

No.

IN THE
SUPREME COURT OF THE UNITED STATES

CRAIG J. NICHOL — PETITIONER

VS.

THE PEOPLE OF THE STATE OF — RESPONDENT(S)
COLORADO.

ON WRIT OF HABEAS CORPUS TO
COLORADO SUPREME COURT
WRIT OF HABEAS CORPUS

Craig J. Nichol #127451
P.O. BOX 6000
Sterling, CO 80751

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IN THE

SUPREME COURT OF THE UNITED STATES

WRIT OF HABEAS CORPUS

The Accused respectfully prays that a Writ of HABEAS CORPUS issue to Review the judgment below

OPINION BELOW

The denial order of the Supreme Court to review the merits appears at Appendix A. and is unpublished

The denial order of the District Court appears at Appendix B. and is unpublished

The opinion of the Court of Appeals denial appears at Appendix C. and is unpublished

JURISDICTION

The date on which the Supreme Court denied to review the merits was January 25, 2018. a copy of that order appears at Appendix A.

The jurisdiction of this Court is invoked under 28 U.S.C. § 2241 and Art. I, § 9, CL. 1. And Pursuant to Marbury v. Madison, 1 Cranch. (5 U.S.) 137 (1803) as the U.S. Supreme Court and the highest Courts of the State have assumed the power and responsibility to decide the Constitutionality of the acts of the legislature... (emphasis added).

COLORADO CONSTITUTION

page:

Article V. Legislature _____ 12, 16.

Article V, §18 Enacting Clause: _____ 9, 11, 16, 17.

The Style of the laws of this state shall be: "Be it enacted by the General Assembly of the State of Colorado."

STATUTORY PROVISIONS INVOLVED

§2-4-213, C.R.S. Form of Enacting clause _____ 9.

All acts of the General Assembly of the state of Colorado shall be designated, known, and acknowledged in each such act of said state as follows: "Be it enacted by the General Assembly of the state of Colorado."

§2-5-118, C.R.S. _____ 14.

(4)...; and that un-official publications, reprintings, or distributions of the statutes are NOT mistaken for the official statutes produced and enacted in accordance with this article.

§13-4-102, C.R.S. Jurisdiction: Appellate Court. _____ 1.

(1)... except in,
(b) Cases in which a statute..., has been declared unconstitutional.

Statutes in Question; to wit,

§18-3-405 (1) C.R.S. (2005) Appendix-E, highlighted
§18-3-405.3 (1)(2)(a) (2005) C.R.S. Appendix-E, highlighted
§18-6-302 (1)(a) (2005) C.R.S. Appendix-E, highlighted
§18-3-405 (1)(2)(d) (2005) C.R.S. Appendix-E, highlighted
§18-3-405.3 (1)(2)(d) (2006) CRS Appendix-E, highlighted
§18-6-302 (1)(a) (2005) C.R.S. Appendix-E, highlighted

STATEMENT OF THE CASE

The Accused has filed a motion in the Denver Dist. Ct. for Memorandum and Motion to Dismiss for Lack of Subject Matter Jurisdiction on the 28th day of December, 2015. That motion was denied on March 1, 2016. The defense of lack of subject matter jurisdiction can be raised at anytime, even for the first time in the supreme court, a trial court which in fact, lacks jurisdiction over the subject matter cannot acquire jurisdiction even though the parties expressly or implied consent thereto. Tribelhorn v. Tuczanski, 370 P.2d 757 (Colo. 1962).

Then the Accused filed a Petition for a writ of Certiorari into Colorado supreme court in case Number 2016SC207, the writ was forwarded to the Ct. of Appeals on March 28th 2016. The Accused filed the opening brief in case number 2016CA518, And the A.G. filed their reply on the 28th day of February, 2017. Although the Court of Appeals does not have Jurisdiction to rule on the Constitutionality of the statutes in question pursuant to §13-4-102(1)(b) C.R.S., The Supreme Court of the United States in the case of Chandler v. Judicial Counsel of the Tenth Circuit, 398 U.S. 74, 86-88, distinguished, for a Court to pronounce upon a laws meaning or constitutionality when it has no jurisdiction to do so is by very definition an Ultra Vires Act, pgs 8-17. As such the Court of Appeals denied the opening brief on August 3, 2017. 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. Williamson v. Berry, 8 How. 945, 540 (1850).

As in the case cited by the Attorney, People v. Washington, 969 P.2d 788 (Colo. App. 1998) the court held that the omission of the enacting clause from the Colorado Revised Statutes did not render the statutes therein unconstitutional. of which is contrary to the constitution of Colorado. Thus, the Courts of this State, or any state do not have the authority to change, alter, or omit, or in anyway disregard the Constitution of the state of Colorado, for that the Constitution is their authority for being. All courts have a legal duty to uphold the United States Constitution, as well as individual state constitution. Painter v. Shalala, 97 F.3d 1351 (10th Cir. 1996). It is the solemn duty of the Courts of this state to enforce the Constitution as paramount law whenever an act of the state legislature is found to be clearly in conflict therewith. People ex rel. v. District Court, 11 Colo. 153 (1887); People ex rel. v. Spruance, 8 Colo. 310 (1885); Alexander v. People, 7 Colo. 159 (1883).

Thus, the District Court, the Court of Appeals and the Attorney General is wholly in want of Jurisdiction of the Subject Matter.

The Attorney General for the Plaintiff is wholly in want of Subject Matter Jurisdiction. The doctrine of "Unclean Hands" applies to the Attorney General for the Plaintiff. The courts have held:

It is old hat that a court called upon to do equity should always consider whether the petitioning party has acted ... with unclean hands. Texaco Puerto Rico, Inc. v. Department of Consumer Affairs, 60 F.3d 867, 880 (1st Cir. 1995). This consideration is rooted in the maxim that "She who comes into equity must come with clean hands." Precision Instrument Mfg. Co. v. Automotive Maintenance Mach. Co., 324 U.S. 806, 814 (1945).

Under the doctrine of unclean hands, a court may refuse to grant equitable relief to a plaintiff who has been guilty of unlawful or inequitable conduct regarding the issue in dispute. Lazy M. Ranch, Ltd. v. TXI Operations, LP, 978 S.W.2d 678, 683 (Tex. App. 1998).

It is well settled that a party seeking equity cannot come into a court with unclean hands. Schenk v. Holiday Real Estate, Inc., 803 S.W.2d 361, 366 (Tex. App. 1990).

