

Virginia Common Law Living Court **Process**

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PHASE ONE: Self-Governance

Step 1: man/woman-to-man/woman contact, ie; eye-to-eye cordial conversation about the incident/claim and work it out together. A handshake opportunity! Handshakes were the way we made trusted agreements with one another in the days prior to our commercial 'contracts'.

This conversation should take place within the first moments or days from the incident to avoid one's first notice of claim via email.

> If NO positive outcome is noted, or you feel uncomfortable or threatened, visit your local Common Law Court and seek the Court Clerk for guidance on the sovereign-to-sovereign claim system.

Step 2: Document the damage, incident and man/woman responsible

- a. Take photos, personal or public video sources, and notes on the damage, including dates, times, and details of what happened.
- b. Identify the responsible party: Determine who caused the damage and gather evidence of their involvement.
- c. Make sure to get the accused's name, phone number, address and email address and any available insurance information.
- d. Make sure to obtain a County Sheriff report if applicable.
- e. Gather witness statements: Collect statements from anyone who witnessed the damage or has relevant information.
- f. Create your Remedy. Calculate damages with professional quotes/estimates, at least three (3) if possible, or estimate the value of the damages, including costs, losses, and expenses and show an itemization of the costs proving the total amount of the claim.
(Remember, In KINDNESS, we do not price gouge the accused. However, in FAIRNESS, the amount should at least indicate all costs incurred)
 - i. If your claim is against a de Facto 'public official' use your Schedule of Charges for Harm and Trespass for your requested remedy amounts. Also include their bond number and oath if possible. Do not use the Schedule of Charges for Harm and Trespass against another ASN!

- g. All evidence should be witnessed and autographed by someone involved in the case or at least by a 'bystander' man or woman. All documents should be originals, NOT copies.
- h. Make sure to get names and all contact information for potential Witnesses. You will need them for Living Court.
- i. It is critical for you, and your neighbors to "SAY something, if you SEE something". BE A WITNESS! This is how the Neighborhood Watch system works. We keep each other safe. So use your media devices to film or collect information. However, if the incident has caused great harm, please take the evidence to the Sheriff, Coroner or Court Clerk. They may submit the evidence to a Grand Jury Committee for help. DO NOT share the evidence on social media.

Step 3: Email contact- the FIRST NOTICE of correspondence.

- a. Follow Step 2 and get as much information as you can.
- b. Your documentation is evidence of claim, be precise and obtain witness autographs if available.
- c. Make contact as soon as possible with the best intentions to settle the claim.
- d. Make sure to save and archive all emails addressed.
- e. If no response, or you receive negative feedback, from your accused begin the formal notice process.

Step 4: Serve your next two (2) notices: (Refer to Virginia Common Law suggested Notice of Claim process below)

- a. Provide 2 written notices to the responsible party, using the details of your claim above, and demands for remedy. You should act *promptly* to pursue your claim.
 - i. The first email correspondence should occur within 14-30 days of the incident.
 - ii. The second Notice of Injury or Harm should occur 1-2 weeks after the initial correspondence sent date
 - iii. The third notice of default and referral to mediation should occur 1-2 weeks from receipt of Notice of Injury or Harm

- b. Be firm in your request for full and fair remedy: Clearly state what you expect as remedy, such as repair, replacement, or compensation.
- c. Verify that all notices have been delivered using certified, registered or priority mail. If hand delivered, or placed with the accused, take photos of them for your evidence of delivery. Using honorable witnesses (ASC, Sheriff Deputy or Militia) for authentication .
- d. All notices should be 'wet ink' autographed complete with seal (thumb print).
- e. If further help is needed, find a knowledgeable Common Law "Counselor in Law" for help.

IMPORTANT! Your evidence packet is used to build your case, argument and remedy. You must be able to present your case in an orderly fashion, therefore, organizing and creating a plan with this information will help you prove your case.

A suggestion for the Virginia Common Law Claim Process

1. NOTICE OF INJURY OR HARM

To: [Name of man or woman alleged to have caused harm]

From: [Name of living man or woman]

Date: [Date of notice]

*When applicable, and the accused is a public official, include Bond or BAR number and confirm their Oath of office.

FACTS and Injury or Harm suffered

On [date of incident], I suffered injury or harm as a result of your actions or omissions.

The details of the incident are as follows:

-Provide a clear and concise description of the incident, including the time, location, and nature of the harm or injury suffered.

-See Step 2 above. This is your evidence for Claim. Be thorough

REMEDY SOUGHT

I am seeking the following remedy to resolve this matter.

-Describe the remedy, including any specific actions or compensation sought.

-Add any original quotes for repairs and labor, medical/hospital bills, etc.

-Estimate a total amount for your remedy

Claimant _____ (seal)

Date: _____

Witness _____ (seal)

Date _____

2. NOTICE OF DEFAULT

To: [Name of man or woman alleged to have caused harm]

From: [Name of living man or woman]

Date: [Date of notice]

*When applicable, and the accused is a public official, include Bond or BAR number and confirm their Oath of office

You have failed to remedy the injury or harm caused to me, [name of living man or woman], as outlined in the NOTICE OF INJURY OR HARM dated [date of notice].

Remedy Sought

Re-insert/repeat a copy original facts from Notice of Claim for Injury or Harm.

As a result, you are now in default.

I establish these facts as a matter of record, and they shall be deemed as true and accurate unless rebutted by competent evidence. If we are unable to come to remedy my next step will be mediation.

Claimant _____ (seal)

Date: _____

Witness _____ (seal)

Date _____

3. NOTICE OF RIGHTFUL CLAIM

To: [Name of man or woman alleged to have caused harm]

From: [Name of living man or woman]

Date: [Date of notice]

*When applicable, and the accused is a public official, include their Bond or BAR number and confirm their Oath of office.

I, [name of living man or woman], do hereby make a rightful claim for remedy for the injury or harm suffered.

I, _____, (living man/woman) give public notice of my personal claim of right and lawful excuse to seek private mediation under my liberty as a flesh and blood man or woman; and I do hereby call upon the support of competent men and women to assist me in this lawful right.

