

THE REAL TRIAL BEGINS AT SENTENCING

By Walt P. Mann III - Feb. 19, 1990

It's well settled, although some patriots/activists are unaware, don't want to, or refuse to admit, that all American courts are inland vice-admiralty (conqueror's), civil, Roman law courts, recognizing that all civil (state) created law is admiralty, and all admiralty is civil, U.S. v. McGill, 4 Dall. 426 (1806); thus the yellow fringed flags in the courts, etc.

All American court hearings are therefore and otherwise, admiralty (*in-rem*) trials, and all the issues, in the first instance, are in-rem, NOT *in personam*, e.g. NOT personal, e.g. are presumed NOT to have prejudiced nor threatened nor violated rights, irrespective of arrest/seizure of person or property, the remedy for which injury, if it occurred, being an action for award of damages, a collateral, NOT a direct attack.

The first question in all admiralty actions is whether admiralty jurisdiction exists; and this depends upon two essential elements, (a) arrest/seizure of person/property, and (b) existence of a contract expressly or impliedly authorizing/justifying such a seizure/arrest – see Benedict, ADMIRALTY; Ramsay v. Allegre, 12 Wheat 611 (1827); Bank of Augusta v. Earle, 13 Peters 519 (1839); Bank of Columbia v. Okely, 4 Wheat. 243 (1819); Wis. V. J.C. Penny Co., 311 US 345 (1940); Warren v. D.C., 444 A.2d 1 (USDC, Dis. Of Columbia 1981); Cohen v. Wright, 22 Cal. 293 (1863); Swanson v. Fuline, 248 F.Supp. 364.

However, supposed *de-jure* and *de-facto* agencies and agents seize property in an attempt to make it appear that jurisdiction does exist, U. S. v. Cash & Ca, 37 FRD 564, 565-566 (1965). We can see that in such a case the second essential element of jurisdiction, existence of an admiralty contract, may well be, and in our case (us, as human beings), certainly is missing, and is never especially alleged in the complaint/indictment (sic, a mere inland admiralty QUI-TAM information), nor pleaded in our motion to dismiss (answer plea), nor proven at trial. Jurisdiction over the person is thus never proven, yet we always fail to properly (in writing, form and substance) raise the issue of personal jurisdiction by written plea.

The Court, however, under article 1, section 8:3 of the 1787 Constitution, the “self-executing” clause, is able to officially and judicially notice the existence of jurisdiction until the absence is brought to its attention. Since the trial is an admiralty in-rem (not *in personam*, NOT *personal*) hearing, the court can't hear nor decide the personal issues, until the personal phase begins.

The Criminal Code by its plain language says the personal phase/hearing does NOT occur until the sentencing phase, e.g. **when the defendant is threatened personally by the court as it is about to pronounce and order execution of sentence.** See Federal Rules of Criminal Procedure 32(a)(1)(C) [1990 edition].

All natural law and common law rights are personal and cannot be raised by counsel, but must be raised personally by the threatened defendant; see Tsataronis v. Shaughnessy, 149 F.Supp 92 (N.Y. 1956); **Koffler & Reppy, Common Law Pleadings, page 414, West's 1969**; also see Puterbaugh, Ill. 1906.

One should first file a written answer/plea to the personal jurisdiction and against jurisdiction to impose personal penalty, with supporting affidavit, and then let the "trial" (sic) take its course. Upon conviction, and at the sentencing hearing, one then proceeds to defend himself on the Want of Jurisdiction to impose personal penalty grounds, renewing the prior filed plea, and offering up carefully written out, but ORAL testimony in support of the plea and affidavit, thereupon demanding, under F.R.Cr.P. 32 (i)(1)(D), (i)(2), and (i)(4)(A)(ii) [Dec. 1, 2015 edition], remedy and relief: reversal of conviction, vacation of sentence if already given, dismissal of charges with prejudice, quashment of the indictment, order to immediate and unconditional discharge and release of one's person and property confiscated, held or forfeited. (Transcriber's note: subject matter and territorial jurisdiction should also be challenged)

Transcriber's note: Written excerpts from the original text. At the time of his writing, Mr. Walt P. Mann III was a prisoner of the fake United States Government's court system and gulag installations. He wrote the following at the end of this article:

"I am a political prisoner, held in WANT of Jurisdiction on false charges, calculated to suppress my research, writings, publications and nation-wide lectures on law, history, and governmental lawlessness and WANT of Jurisdiction – admitted as such by Ass. U.S. Attorney Stuart Walz in presence of witnesses, subsequently reprimanded and removed, therefore, from my case as prosecutor; the trial and appeals courts' judges and clerks doing everything in their power now to make sure I never get out of prison."

Mr. Mann was kept beyond his release date and had to file papers subsequently to obtain his release, circa 1989. From the time of his release to the time of his death, circa 2013, he was harassed by the federal (sic) authorities. This document is written in honor of Mr. Mann and all his body of work and efforts to free Americans from the tyranny of the unlawful *de-facto* government that has taken over our country. Enjoy! Ricardo Beas.