

Affidavit of Truth
&
Supporting Memorandum of Law
by
Joseph Barton

SUI JURIS, SOVEREIGN MAN THAT IS A LIVING HUMAN BEING WITH ALLEGIANCE TO GOD
AND GOD ONLY, SPEAKING IN HIS OWN RIGHT, WITHOUT PREJUDICE, ALL RIGHTS
RESERVED, UNDER THREAT OF SLAVERY, UCC 1-308, UCC 1-103.

DATED: _____, 2011

We, Joseph Barton and Jay Debberman, demur to pleading in this criminal proceeding because the alleged criminal laws we are charged with violating are unconstitutional. They violate our inalienable, fundamental rights of liberty, pursuit of happiness, free practice of religion, and freedom of thought, which are protected by the New York Constitution and the 9th Amendment of the US Constitution and other Amendments such as the first, fourth, fifth, sixth and tenth.

Liberty is clearly involved because there are no victims of these alleged crimes. The unconstitutional laws against cannabis are also a violation of my freedom of thought, because cannabis enables me to transcend to higher levels of consciousness and to merge with the divine, which government has no authority to regulate. Regarding the right to pursue happiness, mergence with the divine makes one ecstatically happy. No government has the right to regulate between me and my Creator. My spiritual practices do not infringe on the rights of others, it does no harm and there is no injured party.

Therefore the Court is urged to hold the burden has shifted to the state, upon this showing of constitutionally protected rights at stake, and here requested to hold a hearing whether the State of New York can show that the criminal laws in question are rationally based on actual harmfulness or other state interest or are void and unconstitutional.

“The Constitution of these United States is the supreme law of the land, any law that is repugnant to the constitution is null and void of law. “ **Marbury vs. Madison**, 5 US 137 1803

When a statute goes against the Constitution it is null and void of law, it bears no power to enforce, no obligation to obey, purports to settle as if it never existed, unconstitutionality dates from the enactment of such law not from any dates so branded in an open court of law. The marijuana statutes are repugnant to the New York State Constitution and the Constitution of these United States.

“If the state converts a liberty into a privilege the citizen can engage in the right with impunity,” **Shuttlesworth vs. Birmingham**, 373 US Report 262

The legislature does not have the power or the authority to take away rights previously guaranteed by the Constitution.

Thus this court, as arbiter between the State and the Sovereign people, has a duty to protect our rights and afford us due process and equal protection. Since this court has sworn an oath to protect and defend the Constitution of the State of New York and the U.S. Constitution, I pray this court to honor its oath and protect my God given and inalienable rights.

Please inform me of the date of the hearing on these Constitutional issues, any other appearance for any other purpose is under duress and a further violation of due process.

SUI JURIS, SOVEREIGN MAN THAT IS A LIVING HUMAN BEING WITH ALLEGIANCE TO GOD AND GOD ONLY, SPEAKING IN HIS OWN RIGHT, WITHOUT PREJUDICE, ALL RIGHTS RESERVED, UNDER THREAT OF SLAVERY, UCC 1-308, UCC 1-103.

Joseph Barton _____ DATED: _____, 2011

Sworn on this day, July 27, 2011, to be true
Under penalty of perjury,

Notary:

Paula Gloria Tsaconas Barton, 26 GRAMERCY PARK 7H, NY 10003 212.982.0021
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