

LAW S/CASE LAWS

NOTICE TO AGENT IS NOTICE TO PRINCIPAL, NOTICE TO PRINCIPAL IS NOTICE TO AGENT.

Without Prejudice UCC 1-308 (old 1-207) "I reserve my right not to be compelled to perform under any contract, commercial agreement or bankruptcy that I did not enter knowingly, voluntarily, and intentionally. And furthermore, I do not and will not accept the liability of the compelled benefit of any unrevealed contract or commercial agreement or bankruptcy

NO VICTIM NO CRIME!

The accusation must be made under penalty of perjury. If perjury cannot reach the accuser, there is no accusation. Otherwise, anyone may accuse another falsely without risk.

For a **crime** to exist, **there must be a [actual or intended] injured party** (Corpus Delicti). *Sherer v. Cullen 481F. 945*. A Crime is defined as "That act intended to cause injury to a person or property." The Supreme Court has held that "without Corpus Delicti (**concrete evidence of a crime, such as a corpse**) there can be no crime."

Jurisdiction, once challenged, is to be proven, not by the court, but by the party attempting to assert jurisdiction. The burden of proof of jurisdiction lies with the asserter. The court is only to rule on the sufficiency of the proof tendered. See, "McNut .v General Motors Acceptance Corp, 298 U.S. 178 (1936). The origins of this doctrine of law may be found in "MAXFIELD .v LEVY, 4U.S. 330 (1797), 4U.S. 330 (Dall.) 2Dal. 381 2U.S. 381 1L.Ed. 424

Supreme courts ruled "Without Corpus delicti there can be no crime" In every prosecution for crime to is necessary to establish the "corpus delecti", i.e., the body or elements of the crime." *People .v Lopez, 62 Ca.Rptr. 47, 254 C.A.2d 185.*

"In every criminal trial, the prosecution must prove the corpus delecti, or the body of the crime itself-i.e., the fact of injury, loss or harm, and the existence of a criminal agency as its cause. " P061,8-1.9,91Ca.1Rid034,6P.30724Peopel v Alvarez, 2(02)72C4a.11

"Without standing, there is no actual or justiciable controversy, and courts will not entertain such cases. (3 Witlen, Cal. Procedure (3rd ed. 1985) Actions §4, p 70-72.) "Typically, ... the standing inquiry requires careful judicial examination of a complaint's allegations to ascertain whether the particular plaintiff is entitled to an adjudication of the particular claims asserted. " (*Allen .v Wright, (1984) 468 U.S. 737, 752.* Whether one has standing ni a particular case generally revolved around the question whether that person has rights that may suffer some injury, actual or threatened." *Clifford S. v. Superior Court, 45 Cal.Rptr.2d 3, 35.*

Do not need to Identify when pulled over

Kolender v. Lawson (461 U.S. 352, 1983) in which the United States Supreme Court ruled that a police officer could not arrest a citizen merely for refusing to present identification. There is no such thing as “Failure to identify.” You can sue the police for an illegal arrest and resist arrest with impunity! also see, **Brown vs. Texas, 443 US 47** and **Kolender v. Lawson 461 US 352.**)

DRIVER LICENSES ARE UNLAWFUL FOR NON-COMERCIAL PURPOSES

Shapiro vs. Thomas, 394 U.S. 618 April 21, 1969. Further, the right to travel by private conveyance for private purposes upon the common way cannot be infringed. **No license or permission is required** for travel when such travel is not for the purpose of commercial profit or gain on the open highways operating under license in commerce.” Murdock v. Penn, 319 U.S. 105, (1943) “No state shall convert a liberty into a privilege, license it, and attach a fee to it.”

Chicago Coach Co. v. City of Chicago, 337 Ill. 200, 169 N.E. 22. “Traffic infractions are not a crime.” People v. Battle “Persons faced with an unconstitutional licensing law which purports to require a license as a prerequisite to exercise of right... may ignore the law and engage with impunity in exercise of such right.”

Traveling in an automobile on the public roads was not a threat to the public safety or health and constituted no hazard to the public, and such a traveler owed no other duty to the public (e.g. the State); he / she and his / her auto, having equal right to and on the roadways / highways as horses and wagons, etc.; this same right is still Substantive Rule, in that speeding, running stop signs, traveling without license plates, or registration, are not threats to the public safety, and thus, are not arrestable offenses (See Christy v. Elliot, 216 I 131, 74 HE 1035, LRA NS 1905—1910; and also see California v, Farley 98 CED Rpt. 89, 20 CA 3d 1032 (1971).

