

STATE OF NEW MEXICO
COUNTY OF SANTA FE
FIRST JUDICIAL DISTRICT COURT

AGO: 201407-00053
No. D-101-CR-2015-00478

ENDORSED
First Judicial District Court

SEP 01 2015

Santa Fe, Rio Arriba &
Los Alamos Counties
Santa Fe, NM 87504-2288

STATE OF NEW MEXICO,

Plaintiff,

vs.

DIANNA J. DURAN.

Defendant,

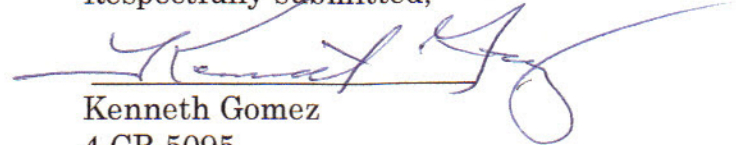
MOTION FOR AUTHORITY TO SUBMIT AN AMICUS CURIA BRIEF

COMES NOW Kenneth Gomez, a citizen legally elected to be assigned the Office of Governor of the State of New Mexico in Year 2010 who was adversely, deliberately, and intentionally denied the office by the Defendant Dianna J. Duran; hereby, seeks Court authority to submit an Amicus Curia Brief providing decisive, fundamental, and necessity evidence not covered in either the "Criminal Complaint and Request for Summons" and the "Criminal Information" in above named and numbered Court criminal case filed on August 28, 2015 by Clara Moran and Joseph Spindle, falsely claiming to be legitimate Assistant Attorneys General for the State of New Mexico.

The authority sought is grounded upon and supported by the self-executing provisions of Article VIII, Section 4, Article I, Sections 5 and 18, and Article XXII, Sections 4, 15, and 19, Constitution of the State of New Mexico.

Granting Court authority to submit the sought Brief shall constructively, effectively, and justifiably alter the decisions and judgment available to and rendered by the court. In accord with the foregoing, Kenneth Gomez respectfully invites the Court's attention to the attached Amicus Curia Brief.

Respectfully submitted,

A handwritten signature in blue ink, appearing to read "Kenneth Gomez", is written over a horizontal line.

Kenneth Gomez
4 CR 5095
Bloomfield, New Mexico 87413

**STATE OF NEW MEXICO
COUNTY OF SANTA FE
FIRST JUDICIAL DISTRICT COURT**

AGO: 201407-00053
No. D-10~~2~~-CR-2015-00478

ENDORSED
First Judicial District Court

SEP 01 2015

Santa Fe, Rio Arriba &
Los Alamos Counties
P.O. Box 2268
Santa Fe, NM 87504-2268

STATE OF NEW MEXICO,

Plaintiff,

vs.

DIANNA J. DURAN,

Defendant,

**BRIEF IN SUPPORT OF MOTION FOR AUTHORITY
TO SUBMIT AN AMICUS CURIA BRIEF**

The Brief contains four sections:

- I. BACKGROUND**
- II. FACTS, POINTS OF LAW, AND AUTHORITIES**
- III. ARGUMENT**
- IV. CONCLUSION**

I. BACKGROUND

1. I, the undersigned at the addressed provided, do hereby state under oath that during the election Year 2010 I campaigned as a write-in candidate for the Office of Governor of New Mexico; I did so because my *opponents during said election interval* had unconstitutionally held and controlled state public offices under provisions of Article VIII, Section 4, Article XXI, Sections 5 and 10, and Article XXII, Sections 4, 15, and 19, Constitution of the State of New Mexico; and while doing so they falsified their individual Declarations of Candidacy, a fourth degree felony; they had embezzled state publicly appropriated funds as a second degree felony in excess of \$20,000.00 received fraudulently as their salaries and converted for personal benefit

contrary to Article VIII, Section 4 of the New Mexico Constitution taking care of their private interest; they accordingly and intentionally violated all provisions of NMSA 1978 Section 10-16-3; and they, therefore, were not legitimate state public officers at any time for specifically denying the self-executing provisions of Article XXII, Section 19, Constitution of the State of New Mexico and defying the provisions of NMSA 1978 Sections 10-2-5, 6, 7 and 9.

