

In the Circuit Court of the State of Oregon for Multnomah County

In the Name of & On Behalf of
the Constitutionally Lawful:
“State of Oregon”;
Scott Earl Middlemiss;
Charles Bruce, Stewart;
& 14 others herein proceed as Co-Plaintiff’s;
State Ex Rel, Rex, Propria Persona & Sui Juris,
& under
United States Flag of Peace
Title 4 U.S.C. 1&2;

Vs.

DeFacto Public Officers:
Linda L. Bergman;
Shelley Keller;
Fortner, Hall, Blanck, Hurlman,
Lyman, & Wellhouser.

John & Jane Does 1-1000

1st Amended
Criminal Complaint
In the Nature of
Quo Warranto
pursuant to ORS 30.510;
Class Action

Treason

pursuant to ORS 166.005;

Kidnaping

pursuant to ORS 163.235;

Assault,

2nd degree, pursuant to ORS163.175;

Abuse of Public Office &

Official Misconduct

pursuant to ORS 162.415;

Malfeasance & Corruption

pursuant to both versions of Article 7 Oregon Constitution;

Purgery

pursuant to ORS 162.065;

Coercion

pursuant to ORS 163.275;

Conspiracy

pursuant to ORS 161.450;

Injury, Damages

pursuant to Article 1 Section 10, Oregon Constitution.

Other Crimes as Listed below.

Action at Law

Jury Trial Demanded

Re: Multnomah County Circuit Case # : 99 09 49687

Re: Mltnmh Cnty Sheriff Warrant # : C 99 09 49687

PPD Citation # C 18121

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2.0)

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Sworn Subscribed & Verified:

Comes Now, the Constitutionally Lawful State of Oregon, by way of it's "Joint Tenants" Scott Earl Middlemiss; Charles Bruce, Stewart; & 14 others presently, all as incorporated into this case by way of previously submitted Complaints, & increasing in number daily, & becoming signatory hereto in a class-action manner, as the word circulates that this Criminal Treason Action in Law is being taken. This action is being prosecuted pursuant to that same Supreme Natural-Law of Right to Self-Preservation for this Constitutionally Lawful "State of Oregon" by way of Provisions of Law governing "Treason", & of which are embodied within the United States Constitution at Article 1 Section 24; Oregon Revised Statutes at ORS 166.005; & the Oregon Constitution at Article 3 Section 3, which all read basically the same & which later document reads precisely as follows:

Treason against the State shall consist only in levying war against it, or adhering to its enemies, giving them aid or comfort. No person shall be convicted of treason unless on the testimony of two witnesses to the same overt act, or confession in open Court.

The US Code is presumed to have a similar section, & authority under that body of Law is also hereby invoked.

This document will be amended again, as time allows, & should be presently read for the most full understanding of this Constitutionally Lawful State's position possible, in conjunction with the 16 previously submitted Felony Criminal Complaints already on file in this case. Those documents & this document will all be merged together, once an Honorable Jude is found who will Lawfully facilitate the preliminary steps towards a full presentment of these issues to a Lawful Jury, pursuant to that "Due Course of Law" which is Guaranteed to "Every Man" at Article 1 Section 10 of Oregon's Constitution.

This document bears the dual signatures of Scott Earl Middlemiss; Charles Bruce, Stewart; & constitutes Complaint by both of them of the facts as alleged herein. Other Treason Complaints against these same herein named defendants will be forthcoming in supplementary documents, either directly in accompaniment presently, or forthcoming in the near future.

The many previously submitted Felony Criminal Complaints did specify how Scott Earl Middlemiss was Assaulted & Kidnaped by certain therein named Portland Police Officers, acting beyond their Constitutionally Lawful Authority; & how the others complaining in accompaniment thereto were suffering ORS 163.275 recognizable "Coercion", which as a matter of Law is the equivalent of "Terrorism". All of these Citizens of this Constitutionally Lawful "State of Oregon" did therein exercise their Right to proceed in the Name of & on Behalf of the Constitutionally Lawful "State of Oregon", all so as to protect its-self from the Damages being afflicted upon its 'Body-Politic', by way of the therein described Violent Felony Criminal Acts of these Lawless Rogue Police Officers.

Scott Earl Middlemiss & his 15 other co-plaintiffs with the State of Oregon have all suffered Violence at the hands of these Police Officers. While that of Scott Earl Middlemiss has been the direct & most egregious form of Violence any have suffered, the ORS 163.275 "Coercion", which is the equivalent of "Terrorism"; is clearly a Common-Law "Breach of the Peace" Offence, of a very most serious "Class C Felony" nature.

