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Via NYSCEF and E-Mail  
Hon. Arthur F. Engoron  
New York Supreme Court  
New York County  
Courtroom 418  
60 Centre Street  
New York, NY 10007

**Re: People v. Donald J. Trump, et al.  
Index No. 452564/2022**

Dear Justice Engoron:

The Office of the Attorney General (“OAG”) argues that I have no statutory right to intervene in this action. That is correct; since the sole purpose of the motion is **to call attention to the facts** demonstrating why this Court lacks subject matter jurisdiction to entertain any prosecutions brought by New York Attorney General Letitia James.

As the Court of Appeals held in *Fry v. Village of Tarrytown*, 89 N.Y.2d 714, 718 (N.Y. 1997):

a court's lack of subject matter jurisdiction ... "may be [raised] at any stage of the action, and **the court may, *ex mero motu* [on its own motion], at any time, when its attention is called to the facts, refuse to proceed further and dismiss the action"** (*Robinson v Oceanic Steam Nav. Co.*, [112 N.Y. 315, 324](#)).

Thus, my proposed Order dismisses the Intervention Motion as academic in light of the Court further Ordering that the case be dismissed in its entirety because Article VI of the New York Constitution and C.P.L.R. § 301 never granted courts the “abstract power” *Hunt v. Hunt*, 72 N.Y. 217, 230 (N.Y. 1878), to entertain prosecutions brought by an Attorney General licensing this State’s Depraved Indifference Murder of its citizens.

As affirmed in my motion, I filed a [complaint against LETITIA JAMES et al.](#) in Suffolk County Supreme Court for a Declaratory Judgment, stating in part:

- a. That NEW YORK ATTORNEY GENERAL LETITIA JAMES licensed FORMER NEW YORK GOVERNOR ANDREW M. CUOMO to murder more than 15,000 U.S. Citizens by mandating COVID patients into nursing homes AFTER he suspended the admission regulations that protect residents from exposure to communicable disease seven days earlier within Executive Order 202.5 for the purpose of racking up enough dead mothers to terrorize and shame the People into compliance with per se illegitimate exercises of state police power—i.e., EXECUTIVE-ORDERED Lockdowns, Social Distancing, Masking, and Vaccine Mandates—in furtherance of LEVYING WAR AGAINST THE UNITED STATES<sup>1</sup> by shattering free society, destroying the economy, and “*shaping the recovery*” by “*building back better*” as a technocratic totalitarian satellite of Communist China. (Exhibit “A,” pp. 138-157)

Before expanding upon the foregoing, I offer this short allegory as a frame of reference for the complex issues raised.

*A long, long time ago, in a parallel universe just next door...*

there was a town called “Liberty.” One night, a fire that started in its nursing home—killing 150 nursing home residents—spread throughout the town and burned everything to the ground—except the diner.

A couple of days after the fire, the mayor held a town meeting at the Liberty Diner to discuss plans for recovery and rebuilding. The townspeople, wanting to resume their lives, demanded the town be rebuilt as quickly as possible. But the mayor, without missing a beat, stepped up to the podium flanked by the town Trustees, known as “*deep staters*,” and delivered a presciently produced speech and PowerPoint slide show—replete with acronyms, mottos, and rhythmic sentences describing his unique recovery ‘agenda’ that clearly took months of planning and perfecting—and said:

**Mayor:** People are restless. We have to talk about the rebuilding of the town. How do we do this? Let's say that where we're going, it's not a rebuilding in that we're going to rebuild what was. We're going to a different place. We should go to a different place. *We should go to a better place. If we don't learn the lessons from this situation, then all of this will have been in vain.* We learned a lot if we're willing to open our eyes and open our ears.

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<sup>1</sup> *Ex parte Bollman*, 8 U.S. (4 Cr.) 75 (1807) at 128

We're going to a different place, which is **a new normal**. We talk about **the new normal**, we've been talking about **the new normal** for years. We're going to have **a new normal** in public health. By the way, the way we have **a new normal** on the environment, **a new normal** in economics, **a new normal** in civil rights, **a new normal** in social justice. This is the way of the world now.

So our goal is not let's get up and turn the machine back on and keep going the way we were. No. **How do you make the changes now that you've been talking about in some cases for years, by the way, but you never had the political will to do it? Or it was too hard, or it was too difficult.**

We talk about environmental changes that we're going to make, but we never really do it. We talk about issues of income inequality, but we never really get there. We talk about changes to our public transit system, but it's too hard, it's too controversial. All right, well now you have an opportunity in this window to really make changes and reforms and improve things in a way you haven't. And by the way, if you went through this and you went through this pain and aggravation and suffering and you didn't learn, well, **then shame on us. Then shame on us**. Because there are so many lessons to learn and then you've **come back better** than you were.... **You build back better** than before. ...

When the townspeople rejected the proposed "new normal" because **it erases their ABSOLUTE rights as individuals** under their social contract—the mayor informed his captive audience:

**Mayor:** Well, I'll just have to use those expanded emergency powers you gave me yesterday to create a "new social contract."

When the townspeople took to social media to discuss the multitude of other towns destroyed by suspicious nursing home fires and being **shamed** into "building back better" under a *"new social contract"* of technocratic totalitarianism, the *"deep staters,"* "shaped the cognitive infrastructure" by censoring all posts contradicting the *"accidental fire"* narrative as *"misinformation,"* *"disinformation,"* and "conspiracy theories," while curating individual newsfeeds with AI to reinforce the *"accidental fire"* narrative.