Statutes at Large California Chapter 412 p.83 “Highways are for the use of the traveling public, and all have the right to use them in a reasonable and proper manner; the use thereof is an inalienable right of every citizen.” Escobedo v. State 35 C2d 870 in 8 Cal Jur 3d p.27 “RIGHT — A legal RIGHT, a constitutional RIGHT means a RIGHT protected by the law, by the constitution, but government does not create the idea of RIGHT or original RIGHTS; it acknowledges them. . .

“ **Bouvier’s Law Dictionary, 1914, p. 2961.** “Those who have the right to do something cannot be licensed for what they already have right to do as such license would be meaningless.”

Simeone v. Lindsay, 65 Atl. 778, 779; Hannigan v. Wright, 63 Atl. 234, 236. “The RIGHT of the citizen to DRIVE on the public street with freedom from police interference, unless he is engaged in suspicious conduct associated in some manner with criminality is a FUNDAMENTAL CONSTITUTIONAL RIGHT which must be protected by the courts.” People v. Horton 14 Cal. App. 3rd 667 (1971) “The right to make use of an automobile as a vehicle of travel long the highways of the state, is no longer an open question. The owners thereof have the same rights in the roads and streets as the drivers of horses or those riding a bicycle or traveling in some other vehicle.”

Payne v. Massey (19__) 196 SW 2nd 493, 145 Tex 273. “The court makes it clear that a license relates to qualifications to engage in profession, business, trade or calling; thus, when merely traveling without compensation or profit, outside of business enterprise or adventure with the corporate state, **no license is required** of the natural individual traveling for personal business, pleasure and transportation.”

Annual Report of the Attorney General of the State of New York issued on July 21, 1909, ALBANY NEW YORK, pages 322-323 which reads: “**There is NO requirement that the owner of a motor vehicle shall procure a license to run the same, nor is there any requirement that any other person shall do so, unless he proposes to become a chauffeur or a person conducting an automobile as an employee for hire or wages.** Yours very truly, **EDWARD R. O’MALLEY Attorney General**

* "But even **assuming** that **purpose** (prevention of crime) is served to some degree by stopping and demanding identification from an individual without any specific basis for believing he is involved in **criminal activity**, the guarantees of the **Fourth Amendment** do not allow it."

* "The application of... (a code)...to detain appellant and require him to identify himself violated the **Fourth Amendment** because the officers lacked any reasonable suspicion to believe appellant was engaged, or had engaged, in **criminal conduct**. Accordingly, appellant may not be punished for refusing to identify himself, and the conviction is reversed." (Probable cause) **Brown v. Texas**, 443 U.S. 47, (1979)

Indiana Springs Co. v. Brown, 165 Ind. 465, 468. U.S. Supreme Court says No License Necessary To travel in a Automobile On Public Highways/Streets No License Is Necessary Copy and Share Freely YHVH.name 2 2 "A highway is a public way open and free to anyone who has occasion to pass along it on foot or with any kind of vehicle." **Schlesinger v. City of Atlanta, 129 S.E. 861, 867, 161 Ga. 148, 159;**

Bamey ss. Board of Railroad Commissioners 17 P.2d 82 The use of the Highways for the purpose of travel and transportation is not a mere privilege, but a common and fundamental Right of which the public and the individual cannot be rightfully deprived."

(Paul v. Virginia). “[T]he right to travel freely from State to State ... is a right broadly assertable against private interference as well as governmental action. Like the right of association, it is a virtually unconditional personal right, guaranteed by the Constitution to us all.” (U.S. Supreme Court,

People v. Battle "Persons faced with an unconstitutional licensing law which purports to Require a license as a prerequisite to exercise of right may ignore the law and engage with impunity in exercise of such right.

Draffin v. Massey, 92 S.E.2d 38, 42. Persons may lawfully ride in automobiles, as they may lawfully ride on bicycles. Doherty v. Ayer, 83 N.E. 677, 197 Mass. 241, 246;

Shuttlesworth v. Birmingham 394 U.S. 147 (1969). U.S. Supreme Court says No License Necessary To Drive Automobile On Public Highways/Streets No License Is Necessary Copy and Share Freely YHVH.name 3 “The word ‘operator’ shall not include any person who solely transports his own property and who transports no persons or property for hire or compensation.”