The findings show fraud on [the part of the party seeking legal subrogation]. She does not come into court with clean hands, and is therefore not in a position to invoke the equitable principles upon which legal subrogation rest. Rolge v. Dunlap, 91 S.W.2d 905, 908 (Tex. App. 1936).

Applying to legal Subrogation the maxim that "one who seeks equity must come into court with clean hands." Christian v. Manning, 59 S.W.2d 234, 237 (Tex. App. 1933) and see Bell v. Franklin, 230 S.W.2d 181, 185 (Tex. App. 1921) (same).

Thus, under the doctrine of "Unclean Hands", relief will not be granted to a party who seeks to obtain relief, if such party in prior conduct has violated conscience or good faith or other equitable relief. Thus, a party having superior knowledge of the law who takes advantage of another's ignorance of the law to deceive him by studied concealment or misrepresentation can be held responsible for that conduct. Fina Supply, Inc. v. Abilene Nat. Bank, 762 S.W.2d 537, 1987.

The defense of lack of subject matter jurisdiction can be raised at anytime, even for the first time in the Supreme court, a trial court, which infact lack's jurisdiction over subject matter cannot acquire jurisdiction eventhough the party's expressly or implied consent thereto. Tribelhorn v. Tuczanski, 370 P.2d 757 (Colo. 1962). Subject matter jurisdiction may not be waived. People v. Burgess, 946 P.2d 565 (Colo. App. 1997) cert. denied. The term "Jurisdiction" includes courts power to enter judgment and entry of

decree which the court has no authority to enter is void, and may be attacked directly or collaterally. Whitten v. Coit, 385 P.2d 254 (Colo. 1960). Any action taken by the court when it lacked jurisdiction is a nullity. Scinier v. District Court in and for City and County of Denver, 696 P.2d 264 (Colo. 1985).

Let this Court take Judicial Notice and Note that the Accused is challenging the Constitutionality of the statutes of which I am convicted under, of which is the Subject Matter of this Writ of Habeas Corpus, the Opening brief, and the Motion filed in the District Court of Denver; Memorandum and Motion to dismiss for the Lack of Subject Matter Jurisdiction. The Constitutionality of an act may be raised and considered on a motion to dismiss. Frank Oil Co. v. Tennessee Gas Transmission Co., 141 Colo. 554, 349 P.2d 1005 (1960) (Unfair Practices Act). The issue of whether or not these crimes were committed in denver, or the geographical boundry of Colorado have absolutely NO basis in this Writ of Habeas Corpus, the Opening Brief, or the Motion filed in the District Court. The best evidence that can be looked at is the Statutes as it is written and published in the Colorado Revised Statutes (See: Appendix E, Highlighted)

Thus, the State has on many occasions decided that the Constitution must be followed. In a case decided by the Supreme Court of Colorado stated as follows:

"(if) it appears that the requirements of the constitution were not observed the attempted enactment is without effect". City of Denver v. Rubidge, 51 Colo. 244, 116 P. 1130 (1911).

As in the case cited by the Attorney General, People v. Washington, 969 P.2d 788 (Colo. App. 1988) the court held that the omission of the enacting clause from the colorado revised statutes did not render the statutes therein unconstitutional, Id., of which is contrary to the Constitution of Colorado, as it is the solemn duty of the courts of this state to enforce the constitution as paramount law whenever an act of the state legislature is found to be clearly in conflict therewith. People ex rel. v. District Court, 11 Colo. 153 (1887); People ex rel. v. Spruance, 8 Colo. 310 (1885); Alexander v. People, 7 Colo. 159 (1883). All courts have a legal duty to uphold the U.S. Constitution, as well as individual state constitutions. Painter v. Shalala, 97 F.3d 1351 (10th Cir. 1996). Thus, the courts (as in the case of People v. Washington, supra) do not have the authority to change, alter, or omit, or in any way disregard the Constitution of this state, for that, the Constitution is their authority for being.

The Grounds Presented for the Granting of this Writ of Habeas Corpus are as follows:

1. The Nature of Subject Matter Jurisdiction.

In criminal proceedings the thing that forms the subject matter is the

crime or public offense that is allegedly committed.

It thus is said in a general sense that subject matter jurisdiction refers to the power of the Court to hear and decide a case, or a particular class of cases; this is because jurisdiction of a Court is derived from law (Constitution or statute), and cannot be conferred by consent.

The law creates courts and defines their powers. Consent cannot authorize a judge to do what the law has not given him the power to do.
(Singleton v. Commonwealth, 208 S.W.2d 325, 327, 306 Ky. 454 (1948).

Because subject matter jurisdiction is a matter of law and authority of the Court to hear a matter, the accused cannot waive the lack of it, or even give his consent to it if it does not exist. Thus, the issue of subject matter jurisdiction can be raised at any time.

Jurisdiction of the Subject matter is derived from the law. It can neither be waived nor conferred by consent of the accused. Objection to the court over the subject matter may be urged at any stage of the proceedings, and the right to make such an objection is never waived.
(21 Am. Jur.2d, "Criminal Law", §339, p. 589).

[I]t is everywhere held that jurisdiction over subject matter or cause of action cannot be conferred upon a court by consent or waiver, but may be questioned at any stage of the proceedings.
(Harris v. State, 82 A.2d 387, 389, 46 Del. 111 (1950).

There is nothing that one can do, or fail to do that would cause the issue of subject matter jurisdiction to be lost.

Subject matter jurisdiction involves more than having the right offense for the right court. Even if the court has jurisdiction over the type, class, or grade of crime committed, it will still lack subject matter jurisdiction if the law on which the crime is based upon is invalid, void, unconstitutional, or nonexistent.

Jurisdiction over the subject matter of action is essential to power of court to act, and is conferred only by Constitution or by valid Statute.
(Brown v. State, 37 N.E.2d 73, 77 (Ind. 1941).

The court must be authorized to hear a crime, and have valid law that creates a crime. If a law is invalid there is no crime, if there is no crime there is no subject matter jurisdiction.

If a criminal statute is unconstitutional, the court lacks subject matter jurisdiction and cannot proceed to try the case.
(22 C.J.S., "Criminal Law", §157, p. 189; citing People v. Katrinak, 185

Cal. Rptr. 869, 136 Cal. App. 3d 145 (1982).