As evidenced by the 15 accompanying Felony Criminal Coercion complaints to Scott Earl Middlemiss's Counter-Complaint, very many of "We the People" of this "State of Oregon" are effectively "Terrorized" & "Coerced" away from exercising our Constitutionally Lawful Rights. This is all as a direct result of the Lawless Administration of Aggressive Force directly against Scott Earl Middlemiss, & indirectly through "Terrorism" & Coercion" against the rest of his co-plaintiffs. By so administering Lawless & Aggressive Force against "We the People" of this State, these Rogue Police Officers have Defied the "Law". They are "Outside" of the "Sphere" of the Law. They are "Outlaw". Those who Break such Law

have “Gone to War with the Community”. Authoritative citations affirm this in the following:

“... the evidence which comes to us from England and elsewhere invites us to think of a time when law was weak, and its weakness was displayed by a ready recourse to outlawry. ... he who defied it was outside its sphere; he was an outlaw. He who breaks it has gone to war with the community; and the community goes to war with him. It is the right and duty of every man to pursue him, to ravage his land, to burn his house, to hunt him down like a wild beast and slay him; for a wild beast he is; not merely is he a friendless man, he is a wolf. History of English Law; Frederick Pollock & Frederic Maitland, (1899). Cambridge University Press, Volume 2, Pages 449 & 450.

This citation shows clearly that in times past, any lawbreaker was viewed as being at “War with the Community”. “Law” was a most serious & revered object, unlike seemingly today, at least in the circles of Ms Bergman & Keller . “Law” was then viewed as a Godly & Religious Concern, not to be routinely violated by Licentious Licence of Rogue Public-Officials; as seems now the common practice.

Hereunder, is shown that “War with the Community” is attached to Lawbreakers. And while this most serious escalation of Judgement should be perhaps tempered concerning a hungry pick-pocket stealing money for a loaf of bread; yet when Police Officers are effectively granted Licence by Judges to beat the stuffing out of members of the Community, & there-under Judges act so-as-to Insulate the clear Intent behind both Constitutional & Statutory Law from bringing to a Just & Lawful Accountability these Rogue Lawless Violent Criminals, precisely as Ms Bergman has so done as clearly shown herein; then hereunder “War against the Community” is an entirely appropriate use of the terminology within modern Jurisprudence.

Ms Bergman & Ms Keller are hereby Sworn to have Knowingly & Willfully Committed “Overt Acts” which have directly “Given Aid & Comfort” to these Lawless Violent Rogue Police Officers. In accompaniment to such Lawless Violent Acts, they have also Obstructed the Ability of this Constitutionally Lawful “State of Oregon” to protect itself from these Sociological Parasites upon the Body-Politic. This constitutes the essential elements of a “Conspiracy” as recognizable under ORS 161.450.

If these Acts Complained of herein were the only known acts Complained of, such would not be so Socially Traumatic. However, the Acts complained of herein are commonly known as being routinely committed by Judges, D.A.’s, & Police Officers; & thus they are bell-weather indicators that very many other Acts of Lawless Violence are being Routinely Committed against “We the People” of Multnomah County & this State of Oregon. These Acts are being committed by these Violent Criminals by way of mere Color Of Lawful Authority. These Violent Criminal Conspirators commonly purport themselves to be & are thereby commonly conceived of as “Public Servants” & as “Public Officials”. These are mostly (but not limited to) Portland & Gresham Police Officers, Multnomah County Sheriff’s Deputies, County Judges & District Attorneys & their Assistants.

These Acts of Lawless Violence herein Complained Of are greatly similar to Racketeering & Corrupt Organizations (RICO) Actions as described in ORS 166.715 & 166 .720, & they are herein Sworn to be Knowingly, Willfully, & Purposefully Orchestrated against “We the People”, in a “Pattern of ... Activity” manner similar to the Statutorily defined in the RICO Statutes.

This “Pattern of Activity” is herein Sworn to be similarly “Conspiratorial” in Nature, & yet this “Pattern” of Acts goes way beyond the mere economic focus of the RICO Statutes. What we see here is a “Pattern of Lawlessly Violent Activity”, which is much more detrimental to the Peace, Safety & Happiness of “We the People” who Constitute these “Body Politics” which are effectively known as this “State of Oregon” & “Multnomah County”. Because of the extreme vulnerability of this State of Oregon to “Lawlessly Violent Activity” being Conspiratorially Committed & Orchestrated by way of its entrusted Public Officers, the “Class A Felony” penalties, & the otherwise serious concerns associated with the RS 166.715 & 166 .720 RICO Statute, is in this case insufficient to adequately address this “Pattern of

Lawlessly Violent Activity”, & hereunder it does effectively amount to a “State of War” against “We the People” of Multnomah County & this State of Oregon. These Acts in turn here-under amount to “Reasonable” People concerned herewith, as what is recognizable under the U.S. Constitution & Code, & Oregon Constitution & Statutes as: “Treason”.

