

Eleventh Judicial District  
San Juan County, New Mexico  
District Court: Eleventh Judicial District  
San Juan County, New Mexico

DISTRICT COURT  
SAN JUAN COUNTY NM  
FILED

2021 JUL -2 PM 2: 07

Acting As Judge: Sandra Weaver

Case # D-1116-CV- 2018-1561-3 (alleged)

Plaintiff: ABELINA J. FITZPATRICK

v.

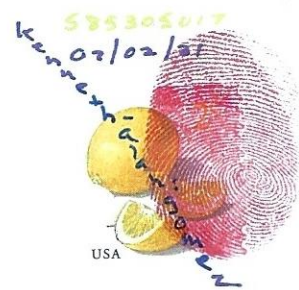
Respondent: Kenneth Alan Gomez (proper)  
4 Road 5095  
Bloomfield, New Mexico 87413

**NOTICE OF TREASON, ARREST, REMOVAL AND UNDISPUTED FACTS**

**Statement of the Issue**

Respondent, Kenneth Alan Gomez, one of the People, remains adamantly, appearing Sui Juris, by special visitation, being a natural born man, inhabitant of San Juan County, New Mexico, (herein Respondent), is reserving all of his rights, remedies and defenses, statutory or procedural, at all times. Respondent waives none of his rights, remedies or defenses, statutory or procedural, at any time for any reason. I hereby certify my claim is warranted by existing law and this paperwork is not being filed for a frivolous purpose but has a factual and legal basis for the claim.

The respondent as the *de jure* governor of New Mexico (see exhibit 1) is reminding the people of New Mexico that no person elected or appointed to office since 1963, the last year that the Official Book of Bonds was in the New Mexico Secretary of State's office as personally observed by myself and three witnesses in the state of New Mexico archives, have perfected their office as required by the New Mexico and United States constitutions and statutes (NMSA 1978 Section 10-2-5, 6, 7, 9 ) therefore all New Mexico elected and appointed officials from school boards through the New Mexico Supreme Court justices have been operating under false pretenses and never perfected their offices.



“Ignorance of the Law is No Excuse”

The respondent claims the Court lacks jurisdiction and is not competent to act on grounds that persons holding positions as public officers and some of those serving the Court as employees do so under false pretenses by denying constitutional powers and defying laws enacted by the legislature giving effect to those powers. (See Exhibit 2)

The respondent is thereby held subordinate involuntarily, either directly or indirectly, by court exercised authority to a condition of involuntarily servitude satisfying illicit obligations prohibited by 14 Stat. 546, a statute currently codified as 42 U.S.C. § 1994 and 18 U.S.C §§ 1581 *et seq.* That being so, the respondent is entitled to a civil remedy from the Plaintiff, authorized under power of Section 4, Fourteenth Amendment, and under 18 U.S.C. §§ 1593A and 1595; the remedy is conveyed to the respondent under the powers of both Sections 4 and 5, Fourteenth Amendment; and the remedy in United States currency demanded equals three times the amount in controversy.

### **Statement of the Facts, Authorities, and Points of Law (Exhibit 3)**

1. Section 2, 36 Stat. 557, the enabling act authorizing the Territory of New Mexico to:

form a constitution and state government mandated that the constitution shall be republican in form, shall make no distinction in civil or political rights on account of race or color, and shall not be repugnant to the Constitution of the United States and the principles of the Declaration of Independence. Furthermore, the enabling act mandated that the convention established thereby shall provide, by an ordinance irrevocable without the consent of the United States and the people of the state, a total or nine specific provisions; all of which shall, by proper reference, be made a part of any constitution that shall be formed in terms as shall positively preclude the making by any future constitutional amendments of any change or abrogation of the ordinance created in whole or in part without the consent of congress.

Section 19, Article XXII Constitution of New Mexico and mandated as one provision of the irrevocable ordinance required in the preceding paragraph that all public officers take the oath office and give a personal officials bond by the existing laws of the Territory of New

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Mexico, note the date of such laws; to wit:

Article XXII. Section 19, Const. N.M. [First state officer.]

Within thirty days after the issuance by the president of the United States of his proclamation announcing the results of said election so ascertained, all officers elected at such election, except members of the legislative, shall take the oath of office and give bond as required by this constitution or by the laws of the territory of New Mexico in case of like officers in the territory, county or district, and shall thereupon enter upon the duties of their respective offices; but the legislature may by law require such officers to give other or additional bonds as a condition of their continuance in office.

(Section does not exempt officers elected subsequently to first election from giving bond. *Board of Comm'rs v. District Court*, 29 N.M. 244, 223 P. 516 (1924)).

New Mexico laws formally territorial laws as indicated in bold print:

Section 10-2-5. [Recording of bonds required.] **(1893)**

The bonds given by all persons elected or appointed to office in this state shall be recorded.

History: Laws 1893, ch. 56, § 1; C.L. 1897, § 3187; Code 1915, § 515; C.S. 1929, § 17-111; 1941 Comp., § 10-205; 1953 Comp., § 5-2-5.

Section 10-2-6. [Record of official bonds of state and district officers.] **(1893)**

The bonds of all state and district officers shall be recorded in a record book to be provided for that purpose, and known as the record of official bonds, in the office of the secretary of state.

History: Law 1893, ch. 56, § 2; C.L. 1897, § 3188; Code 1915, § 516; C.S. 1929, § 17-112; 1941 Comp., § 10-206; 1953 Comp., § 5-2-6.

Section 10-2-7. [Filing of bonds by officials of state and state agencies.] **(1905)**

The bonds of all state officials, and of the members of all state boards and institutions, after having been recorded as required by law, shall be filed and kept in the office of the secretary of state; and all state bonds now filed elsewhere shall be transferred to the office of the secretary.

History: Laws 1905, ch. 59, § 1; Code 1915, § 517; C.S. 1929, § 17-113; 1941 Comp., § 10-207; 1953 Comp., § 5-2-7.

Section 10-2-9. [Recording as prerequisite to discharging duties of office.] **(1893)**

Each and every person who may hereafter be elected or appointed to office in this state, required by law to give bond, shall file the same for record **before entering upon the discharge of duties of the office.** [Emphasis added.]

History: Laws 1893, ch. 56, § 5; C.L. 1897, § 3190; Code 1915, § 519; C.S. 1929, § 17-115; 1941 Comp., § 10-209; 1953 Comp., § 5-2-9.

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2. The Fifth irrevocable provision of 36 Stat. 577 mandated that the State shall never enact any law restricting or abridging the right of suffrage on account of race, color, or previous condition of servitude, and specific language requirements of all state officers. At the time the territory became a state, a system of peonism was actively practiced territory wide. See Federal Peonage Cases, 123 F. 671 (ND Ala. 1903).

