

30 October 2023

Ian Hay Cruickshank  
Lerwick Sheriff Court  
King Erik Street  
Lerwick  
Shetland ZE1 0HD

**By email to lerwick @scotcourts.gov.uk and  
Royal Mail Signed For Service  
No. KL 393915735GB**

**Challenge to presumptions  
Case No. LE22000337**

Dear Ian Hay Cruickshank,

There appear to be some presumptions operating in the Lerwick Sheriff Court. I, the woman called by the name Sandra, allodial owner of my land and body, a woman and sovereign in my own right, formally reject those perceived presumptions as follows:

- § 1]: **The presumption that the court does not operate in a world of fiction** is that all court officers and the court exist in the real world.
- § 1.1]: The truth is that the court and its officers are legal fictions in a fictional world.
- § 1.2]: It may be helpful to think of this as a library. A library has a fiction section and a non-fiction section. Books from one cannot be placed in the other. A man or woman is non-fictional, having life in the real world. Offices, roles and titles are fictional, none of them having life of its own. Fictional entities cannot enter the real world. Non-fictional entities cannot enter the fictional world.
- § 1.3]: The man or woman can enter the role, but the role can never be given life to become the man or woman.
- § 1.4]: A legal fiction can only interact with another legal fiction. A man or woman can only interact with another man or woman.
- § 1.5]: Any court officer, as a legal fiction, can only interact with other legal fictions. If the man or woman in the dock has not given informed consent to act as a legal fiction, any interaction between the man or woman on the bench and the one in the dock is necessarily man to man or woman to man on an equal basis, with neither having authority over the other. The man or woman on the bench, **by addressing the man or woman in the dock** automatically steps out of the role, office or title of sheriff to become the man or woman.
- § 1.6]: This applies to anyone acting in any role, office or title including, amongst others, those of sheriff, procurator fiscal, procurator fiscal depute, sheriff clerk, police officer and police constable on the court side and SANDRA JANE IRVINE and Mrs. Irvine on my side.
- § 1.7]: When asked the question “Are you Sandra Jane Irvine? (or Sandra Irvine), I cannot truthfully answer “Yes” because the name is a legal fiction. If the question were “Are you the woman called by the name Sandra Irvine?”, I could then answer “Yes”. The first is the trick question relied upon by the fiction world to entrap the unknowing or unwary.

§ 1.8]: Although I am not a religious woman, Ephesians 4:6 in the Bible resonates with me. It says:

§ 1.8/1: “One God and Father of all, who is above all and through all **and in you all**”

§ 1.9]: In addressing a man or woman acting in the role of a court officer, I address them as a man or woman. I am giving that man or woman respect by elevating them from the legal fiction role, office or title to the position of a man or woman having God within.

§ 1.10]: As long as the man or woman is in the role, office or title, he or she cannot simultaneously act as a man or woman free from the role, office or title. If communication is initiated, I must assume that it comes from a man or woman in the real world. Similarly, if I initiate a communication, I must presume that anyone answering is acting in the capacity of a man or woman.

§ 1.11]: Nothing I say or do, or neglect to say or do, may be construed as my relinquishing my position as a woman in order to act as any kind of legal fiction.

§ 1.12]: Nothing any court officer may say or do, or neglect to say or do, may be used to induce me into relinquishing my position as a woman in order to act as any kind of legal fiction. For instance, “Mrs. Irvine” is a legal fiction. If I respond to being addressed as Mrs. Irvine, it does not mean that I have agreed to act as that legal fiction.

§ 1.13]: I am justified in suspecting a lack of mental capacity on the part of a man or woman insisting on remaining in their role, office or title while attempting to communicate with a man or woman in the real world.

§ 1.14]: **None of this is suggesting that Scottish courts and their officers do not have jurisdiction in Shetland, only that such jurisdiction is limited to those who give their fully informed consent to submit to that jurisdiction.**

§ 1.15]: I, the woman called by the name Sandra, a woman and sovereign in my own right, reject the presumption that any court officer can interact with me, the woman until I give my fully informed consent to act as a legal fiction. If any communication is made before I give my fully informed consent, it can only come from a man or woman who has relinquished their role, office or title and speaks solely in their capacity as a man or woman.

§ 2]: **The presumption that the court building or any part of that building is the court** is that the sheriff is not the court in this instance.

§ 2.1]: Section 5(1) of the *Criminal Procedure (Scotland) Act 1995* starts with the words:

§ 2.1/1: “The sheriff, sitting as a court of summary jurisdiction ...”. It is claimed that this court is a court of summary jurisdiction, therefore the court is the sheriff, not the building or any part of it.

