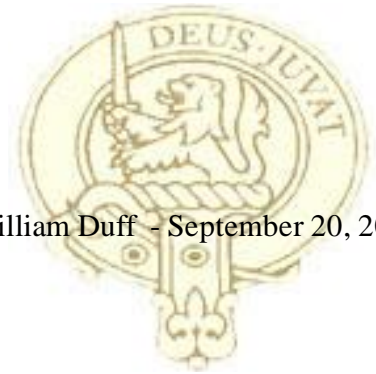


1 **ANALYSIS AND INTERPRETATION:**

2 **DUFF V FRAZIER**



By William Duff - September 20, 2007

3 This case seeks the answer to this question:

4
5
6
7 *"AND THERE IS THE ISSUE AT CONTROVERSY: By What authority, Not*
8 *Claim of authority (statute¹, decisional law² upon statutes), But By what authority*
9 *does the state claim to determine, compel or prohibit Plaintiff's choice of use of*
10 *Plaintiff's private property, existing solely within plaintiff's domain and within*
11 *which only Plaintiff owns and possesses sole dominion, and where plaintiff has*
12 *caused injury to no other."*

13 **BACK GROUND;**

14 William Duff (hereinafter duff), having, after years of study on the subject, rescinded all
15 admissions³ and agreements⁴ with the State, that diminished his Rights to Liberty⁵ and
16 Property, since the early '90's has sought the answer to this question from that time to
17 this.

18 Early June 2007 duff went to a police station to report a theft by deceit. Not only was
19 duff told they didn't bother with such things, they asked duff to produce a State driver
20 license⁶ for ID. Of course, duff didn't use them and informed officers of that fact.

21 Officers proceeded to arrest and imprison duff and to impound duff's auto. Duff

¹ A Legislatures ***Claim*** of authority

² Appellate or Supreme Court decisions as ***Claimed*** by the Justices.

³ How many times have we all agreed we are U.S. citizens? Or Residents (***Res***; property, ***ident***; identified)?

⁴ Driver License, Social Security, Birth certificate, etc.

⁵ The Right to go upon the public right of way with ones property without restraint. Chicago v Collins

⁶ A permission to do something that would without the license be unlawful. In the case of the driver license; part of a complex adhesion contract (discussed later in this work)

22 provided officers' notice⁷ of their error, objected to the restraint, and refused to be
23 coerced into being a party to any offer of contract⁸. Officers ignored all. Duff bonded
24 from jail. Soon thereafter duff serves upon the officers' notice and demand⁹ to remedy
25 their error. Officers failed to ever answer the notice and demand and certainly not
26 within the specified time; duff files an action¹⁰ in the Clay County Circuit Court as a
27 court of record¹¹ proceeding according to the course of the common law¹². Later duff
28 learns the actual names of his assailants and amends to correct the action.¹³
29 Here is where this case gets interesting. Duff filed his action in a constitutionally
30 created county circuit court but according to the common law as dictated by the Magna
31 Carta and a later addition thereto; the "Confirmatio Carturum" (hereinafter CC) which is
32 said to be a bill of right attached to the original Magna Carta of 1297 AD. As far as duff
33 knows his action could only be filed this way where "Right or Reason" are centrally
34 implicated by the subject matter of the action, that being duff's Right of action vs
35 officers authority to restrain. Certainly, in duff's action a Right to Liberty absent
36 restraint unless for a bad deed (injury to another) is the entire question to be decided.
37 Going on, apparently the CC declared the Magna Carta to be "The Common Law",
38 which is therefore the character of the Common law in the fourth year of the reign of

⁷ [Exhibit A](#) in this case.

⁸ When your property is impounded by government you are forced into an agreement to pay tow and storage fees to retrieve it.

⁹ This [document is the first step](#) in a civil case proceeding according to the common law.

¹⁰ Duff v Frazier et al

¹¹ There is no court superior to a court of record proceeding according to the course of the common law and there is no appeal from its decree.

¹² RSMo 1.010. The common law of England and all statutes and acts of parliament made prior to the fourth year of the reign of James the First, of a general nature, which are not local to that kingdom and not repugnant to or inconsistent with the Constitution of the United States, the constitution of this state, or the statute laws in force for the time being, are the rule of action and decision in this state, any custom or usage to the contrary notwithstanding, but no act of the general assembly or law of this state shall be held to be invalid, or limited in its scope or effect by the courts of this state, for the reason that it is in derogation of, or in conflict with, the common law, or with such statutes or acts of parliament; but all acts of the general assembly, or laws, shall be liberally construed, so as to effectuate the true intent and meaning thereof.