In Wisconsin a case involved a charge for violating a law which had actually been repealed. There was a motion hearing on the issue of whether the court had subject matter jurisdiction, and the Supreme Court held:

Where the offense charged does not exist, the trial court lacks jurisdiction. (State v. Christensen, 329 N.W.2d 382, 383, 110 Wis.2d 538 (1983)).

An invalid, unconstitutional or non-existent statute also affects the validity of the "Charging Document", that is, the Complaint, Information, or indictment. If these documents are void or fatally defective, there is NO subject matter jurisdiction since they are the basis of the court's jurisdiction.

The allegations in the indictment or information determine the jurisdiction of the court.

(Ex parte Waldock, 286 Pac. 765, 766 (Okla. 1930)).

Where information fails to charge a crime, the court acquires NO jurisdiction to try the accused.

(People v. Moore, 200 Colo. 481, 615 P.2d 726 (1980) [emphasis added] see also People v. Hardiman, 347 N.W.2d 460, 462, 132 Mich. App. 382 (1984); 22 C.J.S. "Criminal Law", §157, p.188).

Without a formal and sufficient indictment or information, a court does not acquire subject matter jurisdiction and thus an accused may not be punished for a crime.

(Honomichl v. State, 333 N.W.2d 797, 798 (S.D. 1983)).

One way in which a complaint, information or indictment fails to charge a crime, is by its failure to have the charges based upon valid or existing law. Complaints, information or indictments which cite invalid laws, or incomplete laws, or non-existent laws, are regarded as being invalid on their face. Thus, they are said to be "fatally defective" or "fatally bad". Laws which lack an enacting clause are not laws of the legislative body to which we are constitutionally subject. Thus, if a complaint, or information charges one with a violation of a law which has no enacting clause [See Appendix E, highlighted], then no valid law is cited. If it cites no valid law then the complaint or information charges no crime, and the court has no subject-matter jurisdiction to try the accused.

No complaint or information can allege that a criminal act has been committed when there is no law which makes the act a crime. If there is no statute or law for the crime alleged, there can be no crime, and if there is no crime, there is no subject matter jurisdiction.

If a law or statute does not exist, or is not constitutional, the complaint or information is void and it cannot give subject matter jurisdiction to the Court.

II. By Constitutional Mandate, all laws Must have an Enacting Clause.

The question has often been raised as to whether constitutional provisions that call for a ~~particular~~ form and style of laws, or procedure for their enactment, are to be regarded as directory or mandatory. The question is critical since its use will have an effect on the validity of a statute or law. If such provisions are directory, then they are treated as legal advice, which those in government can decide whether or not to follow. But if Mandatory, such provisions Must be strictly followed or else the resulting act or law is unconstitutional and invalid.

While a few courts at an early period held that such provisions is merely directory, the great weight of authority has deemed them to be mandatory. In speaking on the mandatory character of enacting clause provisions one legal text book states:

[T]he view that this provision is merely directory seems to conflict with the fundamental principle of constitutional construction that whatever is prohibited by the constitution, if in fact done, is ineffectual. And the vast preponderance of authority holds such provisions to be mandatory and that a failure to comply with them renders a statute void.

(Ruling Case Law, vol. 25, "Statutes", § 84, p. 836).

When something is "directory" its usage is only an advisable guide, and can be ignored. But the requirement of an enacting clause is based upon its ancient usage in legislative acts.

"A declaration of the enacting authority in laws is a usage in laws, is a usage custom of great antiquity, *** and a compulsory observance of it is founded in sound reason."

(Caine v. Robbins, 131 P.2d 516, 518, 61 Nev 416 (1942)).

The case of Nevada v. Rogers, 10 Nev. 250, 255, 256 (1875) approved in Caine v. Robbins, 131 P.2d 516, 518, 61 Nev. 416 (1942) was cited and approved by the Supreme Court of Michigan, which also stated:

It will be an unfortunate day for constitutional rights when courts begin the insidious process of undermining constitutions by holding unambiguous provisions and limitations to be directory merely to be disregarded at pleasure. (People v. Dettmerthaler, 77 N.W. 450, 453, 118 Mich. 595 (1898)).

The Court of Appeals of Kentucky held a statute void for not having an

enacting clause, holding that all constitutional provisions are mandatory:

Certainly there is no longer room for doubt as to the effect of all provisions of the Constitution of this state. By common consent they are deemed mandatory. *** No creature of the Constitution has the power to question its authority or to hold inoperative any section or provision of it. *** the bill in question is not complete, it does not meet the plain constitutional demand. Without an enacting clause it is void.

(Commonwealth v. Illinois Cent. R. Co., 170 S.W. 171, 175, 160 Ky. 745 (1914); Louisville Trust Co. v. Morgan, 203 S.W. 555, 180 Ky. 609 (1918).

The mandatory character of laws was examined by the Supreme Court of Tennessee, which reviewed many other cases and concluded the following:

The provisions we are here called upon to construe is in plain and unambiguous words. The meaning of it is clear and indisputable, and no ground for construction can be found. The language is: "The style of the laws of this state shall be", etc. The word "shall", as used here, is equivalent to "must". We know of no case in which a provision of the Constitution thus expressed has been held to be directory. We think this one clearly mandatory, and must be complied with by the Legislature in all legislation, important or unimportant, enacted by it; otherwise it will be invalid.

(State v. Burrow, 104 S.W. 526, 529, 119 Tenn. 376 (1907); Biggs v. Beeler, 173 S.W.2d 144, 146 (Tenn. 1943).

This case was quoted by the New Jersey Superior Court which cited the following from the case:

The provisions of these solemn instruments (Constitutions) are not advisory, or mere suggestions of what would be fit and proper, but commands which must be obeyed.

(Village of Ridgely Park v. Bergen Co. Bd. of Tax, 162 A.2d 132, 134, 62 N.J. Super. 133 (1960).

The Supreme Court of Minnesota, in one of the landmark cases on this subject, held the following regarding the enacting clause provision in its Constitution:

Upon both principle and authority, we hold that Article 4, §13 of our Constitution, which provides that the style of all laws of this state shall be, "Be it enacted by the legislature of the state of Minnesota", is Mandatory, and that a statute without any enacting clause is void. Strict conformity with the Constitution ought to be an axiom in the science of government.

(Sjoberg v. Security Savings & Loan Assn., 75 N.W. 1116, 73 Minn. 203, 212 (1898); affirmed in Freeman v. Goff, 287 N.W. 238, 241 (Minn. 1939); State v. Nafalin, 74 N.W.2d 249, 262 (Minn. 1956); State v. Zimmerman, 204 N.W. 803, 812 (Wis. 1925).

