

To: Speaker of the House Brian Egolf
State Capitol, Suite 104
490 Old Santa Fe Trail
Santa Fe, NM 87501

To: President Pro Tempore Mimi Stewart
313 Moon Street NE
Albuquerque, NM 87123

From: _____

Notice by Affidavit to the Legislature of New Mexico State
Notice of Maladministration
Notice of Malfeasance
Demand to End State of Public Health Emergency
Notice of Change in Contract Terms
Notice of Right to Arbitration
Case # 2021-0704B

Notice to Agent is Notice to Principal. Notice to Principal is Notice to Agent.

Comes now Affiant, _____, one of the people (as seen in the New Mexico Constitution Article 2 Section 2), Sui Juris, in this Court of Record, does make the following claims:

Affiant claims that the constitutions of the United States and each individual, sovereign state including New Mexico are legally binding contracts.

Affiant claims that the United States of America is a constitutional republic and that the Constitution guarantees to every state a republican form of government. See below:

republic (n.)

*c. 1600, "state in which supreme power rests in the people via elected representatives," from French *république* (15c.)* **Online Etymology Dictionary,**
https://www.etymonline.com/search?q=republic&ref=searchbar_searchhint

United States Constitution Article 4 Section 4

The United States shall guarantee to every state a republican form of government...

Affiant claims that the New Mexico Constitution affirms that all political power is inherent in the people, and that you, as public servant and trustee, serve at the will of the people. You do not have granted authority to control the people's private affairs or to "rule over" us. Please see constitutional provisions below:

New Mexico Constitution Bill of Rights Article 2 Section 2:

All political power is vested in and derived from the people: all government of right originates with the people, is founded upon their will and is instituted solely for their good.

Affiant claims the New Mexico Constitution stipulates that the people have the authority to govern themselves,

New Mexico Constitution Bill of Rights, Article 2 Section 3:

The people of the state have the sole and exclusive right to govern themselves as a free, sovereign, and independent state.

and the people have conferred authority to their magistrates and trustees to carry out their will. You are the people's public servant.

Affiant claims that in the several states, including New Mexico, the constitutions grant to the people certain inalienable rights. Please see constitutional provision below:

New Mexico Constitution Bill of Rights Article 2 Section 4:

All persons are born equally free, and have certain natural, inherent and inalienable rights, among which are the rights of enjoying and defending life and liberty, of acquiring, possessing, and protecting property, and of seeking and obtaining safety and happiness.

Affiant claims that the aforementioned rights guaranteed to the citizens in the Constitution are “so guaranteed as to prevent legislative interference therewith.” (**Black's Law Dictionary, 5th edition**). This includes interference by edict and executive order. This was affirmed by the Supreme Court of the United States:

Where rights are secured by the Constitution are involved, there can be no rule making or legislation which would abrogate them. (Miranda vs Arizona, 384 US 436, P. 491 (1966))

Affiant claims that the Constitutions of New Mexico and the United States supersede New Mexico statutes. See constitutional provisions below:

New Mexico Constitution Bill of Rights Article 2 Section 1:

*New Mexico is an inseparable part of the federal union and the **Constitution of the United States is the supreme law of the land.*** [Emphasis added.]

And

United States Constitution Bill of Rights Fourteenth Amendment Section 1:

*All persons born or naturalized in the United States, and subject to the jurisdiction thereof, are citizens of the United States and of the state wherein they reside. **No state shall make or enforce any law which shall abridge the privileges or immunities of citizens of the United States; nor shall any state deprive any person of life, liberty, or property, without due process of law; nor deny to any person within its jurisdiction the equal protection of the laws.*** [Emphasis added.]

Affiant claims that you took an oath of office in accordance with the New Mexico Constitution, and I accept your oath, and you have failed to fulfill that oath. See constitutional provision below:

New Mexico Constitution Article 20 Section 1:

*Every person elected or appointed to any office shall, before entering upon his duties, take and subscribe to an oath or affirmation that he will **support the constitution of the United States and the constitution and laws of this state,** and that he will faithfully and impartially discharge the duties of his office to the best of his ability.* [Emphasis added.]

Affiant claims that the New Mexico Constitution clearly defines the separation of powers in the administration of public affairs as follows:

New Mexico Constitution Article 3 Section 1:

*The powers of the government of this state are divided into three distinct departments, the legislative, executive, and judicial, **and no person or collection of persons charged with the exercise of powers properly belonging to one of these departments shall exercise any powers properly belonging to either of the others,** except as in this constitution otherwise expressly directed or permitted.* [Emphasis added.]

