is factually incorrect, as the sheer weight and substantive documentation clearly attests in **Attachment #2** Habeas Corpus Filings:

- 2022 06 24 - Habeas Corpus File at Utah District Court at American Fork (ignored)
- 2022 06 29 - Habeas Corpus filed at Utah State Court of Appeals with same day service on (2022 06 29) Notice by Court of Appeals to Judge Johnson (ignored)
- 2022 07 01 - Emergency Application for Injunctive Relief for Refusal to Allow Habeas Corpus (ignored)
- 2022 07 08 - Cromars v Johnson 20220593 and 20220594 Response to Petition
- 2022 07 18 - Answer to Response to Petition for Extraordinary Relief
- 2022 07 20 - Additional Exhibits to July 18th Answer to Response to Petition
- 2022 07 28 - Signed New Amendment to Durrant with even more Exhibits
- 2022 07 28 & 2022 09 13 - Remittitur and Remittitur ORDER signed by Utah Court of Appeals Judges: Michelle Christiansen-Forester, David Mortensen and Gregory Orme.

Additional Filings

Claims by the Utah Court of Appeals that the Cromars had provided insufficient evidence in support of their demands for Habeas Corpus is factually incorrect, as the sheer weight and substantive documentation clearly attests:

- JUDICIAL NOTICES – FIRST through SIXTH were filed on the Johnson court. (see **Attachment #3** - DOCKET - 2.17-cv-01223-RJS - Robert J Shelby - USA v CROMARs et al)
- SEVENTH JUDICIAL NOTICE - Declaration [*AFFIDAVIT*] of Lawful Jurisdiction. (see **Attachment #4**)
- Writ of Quo Warranto - Memorandum of High Treason – (see again **Attachment #1** – which remains unanswered)

All of which were refused/denied/ignored and/or un-received by the court.

As pointed out in the Cromars’ SEVENTH JUDICIAL NOTICE - **Attachment #4**, served and received by judge Johnson and the court Certified USPS #7022 0410 0002 9777 7658 on July 7, 2022 at 9:47 am, Eugene Paul Richardson – the Applicants/Complainants Cromars’ contracted counsel who was unlawfully denied by the Johnson court – nevertheless provided a Declared Affidavit of the True, which includes the following:

“The prosecution’s case against “PAUL KENNETH CROMAR, and BARBARA ANN CROMAR” contains a number of fatal flaws in the Utah Fourth District court cases 201402860 & 68.

“First everything they [the prosecution under Utah County Attorney David O. Leavitt] are building their case upon turns out to be Illegal as well as unlawful actions by every agency involved with the removal of Ken and Barbra from their domicile. The case at Judge Shelby's court was on appeal. Thus should have been under a stay of all action. The fact that Judge Shelby dismissed the submissions of the Cromars actions and paperwork after all agencies had removed the Cromars from their property; and not before, is in law unthinkable and very illegal as well.

“The second Fatal Flaw is the courts complete and utter dismissal of constitutional law and jurisdiction in this case acting as if such law does not exist. This court avoids looking into its Jurisdiction in this matter proceeding in Rem instead of proceeding in the Common Law jurisdiction that is required...

“The Cromar’s have been denied their Constitutional right to defend themselves by filing paperwork to the court. This very denial proves the weakness of the prosecution's case. The Cromar’s have the Constitutional right to file whatever they feel they need to defend their position. If what they are filing is of no worth to their case so be it. The prosecutors can then prove on the record that they have no case.

But to deny them the chance to present their evidence for whatever reason is proof that this court cannot defend its case and that the woman acting as an administrative clerk and a Judge, is in collusion with the prosecution. Men and women have the inalienable Constitutional right to be heard and defend themselves.

“This Court had its Jurisdiction Challenged on the record. This Court Refused to prove its jurisdiction on the record. Another requirement of Law that this court flaunted in disobedience and Rebellion to the Constitution.

“The Cromars have “inalienable rights” granted them not only in this the Utah constitution but in the Original Organic Constitutions of this great Republic. These are rights that the Utah Government cannot take abuse or reassign to the judiciary through any imagined circumstances. (See Exhibit 4, page 1 – Eugene Paul Richardson [Cromars’ contracted counsel – but blocked by court as non-BAR counsel] offers his witness via Declaration [Affidavit] of True)

“SAVINGS TO SUITORS” CLAUSE FROM THE FRCP

At the conclusion of the kangaroo court “trial” proceedings of Wednesday June 29, 2022, Ken Cromar requested an uninterrupted opportunity enter onto the record critical defense, and was allowed to address the court, Invoking their Common Law Rights, he stated the following:

“The Constitution is common law. There are two sides to every courtroom: the civil law side, and the common law side. They run concurrently. But the common law is hidden and ignored as if it does not exist.

“We’re invoking the, quote, Saving to Suitors in all cases, any other remedy to which he is otherwise entitled Act, and it is –I’m trying to make sure I say this correctly, “Statutes and the law both state and ‘saving to the suitors in all cases, all other remedies to which they are otherwise entitled.’ Now that I have stated that rule from the Federal Rules of Civil Procedure this court is bound to let me explain this rule.”

“Let the record show that I now in this courtroom invoke the language from the Committee on Rules of Practice and Procedure of the Judicial Conference of (1) the United States (2) announcement of the Chief Justice of the United States Supreme Court of the United States, Washington, D.C. April 4, 1960.

“My wife and I being suitors in this case, now having secured our rights, I will explain this language from that same committee. “The district courts shall have original jurisdiction, exclusive of the courts of the States, of: (1) Any civil case of admiralty or maritime jurisdiction, saving to the suitors in all cases all other remedies to which they are otherwise entitled. (2) Any prize brought into the United States and all proceedings for the condemnation of property taken as a prize. The source is, (as amended May 24, 1949, chapter 17 139, section 79, 63 Statute 101.) Revision notes for the 1948 ACT based on Title 28, U.S.C. 1940 Edition, sections 41(3) and 371(3) and (4), March 3, 1911, chapter 231, sections 24, paragraph 3, 256; paragraph 3, 4, 36, Statute 1091, 1160: Oct. 6, 1917, chapter 97, sections 1, 2, 40 Statute 395; June 10, 1922, chapter 216, sections 1, 2, 42 Statute 634 close at that site.

“The "saving to suitors" clause in sections 41(3) and 371(3) of U.S.C. Title 28, 1940 edition, was changed by 17 substituting the words, "any other remedy to which he is otherwise entitled", for the words "the right of the common law remedy where the common law is competent to give it."

“Rule 2. One Form of Action. There shall be one form of action to be known as "civil action". Notes of advisory committee on rules 1937 adoption. 2. Reference to actions at law, meaning common law, or suits in equity in all statutes should now be treated as referring to the civil action prescribed in these rules.

