

IN THE FANNIN COUNTY GRAND JURY
 APPALACHIAN CIRCUIT
 STATE OF GEORGIA

THE STATE OF GEORGIA, ex rel., *
 Moutain Patriots, *
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 Petitioners *

PETITION TO THE FANNIN COUNTY GRAND JURY

2022 MAY TERM FOR A

CIVIL AND CRIMINAL INQUIRY

I. PRELIMINARY STATEMENT

COMES NOW, the Petitioners and set forth their Remonstrance and Petition to this Honorable Grand Jury (a Ga. Const., Article I Court of Inquiry) involving the most recent elections and the illegal Dominion System .

II. PETITIONERS’ ALLEGATIONS

Petitioners calls the attention of this Honorable Tribunal to the fact that there has been the reporting of results of the most recent past Presidential and primary election cycles in which the results were obtained from the use of an illegally placed QR code on the face of each ballot cast. That code was unreadable and unverifiable by any voter and could not be understood to confirm or accurately express the intent of the voter. (*See attached addendum*).

Further said QR code was a result of an internal computing process by the Ballot Marking Device (BMD) which is specifically prohibited pursuant to O.C.G.A. § 21-2-2 (7.1).

Both the internal computing process and the unreadable nature of the QR code have, as a matter of law, created illegal ballots.

Further, the requirement of the State of Georgia in forcing the citizens of Fannin County to use BMDs which created unreadable and illegal ballots was and is a violation of the US Const., Amendment XIV, sec. I, (second sentence).

This Grand Jury has the authority to return, against the responsible parties, presentments or indictments charging violations of the 14th Amendment through the use of prosecutions under 18 U.S.C. 241 and/or 242 in that those responsible have violated the privileges guaranteed to the people of Fannin County, perpetrating a FRAUD thereon which acts to VOID the entire electoral process .

III. STANDING OF PETITIONERS

Pursuant to the contractual guarantees of the Constitution of The United States of America, inter alia, Amendments I and XIV, and the complimentary provisions of the Georgia Constitution, Petitioners initiate this matter on behalf of themselves and all others similarly situated. It is the prerogative of any citizen to Petition, Peaceably Assemble with, Responsibly Speak to, and Be Heard by, those in government who are vested with the Jurisdictional Power of Government for a redress of grievances. See, inter alia, US Const., Amend. I, Amend. XIV and Ga. Const., Art. I, § I, par(s). V, IX, XII.

This Petition is consistent with and is in the exercise of the right of Petitioners to choose that agency of government best clothed with the authority to provide the relief

required. Further, Petitioners are in compliance with the duty imposed upon them by 18 U.S.C. 4¹.

IV. GEORGIA GRAND JURY JURISDICTION

This Grand Jury, a contractual Constitutional fixture in its own right, imported from the common law, functions as an independent arm of the judiciary and an independent adjunct to a District Attorney². Once impaneled it has particularly defined duties imposed by the Constitution, Statutes and the Common Law. Pursuant to the Grand Jury's oath of office and statutes, it has a legal, non-discretionary, duty to exercise its inquisitorial jurisdiction upon any petition or remonstrance coming to its, or any member's, attention to diligently inquire and true presentment make of all discovery of its own, or that of any person, touching upon this Jury's present service.³ In the hierarchical power structure of government agencies the Grand Jurors may be likened to "Board of Directors" clothed with the specific contractual power of overseers. There are none who are above the inquisitorial duty of this body in this Republic and they have an absolute right to the evidence of any man on behalf of all their neighbors.⁴

Only the Grand Jury, as an independent Art. I Tribunal, may decide the first question of whether a petition or remonstrance touches upon its present service, as it is

¹ This case is controlled by the principles declared and affirmed in *Logan v. United States*, 144 U.S. 263, 283-284 (1892) and *In re Quarles*, 158 U.S. 532, 535-536 (1895).

² *US v. Caruto*, 663 F. 3rd 394, 398 (2011) [... *Marcucci*, 299 F.3d at 1163-64 (holding constitutional instructions "consistent with the historical function of the grand jury" that "informed the grand jurors that they were not merely an arm of the government, but rather an independent body").]

³ 18 U.S.C. § 3332(a). See, also, USDOJ Justice Manual, Title 9, 9-11.010 and Criminal Resource Manual 101-158. Note: § 3332(b) limits a federal judge to only one consideration for exercising his authority to impanel a special grand jury, otherwise there is no prohibition in law, either specific or implied, for him to decline to impanel upon request.

⁴ *Blair v. United States*, 250 US 273, 279-280 (1919), "... as early as 1612, in the Countess of Shrewsbury's case, Lord Bacon is reported to have declared that "all subjects, without distinction of degrees, owe to the King tribute and service, not only of their deed and hand, but of their knowledge and discovery." [emphasis added]

the duty of every Court to first determine its jurisdiction.⁵ Such determination is not within the purview of any Trial or Appellate Court judge (Ga. Const., Art. VI) or any District Attorney to command (or deceptively advocate). The determination lies solely upon this Tribunal.