3. The respondent declares before this honorable Court, that as a free citizen, he is entitled to the rights of life, liberty, and the pursuit of happiness guaranteed by the national and state constitutions and every statutory right provided by both state and federal law whether:

- a. Represented by one unlawfully authorized to practice law in this Court, or not,
- b. Representing themselves and their real property,
- c. Compelled and then held against their free will by court order rendered by persons denying the powers of the Constitution of the United States of America, and defying the authorities of statutes enacted by the United States Congress giving effect to those powers, and
- d. Opposed, in the instant case at times, by persons authorized to practice law in New Mexico unlawfully; persons who simultaneously use schemes to deny an overwhelming majority of the free citizens therein – over 99.9 percent of their population – a vocation to practice law for profit in their courts of law. See Constitution of the United States of America, the applicable state constitution, federal statutes giving effect to those powers, and similarly the Constitution and Statutes of New Mexico.

4. Holding the respondent to be subordinate to the Court in the above captioned case to and by those, under false pretenses, claiming to hold public office or employed who simultaneously deny powers of the Constitution of the United States of America and also defy the authorities of laws enacted by the United States Congress giving effect to those powers







render the respondent to be a peon. See 14 Stat. 546 as currently codified.

5. The respondent as a free citizen could not be *held* lawfully as a peon to service any obligation, either voluntarily, involuntarily, directly, or indirectly; and any acts, laws, orders, regulations, or usages maintained or enforced by persons with the same power and authority as those claiming to hold public office or employment while denying a constitutional power and doing so by holding office. Forcing one by legal coercion to satisfy such an obligation or *holding them* otherwise under a system of peonage denies a power of the constitution and defies federal statutes giving that power effect; such conduct is declared null and void. See 42 U.S.C. § 1994.

6. The respondent declares, as a free citizen of the United States and the State of New Mexico, that those persons, whether posing as judge or lawyer, who use legal coercion by any means to *hold or return* them to conditions of peonism, a subspecies of involuntary servitude, become criminally liable for their acts. See 18 U.S.C. §§ 1581 *et seq.*, and See *Imbler v. Pachtman*, 424 U.S. 409 at 429 (1976) which *voids any immunity claim by federal public officers and employees, state officers and employees, or any other persons authorized to practice law involved in legal coercion as prosecutors* to hold or return one to a condition of peonism; to wit:

This Court has never suggested that the policy considerations which compel civil immunity for certain governmental officials also place them beyond the reach of the criminal law. Even judges cloaked with absolute civil immunity for centuries, could be punished criminally for the willful deprivation of constitutional rights on the strength of 18 U.S.C. § 242, the criminal analog of § 1983. *O'Shea v. Littleton*, 414 U.S. 488, 503, 94 S.Ct. 69, 679, 38 L. Ed. 2D 674 (1974; cf. *Gravel v. United States*, 408 U.S. 606, 627, 92 S.Ct. 2614, 2628, 33 L.Ed. 2d. 583 (1972). The prosecutor would fare no better for his willful act. *Imbler*.

7. Those persons under false pretenses claiming to hold public office or employment and receiving public appropriations for personal use while denying the powers of the

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Constitution of the United States of America and defying the federal statutes giving those powers effect, as well as those who know of the deficiency, are insurgents against the constitution as addressed and defined in a case named and numbered: In re Charge to Grand Jury, 62 F. 828 (ND I11. 1894); to wit:

The open and active opposition of a number of persons to the execution of the laws of the United States, of so formidable a nature as to defy for the time being the authority of the government, constitutes an insurrection, though not accompanied by bloodshed, and not of sufficient magnitude to render success probable.

8. A court without a judge lacks jurisdiction and is not competent. Orosco v. Cox, 75

N.M. 431 at 435, 405 P. 2d 668 (S. Ct. 1965); to wit:

We note that the word "competent" which modifies "court" in both § 22-11-2, supra, and § 22-11-16, supra, has been defined by Webster's Third New International Dictionary as follows: "\* \* \* legally qualified or capable: as (a) authorized to act or possessed of jurisdiction [ a competent court] b: \* \* \* c: meeting legal requirements as to validity [competent evidence] \* \* \*."

These sections then require that for a court to be competent, jurisdiction must be present, and that jurisdiction clearly may be lost. When certain constitutional guaranties are denied, overlooked, or omitted, the conviction or sentence is not by a "competent" court. See Johnson v Zerbst, 304 U.S. 458, 82 L. Ed. 1461, 58 S. Ct. 1019, 146 A.L.R. 357. [Emphasis added.]

### **Summary of the Argument**

1. The Court lacks jurisdiction to hear and determine any cause of action, civil or criminal, while the following conditions exist:

a. Those persons holding positions as state judicial officers or employees assigned duties in this honorable Court while doing so under false pretenses denied the Court jurisdiction and thereby a lack of competence.

b. Those persons who qualified for an office or employment position in the Court grounded upon being authorized to practice law for profit in New Mexico courts of law obtained such authorization by freely applying for that authority under illicit New Mexico Supreme Court Rules and thereby participating in a criminal conspiracy, 18 U.S.C. § 241; and 18



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U.S.C § 242, with persons posing as supreme court justices and rules they created without any political suffrage of the non-lawyer free citizenry, and then participated to do so under the authority of a foreign power, the American Bar Association, a political entity not under the control of the State of New Mexico or any Department of Government therein. Said conspiracy, joined in by the said applicant's voluntary participation, created the system of peonism currently imposed upon all of their fellow non-lawyer citizens who were denied political participation in the procedure for authority to practice law for profit by the scheme. Still further, such court rules, which denied a free choice to all of their fellow citizens, was prohibited by:

Section 26, Article IV, Constitution of the State of New Mexico,

Section 38-1-1 NMSA 1978, a state statute giving effect to that state constitutional power, and

The mandate contained in 36 Stat. 557. See Paragraph 2, Statement of Facts above.

Thereby, giving effect to the said Supreme Court Rules and the free participation in those rules by the eligible few subjected all other non-lawyer free citizens made ineligible to apply, to a system of peonism, a condition of involuntary servitude without recourse, and without a free political choice constitutionally guaranteed each one of them under 36 Stat. 577 as regards the irrevocable right to political suffrage.

c. Any person receiving public appropriated funds for personal use under false pretenses simultaneously denying any power of the constitution and defying the authorities of statutes giving effect to that power is an insurgent against the constitution. Such persons automatically forfeits the office or employment position held as mandated by Section 3, Fourteenth Amendment unless the disability is removed by a vote of two-thirds in each House of the United States Congress.