Section 45 of the Constitution of Alabama prescribes that, "the style of laws of this state shall be", "Be it enacted by the legislature of Alabama". In determining the nature and purpose of this section the Federal Circuit Court of Alabama stated:

"Complainant correctly urges that this section is mandatory, and not directory; that no equivalent words will suffice; and that any departure from the mode prescribed is fatal to the enactment, since if one departure in style, however slight, is permitted, another must be, and the Constitutional policy embodied in the section would soon become without any force whatever". (Montgomery Amusement Co. v. Montgomery Traction Co., 139 Fed. 353, 358 (1905), affirmed, 140 Fed. 988).

The Supreme Court of Missouri held that constitutional requirements such as that for an enacting clause, "are mandatory and not directory". The case involved an initiative measure by the people, which was without an enacting clause as required by the Constitution. The Court said That:

"under such a requirement the omission of an enacting clause in a proposed initiative measure renders it void". (State ex rel. Scott v. Kinpatrick, 484 S.W.2d 161, 163 (Mo. 1972).

Earlier the Court held that where a law fails to conform to such provisions "there is no other alternative but to pronounce it invalid". (The State of Missouri v. Miller, 45 Mo. 495, 498 (Mo. 1870).

In a similar case in Arkansas, a legislative initiative under the state Constitution required to have a specific enacting clause, but the initiative involved had no such clause. The Court held:

This constitutional requirement, that the measure sought to be installed shall have an enacting clause, is mandatory. There is absolutely no enacting clause in the measure here involved; and therefore, the petition is not legally sufficient. The absence of the enacting clause is a fatal defect. (Hailey v. Carter, 251 S.W.2d 826, 828 (Ark. 1952).

The dangers of not treating such provisions as mandatory have been noted:

It seems to us that the rule which gives to the Courts and other departments of the government a discretionary power to treat a constitutional provision as directory, and to obey it or not, at their pleasure, is fraught with great danger to the government. We can conceive of no greater danger to Constitutional government, and to the rights and liberties of the people, that the doctrine which permits a loose, latitudinous, discretionary construction of the organic law.
(Hunt v. State, 3 S.W. 233, 235, 22 Tex. App. 396 (1886)).

The laws which fail to adhere to the fundamental concept of containing an enacting clause lose their authority as law. It thus would seem quite clear that the lack of enacting clauses on the laws that the Accused is charged with as found in the Colorado Revised Statutes have no sign of authority on their face and are void as law. It was not a choice of the legislature to approve of laws which have no enacting clauses. The use of such form and style for all laws is mandatory, and failure to comply with it for any reason, such as for convenience, renders the measure void.

III. What is the purpose of the Constitutional provision for an Enacting Clause?

All written Constitutions prescribe the mode and process of making laws. This includes the reading of the bill on three different days in each House, that if passed it is to be signed by the speaker of the House and by the House and by the president of the Senate, the recording of the votes upon the journal, being signed by the governor or president, and other such procedures.

But the Constitutions also regulate the form and style in which laws are to be enacted to make them laws of the State. The form and style are regarded as essential parts of the law and thus must be included at all times with the law to make a valid law. Laws or statutes traditionally have had three main parts:

The three essential parts of every bill or law are:

- (1) the title;
- (2) the enacting clause; and
- (3) the body.

(H. Walker, "Law Making in the United States", p. 316. Some laws also have an optional "preamble" after the title).

The enacting clause of a law is one aspect of its form and style, which is necessitated by both fundamental law (§2-4-213 C.R.S.) and by Constitutional Mandate (Article V §18). Enacting Clauses have been used in the process of making laws long before America was a country. But when the comprehensive "Revised Statutes" started to be used, the enacting clauses disappeared from

the records and publications of the laws. A look at any modern Revised or codified State statute book, will reveal that the laws within them have no enacting clauses (see Appendix E, Highlighted) What does this mean? We have to look at this area specifically to see the ramification it has on the authority of law as found in the Colorado Revised Statutes. We will examine the enacting clause, as this is the main item that directly relates to the authority of law.

An enacting clause, sometimes called an enacting style or enacting authority is that part of a law which usually comes after the title and before the body of law.

In 1967 the Supreme Court of Georgia held a law without an enacting clause was null and void, even though their state constitution had no provision requiring one. They based their decision on the long standing custom and usage. Joiner v. State, 155 S.E.2d 8, 10, 223 Ga. 367 (1967). The enacting clause gives a statute its "Constitutional Authenticity", which makes its use essential since the Constitution is the source of the legislature's authority for enacting laws. A law cannot be regarded as coming from a constitutionally authorized source if it does not have an enacting clause. The enacting clause provides evidence that the law which follows is of the proper legislative source of jurisdiction. This function and purpose of such a constitutional provision has often been expressly stated:

What is the object of the style of a bill or enacting clause anyway? To show the authority by which the bill is enacted into law; to show that the act comes from a place pointed out by the Constitution as the source of legislation.

(Ferrill v. Keel, 151 S.W. 269, 272, 105 Ark. 380 (1912).

The enacting clause is a short formal statement appearing after the title, indicating that which follows is to become law, and giving the authority by which the law is made. There is no excuse for not using it. (H. Walker, The Legislative Process, N.Y. Ronald Press Co. p. 346 (1948).

The enacting part of a statute is that which declares its enactment and identifies it as an act of legislation.

(State v. Reilly, 95 Alt. 1005, 1006, 88 N.J. Law 104 (1915).

Law in a sense in which the courts speak of today does not exist without some definite authority behind it.

(Black and White Taxi Transfer Co. v. Brown and Yellow Taxi Transfer Co., 276 U.S. 518, 533 (1927)

Since the legislature, and not any other body or agency, is given certain law making authority, an enacting clause is necessary to show that the laws in question (see Appendix E, Highlighted) comes from that duly assembled

legislature. If any law is to have authority behind it, it must have an enacting clause proceeding it, as is required by the Constitution and fundamental law.

IV. Laws must be published and Recorded with enacting clauses.

While it has been well decided that the passage of a bill in the legislature without an enacting clause on the bill renders it void as a law, we need to consider the result of not using an enacting clause after it leaves the legislature. This is the important question in light of the fact that the "Colorado Revised Statutes" are publications which purport to be the law, but which use no enacting clauses (See Appendix E, Highlighted). Is a publication of a law without an enacting clause a valid and lawful law?

