

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEW MEXICO**

STATE OF NEW MEXICO ex rel KENNETH GOMEZ,

Plaintiffs,

vs.

1:10-cv-594 JAP/LFG

ELEVENTH JUDICIAL DISTRICT COURT,

Defendant.

**MEMORANDUM BRIEF IN SUPPORT OF MOTION FOR JUDICIAL NOTICE
UNDER RULE 201 OF DEFENDANT'S PART IN RACKETEERING ACTIVITY**

I. GENERAL BACKGROUND

There are persons within the State and District of New Mexico holding state or federal public office positions under false pretenses allied with others, in and out of public office, and organized in a joint enterprise to perpetuate the current constitutional and statutory illegalities. State and federal persons/agencies, and some not state public employees, form joint enterprises as both agents and principals of each other who are engaged in separate patterns of racketeering activity independent of the organized community interest perpetuating the current illegalities of denying the power of both constitutions and the ancillary state statutes giving those powers effect. Each of these factors are briefed below.

II. FACTS, POINTS OF LAW, AND AUTHORITIES

(a) There are persons within the State and District of New Mexico holding state or federal public office positions under false pretenses allied with others, in and out of public office, and organized in a joint enterprise to perpetuate the current constitutional and statutory illegalities.

(1) All of the members of the Defendant District Court holding positions as state public officers are actively denying the powers of Article VI, Clause 3, Constitution of the United States of America and Article XXII, Section 19, Constitution of the State of New Mexico.

(2) Four of those persons¹ holding positions as federal judges in the District of New Mexico do so under false pretenses in that they, each one of them, embezzled publicly appropriated funds as salaried while engaging in criminal offenses against both constitutions described in the preceding paragraph, and falsely reported those embezzled² public funds - the People of New Mexico owned the funds - as lawful income in their Financial Disclosure Statements filed within 30 days of receiving their presidential nominations to federal office. *See* portion 3, Ethics in Government Public Law 95-521.

(3) The said Financial Disclosure Statements were later used to deceive the President of the United State of America, and the Senate Committee on the Judiciary during the confirmation process. Said Statements consummated the prior deception upon submission of their individual "Appointment Affidavit" currently on file with the Court Clerk which contains: (i) their oath of office for their individual commission to defend the United States Constitution which had been previously denied - 5 U.S.C. § 3331, (ii) their certification that they have neither struck, nor will engage in a strike against the United States - when they had actively opposed both constitutions, and (iii) their certification that they neither received nor gave anything of value from or to anyone to acquire their federal commissions - when they previously embezzled state publicly appropriated funds and falsely referred to those funds as lawful income on their

¹ Bruce D. Black, Christina M. Armijo, William Paul Johnson, and Robert C. Brack.

² NMSA § 30-16-8. Embezzlement. (2007)

A. Embezzlement consists of a person embezzling or converting to the person's own use anything of value, with which the person has been entrusted, with fraudulent intent to deprive the owner thereof.

initial Financial Disclosure Statements. Those documents stand as the evidence for a charge they, each one of them, defrauded the United States as addressed in 18 U.S.C. § 371.

(3) While the United States District Court for the District of New Mexico harbors persons holding federal commissions under false pretenses, those who hold lawful federal commissions were notified, in the instant cause of action, of the defective federal commissions; nevertheless, they permitted the four individuals identified in Footnote No. 1 to sit in judgment of other litigants as though the proceedings determined were lawful. Under common law principles, they gave aid and comfort to said individuals and they also defrauded the United States thereby.

(4) Persons not members of the federal government, one of whom may be a member of the local federal bar, Mr. Luis Robles, have joined under a state contract to provide legal services for the legal defense of the Defendant District Court which harbors persons willfully and wantonly denying the power of both constitutions and the laws attendant thereto, said state contract is with the Risk Management Division of the General Services Department; state public funds are then used for the Defendant District Court's defense which was collected from all allied public agencies statewide specifically for the liability protection of their individual employees possible errant conduct, NMSA 1978 §§ 10-2-14 to 16; the said funds were not collected to defend the Defendant District Court as a corporate body. In point of fact, there are no state public employee litigants participating in the instant case for whom such state public funds might be used.

(5) The foregoing describes the composition of at least two joint enterprises organized independently to perpetuate the continuing illegality of the Defendant District Court.

(b) State and federal persons/agencies, and some not state public employees, form joint enterprises as both agents and principals of each other who are engaged in separate patterns of racketeering activity independent of the organized community interest perpetuating the current illegalities of denying the power of both constitutions and the ancillary state statutes giving those powers effect.

(1) Defendant District Court, as a person, harbors persons who deny the power of both constitutions and the state statutes which give those powers effect. *Supra*, II(a)(1) above.

(2) **ROBLES, RAEL, & ANAYA, P.C.**, persons authorized to practice law therein on behalf of the Defendant District Court while under contract with the Risk Management Division, General Services Department, a state agency, are incontrovertible participants in at least two independent joint enterprises, the instant case being one, with a community interest in providing legal services with the intent of perpetuating the denial of the powers of both constitutions and the attendant laws which give those powers effect. *See Exhibit 8 Doc. No. 7.*

(3) **ROBLES, RAEL, & ANAYA, P.C.**, Luis Robles, participated in and were paid \$7562.38 in legal fees per *Exhibit 9*, attached hereto, by the Risk Management Division of the General Services Department for the defense of "state defendants" who were perpetuating the same current illegalities cited herein, in a money laundering scheme created by NMSA 10-2-14 to 16, to replace the mandated penal bond required by said Article XXII, Section 19. The specific activity was in a case named and numbered *Gomez v. Aragon, et at.*, Civil Action No. 1:09-cv-02010 RWR, (DCDC 2009). The U.S. District of Columbia District Court dismissed *Gomez* because the court declared the "state defendant" were not citizens of the District of Columbia, however that court did not address the constitutional offenses engaged in. This was a

similarly organized joint enterprise supporting a separate pattern of racketeering activity independent of the currently existing joint enterprise. *Ibid.*

