

Supreme Court, U.S.
FILED
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~~No. 23-~~ 224896

In the Supreme Court of the United States

Wo Of IDEAFARM, PETITIONER

v.

SUPERIOR COURT OF SAN MATEO COUNTY, APPELLATE DIVISION,
RESPONDENT

ON PETITION FOR A WRIT OF CERTIORARI
TO THE SUPREME COURT OF CALIFORNIA

*APPLICATION FOR A STAY OF THE
TRIAL COURT PROCEEDINGS (SENTENCING)
(RULE 23)*

Wo Of IDEAFARM, PETITIONER PRO SE
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ELECTRONIC SERVICE DEMANDED
(RULE 29.3)

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SUPREME COURT, U.S.

Questions to be Presented (provisional)

1) Is it a crime or tort under California or federal law for a superior court to proceed without jurisdiction against a criminal defendant?

2) Does a higher court have a mandatory duty, on petition, to immediately stay such a proceeding and to decide the question of jurisdiction?

TO: The Honorable Justice Elena Kagan: Your Honor, this document is only an application for a stay, of a trial court proceeding in which the next hearing is in only a few days, on April 11, 2023 at 9 AM. I fear that I will be imprisoned on April 11, and there is a factual basis for this fear, so I have included more argument here than would normally be appropriate, because if I am imprisoned, it will become extremely difficult or impossible for me to timely petition for certiorari and to prevent important issues capable of repetition from escaping review due to mootness. So in what follows, I do as much as I can to give this Court an advance glimpse of the petition for certiorari that I intend to, but might not be able to, timely file. – **Petitioner.**

Jurisdiction on Petition for Writ of Certiorari

My planned petition for writ of certiorari will exemplify two parts (underscored) of *Rule 10 (c)*: “A petition for a writ of certiorari will be granted only for compelling reasons. [For example,]... (c) a state court... has decided an important question of federal law that has not been, but should be, settled by this Court, or has decided an important federal question in a way that conflicts with relevant decisions of this Court.” The Supreme Court of California, summarily and without explanation,

denied my petition for review, which presented exactly the above two questions and included the accusatory pleading at issue as an attachment.

One possibility is that California's high court concluded that the accusatory pleading states facts that are sufficient to confer subject matter jurisdiction, so that there was no controversy for it to decide and no mandatory duty for it to explain itself. If that was the California high court's unstated reasoning, then that reasoning **conflicts with this Court's Sixth Amendment jurisprudence.** (See e.g. this Court's interpretation of the "nature and cause" requirement in *Russell v. United States, 369 US 749 - Supreme Court 1962*, citing the rule announced in *United States v. Cruikshank, 92 US 542 - Supreme Court 1876*.) The conflict is especially visible when viewed in the light of California's own "state due process" requirement "[t]hat the facts stated... constitute a public offense...". (*Pen. C. 1004 (4)*)

The other possibility is that California's high court agrees that the trial court is proceeding without subject matter jurisdiction. If so, then the high court's order implies that the trial court has the power to act in void and unlawful process to commit state and federal crimes and torts, and that California's appellate courts

have no mandatory duty, on petition, to stay and then prohibit the void and unlawful process and the crimes and torts in progress. **In other words, California's high court implicitly held that courts are above the law.**

I have not been able to find, using *Google Scholar*, any case that addresses, in its ratio decidendi, whether courts are above the law, or, stated differently, whether a criminal court proceeding without jurisdiction is thereby committing crimes and torts. This is perhaps not surprising, since the question of criminality of the court would never in practice be put at issue by any state or federal accusatory pleading, so would never become an issue on appeal. Within the California executive branch, for example, only the attorney general, a county's district attorney, or a city attorney have the power to charge a "person" with committing a crime. (*Cal. Const. 5(13), Govt. C. 26500, Govt. C. 72193*) I cannot imagine a scenario in which a state, or the federal, executive branch would exercise its prosecutorial discretion to file criminal charges against a criminal court for proceeding without jurisdiction against a third party defendant, especially as that executive branch, and almost necessarily the same executive, would also be conducting the offending prosecution.