WHEREFORE, Petitioners desire that this Grand Jury start and take managerial and supervisory oversight control of an inquiry into the Georgia Election Laws, the 2020 Presidential Election Cycle and the 2022 Primary Election Cycle, returning *indictments* or *presentments* as seems proper to this Tribunal upon a finding of violations of Georgia and Federal Statutes, and that Petitioners be heard on other criminal matters, if any they may have.

Petitioners request notice of receipt of this Petition and its filing into the Record of this Court of Inquiry, signed by the Forman (both name and title) and that subpoenas issue for a date and time certain for a hearing.

Respectfully submitted this ___ day of August, 2022.

Address
City, State, Zip
Email:
Phone:

/s _____
Petitioner (for Mountain Patriots)

⁵ *Barclay v. ICON HEALTH & FITNESS, INC.*, 19-cv-2970 (ECT/DTS), (D. C., Minn 2020), "There is no question that jurisdiction must come first when a court's jurisdiction over the entire action is in question. A federal court must always assure itself of its jurisdiction before proceeding to the merits of an action."

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**ADDENDUM
TO GRAND JURY PETITION**

LEGALITY OF THE DOMINION SYSTEM CONTRACT

**I. INITIAL ILLEGAL AND NEGLIGENT CONDUCT
BY THE SECRETARY OF STATE**

Maxims of Georgia Law –

O.C.G.A. 13-8-1. A contract to do an immoral or illegal thing is void. If the contract is severable, however, the part of the contract which is legal will not be invalidated by the part of the contract which is illegal..

O.C.G.A. 1-3-6. After they take effect, the laws of this state are obligatory upon all the inhabitants thereof. Ignorance of the law excuses no one.

a. CONTRACT WITH DOMINION – entered into in or about the month of July, 2019.

The terms of the contract entered into between the Secretary of State, on behalf of the State, and Dominion notwithstanding, the resulting hardware and software did not comply with the Legislative Intent as to the result of the ballot casting and the totaling of cast ballots process.

The legislative intent for an elector to make and mark his personal choice for an elective position via the use of an electronic device designed for use in marking paper ballots, Ballot Marking Devise, was and is that the BMD shall not perform a “computing” function. See, O.C.G.A. § 21-2-2 (2) and (7.1) (effective 2019).

Additionally, the Legislative Intent is made crystal clear as to the form of a ballot marked by the “electronic devise” (BMD) as being readable and for accuracy by an elector.

b. STATUTORY BALLOT REQUIREMENTS –

§ 21-2-286. (2019) Printing specifications

(b) (3) Ballots printed by an electronic ballot marker shall be designed as prescribed by the Secretary of State **to ensure ease of reading by electors**, ...

§ 21-2-300. (2019) Provision of new voting equipment by state; ...

(a)(2) ... provided, however, that such electronic ballot markers shall produce paper ballots which are marked with the elector’s choices **in a format readable by the elector**.

§ 21-2-324. (2019) Examination and approval of voting machines by Secretary of State; ... (*see 21-2-379.24 below*)

(b) The Secretary of State shall thereupon require ... the kind of machine so examined can be safely and **accurately used by electors** ...

(c) No kind of voting machine not so approved shall be used at any primary or election and if, it shall appear that the machine so reexamined can no longer be safely or **accurately used by electors** ... **because of any problem ... the approval of the same shall immediately be revoked by the Secretary of State; and no such voting machine shall thereafter be purchased for use or be used in this state.**

§ 21-2-368. (2019) Review of manufacturer’s systems by Secretary of State;

(b) ... system so examined can be safely and **accurately used by electors** ...

(c) ... system so reexamined can no longer be safely or **accurately used by electors** at primaries ...

§ 21-2-379.2. (2011) Review of manufacturer’s recording electronic voting system by Secretary of State;

(b) ... system so examined can be **safely and accurately used by electors** ...

(c) ... system so reexamined can no longer be **safely or accurately used by electors**

...

§ 21-2-379.22. (2019) Requirements for electronic ballot marking.

No **electronic ballot marker** shall be **adopted or used** in primaries or elections in this state unless it shall, at the time, satisfy the following requirements:

(6) Produce a paper ballot which is marked with the elector's choices in **a format readable by the elector**;

§ 21-2-379.23. (2021) Requirements for ballot display; role of Secretary of State; (at a minimum)

(b) The form and arrangement of ballots marked and printed by an electronic ballot marker **shall be prescribed by the Secretary of State**. (Note: this language does not permit palnary authority to change state laws.)

(c) Notwithstanding any other law to the contrary, ballots **marked and printed by an electronic ballot marker shall**, at a minimum, contain:

- (1) The words "OFFICIAL BALLOT";
- (2) The name and date of the election;
- (3) The titles of the respective offices for which the elector is eligible to vote;
- (4) Words identifying the proposed constitutional amendments or other questions for which the elector is eligible to vote;
- (5) The name of the candidate and, for partisan offices, indication of the candidate's political party or political body affiliation, or the answer to the proposed constitutional amendment or other question for which the elector intends to vote; and
- (6) Clear indication that the elector has not marked a vote for any particular office, constitutional amendment, or other question.

(d) The paper ballot marked and printed by the electronic ballot marker shall constitute the official ballot and shall be used for, and govern the result in, any recount conducted pursuant to Code Section 21-2-495 and any audit conducted pursuant to Code Section 21-2-498.

§ 21-2-379.24. (2019) Examination of electronic ballot markers;

(b) ... the kind of device so examined can be **safely and accurately used by electors**

...

(c) ... a previously approved device appears to be no longer **safe or accurate for use by electors** ...

Upon the face of a ballot, printed by a BMD as a part of the in-person voting, no authority exists in the Legislative intent that a QR code is allowed. The use of said code is the conspiratorial agreement between *Dominion Systems*, *Brad Raffensperger*, and the *U.S. Election Assistance Commission*.

From the forgoing, it is abundantly clear that *Mr. Raffensperger* did, willfully and intentionally, not comply with the clear Legislative intent in his inspection, certification, or otherwise authorization of, and contracting for, the Dominion System for use in Georgia Elections from inception to the latest 2022 Georgia Primary.

Irrespective of contract terms between the Secretary Of State and Dominion, the resulting “System Product”, both hardware and software, submitted to, contracted for, accepted, and implemented by Georgia’s Secretary of State with the collusion of Dominion, and ***with the approval of the U.S. Election Assistance Commission (“EAC”)***, was, and is ultra vires, in violation of state law, and ***VOID ab initio***, both as a matter of fact and of LAW! See, ***Kemp v Mitchell County Democratic Executive Committee***, 216 Ga. 276, 282-283 (1960),

“It has long been the rule in this State that ... where **statutory requirements** pertaining to the holding of an election are not complied with, the election is void, ...” [emphasis added]

This Grand Jury should take judicial notice of the fact that the Georgia Secretary of State was not alone in the perpetration of a massive contractual fraud upon the electors and other citizens of this state. Dominion Systems had a duty to ensure that its products and software complied with appropriate state law as did the EAC prior to its granting its approval. Likewise, judicial notice should be taken of the entire General Assembly of Georgia and especially of the Governor, Lt. Governor, and the Attorney General for their abject failure to comply with their Constitutional duties contained in the Ga. Const., Art. I, § I, par. II.

Additionally, there is at least one instance of Mr. Raffensperger sending a threatening email to a DeKalb election superintendent for declining to certify her county’s results for legal cause. This evidence should be sufficient for the Jurors to request the US Attorney’s office to precede under 18 U.S.C. § 1514 for the protection of said superintendent and any others who might be affected.

II. REMEDY SOUGHT

WHEREAS, the conducting of elections in the State of Georgia, overseen by the Secretary of State, Brad Raffensperger and other members of the Executive and Legislative branches, since at least July of 2019, to and including the 2022 Primary, has been an exercise of conspiratorial deprivation of the rights of the electors, and other citizens, of this state to the full legal value of their right of suffrage, and the results thereof are in contravention of the mandate of the election laws of this State, the 14th Amendment, sec. I, (second sentence) and violations of the federal civil rights criminal statutes found at, inter alia, 18 U.S.C. § 241 and § 242.

Additionally, conspiratorial entities in this fraud are believed to be Gabriel Sterling, Ryan Germany, and now, attorney Ann Brumbaugh, whose conduct in furthering this fraud muse be investigated by this Grand Jury. Ryan Germany has

functioned in the fashion of an attorney providing false representations of the Code of Georgia in order to extort compliance with illegal state actions by election superintendents, whether individuals or as Boards of the Counties. Now, Ann Brumbaugh seems to be assisting with false and threatening representations to the Cherokee Board of Elections to adversely influence a local legislative body and prevent a hand-count of copies of sealed ballots.

The Petitioners seek the Special Presentment of this Grand Jury holding VOID the contract between Georgia and Dominion and hold VOID all elections, and certifications thereof, since July of 2019, and that this Grand Jury instruct all state election officials not to use the Dominion System for obtaining the in-person votes of electors in the State of Georgia henceforth, unless and until necessary modifications are made and verifiable independent of corporate or governmental agencies. Further, that Presentments and/or Indictments issue of all offenders discoverable, both natural and artificial entities, as this Grand Tribunal sees fit in any matter arising from election complaints in this State.

Respectfully submitted,

Name (for Mountain Patriots)