

TO: Senator Kelly Townsend [Please Serve to all senate members]
1700 W. Washington St
Phoenix Arizona 85007

To: Representative Walter Blackmon [Please Serve to all house members]
1700 W. Washington St
Phoenix, Arizona 85007

From: David Jose Romero
807 North LaSalle Boulevard
Goodson, Arizona 85007 without the US

Affidavit for Arizona Legislature and Arizona DCS Crimes Against the People

Notice to Agent is Notice to Principal and Notice to Principal is Notice to Agent

Comes now Affiant, David Jose Romero, Sui Juris, one of the People (As seen in Article 2 Section 2 of the Arizona Constitution), in this Court of Record, providing the following claims that you may provide due care;

Please take notice that as one of the People, Affiant wishes to address an issue after a Telegram discussion with Kelly Townsend on Tuesday June, 15th 2021;

Affiant Claims that the Arizona Legislature has given authority to DCS, that the Legislature was not given in their Trust Indenture called the Arizona Constitution;

Affiant Claims that in order to take away a Liberty from one of the People, the Arizona Constitution guarantees a Trial by Jury, open court, a Warrant to take persons or Property, and that a Legislative Tribunal created under title 42 is not sufficient in order to preserve the rights of the people (please see the following Constitutional Provisions as evidence of claims):

Arizona Constitution Article 2 Section 2:
Political Power; Purpose of Government

"All political power is inherent in the people, and governments derive their just powers from the consent of the governed, and are established to protect and maintain individual rights."
 [Emphasis by Highlight Added]

Please take notice that as one of the People, Affiant desires to know where you got the power to write Legislation giving authority to an agency to take children without a jury, a judicial warrant, and previous judicial determination of wrong?;

Arizona Constitution 2 Section 4:
Due Process of Law

"No person shall be deprived of life, liberty, or property without due process of law." [Emphasis by Highlight Added]

Please take notice that children are a liberty interest, the due process the People are afforded is the common law, or those things in the Declaration of Rights which is mandatory;

Arizona Constitution Article 2 Section 23:
Trial by Jury; Number of Jurors Specified by Law

"The right of trial by jury shall remain inviolate. Juries in criminal cases in which a sentence of death or imprisonment for thirty years or more is authorized by law shall consist of twelve persons. In all criminal cases the unanimous consent of the jurors shall be necessary to render a verdict. In all other cases, the number of jurors, not less than six, and the number required to render a verdict, shall be specified by law."

Please take further notice that you are not allowed to take things without a trial by Jury, please give Constitutional Authority where you believe you got the authority to do so;

**Arizona Constitution Article 2 Section 11:
Administration of Justice**

"Justice in all cases shall be administered openly, and without unnecessary delay." [Emphasis by Highlight Added]

Please take further notice that all Constitutional Provisions are mandatory and you swore by oath that you would honor that right (Please see the Constitutional Provision that serves as proof of claim below):

**Arizona Constitution Article 2 Section 32:
Constitutional Provisions Mandatory**

"The provisions of this Constitution are mandatory, unless by express words they are declared to be otherwise." [Emphasis by Highlight Added]

Please take further notice that Affiant claims that the Legislature has allowed the DCS head to act as a Federal Agent, by statute (please see the evidence below in statute:

8-453. Powers and duties

A. The director shall:

15. Act as an agent of the federal government in furtherance of any functions of the department. [Emphasis by Highlight Added]

Please take notice that Federal Agents were not given authority to take Children against objection of parents (please see evidence below):

1935 Social Security Act 1101 (6)(d)

d) Nothing in this Act shall be construed as authorizing any Federal official, agent, or representative, in carrying out any of the provisions of this Act, to take charge of any child over the objection of either of the parents of such child, or of the person standing in loco parentis to such child. [Emphasis by Highlight Added]

Please take further notice that you have evidence that you are part of a title 42 program where there is a partnership between, CPS entities, attorneys, entire neglect and abuse court staff, CASA and guardian ad litem and other entities under the Federal Secretary of Health and Human Services (please see evidence below):

Title 42 674 Payment to States (3) (B):

(B) 75 percent of so much of such expenditures (including travel and per diem expenses) as are for the short-term training of current or prospective foster or adoptive parents or relative guardians, the members of the staff of State-licensed or State-approved child care institutions providing care, or State-licensed or State-approved child welfare agencies providing services, to children receiving assistance under this part, and members of the staff of abuse and neglect courts, agency attorneys, attorneys representing children or parents, guardians ad litem, or other court-appointed special advocates representing children in proceedings of such courts, in ways that increase the ability of such current or prospective parents, guardians, staff members, institutions, attorneys, and advocates to provide support and assistance to foster and adopted

children and children living with relative guardians, whether incurred directly by the State or by contract,

Please take notice that though you gave private entities permission to adopt people's children, yet there is no adoption in the common law (see evidence below):

Blacks Law 5th Edition Definition: Adoption.

