

1 YOUR NAME
ADDRESS
2 CITY, STATE
PHONE NUMBER
3
4

5 IN THE [STATE] STATE [COURT NAME] COURT
6 FOR THE COUNTY OF [YOUR COUNTY]

7 The People of
8 The State of <YOUR STATE>] Case No.
ex rel <PETITIONER'S NAME>

9
10 **EX PARTE APPLICATION FOR ALTERNATIVE WRIT OF MANDAMUS**

11 **INTRODUCTION**

12 Come now the **People of** the State of <NAME OF STATE WHERE
13 **ACTION IS PENDING>**, on *ex parte* relation of <NAME OF RELATOR>, in

14 his own person (*in propria persona*), of his own right (*sui*
15 *juris*), pursuant to authority of and to enforce <ARTICLE AND/OR

16 **SECTION OF STATE CONSTITUTION REQUIRING DUE PROCESS OR DUE COURSE**
17 **OF LAW>** (*Example - Article 1, Section 10 of the Bill of Rights*
18 *of*

19 *the Constitution for the State of Oregon, "No Court shall be*
20 *secret, but justice shall be administered, openly and without*
21 *purchase, completely and without delay, and every man shall have*
22 *remedy by due course of law for injury done him in his person*
23 *property or reputation"*) and <ARTICLE AND/OR SECTION OF STATE

24 **CONSTITUTION REQUIRING THAT THE ACCUSED BE INFORMED OF THE NATURE**
25 **AND CAUSE OF A CRIMINAL ACCUSATION>** *Example - Article 1, Section*

26 *11 of the Bill of Rights of the Constitution for the State of*
Oregon, "In all criminal prosecutions, the accused shall have the

1 right... to demand the nature and cause of the accusation against
2 him, and have a copy thereof...", to apply to this honorable
3 court for an order issuing an Alternative Writ of Mandamus, to
4 **<NAME OF RESPONDENT PROSECUTOR>**, prosecutor in the **<NAME OF**
5 **RESPONDENT PROSECUTOR'S OFFICE>** in **<COUNTY NAME>** County, in the
6 State of **<STATE NAME>**, as respondent thereto (Respondent hereaf-
7 ter), out of and under the judicial power of the State of
8 **<STATE NAME>** established and empowered under **<ARTICLE(S) AND/OR SEC-**
9 **TION(S) OF CONSTITUTION FOR STATE WHERE ACTION IS BROUGHT WHICH**
10 **ESTABLISHED AND EMPOWERED THE JUDICIARY>** of the Constitution for
11 the State of **<STATE NAME>**, for the relief, and to preserve the
12 right, of your relator, **<NAME OF RELATOR>**.

13 **APPLICATION**

14 **TO:** The Honorable Judge **<JUDGE'S NAME>** (or Judges) of and in the
15 **<NAME OF MANDAMUS COURT>** in and for the County of **<NAME OF COUNTY**
16 **WHERE MANDAMUS COURT IS LOCATED>** in the State of **<STATE NAME>** the
application of your relator, upon oath of your relator,
respectfully shows:

17 1.

18 The instant application seeks the aid of an original action
19 for mandamus brought under the authority the Constitution for
the
20 State of **<NAME OF STATE WHERE CASE IS PENDING>** according to the
21 extraordinary course of the common law, to judicially mandamus
22 the above named respondent to do a specific duty incumbent upon
23 said respondent and due to your relator in a matter of right.

24 2.

25 This court, as a court of general jurisdiction, under the
26 Constitution for the State of **<NAME OF STATE WHERE ACTION IS**

1 PENDING> has jurisdiction, according to the extraordinary course of
2 the common law, to enforce duties imposed by said constitution upon
3 those acting or purport to act as officers of the State of <NAME OF
4 STATE WHERE ACTION IS PENDING>, by Writs of Mandamus issued in
5 original Mandamus actions brought by the people of the State of <NAME
6 OF STATE WHERE ACTION IS PENDING>, on relation of a party adversely
7 affected by an official omission of ministerial duty; and,

8 3.

