

The Nature of Subject Matter Jurisdiction

The jurisdiction of a court over the subject matter has been said to be essential, necessary, indispensable and an elementary prerequisite to the exercise of judicial power; 31C.J.S., "Courts," Section 18, p. 25. A court cannot proceed with a trial or make a judgment without such jurisdiction existing.

It is elementary that the jurisdiction of the court over the subject matter of the action is The most critical aspect of the court's authority to act. Without it the court lacks any Power to proceed, therefore, a defense based upon this lack cannot be waived and may Be asserted at any time. Matter of Green, 313 S.E. 2d 193 (N C App. 1984).

Subject matter jurisdiction cannot be conferred by waiver or consent. and may be raised at any time. Rodrigues v. State, 331 So. 2d 1129 (Fla. App. 1983). The subject -matter jurisdiction of a criminal case is related to the cause of action in general, and more specifically to the alleged crime or offense which creates the action.

The subject-matter of a criminal offense is the crime itself. Subject-matter in its Broadest sense means the cause; the object the thing in dispute.
Stillwell v. Markham, 10 P. 2d 15, 16 135 Kan. 206 (1932)

An indictment or complaint in a criminal case is the main means by which a court obtains subject jurisdiction, and is " the jurisdictional instrument upon which the accused stands trial" State v. Chatman, 671 P. 2d 531, 538 (Kan. 1983), Thus if the charging instruments Are invalid, there is a lack of subject matter jurisdiction.

Without a valid complaint any judgment or sentence rendered is "void initio"
Ralph v. Police Court of El Cerrito, 190 P. 2d 632,634, 84 Cal. App. 2d 257 (1948).Jurisdiction to try and punish for a crime cannot be acquired by mere Assertion of it, or invoked otherwise than in the mode prescribed by law, and if it Is no so acquired or invoked any judgment is a nullity. 22 C.J.S., "Criminal Law" 167, p. 202.

David Richard Sutherland the "real party in interest" asserts that the laws charged against him are not valid ,or do constitutionally exist as they do not conform to certain constitutional prerequisites, and thus are not laws at all, which prevents subject matter jurisdiction to the above-named court.

The "real party in interest" was accused of committing several crimes by violation of certain laws which are listed in said complaints, to wit:

Theft by Taking 16-8-2
Interfering With traffic safety devise 16-12-126
Procession of Tools 16-7-20