

MARCUS R. ELLINGTON, Sr.  
CDCR No. BG3582/FA5-130L  
LANCASTER STATE PRISON  
P.O. BOX 4430  
Lancaster, CA. 93539

May 07, 2021

"SHABAT SHALOM!"

MARCUS R. ELLINGTON, Sr. v. AMERIKA, et al.,.

Case No. 65-0777

date filed: April 28, 1965

COURT/AUTHORITY: the KINGDOM of HEAVEN

before, the only HONORABLE JUDGE: YHWH, the King.

Comes now: MARCUS R. ELLINGTON, Sr.-Appointed Representative., with:  
"declaration in support of Motion to reinstate Kingdom Rule/Governance."  
nance."

dated: May 07, 2021

RESPECTFULLY SUBMITTED,

MARCUS R. ELLINGTON, Sr.  
Appointed Representative

I.

DECLARATION IN SUPPORT OF MOTION  
TO REINSTATE KINGDOM RULE/GOVERNANCE

Marcus R. Ellington, Sr

By Appointment of the Kingdom

LANCASTER STATE PRISON  
P.O.Box 4430  
Lancaster, CA. 93539

I.

DECLARATION

I, Marcus R. Ellington, Sr., Declarant, does hereby declare and verify that the following is true and correct under penalty of perjury of the laws contained in the BOOK, respecting swearing falsely.

1. Within the current administrations system of Criminal Justice, one has been made to believe that, a final ruling from the U.S. Supreme court is the end all, to all legal disputes. However, We know that, the U.S. Supreme courts rulings may be manipulated by various forces within its realm. and, therefore is COMPROMISED.

2. The allegation above is supported by a number of ruling's by this alleged SUPREME COURT that do not COGENTLY jive with its own CONSTITUTION. nor, its AMENDMENTS. Case in point: The 14th-fourteenth Amendment to the U.S. CONSTITUTION holds:

[in pertinent part]: "no state shall make or enforce any law which shall abridge the privileges or immunities of the 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."

What this means is: when any U.S. Citizen within any court, state or Federal, is able to demonstrate that their constitutional right(s) were violated during trial or before, that conviction must be reversed. and the citizen given a trial free of Constitutional error. The court's knowing that, 'if this CONSTITUTIONAL GUARENTEE were to be scrupulously honored, the courts would be swamped. and Criminla cases would be reversed daily. and this is true because, rarely does a criminal case in AMERIKA, conclude without at least One, Constitutional Violation. So, the HARMLESS ERROR

RULE OF LAW. was created by these court's to:

"abridge the privileges or immunities of the Citizen."

In direct violation of the Constitutional amendment quoted above. and, further deprives the citizen his right to trial by Jury, by allowing the reviewing court "Judges" to sit as trier of fact. Thus contravening, the right to trial by jury. The Criminal defendant has the right to have His juror's determine His fate. See, U.S. Constitutional Amendment No.6 (U.S.C.A. 6).

3. Within the U.S. Constitutional Amendment V (5) it is held in [pertinent part]:

"nor, shall any citizen be subject to  
/for the same offense to be twice put  
in jeopardy of life or limb."

So, what the court's and the legislator's have done to get around this particular portion of the U.S. Constitution was to put their head's together and, came up with an ENHANCEMENT. "what's an enhancement?" an ENHANCEMENT allows the court's to punish the citizen (twice) for the same offense, while not saying that the court is doing that. That's an ENHANCEMENT. The Prosecutor's, Judges and, legislators, have renamed DOUBLE JEOPARDY, "ENHANCEMENT!" so now, the prosecutor who wishes to DOUBLE PUNISH the defendant/Black person uses as a guise, the ENHANCEMENT. which is code name for "DOUBLE PUNISHMENT." a lie of the DEVIL! It's really DOUBLE JEOPARDY! Its kinda like, pissing on someone whose in a position not to see the apparatus from which, the rain is falling. and telling them: "It's raining!?" 'only the elect can see.'

4. The 14th (fourteenth amendment) to the U.S. Constitution tells us/you, in [pertinent part]:

"nor deny to any 'citizen' within  
its jurisdiction the equal protection  
of the law."

"What is Equal Protection of the law?" it literally means that, what's done for non-blacks, should also be done for blacks or people of color. 'individual's that are similarly situated like prisoner(s) are to be treated equally unless there are factors (provable) to justify difference.' However, Senate or Assembly Bill 260/261) allows a certain relief to prisoners that committed their crimes/offenses at or under age (26) twenty six. and, the reason for this distinction is, THE BRAINS OF INDIVIDUAL'S THAT ARE (26) AND UNDER ARE NOT FULLY DEVELOPED. and so, they are merely children psychologically, as to maturity. But, there is an exception for kid's that committed MURDER and, SEXUAL OFFENSES. In the Murderer and Sex offenders cases, the brains are fully mature psychologically at and under age (26)???. However, there is no MEDICAL NOR STATISTICAL DATA to support this claim or exclusion., none! Hence, there is no rational basis for the distinction.