§ 2.2]: The 2 August 2023 Statement of Facts by Sheriff Ian Cruickshank, states at [1]:

§ 2.2/1: “I provide this Statement of Facts **as the first court ....**” (Emphasis added). **The Sheriff is the first court.**

§ 2.2/2: The court building is a public building, part of the real world in which the fictional world of the court operates. As a public building, anyone in it may record events in whatever manner they please. I reserve the right to make recordings for my own protection, or to have others do so on my behalf.

§ 2.3]: I, the woman called by the name Sandra, a woman and sovereign in my own right, reject the presumption that the court building or any part of that building is the court.

§ 3]: **The presumption that the sheriff is not a legal fiction** is that the role, office or title of sheriff has life of its own.

§ 3.1]: The man or woman occupying the role, office or title is not that role, office or title. The role, office or title has no life of its own. The man or woman can enter the role, office or title, but the role, office or title can never be given life to become a man or woman.

§ 3.2]: I, the woman called by the name Sandra, a woman and sovereign in my own right, reject the presumption that the sheriff is not a legal fiction.

- § 4]: **The presumption that the man or woman acting as sheriff has authority over a man or woman in the dock** is the presumption that a legal fiction can have authority over a man or woman.
- § 4.1]: It is self-evident that an entity made by man cannot have authority over a man or woman.
- § 4.2]: I, the woman called by the name Sandra, a woman and sovereign in my own right, reject the presumption that the sheriff has authority over me unless I agree to act as a legal fiction of lower status than that of sheriff.
- § 5]: **The presumption that the sheriff can legally and lawfully deprive a man or woman of their liberty** is again the presumption that a legal fiction can have authority over a man or woman.
- § 5.1]: In the absence of jurisdiction, for a legal fiction sheriff to deprive a man or woman of their liberty for even a few minutes is unlawful imprisonment. Short spells of unlawful imprisonment in police cells ordered by the sheriff, but not recorded anywhere, seem to be a regularly used intimidation tactic.
- § 5.2]: Additionally, I maintain that depriving me of my liberty in the past has been unlawful and in breach of Section 204 of the 1995 Act, which states at (1):
- § 5.2/1: “A court shall not pass a sentence of imprisonment or of detention in respect of any offence ..... on an accused who is not legally represented in that court and has not been previously sentenced to imprisonment or detention .....”.
- § 5.3]: I, the woman called by the name Sandra, a woman and sovereign in my own right, reject the presumption that jurisdiction in this instance has been established at any time. As a woman I reject the presumption that the sheriff can legally and lawfully deprive me of my liberty. I maintain that depriving me of my liberty in the past has been unlawful.
- § 6]: **The presumption of personal jurisdiction** is that the legal fiction with the same sounding name as mine is me, the living woman.
- § 6.1]: The role, office or title of sheriff, in common with that of procurator fiscal, sheriff clerk or police officer is a legal fiction. It has no life of its own and can only be activated if a man or woman enters that role, office or title.
- § 6.2]: Because the legal fiction procurator fiscal can only interact with another legal fiction, the name of the accused on the court documents is necessarily a legal fiction, not the man or woman of the real world.
- § 6.3]: The court gets round this problem by inducing the man or woman to give their **uninformed** consent to act as a legal fiction. This is fraud. At no point have I consented to act as any kind of legal fiction.
- § 6.4]: The legal fiction SANDRA JANE IRVINE, over which the court claims to have jurisdiction, is my allodial property. I recognise no lord or superior over it.
- § 6.5]: I, the **woman** called by the name Sandra, a **woman** and sovereign in my own right, reject the presumption that the **legal fiction** on the court documents is me. Any attempt to conflate the two without my fully informed consent is fraud. For me to give such consent under any circumstances would be to aid and abet a fraud.
- § 7]: **The presumption of territorial jurisdiction** is that the Crown has *dominium eminens*, ultimate tenurial superiority and sovereign power over my land, which gives the court territorial jurisdiction.
- § 7.1]: If I were to enter the fictional world of the court, this would be my argument:
- § 7.1/1: *The Laws of Scotland, Stair Memorial Encyclopaedia* states at para. (1) of Volume 4:
- (a) “The authority of the court derives from the **sovereign power**”. (My emphasis)
- § 7.1/2: It is my presumption that “sovereign power” is the same as “sovereignty”

§ 7.1/3: at Volume 18(42):

- (a) “The Crown's **sovereignty** and its *dominium eminens*, its ultimate tenurial superiority were the same thing, were identical concepts”.

§ 7.1/4: This statement is made in the past tense, but the following shows that it still applies:

§ 7.1/5: Note 4 on that page, which says:

- (a) “the Crown cannot dispone, but can only feu, for to dispone would, in the feudal scheme of things, be to alienate not only **land** but also **sovereignty**.”; and

§ 7.1/6: at Volume 18 (47):

- (a) “The *dominium eminens* or ultimate superiority of the Crown is **allodial** because not held of a higher lord, except of God.”

