To Be Filed:

In the Circuit/County Court of the 11th Judicial Circuit in and for Dade County, Florida

STATE OF FLORIDA
_____/
(Plaintiff)

Vs

CASE NO. **F-21-010012**
CASE NO. **F-21-008531**
JUDGE: _____

JERMAINE MEJIA
_____/
(Defendant)

DEMAND TO PROVE JURISDICTION

Comes now, **JERMAINE MEJIA**, the above Defendant, by and through **Jermaine Mejia** an Interested Person and C.E.O. of the said Defendant, who is hereinafter known as the Accused, with this Demand to Prove Jurisdiction and states the following:

1. The Accused was wrongfully arrested, falsely charged and coerced into making court appearances associated with the above case under threat and duress, which voids the promise to appear, which forms an unconscionable contract. Knowing failure to disclose material information necessary to

prevent statement from being misleading, or making representation despite knowledge that it has no reasonable basis in fact, are actionable as fraud under Florida law. Rubinstein v. Collins, 20 F.3d 160, 1990.

2. The Accused was not paid consideration to perform the obligation of the promise to appear under the Uniform Commercial Code.

3. No antecedent obligation of the Accused to be subjected to a liability associated with the above case has been submitted into evidence.

4. The Accused was not involved in commerce at the time of the ‘so called’ incident or alleged crime.

5. The Accused’s body is not a vessel as described in 18 U.S.C. 7(1).

United States Code Title 18 § 7. Special maritime and territorial jurisdiction of the United States defined
The term "special maritime and territorial jurisdiction of the United States", as used in this title, includes:
(A) The high seas, any other waters within the admiralty and maritime jurisdiction of the United States and out of the jurisdiction of any particular State, and any vessel belonging in whole or in part to the United States or any citizen thereof, or to any corporation created by or under the laws of the United States, or of any State, Territory, District, or possession thereof, when such vessel is within the admiralty and maritime jurisdiction of the United States and out of the jurisdiction of any particular State.
(B) Any vessel registered, licensed, or enrolled under the laws of the United States, and being on a voyage upon the

waters of any of the Great Lakes, or any of the waters connecting them, or upon the Saint Lawrence River where the same constitutes the International Boundary Line.

6. There is no contract between the Plaintiff and the Accused which gives the Plaintiff interest in the Accused and no evidence of such interest has been admitted into evidence.

7. There is no contract between the Plaintiff and the Accused which gives the plaintiff interest in the Accused's private automobile and no evidence of such interest has been admitted into evidence.

8. The Accused has been denied the Nature and Cause of the accusations associated with the above case. The constitutional right to be informed of the nature and cause of the accusation entitles the defendant to insist that the indictment apprise him of the crime charged with such reasonable certainty that he can make his defense and protect himself after judgment against another prosecution on the same charge. United States v. Cruikshank, 92 U.S. 542, 544, 558 (1876); United States v. Simmons, 96 U.S. 360 (1878); Bartell v. United States, 227 U.S. 427 (1913); Burton v. United States, 202 U.S. 344 (1906).

9. The prosecution has the burden of proof to show that the court has subject matter jurisdiction. **"A man must assign a good reason for coming (to the court). If the fact is denied, upon which he grounds his right to come (into the court), he must prove it. He, therefore, is the actor in the proof, and, consequently, he has no right, where the point is contested, to throw the onus probandi on the defendant."** Maxfield's Lessee v. Levy, 4

U.S. 330. [Emphasis added]

10. The Accused demands this court to take Judicial Notice that it does not have subject matter jurisdiction.
When a judge knows that he lacks jurisdiction, or acts in the face of clearly valid statutes expressly depriving him of jurisdiction, judicial immunity is lost. Rankin v. Howard, (1980) 633 F.2d 844, cert. den. Zeller v. Rankin, 101 S.Ct. 2020, 451 U.S. 939, 68 L.Ed 2d 326.

A judge must be acting within his jurisdiction as to subject matter and person, to be entitled to immunity from civil action for his acts. Davis v. Burris, 51 Ariz. 220, 75 P.2d 689 (1938).

When a judicial officer acts entirely without jurisdiction or without compliance with jurisdiction requisites he may be held civilly liable for abuse of process even though his act involved a decision made in good faith, that he had jurisdiction. Little v. U.S. Fidelity & Guaranty Co., 217 Miss. 576, 64 So. 2d 697.

"No judicial process, whatever form it may assume, can have any lawful authority outside of the limits of the jurisdiction of the court or judge by whom it is issued; and an attempt to enforce it beyond these boundaries is nothing less than lawless violence." Ableman v. Booth, 21 Howard 506 (1859).

"We (judges) have no more right to decline the exercise of jurisdiction which is given, than to usurp that which is not given. The one or the other would be treason to the Constitution." Cohen v. Virginia, (1821), 6 Wheat. 264 and U.S. v. Will, 499 U.S. 200.

