



3-94-0029  
CAR-94-21-3-3048104  
[(2794) Pr. 4 Zhan 1 §29]

**The Emperor,  
Zhangfung IV,**

presiding in his own person, has agreed to impartially  
review the interlocutory or final decision made against  
him by the trial court antecedent in corporation sole  
under the name of

**The Throne Ascendant  
in Adamantine Cassiterite,**

*plaintiff-petitioner,  
by and through Zhou Shangyang,  
solicitor-general in opposition,  
suing on behalf of*

**Maliensantra dar Oder,**

*real petitioner in interest,  
by and through Jitlit Lang,  
assistant public prosecutor,*

in her hybrid dispute against

**Tarasintiene dar Parquisant,**

*defendant-respondent,  
by and through Yang Shaowei,  
advocate-general.*

### SUMMARY

§29.11. **Detainment.** The real petitioner in interest, Maliensantra dar Oder, was arrested by the defendant-respondent, Tarasintiene dar Parquisant, on charges of burglary on 01-02-2794. We asserted that no probable cause existed for this arrest and that it arose from a prior dispute between the real petitioner in interest and the defendant-respondent and launched a criminal prosecution for malicious arrest under colour of law on 21-03-2794, seeking in the process to compel the real petitioner in interest's release through a writ of combination allowing us to petition for a writ of rendition.

§29.12. **Procedure.** The Imperial Seat of Justice for the District of Retalinastra denied the petition for writ of combination and certified the issue for appeal sua sponte. We chose to intervene on this appeal by way of certiorari-in-intervention after a notice of appeal had been filed before transfer of the record to the Fourth Northwestern Assize of Procedural Law.

### QUESTIONS ON APPEAL

§29.21. **Question one.** Given that it effectively stops a civil action before it can be filed, is a denial of a writ of combination interlocutory or final?

§29.22. **Question two.** Does a right exist to a writ of combination in a criminal case if the combined relief sought is not equitable or lawful in nature, but instead a petition for a writ invoking the court's jurisdiction *in actum* that concerns the defendant in their official capacity?

§29.23. **Question three.** Can we seek a writ against ourselves?

### CONCLUSIONS

§29.31. **Jurisdiction and grounds for certiorari.** We invoke our unlimited and general jurisdiction to directly intervene on this appeal from an interlocutory or final denial of a petition for a writ of combination. Interlocutory or final appellate review is granted here on two procedural grounds: with regards to the first, that the form of the action would incur prejudice to a party, if incorrect, beyond repair on appeal from a final judgment due to the nature of the denied petition, and with regards to the second, perhaps that

the denial of a petition for a writ of combination, even in spite of the common use of the term ‘motion to combine’, may be comparable to a dismissal of the underlying civil cause of action without prejudice. We do not reach the question as to whether a denial of a motion to combine is a final or interlocutory judgment. Certiorari is granted on the grounds that this matter concerns an untried matter of law.

**§29.32. Propriety of intended petition.** It is axiomatic that our executive actions and those of our subordinates, separate from the actual actors, are subject to judicial review through the court’s inherent jurisdiction over matters *in actum* when such actions exceed the bounds of our own law, but such review is not appropriate and is in fact nonsensical in the context of a criminal proceeding, which by definition invokes the court’s jurisdiction *in personam*. This applies especially to the conduct of an individual severed from his immunity: we cannot simultaneously file suit against an individual and order him to desist from an action done pursuant to his legal executive duties, because those actions are *ours*. He does not have individual standing as a matter of law to defend our actions. Only we have standing to defend our actions, whether in our own person or by and through counsel.

**§29.33. Propriety of parties.** We must also call attention to the impropriety of our choice to petition for a writ of rendition at all. The *ex actione* respondent to a petition brought under the court’s jurisdiction *in actum* for judicial review of an executive action is in fact us. Even if the act were to be somehow prosecuted by us, we would effectively be criminally prosecuting ourselves. This is inherently absurd. While a private prosecution would avoid this issue, the previous issues remain. In addition, the Throne cannot be the subject of a criminal prosecution regardless of its conduct; only the individual occupying the office may be so prosecuted, and even so he is immune because he makes the law by his conduct.

**§29.34. Party designation.** Though a direct petition against an individual in their official capacity may be allowed in the interests of justice, so as to avoid allowing an inartful pleading to be fatal to the rights of an individual, and our assertion that the real petitioner in interest is currently being illegally detained may indeed

be correct, we petition not against the warden of the Heartrending Tower, Tarasintiene dar Parquisant, for relief, but the individual Tarasintiene dar Parquisant, stripped of his qualified immunity but also immune to judicial notice of his legal power to command the officials of the Tower to desist from the real petitioner in interest's detainment. His subordinates are and continue to be acting within the bounds of the law pursuant to their standing orders and cannot take orders from a person without the authority to give them those orders; they must be compelled by a writ of rendition, which by definition cannot be granted against an individual.

**§29.35. Relief.** We do not have standing to contest our own executive decisions as a matter of law. If an informal resolution of this matter between the office of the prosecutor and the warden was not appropriate, the real petitioner-appellant in interest would have been better served by the filing of a separate petition for a writ of rendition against his detainment utilizing the reasoning already set forth by us in this case, and a notice of non-opposition would issue from the office of the throne's defence. However, given the nature of this case, the adequate record on appeal and our own unwillingness to defend the actions in question justifying such a petition, we believe relief is warranted for real petitioner in interest nostra sponte by extraordinary writ.

**§29.36. Disposition.** The second question is answered in the **negative**. The third question being brought nostra sponte as a corollary of the second question, it is answered in the **negative**. Because it is not necessary for the outcome of this case nor a matter of real controversy, we do not reach an answer for the first question. We therefore **affirm** the trial court's interlocutory or final decision. We also **let issue** a peremptory writ of rendition directing the immediate release of Maliensantra dar Oder from custody, the original of which will be transmitted to the trial court via sessile.

WE SO ORDER.