Statutes at Large California Chapter 412 p.83 "Highways are for the use of the traveling public, and all have the right to use them in a reasonable and proper manner; the use thereof is an **inalienable right** of every citizen."

Swift v City of Topeka, 43 U.S. Supreme Court says No License Necessary To Drive Automobile On Public Highways/Streets **No License Is Necessary.**

Escobedo v. State 35 C2d 870 in 8 Cal Jur 3d p.27 "RIGHT — A legal RIGHT, a constitutional RIGHT means a RIGHT protected by the law, by the constitution, **but government does not create the idea of RIGHT or original RIGHTS; it acknowledges them.** . .

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Shuttlesworth v. Birmingham 394 U.S. 147 (1969). "With regard particularly to the U.S. Constitution, it is elementary that a Right secured or protected by that document **cannot be overthrown or impaired by any state police authority.**"

Donnolly vs. Union Sewer Pipe Co., 184 US 540; Lafarier vs. Grand Trunk R.R. Co., 24 A. 848; O'Neil vs. Providence Amusement Co., 108 A. 887. "The right to travel (called the right of free ingress to other states, and egress from them) is so fundamental that it appears in the Articles of Confederation, which governed our society before the Constitution."

Cecchi v. Lindsay, 75 Atl. 376, 377, 1 Boyce (Del.) 185. Automotive vehicles are lawful means of conveyance and have equal rights upon the streets with horses and carriages.

NO REGISTRSTION OR FORCED INSURANCE NEEDED

Travel is not a privilege requiring, licensing, vehicle registration, or forced insurances." *Chicago Coach Co. v. City of Chicago*, 337

Ex Parte Dickey, (Dickey vs. Davis), 85 SE 781 **"Every Citizen has an unalienable RIGHT to make use of the public highways of the state; every Citizen has full freedom to travel from place to place in the enjoyment of life and liberty."** *People v. Nothaus, 147 Colo. 210.* "No State government entity has the power to allow or deny passage on the highways, byways, nor waterways... transporting his vehicles and personal property for either recreation or business, , etc. **Travel is not a privilege requiring licensing, vehicle registration, or forced insurances."**

Privately owned Buses not engaged in for hire Transportation are outside the jurisdiction of Division of Motor Vehicles enforcement of N.C. G.S. Article 17, Chapter 20**" 58 N.C.A.G. 1 (It follows that those Citizens not engaged in extraordinary use of the highway for profit or gain are likewise outside the jurisdiction of the Division of Motor Vehicles.)**

“Since a **sale of personal property is not required to be evidenced by any written instrument in order to be valid**, it has been held in North Carolina that there may be a **transfer of title to an automobile without complying with the registration statute which requires a transfer and delivery of a certificate of title.**” N.C. Law Review Vol. 32 page 545, *Carolina Discount Corp. v. Landis Motor Co.*, 190 N.C. 157.

“The following **shall be exempt from the requirements of registration and the certificate of title:**
1.) Any such vehicle driven or moved upon the highway in conformance with the provisions of this Article relating to manufacturers, dealers, **or nonresidents.**” **2.) Any such vehicle which is driven or moved upon a highway only for the purpose of crossing such highway from one property to another.**
****20-51(1)(2) (comment: not driven or moved upon the highway for transporting persons or property for profit.) (**Case note to North Carolina G.S. 12-3 “Statutory Construction”**)

The California Constitution in Article I, Section 8 (and similar statements made in all other state constitutions), mandates that no one **"be compelled to be a witness against himself,"** is in agreement with the Supreme Court ruling in *Haynes v. U.S.*, 390 U.S. 85, 88 S.Ct. 722, wherein the ruling was that **to force anyone to register anything is communicative**, and such communicative evidence is **precluded by the 5th Amendment.**

Traveling in an automobile on the public roads was not a threat to the public safety or health and constituted no hazard to the public, and such a traveler owed no other duty to the public (e.g. the State); he / she and his / her auto, having equal right to and on the roadways / highways as horses and wagons, etc.; this same right is still Substantive Rule, in that speeding, running stop signs, **traveling without license plates, or registration**, are not threats to the public safety, and thus, are not arrestable offenses (See *Christy v. Elliot*, 216 I 131, 74 HE 1035, LRA NS 1905—1910; and also see *California v. Farley* 98 CED Rpt. 89, 20 CA 3d 1032 (1971).