5. The EQUAL PROTECTION CLAUSE requires "a rational basis for the distinction." without which, the law or rule of law must be stricken/struck - down. Since there is no SCIENTIFIC MEDICAL EVIDENCE or CREDIBLE STATISTICAL DATA in support of excluding CHILDREN who have attempted or murdered. nor, those who have committed a sexual offense, I move for the INCLUSION of such CHILDREN who like any other CHILD at that age, has made mistakes. and, until the legislator's are able to produce SCIENTIFIC MEDICAL EVIDENCE

and, CREDIBLE STATISTICAL DATA in support of their stance that, CHILDREN that attempt or murder and, those that have committed sexual offenses at or under age (26) brains are more psychologically developed than those who only commite, other felony's. all alleged criminal's at or under age (26) should reap the bennifits of AB/SB-260/261. Also, any other law that excludes offenders such as SEX OFFENDERS that have merely forced themselves on a woman, without more. Meaning:(no great bodily injury or death) of the allged victim. Should be included in and bennifit from any law made available to any other alleged criminal defendant, no matter the race.

There was a time in AMERIKA that, women were treated (white women) were treated almost as poorly as SLAVES. and, this was at the hands of their white counter-part. That was an extreme wrong against womanhood! However, in today's world, our efforts to right the wrong's committed by AMERIKAN'S against women, we have gone to another EXTREME WRONG. Now, anytime a woman is offended by a man. or feels she has been. The man must go to prison for the rest of his life. or, close to it. [I know that these are contoversial issues, to say the least]. But, nonetheless, vital. and, important. What wtith the "me too! movement." we see other forms of INJUSTICE - in the EXTREME being cast upon us Now, if you have a "me too," follower on your jury, inosuch a case. You are Presumed guilty. and this is true because, the Me tooer's 'think'that, because something happened to them (sexually), everone that claims sexual assault is telling the truth. nd the "me tooer," feels wrong or embarassed to not believe them. no matter what the evidence shows. Such 'thinking,' if you will, should not

be permitted to sit on anyones jury. Such is the equivalent of: a robbery victim who thinks that everyone that claims to have been robbed, was in fact robbed. and the person that being pointed-out as the robber, did it, to the exclusion of all the other evidence. Having a "me tooer." on your jury, is a denial of the right to trial by jury. Because, this person already believes the sex offender, guilty. You are also entitled to an IMPARTIAL JURY. Yet, one who believes that you are guilty no matter what, is not IMPAIRTIAL.and, "me tooer's," think that way as to sex offense cases. "me tooer's" G'd bless them, are being permitted to veditate wrongs committed upon them, that went without punishment or acknowledgement, vicariously. through the cases they sit as juror's for.

I would be the first to say to "me tooer's:" i'm sorry that you were sexually assaulted. I too was sexually assaulted as a child, by people I trusted. and who wer entrusted to care for Me. I suffer POST TRAMMATIC STRESS DISORDER to this day, as a result.. However, I have not become so YLEUSIONED. that, I am unable to determine fact from fiction. or, simply said that, I believe that everyone who claims to have been sexually assaulted, has been. or, that the individual they are claiming done it, did it. and that, to the exclusion of all the evidence. I am able to parse through the evidence and base My determination on it. Not just My emotions due to what happened to Me. The "me too-psychois." as I have termed it. Can exist as harmful if not checked itself. Anyone that thinks that, since something happened to them, each time someone else claims that the same thing happened to them is telling the truth. Is suffering this PSYCHOSIS. and,

without treatment, may not be sound to sit as juror's in SEX OFFENSE cases. (common sense, isn't common). HEY!!! ME TOO!!!

6. The EX POST FACTO CLAUSE. Article (Art.) I, section (§) 9 of the U.S. Constitution., Forbids Congress from passing any "ex post facto laws." But now, what does "ex post facto." mean:

"done, made or formulated  
after the fact:RETROACTIVE."

See also, California Constitution Art. I, §9. barring (ex post facto laws). think about it... If you had the authority/power to RETROACTIVELY impose a law on a person or person(s). How evil is that????!!! Some unsuspecting fool commit a crime in year(1988). serves the time for that crime. But, in (1994) the state creates a THREE STRIKES LAW that is RETROACTIVE. and they use this new THREE STRIKES LAW to give you a LIFE SENTENCE. based on the crime(s) committed in Year (1988). How evil! for which, you've already served the time on. This would violate (again) DOUBLE JEOPARDY right's. and, EX POST FACTO right's. The THREE STRIKES LAW should for all intent and purpose, be applied to cases that occurred on or after, it's effective date. But, by making it RETROACTIVE. 'they' allowed the offenses committed decades before the implementation of the THREE STRIKES LAW. to count as strikes. How evil., How unrighteous! But, what's worst, the U.S. Supreme court says that: "It does not violate EX POST FACTO CLAUSE. Well, you be the judge. You've read it above. Does it violate the EX POST FACTO CLAUS. or not???