“The saving of a common law remedy by section 9 of the Judiciary Act of 1789, foundational, saving to the suitors in all cases, the right of a common law remedy, wherein the common law is competent to give it.

“So Common Law runs concurrent in this courtroom with the court at this moment. Common Law being the law of those standing on land. We have mentioned many times that we are Barbara and Ken, a man and a woman standing on the land.

“We’re not an admiralty, corporation, dead entity as captioned in the title. Continuing. Having invoked this jurisdiction, it being superior to the jurisdiction of this court: I open our Common Law court here and now on the record side of the court. We judges have no more right to decline the exercise of jurisdiction which is given, than to usurp that which is not given. The one or the other would be treason to the Constitution.” See *Cohen v Virginia*, (1821), 16 Wheat. 264 and *U.S. v Will*, 499 U.S. 200)

“The Constitution is to be interpreted according to Common Law Rules.” *Schick vs. U.S.*, 195 US 65, 24 Supreme Court 826, 49 the L. Edition - (I believe that means limited - 99.)

“Certainly all those who have framed written constitutions contemplate them as forming the fundamental and paramount law of the nation, and consequently the theory of every such government must be that an act of the legislature repugnant to the constitution is void. *Marbury v. Madison* 5 U.S. 137 1 Cranch 137 - *I’m sure you know this one* - 2 L. Edition 60.

“So our orders to the Court, Clerk Johnson, I move this court that you order all fiduciary funds with bonds upon our trust accounts be immediately returned to us, the Cromars: all bail bond monies, all bid bond monies, all performance bond monies, along with any other bond monies that have been set against our trusts. The Court is so ordered to forbid any agency to declare bankruptcy to avoid paying the bonds. All Dunn and Bradstreet accounts must forfeit these monies forth with.

“... Administrator Johnson, I move this court to order that all documents to date that have been submitted, then purposely un-received and stricken from the record for the last 13 months, by this court be hereby accepted immediately.

“Further all Utah corporate imposters impersonating state officers will have their power of attorney transferred to Ken and Barbara Cromar from Governor Spencer Cox, et al.

“Notice to agent is notice to principal, and notice to principal is notice to agent.

“I move the Court to order this action be dismissed with prejudice on grounds of a lack jurisdiction on the other side of the court. We are in common law and the case is to be dismissed. Thank you. (See **Attachment #5** - Official Court Transcript for June 29, 2022, starting at 16, line 12, to page 20)

The Cromars’ motion was overruled by judge Johnson to the proceedings which continued despite objections by the Cromars. The record will also show that the Cromars regularly declared they “do not understand these proceedings, nor do we consent to these proceedings” that dragged them against their will into jurisdictions unknown.

CORRUPTION AND COLLUSION IN THE COURT

As has been repeatedly pointed out throughout their trial, the court lacks jurisdiction over this matter because Barbara and Ken Cromar are not the defendants.

The following, was transcribed from written notes, as entered on and for the record at “sentencing”, which hearing was suddenly aborted by “judge” Christine Johnson after she reluctantly allowed Ken Cromar to speak, cutting the Cromars’ microphone after the following was spoken:

“Ken Cromar: We are Barbara and Ken Cromar, a living man and woman, are here only in a **“Restricted visitation and NOT General Appearance.”** [Now, once again the court has been notified it has no jurisdiction over Barbara and Ken Cromar, a living woman and a living man.]

“Madam Johnson, the Bench Warrant for arrest is Extortion, and as such is an act of war. We attended every court hearing in honor, despite the dishonor of this court towards us, wherein we have suffered for almost two years waiting for a ‘speedy trial’ we did not get.

- On and for the record, we are **not** the defendants.
- We do **not** consent to be the surety.
- We do **not** consent to any voluntary or involuntary servitude.
- We do **not** consent to these proceedings...

“...These proceedings have gone for two years ... So when the bench warrant was put out, we took that as frankly an act of war. We are here as restricted visitation and not general appearance.”

(see **Attachment #6** – Official Court Transcript for August 19, 2022, which is admittedly inaccurate on the and provided here for reference only, starting at page 2, line 24 – all *emphasis added*.)

The Cromars went on to respectfully accept “oaths of office” and “bonds”, on the assumption they were legally and lawfully attached to the officers of the court, which however, has since come into question as they could not be produced on demand.

“Ken Cromar: We accept your oaths of office and your bonds as responsible officers who will indemnify us ... harmless under full immunity as we are the beneficiaries in this matter. We are not - **again we are not the defendants.** Do

you have enough money in your escrow account to cover the commercial trespass that you're about to commit today in sentencing? Madam Johnson?

“THE COURT: Go ahead and finish what you're going to say. I'm not here to answer questions, ...”. (Ibid - page 4, line 18)

The Cromars detailed a number of technical errors on the record of the court, including....

Ken Cromar: “... I have no idea at this moment if the record has been cleansed and purged of Lisa Maxine Estrada [so-call “Public Defender”] as the falsely documented on the docket, quote, unquote, “represented by person for the Cromars.” We have rejected her at every turn. The Court has no authority to force counsel on us. We never used her counsel, **we never even heard from her until after the trial** despite numerous communications from our end which she never answered. Therefore we believe that what has been attempted on for Ms. Estrada who sent in [filed] a notice unbeknownst to us on the 6th of June, three weeks before trial, that **she wanted out**, and only a couple of days ago, you [Madam Johnson] accepted, made an order that allowed that, but only after sentencing. This we believe was **done intentionally to have her name remain on the record as having been our counsel. That is a factual inaccuracy** and it appears to us that it is **an act by the Court to try to create the appearance of justice and a fair trial, neither of which is true.**” (Ibid – starting at page 6, line 4.)

A number of points related to the “mistrial” were made wherein the Cromars declared that right to *due process of law* was denied, including:

“Ken Cromar: There is no constitutional provision that would deny us the right to have our counsel. We have counsel and we've been denied; therefore, we did not have a fair trial. Additionally, all of our filings have either been purged or denied for the last 13 months off the record. That would be called *destruction of evidence.*” (Ibid -pg 7, line 1.)

In conclusion, Ken Cromar, entered this critical point on the record regarding the proceedings, being endangered at the court by warrants, and in the face of three unanswered Habeas Corpus:

“Ken Cromar: “...As a man and a woman, mind you, we're not corporations and hence, the jurisdictional question has remained in question this entire time. (Ibid - page 7, line 10.)