If laws are only required to have enacting clauses while in legislative system, only to be thereafter removed, then what is their value and purpose to the public? If they are to serve as evidence of a law's legislative nature, and as identification of its source and authority as a law, what good does that function do only for the legislature? The vast majority of the public never see the bill under consideration until it passes and is printed in public records or statute books. They generally only see the finished "law".

When we read the provisions which require an enacting clause they say that "all laws shall..." or "the laws of this State shall..." they do not say "all bills shall..." The term "bill" and "law" are clearly distinguished from one another in most Constitutions in prescribing the procedure of the legislative process, such as Article V of the Constitution of Colorado.

Since all Constitutional provisions place the requirement of an enacting clause on "laws" it includes the statute as it exists outside the legislative process, that is, as it is published in statute books. We have to also regard the fundamental Maxim, which states: "A law is not obligatory unless it be promulgated", (Black's Law Dictionary, 2nd ed. p. 826).

An act is not even regarded as a law, or enforceable as a law, unless it be made publicly known. This is usually done through a publication by the proper public authority such as the Secretary of State. But a law is not properly or lawfully promulgated without an enacting clause published with the law.

Since the Constitution of Colorado requires "all laws" to have an enacting clause Article V §18, it makes it a requirement on published laws as well as on bills in the legislature. If the Constitution said "all bills" shall have an enacting clause, then their use in publications would not be required.

Thus, published laws are to have an enacting clause is made clear by the statement commonly used by legal authorities that an enacting clause of a law is to be "on its face". To be on its face means to be in the same plain of view.

Face has been defined as the surface of anything; especially the front, upper, or outer part or surface; that which particularly offers itself to the view of a spectator.

(Cunningham v. Great Southern Life Ins. Co., 66 S.W.2d 765, 773 (Tex. Civ. App.)

The face of an instrument is that which is shown by the language employed without any explanation, modification or addition from extrinsic facts or evidence. (In re Stoneman, 146 N.Y.S. 172, 174).

For the enacting clause to be of any use it must appear with the law, that is, on its face, so that all who look at the law know that it came from the legislative authority designated by the Constitution of Colorado. The enacting clause would not serve its intended purpose if not printed in the Statute book on the face of the law.

The purpose of an enacting clause in legislation is to express on its face of the legislation itself the authority behind the act and identify it as an act of legislation. (Preckel v. Byrne, 243 N.W. 823, 826, 62 N.D. 356 (1932)).

The enacting clause, sometimes referred to as the commencement of style of the act, is used to indicate the authority from which the Statute emanates. Indeed, it is a custom of long standing to cause legislative enactments to express on their face the authority by which they were enacted or promulgated. (Earl T. Crawford, The Constitution of Statutes, 389, p. 125, St. Louis (1940)).

A law is "promulgated" by it being printed and published and made available or accessible by a public document such as an official statute book. When this promulgation occurs, the enacting clause is to appear "on the face" of that law, thus being printed in the Colorado Revised Statute book along with the law.

Thus whatever is published without an enacting clause is void, as it lacks the required evidence of statement of authority. Such a law lacks proof that it came from the authorized source spelled out in the constitution (Art. V. Colo. Const.), and thus is not a valid publication to which the public is obligated to give any credence.

In the law text, Ruling Case Law is a section that deals with the requirements of statutes, and under the subheading, "Publications of Statutes", it says:

The publication of a statute without the enacting clause is No publication. (Ruling Case Law, vol. 25, "Statutes", §133, p. 884; Citing L.R.A. 1915 B, p. 1065).

A publication of the Colorado Revised Statutes without the enacting clauses on the laws therein is an incomplete or invalid publication.

When a law in Kentucky was claimed to be void because it was found to have no enacting clause the Court of Appeals of Kentucky read the entire law (Chapter 68) from the statute book and then said:

It will be noticed that the act does not contain an enacting clause.***The alleged act or law in question is unnamed; it shows no sign of authority; it carries with it no evidence that the general assembly or other law making power is responsible or answerable for it.

(Commonwealth v. Illinois Cent. R. Co., 170 S.W. 171, 175, 160 Ky. 745 (1914))

The law was thus declared "void" because of the fact that the act appeared in the statute book without an enacting clause. Likewise, the alleged laws in the Colorado Revised Statutes are "unnamed", they show "no sign of authority" on their face, there is no evidence that they came from the General Assembly of Colorado. The enacting clause has been deliberately removed from these "laws" and they thus are only nameless decrees without authority. The Supreme Court of South Carolina said that in order for bills to "have the force of law", they "Must have an enacting clause showing the authority by which they are promulgated". Smith v. Jennings, 67 S.C. 324, 45 S.E. 821, 824 (1903). Thus, the publication of a law must display its enacting authority.

The Kentucky case above was cited by the same court when it was found that an enacting clause was missing from "Chapter 129, p. 540, of the Session Acts" for 1934. Regarding this omission the Court said:

By oversight and mistake the constitutionally required enacting clause was omitted from the act, thereby rendering it illegal and invalid.
(Strickler v. Higgins, 106 S.W.2d 1008, 1009, 269 Ky. 260 (1937)).

The law in question which was to "consolidate the county offices of sheriff and jailer", was deemed "ineffectual" in accomplishing its objective because it was published without an enacting clause for some unknown reason.

In a case in Louisiana, a law was claimed to be unconstitutional based on the fact that it had no enacting clause as it existed in the Statute book.

The main evidence that the court used in holding the act unconstitutional was its statute as found within the printed statute book.

The contention that the statute of 1944 is unconstitutional is based upon the fact it contains no enacting clause. The state Constitution of 1921, in Section 7 of Article 3, provides that: "The Style of the laws of this state shall be: 'Be it enacted by the legislature of Louisiana'". A mere glance at an official volume of the acts of 1944, discloses that the statute in question, Act 303 of 1944, contains no such enacting clause nor any part thereof.
*** And from the fact that it does not appear in the printed volume of acts, we conclude that the act was originally and finally defective.
(O'Rourke v. O'Rourke, 69 So. 2d 567, 572, 575 (La. App. 1954)).

It could not be deduced exactly how the law came to be with no enacting clause. An examination of the original journal of the proceeding of each house could not disclose whether the enacting clause was present when the act was passed. The Court thus, relied upon the status of the law in the printed statute book as proof of the overall status of the law. Thus the law was said to be "originally" defective because it was deduced that there was no enacting clause when the act was passed, and in the volume of the acts without an

enacting clause.

