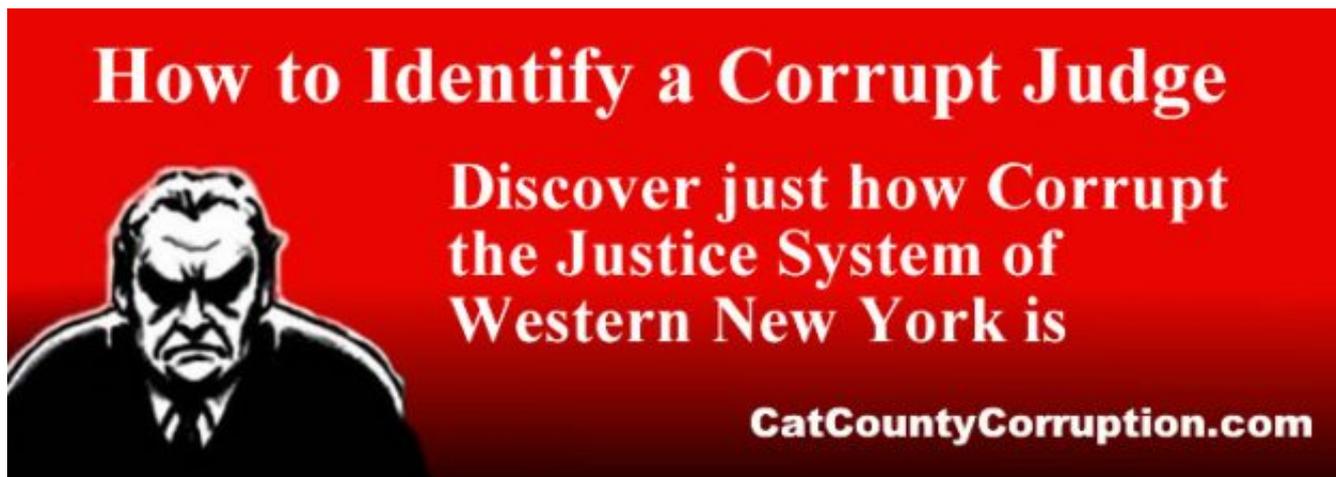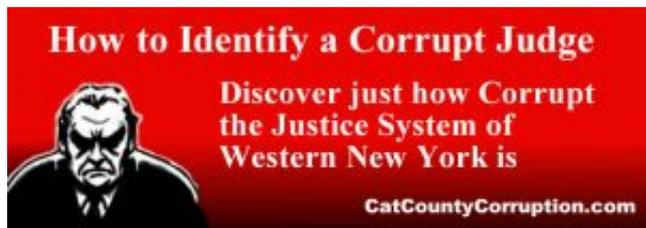# Sua Sponte and how to Identify a Corrupt Judge in Cattaraugus County

In New York State if you even think of exercising your rights, your life, family and friends will be put in jeopardy and terrorized by the criminal cabal who have taken over parts of the state government. We will give you just one example, it's called "Sua Sponte" and it is one of the most important matters that all court in the US exercise when the issue is raised, and one of the easiest methods for identifying a criminally corrupt judge, especially here in the Southern Tier of Western New York, where oppression and crimes against humanity rules the roost. Is it any wonder why in raw numbers and by percentage of the population, the United States has the most prisoners of any developed country in the world?

In law, ***sua sponte*** (Latin: *"of his, her, its or their own accord"*) or ***suo motu*** *"on its own motion"*[1] describes an act of authority taken without formal prompting from another party. The term is usually applied to actions by a judge taken without a prior motion or request from the parties.

"There is no discretion to ignore lack of jurisdiction."
Joyce v. U.S. 474 2D 215.

"The law provides that once State and Federal Jurisdiction has been challenged, it must be proven."
Main v. Thiboutot , 100 S. Ct. 2502 (1980)

"The burden shifts to the court to prove jurisdiction."
Rosemond v. Lambert, 469 F2d 416.

One situation in which a party might encourage a judge to move *sua sponte* occurs when that party is preserving a special appearance (usually to challenge jurisdiction), and therefore cannot make motions on its own behalf without making a general appearance. Common reasons for an action taken *sua sponte* are when the judge determines that the court does not have subject-matter jurisdiction or that the case should be moved to another judge because of a conflict of interest, even if all parties disagree.

There are three types of jurisdictions that exist in American Jurisprudence, they are;

- Personal Jurisdiction (in personam)
- Territorial Jurisdiction (venue)
- Subject Matter Jurisdiction (Subject Materia Iurisdictionem)

However personal & territorial jurisdiction can be waived, however subject matter jurisdiction can never be waived and can even be brought up in appeal. The one thing that all courts exercise Sua Sponte, over is questions on "subject matter jurisdiction".

Here are the court cases that prove a court can act sua-sponte;

U.S. v. White, 139 F.3d 998 cert den 119 S.Ct 343, 525 U.S. 393, 142 L.Ed.2d 283 (1998);

"always consider questions as to subject matter jurisdiction whenever raised and even sua sponte."

People v Barber, 42 Misc. 3d 1225(A) 992 N.Y.S.2d 159; 2014 N.Y. Misc. LEXIS 638; 2014 NY Slip Op 50193(U) ;

"Accordingly, the Court has an independent obligation to review for facial sufficiency as a means of assuring that it retains subject matter jurisdiction... Having undertaken a sua sponte review of the Information, the Court readily concludes that it is facially insufficient as to Counts One and Three, as well."

Lewis v Simmons, 114 A.D.3d 203; 978 N.Y.S.2d 527; 2014 N.Y. App. Div. LEXIS 29; 2014 NY Slip Op 9 citing Matter of Fry v Village of Tarrytown, 89 NY2d 714, 718, 680 NE2d 578, 658 NYS2d 205 [1997];

"Moreover, appellate courts cannot and will not review an issue that has never been raised by the parties themselves. An exception to that rule is where a trial court or the appellate division determines, sua sponte, that it lacks subject matter jurisdiction."

"People v Victor J.,187 Misc. 2d 749; 720 N.Y.S.2d 304; 2000 N.Y. Misc. LEXIS 537

"I raised with the parties, sua sponte, my concern that there was an issue as to this court's subject matter jurisdiction"

So any Judge who does not undertake a review of the evidence when the issue of subject matter jurisdiction is at the least raised, when they can even take it without it being raised (sue sponte) proves they are completely corrupt.