(4) Two or more participants engaging in a joint enterprise are agents of each other and are principals of each other so as to bring into force the precepts of the law of agency. See *Gary v. Barnes*, 244 S.C. 454, 137 S.E. 2nd 594, 599 (S.C. 1964), citing *Funderburk v. Powell*, 181 S.C. 412, 187 S.E. 742; *Bolt v. Gibson*, et al., 225 S.C. 538, 835 S.E. 2nd 191, further citing *Padgett v. Southern Ry Co.*, 219 S.C. 353, 65 S.E. 2nd 297: a group of cases describing a joint enterprise as a common community purpose whose members participate, as needed, in guiding the effort for mutual benefits.

(5) In view of the foregoing, state and federal persons/agencies, and some not state public employees, compose at least two different joint enterprises as both agents and principals of each other who are engaged in separate patterns of racketeering activity independent of the two organized community interest perpetuating the current constitutional and statutory illegalities. The Defendant District Court or component participants thereof were active parts of two separate patterns of racketeering with common purposes perpetuating the same constitutional and statutory criminal offenses which defrauded the United States.

(6) The patterns of racketeering involved perpetuating current illegalities cited above and involve money laundering, mail and wire fraud, and defrauding the United States as follows:

(i) Money laundering consists of conflicting concepts as to whether the state public officers give the constitutionally mandated bond of said Article XXII, Section 19 binding them to the promises in the oath taken, or whether the Risk Management Division can transfers funds from the "surety bond fund" within the State Treasury to another account therein

for an errant state public officer and thereby be a substitute for the mandated constitutional bond not provided by the individual public officer. Under the foregoing circumstances, a state public agency replaces the public officer "employees" constitutional bond binding him/her thereto as mandated in said Article VI, Clause 3 and Article XXII, Section 19 and thereby moots the responsibility the state public officer has for honoring the promises made in the oath of office; the process uses a money laundering scheme to hide who contributed what money to the "surety bond fund" account for any number of purposes. See NMSA 1978 10-2-14 to 16 attached hereto as *Exhibit 10*.

(ii) Mail and wire fraud consisted of dispatching mail and wire transfer correspondence from **ROBLES, RAEL, & ANAYA, P.C.**, and Defendant District Court's attorney, Mr. Luis Robles, to the Court Clerk in the instant case and to the United States District Court for the District of Columbia in an effort to further the constitutional and statutory illegalities engaged in by the Defendant District Court which harbors persons posing as lawful judges therein. See 18 U.S.C. §§ 1341 and 1343.

(iii) Defrauding the United States consisted of the members of two joint enterprises acting as principals and agents of each other organized with common interest to further the illegalities engaged in by persons posing as lawful state public officers using the Defendant District Court as a conduit whereby the aims of that group of individuals holding state public officer positions unlawfully seek the aid and comfort of another conduit, this Court, which harbors persons holding federal commissions under false pretenses with the combined aim of continuing constitutional and statutory illegalities directly affecting the honor and integrity of the United States. See 18 U.S.C. 371 and 241. The joint enterprises are supported by laundered

funds cited in (6)(i) above with the legal services provided by **ROBLES, RAEL, & ANAYA, P.C.** by and through Mr. Luis Robles, the attorney and his law practice out of that law firm.

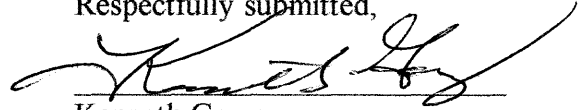
III. ARGUMENT

Two or more organized groups of persons engaged in common purposes so that each are agents and principals of each other promoting the objective of perpetuating the same current illegalities form joint enterprises and each enterprise operate separate patterns of racketeering activity. The Defendant District Court or components thereof who were not covered with penal bonds mandated by both constitutions and applicable state laws participated in the separate patterns of racketeering, by and through the same law firm and attorney, involving the crimes of money laundering, mail and wire fraud, and defrauding the United States. The two enterprises involved and exercised separate, independent federal district courts with equal power and authority for a common purpose of perpetuating the identical illegalities of denying the power of both constitutions and the New Mexico statutory authorities giving those powers effect. Therefore, the Defendant District Court, by and through **ROBLES, RAEL, & ANAYA, P.C.**, and Luis Robles, their attorney and law firm in both cases, was a component of racketeer influenced corrupt organizations for the common purpose of perpetuating current illegalities denying the power of both constitutions and the state statutory authorities giving effect to those powers.

THEREFORE, there are persons within the State and District of New Mexico holding state or federal public office positions under false pretenses allied with others, in and out of public office, and organized in a joint enterprise to perpetuate the current constitutional and statutory illegalities. State and federal persons/agencies, and some not state public employees, form joint enterprises as both agents and principals of each other who are engaged in separate patterns of

racketeering activity independent of the organized community interest perpetuating the current illegalities of denying the power of both constitutions and the ancillary state statutes giving those powers effect.

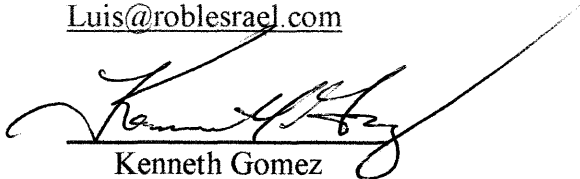
Respectfully submitted,



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I hereby certify that on this
7th day of August 2010, the
foregoing was electronically
served through the CM/ECF
system to the following:

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