UNCONSTITUTIONAL LAWS ARE NULL AND VOID

All laws which are repugnant to the Constitution are null and void".
Marbury vs. Madison. 5US 2 Cranch) 137, 174, 176, (1803)

"The claim and exercise of a Constitutional right cannot be converted into a crime." **Miller v. U.S. 230 F 2d 486, 489**

"There can be no sanction or penalty imposed upon one because of this exercise of constitutional Rights."
Snerer vs. Cullen, 481 F. 946

When any court violates the clean and unambiguous language of the Constitution, a fraud is perpetrated and no one is bound to obey it. (See 16 Ma. Jur. 2d 177, 178) *State v. Sutton, 63 Minn. 147, 65 NW 262, 30 L.R.A. 630 Am. 459.*

State Constitution - “The state constitution is the mandate of a sovereign people to its servants and representatives. Not one of them has a right to ignore or disregard these mandates...” **John F. Jelko Co. vs. Emery**, 193 Wisc. 311; 214 N.W. 369, 53 A.L.R., 463; **Lemon vs. Langlin**, 45 Wash. 2d 82, 273 P.2d 464.

Bennett v. Boggs, 1 Baldw 60, "Statutes that violate the plain and obvious principles of common right and common reason are null and void."

An unconstitutional law is not a law, it confers no rights, imposes no duties, and affords no protection. **Norton vs. Shelby County**, 118 US 425.

The laws of nature are the laws of God, whose authority can be superseded by no power on earth. A legislature must not obstruct our obedience to him from whose punishments they cannot protect us. All human constitutions which contradict his cannot protect us. All human constitutions which contradict his (God given) laws, we are in conscience bound to disobey. **1772, Robin v. Hardaway, 1 Jefferson 109.**

“No one is bound to obey any Unconstitutional law and no courts are bound to enforce it.”

(Compelled benefit)

In **Volume 16, American Jurisprudence, page 177**, you may read the following: “The general rule is that an Unconstitutional statute, though having the form and name of law, is in reality no law, but is wholly void, and ineffective for any purpose; since Unconstitutionality dates from the time of its enactment, and not merely from the date of the decision so branding it. An Unconstitutional law, in legal contemplation, is as inoperative as if it had never been passed. Such a statute leaves the question that it purports to settle just as it would be had the statute not been enacted.

“Since an Unconstitutional law is void, the general principles follow that it imposes no duties, confers no rights, creates no office, bestows no power or authority on anyone, affords no protection, and justifies no acts performed under it. “A void act cannot be legally consistent with a valid one. An Unconstitutional law cannot operate to supersede any existing valid law. Indeed, insofar as a statute runs counter to the fundamental law of the land, it is superseded thereby.

The police power of the state must be exercised in subordination to the provision of the **U.S. Constitution.**”
(*Bacahanan vs. Wanley, 245 US 60* ());

"An officer who acts in violation of the Constitution ceases to represent the government." **Brookfield Const. Co. v. Stewart**, 284 F.Supp. 94.

Failure to obey the command of a police officer constitutes a traditional form of breach of the peace. Obviously, however, **one cannot be punished for failing to obey the command of an officer if that command is itself violative of the constitution.** **Wright v. Georgia**, 373 U.S. 284, 291-2.

“Personal liberty largely consists of the Right of locomotion --to go where and when one pleases-- only so far restrained as the Rights of others may make it necessary for the welfare of all other citizens. **The Right of the citizen to travel upon the public highways and to transport his property thereon, by horse drawn carriage, wagon, or automobile, is not a mere privilege which may be permitted or prohibited at will**, but the common Right which he has under his Right to life, liberty, and the pursuit of happiness. Under this Constitutional guarantee one may, therefore, under normal conditions, travel at his inclination along the public highways or in public places, and while conducting himself in an orderly and decent manner, neither interfering with nor disturbing another's Rights, he will be protected, not only in his person, but in his safe conduct.” **II Am. Jur. (1st) Constitutional Law, Sect. 329. p.1135.**

Traffic infractions are not a Crime

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“Traffic infractions are not a crime.” **People v. Battle, 50 Cal. App. 3, step 1, 123 Cal.Rptr. 636,639.**

“[S]peeding & running a red light are NOT a breach of peace [unless immediate reckless engagement of another actual person present is witnessed]. **“Perkins v. Texas, 812 S.W. 2d 326, 329**

IGNORANCE OF THE LAW IS NO EXCUSE

"Ignorance of the law does not excuse misconduct in anyone, least of all in a sworn officer of the law." **In re McCowan** (1917), 177 C. 93, 170 P. 1100.