Everyone Signatory hereto & by accompanying or future supplementary documents affirming such, do hereby Swear, Subscribe, & Verify that he/she has come to the well founded knowledge that this above described “Pattern of Lawlessly Violent Activity” does actually exist within Multnomah County, & that it does amount to “Treason”. This is all as precisely defined within the above authoritative documents. Hereunder, this “Pattern of Lawlessly Violent Activity” is more effectively termed a “Pattern of Treasonous Activity”.

Everyone Signatory hereto does hereby Swear, Subscribe, & Verify that he/she has come to the well-founded knowledge that this “Pattern of Treasonous Activity” is actually being actively pursued by a Core “Nexus” of “Accomplices”, & that these Treasonous Acts are “Not Isolated Incidents”, & that they are “Interrelated by (the) Distinguishing Characteristics” of being all carried out by Persons Acting under Color of Lawful Authority of Constitutionally Lawful Public Offices as within this Constitutionally Created “State of Oregon”. Hereunder, the actors herein Accused of Treason are similarly Sworn to have engaged in “at least two incidents” of said Treasonous Activity, & these Acts “Have the Same or Similar Intents, Results, Accomplices, Victims (&) Methods of Commission”.

Those Signatory hereto & the various Treasonous Acts incorporated by way of reference herein are constantly growing in number, as the Public is bring made aware that this “Class Action Treason Complaint” is being made available as Remedy so-as-to address these most grievous Wrongs on their behalf.

Facts against Linda L. Bergman & Shelley Keller:

Linda L Bergman has been acting in the capacity of Multnomah County Circuit Court Judge & Public Official in the above described case. In that case certain Portland Police Officers have sworn out criminal complaints against Mr Middlemiss. The Multnomah County District Attorney’s Office is prosecuting this case, under the guidance of Assistant D.A. Shelley Keller. .

On the date of 28, February, year of our Lord 2000; Ms Bergman, under her claimed Constitutionally Lawful Authority as Circuit Court Judge, did Speak-Law” in Public preliminary- decision so-as-to Hinder the Prosecution of the above described Portland Police Officers, all as recognizable as “Class C Felony” under ORS 162.325. Thereunder Ms Bergman allowed the complaints of the Corrupt Lawless Police Officers to Proceed while Disallowing, without any basis in Law, the multitudes of Counter-Complaints of the Constitutionally Lawful “State of Oregon”, Scott Earl Middlemiss, Charles Bruce, Stewart; & the 14 others.

Ms Bergman was clearly presented with vast amounts of “Probable Cause” Evidence that the persons complained against had actually committed the complained of Felony Crimes. Thereunder she was fully informed repeatedly that her position as Judge required her not only to allow the Counter-Complaints, but also to Issue Arrest Warrants or Citations against these Rogue Portland Police Officers Immediately, all so-as-to thereunder protect this State from such Violent Felony Criminals. Ms Bergman Refused to do any of these “Duties” which was Directly & Clearly Incumbent upon her as a “Magistrate”, especially under ORS 133.110.

Hereunder, Ms Bergman is Knowingly & Willfully & with Culpable Mental State, is Facilitating the ability of Violent Felony Criminals to continue to inflict their Violent Actions against this Constitutionally Lawful State of Oregon.

As shown by the above citation from Pollock & Maitland, these Criminals are basically “At War with the Community”, & the State has the Right to protect itself therefrom, precisely has been so moved before Ms Bergman by Mr Middlemiss & his 15 supporters. Ms Keller has facilitated the furtherance of these Treasonous Activities at every stage, by way of her active participation in the prosecution of this case, & by way of her opposition to allowing the State to proceed by way of Mr Middlemiss & his Supporters. Ms Bergman & Ms Keller have affirmatively Co-Conspired with the Police Officers so-as-to “Hinder Prosecution” of them, as under ORS 162.325, & so-as-to Facilitate their “Escape” from Accountability under Law for the Felony Kidnaping, Assault & Coercion Crimes which were therein alleged against them.

Scott Earl Middlemiss, was therein proceeding “State Ex Rel” under the “Quo Warranto” Statute of ORS 30.510. Thereunder he was exercising his Right to Protect this great “State of Oregon” from Extra-Constitutional Abuses of Power from Renegade Public-Officers within the Portland Police Department or elsewhere. As set forth in ORS 30.510, “Private parties” have the Right to so proceed in this manner, as shown in the following Statutes:

30.510 Action for usurpation of office or franchise.

An action at law may be maintained in the name of the state, upon the information of the district attorney, or upon the relation of a private party against the person offending, in the following cases:

(1) When any person usurps, intrudes into, or unlawfully holds or exercises any public office, civil or military, or any franchise within this state, or any office in a corporation either public or private, created or formed by or under the authority of this state; or,

(2) When any public officer, civil or military, does or suffers an act which, by the provisions of law, makes a forfeiture of the office of the public officer; or,

(3) When any association or number of persons acts within this state, as a corporation, without being duly incorporated.

30.610 ... When the action is upon the relation of a private party, as allowed in ORS 30.510, the pleadings on behalf of the state shall be signed by the relator as if the relator were the plaintiff ... When an action is commenced on the information of a private person, as allowed in ORS 30.510, having an interest in the question, such person ... shall be deemed a coplaintiff with the state.

Ms Bergman entrenched under a pre-conceived notion that this statute does not allow for the “Private Parties” therein mentioned to bring “Criminal” actions. She allowed time for this point to be further addressed, where-up-on the State & its various co-plaintiff’s did present a 15 page “Memorandum in Support of Felony Criminal Complaint & Various Motions”. Thereunder was set forth the following citations:

ORS: 34.810 Scire facias and quo warranto. The writ of scire facias, the writ of quo warranto, and proceedings by information in the nature of quo warranto are abolished, and the remedies heretofore obtainable under those forms may be obtained by action in the mode prescribed in ORS 30.510 to 30.640.

“Or. 1912. Under L.O.L. ss 363, ORS 34.810 abolishing writs of quo warranto and proceedings in the nature of quo warranto, the right to relief under section 366, sub 3, ORS 30.510, by action at law in the name of the state ... is analogous to the older methods.”

State Ex Rel Brown v Sengstaken, 122 P. 292, 61 Ore 455, Am .Ann.Cas. 1914 B.230 (28 Or D 2d - 86)

Then the following argument was presented in the Memorandum:

“The vast repository of traditional “Quo Warranto” related case-law precedents show that this Remedy was “Public” in Nature; & that through the “Information in the Nature of Quo Warranto”, this body of Law included the Right to proceed “Criminally”. “Corpus Juris Secundum” summarizes as follows:

Quo Warranto: The writ of quo warranto is an ancient common law, prerogative writ and remedy. Indeed, it is one of the most ancient and important writs known to the common law. The ancient writ was in the nature of a writ of right for the king, against him who claimed or usurped any office, franchise, or liberty, to inquire by what authority he supported his claim, in order to determine the right, or in the case of nonuser, long neglect, misuse, or abuse of franchise, a writ commanding defendant to show by what warrant he exercised such franchise, never having had any grant of it, or having forfeited it by neglect or abuse.

... a quo warranto proceeding is of a public nature, and not a personal action, it being rather an inquisition which the sovereignty, by its courts, institutes to ascertain whether its prerogative rights have been invaded; quo warranto is a direct, rather than a collateral, attack on the record or other matter assailed Originally the information in the nature of quo warranto, which succeeded the ancient writ, was essentially a criminal prosecution instituted for the purpose of subjecting defendant to punishment by fine, as well as judgement of ouster ... Thus quo warranto, or a proceeding in the nature thereof, is the sole and exclusive remedy and method by which various matters may be tried and determined, as, for example, the right and title to office Corpus Juris Secundum; West Publishing Company; Volume 74 Pages 174-189.

Hereunder, it is shown that the predisposition of the respected Judge towards limiting the 30.510 “Action at Law” to merely those Remedies which are “Civil” in nature, is clearly in error. By reducing these Remedies to “Civil”, such Remedies are reduced to “Private”. This is as in Citizen to Citizen. The Interest of the “State of Oregon” in it’s “Public” Capacity here-under, cannot be served by that “Private Party” which is specifically authorized under ORS 30.510. Such policy as this would surgically abort the ORS 34.810 “Quo Warranto” guts from the 30.510 Statute. This would be in direct violation of the clear wording of ORS 34.810 which specifically mandates that these traditional & well-settled “Quo Warranto” Remedies are to be preserved within 30.510 & to be equally available to the Private Party” as to the DA.

By way of 34.810, 30.510 is clearly intended to encompass “Information in the Nature of Quo Warranto”. CJS clearly summarizes the matter by accurately stating that such action “was essentially a Criminal prosecution”. Hereunder, “Reasonable” People will see that ORS 34.810 & 30.510 taken together do work to establish a Remedy whereby “Private Parties” can access Public “Criminal” Procedural Remedies. Such is in clear harmony with the “... All Power is Inherent in the People ...” statement in Article 1 Section 1 of Oregon’s Constitution.”