II. FACTS, POINTS OF LAW, AND AUTHORITIES

2. Article VIII, Section 4, Constitution of New Mexico mandates that any person holding, controlling, and using a public office, whether constitutionally or otherwise and whether serving the public interest or not, who makes a profit out of public money or uses the same for any purpose not authorized by law shall be deemed guilty of a felony and shall be punished as provided by law. There were no persons constitutionally and lawfully holding state public office within New Mexico from year 1963 to present date. **Authority:** Article VIII, Section 4, Constitution of New Mexico, and **Fact:** The undersigned together with others inspected the archives during Year 2009 established and maintained, over times pertinent, by the Office of New Mexico Secretary of State; they observed, and determined that significant evidence currently exists that no state public officer was bound with a fidelity bond upon being elected or appointed to public office since Year 1963 under either said Article XXII Section 19 or provisions of said Sections 10-2-5, 6, 7 and 9.

3. NMSA Section 10-16-3 provides that all public officers shall treat public office position as a public trust; they shall conduct themselves in a manner that justifies the confidence placed in them by the people while maintaining office integrity and discharging ethically the high responsibility of public service; they shall report conflicts of interest avoiding the abuse of that public office, and they shall not receive anything of value conditioned upon the performance of

an official act doing so knowingly and willfully without being guilty of a fourth degree felony.

Point of Law: NMSA Section 10-16-3.

4. Article XXI, Section 10, Constitution of New Mexico mandates that the ordinance established, maintained, and enforced by the Compact with the United States is irrevocable without the approval of the people and congress, and no constitutional change or abrogation whatsoever shall occur without the consent of congress. **Authority:** Article XXI, Section 10, Constitution of New Mexico.

5. Article XXII, Section 19, Constitution of the State of New Mexico and the provisions of NMSA 1978 Sections 10-2-5, 6, 7 and 9 mandate that each person elected or appointed to a position as public officer, except members of the legislature, shall take the oath of office and give a fidelity bond at their expense; said bond must bind them to the promises made to the people when they took the oath of office in exchange for the public trust for use as they later enter public office; and upon taking the action, the mandate contained under the self-executing provisions of Article VI, Clause 3, Constitution of the United States of America is satisfied. The said Sections 10-2-5, 6, 7 and 9 provide specific laws for filing the oath of office and furnishing evidence of a valid and verifiable fidelity bond payable to the State of New Mexico should the person holding a public office consistently and intentionally fails to honor the promises made to the public contained in the oath of office. **Authorities:** Article VI, Clause 3, Constitution of the United States of America, and Article XXII, Section 19, Constitution of the State of New Mexico; and **Points of Law:** NMSA 1978 Sections 10-2-5, 6, 7 and 9.

6. The person holding and controlling the State Seal in the Office of New Mexico Secretary of State and under provisions of Article V, Section 3, New Mexico Constitution and NMSA Section 9-1-5 who conducted the canvassing of votes in the Year 2010 election of candidates for

the governor's office and the person holding the office as chief justice in the New Mexico Supreme Court and a lawfully mandated member of the Canvassing Board were both handed a typewritten document explaining said Article XXII, Section 19, and said Sections 10-2-5, 6, 7, and 9 before four witnesses, only the chief justice read the document during the canvassing of votes and took no action; no other mandated member under said Article V was present; nevertheless, the person unconstitutionally holding and controlling the State Seal as the Secretary of the State of New Mexico exercised the authority of that office and awarded the Office of New Mexico Governor to the candidate who feloniously filed a Declaration of Candidacy seeking the governor's office and who was then assigned to that office with the armed support of the New Mexico state police. **Authority:** Article V, Section 3, and Article XXII, Section 19, Constitution of the State of New Mexico; **Point of Laws:** NMSA Section 9-1-5, and Sections 10-2 -5, 6, 7, and 9; and **Fact:** Four private citizen witnessed the illegal proceedings and were present throughout the canvassing board meeting.