"All are presumed to know the law." **San Francisco Gas Co. v. Brickwedel** (1882), 62 C. 641; **Dore v. Southern Pacific Co.** (1912), 163 C. 182, 124 P. 817; **People v. Flanagan** (1924), 65 C.A. 268, 223 P. 1014; **Lincoln v. Superior Court** (1928), 95 C.A. 35, 271 P. 1107; **San Francisco Realty Co. v. Linnard** (1929), 98 C.A. 33, 276 P. 368.

"It is one of the fundamental maxims of the common law that ignorance of the law excuses no one." **Daniels v. Dean** (1905), 2 C.A. 421, 84 P. 332.

THE PEOPLE ARE SOVEREIGN

"the government is but an agency to the state," -- the state being the sovereign people. **State v. Chase**, 175 Minn, 259, 220 N.W. 951, 953.

The **people of the State do not yield their sovereignty to the agencies which serve them.** The people, in delegating authority, do not give their public servants the right to decide what is good for the people to know and what is not good for them to know. The people insist on remaining informed so that they may retain control over the instruments they have created. (**Added Stats. 1953, c. 1588, p.3270, sec. 1.**)

The **people are the recognized source of all authority**, state or municipal, and to this authority it must come at last, whether immediately or by circuitous route. **Barnes v. District of Columbia**, 91 U.S. 540, 545 [23: 440, 441]. p 234.

People are supreme, not the state. Waring vs. the Mayor of Savannah, 60 Georgia at 93.

DEFINITIONS

International Motor Transit Co. vs. Seattle, 251 P. 120 The term 'motor vehicle' is different and broader than the word 'automobile.'"

DRIVER Definition & Legal Meaning

Definition & Citations: Black's Law Dictionary, 2nd Ed

One employed in conducting a coach, carriage, wagon, or other vehicle, with horses, mules, or other animals, or a bicycle, tricycle, or motor car, though not a street railroad car. See **Davis v. Petrinovich**, 112 Ala. 654, 21 South. 344, 36 L. R. A.615; Gen. St. Conn. 1902,

DRIVER

The term "**driver**" in contradistinction to "**traveler**," is defined as:

"Driver -- One *employed* in conducting a coach, carriage, wagon, or other vehicle ..." **Bovier's Law Dictionary, 1914 ed., Pg. 940**

Traffic(commerce) – Bouvier's (1856) Commerce, trade, sale or exchange of merchandise , bills, money and the like. Traffic – **Black's 3rd Commerce**; trade; sale or exchange of merchandise, bills, money, and the like. The passing of goods or commodities from one person to another for an equivalent in goods or money.

“The privilege of using the streets and highways by the operation of motor carriers **for hire** can be acquired only by permission or license from the state or its political subdivision.” (See **Black’s Law Dictionary, 5th ed. Page 830.**)

TRAFFIC Definition & Legal Meaning

Definition & Citations: *Black’s Law Dictionary, 2nd Ed*

Commerce; trade; dealings in merchandise, bills, money, and the like. See *Lu re Insurance Co. (D. C.) 96 Fed. 757; Levine v. State, 35 Tex. Cr. R. 647. 34 S. W. 960; People v. Hamilton, 17 Misc. Rep. 11, 39 N. Y. Supp. 531; Merriam v. Langdon, 10 Conn. 471.*

COMMERCE Definition & Legal Meaning

Definition & Citations:

Intercourse by way of trade and traffic between different peoples or states and the citizens or inhabitants thereof, including not only the purchase, sale, and exchange of commodities, but also the instrumentalities and agencies by which it is promoted and the means and appliances by which it is carried on, and the transportation of persons as well as of goods, both by land and by sea. Brennan v. Titusville, 153 U. S. 289, 14 Sup. Ct. 829, 38 L. Ed. 719; Railroad Co. v. Fuller, 17 Wall. 5GS, 21 L. Ed. 710; Winder v. Caldwell, 14 How. 444, 14 L. Ed. 487; Cooley v. Board of Wardens

Newbill vs. Union Indemnity Co., 60 SE.2d 658

To further clarify the definition of an **"operator"** the court observed that this was a vehicle **"for hire"** and that it was in the business of carrying passengers.