The issue of whether courts are above the penal law, or are subject to it and, like

every other “person” (*Pen. C. 7*) or “principal” (*18 U.S.C. 2*), are prohibited from committing crimes and torts, arises in my own factual context only because I make the apparently novel argument that courts, while physically able to commit crimes, have no authority or lawful power to do so, and therefore appellate courts have no discretion to deny writ relief to stop those crimes. As discussed in what follows, the question is of great importance and consequence, and this Court should welcome the opportunity to answer it!

Nonargumentative Overview

I write to ask this Court to stay a misdemeanor criminal proceeding that is at the sentencing stage, partly to escape irreparable harm, but primarily to preserve my standing (by preventing mootness) so that I can prepare and file a petition for a writ of certiorari, to seek resolution of a grave issue of *Due Process* that is capable of repetition yet evading review. My “petitioner’s theory” will be that the Chinese Communist Party (CPP) has successfully engaged in a pattern of racketeering activity to capture and to thoroughly corrupt the judicial power of the State of California. Using the metaphor of an iceberg, granting certiorari will not result in the exposure of the entire iceberg, but it will expose its tip, and enough will be

exposed to establish that a great iceberg exists below the surface. The “tip” is a metaphor for three facts about the proceedings below:

1. The single count misdemeanor complaint fails to state facts that constitute a crime, and thus fails to confer subject matter jurisdiction under both California law (*Pen. C. 1004 (4)*) and the *Nature and Cause* requirement of the *Sixth Amendment*.
2. Court-appointed counsel failed to raise the issue in the trial court.
3. I have exhausted every California procedure available to obtain new counsel and to obtain a decision on the merits regarding jurisdiction.

Using the iceberg metaphor, three California reviewing courts have denied relief, saying in essence that there is no iceberg (racketeering corruption) below the surface, that the ice that is visible (the three facts listed above) is merely a small, inconsequential piece of floating ice. I want this Court to take a close look at that small piece of visible ice, apply its understanding of icebergs (racketeering corruption), and declare that what we have here is not merely a small piece of floating ice, but rather evidence of a huge iceberg beneath the surface.

My procedural objective in seeking certiorari is to obtain a pronouncement that, at least in California, at least under circumstances in which California's sovereign immunity does not extend to its courts, (1) it is a federal crime for a state criminal court to proceed without subject matter jurisdiction, and that (2) a state reviewing court, on petition for a common law writ, has a mandatory duty to provide relief sufficient to terminate the crime in progress. Such a pronouncement would not directly eliminate the racketeering corruption from the California judicial branch. But it would give its victims (of malicious misdemeanor prosecutions) the ability to immediately quash such crimes in progress.

The question of whether a tiny amount of ice visible above the surface of an ocean is the tip of an iceberg or merely a small floating chunk of ice can be of literally Titanic urgency and importance. Similarly, the urgency and importance of the instant application for a stay should not be measured by what is visible (a single count misdemeanor prosecution and denial, by all three state reviewing courts, of writ relief), but rather by what close inspection might reveal (thorough corruption and capture of the California judicial power by a foreign enemy).

Finally, my instant application for a stay and my planned petition for certiorari

can also be understood with a medical metaphor. Metaphorically, I claim to know that the judicial branch of the State of California is thoroughly corrupted, from the top down, by a cancer of racketeering corruption that has metastasized so aggressively that it can now be found everywhere. Metaphorically, I am asking this Court to go to the relatively small trouble of taking a biopsy and inspecting it carefully for what it might reveal. The biopsy might bring unwelcome news. But if this Court has the courage to order the biopsy and receive that news, there might still be time to cure the cancer (racketeering corruption) and save the life of the patient (the United States of America).

Respondent and all listed state reviewing courts denied my requests for a stay. I seek review of Respondent's order denying requested writ relief that would have forced the trial court to replace counsel and to decide on the merits whether it lacks subject matter jurisdiction.