In the event mediation is unsuccessful I, _____, will give public notice of my personal claim of right and lawful excuse to establish and convene an American Common Law Court with a jury of 12 of my peers, man or woman, to judge a matter of my well-being, rights, and safety for myself and my community.

I, _____, further give public notice that this jury of my peers will have the jurisdictional competence to judge this matter and issue a sentence or verdict within the said court based upon proven and lawful evidence presented to the court.

Claimant _____ (seal)

Date: _____

Witness _____ (seal)

Date _____

NOTE: Be sure to take your entire evidence packet, copies of your notices and this notice. This notice opens the door to your 'public' trial.

PHASE 2: Private Mediation

What is mediation?

Mediation should take place in a private environment outside the Living Court. Its purpose is to continue the phase of Self Governance allowing men and women to settle their own disputes in a private environment. (***More information on mediation can be found in the Virginia Common Law Court Process Handbook.*)

Mediation can have several advantages other than going to “public court”. They are:

- You can still have control over the outcome
- Its private, NOT public
- It can be a road to a faster remedy than the public Living Court process
- Having a third party to help mediate the situation can preserve relationships, offer emotional support and customized remedies
- *Free service or reasonable fee or donations accepted? (Fluid)*

The road to Mediation?

Step 1: Do you need help?

Should help be needed, the claimant could seek help from the ‘thevirginiaassembly.org’ website, or from the Court Clerk after the third Self-Governance notice has gone un-resolved/unanswered and/or after 30 days.

Step 2: The Claimant will bring their Evidence packet to the Court Clerk.

The Court Clerk can help determine if the case needs to be mediated and can offer advice and recommend/refer them to available Private Mediation services. The Court Clerk can also note, at this time, if there has been harm done requiring a Sheriff's help or even recommend dismissing the claim due to frivolousness. Once the recommendation is made it is solely up to the claimant and accused to make mediation work. Remember, it's VOLUNTARY.

Step 3: Claimant and Accused engage in the mediation process.

- a. Mediation must be attempted with every potential claim prior to engaging the court trial.
- b. If mediation is successful then the remedy is autographed and sealed by both parties. Copies will go to both claimant and accused and to the mediator for filing. You have successfully avoided Living Court!
- c. If mediation does not take place, experiences delinquency or non-remedy then the Claimant visits the Court Clerk for initiating Living Court process.
- d. The Notice of Rightful Claim should be submitted along with the verification form the Mediation Services.
- e. For evidence purposes there needs to be an official document from Mediator to Claimant that mediation was a failure and for what reason, for use in their evidence packet. (See the Unresolved Mediation form below)

“Seeking Remedies in a Lawful Manner”

We are Self-Governing And seek peace and fellowship with our brothers and sisters.

When a harm or trespass occurs to an man/woman, it is our duty to resolve the issue to receptor honor for all

Each harm or trespass is considered an issue/incident between two people.

If several people are involved in the issue/incident, each incident will be considered separate

Virginia Living Court- Civil Jurisdiction

Step 1: Claimant visits the Court Clerk

1. 1.The Court Clerk will have the claimant read and sign the Notice of Rightful Claim if not already done. (see above)
 - a. Court Clerk takes claimant evidence pocket, Notice of Rightful Claim, Private Mediation Non-Resolution form (if used) and the Claimant Remedy
2. The Court Clerk will provide documents to help the claimant and accused build the evidence packet which will be used to present their case to the “jury of peers”. In other words, a checklist for the claimant and accused to better be prepared for Living Court.
 - a. Schedule of Charges for Harm and Trespass only if the accused is a deFacto official
 - b. Claimant Remedy, including all the copies of the claim process
 - c. Notice of Rightful Claim
 - d. Private Mediation Non-Resolution form if mediation was undertaken.
3. The Court Clerk may have to add the following to Evidence Packet at this time:
 - a. A Criminal Incident Report to fill out, or receive one already signed by an ASN,
 - b. OR, receive a Criminal Incident Report from a Sheriff
 - c. OR receive a “Warrant for Arrest, Detention or Appearance from the Grand Jury, as well as a Grand Jury Presentment of Acquittal or Indictment.
 - d. OR, a Coroner Inquest form
4. The Court Clerk will determine if the claimant or the accused will require help for special needs via friend, relative or Counselor at Law in the event of a disability or death.

Step 2: The Court Clerk confers with the Magistrate/Justice to confirm a Civil jurisdiction trial.

1. The Court Clerk presents the case, complete with the Evidence Packet and the possibility of a Non-resolution/delinquency notice from Mediation Services to a Magistrate/Justice to initiate the process to the Living Court.
2. If a Law is involved in the case, the Court Clerk and the Justice will determine and note if that Law has value and is lawful to remind the Jury to try any applicable laws first. Laws can be:
 - a. Repugnant to Natural, Public Law? Ie: God-Given freedoms of Common Law vs Roman Civil Law's statutes, codes and mandates
 - b. Repugnant to the Declaration of Independence & Bill of Rights
 - c. Unconstitutional? (Under the 1779 version)
3. The Court Clerk and the Justice can determine at this time:
 - a. If the case is accidental and only involves restitution or remedy declaring it a Civil Court trial
 - b. whether the case has caused harm which moves the Court to Criminal Jurisdiction
 - c. The case is NOT frivolous, in which case it can be dismissed
 - d. If the case appears to be not only intentional, but also involves great harm to more than one party either through injury, financial loss or fraud they may decide to refer to the Grand Jury Committee.

Step 3: The Court Clerk sets up the Living Court

1. The Court Guarantor confers with the Court Clerk and Justice to read the evidence and remedy to determine the amount of the Assurance Guaranty.
 - a. If the case was referred to court by a Grand Jury's Presentment or Criminal Incident Report, or a Sheriff's Criminal Incident Report or a Warrant for Detain, Arrest and Appearance, or Coroners Inquest findings, the claimant is EXEMPT from paying the Assurance Guaranty.