¹³ See [first amendment to action](#)

39 James the First and was the common law that was brought to America in 1776/1789 and
40 altered to fit the American experience where the individual people now possessed the
41 same character as did the King of England, prior to the revolution, respecting
42 Sovereignty over their own Life, Liberty and happiness. Among those rights was the
43 right to protect those rights using the common law due process¹⁴.
44 This common law procedure will make more sense to you if you recognize that where
45 you possess sovereignty over property¹⁵, in the use and disposal of it, you also must
46 possess the sole authority to determine what the scope of that right is. If anyone else
47 were to define its context without your express consent and force you to adhere thereto,
48 that act would diminish your sovereignty over the property and therefore destroy your
49 sovereign character¹⁶. The common law due process provides protection against such
50 intrusion by taking out of the hands of third party judges that very judgment¹⁷. This is
51 the very substance of our American Freedom as secured by our Constitutions. Without
52 possessing that sovereignty over our property we cannot be free. We can only be
53 subjects of another's opinion, which I think was what the American people rebelled
54 against. In any event, here we are again, trying to wrest ourselves from the opinion of
55 others. We listen to the National and State rhetoric about democracy and can not
56 separate what we as a people do collectively from what we as individuals do within our
57 own private domains.
58 Duff then proceeds to follow the due process inherent in the common law. His action
59 creates a legal fiction known as the "tribunal". The tribunal is separate from the judge
60 or magistrate generally appointed to hold the proceedings. The tribunal is made up of

¹⁴ you can get some good education about this on the web at; www.1215.org

¹⁵ your property is your Rights to life, liberty and happiness which includes your body, mind and material possessions.

¹⁶ Sovereignty is either black or white. You either are sovereign or you are not. No in between gray area

¹⁷ Where the court of record separates the magistrate from the tribunal and puts the power of the tribunal in the hands of the sovereign and his suit is how individual sovereignty over your own domain and dominion over it is preserved.

61 the Sovereign and his suit, in this case that would be duff and his action of trespass,
62 which is different from duff, the plaintiff. Conversely, the magistrate roll is limited to
63 ministerial duties. As such, the tribunal issues rulings, orders and judgments. You can
64 get a sense of the components of this in duff's action and [exhibit F](#) where the sovereign
65 decrees the "law of the case". Remember though, the subject matter in this action
66 comprehends only; Does duff have a right to go onto the public right of way with his
67 property without restraint so long as he harms no one? The officers entangled here and
68 their employers believe that he does not. Conversely, duff believes that he does have
69 such a right of action, as one of the people, his title via possession¹⁸ of any portion of
70 the peoples property (public right of way) amounts to higher title to that portion than
71 can be shown by any other of the people or the collective people. Hence, this
72 controversy.

73 Initially, the legal department for KCMO Police apparently advised Frazier to ignore
74 duff's documents, or so Frazier said. The officers did just that, they ignored the; notice
75 to officer, the notice and demand, the action and its attending documents, until long past
76 time to answer. Plaintiff duff was now due a default judgment¹⁹.

77 Just about the time duff motioned the court for that default the Attorney Generals (AG)
78 office entered its appearance in the case with a motion to dismiss²⁰ for lack of
79 jurisdiction claiming the Kansas City Municipal court had sole and exclusive
80 jurisdiction over duff and the subject matter and that the Muni court would decide upon
81 the rights of duff. Duff rebutted, the tribunal issued its judgment/decision in default and

¹⁸ WEBSTER: Possession is a property interest under which an individual is able to exercise power over something to the exclusion of all others. It is a basic property right that entitles the possessor to (1) the right to continue peaceful possession against everyone except someone having a superior right; (2) the right to recover a chattel that has been wrongfully taken; and (3) the right to recover damages against wrongdoers. Possession requires a degree of actual control over the object, coupled with the intent to possess and exclude others. The law recognizes two basic types of possession: actual and constructive.

¹⁹ Where one has a duty to speak in rebuttal but remains silent. They by tacit procuracy have assented to the assertion.

²⁰ AG's [first motion to dismiss](#), filed out of time without the consent of the court (tribunal) or the parties.

82 denied AG motion to dismiss. AG then filed motion to dismiss²¹ the replevin issued by
83 the tribunal on duff's motion²² claiming duff committed fraud in his purchase of the
84 auto that was impounded in that the statute declares no person can legally buy or sell a
85 "motor vehicle" without assigning the State certificate of title, which duff did not do,
86 and therefore duff could not prove ownership sufficient to recover via replevin action.
87 The exchange on both of the AG's motions to dismiss is worth a close look. Further, a
88 thoughtful consideration about why the AG is defending the officers in the first place is
89 worth analysis. Did the legal department of KCMO police not feel competent to protect
90 their officers from this action? Why would public money be spent for legal expenses of
91 two people who vacated their offices of trust in pursuit of injuring plaintiff (duff)? Duff
92 would think that upon vacating the office, the person would be acting outside the
93 umbrella of protection afforded by that office and therefore public money applied for
94 the defense would be an improper expenditure. Obviously the AG thinks otherwise.....
95 of course, the AG is taking the position that defendants are protected by sovereign
96 immunity. Duff does not agree. Sovereign immunity could only apply to acts that were
97 within the scope of the authority of the office. Duff's injuries occurred well beyond that
98 scope. In fact, they took place within Duff's domain and in willful and wanton disregard
99 for duff's dominion. The fourth amendment secures duff's dominion over his domain
100 and denies government authority for any action therein lest for probable cause duff has
101 committed a crime as it must be manifest all such action is unreasonable.