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Introduction to the Petitioner

I am a would-be Paul Revere, a “street speaker” and activist in the San Francisco Bay Area. Like Paul Revere on his midnight ride on April 18, 1775, on the eve of the battles of Lexington and Concord, I would call my neighbors “to arms” to preserve my Country. But, unlike Revere, I am silenced. The enemy has already arrived and has imprisoned and gagged me. The enemy has, figuratively, taken my horse. I come now to this Court, not to save my horse or myself, but to save my Country. I plead for relief, and my need, which is our collective need, is urgent.

Had the British Regular Army captured and silenced Paul Revere at the beginning of his midnight ride, as by his own account they very nearly did, the colonial rebellion that became the United States of America might well have failed. Who can deny with confidence that the oppression of a “street speaker” activist (me), a would-be modern day Paul Revere, might well have urgent consequences of a scale far greater than his personal interests and stake.

Petitioner's Theory

On (extensive) information and (carefully considered) belief, the Communist Party of China (CCP) has engaged in a pattern of racketeering activity, as defined in *18 U.S.C. 1961*, and has thereby directly captured the executive branch, including the presidency, of the United States of America, and has also, in the same manner, directly captured the executive and judicial powers of the State of California, which has more electoral votes than any other state. The CCP has also, in the same manner, directly captured a variety of institutions critical to the preservation of the United States of America, such as university boards of trustees, teachers' unions, boards of education, "news" media outlets, social media platforms, and the boards of leading private corporations. Through its direct control of such power centers in society, the CCP also, indirectly, wields significant influence or even control over the legislative power of the State of California and of other states, as well as over the Congress of the United States. On information and belief, the CCP has, by engaging in a pattern of racketeering activity to introduce corruption into critical institutions, already conquered the United States of America, notwithstanding all appearances to the contrary.

In particular, on information and belief, in California, misdemeanor criminal court (“misdemeanorland”) has become a criminal organization in which the forms of *Due Process* are visible everywhere but the substance and effects of *Due Process* are nowhere to be found. In California, misdemeanorland is a rigged game that the defendant cannot win, where the outcome is predetermined by petty bureaucrats (judges) and confidence men (defense attorneys) who are governed, not by integrity, honor, and love for the law, but by visceral comprehension of what is expected of them (by the powers that be, ultimately the CCP) and of what happens to those who do not deliver on those expectations.

On information and belief, there will be no U.S. presidential election in 2024. Preoccupied by domestic turmoil that the CCP will easily generate on the West Coast and elsewhere, accompanied and amplified by a Republican attempt to impeach President Biden, a well timed invasion of Taiwan, and the formation of an anti-NATO, anti-Ukraine, anti-US block consisting of China, Russia, North Korea, and Iran, the United States will find itself flatfooted, immobilized, and unprepared in a suddenly and rapidly deteriorating foreign policy nightmare that morphs “overnight” into a two-front, hot, tactical nuclear war. In the United States, the electorate, being utterly morally and intellectually unprepared for these events,

will not rise to the occasion. Instead, there will be civil war, chaos, panic and death, followed by the complete physical and political destruction of the United States and of the “West”.

Thank you, SCOTUS, for setting the stage so perfectly for the destruction of America, of its people, and of the possibility of liberty and justice for humanity! The courts should have been willing to hear and decide the question of whether the 2020 presidential election was stolen. It was. By the CCP.

The Courts might well have been correct to avoid providing injunctive relief to set aside the results of a presidential election. But the courts could easily have given a full hearing to the questions of fact and issues of law, and could have then pronounced findings and conclusions to settle those questions and issues, thereby informing the electorate so that the electorate itself could then intelligently either accept the results or rectify them peacefully in the next election.

A Second Chance for SCOTUS to “Save America”

The petition for certiorari that I intend to present will provide this Court with a second opportunity to save the United States of America from destruction. My petition, yet to be filed, arises from a remarkably simple single count misdemeanor proceeding. The record of that proceeding exposes a pattern of criminality, incompetence, and bias that is so extreme and so simple and so undeniable that suddenly the Petitioner's Theory presented above will become conceivable.