Typically, challenges to a court's jurisdiction pertain to criminal proceedings and prosecutions -- whereby an accused, or a defendant, may challenge a court's jurisdiction to adjudicate a criminal case. The maxim of law therefore, substantiated by numerous cases cited, is that once challenged, a court's jurisdiction must be proven.

"Once jurisdiction is challenged, the court cannot proceed when it clearly appears that the court lacks jurisdiction, the court has no authority to reach merits, but, rather, should dismiss the action." Melo v. US, 505 F2d 1026.

"Court must prove on the record, all jurisdiction facts related to the jurisdiction asserted." Latana v. Hopper, 102 F. 2d 188; Chicago v. New York, 37 F Supp. 150.

"The law provides that once State and Federal Jurisdiction has been challenged, it must be proven." Main v. Thiboutot, 100 S. Ct. 2502 (1980).

"Jurisdiction can be challenged at any time." and "Jurisdiction, once challenged, cannot be assumed and must be decided." Basso v. Utah Power & Light Co., 495 F 2d 906, 910.

"Defense of lack of jurisdiction over the subject matter may be raised at any time, even on appeal." Hill Top Developers v. Holiday Pines Service Corp., 478 So. 2d. 368 (Fla 2nd DCA 1985)

"Once challenged, jurisdiction cannot be assumed, it must be proved to exist." Stuck v. Medical Examiners, 94 Ca 2d 751. 211 P2d 389.

"There is no discretion to ignore that lack of

jurisdiction." Joyce v. US, 474 F2d 215.

"The burden shifts to the court to prove jurisdiction." Rosemond v. Lambert, 469 F2d 416.

"A universal principle as old as the law is that proceedings of a court without jurisdiction are a nullity and its judgment therein without effect either on person or property." Norwood v. Renfield, 34 C 329; Ex Parte Giambonini, 49 P. 732.

"Jurisdiction is fundamental and a judgment rendered by a court that does not have jurisdiction to hear is void, ab initio." In Re Application of Wyatt, 300 P. 132; Re Cavitt, 118 P2d 846.

"Thus, where a judicial tribunal has no jurisdiction of the subject matter on which it assumes to act, its proceedings are absolutely void in the fullest sense of the term." Dillon v. Dillon, 187 P 27.

"Where a court failed to observe safeguards, it amounts to denial of due process of law, court is deprived of juris." Merritt v. Hunter, C.A. Kansas 170 F2d 739.

"An action by Department of Motor Vehicles, whether directly or through a court sitting administratively as the hearing officer, must be clearly defined in the statute before it has subject matter jurisdiction, without such jurisdiction of the licensee, all acts of the agency, by its employees, agents, hearing officers, are null and void." Doolan v. Carr, 125 US 618; City v. Pearson, 181 Cal. 640.

"When acting to enforce a statute and its subsequent

amendments to the present date, the judge of the municipal court is acting as an administrative officer and not in a judicial capacity; courts in administering or enforcing statutes do not act judicially, but merely ministerially". Thompson v. Smith, 154 SE 583.

"A judge ceases to sit as a judicial officer because the governing principle of administrative law provides that courts are prohibited from substituting their evidence, testimony, record, arguments, and rationale for that of the agency. Additionally, courts are prohibited from substituting their judgment for that of the agency. Courts in administrative issues are prohibited from even listening to or hearing arguments, presentation, or rational." ASIS v. US, 568 F2d 284.

"Ministerial officers are incompetent to receive grants of judicial power from the legislature, their acts in attempting to exercise such powers are necessarily nullities." Burns v. Sup. Ct., SF, 140 Cal. 1.

"The elementary doctrine that the constitutionality of a legislative act is open to attack only by persons whose rights are affected thereby, applies to statute relating to administrative agencies, the validity of which may not be called into question in the absence of a showing of substantial harm, actual or impending, to a legally protected interest directly resulting from the enforcement of the statute." Board of Trade v. Olson, 262 US 1; 29 ALR 2d 105.

Whereas, the Accused states that this court lacks personal & subject matter jurisdiction and demands that the above case(s) be "Nolle Pros" as in previous incidents (reference to

Case # B-25-004273, State v Codner) or charges dismissed as the Accused and/or Interested Person will be specially appearing for the matter/cause.

Respectfully,

Jermaine Mejia
www.JERMAINE MEJIA.com
New Jerusalem: State of Jah
13850 N.W. 41st Street,
[Doral, FL 33178 - 3004]

By:_____
(Signature: W/O Prejudice UCC 1-308)
Of Council – God Most High of the Holy Bible (Ref. Gen. 14:18, Psalms 110:4. 1.Hebrews 7:1 – 22)