Shortly thereafter, Johnson muted the Cromar microphone, and abruptly ended the hearing, while reiterating her “WAR-RANT” (“declaration of war”) against the Cromars, having disingenuously stated earlier, “...I would have entertained a request to recall the warrant had they shown up...”. (Ibid. page 2, line 4)

JUDICIAL FRAUD VIA SMOKE AND MIRRORS

November 22, 2017 - U.S. of AMERICA vs PAUL KENNETH CROMAR & BARBARA ANN CROMAR, et al, lawsuit in US District Court (SLC) Case # 2:17-cv-01223-RJS. **After denial of numerous appeals by the Cromars, Chief Judge Robert J. Shelby issued a DEFAULT JUDGEMENT ORDER against Barbara and Ken Cromar on February 14, 2019 unlawfully stealing their home for the settlement of a fraudulent tax lien.**

Barbie & Ken Cromars’ Motions for Hearing, requests for clarification of Complaint, and Trial, were denied Chief Judge Shelby’s court. No trial was allowed and the Judgment and Orders were rendered without Barbara and Ken Cromar ever having seen Judge Shelby, heard his voice, or stood in his courtroom, in what was a clear denial of their Constitutional Rights of due process of law and justice.

However, 4 years later, Barbara and Ken Cromar would sue the Commissioner of the IRS and WIN!, in a rare admission, the IRS would acknowledge later in October 2021 that **Barbara and Ken Cromar WERE NOT LIABLE FOR ANY FEDERAL INCOME TAXES from 1990 through 2020**, but it would take Barbara and Ken Cromar's fight through 14 court cases [now 18 including this Application for Habeas Corpus and Extraordinary Relief] to finally obtain JUSTICE and victory!

It was the 15th court case when Barbara and Ken Cromar finally saw the inside of a courtroom. It was in a Utah state court of “judge” Christine S. Johnson, but it was for a Trial where they were charged with 2 felonies including “Burglary of a dwelling” - their own home - and were facing 1-15 years of prison time if convicted!

On March 29, 2019, Barbara and Ken Cromar filed a \$120 Million case #190400494 in Utah Fourth District (Provo) - **Paul Kenneth Cromar, Barbara Ann Cromar, vs UNITED STATES OF AMERICA, WILLIAM P. BARR, DOJ ATTORNEY GENERAL; RYAN S. WATSON, NANCY K PHILLIPS, R. A. MITCHELL, WANDA I. MANLEY, JOAN FLACH or JOAN FLACK; AND ROBERT J. SHELBY** for:

**VIOLATIONS OF CONSTITUTIONAL RIGHTS;
CONSPIRACY TO VIOLATE CONSTITUTIONAL RIGHTS;
FOR FRAUD;
COMPUTER FRAUD;
FORGERY;
UNLAWFUL PEONAGE;
INVOLUNTARY SERVITUDE;
VIOLATIONS OF RIGHTS TO DUE PROCESS AND TO TRIAL BY
JURY;
ATTEMPTED UNLAWFUL CONVERSION OF PRIVATE PROPERTY
UNDER COLOR OF LAW AND EXTORTION UNDER COLOR OF
OFFICE;
ATTEMPTS TO ENFORCE A VOID JUDGMENT ISSUED BY A
FEDERAL COURT LACKING SUBJECT-MATTER -JURISDICTION
UNDER ANY APPLICABLE ENABLING ENFORCEMENT CLAUSE IN
THE CONSTITUTION; AND
FOR BLATANT VIOLATIONS OF ARTICLE, I, SECTION 2, CLAUSE 3;
AND
ARTICLE I, SECTION 9, CLAUSE 4; AND
ARTICLE I, SECTION 8; CLAUSE 1 OF THE U.S. CONSTITUTION;
AND
FOR BLATANT VIOLATIONS OF CONSTITUTIONAL RIGHTS
SECURED UNDER
THE 4th AMENDMENT;
THE 5th AMENDMENT;
THE 7th AMENDMENT; AND
THE 14th AMENDMENT TO THE U.S. CONSTITUTION,
AND ARTICLE I OF THE UTAH CONSTITUTION”**

It was the above “case #2 of now 18” where Barbara and Ken Cromar first became aware of Utah state “Judge Christine S. Johnson” when she was assigned to the \$120,000,000 lawsuit against the federal officers who stole their home.

Surprisingly, **U.S. Attorney District of Utah, John Huber**, intervened on April 16, 2019 and **claimed jurisdiction over the lawsuit** and had it **moved to US District Court (SLC) Case #2:19-cv-00255-TDD**. After three (3) judges recused themselves (Shelby, Kimball and Waddups), **Judge Timothy D. DeGuisti from Oklahoma** was brought in to preside over the case. **Judge DeGuisti also refused Barbara and Ken Cromar's Motion for Hearing and then**

dismissed the lawsuit for Lack of Jurisdiction. Of great interest was the fact that within days of taking the Cromar case, before having the opportunity to make any rulings or orders, Judge DeGuisti was made Chief Judge in Oklahoma. **John Huber claimed jurisdiction but then Judge DeGuisti dismisses the lawsuit on the grounds of Lack of Jurisdiction?** - How is that even possible? Who else was involved in this blatant miscarriage of justice? To state that the “*appearance of justice*” was violated is a gross understatement.

After claiming that Barbara and Ken Cromar are “vexatious litigants,” Judge Christine Johnson, in complete violation of Law, Amendment I of the Constitution, and the Utah State Bar Association Professional Rules of Conduct, repeatedly told the Barbara and Ken Cromar: **“The court will decline to receive filings or documents not filed through a state-licensed BAR attorney.”**

An **Amicus Curiae** (Friend of the Court Brief) filed in behalf of Barbara and Ken Cromar on May 24, 2022 by the Community Support Foundation was also rejected by Judge Johnson because the documents were not filed through a state-licensed BAR attorney. **The Friend of the Court Brief along with the rejected Court filings by Barbara and Ken Cromar accurately document the corruption and collusion employed by the court in an effort to prevent this damning evidence from becoming part of the court record.**

There is no such thing as a “state-licensed BAR attorney”. (The BAR is a private club/association.) “Vexatious Litigation” is a term/ruling (by the Judicial Council) under which legal action is claimed to be brought solely to harass or subdue an adversary. It may take the form of a primary frivolous lawsuit or may be the repetitive, burdensome, and unwarranted filing of meritless motions in a matter which is otherwise a meritorious cause of action. Filing vexatious litigation is considered an abuse of the judicial process and may result in sanctions against the offender. – Barbara and Ken Cromar are the Defendants, while THE STATE OF UTAH is the Vexatious Litigant. Barbara and Ken Cromar have even had to SUBPOENA their own “CONTRACTED COUNSEL,” Eugene Paul Richardson into the court just to have his voice heard on the record because he is NOT a state-licensed BAR attorney. Nevertheless, the Johnson court unlawfully denied the Cromars’ Constitutionally guaranteed right and privilege to Counsel of their choosing, AND right to Subpoena witnesses for their Defense. The denials thereof made a mockery of the “trial” which the THREE Habeas Corpus filings should have stopped / suspended until addressed.