9 Your relator, <RELATOR'S NAME>, is a free white citizen in the
10 County of <NAME OF RELATOR'S COUNTY AND STATE ABODE, AS RECITED
11 IN HIS I.D. AFFIDAVIT>, and thereby a state and American
12 citizen within the original meaning of the Constitution for the
13 United States of America, and not a citizen within the meaning of the
14 Fourteenth Amendment to the United States Constitution, as is
15 evidenced by your relator's "Public Notice of Positive Identifi-
16 cation," recorded as <RECORDING NUMBER ASSIGNED TO I.D. AFFIDAVIT>,
17 in the <NAME OF COUNTY WHERE I.D. AFFIDAVIT IS RECORDED> County
18 Clerks Office, in the State of <NAME OF STATE WHERE I.D. AFFIDAVIT IS
19 RECORDED>, certified copy attached hereto, and incorporated herein
20 by this reference; and

21 4.

22 Respondent, holds the office of <NAME OF PROSECUTORS
23 OFFICE>, and on <DATE ACCUSATORY INSTRUMENT WAS FILED>, the
24 respondent in the official capacity of said office, or someone
25 purporting to act under the authority, direction and in the name
26

1 of respondent's said office, filed an accusatory instrument
2 entitled <NAME OF ACCUSATORY INSTRUMENT, i.e., indictment, information,
3 complaint or other>, copy attached hereto as Exhibit A, in <NAME OF
4 COURT WHERE ACTION IS PENDING>, opening file number <TRIAL COURT FILE
5 NUMBER>, in said tribunal, wherein said accusatory instrument is
6 docketed as docket entry number <DOCKET ENTRY NUMBER ASSIGNED TO
7 ACCUSATORY INSTRUMENT; and,

8 5.

9 The aforesaid accusatory instrument, according to the Office of
10 TITLE OF PROSECUTOR OFFICE>, the above named respondent, or those,
11 purporting to act under the authority, direction and in the name
12 of said respondent's office, is supposed to allege criminal
13 accusations against your relator; and,

14 6.

15 On <DATE DEMAND FOR BILL OF PARTICULARS WAS SIGNED>, your
16 relator duly executed a proper DEMAND FOR BILL OF PARTICULARS, copy
17 attached hereto as Exhibit B, against the supposed accusatory
18 instrument in the above file number <TRIAL COURT FILE NUMBER>,
19 demanding a clear statement of the nature and cause of the said
20 criminal accusations; and

21 7.

22 On <DATE AFFIDAVIT IN SUPPORT OF DEMAND BILL OF PARTICULARS
23 WAS SIGNED>, being put upon due and solemn affirmation, before
24 witnesses, according to the course of the common law, your relator
25 duly verified an affidavit in support of said DEMAND FOR BILL OF
26 PARTICULARS, attached hereto as a part of Exhibit B,

1 stating that your relator does not understand the nature and cause
2 of the accusations in the particulars questioned by said DEMAND FOR
3 BILL OF PARTICULARS, and that the same is presented to the Office of
4 <NAME OF PROSECUTOR'S OFFICE> in good faith and is not interposed for
5 the purpose of delay or any other purpose; and

6 8.

7 On <DATE DEMAND FOR BILL OF PARTICULARS WAS SERVED ON THE
8 PROSECUTORS>, <NAME OF PERSON THAT SERVED THE DEMAND FOR BILL OF
9 PARTICULARS AND AFFIDAVIT IN SUPPORT>, on your relator's behalf as
10 Demandant in said DEMAND FOR BILL OF PARTICULARS, duly served said
11 DEMAND FOR BILL OF PARTICULARS, with Affidavit in Support, upon the
12 Office of <NAME OF PROSECUTOR'S OFFICE>, which said service was
13 duly received and acknowledged by said Office of <NAME OF
14 PROSECUTOR'S OFFICE>, in the name of <ELECTED PROSECUTOR'S NAME>,
15 on said date; and

16 9.

17 On <DATE COPY OF DEMAND FOR BILL OF PARTICULARS AND AFFIDAVIT
18 IN SUPPORT, AND ORIGINAL AFFIDAVIT OF SERVICE WERE FILED IN TRIAL
19 COURT>, your relator duly filed a true copy of said DEMAND FOR BILL
20 OF PARTICULARS, with Affidavit in Support, and the original
21 Affidavit of Service of <NAME OF SERVER>, for the record, in the
22 aforesaid file number <TRIAL COURT FILE NUMBER, in the <NAME OF COURT
23 WHERE ACTION IS PENDING>; and

24 10.