2. Court Clerk sends appropriate invitations to jurors, justice, claimant and accused with a court date and time (Writ of Claim TVA.WC.001, Invitation Writ TVA.WC.002, Req.Resp.)
 - a. The Court Recorder is notified and assists with planning the trial
 - b. A court date and time is set
 - c. A case number is applied
 - d. Assurance Guaranty amount is posted to the invitations. The Guaranty is paid by the Claimant within 72 hours/3 days prior to court date via cash or check, deposited digitally through the court website or through a Square account.
 - i. In the event the Claimant proves their case the Assurance Guaranty they paid will be refunded to them.
 - ii. In the case of the Claimant proving their case the Accused will then be forced to pay the Assurance Guaranty
 - iii. The Court Guarantor will check the court account daily for the Assurance Guaranty's needed for the next 72 hours/3 days..
 - e. Invitations to Living Court, complete with the Court Affirmation, are sent to the Jury pool to secure 12 jurors and one (1) alternate for the date. (Civil Jury Duty Invitation, TVA.CJD.001)
 - f. The Court Clerk ensures that all evidence packets from the Claimant and the Accused are sent to the Court Recorder for 'photo filing' for presentation during court.
 - i. Including video, photos, receipts, invoices, affidavits from witnesses, etc
 - ii. The Court Recorder will check to see if a 'prerecorded video of witness testimony' in case of disability or emergency will be needed by the witnesses and schedule and plan such a taping for the evidence packet and day of trial.
 - g. Invitations for appearance, complete with the Court Affirmations, are sent to both Claimant and Accused. (TVA.WC.003)
 - h. Witnesses are also sent invitations, complete with the Court Affirmations. (Witness Testimony in the Form of Affidavit, W-01)
 - i. The trial is announced publicly via court docket, website, newspaper, etc.

- j. Notify Sheriff's office if needed to ensure evidence, report or witness circumstances and transportation
 - k. *PLEASE NOTE: If so desired, a Jury Committee can be created to assist with slating and interviewing a Grand or Jury of 12.*
3. The Court Clerk notifies the Court Recorder, Militia/Deputy/Sheriff for delivery of the accused if needed?
 4. The Court Clerk will procure and prepare the Evidence Packets of the Claimant and Accused (TVA.CR.EV) for the Jury prior to trial. These Packets will be distributed to the Jury on the day of trial. The packets may also include a Criminal Incident Report or Warrant for Arrest, Detain or Appearance (TVA. WADA) from the Grand Jury or Sheriff (TVA.CR.001), a Presentment of Indictment from the Grand Jury (TVA.PMNT.001) or information from a Coroner's Inquest.

Step 4: Court Clerk confirms the date/time for Living Civil Court or if a Continuance is needed?

1. The Court Clerk follows up with claimant, accused and jury invitations and ensures everyone knows when to appear.
2. The Court Clerk ensures that all Jury Affirmations are autographed.
3. If a man or woman has not sent their Guaranty within 72 hours/3 days of the court date, the Court Guarantor will communicate that with the Court Clerk and contact that man or woman to get the payment or advise the claimant or accused to fill out a Request for Continuance. A 10-day leniency can be granted to reschedule and can be scheduled by the Court Clerk.
4. In the event of emergencies or inability to attend, the Claimant or the Accused is responsible for notifying the Court Clerk and initiating the reschedule.
5. The Claimant or Accused must see the Court Clerk and fill out the form "Request for Continuance" (TVA.RC.001) or the "Response to the Request for Continuance" form (TVA.RRC.002) to reschedule the court case.

6. In the event of a 'no show' by either party, and/or the Request for Continuance (10-day Leniency) is not filed, the precedence of 'Guilt by Omission/Default in Dishonor' MAY apply. **Meaning the requested remedy will be upheld for the participating party.** The form Lawful Judgement of Dishonor will be mailed to the absent party and remedy will be enforced. (TVA.JDH)
7. The Jury committee (or Court Clerk until a committee is formed) convenes a session, PRIOR TO THE TRIAL, with the jurors (12 +1), justice and the claimant and accused to determine any conflict of interest that may be present.

Step 5: Day of Living Civil Court

1. At the time of trial, whether virtual or in-house, the Marshal at Arms shall run a security check on all Court Officiants, Claimant and Accused and the Jury. All officiants will have to be visible and present their Credential Card for verification.
 - a. For Zoom Court cases the Marshal at Arms will read the Bivens Declaration.
2. The Marshal at Arms, Court Clerk and Court Recorder confirm evidence packets to the jury, all necessary recording devices are ready and the courtroom is secured.
3. The Court Guarantor checks the court account to make sure the claimant has paid their Assurance Guaranty and notifies the Court Clerk that the Assurance Guaranty has been deposited so the day's trials can be convened.
4. The Justice meets with the Jurors before trial and instructs the jurors to elect a Lead Juror. Important! Before anyone else enters the court.

5. The Justice/Magistrate verifies all necessary officiants are present:
 - a. Marshal at Arms
 - b. Court Recorder
 - c. Court Notary
 - d. Court Clerk
 - e. Court Guarantor
 - f. Jurors

6. The Court will be 'called to order':

- a. The jury is escorted into the room
- b. The Jury is affirmed by the Court Guarantor reading one time to all jurors with the following affirmation:
- c.

Court Guarantor: *"Thank you all for appearing today to uphold your public duty. Please listen to the following affirmation.*

"I affirm that I am one of the people on Virginia acting in an unincorporated and unencumbered capacity. I acknowledge and accept the duties and responsibilities of a Virginia Juror and I will act in honor, integrity, and with pure intent. I accept my duty to serve my fellow Virginians freely and without reservation, coercion or issue of conscience. I shall diligently uphold and ensure Justice for all people through thoughtful deliberation, Due Process, and Jury Nullification."

Court Guarantor: *"Do each of you so affirm?"*

Jury Response: *"I,so affirm"*.