## QUERY 1:

If the Mayor of Liberty *deliberately set fire to the nursing home*, what would you call [a conspiracy to create](#) “a unique window of opportunity to [“shape the recovery”](#) and [“build back better”](#) to a “[new normal](#)” of [technocratic totalitarianism](#)?

## ANSWER 1:

To constitute **treason** under the Constitution, an act **does not need to be performed in furtherance of the interests of another state**. Rather, ***all that is required is that the act amount to a levy of war against the United States....*** The first treason cases under the Constitution **did not involve foreign states....**<sup>2</sup>

When the intention is ... to effect some object of a general, public nature,—[e.g., [“having a direct tendency to destroy all property and all government.”](#)—***IT WILL BE TREASON, and cannot be considered, construed, or reduced, to [any lesser crime.]***” [United States v. Hoxie](#), 26 F. Cas. 397 (C.C.D. Vt. 1808)

## QUERY 2:

If the Mayor of Liberty *deliberately set fire to the nursing home*, which of the members of the **reasonable “build back better” conspiracy** would be responsible for the murder of those 150 nursing home residents?

## ANSWER 2:

As Chief Justice Marshall put it in [Ex parte Bollman](#), 8 U.S. (4 Cr.) 75 (1807)

...[I]f war be actually levied, that is, if a body of men be actually assembled for the purpose of effecting by force a treasonable purpose, **all those who perform any part, *however minute, or however remote from the scene of action*, and who are actually leagued in the general conspiracy, are to be considered as traitors.**<sup>3</sup>

## QUERY 3:

What if **NEW YORK ATTORNEY GENERAL LETITIA JAMES** licensed **FORMER GOVERNOR ANDREW M. CUOMO** to ***murder more than 15,000 U.S. Citizens residing in nursing homes*** in furtherance of a globally coordinated conspiracy to create “a [unique window of opportunity](#)” to [“shape the recovery”](#) and [“build back better”](#) to a “[new normal](#)” of [technocratic totalitarianism](#)?

<sup>2</sup> Simpson, B. Mitchell III (2018) "Treason and Terror: A Toxic Brew," Roger Williams University Law Review: Vol. 23: Iss. 1, Article 2. Available at: [https://docs.rwu.edu/rwu\\_LR/vol23/iss1/2](https://docs.rwu.edu/rwu_LR/vol23/iss1/2)

<sup>3</sup> [Ex parte Bollman](#), 8 U.S. (4 Cr.) 75 (1807) at 126

**ANSWER 3:**

As the Court held in [Bollman](#):

if a body of people conspire and meditate an insurrection to resist or oppose the execution of any statute of the United States by force, they are only guilty of a high misdemeanor; but **if they proceed to carry such intention into execution by force, ... they are guilty of the treason of levying war, and the quantum of the force employed neither lessens nor increases the crime** -- whether by one hundred, or one thousand persons, is wholly immaterial. . . . [A] combination or conspiracy to levy war against the United States is not treason unless combined with [an attempt to carry such combination or conspiracy into execution](#); **some actual force or violence must be used in pursuance of such design to levy war, but it is altogether immaterial whether the force used is sufficient to effectuate the object -- any force connected with the intention will constitute the crime of levying war.**<sup>4</sup>

### **Perfidy: The Weaponization of Human Compassion**

Within the context of war, perfidy is a form of treachery whereby one side exploits the conscience and compassion of their opponent to destroy them. For example, raising the flag of truce to kill the opponent while in the *vulnerably humane position* of taking surrendering prisoners; or feigning injury to kill the opponent while attempting to render aid; or killing nursing home residents to **shame** the people into locking down, masking up, and socially distancing themselves into isolation, loneliness, and financial ruin—*"just 14 days, or you'll kill grandma!"*

### ***"It's About My Mother. It's About Your Mother."***

On March 20, 2020, Governor Cuomo emotionally blackmailed New Yorkers into conflating their unconditional love for their mothers with unconditional surrender to his totalitarian rule by mouthing McKinsey & Company's [Emmy Award](#) winning **perfidy**.

**Andrew Cuomo:** So we're going to put out an executive order today, New York State on PAUSE. Policies that Assure Uniform Safety for Everyone. **Uniform Safety for Everyone. Why? Because**

<sup>4</sup> [Bollman](#) at 128 (N.B. The "actual force" is the sovereign's "*exercise of power beyond right, which nobody can have a right to.*" Locke, §199. Thus, the reason **tyranny/"legal crime"** is the most grievous form of treason against the United States.)

*what I do will affect you and what you do will affect me. Talk about community and interconnection and interdependence. This is the very realistic embodiment of that.* We need everyone to be safe, otherwise, no one can be safe.

**Andrew Cuomo:** (14:39) ... Two basic rules. Only essential businesses will be functioning. ... Second rule, remain indoors.... We also have specific rules for people's conduct. First is for the quote unquote Vulnerable population. ... Who are we worried about? Seniors ....

**Andrew Cuomo:** (16:48) Where are the places we're really worried about? Nursing homes..... We need real diligence with vulnerable populations. And there's been a lot of confusion...I've gone through it myself with my own family. As I said, we have **my mother** who lives alone. Everybody wants to help, and we've gone back and forth. Who should go visit **mom**? Should **mom** go to my sister's house? Should **mom** go to this house? Nobody knows for sure. ...