This definition would seem to describe a person who is using the road as a place of business, or in other words, a person engaged in the *"privilege"* of using the road for gain.

This definition, then, is a further clarification of the distinction mentioned earlier, and therefore: Travelling upon and transporting one's property upon the public roads as a matter of Right meets the definition of a traveler. Using the road as a place of business as a matter of privilege meets the definition of a driver or an operator or both.

American Mutual Liability Ins. Co., vs. Chaput, 60 A.2d 118, 120; 95 NH 200 Motor Vehicle: 18

USC Part 1 Chapter 2 section 31 definitions: “(6) **Motor vehicle.** – The term **“motor vehicle”** means every description of carriage or other contrivance propelled or drawn by mechanical power and used for **commercial purposes** on the highways...” 10)

18 U.S. Code § 31 - Definitions

(6)Motor vehicle.—

The term **“motor vehicle”** means every description of carriage or other contrivance propelled or drawn by mechanical power and **used for commercial purposes** on the highways in the transportation of passengers, passengers and property, or property or cargo.

Molway v. City of Chicago, 88 N.E. 485, 486, 239 Ill. 486; *Smiley v. East St. Louis Ry. Co.*, 100 N.E. 157, 158. "A soldier's personal automobile is part of his 'household goods[.]'

The term "used for **commercial purposes**" means the carriage of persons or property for any **fare, fee, rate, charge or other consideration, or directly or indirectly in connection with any business**, or other undertaking intended for profit. "A motor vehicle or automobile for hire is a motor vehicle, other than an automobile stage, used for the transportation of persons for which remuneration is received."

The Supreme Court, in *Arthur v. Morgan*, 112 U.S. 495, 5 S.Ct. 241, 28 L.Ed. 825, held that carriages were properly classified as household effects, and we see no reason that automobiles should not be similarly disposed of."

"The definition of ``goods' includes an automobile." *Henson v Government Employees Finance & Industrial Loan Corp.*, 15 UCC Rep Serv 1137; 257 Ark 273, 516 S.W.2d 1 (1974).

"Automobile purchased for the **purpose of transporting buyer to and from his place of employment was ``consumer goods'** as defined in UCC 9-109." *Mallicoat v Volunteer Finance & Loan Corp.*, 3 UCC Rep Serv 1035; 415 S.W.2d 347 (Tenn. App., 1966).

"**All household goods owned by the user thereof and used solely for noncommercial purposes shall be exempt from taxation, and such person entitled to such exemption shall not be required to take any affirmative action to receive the benefit from such exemption.**" Ariz. Const. Art. 9, 2.

Use defines Classification

Private Automobile is NOT required to be registered by Law

The **California Motor Vehicle Code, section 260**: Private cars/vans etc. not in commerce / for profit, are immune to registration fees:

- (a) A "**commercial vehicle**" is a vehicle of a type **REQUIRED** to be **REGISTERED** under this code".
- (b) "Passenger vehicles which are **not used** for the transportation of persons **for hire**, compensation or profit, and housecars, **are not commercial vehicles**".
- (c) "a vanpool vehicle **is not a commercial vehicle.**" and;

"A vehicle not used for commercial activity is a "**consumer goods**", ...it is **NOT** a type of vehicle **required to be registered** and "**use tax**" paid of which the tab is evidence of receipt of the tax." *Bank of Boston vs Jones*, 4 UCC Rep. Serv. 1021, 236 A2d 484, UCC PP 9-109.14. And;

"It is held that a tax upon common carriers by motor vehicles is based upon a reasonable classification, and does not involve any unconstitutional discrimination, although **it does not apply to private vehicles**, or those used by the owner in his own business, and not for hire." *Desser v. Wichita*, (1915) 96 Kan. 820; *Iowa Motor Vehicle Asso. v. Railroad Comrs.*, 75 A.L.R. 22.