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## First Argument

The Court lacked jurisdiction and therefore competence to act on grounds that certain persons holding positions as state judicial officers or employees assigned duties in this honorable Court served under false pretenses. Persons holding positions as state district judges and assigned duties with the Court are serving as state public officers while denying Section 19, Article XXII, Constitution of New Mexico and the irrevocable territorial statutes giving effect to that constitutional power, statutes which were mandated as a requirement for the territory to become the State of New Mexico. Specifically 36 Stat. 557 at 558 mandated that the constitutional convention provide by an ordinance *irrevocable* without the consent of the United States and the people of New Mexico nine special provisions. The Fifth provision at 36 Stat 557 at 559 forbids any law restriction or abridging the right of suffrage on account of a previous condition of servitude. These citizen ineligible to politically engage in a vocation authorized to practice law for the profit motive were eliminated from that specific public domain without the consent of the United States, in violation of the Thirteenth Amendment and in violation of 14 Stat. 546 which prohibited all forms of peonism. *Any person compelled to satisfy an unlawful obligation by legal coercion is subjected to a system of peonism and may be identified as a peon.*

Those persons serving as state judicial public officers are insurgents against the state constitution while embezzling state public appropriations for personal use while posing as lawful state public officers. Present state judicial public officers are embezzling state public appropriation during their service posing as state public officers.

In view of the foregoing, all decisions, opinions, and orders rendered by anyone of them, at all times pertinent, whether posing as judge or lawyer authorized to practice law, were null,

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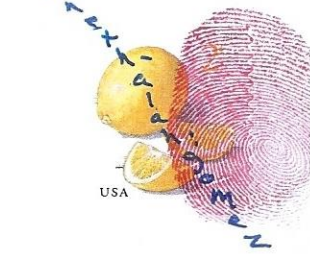


void, and without legal effect at time of inception. The Court lacked jurisdiction and therefore competence to render judicial decisions, opinions, and orders as state district judges, and any one of them that served as chief judge of the court, at any time pertinent, could not hire any persons to serve as court employees.

### **Second Argument**

All those persons who are serving as state officers in the Court are grounded upon being authorized to practice law for profit in New Mexico courts of law obtained such authorized by freely applying for that authority using a criminal scheme unlawfully created by New Mexico Supreme Court justices and court rules they created in violation of Section 38-1-1 NMSA 1978, a statute enacted by New Mexico Legislature giving effect to Section 26, Article IV, Constitution of New Mexico. Said persons, who subsequently became state employees, thereby participated in a criminal conspiracy scheme with persons unlawfully posing as Supreme Court justices using illicit court rules. Said persons were granted authority under Supreme Court Rules 15-102, and 103, and under oath prescribed by 15-304 to practice law for profit while participating beneficially – a requirement by said court rules – in the criminal conspiracy as members of a state bar, achieved under provisions created by the American Bar Association, a political entity not eligible to vote in state elections, and not under any control of the State of New Mexico or any Department of State Government therein. The net result of the criminal scheme was a system of peonism imposed upon those declared by the rules to be ineligible to practice law for profit without them given a choice in the matter severely limited their skill and prowess without practice as future *pro se* litigants. Finally, the criminal conspiracy scheme preventing the free New Mexican citizenry from the practice of law for profit as a vocation gave credence to and support for a system of peonism. The system of peonism resulting could not have developed its force and effect and would have been seriously impaired without the

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participation and blessing of all those illegally authorized to practice law for profit in New Mexico courts of law, an authorization which subsequently qualified some of them for federal employment. Those employed in this Court as state employees – clerks and magistrate – therefore benefited from a criminal scheme which developed into a system of peonism prohibited by 14 Stat. 546 currently codified as 42 U.S.C. § 1994 and 18 U.S.C. §§ 1581 *et seq.* and enacted under power of Section 2, Thirteenth Amendment, Constitution of the United States of America. Their participation in a criminal conspiracy became a path for subsequent state employment in this Court and that specific set of circumstances currently denies the Court jurisdiction and competence to act on any and all cases before it during their holding state office or employment.

### **Third Argument**

Any person receiving state public appropriated funds for personal use while doing so under false pretenses simultaneously denying any power of the constitution and defying the authorities of statutes giving effect to that power is an insurgent against the constitution. Such persons automatically forfeits the office or employment position held as mandated by Section 3, Fourteenth Amendment unless the disability is removed by a vote of two-thirds in each House of the United States Congress. Persons addressed by the First and Second Arguments above received state publicly appropriated funds for personal use under false pretenses, and thereby render the Court incapable of possessing valid jurisdiction and competency to render decisions, opinions or orders in any case before it during all times pertinent. The Court lacked jurisdiction and therefore competency to act in all cases before it during all times pertinent which includes the case captioned above.

### **Conclusion**

This honorable Court is not competent to act in any case before it; the persons therein

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exercising any power or authority of the Court do so unconstitutionally and unlawfully under *color of law*; they each one of them, embezzle state appropriated funds; commit mail fraud; commit RICO violations; electronic and wire fraud; kidnapping; crimes against humanity, abuse of power; impersonating state officers; conspiracy; and are insurgents against constitutional power and statutory authorities for which respondent is entitled to financial remedies for exposing their insurgency. These charges have personally been reported to the proper federal authorities, to prevent a *misprision of felony* 18 U.S.C. § 4, as such I am protected by 18 U.S.C. § 1512, 1513 the "*whistleblower act*", no harm can come to me in anyway as I am a federal witness against all persons involved in the above. Any and all previous and present U.S. congresspersons and senators from New Mexico are here by immediately recalled and disqualified from holding any future office, due to the lack of bond in present and previously held state offices. As the New Mexico Secretary of State's office is vacant, elections cannot be called or certified. By what authority are marriages and divorces being performed?

All publicly appropriated funds received by those addressed in the first two arguments shall be returned to the New Mexico state treasury. This is a cease-and-desist order effective immediately, all persons committing the above frauds are to vacate their state offices, as the lawful citizenry shall be deputized to help enforce these orders. State citizenry shall be appointed to fill vacated offices and may include paralegals. Arrest warrants, summons and grand juries shall be by the *de jure* Governor's signature only.

All Rights Reserved

Respectfully submitted,

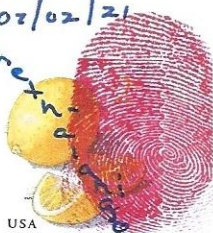
Kenneth Alan Gomez

*Sui-juris*

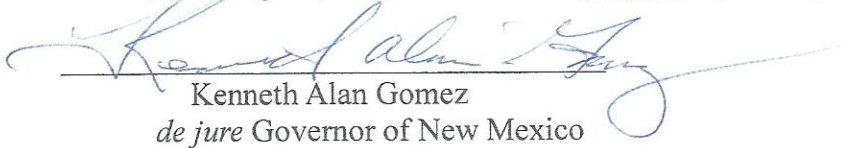
#### **CERTIFICATE OF SERVICE**

**I CERTIFY** that a true and correct copy of the foregoing Notice of Treason, Arrest,

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Undisputed Facts was sent first class by U.S. Mail, postage prepaid to Ronald R. Adamson, 217 N. Schwartz Ave., Farmington, NM, 87401 on this 2nd day of July, 2021.

