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6

7
8 **In the Circuit Court of 12th Judicial District for Will County, Illinois**
9 **- home of Stateville Prisons**

10 <http://www.suburbanchicagonews.com/joliet/prisons/statevilMap.html>

11 14 West Jefferson, Joliet, Illinois 60432

12 Phone# 815-727-8400

13 Website: www.willcountycourts.com

14 **Court of Judge Richard Schoienstedt**

15 Prosecutor dba the legal fiction of "the People of
16 Illinois"

Case number:

v

17 **Christopher Christensen**, one of the actual
18 people of Illinois.

Document #7901 Version 1.000

First Substantive Motion for Defendant.

**Motion to Suppress Evidence based on
Vagueness and Overbreadth.**

Date: Thursday, September 28.

Time: 1:30 pm

Place: Court of Judge Richard Schoienstedt

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

20 At the venue designated in the caption or at such other venue as the court shall otherwise designate,
21 I will demand that the evidence in this case be stricken. The evidence is the fruit of the forbidden tree. It was
22 obtained in violation of my constitutional rights. In 1914 the U.S. Supreme Court re-enunciated this
23 exclusionary rule in the case of **Weeks**, found at: <http://www.lawyerdude.netfirms.com/weeks.html>

24 **Waiver of Speedy Trial Rights to Hear this Motion.**

25 I waive my speedy trial rights as necessary to do this motion and my other motions.

26 Signed _____ Christopher Christensen. Thursday, August 24, 2006

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Statement of the case

This case arises from a traffic stop in the early morning hours of Tuesday 4 April, 2006.

I and my associate Helen Rogers were working. I stopped at an intersection. The front of my car entered the intersection. A police car had the right of way and drove through the intersection and caught up with me at another intersection. There he gave me a ticket for failure to yield at an intersection. However I did yield at the intersection.

Meanwhile the partner took my associate aside and told her a half dozen times that if drugs were to be found in the car she should say that the drugs were mine.

The Accusatory Statutes in this case:

Without a copy of the complaint I state that the accusatory statutes are “Driving while license revoked” and “ Failure to yield intersection”. **Prosecution under this statute is prohibited by the due process clause of the 14th amendment.**

Argument and Memorandum of Law Supporting Suppression.

The statute is fatally overbroad and fatally vague.

Table of Authorities cited herein:

U.S. Constitutional Clauses cited herein:

Due Process Clause of the 14th Amendment. Page 2 of 11, Page 5 of 11, Page 7 of 11-10 of 11

U.S. Supreme Court Cases cited herein:

American Net & Twine Co. v. Worthington, 141 U.S. 468 , 35 L. ed. 821, 12 Sup. Ct. Rep. 55
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1 ***Aptheker v. Secretary of State***, 378 U.S. 500 , 508-509 (1964). Page 10 of 11

2 ***Baggett v. Bullitt***, 377 U.S. 360, 372 (1964) Page 10 of 11

3 ***Benziger v. U.S.***, 192 U.S. 38 (1904). Page 8 of 11

4 ***City of Mesquite v. Alladin's Castle, Inc.***, 455 U.S. 283 (1982). Page 10 of 11

5 ***Cline v. Frink Dairy Co.***, 274 U.S. 445, 47 S. Ct. 681 (1927) Page 9 of 11

6 ***Coates v. Cincinnati***, 402 U.S. 611, 614 (1971). Page 9 of 11

7 ***Collins v. Kentucky*** (1914) Tobacco case. <http://www.lawyerdude.netfirms.com/vague14.html> 234 U.S. 634,
638 , 34 S. Ct. 924 [269 U.S. 385, 393] Page 7 of 11

8 ***Connally v General Construction*** (1926) 269 U.S. 385 <http://www.lawyerdude.netfirms.com/vague26.html>
9 Page 5 of 11, Page 9 of 11

10 ***Dombrowski v. Pfister***, 380 U.S. 479, 486 (1965) Page 10 of 11

11 ***Giaccio v. State of Pennsylvania*** (1966) 382 U.S. 399; 86 S.Ct. 518. Page 8 of 11

12 ***Gould v. Gould***, 245 US., 151 (1917) Page 8 of 11

13 ***Grayned v. City of Rockford***, 408 U.S. at 108-09 & n. 4 <http://www.lawyerdude.netfirms.com/grayned.html>
14 Page 10 of 11

15 ***International Harvester Co. v. Kentucky***, 234 U.S. 216, 221 , 34 S. Ct. 853 Page 7 of 11

16 ***Karlan v. City of Cincinatti***, 416 U.S. 924 (1974). Page 9 of 11

17 ***Marbury v. Madison*** (1803) <http://www.lawyerdude.netfirms.com/marbury.html> 5 U.S. (1 Cranch.) 137
18 Page 10 of 11

