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3 This motion is <http://www.lawyerdude.netfirms.com/7879.html> and  
4 <http://www.lawyerdude.netfirms.com/7879.pdf>  
5 Complete list of Michael Smith motions is at <http://www.lawyerdude.netfirms.com/msmith78.html>

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7  
8 **Municipal Court of California**  
1945 Hill Street, Los Angeles, California

9 The clerk dba under false color of law as  
"The People"  
v  
10 Michael Smith, one of the actual people.

Case Number  
Document Number: 7879 Version 1.001

**Motion to Quash.  
Demand to Vacate Trial Date.  
Notice re Interlocutory Appeal.**

11  
12 Date: Thursday 21 September 2006  
13 Time: 1:30 pm  
Place: This division at 1945 Hill Street.

14 **Notice of Motion and Partial Waiver of time.**

15 At the venue designated in the caption (or at such other venue as the court shall designate) I will Move  
to Quash. This is a preliminary motion and will be duly updated.

16 Signed \_\_\_\_\_ Michael Smith. Sunday, August 20, 2006

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1 **Statement of the case**

2 I received a ticket from an MTA police officer for "unsafe lane change". No complaint has been filed  
3 in this case. The clerk and judge of this court are the prosecutors, but I do not address that particular issue  
4 in this motion. On 21 July while my lawyer was on vacation, I appeared in this court explaining that he was  
5 on vacation. This court entered a "not guilty" plea for me. **The judge in this court then lied to me stating  
6 that I must pay \$315 before I could have a trial.** My lawyer thereafter advised me correctly that I am  
7 statutorily entitled to release on my own recognizance. I have demurred in another motions. I now demand  
8 that this court suppress all the evidence in this case. There was insufficient probable cause to initiate a traffic  
9 stop. The officer said that he stopped me for violating this vague statute which fails to fairly and accurately  
10 apprise me of what is forbidden by this statute. **Prosecution under this statute is prohibited by the due  
11 process clause of the 14<sup>th</sup> amendment.**

12 **Reputation of 1945 Hill Street**

13 The oppressive nature of this court is expressed on the net: <http://www.duieducation.com/files.html> My own  
14 lawyer himself was abused in custody in this court and denied effective assistance of counsel.

15 **Argument and Memorandum of Supporting Motion to Quash**  
16 **The statute is fatally overbroad and fatally vague.**

17 **Table of Authorities cited herein:**

18 **U.S. Constitutional Clauses cited herein:**

19 Due Process Clause of the 14<sup>th</sup> Amendment. . . . . Page 2 of 2

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20 **U.S. Supreme Court Cases cited herein:**

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21 **9<sup>th</sup> Circuit Cases and other circuit case cited herein:**

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22 **Federal District Court cases cited herein:**

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23 **California Statutes cited herein:**

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24 **Scholarly Treatises cited herein:**

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25 **Argument**

26 No complaint has been filed. The ticket cannot be a summons. It was written before any prosecutor  
27 elected to prosecute.

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28 **Proof of Service**

I, Michael Smith, served this motion in person upon the prosecutor in this case who is the judge in  
this case by serving upon the court clerk at the filing window in person or by mail (encircle on or the other) on  
this date. Signed \_\_\_\_\_ Michael Smith. Monday 21 August 2006.