  
Kenneth Alan Gomez  
*de jure* Governor of New Mexico

Office of New Mexico Governor  
490 Old Santa Fe Trail  
Room 400  
Santa Fe, New Mexico 87501

Office of New Mexico Attorney General  
Bataan Building  
P.O. Drawer 1508  
Santa Fe, New Mexico 87504-1508

Office of the New Mexico Supreme Court  
Chief Justice  
237 Don Gaspar Avenue  
Santa Fe, New Mexico 87501

VERIFICATION

SUBSCRIBED AND SWORN TO this date July 2 2021, by Kenneth Alan Gomez, 4 CR Road 5095 Bloomfield, New Mexico 87413 appearing before me who believes the complete document, together with the exhibits, are true and correct to the best of his knowledge during all times pertinent.

My Commission expires: 4/30/2025 SIGNATURE Arielle E. Melendez

NOTARY SEAL

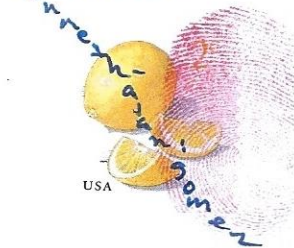


OFFICIAL SEAL  
ARIELLE E. MELENDEZ  
NOTARY PUBLIC State of New Mexico  
My Commission Expires 4/30/2025

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THE SANTA FE  
**NEW MEXICAN**  
Founded 1849

Lynette Gomez  
#4 BR 5095  
Bloomfield, NM  
87413

ALTERNATE ACCOUNT: 01005  
AD NUMBER: 00373656 ACCOUNT: 00071244  
LEGAL NO: 93433 P.O. #:  
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AFFIDAVIT: 0.00  
TAX: 20.94  
TOTAL: 276.64

AFFIDAVIT OF PUBLICATION

STATE OF NEW MEXICO  
COUNTY OF SANTA FE

I, V. Wright, being first duly sworn declare and say that I am Legal Advertising Representative of THE SANTA FE NEW MEXICAN, a daily newspaper published in the English language, and having a general circulation in the Counties of Santa Fe and Los Alamos, State of New Mexico and being a newspaper duly qualified to publish legal notices and advertisements under the provisions of Chapter 167 on Session Laws of 1937; that the publication # 93433 a copy of which is hereto attached was published in said newspaper 4 day(s) between 07/11/2012 and 08/01/2012 and that the notice was published in the newspaper proper and not in any supplement; the first date of publication being on the 11st day of July, 2012 and that the undersigned has personal knowledge of the matter and things set forth in this affidavit.

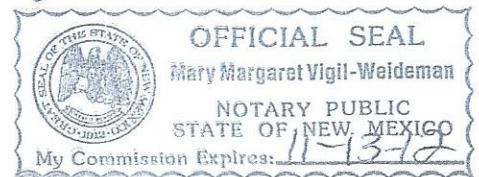
15/ V. Wright

LEGAL ADVERTISEMENT REPRESENTATIVE

Subscribed and sworn to before me on this 1st day of August, 2012

Notary Mary Margaret Vigil-Weideman

Commission Expires: 11-13-2012



SanraFeNewMexican.com

202 East Marcy Street, Santa Fe, NM 87501-2021 • 505-983-3303 • fax: 505-984-1785 • P.O. Box 2048, Santa Fe, NM 87504-2048

Exhibit "1"

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#### LEGAL NOTICE

I, Kenneth A. Gomez, the constitutional Governor of New Mexico, has filed and recorded among the records of the San Juan County Clerk a Proclamation and Directive for the Citizens of the United States of America concerning the active insurgency against the Constitution of the United States of America and the Constitution of the State of New Mexico.

The Proclamation can be located in Book 1541 on Page 656 of the New Mexico, San Juan County Clerk's Records. The purpose of the Proclamation is to suppress the insurgency against both constitutions. Those persons serving as federal and state public officers drawing publicly appropriated funds for personal use while engaged in an insurrection against both constitutions no longer hold public office under Section 3, Fourteenth Amendment. All monies spent by the private citizen to suppress the insurgency is refundable as bounty under provisions of Section 4, Fourteenth Amendment, and the claim for refund shall not be questioned.

The general public at-large is informed that those holding public office do so only as long as they perform loyally with the public trust; remove the trust, and the office holder is recalled.

The vote cast in any election begins at the instant one votes and does not end until the term of the applicable office ends. Recall of all elected or appointed public officers can occur at any time if a sufficient number of voters choose to commit their names to that object.

Legal # 93433  
Pub. July 11, 18, 25,  
2012; Aug. 1, 2012

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I, Kenneth A. Gomez, the constitutional Governor of New Mexico, has filed and recorded among the Records of the San Juan County Clerk a Proclamation and Directive for the Citizens of the United States of America concerning the active insurgency against the Constitution of the United States of America and the Constitution of the State of New Mexico.

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Fourteenth Amendment, and the claim for refund shall not be questioned.

The general public at-large is informed that those holding public office do so only as long as they perform loyally with the public trust; remove the trust, and the office holder is recalled.

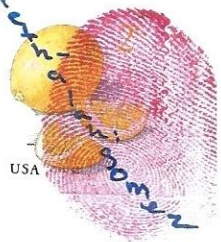
The vote cast in any election begins at the instant one votes and does not end until the term of the applicable office ends. Recall of all elected or appointed public officers can occur at any time if a sufficient number of voters choose to commit their names to that object.

Legal # 93433

Pub. July 11, 18, 25, 2012; Aug. 1, 2012

Back

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STATE OF NEW MEXICO  
COUNTY OF BERNALILLO  
IN THE METROPOLITAN COURT

STATE OF NEW MEXICO,

Plaintiff.

v.

DONALD T. SHARP,

Defendant.

No. T-4-TR-2019-01-4980

2019 SEP 27 AM 7:53

COURT REPORTER  
DARRIN

Affidavit of Fact

My name is Tommy Sharp. I represent DONALD THOMAS SHARP. I cannot traverse into this court until the court's jurisdiction is determined.

There are two reasons this court does not have jurisdiction.

1. NO Contract.
2. The judge does not have a surety bond on file at the Secretary of State's Office in accordance with law.

The personal surety bond is required by:

*Chapter 10 Public Officers and Employees. Article 2 - Bonds Section 10-2-7 [Filing of Bonds by officials of state and state agencies]. The bonds of all state officials, and of the members of all state boards and institutions, after having been recorded as required by law, shall be filed and kept in the office of the secretary of state, and all state bonds now filed elsewhere shall be transferred to the office of the secretary.*

Every state elected or appointed officer in a position of public trust must purchase a faithful performance bond to perfect his oath of office that he will uphold both constitutions. If the elected employee of the state does not have a personal surety bond, the elected is only a de facto employee of the state wanting in de jure authority to perform the duties of office. This means that without a surety bond on file at the Secretary of State's office, the judge has not perfected his oath of office and has failed to oust incumbent, and has no legal authority whatsoever.

