

Writ of Quo Warranto

- Prerogative Writ of Original Jurisdiction -

In the name of the People of the County and the State of Idaho,
ex rel Robert Vernon Montgomery, *in esse, sui juris*, Demandant

Premises of superseding mandate and jus naturale authority for this Writ:

- the Declaration of Independence (A.D. 1776) in pertinent parts; and
- Article VI, clause 2 of the Constitution of the United States (A.D. 1789-1791); "any Thing in the Constitution or Laws of any State to the Contrary notwithstanding."; and
- Article VI, clause 3 of the Constitution of the United States (A.D. 1789-1791) in which no exceptions or exemptions are expressed or manifestly implied; and
- Declaratory and restrictive Articles IV, V, VII, IX and X of Amendment First to the "supreme Law of the Land" (A.D. 1791), commonly styled as "Bill of Rights;" and
- Article I, Sections 1, 2, 3, 17, 18, 21 and 22 of the Constitution of the State of Idaho (A.D. 1890); and
- Article III, Section 25 of the Constitution of the State of Idaho; and
- Article IV, Section 5 of the Constitution of the State of Idaho; and
- Article V, Section 1, clause 3 and Section 9 of the Constitution of the State of Idaho.

To: Douglas Giddings, acting in the capacity of Idaho County Sheriff; and
James Gorges, acting in the capacity of Idaho County UnderSheriff; and
Jeffrey Troumbley, acting in the capacity of Idaho County Deputy Sheriff

As a matter of record, on the 18th day of June, 2015 James Gorges and Jeffrey Troumbley, each of whom were ostensibly acting in the capacity of a presumably Oath bound Idaho County Deputy Sheriff, responded to a disturbance call at 148 Lee Road, Harpster, Idaho - where Relator had been peaceably living for six years with a number of other tenants on the property.

A transient guest (Barbara Harrison) of the property manager (Robert Sandberg), claiming benefit of a public policy "felony" statute, accused Relator of "aggravated assault," in complete reversal of what actually took place (see definition of DARVO appended hereto). Relator informed Jeffrey Troumbley, in very great detail what had actually transpired, that said transient guest was the initiating assailant, and that Relator exercised, with more restraint than he would ordinarily use, his natural, Constitution secured Right to defend against what was a clearly visible intent - with corresponding hostile body movements - to commit battery against his person by another person of unknown martial capabilities.

As a matter of record, the accounting of the incident given by Barbara Harrison and Robert Sandberg, in an inverted and fragmented sort of way, indirectly corroborate the accounting given by Relator - which was later confirmed when, Barbara Harrison again, on the 27th day of June, 2015, (successfully) committed misdemeanor assault and battery against the person of fellow tenant Loren Zanier, for which an arrest was made, criminal charges filed and a No Contact Order was issued against her. As has been verified by eye witness account and photographic evidence, said No Contact Order against Barbara Harrison was subsequently ignored and violated on more than one occasion by her with the full knowledge and participation of Robert Sandberg, and their mutual accomplices for the manifest purpose of engaging in misdemeanor witness intimidation and felonious criminal stalking against Zanier.

Despite having been so informed, Jeffrey Troumbley, on the 18th day of June, 2015, by direct order of his superior, James Gorges, then seized the person of Relator and deprived him of his Liberty *vi et armis* and carried him away to Grangeville, Idaho where Relator was held in captivity by and under the presumed authority of Douglas Giddings until the 20th day of June, 2015 when a \$2,500.00 (USD) ransom demand (styled as "bail") was paid by a friend to obtain his release from captivity.

During that time and for some time thereafter, Barbara Harrison and Robert Sandberg, by multiple eye witness accounts and photographic evidence, rummaged through and pilfered from the personal belongings of Relator, the aggregate value of which exceeds \$5,000.00 (USD). Relator was further restrained from returning to the property by a coerced "No Contact Order" to take inventory of what had been stolen from him, retrieve what possessions of his he might, and protect his property from further predations by transient Barbara Harrison, Robert Sandberg and their mutual accomplices, none of whom (except Robert Sandberg) were tenants on the property.

After Relator had sustained considerable loss and damage, the charges against him were withdrawn and, on the 9th day of November, 2015, the "criminal" proceedings against him were dismissed with prejudice along with the said No Contact Order. It is noted that mere exoneration does not make Relator whole again, which is the object of a full and complete rendering of actual justice.