7. Let's look at the ANTITERRORISM AND EFFECTIVE DEATH PENALTY ACT OF 1996 (AEDPA) signed into law by who was claimed to be "the first Black President - Bill Clinton. and, not struck down by

Barack Obama, the first black president. Though this (AEDPA) was the worst thing that could have happened to black prisoner(s) who seem to predominate the U.S. Prison's. both, State & Federal. The AEDPA in a nutshell was designed to prevent the criminal defendant of color from accessing the Court(s) by giving them a one shot chance at finding the SUBSTANTIAL RIGHT VIOLATION in their case on the first shot, or forever living with it. Unless they are able to prove FACTUAL INNOCENCE. So, if in the brief period of time given them, they are unable to discover and properly present the error(s) in their trial of Constitutionla Magnitude, they are barred from seeking review in any of the states courts unless they are able to prove FACTUAL INNOCENCE. Every other error found at this point, will be deemed HARMLESS. See ¶ No.2 of this Declaration.

Each of these exposed devices are drafted by our legislator's and court's strictly for the purpose of maintaining the conviction of the people of color that grossly populate U.S. Prison storehouses. Another one is THE PRISON LITIGATION REFORM ACT (PLRA) created by PROSECUTORS to be imposed on people of color with the wherewithal to obtain JUSTICE, if you will. How are you going to allow prosecutors to set the rules of play, respecting, procedure during colateral review?

A lawyer is granted (8 to 9) year's to become a lawyer. Howbeit the (AEDPA) gives the layman criminal defendant (1) one year to do what His appellate counsel could not. and that is, find the constitutionla error. and present it in such a way that, the court will grant relief. It should be noted that, many of the Lawyer's



forced upon the criminal defendant(s) on appeal, ect. fail to find the error(s) and present them properly. The court's of appeal will not allow the criminal defendant to represent himself on appeal. So, these lawyer's are forced upon the Defendant. Then, the reviewing court attributes to the criminal defendant the failures of the appellate counsel, by saying: "Why wasn't the issue raised on appeal?" It was due to the lawyer apointed to represent you, failed you! It would seem that the appellate court(s) would understand that, you were just represented by counsel on appeal and the issue was not raised by counsel. So, counsel failed to raise a meritorios claim/assignment on appeal of right. But, they do not. Instead, they pose the question. and deny relief. See, appellate records of case No. YA095609. in the California Court of Appeal.(second appellate district). Using such (B/S) as a basis to deny relief.

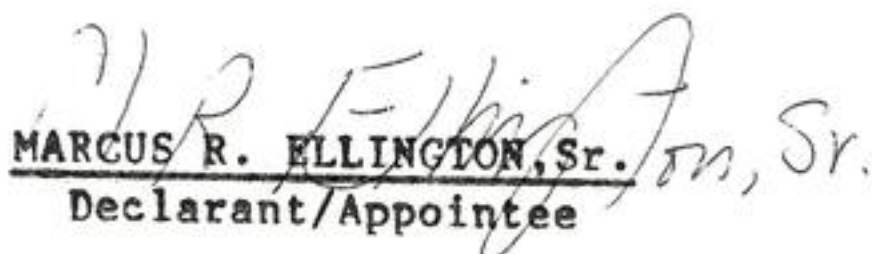
What the writer/Decarant is saying is, Public attention must be paid to these SCHEMES being emplyed to harshly sentence and maintain the incarceration of, People of color.

[SCHEME]: "an underhand plot."

People of color/People of YHWH must wake up and, see the 'plot.' YHWH may use any of His creation. Why not allow him to use you??? You see how 'they' are re-naming CONSTITUTIONAL PROVISIONS TO GET AROUND DOING THEM IN YOUR CASE(S). Using ENHANCEMENTS to double punish for the same offense twice; Out-right violating the EX POST FACTO CLAUSE to implement THREE STRIKES of people who allegedly committed their offense(s) before their was a THREE STRIKES LAW; Depriving your son's and daughters of EQUAL PROTECTION OF THE LAW and, sujecting them to HARMLESS ERROR(S) of Constitutional

dimension., for which, they may not obtain future releif from  
due to the (AEDPA)'S "One shot, court access prevention policy."  
signed into law by the first black president - Bill Clinton. and,  
maintained by Barack Obama. and that, could be stricken by-President  
J. Biden?

dated: May 07, 2021

  
MARCUS R. ELLINGTON, Sr.  
Declarant/Appointee

Note: Please favor Content over  
form. Thank You!