In a later case, this same court upheld this decision in declaring that a law was void because it too was recorded or printed in the statute book without an enacting clause:

[T]he state statute on which the plaintiff and defendant rely cannot be given effect. What is reported in La. Acts 1968, Ed. Sess., as Act No. 24 is not law because it does not contain the enacting clause which La. Const. art 3 § 7 requires, to distinguish legislative action as law rather than mere resolution or some other act. Complete absence of the enacting clause renders the statute invalid. (First Nat. Bank of Commerce, New Orleans v. Eaves, 282 So.2d 741, 743, 744 (La. App. 1973)).

Again the invalidity of the law was deduced by the manner in which it was published. This decision raises another reason why the enacting clause must be printed in the public law book. It is so that citizens can identify it as a public law as opposed to a resolution, proclamation, executive order, or administrative rule. The enacting clause distinguishes a true public law from these other types of acts.

A law exist not only in the way in which it was enacted but also in the manner in which it was promulgated or published. A law cannot validly exist in the Colorado Revised Statutes as printed without the Constitutionally required enacting Clause (See Appendix E, Highlighted) Thus these publications are Not legitimate publications in law, which are used to charge citizens with a crime. No enacting clause has been published with these "laws", and thus are not constitutionally authorized laws which citizens are obligated to follow or obey.

V. The Colorado Revised Statutes are of an Uncertain Authority.

The so called "statutes" in the Colorado Revised Statutes are not only absent enacting clauses, but are surrounded by other issues and facts which make their authority unknown or uncertain or questionable. The title page of the "Colorado Revised Statutes" pertaining to criminal law (2006) Colorado District Attorneys Counsel states (in part) that:

... This portion of the Colorado Revised Statutes, reprinted with the permission of the COMMITTEE on legal services, in accordance with section 2-5-118 C.R.S. is an un-official publication of the Colorado Revised Statutes (See Appendix D, Highlighted).

Under section 2-5-118 C.R.S. states (in part) under:

(4) ... and that un-official publications, reprintings, or distributions of the statutes are NOT mistaken for the official statutes produced and enacted

in accordance with this article.

It does Not say that they are the Official laws of the General Assembly of Colorado. The official laws of this State has always been listed in the "Session Laws" of Colorado. The Session laws were also published by the Secretary of State, who historically and Constitutionally is in possession of the enrolled bills of the legislature which becomes state law. The Constitution of Colorado requires that every bill which passes both the Senate and House, and is signed by the Governor, is to be deposited "in the office of the Secretary of State for preservation". Thus, in this state as in nearly all other states, all official laws, records, and documents are universally recognized by their being issued or published by the Secretary of State.

The "Colorado Revised Statutes" are published by the Lexis Nexis printers and Distributers and are also Copyrighted by the COMMITTEE on Legal Services for the State of Colorado, and Mathew Bender and Company, Inc., a member of the Lexis Nexis Group. The Session Laws are themselves a compilation of laws. But a "Revision" is very different from a mere compilation.

They are different because they are written or drafted by a COMMITTEE or some non-legislative source. Further, the laws are not just compiled together, they are altered and modified along with additions made to the contents. They are passed off as Laws of the General Assembly.

Further, is this the mode and process intended by the framers of the Constitution for a law to come into existence? That, this highly questionable process is revealed by the fact that several states have passed amendments to State Constitutions, which allow for "codifications of laws". This indicates that neither this procedure nor the basic concept are not in line with traditional Constitutional methods for enacting laws.

According to the Constitution, enacting and changing laws for a state falls upon the legislative branch of government, and that branch cannot delegate the power to any other. The "Code Commissioners" or "Revising Committee" may be composed of some members of the legislature, but it is also composed of lawyers, judges, and private persons. It thus has been noted that: "revisers have no legislative authority, and are therefore powerless to lessen or expand the letter or meaning of the law." State v. Maurer, 164 S.W. 551, 552, 255 Mo. 152 (1914).

Therefore, the work of these COMMITTEES cannot be regarded as law pursuant to the Constitution. The law they produce is another manner of law coming from a source other than the Constitutionally authorized source. These comprehensive revisions are private law approved by the General Assembly.

The mass of laws written by revisers and codifiers is not the law of the legislature, even when approved by it. They were not enacted in the mode intended by the terms of the Constitution. This is made clear by the fact that these comprehensive codes and revisions have NO sign of authority which all law is required to have. Likewise, the laws of the COMMITTEES do not become laws of the State Legislature just because they are similar to laws once passed by the General Assembly. The laws of these entities do not have the enacting clause of the legislature. There

thus are many confusing and ambiguous statements made by the Reviser as to the nature and authority of the statutes in the "Colorado Revised Statutes". It is not at all made certain that they are laws pursuant to Article V of the Constitution of Colorado. The purported statutes in the "Colorado Revised Statutes" do not make it clear by what authority they exist. The statutes therein have no enacting authority on their face. In fact, there is not a hint that the General Assembly of Colorado had anything at all to do with these so-called statute books. Thus the statutes used against the Appellant-Accused are just idle words which carry no authority of any kind on their face (see Appendix E, Highlighted).

VI. Established rules of Constitutional Construction.

The issue of subject matter jurisdiction for this case thus squarely rest upon a certain provision of the Constitution of Colorado (1876), to wit:

Article V, §18. The style of the laws of this State shall be: "Be it enacted by the General Assembly of the state of Colorado."

This provision is not in the least ambiguous or susceptible to any other interpretation than the plain and apparent meaning. The Colorado Supreme Court stated: where the language is clear, and no absurdity is involved, there is nothing to interpret and the Constitution must be declared and enforced as written. People ex rel Park Reservoir Co. v. Hinderlinder, 57 P.2d 894 (Colo. 1936).

No matter how much the courts of this state have relied upon and used the publication entitled "Colorado Revised Statutes" as being law, that use can never be regarded as an exception to the Constitution.

There is no way anyone can say that it was the intent of the framers of the Constitution, and the people who adopted it, to have all enacting clauses stripped away from all the laws when they were published. Such a measure totally defeats the purpose of which these forms of law were intended and thus required in the State Constitution. Such an absurdity will gain the support or respect of no one. Nor can it be speculated that a revised statute publication which dispenses with all enacting clauses must be allowed under the Constitution as it is more practicle and convenient than the "Session Law" publication. If those in government are free to do things based solely upon what they deem to be more practicle or convenient, then we truly live under an arbitrary and dispastic government.