Court Guarantor: *"And so this Jury is Affirmed this day ,__date__, for case number #_____."*

**** Justices, please take note: Please be aware that the Justice, Justice of the Peace or Magistrate is to stay neutral in all court cases. It's ok to inform/apprise/familiarize but NOT lead, question, or threaten the claimant or accused in such a way to sway the jury. It is up to the claimant and accused to argue their cases to convince the jury. Always remember it is the Living Jury's duty to place judgement, NOT the justice.**

7. It is appropriate for a brief period of education, by the Justice, should take place for the jury on how to interpret the hearing before the claimant and accused enter the courtroom. It should include recommendations such as:
 - i. the '*facts only*', aka leave emotion out of the deliberation
 - ii. Information pertaining to the case, such as: case law precedence, constitutionality, etc
 - iii. need to know items based on the case
 - iv. guide the jury to elect the Lead Juror
 - v. confirm that there are no 'conflicts of interest'
 - vi. Confirm that the Jury has been affirmed.
 - vii. There may be a possibility to brief the claimant or accused to aid them in presenting their best argument during the court process.
8. The Court Recorder will announce the Case Number and the names of the Living Claimant and Accused.
9. **Possible Early Remedy?** At this time, the Justice may ask if the Accused would like the opportunity to make remedy with the Claimant?
 - a. If the answer is "No." then the trial will continue.
 - b. If the answer is "Yes." then the Justice will adjourn the court and have the Court Guarantor receive the Remedy and disperse it to the Claimant.
 - i. If the Accused does not immediately have the Remedy the Sheriff will be notified to 'enforce' the Remedy.
10. Whether virtual or in-house, all evidence needs to be shown to the court, including the audience and jury during the trial.

11. The Court Recorder is responsible and ensures that all audio/video/virtual processes are in place prior to beginning court.
12. The Court Guarantor calls and affirms the Claimant. (2 questions)
 - a. *“Please state your full name for the Court?”*
 - b. *“Do you affirm that the testimony and evidence you present today is honorable and truthful?”*
 - c. *NOTE:* The Court Guarantor will also call and affirm any witness present for testimony using the same 2 questions above.
13. The claimant has **reasonable time** to tell their story, lists the facts, and introduces witnesses. (The Justice can determine the time needed.)
14. The Court Guarantor calls and affirms the Accused. (2 questions)
 - a. *“Will you please state your full name for the Court?”*
 - b. *“Do you affirm that the testimony and evidence you present today is honorable and truthful?”*
 - c. *NOTE:* The Court Guarantor will also call and affirm any witness present for testimony using the same 2 questions above.
15. The Accused has **reasonable time** to refute the Claimant’s evidence and introduces their witnesses.
16. The justice will offer an optional ‘rebuttal session’ opportunity for each **ONLY** if needed.
17. The Justice will then allow time for the Lead Juror to question the Accused with questions from the Jury.
18. The Justice will end the court process when appropriate.
19. The Recorder ends the recording and Jury Deliberations begins.

Living Civil Jury

1. The Marshal at Arms/Deputy or Court Guarantor escorts the Jury to the deliberation room and stands guard outside the room as deliberation ensues to help keep the peace. He can also act as a messenger between the Jury and Justice.
2. The “Lead Juror” is selected by the jurors using the Lead Juror Election form (TVA.JFE), then instructs the jurors on the following:
 - a. Evidence and Facts (who/what/when/where/how/why)
 - b. The juror stays objective, (not subjective) or impartial and does not use emotions to guide their decision.
 - c. Ample time for the Jurors to preview the Evidence Packet should be given.
 - d. Establish any undue Harm?
 - e. Make sure there is no unlawful pressure by a juror(s)
 - f. Notifies jurors that the decision must be unanimous
 - g. Establish/highlight the Remedy being considered, ie: Findings/Monetary/Labor Awards etc.
 - h. Keeps order during the deliberation (along with Marshal at Arms)
 - i. Presents the remedy/order/judgement to the Magistrate/Justice during the reconvened Living Court
 - j. In a virtual court proceeding a polling action in the Chat function for jury deliberation can be used by the Lead Juror
 - k. In a virtual court proceeding any forms needed by the Lead Juror can be uploaded into the Chat function via the Court Clerk or Justice??
3. After the Lead Juror has instructed the Jury on deliberation he/she can now allow the Jury to peruse/glance over the evidence packets from the claimant and accused.
4. ‘Justice to Jury’ form (Jury Information Request/Response, TVA.FRR) can be used to ask further questions about the case during deliberations. Can be used in either direction for clarifications as needed.
5. If the jury finds a deFacto law unjust/unlawful a Jury Nullification can take place using Virginia Nullification Order form. (TVA.NO.001)

- a. The Lead Juror and the Justice will autograph the order and the Court Notary will seal the order and send a copy to the Court Clerk.
6. Based on the evidence and facts the Jury has the prerogative, with honor and integrity, to increase the remedy. The following considerations should be met:
 - a. The jury may NOT decrease the remedy
 - b. Any changes to the remedy need to be agreed upon and confirmed by the Claimant
 - c. In the case of an ASN vs a deFacto person officer, public official, town, municipality, city or department the Schedule of Charges for Harm and Trespass should be used to make the remedy fair and reasonable to the charges.
7. The deliberation cannot be adjourned until a simple majority (at least 7 of 12) decision is reached for the remedy. This process must go on as long as it takes to reach a decision and can last up to 14 days.
8. However, if after 14 days, even one juror cannot convict, the Jury is considered “deadlocked” and the accused is acquitted immediately ‘without prejudice’
9. Once the deliberation is final:
 - a. A Jury Decision(s) (Living Court Jury Decision and Order from. TVA.JDO) form, is used to detail results of deliberation
 - i. It details “so ordered” or acquitted (Judgement of Acquittal form, TVA.JA)
 - ii. **Reminder!** If the Jury suspects or finds that criminal intent was involved this trial is ended and a Criminal Incident Report is filed with the Sheriff, a referral to a Grand Jury investigation is filed for a possible indictment and proceed to a criminal trial.
 - iii. Describes in detail the remedy
 - b. The entire final remedy is told to “Living Court” including any Monetary Award