7. Provisions of Article II, Sections 1 and 2, Constitution of the State of New Mexico were defied by members of the canvassing board, whether present or not, as second degree felons embezzling publicly appropriated funds under provisions of NMSA 1978 Section 30-16-8F in excess of \$20,000.00 they received as salaries and converted for personal use while holding, controlling, and exercising the authorities of their respective public offices. Those acts were known to the four private citizen witnesses inhabiting the State of New Mexico. **Authorities:** Article II, Sections 1 and 2, Constitution of the State of New Mexico; and **Point of Law:** NMSA 1978 Section 30-16-8F; and **Fact:** Four private citizen witnesses were present throughout the canvassing board meeting.

III. ARGUMENT

8. There were no persons holding, controlling and exercising the authorities of any state public office since 1963. Their conduct while holding public office was unethical becoming a fourth degree felony under provisions of NMSA 10-16-3. They compounded the felony when each one of them embezzled state publicly appropriated funds received as salaries and converted for private use which amounted to over \$20,000.00 contrary to Article NMSA 1978 30-16-8F. No constitutional amendments could occur or no laws could be enacted that would permit or justify such conduct in office by any one of them under provisions of Article XXI, Section 10. The process of selecting candidates in general elections to fill the Office of New Mexico Governor since Year 1963 denied the power and integrity of Article V, Section 3, Constitution of New Mexico; the authorities of NMSA Section 9-1-5; and Sections 10-2 -5, 6, 7, and 9. And finally, each one of them intentionally denied the power and integrity of Article II, Sections 1 and 2, and Article XXII, Section 19, Constitution of New Mexico and they defied the pertinent and attendant laws giving those powers effect as insurgents against the Constitution of the United States of America and the Constitution of the State of New Mexico.

IV. CONCLUSION

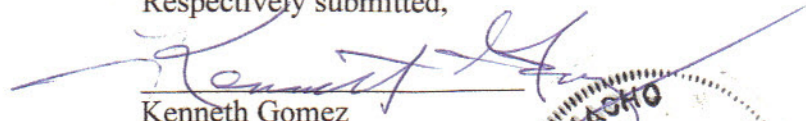
9. Persons holding public office in the State of New Mexico have engaged in an insurrection against both constitutions since Year 1963 and were thereby prevented from holding any office of trust in the United States and State of New Mexico under provisions of Section 3, Fourteenth Amendment. The insurrection against both constitutions began when the person holding the Office of Secretary of State, at times pertinent, exercised the State Seal approving and assigning each one of the previous candidates elected to be New Mexico Governor, each of whom then perjured their oaths of office to support the constitution of the United States, the constitution and laws of New Mexico; since, they each had the constitutional power under provisions of Article

V, Section 4, New Mexico Constitution to, preserve the public peace, execute the laws, and suppress the insurgency. Finally, they each one of them during times pertinent, failed in each of those constitutional endeavors from Year 1963 to the present.

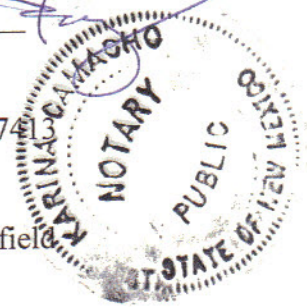
10. Accordingly, the undersigned sincerely believes there exists sufficient and significant evidence to convince the assigned district judge to exercise the integrity of the New Mexico District Court serving the County of Santa Fe to take sufficient action to remove the criminal case against Defendant Duran to the United States District Court for the District of New Mexico using this document as justification and doing so without delay thereby serving the interest of justice for all the people of New Mexico and preserving the integrity of the Court.

11. The undersigned, under penalty of perjury, hereby submit a notarized statement that the facts set forth above are true to the best of his information and belief.

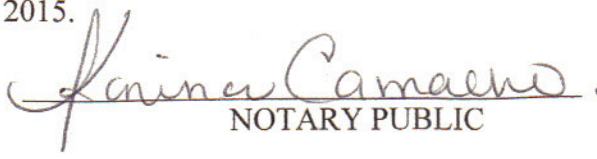
Respectively submitted,



Kenneth Gomez
4 CR 5095
Bloomfield, New Mexico 87411



SUBSCRIBED AND SWORN TO before me by Kenneth Gomez, 4 CR 5095, Bloomfield
New Mexico this 31st day of ~~September~~ ^{August}, 2015.

My Commission expires: 4-10-2019
DATE 
NOTARY PUBLIC