102
103 Further, Duff having filed the collateral action in the Clay County Circuit now finds
104 himself struggling with clerks of the court over filing documents in the case. They
105 would declare they couldn't file a document in the case or they would try to trick Duff
106 by stamping it received rather than filed in the case and the consistently failed to add

²¹ Ag's [second motion to dismiss](#) this time the replevin order of the tribunal.

²² Duff's motion to deny [SUGGESTIONS IN SUPPORT](#) and duffs addendum thereto

107 orders of the tribunal to the docketing sheet and on casenet. In addition to that struggle
108 during the first hearing in the court with Gabbert Duff referred to the case as “Duff’s
109 court” to which Gabbert snapped ‘this is not the Duff court this is the 7th judicial circuit
110 court of Missouri” Duff mused for a moment and asked Gabbert if he had read the
111 petition. Gabbert responded that he had. Gabbert set a hearing date Duff objected to no
112 avail and we all left. Soon thereafter the first Writ of error was issued by the tribunal
113 correcting Gabbert as to his assessment of the case and his setting a hearing date without
114 the consent of the tribunal. Interaction with that court remained quietly strained from
115 that point onward. Gabbert would not exchange with Duff other than to snap at this or
116 that making sure not to give Duff any sort of a fair hearing. Later, at another hearing,
117 after Gabbert had racked up a couple of writs of error issued by the Tribunal there had
118 apparently been pre-instructions to carefully manage Duff and his special master Oyer
119 within the bar. The case was called and the Bailiff met Duff and Oyer at the perimeter
120 fencing of the bar and challenged everyone from entering except Duff. We objected but
121 the act wasn’t sufficiently important at that moment to make a scene so Oyer sat back
122 down and duff proceeded to the bench. Gabbert ignored Duffs notice of hearing and
123 took under consideration only defendant’s motion to dismiss which the Tribunal had
124 already dismissed for cause. Duff objected and the AAG argued he case for her tow
125 dismissal motions. Gabbert asked what Duff would like to say on that matter and Duff
126 objected. Gabbert said “you can’t object” and something like do you have a rebuttal?
127 Duff said yes your honor have you not been reading the papers filed in this case, my
128 rebuttal is right there in black and white. Gabbert quickly said this hearing was over I
129 will take defendants motions to dismiss under advisement then got up and walked out.
130 Of course another writ of error came sailing in the next day from the tribunal but by that
131 time Gabbert had instructed the clerk to show on the docket the case had been
132 dismissed.

133

134 Obviously, this set of circumstances is exactly why Duff did not allocate his Subject
135 Matter jurisdiction to Gabbert in the Action. It is apparent to me if not everyone who
136 reads and comprehends the nature of this action in its entirety that Gabbert knew what
137 Duff had intended and wasn't having any of it. Whether that was because he believed
138 he had subject matter jurisdiction in the face of Duff assurances he did not or because he
139 was hell bent on protecting the government men at risk is something I don't know but
140 what I do know is that whichever the reason Gabbert obstructed justice, committed
141 fraud on the court and vacated his office of trust in so doing. That act now finds him
142 charged with the other government men in criminal complaints that followed.

143 Duff sent criminal complaints against both Frazier and Roth for their initial acts of
144 terrorism and Williams, the Muni Judge, for obstruction and fraud on the court, while
145 engaged in the act of protecting Frazier and Roth, and now Gabbert for similar acts as
146 Williams. The complaints assert the judges acted to protect the two officers from both
147 liability and from criminal prosecution. These complaints were sent to Clay County
148 Associate Judge Sutton who not only refused to speak with Duff but who had her clerk
149 tell Duff she would not act on the complaints. Duff then sent them to Vernon Scoville
150 of the 16th Judicial Circuit who did exactly as Duff thought he should which was to send
151 them on to the Jackson County Prosecutor James Kanatzar. To this day Kanatzar has
152 made not discernable attempt to contact Duff to investigate the allegations so Duff also
153 sent the complaints to the US Attorney in Kansas City Roseanne Ketchmark and to
154 Supreme Court chief justice.

155
156 Ketchmark declared the complaints not to have merit and that she would not pursue
157 them. Her Boss told Oyer in so many words he was a nutcase and hung up on him. So
158 at this point I intend to put some pressure on Kanatzar and the Clay County prosecutor
159 to act and when they refuse to go after other government employees I will add them all

160 to the action and file a state suit seeking a Writ of Mandamus compelling them to
161 charge, arrest and try the bad actors.

162

163 When that doesn't work I will file a federal suit for the same thing and when that
164 doesn't work I will have proven beyond any shadow of a doubt that there is no rule of
165 law in America and we better look for some other way to wipe this collectivist scourge
166 out of our offices of trust. By then it will be crystal clear that these collectivists will tell
167 any lie, commit any crime, and injure anyone they need to in order to prosecute their
168 Marxist/Leninist goals.

169

170 Needless to say, I hope I will find one government man who knows the law of this land
171 and is willing to observe it rightly before that happens. In the mean time, I am left
172 destitute having lost my property multiple times to an arrogant masters discretion.

173

174 wdd