**Andrew Cuomo:** (18:09) Well, we're going to go visit mom. I'm going to bring the home family to see mom." No, not now. ... I call it Matilda's Law. My mother's name is Matilda. Everybody's mother, father, sister, friend in a vulnerable population, this is about protecting them. It's about protecting them. What you do, what you do is highly, highly affects their health and wellbeing. The instinct to love, I want to be with them. I want my kids. Mom wants to see the kids. Be smart. My mother and your mother.<sup>5</sup>

Day in, and day out, Cuomo's **vicious appeals to the love people reserve for their mothers** continued.

**Governor Cuomo (March 24, 2020):** (05:16) It's about a very small group of people in this population who are the most vulnerable. They are older, they have compromised immune systems ... Those are the people who are going to be vulnerable to the mortality of this disease, **and it is only 1% or 2% of the population. But then why all of this? Because it's 1% or 2% of the population;** it's lives. It's grandmothers and grandfathers and sisters and brothers.... That's what this is about. It's about a vulnerable population. I called the executive order that I passed Matilda's Law; my mother. It's about my mother. It's about my mother. It's about your mother. It's about your loved one, and we will do anything we can to make sure that they are protected.<sup>6</sup>

<sup>5</sup> Andrew Cuomo Orders New York "On Pause": [Transcript of March 20 Briefing](#)

<sup>6</sup> [New York governor Andrew Cuomo gives coronavirus update -- March 24, 2020](#)

Less than 24 hours later, [on March 25, 2020](#), New York State's Department of Health prohibited nursing homes from denying admission or re-admission of residents based solely on a confirmed or suspected diagnosis of COVID-19. It even **prohibited** them from testing hospital transferees prior to admission as well.

No resident shall be denied re-admission or admission to the [Nursing Home] solely based on a confirmed or suspected diagnosis of COVID-19. [Nursing Homes] are **prohibited** from requiring a hospitalized resident who is determined medically stable to be **tested for COVID-19 prior to admission or readmission.**

Aside from an article in the Wall Street Journal,<sup>7</sup> the March 25<sup>th</sup> nursing home mandate went unnoticed for 25 days, until a reporter asked Governor Cuomo about it on **April 20<sup>th</sup>, 2020**. *Note how Governor Cuomo clarifies the reporter's vaguely worded curiosity about "state policy" into a pointed question about the specific policy he claims to be ignorant of.*

**Speaker 4:** [\(36:49\)](#) Given the high number of deaths in nursing homes... what is the state's policy regarding admission or readmission to these nursing homes? Whether or not one of these people have tested for the virus. There was a state directive that said that people cannot be denied readmission or admission. Just wondering what the state policy is right now, again, judging the high number of deaths that are coming out of these areas.

**Governor Andrew Cuomo:** If you are tested positive for the virus, *are you ALLOWED to be admitted to a nursing home* is the question. It's a good question. *I don't know.* *(Emphasis added)*

**NYS Health Commissioner, Dr. Howard Zucker:** [\(37:36\)](#) The policy is that *if you are positive* *(clears throat)*, *you should be admitted back to a nursing home.* *(clears throat)*. The necessary precautions will be taken to protect the other residents there.

Six months later, **on October 14, 2020**, during an interview promoting his book: [American Crisis: Leadership Lessons from the COVID-19 Pandemic](#), Governor Cuomo [gaslighted](#) CNN's Alisyn Camerota by pretending the nursing home mandate never existed.

**Governor Cuomo:** *We never* in this state *told the nursing home you have to accept a COVID positive person.* [Never happened.](#)

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<sup>7</sup> Governor Cuomo's March 25<sup>th</sup> nursing home mandate was first reported in The Wall Street Journal article [New York Mandates Nursing Homes Take Covid-19 Patients Discharged From Hospitals, by Anna Wilde Mathews](#), on March 26, 2020; see also [The Mark Levin show, at 1:46:45](#) -- Elaine from New Rochelle tells Levin about the March 25<sup>th</sup> mandate.

**Alisyn Camerota:** But where else could they have gone if they were being taken out of hospitals because hospitals were overrun then where else could they have gone?

**Governor Cuomo:** Good question. Hospitals were never overwhelmed. We always had excess capacity in hospitals. We always had excess capacity in emergency hospitals that we built. So we were never in a situation where we had to have a nursing home accept a COVID positive person.<sup>8</sup>

Got that? The nursing homes were never told “*you have to accept a COVID positive person*” because “*hospitals were never overwhelmed.*”

Contradictions are fatal to frauds. Thus, the reason a deceiver deals in generalities<sup>9</sup>—i.e., uses ambiguous terms. And thus, when an arrogant fraud like Andrew Cuomo commits himself to a firm statement, he runs the risk of revealing his deceit by contradicting himself later. And four months later—while explaining away the [thousands of nursing home deaths](#) his [administration hid](#)—he did just that:

**Andrew Cuomo:** (54:19) I’m glad New Yorkers had the opportunity to hear from Dr. Zucker. Of course, his credentials are impeccable, but when you hear the facts from him, you hear the reasoning from him, you understand why these decisions were made and you understand the decisions were right. The hospitals were being overwhelmed. People needed acute care in those hospitals.<sup>10</sup>

Isn’t that amazing? The “*hospitals were never overwhelmed*” and yet, “*the hospitals were being overwhelmed.*” What a [superposition](#) to take.