Living Court Resumes- Adjournment

1. Living Civil Court resumes for the disclosure of the jury decision via the “Living Court Jury Decision and Order”. (Living Court Jury Decision and Order, TVA.JDO or the Judgement of Acquittal, TVA. JA)
2. Justice will verify the Jury’s Decision and the final Court Order/ Judgement is announced to the “Living Court” by the Justice.
3. If the accused is found at fault by the jury, the man or woman is remanded to the Court Guarantor for initiating the remedy.
4. Justice dismisses the court and Court Recorder stops audio/visual recording process.
5. The case documents/judgement are sealed by the Magistrate/Justice and Court Notary.
6. The Marshal at Arms and Court Recorder will collect all the evidence packets and records to secure for safekeeping.
7. The Court Guarantor is responsible for obtaining the Assurance Guaranty from the court account and distributing the proper amount to the man or woman who proved their case.
 - *If the case was referred to court by a Grand Jury’s Presentment or Criminal Incident Report, Coroner Inquest, a Sheriff’s Criminal Incident Report or a Warrant for Detain, Arrest and Appearance, the claimant is EXEMPT from paying the Assurance Guaranty.
8. Copies of the “Living Court Decision and Order” (TVA.JDO) or the Judgement of Acquittal (TVA.JOA) are to be sent Registered Mail w/Return Receipt or carried and verified by a Sheriff to the Claimant and Accused.

NOTE: Please see the Virginia Common Law Court Handbook for the Court Guarantor Process. Pp. 62-64

Virginia Living Court- Criminal Jurisdiction

In the event of significant major harm (injury) or trespass (intentional wrongdoing) the Civil process crosses over to the Criminal Court process.

The Virginia Jural Assembly Public Statement on the use of Extreme Punishment (Capital/Execution) in Criminal Cases

“The integrity of our Land and soil Common Law and its processes will ensure that all effort will be made to find suitable remedy that avoids this final determination. The Virginia Jural Assembly does not make decisions on whether or not to use Extreme Punishment as part of a remedy to jury decisions. However, The Virginia Jural Assembly does acknowledge there may be times when such grievous, heinous and mass harms are done to the men and women on Virginia that a unanimous jury has the right to institute Extreme Punishment and decide the means by which it is implemented as part of the remedy of harm that has taken place by the accused ‘responsible’ or ‘guilty’ man or woman.

“Additionally, the method of Extreme Punishment will be decided with input and consideration of all people involved in the case. This includes the claimant and/or the family of a deceased or disabled claimant, the Jury of 12, and, in some cases, the responsible man or woman.”

Step 1: Harmed Claimant visits the Court Clerk

1. If an ASN witness is initiating a criminal claim they will present a Criminal Incident Report (TVA.CR.001) to the Court Clerk.
2. The Court Clerk will have the claimant read and sign the Notice of Rightful Claim if not already done. (see Self Governance)
3. If the claimant, also the victim of harm, has a Schedule of Charges for Harm and Trespass (Remedy) it should be delivered to the Court Clerk at this time.
 - a. The Court Clerk takes the harmed claimants’ evidence pocket, including the Schedule of Charges for Harm and Trespass Claimant Remedy, copies of the claim process, Notice of Rightful Claim and Private Mediation Non-Resolution form if mediation was undertaken.

- b. If mediation was attempted, and unsuccessful, and it appears that significant, intentional harm and trespass was done the Court Clerk will instruct the harmed Claimant to seek the Sheriff to report the incident if not already done so.
4. If a case was previously seen by a Grand Jury, a Presentment (signed by the GJ Lead Juror and Justice) and/or a Criminal Incident Report complete with an Evidence packet from the Grand Jury will be filled out and autographed by the Sheriff, Coroner or the harmed Claimant .
 - a. The GJ Presentment should include the ‘public officials’ bond and/or BAR number and whether or not an Oath of office was filed.
5. A possible Warrant for Arrest, Detention or Appearance will be sent/given to the Court Clerk indicating harm and trespass from the Grand Jury prior to trial.
6. The Court Clerk will provide recommendations and documents to help the claimant and accused build the evidence packet which will be used to present their case to the “jury of peers”. In other words, a checklist for the claimant to better be prepared for Living Criminal Court.
7. The Court Clerk will determine if the claimant or the accused will require help for special needs via friend, relative or Counselor at Law.

NOTE! A Sheriff or Coroner at their discretion may at any time refer the incident to the Grand Jury Committee

Step 2: The Court Clerk confers with the Magistrate/Justice to confirm the criminal jurisdiction.

1. The Court Clerk presents the evidence, complete with any Civil evidence, ie: Schedule of Charges for harm and Trespass, Non-remedy/delinquency notice from Mediation Services or a Grand Jury Presentment, Arrest Warrant from a Sheriff or Criminal Incident Report from the ASN to the Magistrate/Justice.
2. If a Law is involved in the case, the Court Clerk and the Justice will determine if that Law has value and is lawful.
 - a. If the law is not valid, the Justice can take note and subsequently inform the jury, on the day of the trial, that there is an unlawful law being challenged.

- i. Repugnant to Natural, Public Law? ie: God-Given freedoms of Common Law vs Roman Civil Law's statutes, codes and mandates
 - ii. Repugnant to the Declaration of Independence & Bill of Rights
 - iii. Unconstitutional?
3. The Court Clerk and the Justice can determine whether the case has caused harm (injury) or major trespass (intentional wrongdoing). If the finding is harm and trespass then the case will be tried as a Criminal Case. If no harm or trespass is noted then it will be referred to Living Civil Court or referred to the Grand Jury Committee for further investigation if needed. (If not already seen by the Grand Jury.)

Step 3: The Court Clerk sets up the Living Criminal Court

1. The Court Guarantor confers with the Court Clerk and Justice to read the evidence and remedy to determine the amount of the Assurance Guaranty.
 - a. If the case was referred to court by a Grand Jury's Presentment or Criminal Incident Report, or a Sheriff's Criminal Incident Report or a Warrant for Detain, Arrest and Appearance, or Coroners Inquest findings, the claimant is EXEMPT from paying the Assurance Guaranty.
2. The Court Clerk communicates with the justice and determines a court date and time.
 - a. A court date and time is set
 - b. A case number is applied
 - c. The Assurance Guaranty amount is posted to the invitations. The Guaranty is paid by the Claimant within 72 hours/3 days prior to court date deposited via check, cash, court website or into a Square payment service.
 - i. In the event the Claimant proves their case the Assurance Guaranty will be refunded to them.
 - ii. In the case of the Claimant proving their case the Accused will then be forced to pay the Assurance Guaranty.