As a matter of record, Relator, with help of friends and fellow tenants on the property, was able to piece together a partial inventory, with particularity as to description, of some of the items taken without authorization from his personal belongings. With said inventory serving as the basis for same, and supported by cross-witness affidavits as well as photographic evidence, Relator submitted to the Idaho County Sheriff's Office his formal (un-refuted) charging Affidavit of Felony Grand Theft against Barbara Harrison, Robert Sandberg, and their known and suspected accomplices to such criminal act(s). To this very day, said charging instrument has not been acted upon and no arrests have been made or criminal proceedings initiated thereupon.

Whereas, the natural right to protect and defend one's person and property from any and all perceived attacks thereupon is antecedent to the institution of any form of government, including government in the current form; and

Whereas, the right to protect and defend one's person and property is secured by the declaratory and restrictive provisions of Article IV of the Bill of Rights -*supra*, which property includes incorporeal property, such as Rights, the inclusion of which is found in the use of the word "effects" in said Article; and

Whereas, it is a long and well settled matter of res judicata that there can be no penalty or sanction imposed on one for the exercise of a right secured by the supreme Law of the Land, "any Thing in the Constitution or Laws of any State to the Contrary notwithstanding;" and

Whereas, there is no enabling authority which empowers the State of Idaho or any of its instrumentalities, including the Legislature, the Judiciary or the Executive, to **compel** Relator to surrender or otherwise subordinate the responsible exercise of his secured rights to mere "public policy" statutes, ordinances or rules; and

Whereas, Section 18 of Article I of the Constitution of the State of Idaho unequivocally affords to Relator a remedy, regardless of form, for "every injury of person, property or character;" and

Whereas, Section 21 of Article I of the Constitution of the State of Idaho expressly does not limit the rights retained by the people (or the exercise thereof) to those enumerated therein; and

Whereas, Section 22 of Article I of the Constitution of the State of Idaho expressly makes provision for restitution from the person committing the offense for losses incurred by Relator; and

Whereas, the Declaration of Independence (A.D. 1776) makes clear that the Legislative Powers are incapable of Annihilation and whenever they are, in effect, abolished or abandoned or suspended in their operation, such Powers (by Operation of Law) return to the People at large for their direct exercise; and

Whereas, the foregoing Declared precept manifestly applies equally in form and intent to the Judicial and Executive Powers; and

Whereas, it is presumed that anyone representing themselves as and exercising the powers of public authority have subscribed and bound themselves by the solemn Oath or Affirmation mandated by Article VI of the supreme Law of the Land -*supra* to the people, as a requisite condition to exercising such authority, and that all others are impostors not vested with public authority in fact; and

Whereas, it is a long and well settled precept of Law that the aforesaid Article VI Oath imposes personal accountability on he who gives it and serves as prima facie evidence of voluntary acceptance of such obligation and accountability - any subsequent claim to the contrary, such as a claim of immunity, flies in the face of the purpose of the Oath; and

Whereas, it is a long and well settled precept of Law that anyone exercising the public authority of an elective Office is accountable, in whole or in part, for the conduct of his or her deputies, employees and contractors; and

Whereas, the object of Quo Warranto is to: 1) require of a respondent thereto production of conclusive evidence of proof of his or her entitlement to claim, hold and perform the functions of an Office vested with public authority or 2) require of a respondent thereto production of conclusive evidence of proof of the enabling authority empowering him or her to mis-use or abuse the public authority vested in the Office he or she claims or 3) require of a respondent thereto production of conclusive evidence of proof of the enabling authority empowering him or her to neglect or refuse a public authority duty vested in the Office he or she claims to exercise; and

Whereas, the Writ of Quo Warranto, by its very nature, places the burden of proof upon the respondent thereto; and

Whereas, according to the Crown Prosecution Service, misconduct in public office is an offense **at common law** triable only on indictment and carries a maximum sentence of life imprisonment, which makes the offense a **capital** crime and is why a Writ of Quo Warranto is deemed to be "quasi-criminal" in nature; and

Whereas, by virtue of the declaratory and restrictive Article VII of Amendment First to the supreme Law of the Land (A.D. 1789-1791), there is no enabling authority which empowers the Legislative Power, the Executive Power or the Judicial Power to directly or indirectly abolish, supplant, circumvent or otherwise supersede the common law (or its remedies) ***brought to this country from England by those who were the founders thereof and who established its form of government***, "any Thing in the Constitution or Laws of any State to the Contrary notwithstanding;" and