On October 28, 2021, in a related case Judge James Brady made a Ruling Entry - SUA SPONTE VEXATIOUS LITIGANT ORDER [4th District Court - Provo, Utah County, State of Utah, Case #200400972]

"The Court has been made aware that a vexatious litigant order was filed in case 201402860 on September 22, 2021 as docket item 264 by Judge Christine Johnson. That vexatious litigant order found that the defendant Paul Kenneth

Cromar is a vexatious litigant and requires that any pleading submitted on his behalf must be submitted by qualified legal counsel in that case. Pursuant to rules 83(b) and 83(j), based on the findings in case 201402860, this court also finds Paul Kenneth Cromar to be a vexatious litigant and orders that in this case, the defendant Paul Kenneth Cromar may not file any pleadings with the court except through qualified legal counsel. Any pleadings filed that are not in compliance with this order may be stricken by the court."

"Judge" Christine Johnson's judicial malfeasance and imposed influence is a Violation of Utah Code Title 68-3-4 which reads:

68-3-4. Civil and criminal remedies not merged.

When the violation of a right admits of both a **civil and criminal remedy**, the right to prosecute **the one is not merged in the other**. (*emphasis added*)

Hence, when Civil And Criminal Remedies are Merged, **No Remedy is Available**, which is a **Wrongful Use of Judicial Authority** and/or **Failure to Comply With Duty**. Throughout the proceedings (which the Cromar's have regularly **declared non-consent and non-understanding** of the proceedings) that not even *the appearance of justice* has been manifest, and to date justice is **denied**. Therefore, in the interest of justice, this case must be dismissed with prejudice.

Sadly, Every Effort has been Employed by the Officers and Judges of the Court who have participated in **Abuse of Process** and **Wrongful Use of Judicial Authority** or Failure to Comply With Duty to Obfuscate, Hide, and Conceal Fraud Upon, In and Of the Court in an effort to reject Barbara and Ken Cromar's lawfully invoked Constitutional Common Law Appeals and Remedies.

COURTS MAKING UP THEIR OWN LAWS?

On July 26, 2022 - a story of great interest, a modern corollary, just made national news. As commented on by a nationally renowned Constitutional expert: **"Entirely predictable and entirely in violation of the Constitution. The only provision of the Constitution, which appears basically twice, is trial by jury in and in front of a fair jury. Number one, he didn't have a fair jury. Number two, the judge took his defenses away from him."** (Alan Dershowitz Argues Steve Bannon's Guilty Verdict Could Be Overturned <https://resistthemainstream.org/alan-dershowitz-makes-promising-argument-on-steve-bannons-guilty-verdict>)

The Utah Judicial Council - (<https://www.utcourts.gov/knowcts/adm/>) - is the policy-making body for the judiciary. It has the constitutional authority to adopt uniform rules for the administration of all court levels. The Council also sets standards for judicial performance, court facilities, information technology, support services, and judicial and non-judicial staff levels...

The Judicial Council is required to establish a board of judges for each level of court (Utah Code of Judicial Administration Rule 1-301). Code of Judicial Administration Rule 1-304 identifies the authority and duties of boards of judges, including adopting administrative rules in accordance with the guidelines of the Council, advising the Council, supervising the implementation of Council policies, and serving as liaisons between judges and the Council...

The Administrative Office of the Courts Utah Code §78A-2-105 provides for the appointment of a State Court Administrator who shall serve at the pleasure of the Council, the Supreme Court, or both. The duties of the State Court Administrator are found in Utah Code §78A-2-107...

The Administrative Office of the Courts provides staff to various Supreme Court rules committees, boards of judges, standing and ad hoc committees, and nominating commissions, and provides support to Clerks of Court and Trial Court Executives throughout the state.

Judge Christine S. Johnson served on the Standing Committee on Judicial Branch Education, which oversees the continuing education of judges and court staff in Utah. Judge Johnson presently serves as a member of the Board of District Court Judges and as Chair of the Criminal Justice Roundtable. (**Judicial Council**)

(See https://www.utcourts.gov/judgesbios/showGallery.asp?ct_type=D&dist=4)

SCOTUS RULES AGAINST THE EPA OVER-REACH

Proving Judicial Councils and Judges Cannot Make Up their own Laws

On the last day of its 2022 term, the Supreme Court's decision in **W. Virginia v. EPA** stopped the Environmental Protection Agency (EPA) from making policy, rules, etc., without express congressional authorization via statute that Congress lawfully writes, votes, and passes into law.

The opinion, written by Chief Justice John Roberts, cited the *major questions doctrine*, according to which Congress must "speak clearly if it wishes to assign to an agency decisions of vast economic and political significance."

The Court found the EPA's rulemaking to be an example of "agencies asserting highly consequential power beyond what Congress could reasonably be understood to have granted."

Writing for the majority, Chief Justice Roberts argued that the "EPA claimed to discover an unheralded power representing a transformative expansion of its regulatory authority in the vague language of a long-extant, but rarely used, statute designed as a gap filler. That discovery allowed it to adopt a regulatory program that Congress had conspicuously declined to enact itself."

Justice Neil Gorsuch elaborated on the *major-question doctrine* in a concurring opinion, writing, “**The framers believed that the power to make new laws regulating private conduct was a grave one that could, if not properly checked, pose a serious threat to individual liberty.**”

This Supreme Court ruling said, the EPA does not have the right to regulate CO2 emissions. The majority opinion (6-3) essentially said **congress has never passed a law explicitly stating the EPA has those powers.**

But the ruling extends far beyond the EPA. This now means that any federal agencies, or governmental and non-governmental organizations, which acts outside of what is specifically stated in law verbatim is able to be challenged and likely overruled just in the same way it was earlier ruled that the CDC could not issue eviction bans.

So, just what does this mean for state and federal agencies, or other governmental and non-governmental agencies going forward? It could be the end of the overreach of others trying to use the **IRS, CDC, FDA, ATF, FBI, AMA, ABA, UBA and UJC** (just to name a few) to unlawfully fabricate powers to push their abusive agendas down the throats of *We the People*.