End of Quotation from Memorandum.

The above texts & citations clearly showed that “Criminal Prosecutions” are to be allowed under ORS 30.510. ORS 34.810 clearly specifies that the “Remedy” of “Information in the Nature of Quo Warranto” “may be obtained by action in the mode prescribed in ORS 30.510”. Corpus Juris Secundum & other sources unmentioned, clearly show that this “Information in the Nature of Quo Warranto” was “Essentially a Criminal Prosecution”. Hereunder, it was clearly Proven to all Reasonable Persons reviewing the matter, that Oregon’s basic Quo Warranto Statute at 30.510 did allow for “Criminal Prosecutions” to be conducted thereunder.

Ms Bergman had that Memorandum faxed to her a week prior to the most recent & herein complained of decision. She admitted on the record & before many witnesses that she had reviewed all of the matters set forth therein, including those portions as quoted therefrom & included herein.

Yet, after all of this painstaking research showing her what she should know as a Judge anyway,

she still refused to recognize this very sound Legislative Statutory Authority which is designed to give “We the People” a mechanism in Law for holding Corrupt Public Officers to Accountability under Law.

Ms Bergman babbled some gobbledygook, oscillating back & forth over ORS 30.510, 34.810, & Chapters 133 & 135 governing the Sufficiency of Criminal Complaints. Ms Bergman entirely failed to address “Information in the Nature of Quo Warranto”, as provided under ORS 34.810, & its bringing into 30.510 the “Criminal Prosecution” Powers which are recognized in CJS.

Ms Bergman did this all with a Knowing & Willful “Mens Rea” Intent to “Hinder Prosecution” of these Police Officers for their Sworn & Complained of Lawless Kidnaping of Mr Middlemiss, their “Coercion” & effective Terrorism of “We the People” of this State, as recognized under ORS 163.275, & as evidenced by the 15 Sworn Felony Criminal Complaints in accompaniment thereto. Hereunder, Ms Bergman did Knowingly & Willfully “Hinder Prosecution” of Felony Crimes against the “State of Oregon” & its sought-after ORS 162.325 “Public Justice” thereunder .

Scott Earl Middlemiss, & Charles Bruce, Stewart; & the 14 others were all proceeding under the 30.510 “Quo Warranto” Statute so-as-to make Complaint on behalf of the State, so-as-to insure that its interests in prosecuting “State & Public Justice” Offences & thereunder insuring the General Welfare of “We the People” is adequately maintained.

Ms Bergman actively opposed the “State of Oregon” in bringing forth these Felony Criminal Kidnaping & Coercion Complaints against these Corrupt Police Officers. She did this with full Knowledge, “Mens Rea” Intent, & ORS 161.085 (6) “Culpable Mental State”. Ms Bergman Knew full well that she was actively acting to inflict additional Violence against the State of Oregon & “We the People” thereby in “Body-Politic” & “Social-Compact”, & this all by her allowing the Criminal Complaints of the Police Officers to proceed while disallowing the Counterclaim & its accompanying Complaints; & also by Failing to Issue the Arrest Warrants or Citations Demanded of Her.

Scott Earl Middlemiss & his other co-plaintiffs with the State of Oregon have been clearly shown to have Lawful Right to proceed in this manner. If their complaints were somehow defective, that has not yet been shown, & may still be proven at trail if so possible. But Judge Bergman’s Duty hereunder has clearly been shown to allow the Counter-complaint & accompanying Complaints to be heard, on the merits, before a Jury; & Ms Keller has a similar Duty to so insure that such “Substantial Justice” by “Due Course of Law” is so followed.

To more effectively show the appropriateness of Mr Middlemiss & his supporters proceeding Directly In the Name of & On Behalf of this “State of Oregon”, some more citations from the above described Memorandum are here-in presented, as follows:

“State”; “A people ... bound together by common-law habits and custom into one body politic “state” is a body politic or a society of men. ... A body of people occupying a definite territory ... Term may refer to a body politic of a nation or to an individual governmental unit of such nation The people of a state, in their collective capacity, considered as the party wronged by a criminal deed, the public, as in the title of a cause, “The State vs A.B.” ... Term “state” as used in rules providing when a state may appeal in a criminal case is all inclusive and intended to include not only the state but its political subdivisions ...

(Blacks Law Dictionary, 5th Edition.)