25 Through out all proceedings held in file number <TRIAL COURT FILE
26 NUMBER, in the <NAME OF COURT WHERE ACTION IS PENDING>, your

1 relator appeared specially, *in propria persona, sui juris*, with
2 intent to raise any and all defenses with respect to venue and
3 personal jurisdiction available to your relator upon a clear
4 statement of the nature and cause of the said criminal accusa-
5 tion(s) as demanded by your relator in the aforesaid DEMAND FOR BILL
6 OF PARTICULARS, and in said relation the conduct of your relator
7 has in no way provided an admission of venue and personal jurisdiction
8 in said file number <TRIAL COURT FILE NUMBER, in the <NAME OF COURT WHERE
9 ACTION IS PENDING>; and,

10 11.

11 On numerous occasions, to date of the instant application, upon
12 several inquiries of your relator, respondent, or persons
13 purporting to act on authority of respondent, in said file number
14 <TRIAL COURT FILE NUMBER, in the <NAME OF COURT WHERE ACTION IS
15 PENDING>, have directly refused to issue the BILL OF PARTICULARS
16 clarifying the nature and cause of the criminal accusations
17 aforesaid, as demanded by your relator.

18 12.

19 To date of the instant application, your relator has not been
20 provided with a BILL OF PARTICULARS to supplying a verified statement
21 clarifying the nature and cause of the aforesaid criminal
22 accusations, whatsoever, by respondent or any one, whomsoever,
23 having or supposing to have jurisdiction of the so-called <NAME
24 OF THE ACCUSATORY INSTRUMENT, in the name of respondent, in said file
25 <TRIAL COURT FILE NUMBER, in the <NAME OF COURT WHERE ACTION IS
26 PENDING>, to satisfy your relator's DEMAND FOR BILL OF

1 PARTICULARS, and in consequence whereof your relator does not
2 understand the nature and cause of the accusations in the
3 partic-
4 ulars stated in your relator's DEMAND FOR BILL OF PARTICULARS,
5 aforesaid, is without notice thereof, and is unjustly held
6 inca-
7 pable of making any meaningful or intelligent defense with re-
8 spect to said particulars at the hands of the above named re-
9 spondent; and

13.

9 To date of the instant application, no motion, or other
10 answer whatsoever, has been filed in file number <TRIAL COURT
11 FILE NUMBER, in the <NAME OF COURT WHERE ACTION IS PENDING> or
12 served upon your relator with respect to your relator's
13 aforesaid
14 DEMAND FOR BILL OF PARTICULARS, by respondent or any other per-
15 son, whomsoever, having or purporting to have authority of
16 respondent and jurisdiction of the so-called NAME OF ACCUSATORY
17 INSTRUMENT, in said file number <TRIAL COURT FILE NUMBER, in
18 the
19 <NAME OF COURT WHERE ACTION is PENDING> to seek relief from the
20 duty to issue the BILL OF PARTICULARS owed to your relator as
21 aforesaid, and incumbent upon the above named respondent.

14.

21 Trial is confirmed in file number <TRIAL COURT FILE NUMBER,
22 in the <NAME OF COURT WHERE ACTION IS PENDING>, over your
23 relator's objections to any trial whatsoever, for <DATE SET FOR
24 TRIAL>, and to which your relator has duly taken exception, and
25
26 at the hands of Respondent, your Relator is held incompetent to
stand trial; and

1 15.

2 On <DATE OF FILING OF RELATOR'S AFFIDAVIT IN THE TRIAL COURT STATING
3 FACTS REQUIRING BILL OF PARTICULARS> your relator filed the
4 Affidavit of <RELATOR'S NAME, in said file number <TRIAL COURT FILE
5 NUMBER, in the <NAME OF COURT WHERE ACTION IS
6 PENDING>, putting said tribunal on notice in detail of the facts and
7 circumstances surrounding your relator's said DEMAND FOR BILL OF
8 PARTICULARS, and on numerous occasions your relator, appearing
9 specially, *in propria persona, sui juris*, has given notice of and
10 objected to respondent's omission of duty owed to your relator,
11 herein complained of, to <NAME OF COURT WHERE ACTION IS PENDING>, which
12 said omissions of ministerial duty continue as a result of inaction
13 of said tribunal, and which said omission of duty continues to date
14 of the instant application. A true copy of said
15 affidavit is attached hereto, marked Exhibit C, and incorporated herein
16 by this reference.

