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RSB:SND 65/09

IN THE LOCAL COURT
HORNSBY

MAGISTRATE DAKIN

WEDNESDAY 20 MAY 2009

Police v John WILSON

OFFENCE Enter enclosed lands without lawful excuse(2)
False representation resulting in police investigation

Sergeant Taylor for the Informant
Accused appeared in person

HIS HONOUR: Charge case 38 and 39 of John Wilson.

SPEAKER: Before the court your Honour.

HIS HONOUR: Thank you. Are you John Wilson?

ACCUSED: Yes .. (not transcribable)..

HIS HONOUR: I'm magistrate Dakin.

ACCUSED: Dakin. D-A-K-I-N and you call yourself a Magistrate do you.

HIS HONOUR: Do you have anybody representing you here today Mr Wilson.

ACCUSED: I'm here to challenge the jurisdiction of the court just like I did before. As a legal maxim which goes --

HIS HONOUR: Just one moment if you wouldn't mind. Do you have anybody representing you, do you have a legal representative here today.

ACCUSED: I'm here to challenge the jurisdiction of the court.

HIS HONOUR: I understand that.

ACCUSED: I'm not entering any conversation apart from that. I have already done this previously and the Magistrate ran out of the room. So once the challenge is made to the jurisdiction of the court there is a peremptory stay of proceedings until the jurisdiction is determined by a jury. So you have no jurisdiction whatsoever to carry on and in fact I was going to say there's a legal maxim regarding trial by jury. In fact it says that he who betrays his country is like the insane sailor who bores a hole in the ship that carries him. So denying trial by jury is in fact treason. You are betraying your country and so therefore you are insane. A previous Magistrate threatened me with the Mental Health Act but in fact the insanity is coming from the Bench. In fact the challenge encompasses such things as your illegal appointment to be a Magistrate. This is borne out in fact by emails from the Privy Council saying that there are no appointments for the appointment of the Governor general, nor the State Governors, so therefore all appointments made by those persons are equally invalid. So your appointment is quite fraudulent and even if you were a legitimate Magistrate you still have no jurisdiction over me because I am a free man and I have the right to trial by jury in any action.

HIS HONOUR: Finished.

ACCUSED: Do you understand

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HIS HONOUR: Are you ready to proceed in the matter sergeant.

PROSECUTOR: I'm ready to proceed.

ACCUSED: I've already challenged the jurisdiction of the court. There are no proceedings until the jurisdiction is determined by a jury. Do you understand.

HIS HONOUR: I believe I have jurisdiction --

ACCUSED: You do not. You can't judge in your own cause. Can you. You can't judge in your own cause. The challenge to the jurisdiction has been made. There is a preemptory immediate absolutely stay of proceedings.

HIS HONOUR Challenge rejected. I believe I have jurisdiction--:

ACCUSED: You've got no jurisdiction to say anything.

HIS HONOUR: Please start you case sergeant --

ACCUSED: You have no jurisdiction to determine anything, nothing.

HIS HONOUR: All right. Now Mr Wilson --

ACCUSED: I am challenging the jurisdiction of the court.

HIS HONOUR: You've got a choice. I'm going to hear the matters.

ACCUSED: You're not going to hear the matters because I've challenged the jurisdiction of the court. It's plain English. In fact, have we got any Sheriffs here --

HIS HONOUR: Mr Wilson you know --

ACCUSED: The Sheriff's duty --

HIS HONOUR: -- what happened last time you turned your back on me --

ACCUSED: The Sheriff's duty is to ensure people can exercise their rights in court in safety. You are denying me my right to trial by jury. It is their duty to arrest you because you are denying me my right/

HIS HONOUR: All right. You're disrupting the proceedings --

ACCUSED: No, there are no proceedings because I have challenged the jurisdiction.

HIS HONOUR: All right. I will give you a warning for contempt.

ACCUSED: Contempt of court.

HIS HONOUR: Indeed. You are disrupting proceedings --

ACCUSED: Do you know what contempt of court means --

HIS HONOUR: Now Mr Wilson --

ACCUSED: -- interfering with the administration of justice.

HIS HONOUR: Indeed.

ACCUSED: Do you know what justice means. Justice is the protection of rights and the punishment of wrongs. You are the one in contempt. You are in contempt. You are denying me my rights. You are I contempt.

HIS HONOUR: Mr Wilson are you going to allow these proceedings to continue.

ACCUSED: I can't say anything more than what I've done.

HIS HONOUR: All right.

ACCUSED: I've challenged the jurisdiction of the court. There is a peremptory stay of proceedings. If you proceed you have no jurisdiction. There is another maxim which says the judge, without jurisdiction, must be disobeyed with impunity. So you have no jurisdiction. I have challenged the jurisdiction of the court. You are proceeding in a criminal, treacherous way. You are committing treachery and that is punishable under the Crimes Act 1914 with life imprisonment. That's what you are facing because you are a traitor.