[Bowman Bank and Trust Company v. Risk National Bank, 18 N. M. 589, 139P. 148(1914)].  
Effect of failure to take oath - "Mere appointments or election of an official without his qualification, will not oust incumbent from office; to do so he must take an oath and give bond where required." [Bowman Bank and Trust Company v. Rist National Bank, 18 N. M. 589, 139P. 148(1914)].

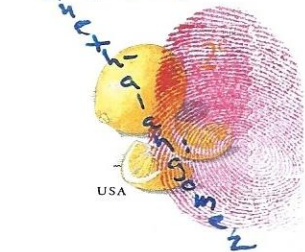
Where is the bond?

*Article XXII, Section 19 [First state officers New Mexico Constitution]  
Within 30 days after the issuance by the President of the United States of his proclamation.....all officers.....shall take the oath of office and give bonds (bonds plural means individual surety bonds) as required by the constitution or by the laws of the Territory of NM.*

Where is the bond?

I went to the New Mexico Secretary of State's office in search of the surety bonds for elected officials. I looked at the computer in the lobby that has all the New Mexico statutes. I attempted to look up the statutes on bonds on the Secretary of States computer. I noticed there are some statutes missing. Specifically, the statutes 10-2-4 through 10-2-11 covering the bonding requirements for state elected employees are missing from the Secretary of State lobby computer for public access (EXHIBIT A). Exhibit A is a copy of the image I

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took with my iphone. I am the author, I took the photograph of the computer screen at the Secretary of State office lobby, second floor. I have a witness, Mr. Nick Johnson.

I asked the clerk at the window about bonds and she asked me to wait for an employee. I believe her name may be Romona. Romona said that she knows the law requires the bonds and that if the law is not on the computer, the law has been repealed. I asked her to please provide me a copy of the repeal for statute 10-2-7. Romona returned with a copy of statute 10-2-7 and said there are no repeals (EXHIBIT B).

In front of Nick Johnson, I asked Romona, by whose authority have these statutes been removed from the computers. I also asked why are you telling the people that the laws are repealed when they are not. She could not answer and got very upset and said that the General Services Division may have the surety bonds.

It appears the Secretary of State office is conspiring to hide the laws from the public in attempts to avoid accountability and to hijack democracy, and when the public asks about the bonds, the Secretary of State's office says the laws are repealed. This is false and it is fraud and much more.

Later, I received a letter from the Secretary of State's office in response to my Freedom of Information Act request after my Secretary of State office visit (EXHIBIT C).

The letter is dated March 27, 2019 and states:

*Dear Mr. Sharp. On March 22, 2019, our office received your request to inspect certain records as follows: "I demand to see the surety bond on file for each state elected official as required by NMSA 10-2-7 and the Constitution for the State of New Mexico, Article XX, Section 1. I require a written reply. I also need to know by whose authority are the required bonds not being kept at the SOS office."*

The Secretary of States response stated on the letter dated March 27, 2019:  
*"The Secretary of States office has determined that we do not have any records responsive to your request."*

After the encounter with the Secretary of State's office, I went to the General Services Department in person. I talked to Clinton Nicely. Mr. Nicely printed my name and address on a Freedom of Information Act request letter. I signed it and returned it to him. Mr. Nicely gave me his phone number then never responded to follow up emails or phone calls and never replied to my Freedom of Information Act request. My emails to the General Services Division bounce back as if my email has been blocked. I wrote a Freedom of Information Act request and had Nick Johnson sign it because the General Services Department ignored my Freedom of Information Act request and were not responding to me. Nick sent the Freedom of Information Act request by mail and eventually got a reply. The letter (EXHIBIT D) is dated May 8, 2019 and says:

*"Dear Mr. Johnson; On May 3, 2019 we received your request to inspect certain records. The General Services Department has completed its search for surety bonds data for all elected state judges. No responsive records were located. With this letter, the Department considers your request completed and closed."*

This means the Judge does not have a bond recorded at the Secretary of State's office or the General Services Department. This means the bonds do not exist. This means the Judge is a de facto employee of the state wanting in de jure authority to perform the duties of office. **Therefore, no legal authority and no jurisdiction exist in this courtroom.**

I would like to add that every time a judge rules on a case in New Mexico court, the judge appears be operating as principal in the collection of an unlawful debt and is considered an outlaw according to title 18 USC 1962. Since there are no bonds, all elected employees of the State of New Mexico whose job requires a bond have obviously conspired to defraud the people and avoid accountability for their actions while working as an employee in public trust. Judges are attorneys. Judges go to law school. Judges know the law. The judges are willing participants in a COUP D'TAT. When a group of elected people all avoid the same law to avoid accountability while in office and hide it, these employees have violated public trust and have conspired to

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operate as a racketeering influenced corrupt organization in pursuit of profit in violation of federal law title 18 USC 1962 which states as follows:

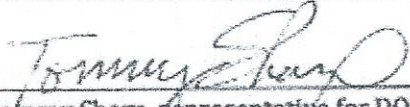
*18 U. S. Code Chapter 96, Statute 1962 Prohibited Activities (a) It shall be unlawful for any person who has received any income derived, directly or indirectly, from a pattern of racketeering activity or through collection of an unlawful debt in which such person has participated as principal within the meaning of section 2, title 18 U S Code, to use or invest, directly or indirectly, any part of income...*


The actions of not giving bond by the judges are akin to a seditious conspiracy to overthrow the government of the United States, the constitutions, state laws, and the people of New Mexico. The illegal actions by all judges in the State of New Mexico adhere to our enemies and give them aid and comfort. This is called treason and Title 18 USC 2382 requires that I report this to a judge, so I am reporting this to this court now in hopes the court does the right thing and turns itself in to Federal law enforcement today.

This was alarming to me. I wrote letters and filed complaints with the Governor, Attorney General, State Financial Board, State Treasurer, Country Treasurer, United States Attorney, Department of Justice, The Office of POTUS, Sheriffs of New Mexico, and the FBI. This is not going away. There are too many people who know about the criminal bond activity.

Based on the information herein, I request that the Metropolitan Court dismiss my charges and the judge immediately turn itself in to a Federal Law Officer.

I swear this is the truth, the whole truth, and nothing but the truth, so help me God.

  
Tommy Sharp, representative for DONALD T SHARP  
September 27, 2019

  
Witnessed by Nick Johnson

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NOTE: STATUTES 10-2-4, 10-2-5, 10-2-6, 10-2-7, 10-2-8, 10-2-9, 10-2-10, and 10-2-11 are all missing from the Secretary of States public computer in the lobby. This is on purpose to give the illusion that the laws are repealed.