The necessities of a particular case will not justify a departure from the original law. It is by such insidious process and gradule encroachment that Constitutional limitations are weakened and eventually destroyed. It has been well said:

"One step taken by the legislature or the judiciary in enlarging the powers of government opens the door to another which will be sure to follow, and so the process goes on untill all respect for the fundamental law is lost

and the powers of government are just what those in authority please to make or call them."
(Oakley v. Aspinwall, 3 N.Y. 547, 568. 3.)

The use of such speculation or desired exceptions can never be used in construing such plain and unambiguous provisions.

There is of course no need for construction or interpretation of these provisions as they have been adjudicated upon, especially those dealing with an enacting clause. The Supreme Court of Colorado has made it clear that Article V, §18 of our Constitution "is MANDATORY" being that the Statutes used against the Appellant-Accused are without enacting clauses on their face is void which means that there is no valid complaints or information, and thus no subject matter jurisdiction. The provisions requiring an enacting clause were adhered to with the publication known as the "Session Laws" for the State of Colorado. But because certain people in government thought they could devise a more convenient way of doing things without regard for the provisions of the State Constitution, they devised the contrivance known as the "Colorado Revised Statutes", and they held it out to the public as being "law". This of course was fraud, subversion, and a great deception upon the people of this State which is now revealed and exposed.

There is no justification for deviating from, or violating a written Constitution, as it is the solemn duty of the Courts of this state to enforce the Constitution as paramount law whenever an act of the state legislature is found to be clearly in conflict therewith. People ex rel v. District Court, 11 Colo. 153 (1887); People ex rel v. Spruance, 8 Colo. 310 (1885); Alexander v. People, 7 Colo. 159 (1883). Thus, the judicial role in interpreting the Constitution under the auspices of Marbury v. Madison, 5 U.S. 137 (1803) "that law repugnant to the Constitution is void, and the Courts, as well as other departments are bound by that instrument". The "Colorado Revised Statutes" cannot be used as law, like the "Session Laws" were used, solely because the circumstances have changed and we now have more laws to deal with. It cannot be said that the use and need of revised statutes without enacting clauses must be justified due to expediency as expediency may not override the Constitution. City of Cañon City v. Merris, 323 P.2d 614. New circumstances do not change the meaning of Constitutions.

There is great danger in looking beyond the Constitution itself to ascertain its meaning and the rule for government. Looking at the Constitution alone, it is NOT at all possible to find support for the idea that the publication called the "Colorado Revised Statutes" is valid law of this state. The original intent of article V §18 of the Constitution CANNOT be stretched to cover their use as such. These provisions cannot now be regarded as antiquated, unnecessary or of little importance, since "no section of the Constitution should be considered superfluous". Butler Ironite v. Roemer, 282 N.W.2d 867, 870 (Minn. 1979). The Constitution was written for all times and circumstances, because it embodies fundamental principles which do not change with time.

Your Honor, When did the Judges and the Attorney General's of this State acquire the right to overrule Constitutional Law?

CONCLUSION

Based upon the above facts and authorities that mirror the Constitutions of their respective states including the State of Colorado. The Accused respectfully request that this Court GRANT this Writ of Habeas Corpus based upon the grounds raised, and that the action and cause be dismissed for lack of Subject Matter Jurisdiction pursuant to C.R.C.P. Rule 12(h)(3); F.R.C.P. Rule 12(h)(3).

"A court lacking jurisdiction cannot render judgment but must dismiss the cause at any stage of the proceedings in which it becomes apparent that jurisdiction is lacking." (See: United States v. Singley, 686 Fed.2d 832, 835 (1981). Cases cited.

As the Cause of Action in the Underlying judgment in case #05CR4051 is Void ab initio pursuant to C.R.C.P. Rule 60(b)(3), F.R.C.P. Rule 60(b)(4) et. seq. Conviction of a nonexistent crime results in a void judgment, therefore the Accused is entitled to his discharge. Relief is not a discretionary matter; it is mandatory. Orner v. Shakala, 30 F.3d 1310 (10th Cir. 1994) quoting V.T.A., Inc. v. Airco, Inc., 597 F.2d 220, 224, n.8 (10th Cir. 1979).

Nothing can be regarded as a law in this state which fails to conform to the constitutional prerequisites which call for an enacting clause. There is nothing in the complaints which can Constitutionally be regarded as laws, and thus, there is nothing in them which I am answerable for on which can be charged against me. Since there are no valid or constitutional laws charged against me there are no crimes that exist, consequently there is no subject matter jurisdiction by which I can be tried in the above named court, as the District Court, the Appellate Court and the Attorney General is wholly in want of the jurisdiction of the Subject Matter. Thus, the conviction of a nonexistent crime results in a void judgment not subject to waiver, therefore, the Accused is entitled to his discharge. And pursuant to the U.S. Const. Art. IV, §1, Good Faith and Credit Clause, All states must give recognition to the laws made and the judicial decrees rendered in other states. Courts do not have to recognize decrees granted by courts in foreign countries, but they do have to recognize all state laws and court decrees within this country. Migna v. Warren City School

Dist. Bd. of Educ., 565 U.S. 75, 81 (1984) The Full Faith and Credit Clause of the constitution, U.S. Const. Art IV, §1 applies only to the States.

NOTICE OF CAVEAT

I regard it as just and necessary to give Notice and fair warning to this court of the consequences of its failure to follow the Constitution of Colorado and uphold its oath and duty in this manner, being that it can result in this Court committing acts of Treason, Usurpation, and Tyranny. Such Tresspasses would be clearly evident to the public, especially in light of the clear and unambiguous provisions of the Constitution that are involved here which leave no room for construction, and in light of the numerous adjudications upon them as herein stated and therein stated in the Opening brief. The possible breaches of law may result by denying this writ of Habeas Corpus are enumerated as follows:

1. The failure to uphold the clear and plain provisions of our Constitution cannot be regarded as mere error in judgment, but deliberate USURPATION. Usurpation is defined as unauthorized arbitrary assumption and exercise of power. State ex rel. Dannielsen v. Village of Mound, 234 Minn. 531, 543, 48 N.W.2d 855, 863 (1951). While error is only voidable, such usurpation is void.