Affiant claims that the Governor of New Mexico has engaged in unlawful legislating or rulemaking via 20 Executive Orders to date. (EO 2020-012, 2020-013, 2020-015, 2020-016, 2020-017, 2020-020, 2020-021, 2020-024, 2020-025, 2020-027, 2020-028, 2020-029, 2020-037, 2020-054, 2020-056, 2020-

063, 2020-072, 2020-075, 2020-083, 2021-006)

Affiant claims that the Governor of New Mexico has unlawfully appropriated “up to” thirty-five million two hundred and fifty thousand dollars of the people's funds via 10 Executive Orders to date. (EO 2020-008, 2020-009, 2020-010, 2020-011, 2020-012, 2020-014, 2020-018, 2020-019, 2020-023, 2020-058)

Affiant claims that during the 60 day legislative session and two separate special sessions, the Legislature failed to reclaim their constitutionally authorized legislative role from the Governor. Affiant claims this failure by the Legislature is an abandonment of your legislative duties and a violation of your oath of office.

Affiant claims the New Mexico Constitution outlines the roles of the governor and the legislature in the case of a “disaster emergency.” See constitutional provision below:

New Mexico Constitution Article 4 Section 2:

*In addition to the powers herein enumerated, **the legislature shall have all powers necessary to the legislature of a free state, including the power to enact reasonable and appropriate laws to guarantee the continuity and effective operation of state and local government by providing emergency procedure for use only during periods of disaster emergency.** A disaster emergency is defined as a period when damage or injury to persons or property in this state, caused by enemy attack, is of such magnitude that a state of martial law is declared to exist in the state, and a disaster emergency is declared by the chief executive officer of the United States and the chief executive officer of this state, and **the legislature has not declared by joint resolution that the disaster emergency is ended.** Upon the declaration of a disaster emergency the chief executive of the state shall within seven days call a special session of the legislature which shall remain in continuous session during the disaster emergency, and may recess from time to time for [not] more than three days. (As amended November 8, 1960.) [Emphasis added.]*

Please take notice that that emergency legislation shall only apply to the operation of government. Affiant claims the Constitution does not authorize rulemaking concerning the private affairs of the people, even in a state of emergency.

Affiant claims that a state of “disaster emergency” as defined in the provision above is not currently in effect. Affiant claims that, while there may be the need for attendance to matters of public health, a virus with a **well-documented survival rate of over 99%** does not constitute a public health emergency under constitutional provisions, the following definition, nor under state statutes.

Emergency. *A sudden, unexpected happening;...an unforeseen combination of circumstances that calls for immediate action. (Black's Law Dictionary 5th Edition)*

Affiant claims that the Governor has prolonged the state of emergency for over a year, via a series of 18 unconstitutional executive orders. (2020-004 initial emergency declaration, 2020-022, 2020-026, 2020-030, 2020-036, 2020-053, 2020-055, 2020-059, 2020-064, 2020-073, 2020-080, 2020-085, 2021-001, 2021-004, 2021-010, 2021-011, 2021-012, 2021-023, 2021-030 to date.)

Affiant claims that the Governor's exercise of unlawful and unlimited “authority” over an indefinite period of time was made possible by an unlawful delegation of authority by statute, created by the Legislature in violation of the constitutional separation of powers. Affiant claims that the people delegated the authority to create laws to aid in the administration of their public affairs to the Legislature, and the Legislature does not have the authority to give its authority to the Governor. Affiant claims this failure by the Legislature is further evidence of the abandonment of your legislative duties and a violation of your oath of office.

Affiant claims that during the 60 day legislative session and two separate special sessions, the Legislature failed to introduce or pass a joint resolution ending the state of public health emergency, as authorized in the New Mexico Constitution Article 4 Section 2. Affiant claims this failures is further evidence of your breach of oath.

Affiant claims that the free, independent, and sovereign states formed a compact, the United States

Constitution, the product of which was the federal government. The federal government is limited in its enumerated powers and is subservient to the states. The states are not beholden to declarations of rulemaking of the federal government regarding a Public Health Emergency, and are obligated to not comply with federal directives that harm the welfare of the state and the people.

Affiant claims that New Mexico statutes require the government of New Mexico to manage public health emergencies while preserving the personal, private, and natural rights of the people guaranteed by the Constitution. See below:

NMRS 12-10A-2 A - Purpose of Public Health Emergency Response Act

To provide the State of New Mexico with the ability to manage the public health emergencies in a manner that protects the civil rights and the liberties of individual persons.

Black's Law Dictionary, 5th Edition: Civil rights. See Civil Liberties.

Personal, natural rights guaranteed and protected by the Constitution... Constitutionally, they are restraints on government.