"What the state may not do directly it may not do indirectly." *Bailey v. Alabama*, 219 U.S. 219 (1911); and

Whereas, in the case of *Ogden v. Saunders*, 25 U.S. 213, (Wheat)(1827), the supreme Court of the United States delved deeply into the original intent of the framers of the Constitution and determined that the "obvious" policy of the framers was:

"In framing an instrument, which was intended to be perpetual, the presumption is strong, that every important principle introduced into it is intended to be perpetual also; that a principle expressed in terms to operate in all future time, is intended so to operate." and

"In our system, the legislature of a State is the supreme power, in all cases where its action *is not restrained by the constitution of the United States*. Where it is so restrained, the legislature ceases to be the supreme power, *and its acts are not law*." and

It is to be noted that these controlling judicial determinations set forth in *Ogden* are entirely consistent with the exceptions set forth in the judicial determinations upon the "necessary and proper" clause of the Constitution at pages 421 through 427 of *McCulloch v. Maryland*, 17 U.S. 316, 4 Wheat 316, 4 L. Ed. 579 (1819); and

It is to be further noted that Idaho County received its Charter from and under the enabling territorial authority of the United States prior to the admission of the State of Idaho to the American Union; and

Whereas, this Writ is brought in Original Jurisdiction under the authority of the declaratory and restrictive Articles IX and X of Amendment First to the supreme Law of the Land (A.D. 1789-1791) as well as Sections 18 and 21 of Article I of the Constitution of the State of Idaho by the People of the County of and the State of Idaho on the relation of Robert Vernon Montgomery, *in esse, sui juris*, Demandant herein;

Wherefore, you, Douglas Giddings, and you, James Gorges, and you, Jeffrey Troumbley, are each and all of you hereby commanded by this Writ of Quo Warranto to come before and present to this Court within twenty (20) days of service of this Writ upon you conclusive evidence of proof of the enabling authority, superseding that which is cited herein above, which might excuse you from immediate dismissal from your respective offices of public trust in relation to the official misconduct factually set forth by Relator in this Writ.

You are additionally directed to take heed that failure to fully comply with the requirements of this Writ, in every regard, will result in a Mandamus Order of this Court to immediately Quit and Vacate your respective offices of public trust, which Order may include any or all of the following provisions:

- Loss of eligibility to hold any future Office of public trust or profit.
- Surrender of all property belonging to the Office being vacated.
- Forfeiture of all emoluments, privileges and benefits, whether accrued or otherwise, derived from the Office being vacated.
- Restitution to Relator for losses suffered as a result of official misconduct.
- Criminal sanctions, where warranted.

Verification:

I, Robert Vernon Montgomery, Relator and Demandant herein, do hereby Certify under penalty of Perjury that the factual assertions set forth herein above are a matter of record and are the truth, the whole truth and nothing but the whole truth to the extent I am able to perceive and articulate it, and that this Original Jurisdiction Writ of Quo Warranto is neither intended as or to be construed as a mere statutory remedy.

Done this twelfth Day of December in the Year of our Lord two thousand and Sixteen and of the Independence of the United States of America the two hundred Forty first IN WITNESS whereof I have hereunto subscribed my name,

Attest

.....
Robert Vernon Montgomery, *in esse, sui juris*
aggrieved Relator and Demandant

Writ of Quo Warranto - Appendix A

DARVO

Harassment covers a wide range of offensive behavior. It is commonly understood as behavior intended to disturb or upset. In the legal sense, it is behavior which *is* found threatening or disturbing.

DARVO is an **acronym** to describe a common strategy of abusers: **D**eny the abuse, then **A**ttack the victim for attempting to make them accountable for their offense, thereby **R**eversing **V**ictim and **O**ffender. This may involve **gaslighting** and **victim blaming**.

Psychologist **Jennifer Freyd** writes:

...I have observed that actual abusers threaten, bully and make a nightmare for anyone who holds them accountable or asks them to change their abusive behavior. This attack, intended to chill and terrify, typically includes threats of law suits, overt and covert attacks on the whistle-blower's credibility, and so on. The attack will often take the form of focusing on ridiculing the person who attempts to hold the offender accountable. [...] [T]he offender rapidly creates the impression that the abuser is the wronged one, while the victim or concerned observer is the offender. Figure and ground are completely reversed. [...] The offender is on the offense and the person attempting to hold the offender accountable is put on the defense.