[“Is there a doctor \[of physics\] in the house?”](#)

As astonishing as the foregoing contradiction may be, it pales in comparison to the way Cuomo revealed himself to be a cold-blooded killer answering Camerota here:

**Alisyn Camerota:** There was never an instruction given to hospitals that [nursing home patients had to leave and go back to nursing homes?](#) And you’re saying there was never an instruction to nursing homes that they had to take them?

**Governor Cuomo:** There was never a point in time where we ... said to a nursing home [you must take a Covid positive person.](#) The law is exactly

<sup>8</sup> [Governor Andrew Cuomo interviewed by Alisyn Camerota, CNN, October 14, 2020](#)

<sup>9</sup> *Dolus versatur in generalibus.*

<sup>10</sup> [Governor Cuomo Announces Nursing Home Visitations to Resume in Accordance with CMS and CDC Guidelines](#), February 19, 2021



*the opposite* Alisyn. The law in this state says a nursing home may not accept a person unless they can care for that person and do it without endangering the other people in the facility.<sup>11</sup>

Four months later—while explaining away the [thousands of nursing home deaths](#) in light of his March 25<sup>th</sup> nursing home mandate—Dr. Howard Zucker defended his medical decision by resorting to the **same bureaucrat** as Governor Cuomo.

**Dr. Howard Z.:** (48:41) There's **the CMS guidance**. That's a March 13th guidance, and I'm going to quote from it. *"Nursing homes should admit any individuals that they would **normally** admit to their facility, individuals from hospitals, where a case of COVID-19 is present. A nursing home can accept a resident diagnosed with COVID from a hospital, as long as the facility follows the transmission-based precautions."* I will add that. It's very important. **The CDC guidance** says on March 23rd, and I quote, *"The COVID-19 patients from hospitals should go to the facility with the ability to adhere to infection prevention and control recommendations for care of COVID-19 patients."* ...

**Dr. Howard Z.:** As always, if they could not accept a patient, they should not admit the patient. It is against the law to take someone that they cannot care for. We simply said, "You cannot deny admission based on COVID status." **We never said, "You must accept."** We said, **"You can't deny it."**<sup>12</sup>

Howard Zucker is both a doctor and an attorney. As a doctor, he knew that stuffing COVID patients into a damp and musty broom closet—or even [throwing them in front of a trolley](#)—would have been less [maleficent](#) than transferring them into nursing homes. And as an attorney, he knew that transferring cases of highly contagious respiratory disease into the communal-living arrangements of nursing homes during a global pandemic was nothing short of depraved indifference murder.

So, why would the doctor/attorney defend his medical decision with legal pedantry that would make [Mephistopheles](#) blush? Moreover, **why would the doctor parse the very same words as the governor?**

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<sup>11</sup> [Governor Andrew Cuomo interviewed by Alisyn Camerota, CNN, October 14, 2020](#)

<sup>12</sup> [New York Gov. Andrew Cuomo COVID-19 Press Conference Transcript](#) February 19, 2021

*“Occasionally words must serve to veil the facts. But this must happen in such a way that no one become aware of it; or, if it should be noticed, excuses must be at hand to be produced immediately.”—[Machiavelli](#)*

### **EXECUTIVE ORDER 202.5**

On **March 18, 2020**, one week before the March 25<sup>th</sup> nursing home mandate, Governor Cuomo signed **Executive Order 202.5**. In that Order, he slipped in three rule modifications to nursing home admission regulations that are normally used during storm emergencies: like a blizzard or Super Storm Sandy. You’ll see why that’s important in a minute. For simplicity’s sake, we’ll call them **Rules 1, 2, and 3**.

**RULE 1** normally says ‘*you can’t admit a patient into a nursing home without a **comprehensive assessment of the potential resident’s current medical conditions and prior medical history.***’ For example, the nursing home should know if they’re getting a patient with Typhoid, Tuberculosis, or any other highly contagious disease so they can determine whether they’re staffed and equipped to handle the patient without endangering the other residents.

**RULE 2** normally says no individual can be admitted into a nursing home unless “**a physician personally approves**” the recommendation for admission. This “normally” ensures that nursing homes don’t admit patients based on the word of an organ grinder’s monkey; unless said monkey also happens to be a licensed physician with admitting privileges.

And **RULE 3** normally says:

**“a resident suffering from a communicable disease shall not be admitted or retained unless a physician certifies in writing that transmissibility is negligible, and poses no danger to other residents, or the facility is staffed and equipped to manage such cases without endangering the health of other residents.”**

“Normally,” this regulation acts as a form of vigilance insurance by placing the physician and his license to practice medicine directly between **vulnerable** nursing home residents and the threat of contracting an infectious disease from new admissions—**especially during a pandemic.**

Thus, Governor Cuomo and Dr. Howard Zucker could “normally” claim they never told the nursing homes “***You must accept***” a COVID positive patient because **Rules 1, 2, and 3** would “normally” NOT ALLOW it.