In a nutshell, the trial court has proceeded against me for more than four years on an accusatory pleading that fails to allege facts that constitute a crime, the alleged facts were found to be true by a jury, and the trial court is now poised to punish me for committing an act that, under the *First Amendment*, cannot be a crime.

In a nutshell, I want this Court to declare that a state criminal court is not above the law and that such a court commits a federal crime when it proceeds without jurisdiction. (State sovereignty is not implicated, at least in California, since such proceedings are also state crimes against the sovereign power of the state.) I want this Court to then declare that, on collateral petition for a common law writ, every higher reviewing court has a mandatory duty to provide relief sufficient to immediately terminate the federal (and state) crime in progress.

Those two holdings would not, in themselves, save the United States from destruction. But they would be devastating blows to those criminal courts in California that routinely proceed without jurisdiction, weaponizing judicial process, in order to oppress the general population and to target disfavored speakers and activists like me. Criminal court in California will continue to be a rigged game until comprehensive reform comes. But with those two holdings, it will become much more difficult for prosecutors in California to initiate malicious prosecutions, because defendants will become able to directly and “immediately” quash any accusatory pleading that does not allege facts that constitute a crime, even without the cooperation of the treacherously incompetent attorneys that practically always are appointed to defend them.

With those two holdings, this Court will arm me with the power to quash malicious prosecutions against me, which will figuratively restore to me my Paul Revere horse. Unsilenced, I will be able to resume my speech operations in the Bay Area, warning my neighbors, “The Chinese Communist Party is coming, and is already here!”. And those two holdings will empower every victim of malicious prosecution to fight back, with the result that more and more people will begin to see the iceberg below the surface.

Is SCOTUS a passenger on the Titanic?

I imagine that this Court entertains many crackpot theories presented by petitioners proceeding *in forma pauperis*. I can even imagine that my own “Petitioner’s Theory” might seem unthinkable and impossible. If so, then please consider the following calculation.

Imagine that SCOTUS, a passenger on the ill fated Titanic (the United States of America), looks out over the ocean and sees some ice (this application for a stay) in the distance, directly in front of the ship. The wind is up, and it is cold on the deck, where SCOTUS is standing. Should SCOTUS ignore the discomfort and remain on the cold, windy deck so as to be able to take a close look at that ice as the ship approaches it? Or should SCOTUS summarily dismiss the possibility that the ice indicates a submerged iceberg and immediately retire to the comfort of the ship’s luxurious interior? If SCOTUS dismisses the possibility and retreats into the comfort of the ship’s interior (denies the instant application for a stay), and the ice turns out to be merely a small floating chunk, then there will be no regrets as the hull of the ship strikes the ice, unnoticed by SCOTUS. But if the ice turns out to be the tip of a large iceberg, when the hull strikes the ice, there will be a great

shuddering and panic throughout the ship as the ship's hull breaks apart and sinks, and the last thought of SCOTUS will be regret of the decision to retire into comfort rather than do the work of taking a close look at the approaching ice.

The review that I intend to request will be relatively simple, with simple issues and a simple record. If my Petitioner's Theory is not at all grounded in reality, and this Court grants certiorari to decide the above two questions, this Court will perhaps not be saving the United States from immediate destruction. But the cost in this Court's time and effort will be relatively small, and a holding that, no, courts are not above the law and must not commit crime, will likely result in more perfect *Due Process* for misdemeanor criminal defendants nationwide.

The idea that a criminal court is capable of committing a crime appears to be novel; I was only able, using *Google Scholar*, to find one case in which, in dicta, a dissenting judge characterized a court as itself committing a crime. "If a person's liberty is unlawfully denied..., the court commits a crime of unlawful punishment." (*dissent, US v. Piggie, 316 F. 3d 789 - Court of Appeals, 8th Circuit 2003, emph. added.*) Given the apparent novelty of the idea, justice cannot but benefit from a clear pronouncement by this Court that criminal courts, notwithstanding their

peculiar function in society, are not above the law and are, like any other corporate entity, both capable of committing crimes and prohibited from doing so.