LICENSED TO LIE

Of a particular disturbing note, there is a newly revised Professional Responsibility Rule, governing the ethics of lawyers from the Utah Judicial Council:

RPC08.04(c). Misconduct. AMEND. Codifies in new paragraph (2) Ethics Advisory Opinion 02-05, which concluded that 8.4(1)(c) (**conduct involving dishonesty, fraud, deceit or misrepresentation**) **does not apply to government attorneys** overseeing an otherwise legal undercover criminal investigation.
(Note: This rule differs from ABA Model Rule 8.4)

How could authorizing of officers of any court with **a license to lie** be considered an appropriate means to pursue justice. Remember, the Utah legislature has not by statute of their own creation provided for State issue of licenses to practice law, let alone empowering a non-governmental association, in monopoly, the authority to issue “licenses”. Therefore, who in the name of Hell’s name – for it truly is not of a Heavenly source, for the Utah BAR club (with its private club dues) to declare itself a “license to lie” in Utah courts? Nowhere publicly known did the legislature (i.e. law-makers) authorize anyone or any judicial entity a license to lie. Such a pretense is Void for Fraud on its face. Therefore it is safe to declare, that our government/courts has been caught in the trap the Lord God, grantor of our un-a-lien-able rights and privileges warned us against:

“Woe to those who enact unjust statutes and issue oppressive decrees, to deprive the poor of fair treatment and withhold justice from the oppressed of My people,...” (Bible – Isaiah 10: 1-2, Borean Translation)

SCOTUS’s Recent Official Castration of *Government Gone Wild*

The United States Supreme Court’s recent decision in **W. Virginia v. EPA returns governing authority back to the American people by stopping dead cold any claim to rule-making by non-Congressional**, specifically the EPA, and by extension any and all “alphabet agencies” including the IRS, CDC, FDA, ATF, FBI, AMA, ABA, UBA, UJC, CIA, DEA, DHS, DIA, DOD, DOE, FBI, INR, ISR, NRO, NGA, NSA, ONI, TFI and TSA, and the list of three-letter-agencies goes on, and on, and on.

While uniform rules for the administration of all court levels, clean air, and efficient power generation, stopping grandmas from packing heat onto an airplane are worthwhile goals, greater security that comes from following the rule of law. **Failure to abide by this Supreme Court decision** may well be considered to be **an act of Treason!**

"Courts are constituted by authority and they cannot go beyond that power delegated to them. If they act beyond that authority, and certainly in contravention of it, **their judgments and orders are regarded as nullities; they are not voidable, but simply void, and this even prior to reversal.**" (Williamson v. Berry, 8 HOW. 945, 540 12 L.Ed. 1170, 1189 (1850) *emphasis added.*)

"A court cannot confer jurisdiction where none existed and cannot make a void proceeding valid. It is clear and well established law that **a void order can be challenged in any court**", (Old Wayne Mut. L. Assoc. v. McDonough, 204 U. S. 8, 27 S. Ct. 236 (1907) *emphasis added.*)

A court may not render a judgment which transcends the limits of its authority, and a judgment is void if it is beyond the powers granted to the court by the law of its organization, even where the court has jurisdiction over the parties and the subject matter. Thus, if a court is authorized by statute to entertain jurisdiction in a particular case only, and undertakes to exercise the jurisdiction conferred in a case to which the statute has no application, the judgment rendered is void. The lack of statutory authority to make particular order or a judgment **is akin to lack of subject matter jurisdiction and is subject to collateral attack.** (46 Am. Jur. 2d, Judgments § 25, pp. 388-89, *emphasis added.*)

DISHONESTY, FRAUD, DECEIT, AND/OR MISREPRESENTATION

On June 27, 2022 after selecting the jury for the trial of Barbara and Ken Cromar, **under duress and protest for the Court’s failure to answer the Application for a Writ of Habeas Corpus,**

Judge Johnson answered, **“I have not received the Habeas Corpus, but I have been in Contact with Presiding Judge [Kraig J. Powell Associate Presiding Judge] who has been in contact with General Counsel of the AMC and I have been told to go forward.**

Despite the fact that the Clerk of the Court in the American Fork Utah Fourth Judicial Court served the Application for a Writ of Habeas Corpus to the Fourth District Court in Provo Utah at approximately 4:30 pm on Friday June 24, 2022, Judge Johnson claims that she has not received the Application for a Writ of Habeas Corpus. This becomes a rather disturbing admission that Judge Johnson has received instructions on how to proceed with the trial of Barbara and Ken Cromar. Especially when Associate Presiding Judge Kraig J. Powell has had personal matters and judgments filed against him by Barbara and Ken Cromar. Judge Powell had already recused himself from matters pertaining to the Cromars. To find that Judge Powell has intervened in the "directions given to judge Christine Johnson to move forward" is highly unethical, extremely prejudicial to Barbie and Ken, and is in direct violation of the Professional Rules of Conduct and his Oath of Office.

Judge Johnson’s admission also appears to indicate that there is **an orchestrated collusion** against Barbara and Ken Cromar with **“their” intent to ignore the Application for a Writ of Habeas Corpus, the enormity of which now seems to meet the definition of RICO** (Racketeer Influenced and Corrupt Organizations Act: a U.S. law, enacted in 1970, allowing victims of organized crime to sue those responsible for punitive damages.)

IMPOSTER! Pretending To Be A Judge Acting With Authority

Now after all this time, it has come to our attention through various types of searches, that included the Utah BAR online and via phone calls, and direct email requests to the court, and an unsolicited interjection by newly added Defendant Bryson King who could not / would not provide that we can find no record of a BAR number for Christine Johnson nor Christine S. Johnson the alleged “judge” in the cases against Barbara and Ken Cromar.

It is also disturbing that "judge" Christine S. Johnson is unwilling or unable to provide evidence that she has a Utah State Bar Number and her legitimacy as a fully lawful, bonded officer of the court throughout the entire time of the cases involving Barbara and Ken Cromar.

The hypocrisy, arrogance and judicial malfeasance of "judge" Johnson's claim and demand that Barbara and Ken Cromar "must be represented by a Utah state-licensed Bar attorney" is astonishing in comparison to the potential that Christine Johnson has been impersonating a lawful judge, in violation of USC Title 18 section 912. - **Totally unbelievable!**

Title 42 USC 1983 provides in relevant part that: "every person who, under color of any statute, ordinance, regulation, custom, or usage, of any

State....subjects, or causes to be subjected, any citizen of the United States or other person within the jurisdiction thereof to the deprivation of any rights, privileges, or immunities secured by the Constitution ... shall be liable to the party injured...". (*emphasis added*)

The defendant lawyers acting in conspiracy with state actors under color of law have become state actors in this case. **The U.S. Supreme Court has ruled that "private parties", lawyers in this case, may be held to the same standard of "state actors" where the final and decisive act was carried out in conspiracy with a state actor or state official.** See Dennis v. Sparks, 449 U.S. 24, 101 S.Ct., 183 also See Adickes v. S.H. Kress & Co., 398 U.S. 144, 90 S.Ct. 1598. (*emphasis added*)

Section 1985(3) under Title 42 reaches both conspiracies under color of law and conspiracies effectuated through purely private conduct. In this case Plaintiff has alleged a class-based, invidiously discriminatory animus is behind the conspirators' action as the court records reflect. **That actionable cause is the treatment of a non-lawyer pro se litigant as a distinct "class-based subject" of the Court, wherein denial of equal protection of the laws and denial of due process was clearly the product of bias and prejudice of the Court.** See Griffen v. Breckenridge, 403 U.S. 88, 102 (1971) (*emphasis added*).