**Governor Cuomo:** There was never a point in time where we ... said to a nursing home **you must take a COVID positive person.** **The**

law is exactly the opposite Alisyn. The law in this state says a nursing home may not accept a person unless they can care for that person and do it without endangering the other people in the facility.<sup>13</sup>

**Dr. Howard Z.:** As always, if they could not accept a patient, they should not admit the patient. It is against the law to take someone that they cannot care for. We simply said, **“You cannot deny admission based on COVID status.”** We never said, **“You must accept.”** We said, **“You can’t deny it.”**<sup>14</sup>

To a *“normal”* human being, there’s no difference between *“you must accept”* a patient and *“you can’t deny”* admission. However, to a word-fetishizing Leftist hellbent on mass murder, the difference is the term **“PERMIT.”** Because one week before Dr. Zucker issued his March 25<sup>th</sup> nursing home mandate, Governor Cuomo laid the foundation for making it the second half of a binary death warrant with three seemingly *innocuous* modifications he made to **Rules 1, 2 and 3** within E.O. 202.5 thusly:

**RULE 1:** to PERMIT nursing homes to perform comprehensive assessments of patients as soon as practicable FOLLOWING ADMISSION [or forget it entirely if] they’re being returned from the hospital to the nursing home from which they were *evacuated*;<sup>15</sup>

**Translation with Nursing Home Mandate:** *“You are PROHIBITED from testing a hospitalized resident for COVID prior to admission; AND YOU CANNOT DENY ADMISSION based on COVID status OR FOR LACK OF A COMPREHENSIVE ASSESSMENT—because you can assess the patient FOLLOWING ADMISSION.”*

**THEREFORE: ADMIT NOW, ASSESS LATER.**

**Imagine airport security saying:** *“We were under terrorist attack. So, to get the planes wheels up ASAP, we held off on screening the people and their luggage for bombs until we were ‘safe’ at 30,000 feet.”* Same thing.

**RULE 2:** to PERMIT nursing homes to admit patients first, then get physician approval FOLLOWING ADMISSION [or forget it entirely if] they’re being returned from the hospital to the nursing home from which they were *evacuated*.

<sup>13</sup> Governor Andrew Cuomo interviewed by Alisyn Camerota, CNN, October 14, 2020

<sup>14</sup> New York Gov. Andrew Cuomo COVID-19 Press Conference Transcript February 19, 2021

<sup>15</sup> Executive Order No. 202.5: Continuing Temporary Suspension and Modification of Laws Relating to the Disaster Emergency March 18, 2020 (Note the use of the word *“evacuated.”*)

Translation with Nursing Home Mandate: *“You are **PROHIBITED** from testing a hospitalized resident for COVID prior to admission; AND YOU CANNOT DENY ADMISSION based on COVID status **OR FOR LACK OF A PHYSICIAN’S APPROVAL** because you can get that **FOLLOWING ADMISSION**.”*

**THEREFORE: ADMIT NOW, GET A PHYSICIAN’S APPROVAL LATER.**

**RULE 3** was modified the same way. Translation with Nursing Home Mandate: *“You are **PROHIBITED** from testing a hospitalized resident for COVID prior to admission; AND YOU CANNOT DENY ADMISSION based on COVID status **OR FOR LACK OF A PHYSICIAN CERTIFYING IN WRITING**: “that transmissibility is negligible, and poses no danger to other residents, or **[THAT] THE FACILITY IS STAFFED AND EQUIPPED TO MANAGE SUCH CASES WITHOUT ENDANGERING THE HEALTH OF OTHER RESIDENTS**” because you can get that **FOLLOWING ADMISSION**.”*

**THEREFORE, ADMIT NOW, GET PHYSICIAN’S CERTIFICATION LATER.**

Or, as Warren Zevon might have put it:

*“Lock the barn door **AFTER** the brucellosis-infected cattle meander into your house.”*

**N.B.** A lockdown is the opposite of an *evacuation*. No one was *evacuated* during the lockdown; not even to the empty Hospital Ship and Javits Center.<sup>16</sup>

The word ‘*evacuated*’ is a vestige of Executive Orders typically issued during emergencies justifying those three modifications, e.g., extended power outages due to snowstorms and hurricanes.<sup>17</sup> In those situations, ‘*evacuating*’ residents from one facility to another is tantamount to moving them between rooms, since they’ve already been screened for communicable disease. Thus, during a snowstorm or hurricane emergency, those three modifications remove a hindrance to the ‘*evacuation*’ by taking the calculated risk that no one will contract a communicable disease during the transfer.

<sup>16</sup> See [Hundreds of Hospital Beds Left Empty on the USNS Comfort and Javits Center During Cuomo’s Nursing Home Order](#), By Kristina Wong, Feb. 22, 2021

<sup>17</sup> See identical ‘*evacuate*’ language in [E.O. 72](#), Nov. 11, 2012; [E.O. 139](#), Nov. 20, 2014; [E.O. 141](#), Jan. 6, 2015

During a declared “*pandemic*” emergency, however, those three rule changes demonstrate intent to kill the nursing home residents.

All Cuomo had to do next was [ENFORCE THE RULES](#).

(April 23, 2020) Andrew Cuomo: (14:54) Nursing homes, they are our top priority. They have been from day one. Remember how the nursing home system works. ... There are [certain rules](#) and regulations that they must follow, and **we put in additional rules and regulations on nursing homes** in the midst of this crisis. ... The nursing home is responsible for providing appropriate care. If they cannot provide that care, then they have to transfer the person to another facility.