On the other hand, if there is some substantial truth to my Petitioner's Theory, and this Court refuses certiorari, racketeering by the CCP to corrupt California's judicial branch will continue undeterred, I will continue to be silenced and oppressed by malicious criminal prosecutions, and my dreams of serving my Country as a contemporary Paul Revere activist will be crushed. Perhaps worst of all, this Court might be remembered infamously for failing to provide a forum where our Constitution, and our Country, could be defended with words rather than with violence, at a moment in history when such a forum was needed and where violence thus became the only option. Would this Court risk going down in history, remembered as the court that could have prevented a nuclear war and the destruction of the United States of America, but did not?

Capable of Repetition yet Evading Review

My next trial court hearing is on April 11, 2023. At that hearing, the trial court

will either schedule sentencing for another day or immediately sentence me, possibly immediately imprisoning me. If the latter happens, I will likely not be able to prepare and serve and file a petition for certiorari, and even if I somehow manage to do that, the petition will almost certainly become moot before this Court decides it.

If my “Petitioner’s Theory” is true (it is), then the trial court’s proceeding is a rare and uniquely valuable opportunity for this Court to strike a devastating blow to racketeering corruption of, and to restore *Due Process* in, misdemeanor criminal courts in California as well as throughout the United States of America.

Invitation to Act Sua Sponte

By the time that this application comes to this Court’s attention, I might be imprisoned and unable to communicate with this Court, and unable to timely file my planned petition for certiorari. If the time for such filing lapses, I respectfully ask this Court to deem the instant filing to be a petition for certiorari or, in the alternative, to order review sua sponte.

Relevant Procedural History and Facts

The above two “questions to be presented” were presented to a California Court of Appeal and then to the Supreme Court of California in petitions for review of a denial by Respondent of interlocutory writ relief. That relief, had it been granted, would have ordered the trial court to consider, for the first time, whether it had subject matter jurisdiction. California criminal procedure provides a misdemeanor defendant with two opportunities to attack subject matter jurisdiction (demurrer, motion in arrest of judgment). Court appointed defense counsel squandered both opportunities, arguably willfully and maliciously, and the trial court, arguably unreasonably, refused my two corresponding requests for appointment of new counsel.

Conclusion

My application for a stay of the trial court’s proceedings should be granted, even if it is not possible to grant the stay before the next hearing on April 11, 2023, because on April 11, the trial judge, Hon. Lisa Novak, might continue the matter to

accommodate this Court's process.

Related Proceedings

S279011: Supreme Court of California. Stay denied. I proceeded pro se.

A167299: California Court of Appeal, First Appellate District, Division Two. Stay denied. I proceeded pro se.

23-AD-000004: Superior Court of California, San Mateo County, Appellate Division. Stay denied. I proceeded pro se.

19-NM-001562-A: Superior Court of California, San Mateo County. I was (and am) represented by counsel, appointed by the court and funded by the county at no cost to me, as an indigent. Stay denied but sentencing continued to April 11, 2023 at 9 AM (to set for sentencing), Dept. 13. Hon. Lisa A. Novak; phone: (650) 261-5113; email: Dept 13@sanmateocourt.org

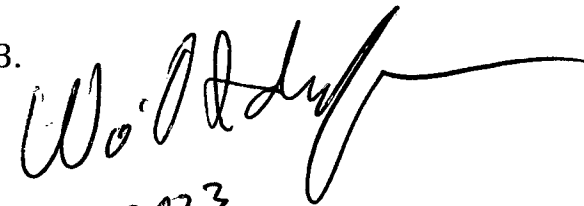
VERIFIED DECLARATION

I declare under penalty of perjury under the laws of the United States of America that all statements of fact in this document are true and correct. This document contains 3,702 words, excluding the title page, table of contents, index of authorities, and this declaration.

Respectfully signed and submitted,

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Executed on April 5, 2023.


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