"Public officials are not immune from suit when they transcend their lawful authority by invading constitutional rights. "**AFLCIO v. Woodard**, 406 F 2d 137 t.

Non-emergency use of emergency vehicle lights and sirens is a **felony**. An emergency is by the court defined as ***“a sudden, unexpected, or impending situation, involving injury, loss of life, damage to property, or catastrophic interference with normal activities, that require immediate attention and remedial action.”***

The police power of the state must be exercised in subordination to the provision of the U.S. Constitution.” (*Bacahanan vs. Wanley, 245 US 60*);

“Detention must be based on specific, articulable facts (SAF) and rational inferences [pertaining to the suspected commission of a crime involving a victim or property damage].

Unparticularized suspicion and inarticulate hunches alone are not good enough. A valid investigative stop must be based on “reasonable articulable suspicion” (RAS) (U.S. v Briggman, 391 F2db705 (1991))

“When **enforcing mere statutes**, judges of **all courts do not act judicially** (and thus are **not protected** by “**qualified**” or “**limited immunity**,” - **SEE: Owen v. City**, 445 U.S. 662; **Bothke v. Terry**, 713 F2d 1404)

"The rights of the individual are not derived from governmental agencies, either municipal, state, or federal, or even from the Constitution. They exist inherently in every man, by endowment of the Creator, and are merely reaffirmed in the Constitution, and restricted only to the extent that they have been voluntarily surrendered by the citizenship to the agencies of government. The people's rights are not derived from the government, but the government's authority comes from the people. The Constitution but states again these rights already existing, and when legislative encroachment by the nation, state, or municipality invade these original and permanent rights, it is the duty of the courts to so declare, and to afford the necessary relief. City of Dallas, et al. v. Mitchell, 245 S. W. 944, 945-46 (1922)

UNDER SECTION 18 U.S. Code § 242 - Deprivation of rights under color of law

Whoever, under color of any law, statute, ordinance, regulation, or custom, willfully subjects any person in any State, Territory, Commonwealth, Possession, or District to the deprivation of any rights, privileges, or immunities secured or protected by the Constitution or laws of the United States, or to different punishments, pains, or penalties, on account of such person being an alien, or by reason of his color, or race, than are prescribed for the punishment of citizens, shall be fined under this title or imprisoned not more than one year, or both; and if bodily injury results from the acts committed in violation of this section or if such acts include the use, attempted use, or threatened use of a dangerous weapon, explosives, or fire, shall be fined under this title or imprisoned not more than ten years, or both; and if death results from the acts committed in violation of this section or if such acts include kidnapping or an attempt to kidnap, aggravated sexual abuse, or an attempt to commit aggravated sexual abuse, or an attempt to kill, shall be fined under this title, or imprisoned for any term of years or for life, or both, or may be sentenced to death.

:Title-18: U.S.C.:CH-115:SECTION-2235

§ 2235. Search warrant procured maliciously

Whoever maliciously and without probable cause procures a search warrant to be issued and executed, shall be fined not more than \$1,000 or imprisoned not more than one year.

18 U.S. Code § 241 - Conspiracy against rights

• **U.S. Code** If two or more persons conspire to injure, oppress, threaten, or intimidate any person in any State, Territory, Commonwealth, Possession, or District in the free exercise or enjoyment of any right or privilege secured to him by the Constitution or laws of the United States, or because of his having so exercised the same; or

If two or more persons go in disguise on the highway, or on the premises of another, with intent to prevent or hinder his free exercise or enjoyment of any right or privilege so secured—

They shall be fined under this title or imprisoned not more than ten years, or both; and if death results from the acts committed in violation of this section or if such acts include kidnapping or an attempt to kidnap, aggravated sexual abuse or an attempt to commit aggravated sexual abuse, or an attempt to kill, they shall be fined under this title or imprisoned for any term of years or for life, or both, or may be sentenced to death.