**They have to readmit COVID-positive residents, *but only if they have the ability to provide the adequate level of care under Department of Health and CDC guidelines.*** ... That is how the relationship works.<sup>18</sup>

No, that’s the opposite of ‘*how the relationship worked,*’ because **the March 25<sup>th</sup> mandate read in tandem with Executive Order 202.5 made admission procedures a lethal carnival game the nursing homes couldn’t possibly win.**

- How do you assess whether you **“have the ability to provide the adequate level of care under Department of Health and CDC guidelines.”** when the State is mandating that: **“You are PROHIBITED from testing a hospitalized resident for COVID prior to admission; AND YOU CANNOT DENY ADMISSION based on COVID status OR FOR LACK OF A COMPREHENSIVE ASSESSMENT OF THE PATIENT?”**
- How do you assess whether you **“have the ability to provide the adequate level of care under Department of Health and CDC guidelines.”** when the State is mandating that: **“You are PROHIBITED from testing a hospitalized resident for COVID prior to admission; AND YOU CANNOT DENY ADMISSION based on COVID status OR FOR LACK OF A PHYSICIAN’S APPROVAL?”**
- How do you assess whether you **“have the ability to provide the adequate level of care under Department of Health and CDC guidelines.”** when the State is mandating that: **“You are PROHIBITED from testing a hospitalized resident for COVID prior to admission; AND YOU CANNOT DENY ADMISSION based on COVID status OR FOR LACK OF A PHYSICIAN CERTIFYING IN WRITING that the facility is staffed and equipped to manage such cases without endangering the health of other residents?”**

**Answer:** You can’t; because [those three admission rule modifications](#) and the March 25<sup>th</sup> Mandate were [designed](#) to [murder enough mothers to send the message: “Shame on us.”](#) To

<sup>18</sup> [Andrew Cuomo New York COVID-19 Briefing Transcript](#) April 23, 2020

inflict all the pain, aggravation, and suffering needed to shame us into locking down, masking up, and socially distancing ourselves into isolation, loneliness, and financial ruin in order to “build back better” toward the relief promised by “a new normal.”

As His Lordship put it on **April 15<sup>th</sup> and 17<sup>th</sup>, 2020:**

**Governor Cuomo:** (04:19) ...People are restless. We have to talk about the reopening of the economy. How do we do this? We have to build a bridge from where we are to the reopening of the economy. What does that look like? **Let's say that where we're going, it's not a reopening in that we're going to open what was, we're going to a different place. We should go to a different place. We should go to a better place. If we don't learn the lessons from this situation, then all of this will have been in vain.** We learned a lot if we're willing to open our eyes and open our ears.

We're going to a different place, which is **a new normal**. We talk about **the new normal**, we've been talking about **the new normal** for years. We're going to have **a new normal** in public health. By the way, the way we have **a new normal** on the environment, **a new normal** in economics, **a new normal** in civil rights, **a new normal** in social justice. This is the way of the world now.

**Gov. Andrew Cuomo:** (24:21)... So our goal is not let's get up and turn the machine back on and keep going the way we were. No. **How do you make the changes now that you've been talking about in some cases for years, by the way, but you never had the political will to do it? Or it was too hard, or it was too difficult.**

We talk about environmental changes that we're going to make, but we never really do it. We talk about issues of income inequality, but we never really get there. We talk about changes to our public transit system, but it's too hard, it's too controversial. All right, well now you have an opportunity in this window to really make changes and reforms and improve things in a way you haven't. And by the way, if you went through this and you went through this pain and aggravation and suffering and you didn't learn, well, **then shame on us. Then shame on us.** Because there are so many lessons to learn and then you've **come back better** than you were.... **You build back better** than before. ...<sup>19</sup>

Thus, when asked whether any of the nursing homes objected to the **March 25<sup>th</sup> mandate**, Governor Cuomo demonstrated his murderous intent and resolve to **LEVY WAR AGAINST THE UNITED STATES thusly:**

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<sup>19</sup> New York Gov. Andrew Cuomo, Daily Covid briefing, April 17, 2020

**Speaker 10:** (46:52) Did any nursing homes object to one, this policy, and two...

**Governor Cuomo:** (46:55) *They don't have the right to object.*<sup>20</sup> *That is the rule, and that is the regulation,* and they have to comply with it, and the regulation is basic common sense. If you can't provide adequate care, you can't have the patient in your facility, and that's your basic fiduciary obligation, I would say ethical obligation, and it's also your legal obligation. If you can't provide adequate care, the person must be transferred. If you have COVID people, they have to be quarantined, they have to have separate staff, *that's the rule.* If you can't do it, we'll put them in a facility that can do it. *That's the rule.*<sup>21</sup>

No, *that WAS the rule* before **Executive Order 202.5** stripped Nursing homes of their procedural leverage to keep infectious disease patients from being forced through their doors. Without **E.O. 202.5**, the nursing homes *would never* have interpreted the March 25<sup>th</sup> mandate as: **"You must accept" COVID patients**—to the tune of **more than 9,000 transfers.**<sup>22</sup>

By May 1<sup>st</sup>, former US Senator Al D'Amato and former Governor George Pataki had publicly shamed Governor Cuomo and his administration as being "*out of their minds*"<sup>23</sup> and unnecessarily causing the deaths of "*thousands of vulnerable elderly residents.*"<sup>24</sup> Nonetheless, throughout 20 days of public shaming, Governor Cuomo kept the pedal to the (death) metal in his maternal murder spree because his exit from the atrocity was as carefully scripted as its inception. After all, what better way to avert suspicion of murdering mothers than by cancelling the nursing home mandate that made it possible during a public love bombing of your own mother, and all mothers, on *Mother's Day*?