- iii. The Court Guarantor will check the court account daily for the Assurance Guaranty's needed each day.
 - d. Invitations to Living Court, complete with the Court Affirmation, are sent to the Jury pool to secure 12 jurors and 2 alternates for the date via the Jury Duty Invitation, (TVA.JCI)
 - e. Invitations or Requests for appearance are sent to both harmed Claimant and Accused, complete with the Court Affirmation, via the Requested Response form (TVA.WC.003)
 - f. Notifies potential witnesses via the Witness Testimony form, complete with the Court Affirmation (TVA. WT.001)
 - g. The trial is announced publicly via court docket, website, newspaper, etc.
 - h. Notify Sheriff's office if needed to ensure evidence , report or witness circumstance
 - i. *PLEASE NOTE: If so desired, a Jury Committee can be created to assist with slating and interviewing a Grand Jury or Jury of 12.*
- 3. The Court Clerk notifies the Court Recorder, Militia/Deputy and the Sheriff for delivery of the accused if being detained for trial?
- 4. The Court Clerk will procure and prepare the Evidence Packets of the Claimant and Accused (TVA.CR.EV) for the Jury prior to trial. These documents may include the Criminal Incident Report or Warrant for Arrest, Detain or Appearance (TVA. WADA) from the Grand Jury or Sheriff (TVA.CR.001), a Presentment of Indictment from the Grand Jury (TVA.PMNT.001) or information from a Coroners Inquest.
- 5. The Court Clerk ensures that all evidence packets from the Claimant and the Accused are sent to the Court Recorder for 'photo filing' and digitizing for presentation during court.
 - a. Including video, photos, invoices, receipts, affidavits of testimony from witnesses, etc
- 6. The Court Recorder will check to see if a 'prerecorded video of witness testimony' will be needed by the witnesses. And schedule and plan such a taping for the evidence packet and day of trial.

Step 4: Court Clerk confirms the date/time for Living Criminal Court if a Continuance is needed or if a lawful detention is involved?

1. The Court Clerk follows up with the harmed claimant, accused, witnesses and jury invitations and ensures everyone knows when to appear.
2. The Court Clerk communicates with the County Sheriff to inquire if the accused is being lawfully detained until trial date. If so,
 - a. In the case of 'lawful detention' the Sheriff will let the court know that the accused can/will be transported to the court at the appropriate time.
 - b. If the accused is currently NOT being detained the County Sheriff will have to obtain an Arrest, Detain or Appearance document signed by the Court Clerk, Justice or Grand Jury Lead Juror and pick up the accused and escort them to trial at the appropriate time..
3. The Court Clerk ensures that all Jury Affirmations are autographed.
4. In the event of emergencies or inability to attend, the Claimant or the Accused is responsible for notifying the Court Clerk and initiating the reschedule.
5. If a man or woman has not sent their Guaranty within 72 hours/3 days of the court date, the Court Guarantor will communicate with the Court Clerk and contact that man or woman to get the payment or advise the claimant or accused to fill out a Request for Continuance. A 10 day leniency to reschedule can be scheduled by the Court Clerk.
6. In the event of a HARM that occurs and NOT referred by the Grand Jury, Sheriff or Coroner, the harmed Claimant or the Accused must see the Court Clerk and fill out the form via the Request for Continuance (TVA.RC.001) and the Response to Request for Continuance (TVA.RC.002)
7. The Jury committee (or Court Clerk until a committee is formed) convenes a session, PRIOR TO TRIAL, with the jurors (12 +1), justice and the claimant and accused to determine any conflict of interest that may be present.

Step 5: Day of Court

1. Whether virtual or in-house the Marshal at Arms shall run a security check on all Court Officiants, Claimant and Accused and the Jury. All officiants will have to be visible and present their Credential Card for verification.
 - a. The Marshal at Arms will read the Bivens Declaration for Zoom/virtual court cases.
2. Marshal at Arms, Court Guarantor, Court Clerk and Court Recorder will confirm evidence packets have been dispersed to the jury, all necessary recording devices are ready and the courtroom is secured.
3. The Court Guarantor checks the court account to see if both parties of a case have paid their Assurance Guaranty and notifies the Court Clerk that the Assurance Guaranty is in hand for each party so we can convene the trial.
4. The Justice meets with the Jurors before trial and assists the jurors to elect a Lead Juror. Important! Before anyone else enters the court.
5. Justice/Magistrate verifies all necessary officiants are present:
 - a. Marshal at Arms
 - b. Recorder
 - c. Court Notary
 - d. Court Clerk
 - e. Court Guarantor
 - f. Jurors
6. The Court will be 'called to order':
 - a. The jury is escorted into the room.
 - b. The Jury is affirmed by the Court Guarantor reading one time to all jurors with the following affirmation:

Court Guarantor: *“Thank you all for appearing today to uphold your public duty. Please listen to the following affirmation.*

“I affirm that I am one of the people on Virginia acting in an unincorporated and unencumbered capacity. I acknowledge and accept the duties and responsibilities of a Virginia Juror and I will act in honor, integrity, and with pure intent. I accept my duty to serve my fellow Virginians freely and without reservation, coercion or issue of conscience. I shall diligently uphold and ensure Justice for all people through thoughtful deliberation, Due Process, and Jury Nullification.”