"Whereas, pursuant to Constitutional Due Process requirements and the General Laws , said Alien Enemy agents are not State Judicial Officers having power to issue Orders or Judgments of any kind; and,"

"Personal liberty, or the Right to enjoyment of life and liberty, is one of the fundamental or natural Rights, which has been protected by its inclusion as a guarantee in the various Constitutions, which is not derived from, or dependent on, the U.S. Constitution, which may not be submitted to a vote and may not depend on the outcome of an election. It is one of the most *sacred and valuable Rights*, as sacred as the Right to private property...and is regarded as *inalienable*" **16 C.J.S., Constitutional Law, Sect. 202, p.987.**

"Upon the other hand, the *corporation is a creature of the state*. It is presumed to be incorporated for the benefit of the public. It receives certain special privileges and franchises, and holds them subject to the laws of the state and the limitations of its charter. Its rights to act as a corporation are only preserved to it *so long as it obeys the laws of its creation*. There is a reserved right in the legislature to investigate its contracts and find out whether it has exceeded its powers. It would be a strange anomaly to hold that the State, having chartered a corporation to make use of certain franchises, could not in exercise of its sovereignty inquire how those franchises had been employed, and whether they had been abused, and demand the production of corporate books and papers for that purpose." **Hale vs. Henkel, 201 U.S. 43, 74-75, (1906).**

"The claim and exercise of a Constitutional right cannot be converted into a crime." **Miller v. U.S.** 230 F 2d 486, 489

"There can be no sanction or penalty imposed upon one because of this exercise of constitutional Rights." **Snerer vs. Cullen, 481 F. 946**

NO TITLE OF NOBILITY

The **United States Constitution at Article 1 Section 10** Prohibits the States from granting a “Title of Nobility” (i.e., **a driver’s license, identification card, and their attendant rules and regulations**). The Constitution for the United States of America at *Article I, Section 10, Clause 1*, mandate: “No State shall.... grant any Title of Nobility”. And “The establishment of... the prohibition of... TITLES OF NOBILITY... are perhaps greater securities to liberty and republicanism than any it [the U.S. Constitution] contains. “No public policy of a state can be allowed to override the positive guarantees of the U.S. Constitution.” **16 Am. Jur. (2nd), Const. Law, Sect. 70.**

“Nothing need be said to illustrate the importance of the prohibition of titles of nobility. This may truly be denominated the cornerstone of Republican government; for so long as they are excluded there can never be serious danger that the government will be any other than that of the people.” [danger = nobility government, that of the police state] *The Federalist Papers: 484: S&6 -Alexander Hamilton.*

The State of **WASHINGTON**, (falsely acting as a King) grants “title of nobility” when it takes away a natural existing public or private right, forbidding a natural activity or occupation to all, then turns around and specially grants it back to a few, or many, the special privilege to engage in that activity or occupation and requiring the obtaining of a title of noble privilege (driver’s license/license plate, identification card) to drive vehicles, and obeying attending nobility rules, as applied to the Accused is contrary to the Constitution for the United States of America mandate at **Article I, Section 10, Clause 1**: “No State shall ... grant any Title of Nobility.” The Court lacks subject matter jurisdiction to enforce upon the defendant “*Title of Nobility*”. “Economic necessity cannot justify a disregard of Constitutional guarantee.” **Riley vs. Carter, 79 ALR 1018; 16 Am. Jur. (2nd), Const. Law, Sect. 81.**

FEE SCHEDULE

I claim that anyone who interferes with my lawful activities after having been served notice of this claim and who fails to properly dispute or make lawful counterclaim is breaking the law, cannot claim good faith or colour of right and that such transgressions will be dealt with in a properly convened court de jure. Furthermore, I claim all transactions of security interests require the consent of both parties and I do here by deny consent to any transaction of a security interest issuing under any Act for as herein stated as a Freeman-on-the- Land I am not subject to any Act. Furthermore, I claim my FEE SCHEDULE for any Transgressions or Trespassing by peace officers, government principals, People or agents or justice system participants is (1LBS of gold) ONE POUND OF GOLD (\$21,631) per hour or portion thereof if being **questioned, interrogated or in any way detained, harassed, searched or otherwise regulated** and (5LBS of gold) FIVE POUNDS OF GOLD (\$108,155.00) per hour or portion thereof if I **am handcuffed, transported, incarcerated or subjected to any adjudication process without my express written and Notarized consent.** Furthermore, I state that it is my duty to Claim such rights, to protect them and ensure they exist for future generations. Furthermore, I claim that the law of agent and principal does apply and that service upon one is equal to both. Furthermore, I claim the right to deal with any counterclaims or disputes publicly and in an open forum using discussion and negotiation and to capture on video tape said discussion and negotiation for whatever lawful purpose I see fit.