<sup>20</sup> Nursing homes have 'no right' to reject coronavirus patients, Cuomo says, NY Post, April 23, 2020

<sup>21</sup> Andrew Cuomo New York COVID-19 Briefing Transcript April 23, 2020

<sup>22</sup> Over 9,000 COVID-19 patients sent into NY nursing homes, by AP, NY Post, February 11, 2021

<sup>23</sup> D'Amato blasts New York for putting coronavirus patients in nursing homes, NY Post, 4/30/2020

<sup>24</sup> Cuomo's nursing home policies amid coronavirus 'a disaster,' says ex-Gov. Pataki, NY Post, May 1, 2020

*“It's about my mother. It's about my mother. It's about your mother. It's about your loved one, and we will do anything we can to make sure that they are protected.”*

— Governor Cuomo, less than [24 hrs. before the Nursing Home Mandate](#)

## *Wish You Were Here*

**May 10, 2020 – MOTHER'S DAY.**

**Governor Cuomo:** ... [You never hear government talking about loving.](#) You never hear a lot of people talk about **loving** or **love**. But at this time, where we are all going through so much pain, and so much stress, and so much anxiety, and we're in a place where we've never been before. ... *And love is the one thing that can make everything better and the one thing we need.* When I said today is day 71 with a question mark. Because today is not really just day 71. **Today is Mother's Day** and that dwarfs all else, day 71, day 70, day 69, it's **Mother's Day**.

*And for me, you want to talk about love, the personification of love for me has always been my mother.* My father was loving in his way, but he was not **warm and cuddly kind of loving.** My mother is just always been pure love, just pure sweetness, pure goodness, pure affirmation, unconditional love. Whatever you did. However stupid I was, and I can be pretty stupid. Just that total love of a mother. So, today more than anything else, **mothers are special, they're special every day, but how about going through this. I'm talking about nursing homes, you have mothers in nursing homes, families can't get to see them.**

**Mothers** have been doing double duty stuck at home, dealing with all that stress, all that situation. **Mothers who have lost mothers, mothers who we've lost during this hellacious period where so many people have lost their parents.** So, today is **Mother's Day**, first and foremost. *And today is about love, and showing love, and expressing it, and appreciation for our mothers.* And my mother, who I cannot see today, because I am in a position where I am exposed to too many people, and if I go see my mother, Dr. Zucker, blame Dr. Zucker, the health commissioner, says it will be risky for me to see my mother because I want to make sure that I don't infect her with anything. She's stronger than I am, and she's smarter than I am, but I just want to make sure that we don't do that. But I get to say happy **Mother's Day** to my **mother**, with my daughters, they're all here, through one means or the other, whatever this is, zoom this, zoom that. Happy **Mother's Day** to you **mom. I miss you, I love you so, so much, I wish I could be with you, but I can't be, but I can't be because I love you. That's why I can't be with you, because I love you.**

**Matilda Cuomo:** I miss you too. A lot. And your beautiful daughters. [... *Cuomo Daughters section omitted...*]

**Governor Cuomo:** Well, you look good, this is going to be over, and then we're going to get back to life as normal and we're going to have fun. And then you can spend more time with me. *I know I am your favorite.* I know you don't want



to say that because you have Maria there, but we'll get to spend time together, and *we'll look back at this and we'll say that we're the better for it, right?*

**Matilda Cuomo:** That's right. Time for everything, Andrew. ...

**Governor Cuomo:** Alright, well you have fun there, anything you need?

**Matilda Cuomo:** ...I am so blessed, as many mothers today are, and I just thank you so much for everything you do, Andrew, *to make families really better than ever.* Thank you.<sup>25</sup>

Could there be anything more heartwarming than Matilda Cuomo thanking her psychopathic son for murdering tens of thousands of mothers while building back *“families really better than ever?”* His father, the Honorable Mario Cuomo, must be looking down on him and beaming with pride.

But the *coup de grâce* came a week later:

**Governor Cuomo:** (30:23) What is justice? Who can we prosecute for those deaths? Nobody. Nobody. Mother Nature. God. Where did this virus come from? People are going to die by this virus. That is the truth. ... Older people, *vulnerable* people are going to die from this virus. That is going to happen despite whatever you do. Because with all our progress as a society, we can't keep everyone alive.<sup>26</sup>

*So, so I think you can tell, the backstabbers of humanity murdered our mothers in the name of “progress.” They got us to trade, “that total love of a mother” for total devotion to the state. They made us exchange, her “unconditional love,” for a lead role in a cage. They murdered that “pure sweetness, pure goodness, pure affirmation, and pure love” of mothers for “a new normal in public health, a new normal in economics, a new normal in civil rights, a new normal in social justice. This is the way of the world now.” *Running over the same old ground. What have we found? The same old fears. Wish you were here.**

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<sup>25</sup> Governor Cuomo, Rush Transcript of press conference, May 10, 2020, Mother's Day

<sup>26</sup> Andrew Cuomo New York May 17 COVID-19 Press Conference Transcript

## Mandating Covid Patients into Nursing Homes *During the Lockdown* Is Categorical Proof of Depraved Indifference Murder.

Mandating COVID patients into nursing homes while locking down the entire healthy population to keep COVID as far away from the elderly as possible is self-contradictory, and hence a logical impossibility, and therefore necessarily false. Thus, mandating COVID patients into nursing homes during the lockdown is categorical proof of DEPRAVED INDIFFERENCE MURDER.

A person is guilty of DEPRAVED INDIFFERENCE MURDER when, under circumstances evincing a depraved indifference to human life, he recklessly engages in conduct which creates a grave and unjustifiable risk of death to another person, knowingly disregards such risk, and thereby *causes the death of that person*.

“Depraved indifference to human life” means a wicked, evil, or inhuman state of mind, as manifested by brutal, heinous, and despicable acts. We’re talking about conduct that is so devoid of regard for the life or lives of others that it’s just as malicious and criminal as the person who intentionally kills.