STATE, government. ... This word ... (i)n its most enlarged sense, it signifies a self-sufficient body of persons united together in one community for the defence of their rights, and to do right and justice to foreigners. In this sense, the state means the whole people united into one body politic; (q. v.) and the state, and the people of the state, are equivalent expressions. ... (Law Dictionary; by John Bouvier; 1856)

Argument in the previously submitted Memorandum continued: “As noted herein, the “Rights” of

the People within the “Social-Compact” are to be secured by the Lawful “State”. Next we look to definitions of the term “Right”, as follows:

Right: As a Noun, and taken in the abstract sense, means justice, ethical correctness, or consonance with the rules of law or the principles of morals. In this signification it answers to one meaning of the Latin “jus”, and serves to indicate law in the abstract, considered as the foundation of all rights, or the complex of underlying moral principles which impart the character of justice to all positive law, or give it ethical content. ... And the primal rights pertaining to men ... existing prior to positive law. But leaving the abstract moral sphere and giving to the term a juristic content, a “right” is well defined as “a capacity residing in one man of controlling, with the assent & assistance of the state, the actions of others.” As an adjective, the term “right” means just, morally correct, constant with ethical principles or rules of positive law. It is the opposite of wrong, unjust, illegal. ... A legally enforceable claim of one person against another, that the other shall do a given act or not do a given act. That which one person ought to have or receive from another, it being withheld from him, or not in his possession. In this sense, “right” has the force of “claim”, and is properly expressed by the Latin “jus”. ... Natural rights are those which grow out of the nature of man and depend upon personality, as distinguished from such as are created by law and depend upon civilized society; ... they are those which are plainly assured by natural law; ... those which, by fair deduction from the present physical, moral, social, and religious characteristics of man, he must be invested with, and which he ought to have realized for him in a jural society, in order to fulfill the ends to which his nature calls him.

(Blacks Law Dictionary, 5th Edition)

“Jurisprudence is specifically concerned only with such rights as are recognized by law and enforced by the power of the state. We may therefore define a “legal right” in what we shall hereafter see is the strictest sense of that term, as a capacity residing in one man of controlling, with the assent and assistance of the state, the actions of others. That which gives validity to a legal right is, in every case, the force which is lent to it by the state. Anything else may be the occasion, but not the cause of its obligatory character.” (William Casey Jones, Director of the School of Jurisprudence, University of California. Pg 121/199, Section 160; Footnotes; “Commentaries on the Laws of England”, by William Blackstone; Bancroft Whitney)

The Memorandum directly went on to pain-stakingly explain these Fundamental Dynamic Principles of Law, (with minor typos herein corrected) as follows:

“In both of these authoritative sources, we find that within Anglo-American Jurisprudence that the term “State” invokes a socially compacted relationship where-under specific individual members are to be allowed the authority to “Control ... Others” ... by way of their “Relationship” with the “State”. Hereunder, Logic Dictates that they will not be able to “Control” those “Others”, Unless they can also Control the “State”.

When a member of the “Social Compact” is Directly Physically Injured, it is an injury to everyone. It is a “Breach of the Peace”, a Trespass, a Common-Law Crime; of “Malum in Se”, aka: “Wrong in It’s-Self”. We are all bound together in this Social-Compact to defend the Rights of each other against Physical Crimes against us. We call these “Public” Crimes, as opposed to “Private” or “Malum Prohibitum” which relies upon some Contract or Legal Nexus.

When Mr Middlemiss, his many supporters, or others are Physically Harmed or Terrorized; ORS 30.510 & 30.610 specifically gives these “Private Persons” so afflicted within this “State of Oregon” this “Right” to “Control the ... State” so-as-to thereby: “Control ... the Actions of Others.” This specific wording referring to the ability of Particular Individuals to “Control ... Others”, by way of their “Control” over the “State”, is clearly set forth in both of the above citations.

Mr Middlemiss & his supporters are “Joint Tenants in the Sovereignty” of this “Social Compact” known as the “State of Oregon”. Case law in support of this reads as follows:

Chisholm Ex'r. v. Georgia; 2 Dall. {U.S.} 419, 1 L.Ed. 440, {U.S.Ga. 1793}.

"The revolution, or rather the Declaration of Independence, found the people already united From the crown of Great Britain, the sovereignty of their country passed to the people of it; "We the people of the United States, do ordain and establish this constitution." Here we see the people acting as sovereigns of the whole country; and in the language of sovereignty, establishing a constitution by which it was their will, that the state governments should be bound, and to which constitutions should be made to conform...

It will be sufficient to observe briefly, that the sovereignities in Europe and particularly in England, exist on feudal principles. That system considers the prince as the sovereign, and the people his subjects; it regards his person as the object of allegiance, and excludes the idea of his being on an equal footing with a subject, either in a court of justice or elsewhere. That system contemplates him as being the fountain of honor and authority; and from his grace and grant, derives all franchises, immunities and privileges; it is easy to perceive, that such a sovereign could not be amendable to a court of justice, or subjected to judicial control and actual constraint... The same feudal ideas run through all their jurisprudence, and constantly remind us of the distinction between the prince and the subject.

"No such ideas obtain here; at the revolution, the sovereignty devolved on the people; and they are truly the sovereigns of the country, but they are sovereigns without subjects... and have none to govern but themselves; the citizens of America are equal as fellow-citizens, and as joint tenants in the sovereignty.

From the differences existing between feudal sovereignties and governments founded on compacts, it necessarily follows that their respective prerogatives must differ, Sovereignty is the right to govern; a nation or state sovereign is the person or persons in whom that resides.

In Europe, the sovereignty is generally ascribed to the prince; here it rests with the people; there the sovereign actually administers the government; here never in a single instance; our governors are the agents of the people; and at most stand in the same relation to their sovereign, in which the regents of Europe stand to their sovereigns. Their princes have personal powers, dignities and preeminence, our rulers have none but official; nor do they partake in the sovereignty otherwise, or in any other capacity, than as private citizens."

Each of "We the People" (such as Mr Middlemiss & his supporters) are these "Joint Tenants in the Sovereignty" of this "State of Oregon". Each of us are "Joint Tenants" in the "Master" position of this Master/Servant Relationship. This is our "Relation" to this "State of Oregon". This is why each of "We the People" are all Lawfully Entitled to proceed with all of the authority & more than that which the District Attorney himself possesses.

The District Attorney as well as the respected Judges touching upon this case are all "Public Servants". These "Public Servants" have a partially Disabled "Relation" to the "State of Oregon", where-under they are in the "Servant" position under traditionally recognizable "Master-Servant" Relationships. This is why they must proceed through Grand Juries before they can secure Criminal Indictments. This is known in Law as a "Legal Disability".

Each of "We the People" (such as Mr Middlemiss & his supporters) are under no such "Legal Disability. We may state "Criminal" Complaints Directly. Such is plain from ORS 133.007, 133.015, & 135.715." ...

Article 1 Section 1 of Oregon's Constitution commands that "... All Power is Inherent in the People ...".

End of quotations from previously submitted Memorandum. This last citation further strongly supports the above described concepts of allowing the people to bring Criminal Complaints Directly.

Also, Ms Bergman had previously received a document entitled similarly to: "Motion & Demand for Citation or Arrest Warrant to Issue, & for Arraignment Date to be Set." Therein said Motion was made for the Arrest Warrant or Citation to Issue against the Lawless Violent Police Officers, & was set forth with the following citations & argument:

"This State does hereby so Move based upon Oregon's Statutory Rules for Criminal Procedure

which are designed to governing such matters, & which read as:

133.110 Issuance; citation. If the magistrate is satisfied that there is probable cause to believe that the person has committed the offense complained of, the magistrate, if the offense is a crime, shall issue a warrant of arrest. However, on a misdemeanor charge or on a felony charge which in the discretion of the court may be considered a misdemeanor charge at the time sentence is imposed, the magistrate may authorize a peace officer to issue and serve a citation as provided in ORS 133.055. If the offense is a violation, the magistrate shall authorize a peace officer to issue and serve a citation as provided in ORS 133.055.

133.030 Who are magistrates. The following persons are magistrates: ... (3) Judges of the circuit court”

Hereunder, argument was presented that “the Magistrate has No Discretion; & ... he/she MUST Issue the Arrest Warrant”. In Bold Faced Defiance to these clearly well-founded Statutes, this Motion was effectively Denied by Ms Bergman as against this State of Oregon & its People proceeding herein. This Motion went on ...

We further proceed to make this Motion based upon those Statutory Rules for Criminal Procedure which govern the Sufficiency of Sworn Felony-Criminal Complaints, as set forth in Title 14 of ORS at 133.007, 133.015, 135.711 - 135.715. These sections read as follows:

133.007 Sufficiency of information or complaint.

(1) An information or complaint is sufficient if it can be understood therefrom that:

(a) The defendant is named, or if the name of the defendant cannot be discovered, that the defendant is described by a fictitious name, with the statement that the real name of the defendant is unknown to the complainant.

(b) The offense was committed within the jurisdiction of the court, except where, as provided by law, the act, though done without the county in which the court is held, is triable within.

(c) The offense was committed at some time prior to the filing of the information or complaint and within the time limited by law for the commencement of an action therefor.

(2) The information or complaint shall not contain allegations that the defendant has previously been convicted of any offense which might subject the defendant to enhanced penalties.

(3) Words used in a statute to define an offense need not be strictly followed in the information or complaint, but other words conveying the same meaning may be used. ...

SUFFICIENCY OF ACCUSATORY INSTRUMENTS

135.711 Facts constituting crime or subcategory of crime required.

For any felony committed on or after November 1, 1989, the accusatory instrument shall allege facts sufficient to constitute a crime or a specific subcategory of a crime in the Crime Seriousness Scale established by the rules of the Oregon Criminal Justice Commission.

135.713 Necessity of stating presumptions of law and matters judicially noticed.

Neither presumptions of law nor matters of which judicial notice is taken need be stated in an accusatory instrument.

135.715 Effect of non-prejudicial defects in form of accusatory instrument.

No accusatory instrument is insufficient, nor can the trial, judgment or other proceedings thereon be affected, by reason of a defect or imperfection in a matter of form which does not tend to the prejudice of the substantial rights of the defendant upon the merits.

It appears that this applicable Statutory "Law" does clearly show that a Mere Single Sworn & Verified "Accusatory Instrument" &/or "Complaint", properly presented before the presiding Magistrate, is "Sufficient" Evidence, so-as of itself to Establish the sought after "Probable Cause" to Form the Belief in the mind of the "Law", that these Felony-Crimes have actually been committed.

All of the documents from both sides are based on this same set of facts. In the attempts by those in support of Mr Middlemiss to Defend the "Public Interest" of the Constitutionally Lawful State from these Felony-Criminals, The many honorable People filing in support of & supplementary to the main Criminal Counter-Complaint have modeled their "Accusatory Instruments" upon that of Mr Middlemiss, all as shown by these many documents presented to the Presiding Judge at the last hearing, & a brief review of the file.

Hereunder, & by their numbers; they do show large quantities of "Probable Cause" Evidence before this Court, that the Peace & Dignity of the "State of Oregon" has actually been Criminally Violated by the hereby Accused Original Plaintiff & those acting therewith. Hereunder, it is shown by this State that the Complaints against Mr Middlemiss are being advanced for a Criminal Purpose, & that they are "Malicious Prosecution", "Perjury", "Abuse of Public Office", "Official Misconduct" & are of no merit; & that all of these acts are "State & Public Justice Offences" as recognizable within ORS Chapter 162."

That is the last of the quotations from the above described Motion. By effectively Denying this Motion, Ms Bergman Knowingly & Willfully Intended to Violate the Rights of the Constitutionally Lawful State of Oregon to protect itself from the herein described Violent Rogue Criminal Police Officers; & Ms Keller Knowingly & Willfully Assisted her in accomplishing this Evil End.

All of the above was set forth clearly before Judge Bergman in these documents. Yet she proceeded all against the State & Public Justice as herein described. Her acts are effectively "Terrorizing" "We the People" of this county, as specified under Oregon's "Coercion" Statute, which reads as follows:

163.275 Coercion.

(1) A person commits the crime of coercion when the person compels or induces another person to engage in conduct from which the other person has a legal right to abstain, or to abstain from engaging in conduct in which the other person has a legal right to engage, by means of instilling in the other person a fear that, if the other person refrains from the conduct compelled or induced or engages in conduct contrary to the compulsion or inducement, the actor or another will:

- (a) Unlawfully cause physical injury to some person; or**
- (b) Unlawfully cause damage to property; or**
- (c) Engage in conduct constituting a crime; or**
- (d) Falsely accuse some person of a crime or cause criminal charges to be instituted against the person; or**
- (e) Cause or continue a strike, boycott or other collective action injurious to some person's business, except that such a threat shall not be deemed coercive when the act or omission compelled is for the benefit of the group in whose interest the actor purports to act; or**
- (f) Testify falsely or provide false information or withhold testimony or information with respect to another's legal claim or defense; or**
- (g) Unlawfully use or abuse the person's position as a public servant by performing some act within or related to official duties, or by failing or refusing to perform an official duty, in such manner as to affect some person adversely.**

(2) Coercion is a Class C felony.

“Coercion” herein is clearly the equivalent of “Terrorism”. “Terrorism”, especially when directly accompanied by Acts of Violence as are so well documented herein, is the equivalent of Acts of War. Hereunder Ms Bergman & Ms Keller & the Rogue Violent Police Officers named herein are engaged in “Overt Acts of War” against “We the People” of this good “State of Oregon”.

Hereunder, & by way of the herein described Constitutions, Statutes & Codes, & by way of these “Overt Acts”, these ones are Guilty of “Treason”; & a Jury of Lawful & Reasonable People will so find when all of the evidence to this effect is so presented to them at said trial.

Sworn, Subscribed, & Verified.

The Constitutionally Lawful “State of Oregon”, by way of:

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