Affiant claims that the executive branch of state government is charged in the Constitution with the implementation of laws enacted by the legislature. Affiant claims that the state-wide mask mandate, restrictions on religious and public assembly, closure of gun shops, restrictions on travel, and differential treatment according to vaccine status, and every other incident of the taking of property or the denial of individual rights without due process of law are evidence of failure by the Governor and Department of Health to comply with PHERA and the Constitution. Affiant claims that during its sixty day session and two separate special sessions, the Legislature failed to address the trespasses on New Mexicans' constitutionally protected rights resulting from violation of statute on the part of the executive branch of New Mexico government. Affiant claims this failure on the part of the Legislature is further evidence of the abandonment of your legislative duties and your breach of oath.

Affiant claims you have engaged in of maladministration of the people's business, malfeasance, violations of your sworn oath, violations of the New Mexico Constitution, and trespass against the protected rights of the people of New Mexico.

Please take notice of the constitutional provision below:

New Mexico Constitution Article 4 Section 36

All state officers and judges of the district court shall be liable to impeachment for crimes, misdemeanors and malfeasance in office,...

Affiant claims that the United States Constitution grants the right of citizens to seek from their government remedy in response to their grievances. See constitutional provision below:

United States Constitution Bill of Rights, Amendment 1:

*Congress shall make no law respecting an establishment of religion, or prohibiting the free exercise thereof; or abridging the freedom of speech, or of the press; or **the right of the people to peaceably assemble, and to petition the Government for a redress of grievances.** [Emphasis added.]*

Affiant claims that as of July 15, 2021, you have failed to respond to a Notice Of Demand, outlining the people's concerns, demanding redress, submitted by the people and first received by legislative leadership on July 8, 2021. Affiant claims that by failing to respond to said Notice with the constitutional provisions giving you authority to refuse the people's demands, you agreed, by acquiescence, that you are acting in violation of your oath and knowingly and willfully ignoring the trust indenture you swore to uphold.

This is an Affidavit and Contract and change of terms. Any man or woman who denies these claims are true must rebut them under penalty of perjury in the form of a sworn affidavit. Any man or woman who decides to suppress this affidavit agrees to pay \$50,000 from personal funds towards costs of arbitration and agrees that any disputes regarding these matters by any public officials or private actors who are bound by contract to the New Mexico Constitution will be heard before an arbitrator of my choice. Any man or woman denying these claims are true must rebut these claims point by point within 3 days (72 hours) of receipt. Failure to respond means that by acquiescence you agree that all claims are

true. Failure to respond identifying your constitutionally granted authority giving you the power to disregard the people's rights as outlined in this Affidavit and Contract results in your agreement to have this document used against you as evidence of malfeasance. You further agree that should this Affidavit go un rebutted, after the 3 day period has passed, this Affidavit becomes truth and fact, that all matters will be considered adjudged, and that no court has jurisdiction to rehear these matters, and that these witnesses against you shall be considered sufficient for conviction.

Remedy shall be had by the Legislature passing a joint resolution ending the declared State of Public Health Emergency; by rescinding all statutes that unlawfully infringe upon the protected rights of the people and interfere with their private affairs; by passing legislation limiting the delegation of legislative power to the executive branch; and by adhering to your sworn oath of office and your constitutionally defined authority to legislate of the state from here forward.

Verification

I hereby declare, certify, and state pursuant to the penalties of perjury under the laws of the United States of America, and in accordance with the provisions of 28 U.S. Code § 1746, that all of the above and foregoing representations are true and correct to the best of my knowledge, information, and belief. Executed in _____, New Mexico on this _____ day of _____ in the Year of Our Lord Two Thousand and Twenty-One.

Autograph of Affiant

Notary as JURAT CERTIFICATE

_____ State }

_____ County }

On this _____ day of _____, 2021 before me, _____, a Notary Public, personally appeared _____ (Name of Affiant), who proved to me on the basis of satisfactory evidence to be the man/woman whose name is subscribed to the within instrument, and acknowledged to me that he/she executed the same in his/her authorized capacity, and by his/her autograph on the instrument the man/woman executed the instrument.

I certify under PENALTY OF PERJURY under the lawful laws of New Mexico State that the foregoing is true and correct.

WITNESS my hand and official seal.

Signature of Notary/Jurat _____

Seal

PROOF OF SERVICE and ADDITIONAL PEOPLE NOTICED

I declare that a true and accurate copy of the foregoing Notice of Affidavit was sent by USPS Certified Mail, return receipt requested, to the parties listed below on _____, 2021.

Served by: _____ (Person serving the document.)

Governor Michelle Lujan Grisham
State Capitol, Room 400
490 Old Santa Fe Trail
Santa Fe, NM 87501

Attorney General Hector Balderas
P.O. Drawer 1508
Santa Fe, NM 87504-1508

Your County Sheriff:

