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SEVEN PRINCIPLES OF CRIMINAL LAW : A.P.V.I.U.J.E. (AP.VIE.YOU.GEE.)

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I have a vision for the future of criminal law reform in the United States of America-----Seven Principles of Criminal Law : A.P.V.I.U.J.E., (AP.VIE.YOU.GEE.) .

1. Aggravated, Premeditated, Voluntary Intent, without justification or excuse.
2. Premeditated, Voluntary Intent, without justification or excuse.
3. Voluntary Intent Mischievous Impulse and/or Voluntary Intoxication, including D.U.I./D.W.I., Dr. Jekyll & Mr. Hyde defense, without justification or excuse. Voluntary intent shall mean free will or choice, not reflex, not defense mechanism, no sufficient provocation, and/or, voluntary intoxication.
4. Involuntary Intent or unintentional upon a sudden quarrel, without justification or excuse. Involuntary intent shall mean not free will or choice, but reflex, defense mechanism, real or delusional provocation, and/or, involuntary medical insanity due to a physical disease, disorder, or defect, compelling episodes of wrong behaviour, beyond voluntary control, A.L.I. Test. Affirmative defense mental illness, diminished capacity, and/or, extreme emotional disturbance, e.g., anxiety, fear, panic, scared, terror, anger, rage, irritability, brief reactive psychosis, mitigating circumstances .
5. Unintentional while in commission of any unlawful act, except transferred intent theory, excluding, D.U.I./D.W.I., Voluntary intoxication, Dr. Jekyll & Mr. Hyde. Unintentional shall mean accident, gross negligence, or reckless.
6. Justifiable shall mean self defense, defense of others, legal duties.
7. Excusable by law INSANITY CLEARLY DEFINED, INCOMPETENCE CLEARLY DEFINED TOO YOUNG, TOO OLD-----be reasonable and intelligent, not emotional.

HOMICIDE FORMULA'S

AGGRAVATED AND/OR PREMEDITATED AND/OR VOLUNTARY HOMICIDE'S are causing the death of a viable fetus or living human being in the perpetration of, or, the attempted perpetration of any Aggravated, and/or, premeditated, and/or, Voluntary intent/state of mind, mischievous impulse, and/or, voluntary intoxication, e.g. alcohol, drug, inhalant, etc., including D.U.I./D.W.I., Dr. Jekyll & Mr. Hyde Defense, felony, including murder, that results in unlawful death, without legal justification or excuse.

Aggravated Homicide shall be punished as a Class I felony.

Premeditated Homicide shall be punished as a Class I A Felony.

Voluntary Homicide shall be punished as a Class I B Felony.

Subsuming both Second Degree Murder and Voluntary Manslaughter as Voluntary Homicide.

INVOLUNTARY INTENT/STATE OF MIND OR UNINTENTIONAL STATE OF MIND are causing the death of a viable fetus or living human being in the perpetration of, or, the attempted perpetration of any INVOLUNTARY INTENT OR UNINTENTIONAL STATE OF MIND, Felony or misdemeanor, including manslaughter, either, upon a sudden quarrel and/or imperfect self defense, and/or, mental illness, diminished capacity, OR, UNINTENTIONALLY in the commission of any unlawful act, such as accident, gross negligence, or reckless, behavior, except transferred intent theory, ; excluding D.U.I. / D.W.I. , Dr. Jekyll & Mr. Hyde Defense, that results in unlawful death, without legal justification or excuse.

INVOLUNTARY INTENT HOMICIDE shall be punished as a Class III Felony.

UNINTENTIONAL HOMICIDE shall be punished as a Class III A Felony.

LAWMAKERS CAN BREAK THESE FORMULA'S DOWN INTO SPECIFIC ONE LAW ONE BILL HOMICIDES WITH JUSTIFIABLE AND EXCUSEABLE HOMICIDE DEFENSES.

COMPARE THE FEDERAL HOMICIDE STATUTES.

18 U.S.C.S. § 1111 Homicide, Murder (a) Murder is the unlawful killing of a human being with malice aforethought. Every Murder perpetrated by poison, lying in wait, or any other kind of willful, deliberate, malicious, and premeditated killing ; or committed in the perpetration of or attempt to perpetrate, any arson, escape, murder, kidnapping, treason, espionage, sabotage, aggravated sexual abuse, child abuse, burglary, or robbery, or perpetrated as part of a pattern or practice of assault or torture against a child or children, or perpetrated from a design unlawfully and maliciously to effect the death of any human being other than him who is killed, is murder in the first degree.

Any other murder is murder in the second degree.

(b) Within the special maritime and territorial jurisdiction of the United States.

Whoever is guilty of murder in the first degree shall be punished by death or by imprisonment for life ;

Whoever is guilty of murder in the second degree, shall be imprisoned for any term of years, or for life.

18 U.S.C.S. § 1112 MANSLAUGHTER. (a) Manslaughter is the unlawful killing of a human being without malice. It is of two kinds :

VOLUNTARY (INTENT)---UPON A SUDDEN QUARREL OR HEAT OF PASSION.

INVOLUNTARY (UNINTENTIONAL)---IN THE COMMISSION OF AN UNLAWFUL MANNER, OR WITHOUT DUE CAUTION AND CIRCUMSPECTION, OF A LAWFUL ACT WHICH MIGHT PRODUCE DEATH.

(b) Within the special maritime and territorial jurisdiction of the United States,

Whoever is guilty of VOLUNTARY MANSLAUGHTER, shall be fined under this title, or imprisoned not more than 15 years, or both ;

Whoever is guilty of [INVOLUNTARY/UNINTENTIONAL ?] MANSLAUGHTER, shall be fined under this title or imprisoned not more than 8 years, or both.

NOT BAD, YOU CAN COMMIT VOLUNTARY HOMICIDE (MURDER) AND ONLY GET 15 YEARS IMPRISONMENT, BECAUSE NO LAWMAKER USES COMMON SENSE AND A DICTIONARY TO DEFINE VOLUNTARY INTENT AS FREE WILL OR CHOICE, ETC., MURDER, NOR CAN THEY DEFINE INVOLUNTARY INTENT AS NOT FREE WILL OR CHOICE, ETC., MANSLAUGHTER. AND UNDERSTAND THAT UNINTENTIONAL HOMICIDE HAS NOTHING TO DO WITH THE ADJECTIVE INVOLUNTARY INTENT, TWO DISTINCT AND DIFFERENT LINGUISTIC SUBJECTS.

COMPARE NEBRASKA HOMICIDE STATUTES.

R.R.S. Neb. § 28-303. Murder in the First Degree, penalty. A person commits murder in the first degree if he or she kills another person (1) purposely, and with deliberate, and premeditated malice, or (2) in the perpetration of or attempt to perpetrate any sexual assault in the first degree, arson, robbery, kidnapping, highjacking any public or private means of transportation, or burglary, or (3) by administering poison or causing the same to be done ; or if by willful and corrupt perjury or subornation of the same, he or she purposely procures the conviction and execution of any innocent person.

The determination of whether murder in the first degree shall be punished as a class I (Death Penalty) or a class IA (Life Imprisonment) Felony shall be made pursuant to sections 29-2519 to 29-2524. OHIO LAWS 1831 since 1873.

R.R.S. Neb. § 28-304. Murder in the Second Degree, penalty.

(1) A person commits murder in the Second Degree if he causes the death of another person intentionally, but without premeditation.

(b) Murder in the Second Degree shall be punished as a Class I B Felony.

(Not less than ten years imprisonment, or life.) NEW YORK LAWS 1977. FORMERLY

R.R.S. Neb. § 28-402(1) (1975) SECOND DEGREE MURDER IS PURPOSELY, AND MALICIOUSLY, BUT WITHOUT DELIBERATION OR PREMEDITATION, KILLING ANOTHER PERSON. OHIO LAWS 1831 since 1873. SAME PENALTY AS ABOVE. REPEALED BY LB 38 §§ 19,62 Laws 1977, effective January 1, 1979. HOWEVER, THIS LAW HAS BEEN KEPT IN FORCE ILLEGALLY BY THE NEBRASKA SUPREME COURT IN STATE V HALL, 249 Neb 376, 543 NW2d 462, 1996 Neb Lexis 27 HN 2 because the Court held in State v Grimes, 246 Neb 473,484, 517 NW2d 507, 516 (1994) Section 28-304(1)(1989) would be vague and overbroad absent malice. State v Burlison , 255 Neb 190, 583 NW2d 31 (1998) the Nebraska Supreme Court^{2nd} held it was illegal judicial legislation to amend, and/or supplement second degree murder with repealed malice, however, they overreached and claim the law is not unconstitutional because they go and amend, and/or supplement the law by analogy referencing another statute not on the face of the section 28-304(1)(1979) law by the legislature, to create analogy of malice by citing R.R.S. Neb. § 28-102(1) Purposes ; Principles of Construction ; The general purposes of the provisions governing the definition of offenses are (1) To forbid and prevent conduct that unjustifiably and inexcusably (MALICE) inflicts or threatens substantial harm to individual or public interests ;---(4) To give fair warning of the nature of the conduct declared to constitute^{2nd} an offense (on the face of any statute by reference to this statute.) (5) To differentiate on reasonable grounds between serious and minor offenses.

Vol. 40 C.J.S. Homicide § 80, page 459 ; (Where malice is not an element of murder, without malice cannot be an element of manslaughter.) Palmer v State, (Ind.), 553 NE2d 1256 (1990). Like it has been in Nebraska since January 1st, 1979, laws 2013.

A Court cannot change ["VOLUNTARY"] MANSLAUGHTER, killing [INTENTIONALLY] without malice upon a sudden quarrel without justification or excuse ex post facto into common law [VOLUNTARY MANSLAUGHTER] killing with no requirement of an intent to kill (UNINTENTIONALLY) without malice upon a sudden quarrel without justification or excuse. By referencing provisions of repealed first prong [VOLUNTARY] Manslaughter without reenactment of the same by our lawmakers, the court's illegally amend and/or supplement vague and/or overbroad laws to guess guess guess guess guess guess guess guess killing without malice upon a sudden quarrel requires some form of mens rea / state of mind/ intent which rapidly changes the common laws of Nebraska, where there are supposed to be no common laws, from Voluntary manslaughter is killing intentionally without malice upon a sudden quarrel without justification or excuse---State v Pettit, 233 Neb 436, 445 NW2d 890 (1989)---overruled by State v Jones, 245 Neb 821 (1994) and State v Blackson, 245 Neb 833 (1994) (No requirement of intent to kill in voluntary manslaughter without malice upon a sudden quarrel without justification or excuse)---Blackson overruled by State v White, 249 Neb 381 (1996) which again followed State v Pettit, (1989)---White overruled on other grounds State v Burlison, 255 Neb 190, 583 NW2d 31 (1998) ----State v Davenport, 17 Neb App 1 (2008) follows State v Pettit, (1989)---State v Smith, 282 Neb 720 (2011) overruled State v Jones (1994) as did State v Trice, 286 Neb 183 (2013), HOWEVER THESE ARE ALL COMMON LAW GUESSES WHICH SENATOR SCOTT LAUTENBAUGH NOW PROPOSES LB 119 January 11, 2013, Voluntary Manslaughter is

killing intentionally upon a sudden quarrel. WHICH ATTEMPTS TO OMIT THE WITHOUT MALICE ELEMENT AND THE WITHOUT JUSTIFICATION OR EXCUSE ELEMENT. WITHOUT ADDRESSING THE MALICE ELEMENT IN FIRST DEGREE MURDER § 28-303(1)(1989) NO MALICE IN SECOND DEGREE MURDER § 28-304(1)(1989) and WITHOUT MALICE § 28-305(1)(1979, 1989, January 2, 1991 State v Hall, 37-150) MANSLAUGHTER IS KILLING WITHOUT MALICE EITHER UPON A SUDDEN QUARREL OR CAUSING THE DEATH UNINTENTIONALL WHILE IN COMMISSION OF AN UNLAWFUL ACT.(WITHOUT JUSTIFICATION OR EXCUSE § 28-102(1)(4)(5)(1979)----Nebraska's Supreme Court illegally irrebuttably presumes malicious intent to kill second degree murder repealed malice whenever an insane incompetent accused person kills in imperfect self defense upon a sudden quarrel due to mental illness diminished capacity, mitigating circumstances extreme emotional disturbance beyond voluntary control ALI Test, Durham Test, Irresistable Impulse Test, Emotional Insanity Test etc.,

R.R.S. Neb § 29-2203 (1873 to 2013) INSANITY DEFENSE IS UNDEFINED. OUR COURT'S use illegal common law M'Naghten test which is a false dichotomy, classic double-bind question, fallacy of a complex question in Logic/Philosophy. Well known device asking, Have you stopped beating your wife yet ? YES/NO ? Is a Cardinal Red ? Yes, if male. No, if female. Is it wrong to _____ ? YES/NO ? NEVER CONSIDERING CAUSE OR NATURE OF INVOLUNTARY MEDICAL INSANITY DUE TO PHYSICAL DISEASE, DISORDER, OR DEFECT COMPELLING EPISODES OF WRONG BEHAVIOR BEYOND VOLUNTARY CONTROL A.L.I. TEST AFFIRMATIVE DEFENSE MENTAL ILLNESS DIMINISHED CAPACITY MITIGATING CIRCUMSTANCES GRAVES' DISEASE, TOXIC

THYROID INSANITY, ORGANIC MENTAL DISORDERS, ORGANIC PANIC

EPISODE, fear victim was trying to shoot defendant Hall imperfect self defense sudden quarrel incapable of malice, incapable of killing without excuse.

MANSLAUGHTER AND USE OF A WEAPON TIME SERVED JANUARY 3rd, 2011.

LIFE SENTENCE DEFECTIVE INFORMATION NOVEMBER 12, 1997, REPEALED MALICE NO DEFENSE.

R.R.S. Neb. § 29-1823 (1873 to 2013) INCOMPETENCE IS UNDEFINED IN NEBRASKA.
The Nebraska Supreme Court adopted common law illegally following DUSKY &
DROPE,ETC., STANDARDS OF INCOMPETENCE ANNOTATED IN CROSS REFERENCES AND
EXPLANATORY NOTES NOT PART OF OUR LAWS R.R.S. Neb § 49-802(8)(1979)
LET THE NEBRASKA LEGISLATURE DEFINE INCOMPETENCE FAIR WARNING SO INSANE
ACCUSED KNOWS WHAT HE OR SHE MUST DO TO STOP PROCEEDINGS WHILE THEY ARE
INCOMPETENT TO PLEA OR STAND TRIAL.

I was incompetent to stand trial 1996 new trial into 1997 under common law
format of insanity and incompetence----I believe I was incompetent to plead
no contest to repealed malice November 12th,1997, due to BiPolar Schizo
Affective Disorder after medically induced hypothyroidism was treated.
I was still insane until after October 12th,2001,change in medicine to
GEODON AND DEPAKOTE WITH MY THYROID MEDICINE.

I filed five postconvictions and several State Habeas Corpus actions only to
have State Court's say shut up, you pled guilty to second degree murder.
The title only which is no crime in Nebraska RRS Neb § 49-802(8)(1979).
and one judge even changed my crime from January 2nd,1991, to [Prior to the
change in the law] then he changes the law from repealed § 28-402(1)(1975)
into renumbered not repealed § 28-401(1)(1975) first degree murder which I have
never been duly convicted of brushed under judicial rugs Hall v Houston,
CI-08-1318 S-08-0855 and Certiorari Hall is still trying to correct
State v Hall, 37-150, S-13-000681 REHEARING OCTOBER 22nd,2013. If need be I
will pursue another Certiorari to the United States Supreme Court after my
rehearing is denied on repealed law of malice ,which I was never given a fair
trial to negate repealed malice due to the excuse I was Mentally Ill when I
Killed January 2nd,1991. EXCUSE MY VAGUE MANSLAUGHTER SO OVERBROAD COURT'S
ex post facto changed the *common laws to deny me of any defense*

(Our Librarian Mrs Rihn is gone again so we have no access to typewriter ribbons or supplies)

Bear with my Printing.

NKJV Holy Bible Psalm 1:1-6 Blessed is the man who

walks not in the counsel of the ungodly, nor stands in the path of sinners, nor sits in the seat of the

scornful!

But his delight is in the law of the Lord, and in

his law he meditates day and night.

He shall be like a tree planted by the rivers of water, that brings forth its fruit in its season, whose leaf also shall not wither! And whatever he does shall

prosper.

The ungodly are not so, but are like the chaff

which the wind drives away, therefore the ungodly shall not stand in the judgment, nor sinners in

the congregation of the righteous.

For the Lord knows the way of the righteous, but the way of the ungodly shall perish.

February 20, 1991, Hall County Jail, Grand Island, NE, I had a visitor. Dennis Mudloff, Salvation Army Volunteer and I surrendered my life to God, Jesus Emmanuel Christ, Holy Spirit, and children of God.

When my dying mother, Gale Roberta Kirkpatrick/Strawder visited, she said, "I don't like what you did, but I still love you."

I had been Homosexual/Bisexual, Incest with my 14 year old half sister, when I was 13 years older than her, I was a thief, liar, manslayer accused of murder sentenced to life plus 20 years in prison September 5, 1991. I did not plead guilty to malice.

On my Appeal Public Defenders said, I had

Thyroid Disease and Manic Depressive Illness
but made no justification or excuse.
(malice, no malice, without malice)

The State claimed § 28-304 (1) (1989) was
killing intentionally and maliciously
without premeditation (cause the death
intentionally without premeditation)

Brief Page 7 5-91-0919 State v Hall 37-150
242 Neb 92 492 NW2d 884 (1992) overruled
by State v Hall, 249 Neb 326, 543 NW2d
462, 1996 Neb Lexis 27 HN 2 The Court
said July 16, 1991, I pled no contest to
killing intentionally without premeditation
Defective Information absent malice

New Trial ordered charge Second Degree
murder as (Repealed) kill purposely and
maliciously without premeditation.
To which I pled on November 12, 1997.

July 8, 2000, I had hyperreligiosity
mental illness tried to make entire
Prison, Prisoners and Guards, kill me
in the name of Jesus Christ for the sin
of the world resurrection for all things
to bring back Jesus Christ to save our
world. I was put in Solitary Confinement
without medicine For Hypothyroidism myxedema
madness psychosis Bipolar schizo affective
disorder - IN August, I picked up a dead
spider, prayed, God, resurrect this spider as
a sign you will resurrect the man I killed.
IN doubt, I rubbed the dead spider into
the wall by the exit door. Two days
later, the third day, I saw the living,
resurrected dead spider exactly where I
Found it the first day - Praise God.
I believe God answered my prayer.

January 6, 2001, my 44th Birthday, Back to
The Bible Calendar Quotes Acts 24:15 KJV
Resurrection of the dead, just and unjust.
44th Book KJV Holy Bible. Praise God.

9/11/01 Elul 24 5261 2001 AD Sunrise ? Remember ?

9/11/01 Elul 25 5261 2001 AD Sunset Jesus 2007

10/11/01 5262 2001 AD I heard three
shofar Rams Horn Trumpets of God as I read
Revelation KJV Holy Bible out loud in my
Prison Cell

I tried to make all prisoners & Guards
kill me restitution for all things again
First time July 8, 2000, second time
September 2001, last time 10/12/01

I was put in Solitary Confinement 3 years.
I studied Seventh Day Adventist Free Bible
Studies I believe Sabbath eve Friday &
eve Saturday