The phrase “recklessly engages in conduct which creates a grave and unjustifiable risk of death to another person” means:

- Engaging in conduct which creates a grave and unjustifiable risk that another person’s death will occur,
- AND consciously disregarding that risk in a way that constitutes *a gross deviation from the standard of conduct that a reasonable person would observe in the situation*.

**For example:** No reasonable person would ever take two completely contradictory courses of action within a life **OR** death situation while believing/claiming both were SIMULTANEOUSLY intended to save lives. The truth of one necessitates the falsity of the other. More particularly: **The safety of one course of action necessitates the lethality of the other**.

Thus, *no reasonable/logical person or State* would lockdown the entire healthy population for the alleged purpose of keeping the COVID virus as far from the vulnerable elderly as possible WHILE SIMULTANEOUSLY creating a grave and unjustifiable risk of their deaths by mandating COVID patients into nursing homes.

If one truly believed *“the necessary precautions”*—i.e., the CMS and CDC “transmission based precautions”—would keep the elderly safe enough to justify the nursing home mandate,

then the [lockdown](#) was [never necessary](#) and [all deaths resulting therefrom](#) were DEPRAVED INDIFFERENCE MURDER.

Alternatively, if one truly believed the allegedly “*novel*” virus was so lethal and difficult to contain as to warrant [locking down the entire healthy population like communists](#) to protect the elderly from COVID, then mandating COVID patients into nursing homes during the lockdown was DEPRAVED INDIFFERENCE MURDER.

Thus, because mandating COVID patients into nursing homes *during* the lockdown [violates the law of noncontradiction](#), it is categorical proof of DEPRAVED INDIFFERENCE MURDER. *There is no triable issue of fact because [any conceivable defense is a logical impossibility](#)—making both the lockdown and the nursing home mandate acts of [malice necessarily](#).*

This necessitates the existence of yet another defect in the Court’s subject matter jurisdiction to entertain this case, which I describe in my request for a Declaratory Judgment thusly:

That unless NEW YORK ATTORNEY GENERAL LETITIA JAMES, SPECIAL COUNSEL JACK SMITH, MANHATTAN DISTRICT ATTORNEY ALVIN BRAGG, and FULTON COUNTY DISTRICT ATTORNEY FANI T. WILLIS can demonstrate how New York, New Jersey, Pennsylvania, Michigan, and California could [lockdown](#) their entire healthy populations *to keep COVID away* from the elderly *while mandating COVID patients into nursing homes without* committing [DEPRAVED INDIFFERENCE MURDER](#)—which is *logically impossible*—the [principles of pure reason](#) and Article II of the U.S. Constitution constrain them to discontinue their cases against DONALD J. TRUMP immediately.

More particularly, since the [States of New York, New Jersey, Pennsylvania, Michigan, and California](#)<sup>27</sup> committed [DEPRAVED INDIFFERENCE MURDER](#) of U.S. citizens by mandating COVID patients into nursing homes during their respective lockdowns, and a State that murders its citizens is tyrannical per se, then [a nation dedicated to the principle of contradicting tyranny logically excludes States that murder its citizens](#).

Accordingly, on January 6, 2021, Congress was categorically incapable of including the [134 votes](#) of New York, New Jersey, Pennsylvania, Michigan, and California among “*the whole Number of Electors appointed*” under Article II. And since 2020 was “*the most secure election in*

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<sup>27</sup> [Why Did Dem. Governors Place COVID-Positive Patients Back in Nursing Homes?](#), By Tyler O’Neil, 6/17/2020

U.S. history,” we may *safely* conclude that excluding those **134 votes** from “the whole Number of Electors appointed” leaves **Biden with 172 votes and Trump with 232 votes, making Donald J. Trump “The Person having the greatest Number of Votes and [thus] the President.”**

Thus, I requested a Declaratory Judgment stating in part:

That until Congress acknowledges **New York, New Jersey, Pennsylvania, Michigan, and California’s DEPRAVED INDIFFERENCE MURDER OF U.S. CITIZENS *quae coram nobis resident*** by excluding their electoral votes *nunc pro tunc*, declaring **JOE BIDEN’s** Presidency void *ab initio*, and swearing in **DONALD J. TRUMP** as “the Person having the greatest Number of Votes and [thus] the President” on January 6, 2021, the United States shall remain: **An illegitimate dominion dedicated to the proposition of murdering its own people.** (See [1820 United States presidential election in Missouri](#) and Exhibit “A,” pp. 209-213)

Finally, Your Honor, I sacrificed four years of my life seeking justice for the nursing home residents because NEW YORK ATTORNEY GENERAL LETITIA JAMES turned her back on them. Don’t let her get away with it.

**WHEREFORE**, unless Your Honor can demonstrate how **New York, New Jersey, Pennsylvania, Michigan, and California** could **mandate** COVID patients **into** nursing homes **during** their respective lockdowns **without** committing **DEPRAVED INDIFFERENCE MURDER—which, again, is logically impossible**—the principles of pure reason, Article II of the U.S. Constitution, and the bloodstained hands of **NEW YORK ATTORNEY GENERAL LETITIA JAMES** constrain this Court to issue an Order dismissing all claims against **PRESIDENT DONALD J. TRUMP** *et al.* with prejudice, awarding costs and attorney’s fees, and for such other and further relief as may be just, proper, and equitable.

Dated: January 25, 2024  
Stony Brook, New York




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