Exhibit A

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Document

41 - 60 of 331 results



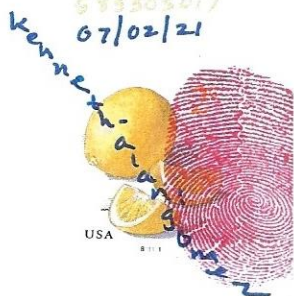
More

- 41.  19.16. Secretary, duties and general powers. (1977)
- 42.  19.24.7. Secretary, duties and general powers. (1993)
- 43.  19.35. Secretary, duties and general powers. (2004)
- 44.  19.55. Secretary, duties and general powers. (1982)
- 45.  19.74. Secretary, duties and general powers. (2017)
- 46.  19.14.6. Secretary, duties and general powers. (1991)
- 47.  19.14.7. Secretary, duties and general powers. (2004)
- 48.  19.11.1. Secretary, duties and general powers. (1995)
- 49.  19.14.8. Secretary, duties and general powers. (1993)
- 50.  19.14.9. Secretary, duties and general powers. (1993)
- 51.  19.14.9. Secretary, duties and general powers. (1993)
- 52.  19.14.9. Secretary, duties and general powers. (1993)
- 53.  19.14.9. Secretary, duties and general powers. (1993)
- 54.  19.22.1.1. Secretary, duties and general powers. (2004)
- 55.  19.22.1.1. Secretary, duties and general powers. (2004)
- 56.  19.22.1.1. Secretary, duties and general powers. (2004)
- 57.  19.22.1.1. Secretary, duties and general powers. (2004)
- 58.  19.22.1.1. Secretary, duties and general powers. (2004)
- 59.  19.22.1.1. Secretary, duties and general powers. (2004)
- 60.  19.22.1.1. Secretary, duties and general powers. (2004)



19.22.1.1. Secretary, duties and general powers. (2004)

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**10-2-7. [Filing of bonds by officials of state and state agencies.]**

The bonds of all state officials, and of the members of all state boards and institutions, after having been recorded as required by law, shall be filed and kept in the office of the secretary of state; and all state bonds now filed elsewhere shall be transferred to the office of the secretary.

History: Laws 1905, ch. 59, § 1; Code 1915, § 517; C.S. 1929, § 17-113; 1941 Comp., § 10-207; 1953 Comp., § 5-2-7.

Exhibit B

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EXHIBIT C



STATE OF NEW MEXICO  
**MAGGIE TOULOUSE OLIVER**  
SECRETARY OF STATE

March 27, 2019

Tommy Sharp  
[tommy\\_sharp2000@yahoo.com](mailto:tommy_sharp2000@yahoo.com)

**Re: Inspection of Public Records Request**

Dear Mr. Sharp:

On March 22, 2019, our office received your request to inspect certain records as follows:

*"I demand see the surety bond on file for each state elected official as required by NMSA 10-2-7 and the Constitution for the State of New Mexico, Article XX, Section 1. I require a written reply. I also need to know by whose authority are the required bonds not being kept at the SOS Office."*

The Secretary of State's Office has determined that we do not have any records responsive to your request. By disclosing this information, the Secretary of State has complied with the Inspection of Public Records Act and now consider your request fulfilled.

Should you have additional questions or concerns, please do not hesitate to contact our office at 505-827-3600 or [sos.elections@state.nm.us](mailto:sos.elections@state.nm.us)

Respectfully,

A handwritten signature in cursive script that reads "Ramona Moore".

Ramona Moore  
Records Custodian

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Handwritten text: *Handwritten text, possibly a name or signature, written in blue ink, slanted upwards from left to right.*



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EXHIBIT D



MICHELLE LUJAN GRISHAM  
GOVERNOR

State of New Mexico  
General Services Department

KEN ORTIZ  
CABINET SECRETARY

Administrative Services Division  
(505)476-1157

Facilities Management Division  
(505)476-2111

Information Systems  
(505)476-1147

Risk Management Division  
(505)476-2106

State Personnel & Labor Relations Bureau  
(505)476-1100

Transportation Services Division  
(505)476-1144

May 8, 2019

Via Certified Mail 701811300000062550456

Nick Johnson

P.O. Box 416

Sandia Park, NM 87407

Re: IPRA - Request for surety bond data for elected State judges

Dear Mr. Johnson,

On May 3, 2019 we received your request to inspect certain records. The General Services Department has completed its search for surety bond data for all elected State judges. No responsive records were located.

With this letter, the Department considers your request complete and closed.

Sincerely,

Susan Bergman  
Records Custodian  
Paralegal

Cc: Victoria Garcia, General Counsel, General Services Department  
Clinton Niefey, Director, Risk Management Division, General Services Department

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STATE OF NEW MEXICO  
COUNTY OF BERNALILLO  
IN THE METROPOLITAN COURT

FILED IN THIS OFFICE  
Wednesday, August 21, 2019 MDT  
Time: 09:34:31  
CLERK, METROPOLITAN COURT  
Init: chustamante

State of New Mexico,

Plaintiff

v.

No. T-4-TR-2019-014980

SHARP, DONALD T.

Defendant.

**GENERAL TRAFFIC ARRAIGNMENT CASE INFORMATION;**  
**ORDER SETTING CONDITIONS OF RELEASE AND BOND; AND**  
**NOTICE OF TRIAL**

Arraignment Date: 8/21/2019

Attorney: None

Public Defender Appointed:  Yes  No

Defendant Advised of Rights:  Yes  No

Plea: Not Guilty

Bond:  ROR  Contd.  C/S Bond Amount: \$ 0.00

Speedy Trial:  Yes  No

Probable Cause:  Yes  No

Docketing Notes/Instructions:

None

The Court finds that release on personal recognizance or execution of an unsecured appearance bond will not reasonably ensure the appearance of the defendant and/or will endanger the safety of another person or the community.

It is ordered that the defendant be released from custody subject to the following conditions:

- Personal recognizance
- Secured bond of \$
- No bond hold.
- NOT Authorized for CCP by MDC.

Defendant is ordered to appear for Trial on **September 27, 2019** at **08:30** before the Court located at **401 Lomas NW, Albuquerque, NM 87102** before **Judge Martinez** in **Courtroom 360** and thereafter at such times and places required in this case by any Court. If you fail to appear, a warrant may be issued for your arrest. You, and any witness you may have, must report to the courtroom at least thirty (30) minutes before the Trial/Hearing time. If a warrant is issued, you will be required to pay an additional \$100 bench warrant fee. If you are found guilty and assessed fines, fees and/or costs you must be prepared to pay immediately.