§ 7.1/7: **The Crown’s sovereignty is the same as its allodial ownership.**

§ 7.1/8: All that is required to show the court’s authority is to show proof of the Crown’s allodial ownership of Shetland. If it exists, the procurator fiscal, as representative of the Crown will have it at his fingertips.

§ 7.1/9: The matter of whether or not Shetland is part of Scotland is not something on which this court can adjudicate. At the same time, in this instance the court must still show how it has jurisdiction.

§ 7.1/10: I am a udal land owner. Udal land is allodial. The nature of land held allodially is that there is no lord or superior except God. The Crown has no right in my land, whether or not that land is periodically covered by the sea. By definition, allodial ownership of my land means that I have sovereignty over that land, just as the Crown has over its allodial land.

§ 7.1/11: Allodial ownership is ownership under God. There can be no statute above God.

§ 7.2]: I, the woman called by the name Sandra, a woman and sovereign in my own right, reject the presumption that the Crown or the court has any property rights or rights of any kind whatsoever over my land or foreshore.

§ 8]: **The presumption that a man or woman can purport to act as sheriff in the absence of jurisdiction without being in contempt of court** is the presumption that a man or woman can assume authority with no basis for that authority.

§ 8.1]: If he or she does so act, he or she commits fraud, which is automatically contempt of their court.

§ 8.2]: I, the woman called by the name Sandra, a woman and sovereign in my own right, reject the presumption that a man or woman can act as sheriff, without having jurisdiction and assert that to do so is in contempt of court.

§ 9]: **The presumption that any action of mine can be a contempt of court** is that if jurisdiction is not established, there is a court of which to be in contempt.

§ 9.1]: In the event that the court is unable to show or be shown proof of both its personal and territorial jurisdiction, any pretence of its authority evaporates. In that instance there is no court of which to be in contempt.

§ 9.2]: I, the woman called by the name Sandra, a woman and sovereign in my own right, reject the presumption that any action of mine can be held to be in contempt of court if the jurisdiction of that court cannot be shown to me. No court can exist without both territorial and personal jurisdiction. Anyone operating such a court is operating a false court and is committing fraud. I will not aid and abet a fraud.

**In Summary:**

- 1) **The presumption that the court does not operate in a world of fiction is hereby rejected; and**
- 2) **The presumption that the court building or any part of that building is the court is hereby rejected; and**
- 3) **the presumption that the sheriff is not a legal fiction is hereby rejected; and**
- 4) **the presumption that the man or woman acting as sheriff has authority over a man or woman in the dock is hereby rejected; and**
- 5) **the presumption that the sheriff can legally and lawfully deprive a man or woman of their liberty is hereby rejected; and**
- 6) **the presumption of personal jurisdiction is hereby rejected; and**
- 7) **the presumption of territorial jurisdiction over my land is hereby rejected; and**
- 8) **the presumption that a man or woman can purport to act as sheriff in the absence of jurisdiction without being in contempt of court is hereby rejected; and**
- 9) **the presumption that any action of mine can be a contempt of court is hereby rejected; and**

If you, Ian Hay Cruickshank wish to rebut any of these rejections of your presumptions, you may do so when I attend the court building on 1 November 2023. The rebuttal of any one will not affect the remainder. In the absence of rebuttal there will be no basis for any court proceedings to be held in this instant matter on 1 November 2023 or at any other time and all previous hearings, orders or any actions by any legal fiction actor will be null and void.

Maxim: "He who does not deny admits". Non-rebuttal is acquiescence.

To make it absolutely plain:

1. **I have absolute allodial ownership and sovereignty over my land, my body and the legal fiction SANDRA JANE IRVINE; and**
2. **I do not give my consent at any time to act as any kind of legal fiction; and**
3. **I do not give my consent to any violation of my personal rights as a woman having God within; and**
4. **I do not give my consent to any violation of my rights as allodial land owner; and**
5. **I require proof of the court's personal jurisdiction; and**
6. **I require proof of the court's territorial jurisdiction; and**
7. **As sovereign it is within my power to protect any of my rights by whatever means I feel necessary.**

Insofar as any previous documents on this matter conflict with this document, this document takes precedence.

This document will be founded upon in any litigation initiated against me.

My attendance at the court building on 1 November 2023 will be for the purpose of clearing any misunderstandings in this matter.

I hope this makes my position clear.

By my hand and seal

Sandra Irvine, a woman, allodial owner of my land and body, a woman and sovereign in my own right, allodial owner of SANDRA JANE IRVINE. The word of a sovereign needs no corroboration.