On or around April 22, 2020, government officials, including Utah County Attorney David O. Leavitt, Utah County Sheriff Mike Smith and others were notified by USPS Certified Return Receipts service that NO TRESPASSING signs were posted on the Cromar property warning especially government and law enforcement agencies. (see **Attachment #7** and **Attachment #4** pg 155 for images of signs)

“BE ADVISED: THE RIGHT TO EXCLUDE ANYONE, EVEN GOVERNMENT, OR LAW ENFORCEMENT, IS AN INVIOLETE, CONSTITUTIONAL RIGHT, SET IN LAW, TO-WIT:

*"A property owner's right to exclude extends to private individuals as well as the government". See United States v. Lyons, 992 F.2d 1029, 1031 (10th Cir. 1993) "The intruder who enters clothed in the robes of authority in broad daylight commits no less an invasion of [property] rights than if he sneaks in the night wearing a burglar's mask." **Hendler v. United States**, 952 F.2d 1364, 1375 (Fed. Cir. 1991).*

FEDERAL TITLE 18 U.S. CODE § 241 AND 18 U.S. CODE § 242 APPLY

These two statutes are foundational to the various statutes highlighted herein, and the signs posted at the edges of the Cromars' Land Patented and unabandoned Cedar Hills home / property and on the doors, was specific reference to sections 241 and 242 of Title 18 as follows:

18 U.S. Code § 241 - Conspiracy Against [Privileges, Immunities and] Rights reads:

If **two or more persons conspire to injure, oppress, threaten, or intimidate** any person in any State, Territory, Commonwealth, Possession, or District in the free exercise or enjoyment of any right or privilege secured to him by the Constitution or laws of the United States, or because of his having so exercised the same; or

If two or more persons go in disguise on the highway, or on the premises of another, with intent to prevent or hinder his free exercise or enjoyment of any right or privilege so secured—

They **shall be fined under this title or imprisoned not more than ten years, or both**; and if death results from the acts committed in violation of this section or if such acts include **kidnapping or an attempt to kidnap**, aggravated sexual abuse or an attempt to commit aggravated sexual abuse, or an attempt to kill, they **shall be fined under this title or imprisoned for any term of years or for life, or both, or may be sentenced to death.** (*emphasis added*)

(June 25, 1948, ch. 645, 62 Stat. 696; Pub. L. 90–284, title I, § 103(a), Apr. 11, 1968, 82 Stat. 75; Pub. L. 100–690, title VII, § 7018(a), (b)(1), Nov. 18, 1988, 102 Stat. 4396; Pub. L. 103–322, title VI, § 60006(a), title XXXII, §§ 320103(a), 320201(a), title XXXIII, § 330016(1)(L), Sept. 13, 1994, 108 Stat. 1970, 2109, 2113, 2147; Pub. L. 104–294, title VI, §§ 604(b)(14)(A), 607(a), Oct. 11, 1996, 110 Stat. 3507, 3511.)

18 U.S. Code § 242 - Deprivation of Rights Under Color Of Law [The Appearance of Being Lawful] and with significance reads on the Department of Justice website as follows:

Section 242 of Title 18 makes it a crime for a person acting under color of any law to willfully deprive a person of a right or privilege protected by the Constitution or laws of the United States.

For the purpose of Section 242, acts under "color of law" include acts not only done by federal, state, or local officials within their lawful authority, but also **acts done beyond the bounds of that official's lawful authority**, if the acts are done while the official is **purporting to or pretending to act in the performance of his/her official duties**. Persons acting under color of law within the meaning of this statute **include police officers, prisons guards and other law enforcement officials, as well as judges**, care providers in public health facilities, and others who are acting as public officials. It is not necessary that the crime be motivated by animus toward the race, color, religion, sex, handicap, familial status **or national origin of the victim**.

The offense is punishable by a range of imprisonment up to a life term, or the death penalty, depending upon the circumstances of the crime, and the resulting injury, if any. (*emphasis added*)

(<https://www.justice.gov/crt/deprivation-rights-under-color-law>)

And the Department of Justice website continues citing the statute as follows:

Whoever, under color of any law, statute, ordinance, regulation, or custom, willfully subjects any person in any State, Territory, Commonwealth, Possession, or District to the deprivation of any rights, privileges, or immunities secured or protected by the Constitution or laws of the United States, or to different punishments, pains, or penalties, on account of such person being an alien, or by reason of his color, or race, than are prescribed for the punishment of citizens, **shall be fined under this title or imprisoned not more than one year, or both;** and if bodily injury results from the acts committed in violation of this section or **if such acts include the use, attempted use, or threatened use of a dangerous weapon, explosives, or fire, shall be fined under this title or imprisoned not more than ten years, or both;** and if death results from the acts committed in violation of this section or if such acts include **kidnapping or an attempt to kidnap**, aggravated sexual abuse, or an attempt to commit aggravated sexual abuse, or an attempt to kill, **shall be fined under this title, or imprisoned for any term of years or for life, or both, or may be sentenced to death.** (*emphasis added*)

(NOTE: June 25, 1948, ch. 645, 62 Stat. 696; Pub. L. 90-284, title I, § 103(b), Apr. 11, 1968, 82 Stat. 75; Pub. L. 100-690, title VII, § 7019, Nov. 18, 1988, 102 Stat. 4396; Pub. L. 103-322, title VI, § 60006(b), title XXXII, §§ 320103(b), 320201(b), title XXXIII, § 330016(1)(H), Sept. 13, 1994, 108 Stat. 1970, 2109, 2113, 2147; Pub. L. 104-294, title VI, §§ 604(b)(14)(B), 607(a), Oct. 11, 1996, 110 Stat. 3507, 3511. As provided at <https://uscode.house.gov/view.xhtml?req=granuleid:USC-prelim-title18-section242&num=0&edition=prelim>)

FEDERAL TITLE 18 U.S. CODE § 1001 AND 18 U.S. CODE § 1002 ALSO APPLIES

18 U.S. Code § 1001 - Statements or entries generally

(a) Except as otherwise provided in this section, whoever, in any matter within the jurisdiction of the executive, legislative, or judicial branch of the Government of the United States, knowingly and willfully—

- (1) falsifies, conceals, or covers up by any trick, scheme, or device a material fact;
- (2) makes any materially false, fictitious, or fraudulent statement or representation; or