Officer Name: Rivas, Miguel A., Ofc. BSO Number: 3733 Agency: SO102

Citation(s)

0210240426645

0210240426678

0210240426660

0210240426637

Charge(s)

No Proof of Insurance

Evidence of Registration

Driver's License Not in Possession

Speeding (Over by 11 - 15)

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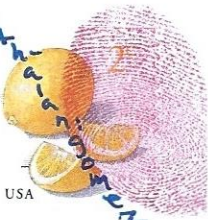




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## 1. MEMORANDUM

# Pertinent Constitutional Provisions and Other Considerations Regarding Faithful Performance Bonds as Condition Precedent Before Exercising Duties of Office

Article VI, Clause 3, Constitution for the United States of America

The Senators and Representatives before mentioned, and the Members of the several State Legislatures, and all executive and judicial Officers, both of the United States and of the several States, shall be bound by Oath or Affirmation, to support this Constitution; but no religious Test shall ever be required as a Qualification to any Office or public Trust under the United States. (Emphasis added).

The phrase "shall be bound by oath" is taken to mean exactly as it meant in Sections 4 and 5, The Coinage Act of 1792; to wit:

Section 4. **And be it further enacted**, That every officer and clerk of said mint shall, before he enters upon the execution of his office, take an oath or affirmation before some judge of the United States faithfully and diligently to perform the duties thereof.

Section 5. **And be it further enacted**, That the said assayer, chief coiner and treasurer, previously to entering upon the execution of their respective offices, shall become bound to the United States of America, with one or more sureties to the satisfaction of the Secretary of the Treasury, in the sum of ten thousand dollars, with conditions for the faithful and diligent performance of duties of his office.

**Note:** This provision of the Constitution for the United States of America is binding on all state public officers for which they must maintain records and do so for public scrutiny.

An oath of office **is a promise made to the People** generating the office – by a constitution – and the oath is given in exchange for the public trust. The Faithful Performance Bond is given as the oath taker's consideration for the public trust received upon taking the oath which binds him to the promises contained in the oath.

### Article XX, Section 1, Constitution for the State of New Mexico

Every person elected or appointed to any office shall, before entering upon his duties, take and subscribe to an oath or affirmation that he will support the constitution of the United States and the constitution and laws of this state, and that he will faithfully and impartially discharge the duties of his office to the best of his ability.

Effect of failure to take oath. — Mere appointment or election of an official, without his qualification, will not oust incumbent from office; to do so he must take an oath and give bond where required. Bowman Bank & Trust Co. v. First Nat'l Bank, 18 N.M. 589, 139 P. 148

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KENNETH A. MONTGOMERY



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(1914).

**Article XXII, Section 19. [First state officers] New Mexico Constitution**

Within thirty days after the issuance by the President of the United States of his proclamation....all officers...shall take the oath of office and give bond as required by this constitution or by **the laws of the territory** of New Mexico....” (emphasis added)

If a question arises about the enforceability of Territorial bonding law, this case in point answers the question; On January 17, 1924, the New Mexico Supreme Court held the requirement of bond prior to discharging the duties of office claimed in a case entitled Board of Comm’rs v. District Court of Fourth Judicial Dist., 29 N.M. 244, 223 P. 516 (S. Ct. 1924) And under Section 4, Chapter 76, Session Laws of 1923, constitutes the County Commissioners of every county a Board of County Finance, and section 8 of the act makes it the duty of the Boards and the District Judge of the Fourth Judicial District to approve the bond of the County Treasurers.

Note. The word stated is **“the bond”**, singular and not a blanket bond.

New Mexico law requires an oath not perjured:

**Article XXI. Compact with the United States**

Section 9. [Consent to Enabling Act]

This state and its People consent to all and singular the provisions of the said act...”

**Section 10 [Compact irrevocable.]**

This ordinance is irrevocable without the consent of the United States and the People of this state, and no change or abrogation of this ordinance, in whole or in part, shall be made by any constitutional amendment without the consent of the Congress. (emphasis added)

Cross references. For amendment of compact with United States, see New Mexico Constitution, Article XIX, section 4. State consent to change requires constitutional amendment. Congress in 1920 consented to change in regard to use of proceeds of land granted state, but state itself must adopt constitutional amendment whereby this consent can be carried into effect. (emphasis added) Bryant v. Board of Loan Comm’rs, 28 N.M. 319, 211 P. 597 (1922). See N.M. Const., Article XIX, section 4.

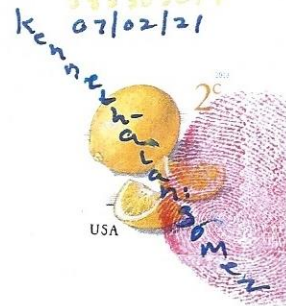
**[Note: A referendum vote would be required to change the law.]**

The State Legislature began to re-codify and re-re-codify (perhaps to cause us to lose track of the original laws) and eventually the current laws are codified as 10-2-1 through 12, New Mexico Statutes Annotated (NMSA) 1978. It appears the state legislature passed the Surety Bond Act for the purpose of negating the Territorial Laws mandating Faithful Performance Bonds of all elected and appointed public officers prior to discharging the duties of office claimed. The said legislative act is in direct violation the Constitutional requirement first having permission of Congress and the necessary affirmative Referendum vote by the People of New Mexico. To wit.

Article XIX, Sec. 4. [Amendment of compact with United States.]

When the United States shall consent thereto, the legislature, by a majority vote of the members in each house, may submit **to the people the question of amending** any provision of Article XXI of this constitution on compact with the United States to the extent allowed by the act of Congress permitting the same, and if a majority of the qualified electors who vote upon any such amendment shall vote in favor thereof the said article shall be thereby amended

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accordingly. (As amended November 7, 1911.) (emphasis added)

Cross references. — As to consent of congress necessary to amendment of compact, see New Mexico Constitution, Article XXI, section 10.

**1911 amendment.** — As originally adopted, this section read as does the present text, but it was included in the required amendment of this article which was proposed by Congress and incorporated in the congressional resolution of August 21, 1911 (37 Stat. 39), providing for admission of New Mexico as a state, which stipulated that adoption of the amendment should be **a prerequisite to admission**. It was adopted by the people at the first election of the state officers on November 7, 1911, by a vote of 34,897 for and 22,831 against.

**Perfecting a claim to office requires** the following acts:

2. **No state public officer** could discharge assigned duties without first being bonded with an insurance company of their selection which was qualified and authorized to conduct business for that purpose within the State of New Mexico.
2. The **quality** of the bond had to be approved by a previously and lawfully bonded senior public officer of the Department of New Mexico Government wherein the individual seeking to perfect the public office to which he/she was elected or appointed would take on assigned duties. Special bonding arrangements are in place for those senior public officers.
3. Upon approval by the department head, the person seeking to perfect claim to the public office would provide that faithful performance bond approval information to the agency of government authorized to use public appropriations to pay for the bond who would then secure the surety bond sought and provide evidence of the secured bond to the Office of the New Mexico Secretary of State for filing in the Record of Official Bonds which office also possessed the attendant notarized oath of office of the bond holder as required to be taken by Section 1, Article XX, Constitution for the State of New Mexico.
4. Since the above sequence of public acts have not been performed by any person claiming to be the senior public office holder of any Department of the New Mexico Government, no subordinate public office was ever perfected anywhere within the State of New Mexico and those claiming to be in public office conducting legislative, judicial or executive activities of government are doing so without perfecting their claim to office.
5. The sequence of actions outlined in Subparagraphs 1 through 4 above are each required in the order delineated to perfect any state public office to which one is either elected or appointed. Avoid one step and **the office cannot be perfected.**

### **Questions and Answers**

**What is a Surety Bond?** A surety bond is a written agreement providing for monetary compensation to be paid by the surety company should there be a failure by the person bonded to perform specified acts within a stated period.