Adopt. To accept, appropriate, choose, or select. To make that one's own (property or act) which was not so originally. To accept, consent to, and put into effective operation; as in the case of a constitution, constitutional amendment, ordinance, court rule, or by-law.

Adoption. Legal process pursuant to state statute in which a child's legal rights and duties toward his natural parents are terminated and similar rights and duties toward his adoptive parents are substituted. To take into one's family the child of another and give him or her the rights, privileges, and duties of a child and heir. The procedure is entirely statutory and has no historical basis in common law. Most adoptions are through agency placements. See **Adoption by estoppel; De facto adoption; Equitable adoption; Placement; Private placement (Adoption).**

Please take notice that if there is no historical basis in the common law for adoption of people's children in the definition in Blacks Law 5th edition provided above. All courts of record are to use the common law and based on the Arizona Constitution (which you swore to), you have allowed for a private entity to pick up people's children with armed police officers and continued to adopt people's children out without using the rules of common law, which are demanded in Article 6 Section 30 of the Arizona Constitution (Please see the following evidence):

Arizona Constitution Article 6 Section 30:

Text of Section 30:

Courts of Record

"A. The supreme court, the court of appeals and the superior court shall be courts of record. Other courts of record may be established by law, but justice courts shall not be courts of record.

B. All justices and judges of courts of record, except for judges of the superior court and other courts of record inferior to the superior court in counties having a population of less than two hundred fifty thousand persons according to the most recent United States census, shall be appointed in the manner provided in section 37 of this article." [Emphasis by Highlight Added]

Please take further notice of the definition of Court of Record from Blacks Law 4th Edition before it was hidden and some of the characteristics were removed in Blacks Law 5th Edition (please see the definition of Court of Record below): [Emphasis by Highlight Added]

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Classification

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Courts may be classified and divided according to several methods, the following being the more usual:

Courts of record and courts not of record. The former being those whose acts and judicial proceedings are enrolled, or recorded, for a perpetual

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memory and testimony, and which have power to fine or imprison for contempt. Error lies to their judgments, and they generally possess a seal. Courts not of record are those of inferior dignity, which have no power to fine or imprison, and in which the proceedings are not enrolled or recorded. 3 Bl. Comm. 24; 3 Steph. Comm. 383; The Thomas Fletcher, C.C.Ga., 24 F. 481; Ex parte Thistleton, 52 Cal. 225; Erwin v. U. S., D.C.Ga., 37 F. 488, 2 L.R.A. 229; Heininger v. Davis, 96 Ohio St. 205, 117 N.E. 229, 231.

A "court of record" is a judicial tribunal having attributes and exercising functions independently of the person of the magistrate designated generally to hold it, and proceeding according to the course of common law, its acts and proceedings being enrolled for a perpetual memorial. Jones v. Jones, 188 Mo.App. 220, 175 S.W. 227, 229; Ex parte Gladhill, 8 Metc., Mass., 171, per Shaw, C. J. See, also, Ledwith v. Rosalsky, 244 N.Y. 406, 155 N.E. 688, 689.

Courts may be at the same time of record for some purposes and not of record for others. Lester v. Redmond, 6 Hill, N.Y., 590; Ex parte Gladhill, 8 Metc., Mass., 168.

Please take further notice that the definition shows that it's a judicial tribunal, which is different from the administrative program used in Arizona under the unpassed title 42 Nonpositive law. Furthermore, the magistrate is independent of the Tribunal which will be shown to not be the case below as the whole title 42 program, which is run by the Secretary of Health and Human Services and all parties are contracted under the same entity including the whole "neglect and abuse" court (that also doesn't have the generally used seal) that exists nowhere in the Arizona Constitution. More importantly, it is to move under the common law which presents a problem as the legislature doesn't write common law, the people who created the Arizona Constitution do however write it in Arizona State Declarations of Rights (Please see the evidence below):

Blacks Law 5th Edition definition: Common Law [applicable part of the definition presented, please see full definition]

See also JUDICIAL NOTICE.

Common law. As distinguished from law created by the enactment of legislatures, the common law comprises the body of those principles and rules of action, relating to the government and security of persons and property, which derive their authority solely from usages and customs of immemorial antiquity, or from

Please take notice that common law is distinguished from law created by the enactment of Legislatures. Understanding that the People lay down the common law, please respond by sworn Affidavit where the Arizona Legislature got the power to write A.R.S. 8 giving permission for private officers and police to take children from parents, without Trials by Jury, Courts of Record, Open Courts, Warrants from JUDICIAL COURTS, when families are in the private and protected by your Oath to Article 2 Section 8 of the Constitution (Please see Constitutional Provision below):

Text of Section 8:
Right to Privacy

"No person shall be disturbed in his private affairs, or his home invaded, without authority of law."