(3) makes or uses any false writing or document knowing the same to contain any materially false, fictitious, or fraudulent statement or entry; **shall be fined under this title, imprisoned not more than 5 years** or, if the offense involves international or domestic terrorism (as defined in section 2331), **imprisoned not more than 8 years, or both**. If the matter relates to an offense under chapter 109A, 109B, 110, or 117, or section 1591, then the term of imprisonment imposed under this section shall be not more than 8 years. *(emphasis added)*

(NOTE: **** 18 U.S. Code § 2331 – Definitions**

(5) the term "domestic terrorism" means activities that—

(A) involve **acts dangerous to human life that are a violation of the criminal laws** of the United States or of any State;

(B) appear to be intended—

(i) **to intimidate or coerce** a civilian population;

(ii) **to influence the policy of a government by intimidation or coercion**; or

(iii) to affect the conduct of a government by mass destruction, assassination, or **kidnapping**; and ...".) *(emphasis added)*

18 U.S. Code § 1002 - Possession of false papers to defraud United States

Whoever, knowingly and with intent to defraud the United States, or any agency thereof, possesses any false, altered, forged, or counterfeited writing or document for the purpose of enabling another to obtain from the United States, or from any agency, officer or agent thereof, any sum of money, **shall be fined under this title or imprisoned not more than five years, or both**. *(emphasis added)*

(June 25, 1948, ch. 645, 62 Stat. 749; Pub. L. 103-322, title XXXIII, § 330016(1)(L), Sept. 13, 1994, 108 Stat. 2147.)

FEDERAL TITLE 18 U.S. CODE § 1581 APPLIES AS WELL

18 USC §1581. Peonage; obstructing enforcement

(a) Whoever holds or returns any person to a condition of peonage, or arrests any person with the intent of placing him in or returning him to a condition of peonage, shall be fined under this title or imprisoned not more than 20 years, or both. If death results from the violation of this section, or if the violation includes

kidnapping or an attempt to kidnap, aggravated sexual abuse or the attempt to commit aggravated sexual abuse, or an attempt to kill, the defendant shall be fined under this title or **imprisoned for any term of years or life, or both**.

(b) Whoever obstructs, or attempts to obstruct, or in any way interferes with or prevents the enforcement of this section, shall be liable to the penalties prescribed in subsection (a). *(emphasis added)*

(June 25, 1948, ch. 645, 62 Stat. 772; Pub. L. 103-322, title XXXIII, §330016(1)(K), Sept. 13, 1994, 108 Stat. 2147; Pub. L. 104-208, div. C, title II, §218(a), Sept. 30, 1996, 110 Stat. 3009-573; Pub. L. 106-386, div. A, §112(a)(1), Oct. 28, 2000, 114 Stat. 1486.)

Violations Of The Oath Of Office May Be An Act Of Treason

Many judges have a total disregard for their oath of office under Title 28 Section 453, All judges take this oath of office swearing to uphold the U.S. Constitution.

"I do solemnly swear (or affirm) that I will support and defend the Constitution of the United States against all enemies, foreign and domestic; that I will bear true faith and allegiance to the same; that I take this obligation freely, without any mental reservation or purpose of evasion; and that I will well and faithfully discharge the duties of the office on which I am about to enter: So help me God."

Rest assured, the approximately 200 oath-breakers, including Christine Johnson, the prosecution by David O. Leavitt's Office, and all of the other numerous participants (INCLUDING THE U.S. ATTORNEY DISTRICT OF UTAH – PAST & PRESENT) in the charade against Barbara and Ken Cromar have a complete and full knowledge of Barbara and Ken Cromar's innocence and the intentional orchestrated destruction of their lives, liberty and the pursuit of their happiness. Some will, of course, be given the benefit of the doubt to be only "useful idiots" - as Karl Marx called them.

REMEDIES REQUESTED

Justice and *due process of law* heretofore denied, demands the following:

1. Provide injunctive relief through an Immediate Stay of All Proceedings until each of the three Writ of Habeas Corpus (June 24, June 29 and July 1, 2022) can be answered and lawfully addressed.
2. Remove all Warrants and instruct the court (and Department of Corrections/AP&P) to cease and desist from punitive prejudicial action.

3. Immediate recusal of judge Christine S. Johnson, Utah County Attorney David O. Leavitt, and Prosecutor Jared Perkins for judicial and financial conflicts of interest including misprision of felony, as previously requested on the record of the court.
4. Restoration/acceptance of all filings including but not limited to those by the Cromars and the Community Support Foundation (Amicus Curiae / Friend of the Court Brief), and defense Subpoenas for court certification June 16, 2022, heretofore denied and/or "not received" and/or stricken from the record.
5. Dismiss all charges and complaints against the Cromars with prejudice, along with full and immediate restoration of them to their home and property.
6. Damages and Punitive Damages should also be awarded, along with sanctions, to insure that such renegade behavior is NOT permitted by this court.

(Attachment 2 - As originally provided in 2022 07 28 Signed New Amendment To Durrant with Exhibits on pg 11.)

As noted, **the Cromars in the interest of justice, are seeking protection of this superior court**, the highest in the State of Utah, from an inferior Provo judiciary "that has gone off the rails" in a destructive course of **Abuse of Process** and **Wrongful Use of Judicial Authority** designed to **circumvent Four (4) Writs of Habeas Corpus** in an attempt to **justify a trial that should have never occurred**, was in **Mistrial before it began**, along with numerous attempts to **deny the Cromars of due process of law**, while covering a multitude of criminal actions, by those who have sworn in their oaths of office to support and defend the Constitution of the United States against all enemies, foreign and domestic.

As a reminder, Article 1, Section 9, paragraph 2 states: "The Privilege of the Writ of Habeas Corpus shall not be suspended, unless when in Cases of Rebellion or Invasion the public Safety may require it." **Any unlawful action by the courts to subvert, deny, or refuse original jurisdiction of Habeas Corpus is an act of treason.**

The final judgment of this Court should be to vacate all of the charges under Rule 60(B). **The Court is requested to weigh the interest in substantial justice against the simple need for preserving finality of the judgment.** See Expenditures Unlimited Aquatic Enterprises, Inc. v. Smithsonian Institute, 1974, 500 F.2d. 808, 163 U.S. App.D.C.140. See also Brown v. Clark Equipment Co., D.C. Mc. 1982, 961 F.R.D. 166.

THEREFORE, we, the allegedly disabled of the above captioned Cromars, a living man and woman, pray that this court will carefully consider their decision, in this **APPLICATION:FOR A WRIT OF HABEAS CORPUS, and EXTRAORDINARY WRIT FOR INJUCTIVE RELIEF UNDER URCP 65B**, because again, **this is NOT an appeal, but rather a certiorari, a Non-Discretionary Application in the court**, with an original jurisdiction, questioning

authority and judicial process where the judicial branch has overridden the legislature with their own self-serving rules. Utahns, the World, and Heaven is watching!

We the People and filers of the Friend of the Court Brief in defense of Barbara and Ken Cromar declare, **IT'S TIME FOR THIS CHARADE TO END!** and recognized that kangaroo court actions have made VOID all of the claims against Barbara and Ken Cromar (a living and breathing man and woman who stand only under God and the Supreme Law of the Land) and that this for-profit CORP court (EIN #87-6000545 & DUNS #009094301) has no lawful jurisdiction over them.

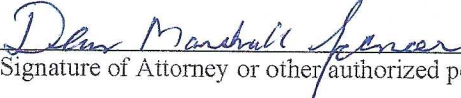
The Community Support Foundation continues to publicly acknowledge the **TRAVESTY OF INJUSTICE**, so grossly displayed in the case against Barbara and Ken Cromar and reminds everyone that:

"Together, we stand to urge the Court to rule in favor of the Defendants, by moving to acquit them of any and all claims, dismiss this case with prejudice, and facilitate a process that will restore them back to their home immediately, and reconfirm the belief that communities are bound together by a common unity in principles, such as the "Principles of Good Business[®]," and "good conduct" is a mandatory requirement by the courts and community at large." –
Where there is smoke, there is fire!

DECLARATION UNDER PENALTY OF PERJURY

We declare under penalty of perjury that we are the petitioners, we have read this petition or had it read to me, and the information in this petition is true and correct. We also understand that a false statement of a material fact may serve as the basis for prosecution for perjury. However, we reserve the right to correct and amend as desired.

Notice to Principle is Notice to Agent, and Notice to Agent is Notice to Principle


Signature of Attorney or other authorized person,

^{Spencer}
~~Deans~~ Marshall Spencer Relator
General Delivery
Pleasant Grove, Utah state [84062]

Date: 10-4-2022

Signature of Attorney or other authorized person,

Thomas H. Fairbanks Relator
345 N. 150 W.
Logan, Utah state [84321]

Date: 10-4-2022

FOR THE Heirs /Executors ARE FOR THE AFFIRMATION
OF THE DECLARATION OF THE
TRUE BY THE FIRSTHAND KNOWLEDGE OF THE FACTS:

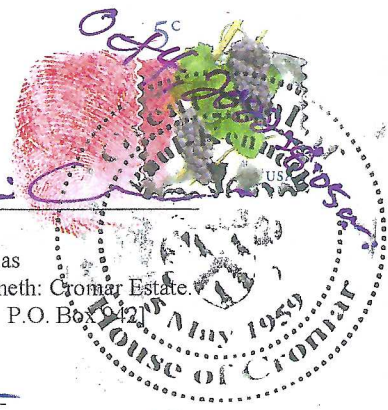
Utah County)
Utah Republic)
united States of America)

Asseveration

L.S. by: Paul-Kenneth

© Paul-Kenneth: House of Cromar™
Signed only in correct public capacity as
Sole Heir & Executor to the Paul-Kenneth: Cromar Estate.
c/o 9870 N. Meadow Drive [or to: P.O. Box 942]
Cedar Hills, Utah [84062]

Date: Oct. 4, 2022



Asseveration

L.S. by: Barbara-Ann: Cromar

© Barbara-Ann: House of Cromar™
Signed only in correct public capacity as Sole Heiress &
Executrix to the Barbara-Ann: Cromar Estate.
c/o 9870 N. Meadow Drive [or to: P.O. Box 942]
Cedar Hills, Utah [84062]

Date: October 4, 2022



...Which are commonly known addresses for LAND PATENT #392 part and parcel thereof;

We Stand on our Metes and Bounds, which we have never abandoned them, as follows:

Beginning at the Northeast corner of Lot 3, Plat "C", Amended North Meadow Estates Subdivision, said point being S89°28'48"W 1129.68 feet along the Quarter Section line, and S0°00'00"W 773.49 feet from the East 1/4 corner of Section 6, Township 5 South, Range 2 East of the Salt Lake Base and Meridian, and running thence along said Lot 3 boundary line the following five (5) course: (1) S0°18'49"W 96.09 feet; (2) S89°59'43"W 149.21 feet; (3) along a curve to the right 23.50 feet through a central angle of 89°46'16" having a radius of 15.00 feet and a chord that bears N45°07'09"W 21.17 feet; (4) N0°14'01"W 80.49 feet; (5) N89°45'59"E 165.06 feet to the point of beginning, containing 0.361 acres.

[for LOT "C", AMENDED NORTH MEADOW ESTATES SUBDIVISION within the SE ¼ of SEC. 6, T.5 S.,R.2 E. SLBM – 0.361 acres]

CERTIFICATE OF SERVICE

For the verification is for the true and correct-copy of the Original of the **ANSWER TO RESPONSE AND AMENDMENT TO APPELLATE CASE** and is of the delivery by the following manner:

Judge Christine Johnson

Certified Mail: #7022 0410 0000 3916 8188
and email: csjohnson@utcourts.gov and
ambere@utcourts.gov, nancyhb@utcourts.gov

Magistrate Anthony Howell

Judge Darold McDade

Judge Kraig J. Powell

Judge Robert Lund

Judge James M. Brady

Judge Lynn W. Davis

Attn.: Clerk of the Court Debbie Jacobsen
c/o UTAH FOURTH DISTRICT COURT
137 North Freedom Blvd
Provo UT 84601

- copy provided for distribution by clerk
- copy provided for distribution by clerk
- copy provided for distribution by clerk
- copy provided for distribution by clerk
- copy provided for distribution by clerk
- copy provided for distribution by clerk

email – debbieJ@utcourts.gov, with copies
for distribution via Clerk of the Court

Utah County Sheriff Mike Smith

c/o UTAH COUNTY SHERIFF OFFICE
3075 North Main
Spanish Fork, UT 84660

Certified Mail: #7022 0410 0000 3916 8195

AFPD Darren Falslev (please Forward)

c/o American Fork Police Department
75 E 80 N, #101
American Fork UT 84003

Certified Mail: #7022 0410 0000 3916 8201

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Provo Utah 84606

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c/o Office of the U.S. Solicitor General

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US District Judge David B. Barlow
Magistrate Daphne Oberg
c/o UNITED STATES DISTRICT COURT
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US District Judge Timothy DeGiusti
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Oklahoma City, OK 73102

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#

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Salt Lake City, UT 84114-0241

Certified Mail: #7022 0410 0000 3916 8362

by: *Paul-Kenneth Cromar*
Paul-Kenneth: Cromar
c/o 9870 N. Meadows Dr.
Cedar Hills, Utah state [84062]

October 4th 2022