The boundary between an error in judgment and the usurpation of judicial power is this: The former is reversible by an appellate court and is, therefore, only voidable, while the latter is a nullity. State v. Mandehr, 209 N.W. 750, 752 (Minn. 1926).

To take jurisdiction where it clearly does not exist is usurpation, and no one is bound to follow acts of usurpation, and in fact it is a duty of citizens to disregard and disobey them since they are void and unenforceable.

"[N]o authority need be cited for the proposition that when a court lacks jurisdiction, any judgment rendered by it is void and unenforceable, *** and without any force or effect whatsoever." Hooker v. Boles, 346 Fed.2d 285, 286 (1965). Honomichl v. State, 333 N.W.2d 797, 799 (S.D. 1983).

The fact that the "Colorado Revised Statutes" has been

in use for over forty four years cannot be held as a justification to continue to usurp power and set aside the constitutional provision which is contrary to such usurpation, as Judge Cooley said:

"Acquiescence for no length of time can legalize a clear usurpation of power, where the people have plainly expressed their will in the constitution". (T.M. Cooley, "Constitutional Limitations", p. 71).

2. To assume jurisdiction in this case would result in TREASON. Chief Justice John Marshall once stated:

"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". Cohens v. Virginia, 6 Wheat. 264, 404 (1821).

The judge of this court took an oath to uphold and support the Constitution of Colorado, and his blatant disregard of that obligation and allegiance can only result in an act of treason.

3. If this court departs from the clear meaning of the Constitution, it will be regarded as a blatant act of TYRANNY. Any exercise of power which is done without the support of law or beyond what the law allows is tyranny.

It has been said, with much truth, "where the law ends, tyranny begins". Merritt v. Welsh, 104 U.S. 694, 702 (1881).

The law and the Constitution does not allow laws to exist without enacting clauses. To go beyond that and allow the "Colorado Revised Statutes" to exist as "law" is nothing but Tyranny. Tyranny and despotism exist where the will and pleasure of those in government is followed rather than established law. It has been repeatedly said and affirmed as a most basic principle of our government that, "this is a government of laws and not of men", and that there is no arbitrary power located in any individual or body of individuals". Cotting v Kansas City Stock Yards Co., 183 U.S. 79, 84 (1901).

The Constitution requires that all laws have enacting clauses. If these clear and unambiguous provision of the State Constitution

Can be disregarded, then we no longer have a constitution in this state, and we no longer live under a government of laws but a government of men, i.e. a system that is governed by the arbitrary will of those in office. The creation of the "Colorado Revised Statutes" is a typical example of the arbitrary acts of government which have become all to prevalent in this centry. Its use as law is a nullity under our Constitution.

NOTICE TO RESPONDENTS AND JUDICIAL OFFICERS: Pursuant to your fiduciary duties, the performance of which is incorporated in your oath of office (contract), performance of which is secured by your official bond or surety to compell the performance in "Good Faith" and with "Clean Hands" those acting in an official capacity under color, cover, and appearance of law. The Judge/Attorney General and all judicial officers has a Mandated duty by their acceptance of the contract (U.S. and Colorado Constitutions) with the state of Colorado upon your oath of office to uphold the sanity of the Supreme Law of the State (Colorado Constitution) as it pertains to the Judge/Attorney General and all judicial officers of the Court. The U.S. Supreme Court has stated that no State Legislature, executive, or judicial officer can war against the constitution without violating his/her undertaking to support it. Casper v. Aaron, 358 U.S. 1 (1958) As such, any Judge who wars against the Constitution, or if he acts without jurisdiction of the subject matter, he has engaged in treason to the Constitution. Thus, the Courts DO NOT have the Authority to change, alter or omit, or in any way disregard the Constitution of this state, for that, the Constitution is their authority for being.

WHEREFORE, the Accused asks this Honorable Court to Grant this Writ of Habeas Corpus to correct this injustice, and dismiss the Cause of Action in case #05CR4051 for lack of Subject Matter Jurisdiction pursuant to C.R.Civ. P. Rule 12(h)(3), F.R.Civ. P. Rule 12(h)(3), as the Cause of action in the Underlying Judgment is void pursuant to C.R.Civ. P. Rule 60(b)(3), F.R.Civ. P. Rule 60(b)(4), et. seq, as a void judgment is one which from its inception, was a complete nullity and without legal effect. Lubben v. Selective Service System Local Bd. No. 27, 453 F.2d 645, 14 A.L.R.Fed. 298 (C.A.1 Mass. 1972), A void judgment is a simulated judgment devoid of any potency because of jurisdictional defects only, in the court rendering it and defect of jurisdiction may relate to a party or parties, the Subject Matter. Davidson Chevrolet, Inc. v. City and County of Denver, 330 P.2d 1116, Certiori Denied 79 S.Ct. 609 359 U.S. 926 (Colo. 1958). As, the conviction of a nonexistent crime results in a void judgment not subject to waiver. Therefore the Accused is entitled to his discharge.

Writs to Issue

I, Craig James Nichol #127451 respectfully requests

1. That a writ of Prohibition issue forth from this court on behalf of the Accused, to prohibit the District Attorney, the Denver District Court from refiling any Complaints or Information related to case #05CR4051, as the Court lacks Subject matter jurisdiction pursuant to C.R.Civ.P. Rule 12(h)(3); F.R.Civ.P. Rule 12(h)(3), as the Cause and action in the underlying judgment is void from its inception pursuant to C.R.Civ.P. Rule 60(b)(3); F.R.Civ.P. Rule 60(b)(4) et seq. As the conviction of a nonexistent crime results in a void judgment not subject to waiver.
2. That a writ of Mandamus issue to the Colorado Supreme Court mandating that the Supreme Court review the Order of this Court and dismiss case #05CR4051 on the grounds of Lack of Subject Matter Jurisdiction, and to discharge the Accused on those grounds, nunc pro tunc.

Dated March 20, 2018

/s/ Craig J. Nichol
Craig J. Nichol #127451
S.C.F. 1-B-2-14
P.O. Box 6000
Sterling, CO 80751

CERTIFICATE OF SERVICE

I, Craig J. Nichol, certify that a true & Connect copy of the foregoing Writ of Habeas Corpus is served this twentyith day of March Two thousand Eighteen, by placing it in the U.S. Mail, First Class, postage pre-paid, and addressed as follows

U.S. Attorney General
950 Pennsylvania Ave. NW #4400
Washington, DC 20530-0001

U.S. Supreme Court
1 1st Street, NE
Washington, DC 20543

(22)