Please take notice that it is the will of Affiant for you to see the Blacks Law 4th Edition definition of Common Law action, and then explain why The Legislature of Arizona gave permission to a private entity to take kids in actions using statutes, when common law actions are not allowed to be assisted by Statute (please see evidence below):

Blacks Law 4th Edition Definition: Common Law Action

an action is termed by Lord Coke, "the *right* of a *suit*." (2 Inst. 40.) Burrill.

Types of Actions

Actions are called, in common-law practice, *ex contractu* when they are founded on a contract; *ex delicto* when they arise out of a tort. Nelson v. Great Northern R. Co., 28 Mont. 297, 72 Pac. 642; Van Oss v. Synon, 85 Wis. 661, 56 N.W. 190.

If a cause of action arises from a breach of promise, the action is "ex contractu," and, if it arises from breach of duty growing out of contract, it is "ex delicto." Tort or trespass is none the less such because it incidentally involves breach of contract. Berning v. Colodny & Colodny, 103 Cal.App. 188, 284 P. 496, 498.

As to class or representative actions. See Class Or Representative Action.

As to the distinction between a *revocatory action* and an *action in simulation*, see Chapman v. Irwin, 157 La. 920, 103 So. 263, 265.

Civil actions are such as lie in behalf of persons to enforce their rights or obtain redress of wrongs in their relation to individuals.

Common law actions are such as will lie, on the particular facts, at common law, without the aid of a statute.

Criminal actions are such as are instituted by the sovereign power, for the purpose of punishing or preventing offenses against the public.

Local action. See Local Action.

Mixed actions partake of twofold nature of real and personal actions, having for their object the demand and restitution of real property and also personal damages for a wrong sustained. 3 Bl.Comm. 118; Hall v. Decker, 48 Me. 257. Mixed actions are those which are brought for the specific recovery of lands, like real actions, but comprise, joined with this claim, one for damages in respect of such property; such as the action of waste, where, in addition to the recovery of the place wasted, the demandant claims damages; the writ of entry, in which, by statute, a demand of mesne profits may be joined; and

Please take notice that the People put the common law in your trust indenture called the Constitution. Please Audit the contracts with CPS and check their constitutionality as Kelly Townsend wishes to Audit bills that may cost the people money at the end of the 2021 Legislative Session;

Please take further notice that a federal program for provisions for needy children can not be used as law to grant authority to take children. Please also take notice that title 42 was never passed as positive law and in Arizona State you are not allowed to give authority to take Children from the family which is in the private. Furthermore, you have no authority to create an

agency that can do what you were never given the authority to do. If you do have an authority to do so, please show the Constitutional provision where the people gave you this authority! Please take Further notice that there is no such thing of adoption in the Common Law. Being that Arizona Courts are to be Courts of Record, in Article 6 Section 30, it is the will of Affiant for you to show where you as the Legislature, were given authority to make Legislative Tribunals that would use private, unelected, individuals to take children from parents without any Constitutional Protections that you swore by Oath always afford any one of the People;

Please take further notice that this is a contract and Affidavit, if you fail to respond, point by point, with Constitutional Provisions that outlines where you got authority to trample rights of one of the People as shown above, you agree that any and all infringements were done knowingly, with full intent, and understanding of your duties based on the Arizona State Constitution you swore to protect. You also agree that if you don't respond to this Affidavit within (5) business days, that you agree that all written within this affidavit/contract is true and shall stand as law and be able to be used as evidence against you in any court of the people, and that no court of record will be able to hear the matters herein but you agree that all is true and the matter is forever settled. You also agree to be liable for \$5,000,000 USD if you do not answer with the Constitutional Provisions for the above infringements if you should fail to respond to this Affidavit. You may have remedy in returning any children you have given authority to have removed by using anything other than a Court of Record, moving by the common law as all these acts were done by fraud and the fact that the Legislative tribunals/CPS courts, and other actors have made wealth off of the cases, without giving full disclosure to the people that it was not what was required to remove the children.

Verification

I hereby declare, certify and state, pursuant to the penalties of perjury under the laws of the United States of America, and by the provisions of 28 USC § 1746 that all of the above and foregoing representations are true and correct to the best of my knowledge, information and belief.

Executed in Phoenix, AZ, Arizona on this 17th day of June in the Year of Our Lord Two Thousand and Twenty One.

David Jose Torres
Autograph of Affiant:

Notary as JURAT CERTIFICATE

Arizona State }
Maricopa County }

On this 17th day of June, 2021 (date) before me, Erica Camarillo, a Notary Public, personally appeared David Jose Torres Name of Affiant, who proved to me on the basis of satisfactory evidence to be the man whose name is subscribed to the within instrument and acknowledged to me that he executed the same in his authorized capacity, and that by his autograph(s) on the instrument the man executed, the instrument. I certify under PENALTY OF PERJURY under the lawful laws of Arizona State and that the foregoing paragraph is true and correct.

WITNESS my hand and official seal.

Signature of Notary / Jurat Erica Camarillo
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