



28(h), and C.R.C.P. 106(a)(3) brings this above titled action to seek performance of obligations that arise from an official duty required by law on the respondent.

### **NATURE OF THE CASE**

1. Nemo iudex in causa sua “no-one should be a judge in his own case” It is a principle of natural justice that no person can judge a case in which they have an interest.<sup>1</sup> The rule is very strictly applied to any appearance of possible bias, even if there is actually none: “justice must not only be done, but must be seen to be done.”<sup>2</sup>
2. Natural justice is a technical terminology for the rule against bias, the right to a fair hearing “audi alteram parten.” While the term natural justice is often retained as a general concept, it has largely been replaced and extended by the general phrase “duty to act fairly.” The basis for the rule against bias is the need to maintain public confidence in the legal system.

### **STATUS OF RELATOR/AFFIANT**

3. Affiant alleges that a PRE HEARING AFFIDAVIT OF DOMICILE AND CITIZENSHIP filed in in Denver District Court Case No. 17CR10088 on August 24, 2018, PM 4:17 and Boulder County Clerk and Recorder RF 03672066 08/20/2018 10:55 AM evidences that Laurence Rene’ Goodman is not “a Citizen of the United States” a civilly dead entity operating as a co-trustee and co-beneficiary of the “Cesta Que Public Charitable Public Trust,” of the U.S. Inc. under the 14<sup>th</sup> amendment, which upholds the debt of the USA and U.S. Inc.” Congressional Record, June 13, 1967, P.P. 15641-15646.

## **REQUISITES TO A COMMON LAW MANDAMUS**

4. The relator avers and alleges that judicial administrator Michael Spear is proceeding in Denver District Court Case No. 17CR10088 without proving his jurisdiction or authority on the record. A pretrial hearing is set for December 5, 2018 and a jury trial is scheduled for January 14, 2019. No evidence has been filed in the record that shows Michael Spear has timely filed an oath and fiduciary bond.

### **Legal duty to perform a nondiscretionary act**

5. Affiant alleges and avers that public servants have fiduciary duty defined in C.R.S. 15-1-103 to obey the mandates of Article VI, Clause 3, Constitution for the United States of America, ratified in 1789; Colorado Constitution, Article XII, Sections 8, 9, and 10; Article XIV, Section 9; the “ordinance irrevocable” § 4, 18 Stat. 474, the Colorado Enabling Act, Schedule, Section 2 and 22, Colorado Constitution, ratified in 1876, and attendant statutory authorities.

6. The Affiant cannot find any evidence that *People v Quimby*, 152 Colo. 231, 381 P.2d 275 (1963), has been overturned that states: “A person chosen to fill a term of office is not permitted to assume the duties of the office until he files a bond and oath of office, which must be done before the commencement of the term, or the office shall be deemed vacant.”

### **Demand for performance**

7. Affiant alleges and avers that the people have an unalienable right to an honest government and it is the right and authority of the People pursuant to Article II,

Section 2, Colorado Constitution, the Constitution for the United States of America, and the Declaration of Independence to demand proof of claim of a public servant.

8. Affiant alleges that the record in Denver District Court Case No. 17CR10088 evidences that the respondent is unconstitutionally and unlawfully posing as district court judge because of his failure to timely file an oath, C.R.S. 1-1-201, and his failure to file any fiduciary bond or recognizance in violation of C.R.S. 18-8-407.

### **Refusal to perform**

9. The relator alleges that he challenged Michael Spear twice during open court hearings in the said case and the respondent has denied responsibility for having the mandatory requirement of a timely filed an oath and a fiduciary bond. Furthermore, respondent Michael Spear has also refused to certify any questions for appeal.

### **RIGHT TO WRIT OF MANDAMUS**

10. The relator avers and alleges there is no other remedy available. Ordinary forms of legal procedure do not furnish an adequate remedy and irreparable injury will result if the petition is not granted. No law provides any relief by ordinary means and obtaining ordinary relief may cause an injustice.

11. The relator further avers and alleges that all known avenues of administrative review have been exhausted. See Affidavit of Exhausted Remedies.

12. The relator also avers and alleges that the aggrieved party and the People of Colorado have no adequate available remedy either at law or in equity. As a result of an amendment to Article 6, Colorado Constitution, Constitutional Amendment No.1-

Senate Concurrent Resolution No. 12, 43 General Assembly, 1961; uniformed voters removed all courts of law and equity from the said Constitution contrary to the Colorado Enabling Act and repugnant to Article III, section 2, of the United States Constitution, ratified in 1789.

**Therefore**, Relator is justified in seeking a permanent remedy in the form of a writ of mandamus under the Common Law. Respondent be required to, under relators said power of Section 2, Article II, Colorado Constitution: Respondent cease operations from the abusive, deceitful, and felonious operations as an imposter holding a public officer intentionally and feloniously misusing publicly appropriated funds in violation of Section 13, Article, Colorado Constitution while using the power of that position to serve his own personal and the government interest.

Relator believes that the foregoing information and evidence is sufficient to justify emergency action by the Court; such emergency action by the Court is believed to be an absolute necessity in the form of a mandamus to cure the defect; and accordingly, the Court is urged to respond immediately and favorably.

I, Laurence Rene' Goodman, certify and swear on my own Commercial Liability, that I have read the foregoing instrument, titled **A PETITION IN THE NATURE OF A WRIT OF MANDAMUS FIRST AND A NOTICE OF APPEAL ONLY "IN THE ALTERNATIVE"**, and know the content thereof, and that, to the best of my knowledge and belief, it is true, correct, complete, and not misleading, the truth, the whole truth, and nothing but the truth. I reserve the right and duty to update and correct this instrument as needed.

I, Laurence Rene' Goodman autograph: \_\_\_\_\_ make this claim.

\_\_\_\_\_  
Witness

\_\_\_\_\_  
Witness