**What is Surety?** Surety is a specialized line of insurance where one party agrees to be responsible for the debt or obligation of another party. There are three parties to this agreement:

6. **The principal** (the public official) is the party that undertakes the obligation and who is primarily bound on a bond.
7. **The surety company** guarantees that the obligation will be performed.
8. **The obligee** (the People of New Mexico) is the party who receives the benefit of the bond. The bond protects the obligee from loss.

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**What are the differences?** With traditional insurance products:

9. The risk is transferred to the insurance company.
10. The insurance company takes into consideration that a certain amount of the premium for the policy will be paid out in losses.
11. The goal is to spread the risk.

**With Surety:**

12. The risk always remains with the principal. The obligee receives the benefit and protection of the bond.
13. The premiums paid are charged for the use of the surety company's financial backing and guarantee.
14. Surety professionals view their underwriting as a form of credit so the emphasis is on prequalification and selection.

What is the basic information that a Surety uses to underwrite? The surety needs to determine if the applicant has the following:

4. Capacity: The applicant must have the skill and ability to perform the obligation
5. Capital: The applicant's financial condition must justify approval of the particular risk.
6. Character: The applicant's record must show him or her to be of good character and likely to perform the obligation that he or she assumes.

It is quite clear **that the object/purpose of an official bond is to protect the public**. Put another way; The purpose of a penal bond **binds** a public office holder to the promises contained in the oath of office. The law requiring bonding and filing it, is abundantly crystal clear:

**NMSA 10-2-5. [Recording of bonds required.] (1893)**

The bonds given by all persons elected or appointed to office in this state shall be recorded. History: Laws 1893, ch. 56, § 1; C.L. 1897, § 3187; Code 1915, § 515; 1929, § 17-111; 1941 Comp., § 10-205; 1953 Comp., § 5-2-5. (emphasis added)

**NMSA 10-2-6. [Record of official bonds of state and district officers.] (1893)** The bonds of all state and district officers shall be recorded in a record book to be provided for that purpose, and known as the record of official bonds, in the office of the secretary of state. History: Laws 1893, ch. 56, § 2; C.L. 1897, § 3188; Code 1915, § 516; C.S. 1929, § 17-112; 1941 Comp., § 10-206; 1953 Comp., § 5-2-6. (emphasis added)

**NMSA 10-2-7. [Filing of bonds by officials of state and state agencies.] (1905)** The bonds of **all state officials**, and of the members of all state boards and institutions, after having been recorded as required by law, **shall be filed** and kept in the office of the secretary of state; and all state bonds now filed elsewhere shall be transferred to the office of the secretary. History: Laws 1905, ch. 59, § 1; Code 1915, § 517; C.S. 1929, § 17-113; 1941 Comp., § 10-207; 1953 Comp., § 5-2-7. (emphasis added)

**NMSA 10-2-8. County and precinct officers; recording and filing bonds. (1967)**

**The bonds of all county officers and constables shall be recorded** in the office of the county clerk in a book designated as the record of official bonds. After having been recorded, the bonds shall be filed and kept in the office of the county clerk. History: Laws 1893, ch. 56, § 3; C.L. 1897, § 3189; Code 1915, § 518; C.S. 1929, § 17-114; 1941 Comp., § 10-208; 1953 Comp., § 5-2-8; Laws 1967, ch. 238, § 2. (emphasis added)

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NMSA 10-2-9. [Recording as prerequisite to discharging duties of office.] (1893) Each and every person who may hereafter be elected or appointed to office in this state, required by law to give bond, shall file the same for record before entering upon the discharge of the duties of the office. History: Laws 1893, ch. 56, § 5; C.L. 1897, § 3190; Code 1915, § 519; C.S. 1929, § 17-115; 1941 Comp., § 10-209; 1953 Comp., § 5-2-9. (emphasis added)

All persons elected or appointed to a state public office are mandated, within 30 days, to take the oath of office prescribed under Article XX, Section 1, Constitution of New Mexico, and as soon after doing so within the 30 day grace period, they must give a penal bond binding them to the promises contained in the oath taken; otherwise, the office becomes vacant. At the end of the 30 day grace period, failure to complete any of the required steps necessary to enter the office prevents one's entry into the office and prohibits one from discharging the duties of that office. Being bound by oath is mandated for all public officers, both state and federal, by Article VI, Clause 3, Constitution of the United States.

An abuse of office does not withdraw the public trust; only a failure to keep the promises made upon taking the oath is necessary to withdraw the public trust which is accomplished by calling the bond from the Office of the Secretary of State. The bond insurer is then required to pay the value of the bond to the State Treasury. The insurer may then seek relief for having paid off the bond proceeds in a court of law. Upon entering office, the office holder may, at times, abuse the office by an indiscretion at which time the liability insurance coverage for the office, not the person, may compensate the injured party in a tort action.

**NMSA 10-2-1 to 12** are requirements for penal bonds to be given by those who are elected or appointed to public office.

**NMSA 10-2-13 to 17** are for liability coverage after one successfully enters public office. The State Legislature does not have authority to alter the penal bond laws since they give effect to Article XXII, Section 4, Const. N.M.

If the truth is of any importance, NMSA 10-2-1 to 12 are unlawful amendments, alterations, or revisions to 5-2-1 to 12 which were enacted as Territorial Law during the period 1886 to 1905.

**Article XXII, Section 4 prohibits their alteration, amendment, or rescission.**

The plain, irrefutable fact remains, a public officer cannot be covered by the liability insurance unless he or she successfully enters office. No penal bond as required by Art. XXII, Sec. 19, then no liability insurance coverage is available because one can't enter public office without giving a penal bond.

In Summary, the privileges of office are taken seriously, and, therefore, oaths to perform faithfully are constitutional requirements. As evidence of sincerity, condition precedent to office, the People of New Mexico require an official to purchase a "public bond" or "faithful performance bond" from his own money prior to performance of duty. Without a bond, the officer is in contempt of the laws of the People of New Mexico. All writs, orders, and acts are "null and void" ab initio nunc pro tunc day of duty assumption.

The only properly bonded officers in the State of New Mexico are public notaries. All other officers, including the governor, heads of departments, judges, mayors, and council members are pretenders, de facto officers, and imposters.

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