HIS HONOUR: Why are you pointing at me.

ACCUSED: Because I'm making quite clearly it's you.

HIS HONOUR: Well I think I'm the only judicial officer sitting here.

ACCUSED: You're not a judicial officer at all --

HIS HONOUR: So why are you pointing at me.

ACCUSED: -- because a judicial officer is appointed under the constitution through the State representative of the Crown of England. The Crown of England says "No. We've got no jurisdiction in Australia. We have no appointments --

HIS HONOUR: Mr Wilson I understand what you're saying.

ACCUSED: Well I hope you do.

HIS HONOUR: Now, I reject your submission.

ACCUSED: You've got no jurisdiction to reject anything --

HIS HONOUR: I'm going to --

ACCUSED: You can't make any decisions whatsoever.

HIS HONOUR: all right.

ACCUSED: You can't make any decisions whatsoever. You've got no jurisdiction at all, none.

HIS HONOUR: Now Mr Wilson you can either remain and watch it all happen around you or --

ACCUSED: Illegally.

HIS HONOUR: Or --

ACCUSED: Unlawfully, illegally --

HIS HONOUR: Or --

ACCUSED: Treasonously.

HIS HONOUR: Or, finished.

ACCUSED: No, I haven't finished at all. Don't you understand --

HIS HONOUR: You're very good at not letting somebody finish aren't you --

ACCUSED: Because it is already finished --

HIS HONOUR: -- when they are speaking. You interrupt --

ACCUSED: -- any proceedings are finished. They are stayed.

HIS HONOUR: Okay. Second warning for contempt.

ACCUSED: You are in contempt, not me.

HIS HONOUR: If you do continue to disrupt the proceedings and not allow --

ACCUSED: There are no proceedings because I have challenged the jurisdiction of the court.

HIS HONOUR: If you don't let me finish what I'm saying --

ACCUSED: There is nothing for you to say because any proceedings are stayed.

HIS HONOUR: Sheriffs please remove Mr Wilson.

ACCUSED: I'm not being stupid he's the one --

HIS HONOUR: I will deal with the matter in your absence Mr Wilson. You don't wish to play any part --

ACCUSED: The word is evil.

HIS HONOUR: You don't wish to play any part in the proceedings. I will deal with them in your absence.

ACCUSED: There are no proceedings because I have challenged the jurisdiction of the court. You are by legal definition evil and treacherous.

PROSECUTOR: I ask that matters be held under section 196 in the absence of the accuse your Honour.

HIS HONOUR: Thank you sergeant.

PROSECUTOR: I tender, in relation to sequence 38, I tender facts and antecedents and in relation to sequence 39 I tender facts and antecedents.

HIS HONOUR: Thank you, I'll read that material. Insofar as charge 38 is concerned on the basis of the material in the court attendance notices and the police facts sheet I am of the view, given what has just occurred, that it is appropriate to deal with the matter under s 196. EACH OFFENCE IS PROVED.

Sequence one of unlawful entry onto enclosed lands. Pursuant to s 41(b) of the Enclosed Land protection Act carries a maximum penalty of five penalty units. THE DEFENDANT IS CONVICTED AND HE IS FINED FOUR HUNDRED DOLLARS. COURT COSTS OF SEVENTY DOLLARS. TWENTY EIGHT DAYS TO PAY.

Sequence two is under the provisions of 547B of the Crimes act. The maximum penalty for that offence is twelve months or a fine of fifty penalty units. I note that the offence occurred in circumstance where the premises at 331 North Rocks Road at North Rocks were previously owned by Mr Wilson and that the Sheriffs had entered into occupation pursuant to a writ issued out of the Supreme Court. HE IS CONVICTED AND FINED ONE THOUSAND DOLLARS. TWENTY EIGHT DAYS TO PAY.

PROSECUTOR: Is that court costs as well your Honour.

HIS HONOUR: Not in that matter. It's already been awarded in sequence one sergeant.

PROSECUTOR: Thank you.

HIS HONOUR: In respect of charge 39 I will read the facts. Similarly it involves him essentially entered enclosed lands at 331 North Rocks Road which he previously occupied as the owner. On the basis of the material contained in the court attendance notice and the facts sheet THE OFFENCE IS PROVED. As with charge case 38 it is appropriate to deal with the matter in his absence. He has been given ample opportunity to participate in the proceedings.

HE IS CONVICTED. FINED FOUR HUNDRED DOLLARS. COURT COSTS OF SEVENTY THREE DOLLARS. TWENTY WIGHT DAYS TO PAY.

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