Court Guarantor: *“Do each of you so affirm?”*

Jury Response: *“I,so affirm”.*

Court Guarantor: *“And so this Jury is Affirmed this day , date , for case number # .”*

- 7. ** Justices, please take note: Please be aware that the Justice, Justice of the Peace or Magistrate is to stay neutral in all court cases. It's ok to inform/apprise/familiarize but NOT lead, question, or threaten the claimant or accused in such a way to sway the jury. It is up to the claimant and accused to argue their cases to convince the jury. Always remember it is the Living Jury's duty to place judgement, NOT the justice.**

It is appropriate for a brief period of education, by the Justice, should take place for the jury on how to interpret the hearing before the claimant and accused enter the courtroom. It should include recommendations such as:

- a. the *‘facts only’*, aka leave emotion out of the deliberation
- b. Information pertaining to the case, such as: case law precedence, constitutionality, repugnancies to Common Law, etc
- c. need to know items based on the case

- d. guide the jury to elect the Lead Juror
- e. Should confirm with the jurors that there are no 'conflicts of interest' leading to the use of an alternate juror.
- f. There may be a possibility to brief the claimant or accused to aid them in presenting their best argument during the court process.
8. The Court Recorder will announce the case number, date, time and the names of the Living claimant and accused for the recording.
9. **Possible Early Remedy in a Criminal Case?** At this time, the Justice may ask if the Accused would desire to make remedy at this time?
 - a. If the answer is "No." then the trial will continue.
 - b. If the Accused agrees to make remedy during the trial the trial can be suspended in lieu of the jury convening to deliberate the remedy and the sentencing.
10. All evidence needs to be shown to everyone in the jury, including the audience during the trial.
 - a. The Court Recorder is responsible for digitizing all evidence for the claimant and accused and ensures that all audio/video/virtual processes are in place prior to beginning court.
11. The Court Guarantor calls the Claimant.
12. Court Guarantor affirms the Claimant.
 - a. *"Please state your name for the court".*
 - b. *"Do you affirm that the testimony and evidence you present today is honorable and truthful?"*
 - c. *NOTE:* The Court Guarantor will also call and affirm any witness present for testimony using the same 2 questions above.
13. The harmed claimant has **reasonable time** to tell their story, lists the facts, and introduces witnesses. (Justice can govern the testimony as needed.)
14. The Justice will allow time for the Lead Juror to question the Claimant with questions from the jurors..
15. The Court Guarantor calls the accused.
16. The Court Guarantor affirms the accused.

- a. *“Please state your name for the court”.*
 - b. *“Do you affirm that the testimony and evidence you present today is honorable and truthful?”*
17. The Accused has **reasonable time** to refute the Claimants evidence and introduces their witnesses. (Justice can govern the court as needed.)
18. The Justice will allow time for the Lead Juror to question the Accused with questions from the jury.
19. The justice will offer an optional ‘rebuttal session’ opportunity for Claimant and Accused ONLY if needed.
20. Justice will end the court process when appropriate.
21. Recorder ends the recording and Jury Deliberations begins.

Step 6: Living Jury- Criminal Jurisdiction

1. The Marshal at Arms/Deputy or Court Guarantor escorts the Jury to the deliberation room and stands guard outside the room as deliberation ensues to help keep the peace. He can also act as a messenger between the Jury and Justice.
2. The “Lead Juror” is selected by the jurors using the Jury Foreman Election form (TVA.JFE), then instructs the jurors on the following:
 - a. Evidence and Facts (who/what/when/where/how/why)
 - b. The juror stays objective, (not subjective) or impartial and does not use emotions to guide their decision.
 - c. Ample time for the Jurors to preview the Evidence Packet should be given.
 - d. Establish any undue Harm?
 - e. Make sure there is no unlawful pressure
 - f. Notifies jurors that the decision must be unanimous
 - g. Establish/highlight the Remedy being considered, ie: Findings/Monetary/Labor Awards etc.
 - h. Keeps order during the deliberation (along with Marshal at Arms)
 - i. Presents the remedy/order/judgement to the Magistrate/Justice during the reconvened Living Court

- j. If in a virtual court proceeding a polling action in the Chat function for jury deliberation can be used by the Lead Juror
 - k. If in a virtual court proceeding any forms needed by the Lead Juror can have the forms uploaded into the Chat function via the Court Clerk or Justice??
- 3. After the Lead Juror has instructed the Jury on deliberation he/she can now allow the Jury to peruse/glance over the evidence packets from the claimant and accused.
- 4. 'Justice to Jury' Information Request/Response form (TVA.JRR) can be used to ask further questions about the case during deliberations. Can be used in either direction for clarifications as needed.
- 5. If the jury finds the law unjust/unlawful a Jury Nullification can take place using Virginia Nullification Order, form TVA.NO.001.
 - a. The Lead Juror and the Justice will autograph the order and the Court Notary will seal the order and send a copy to the Court Clerk.
- 6. Based on the evidence and facts the Jury has the prerogative, with honor and integrity, to increase the remedy. The following considerations should be met:
 - a. The jury may NOT decrease the remedy
 - b. Any changes to the remedy needs to be agreed upon and confirmed by the Claimant
 - c. In the case of an ASN vs a deFacto person officer, public official, town, municipality, city or department the Schedule of Charges for Harm and Trespass should be used to make the remedy fair and reasonable to the charges.

 - d. Since this trial lives in the Criminal Jurisdiction a sentence will be included within the remedy if the Claimant has proven their case. In the event of the jury being over time another jury deliberation may take place at a later date, BUT within the 14 day period of time. TBD by the Lead Juror, Court Clerk and Justice.
- 7. The deliberation cannot be adjourned until a unanimous decision is reached and remedied. This process must go on as long as it takes to reach a decision and can last up to 14 days.

8. However, if after 14 days, even one juror cannot convict, the Jury is considered “deadlocked” and the accused is acquitted immediately ‘without prejudice’.
9. Once deliberation is final:
 - a. A Jury Decision(s) is handed down via the Living Court Jury Decision and Order form, (TVA.JDO) is used to detail results of deliberation. The results will be Acquittal, Conviction or Grand Jury Investigation if not already done so.
 - i. It details “so ordered” Acquitted via the Judgement of Acquittal from (TVA.JOA)
 - ii. It details “so ordered” Conviction via the Judgement of Conviction form (TVA.JOC)
 - iii. Describes the remedy in detail.