17 16.

18 Your relator, is without remedy in the proceedings in said file
19 number <TRIAL COURT FILE NUMBER, in the <NAME OF COURT WHERE ACTION
20 IS PENDING>, as any motion therein to compel respondent to do the
21 omitted ministerial duty of respondent herein complained of would
22 constitute an admission of venue and personal jurisdic-
23 tion and a waiver of any defenses in relation thereto that might be
24 available upon a clear statement of the said criminal accusations,
25 as demanded by your relator in the aforesaid DEMAND FOR BILL OF
26 PARTICULARS.

17.

Your relator has no adequate remedy "at law," to require the Office of <NAME OF PROSECUTOR' OFFICE>, or <NAME OF PROSECUTOR ASSIGNED TO CASE>, to compel respondent to do the ministerial duty of completely informing your relator of the Nature and Cause of the accusations pending in file number <TRIAL COURT FILE NUMBER>, in the <NAME OF COURT WHERE ACTION IS PENDING>, which said duty is due to your relator under limitation and command of the Constitution for the State of <NAME OF STATE WHERE ACTION PENDING>, <ARTICLE AND SECTION OF CONSTITUTION REQUIRING ACCUSED BE INFORMED OF THE NATURE AND CAUSE OF A CRIMINAL ACCUSATION.

18.

The instant application is presented in good faith, and is not interposed for the purpose of delay or any other unjustified purpose.

RELIEF REQUESTED

WHEREFORE YOUR RELATOR RESPECTFULLY REQUESTS:

This honorable Court, order the WRIT OF MANDAMUS presented with the instant application to judicially mandamus the above named respondent to provide a verified Bill of Particular's to **make** more definite and certain the nature and cause of the accusations contained in the accusatory instrument (Attached as Exhibit A) filed by respondents in file number <TRIAL COURT FILE NUMBER>, presently pending in <NAME OF COURT WHERE ACTION IS PENDING>, as demanded by your petitioner in the Demand For Bill of Particulars attached hereto marked Exhibit B and proceed no further in file

1 number <TRIAL COURT FILE NUMBER>, presently pending in <NAME OF COURT
2 WHERE ACTION IS PENDING>, until the said duty incumbent upon
3 respondent and due to your relator has been fulfilled, or
4 IN THE ALTERNATIVE, show cause to this court why respondent has not
5 complied with the command of this Court on a day and time certain,
6 and

7 **WHEREFORE YOUR RELATOR RESPECTFULLY REQUESTS:**

8 your relator respectfully requests that said WRIT OF MANDAMUS be
9 ordered to issue from this Court sitting in term or session, in its
10 judicial mode under the Constitution for the State of <NAME STATE WHERE
11 PROSECUTION IS PENDING> and the **common law, out** of and under the
12 judicial name and seal of this court, returnable to this court by
13 respondent, on a date certain, within some brief period of time.

14 SUBSCRIBED this _____ day of _____ in the Year of Our
15 Lord and Savior Jesus the Christ, 200_

16
17 (seal)

18 _____
19 RELATOR'S NAME
20 JUDICIAL DISTRICT
21 ADDRESS
22 CITY/STATE
23
24
25
26

1 VERIFICATION

2 STATE OF [YOUR STATE]
3 County of [YOUR COUNTY])

affirmed:

4 I hereby declare, upon due and solemn affirmation according to the
5 course of the common law, before the witnesses set out below, that the facts
6 stated in the forgoing petition for writ of mandamus are true and correct, and
7 that the attachments presented with the instant petition for writ of mandamus
8 are true copies of the originals they represent, to the best of my knowledge
9 and are presented in good faith.

10 SUBSCRIBED AND AFFIRMED in the County of -----, in the
11 State of -----, on this, the ---- day of -----, in
12 the year of our Lord, Nineteen Hundred and

(seal)

14 RELATOR'S NAME
15 JUDICIAL DISTRICT
16 ADDRESS
CITY/STATE

17 We, the undersigned, witness this day the one known to us to be the
18 above named signatory, did personally appear before us in the County of
19 _____, in the State of _____, and, upon due and solemn affirma-
tion, affixed the above signature and seal hereto.

_____, a Citizen in the State of

[Print Name & Address:]

_____, a Citizen in the State of

[Print Name & Address:]

_____, a Citizen in the State of

[Print Name & Address:]