Step 7: Living Court Resumes- Adjournment

1. Living Court resumes for disclosure of jury decision via the “Living Court Jury Decision and Order (TVA.JDO) where the final remedy and/or charges are told to “Living Court” including any Monetary Award (Remedy)
2. If the accused is convicted by the jury, the guilty man or woman is remanded to the Court Guarantor or the Sheriff for filing of criminal charges, issuing a warrant for arrest and initiating the remedy. (TVA.WADA)
3. If a ‘public official’ is found guilty by the jury their Bond and /or BAR number is attached to the Judgement of Conviction form and it is filed with the court clerk or treasurer of the county the crime was committed. Confirming their Oath of Office can also be included.
4. The Justice will verify and read out loud the Jury’s Decision and the final Court Order.
Judgement/Notice of Remedy is announced to the “Living Court”.
 - If acquitted, the accused will be released **without prejudice**
 - If convicted, the accused will be remanded to the Sheriff for sentencing and remedy,
5. The Justice dismisses the court and Court Recorder stops audio/visual recording process

6. The case documents/judgement are sealed by the Magistrate/Justice and Court Notary.
7. The Marshal at Arms and Court Recorder will collect all the evidence packets and records to secure for safekeeping.
8. The Court Guarantor is responsible for obtaining the Assurance Guaranty from the court account and distributing the proper amount to the man or woman who proved their case.

NOTE! If the case was referred to court by a Grand Jury's Presentment Criminal Incident Report, Coroners Inquest, a Sheriff's Criminal Incident Report or a Warrant for Detain, Arrest and Appearance, the claimant is EXEMPT from paying the Assurance Guaranty.

9. Copies of the "Living Court Decision and Order" (TVA.JDO) are to be sent Registered Mail w/Return Receipt or carried and verified by a Sheriff to the Claimant and Accused.

Virginia Grand Jury Empaneled

Step 1: A Sheriff, Coroner or an ASN witness brings a Criminal Incident Report (TVA.CR.001), or Evidence form (TVA.CR.EV) to the Court Clerk to request a Grand Jury. The case may be forwarded to the Grand Jury Committee for an opinion to convene or not.

Step 2: If the Grand Jury is required, then the Court Clerk and/or the Grand Jury Committee determines a date to convene, sends out the Grand Jury Invitation (TVA.GJI) and then selects 12 Jurors (plus 1) from the Jury pool using the Slate of Jurors (TVA.SGJ) Once empaneled, the Jury will elect a Foreman using the Grand Jury Foreman Election form (TVA.GJF).

PLEASE NOTE: If so desired, a Jury Committee can be created to assist with slating and interviewing a Grand or Jury of 12.

Step 3: Once seated the Grand Jury will Motion for Discovery (TVA.GJMD), study the evidence to determine whether the evidence fits the crime and the case is strong enough to indict the suspect. Or further investigate to prove or disprove the case and acquit the suspect. The investigation proceeds as follows:

- a. The investigation is 'quietly conducted' until all evidence has been verified factual and/or more evidence presents itself. No time limit is involved.
- b. If a Law is involved in the case, the Court Clerk and the Justice will determine if that Law has value and is lawful and remind the Jury to try the law first
- c. If the jury finds the law unjust/unlawful a Jury Nullification can take place using Virginia Nullification Order, form TVA.NO.001. Then decide to acquit or refer to Civil Court.
- d. The Grand Jury must reach a "unanimous decision" to Convict, Dismiss/Acquit or refer to Living Civil Court.
- e. The investigation takes place in secrecy and must be complete within 30 days.
- f. If the evidence does not fit the crime, either sufficient or reliable the case will be dismissed or referred to Civil Court. (TVA.ODC, Dismissing Case for Want of Indictment)
- g. If the evidence is not strong enough or NOT applicable the suspect(s) will be acquitted of all charges **without prejudice** (TVA.JOA, Judgement of Acquittal)

- h. If the evidence does prove the case an indictment will be written and the case will be sent to Living Criminal or Civil trial.
- i. OR, If the suspect is indicted, a Presentment Form (TVA.PMNT.001) will be filed and a Warrant for Arrest, Detention or Appearance (TVA.WADA) will be written to direct the suspect to Criminal Court.
- j. When a 'public official' is indicted by the Grand Jury their bond should be charged. The bond number can simply be their BAR number. Simply attach that bond number to the Schedule of Charges for Trespass and Harm and file it with the court clerk or treasurer of the county they are working in.
 - i. The GJ Presentment should also include whether or not an Oath of office was filed by the official.
- k. The Grand Jury will hand down the decision via a formal Hearing of Indictment and the Court Clerk will determine a date for the hearing.
- l. NOTE: If the accused is indicted and referred to Living Civil or Criminal Court the claimant is EXEMPT from paying the Assurance Guaranty.

Appendix

I. Checklist for Initiating Zoom Court for Court Recorder (Oct.,2025)

Starting:

1. Type **zoom.us**
2. You must have a zoom account and password
3. **-Sign in** (upper right)
 - Ideally, you will want to **Host**,however,
 - your second option is to co-host to share evidence screen
 - NOTE: When you sign in with new device, zoom will send email to verify
4. Click **Host** with video on when prompted
 - Always allow us04web.zoom.us to open link
5. Blur Background
6. Enable **Waiting room**
7. Turn on **chat**
8. **Enable** Breakout room
 - a. Browser log into zoom
 - b. Click on **administrator** (left side)
 - c. Then **account manager**
 - d. Finally, **account settings**
9. then halfway down page find (**in meeting**)
 - a. **Advance** click on
 - b. Or use **icon** to open a breakout room. From there you can pre-assign participants to breakout room [jury to room]

NOTES:

-When needed **Alt M** will mute everyone and unmute everyone

-If Floating control bar gets in the way: go to **more---** and **block it . escape to return**

How to set waiting room:

1. With the waiting room enabled, add **participants** then hit **join**
Or hit admit all (jury)

2. To name lead juror; click **participants**,/**waiting room**/click **more---**
3. Sending messages; click **participants**/chat/**waiting room** or to **breakout room**

How to use breakout room:

1. Open zoom.us sign in as host; set up waiting room for Court and jury
2. At bottom of page, set breakout room for jury (create breakout room)
3. Allow lead juror to return to court, as needed
4. Hit broadcast to talk with breakout room participants or use chat
Right bottom button to leave breakout room
5. Close all breakout rooms when jury deliberation is complete
6. Remember to restart recording at beginning of deliberations