19 ***NAACP v. Alabama***, 377 U.S. 288, 307 (1964). Page 10 of 11

20 ***NAACP v. Alabama***, 377 U.S. 288, 307 (1964). A vague statute may be overbroad if its uncertain boundaries
leave open the possibility of punishment for protected conduct and thus lead citizens to avoid such protected
21 activity in order to steer clear of the uncertain proscriptions. Page 10 of 11

22 ***Papachristou v. City of Jacksonville*** (1971) <http://www.lawyerdude.netfirms.com/papachri.html> 405 U.S.
156. Vague laws defeat the intrinsic promise of, and frustrate the essence of, a constitutional regime.
23 Page 9 of 11, Page 10 of 11

24 ***Rector, Etc., Of Holy Trinity Church v. United States*** (1892) <http://www.lawyerdude.netfirms.com/vague92.html> 143
U.S. 457; 12 S.Ct. 511 Page 8 of 11

25 ***Sewell v. Georgia***, 435 U.S. 982 (1978) Page 9 of 11

26 ***Shelton v. Tucker***, 364 U.S. 479, 488 (1960). Page 10 of 11

27 ***Shuttlesworth v. Birmingham***, 382 U.S. 87 , 90-91, 15 L. Ed.2d 176 (1965)
<http://www.lawyerdude.8m.com/5089.html> (Includes photograph of Reverend Fred Shuttlesworth) . . Page 9 of 11

1 **Speiser v. Randall**, 357 U.S. 513, 526 (1958). Page 10 of 11

2 **United States v. Harriss**, 347 U.S. 612, 617 (1954). Page 9 of 11

3 **United States v. Wigglesworth**, 2 Story, 369, Fed. Cas. No. 16,690. Page 8 of 11

4 **Winters v. People of State of New York** (1948) 333 U.S. 507; 68 S.Ct. 665. Page 8 of 11

5 **Zwickler v. Koota**, 389 U.S. 241, 250 (1967), quoting **NAACP v. Alabama**, 377 U.S. 288, 307 (1964).
 6 "Overbreadth, on the other hand, 'offends the constitutional principle that 'a governmental purpose to control
 or prevent activities constitutionally subject to state regulation may not be achieved by means which sweep
 unnecessarily broadly and thereby invade the area of protected freedoms.'" Page 10 of 11

8 **Federal Circuit Cases cited herein:**

8 **Rice v. United States**, 4 C. C. A. 104, 10 U. S. App. 670, 53 Fed. 910. Page 8 of 11

9 **U.S. v Eric Colin** (9th circuit 2002) <http://www.fu.gq.nu/colin.html> is binding precedent in this case. The
 10 term "as nearly as practicable" is impermissibly and unconstitutionally vague. I have searched the case file.
 There is no description of what I did that violates the law. Merely touching the lane divider line is insufficient
 11 justification to justify a traffic stop. That is the subject of a concurrent motion to suppress evidence. This Colin
 case is binding precedent in the instant case. This court has no discretion. They must dismiss my case.
 12 <http://caselaw.lp.findlaw.com/data2/circs/9th/0150140p.pdf> As to what would make a lane change unsafe, this
 defective statute fails to warn me. Page 5 of 11

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

14 630 F.2d, at 1037 Page 10 of 11

15 **U.S. v. De Cadena**, 105 F.Supp. 202, 204 (1952). Page 8 of 11

17 **Illinois Statutes cited herein:**

18 **Scholarly Treatises cited herein:**

18 **Public Licenses and Private Rights** (1953) Excerpts from 33 Oregon Law Review 1
 19 (Barnett, 1953) published at: <http://www.lawyerdude.8k.com/5943.html> Page 7 of 11

20 **The Void-for-Vagueness Doctrine in the Supreme Court**, 109 U. Pa. L. Rev. 67 (1960).
 21 Page 10 of 11

22 **Argument**

23 **Preliminary Argument in Support of Motion to Suppress Evidence based on Overbreadth and**
 24 **Vagueness**

24 The prosecution bears the burden of proof in a suppression motion. The motion is founded on the
 25 1914 **Weeks** case: <http://www.lawyerdude.netfirms.com/weeks.html> I will be supplementing this argument
 26 after I receive discovery in this case Although no complaint has been delivered to me, the predicate offense
 giving rise to the traffic stop was the alleged failure to yield.

1 This statute is unconstitutionally overbroad and vague and cannot for the basis of a criminal
2 complaint. Furthermore the complaint does not say what I did to violate that section. Furthermore there is
3 no complaint.

4 **U.S. v Eric Colin** (9th circuit 2002) <http://www.fu.gq.nu/colin.html> is illustrative. The term "as nearly
5 as practicable" is impermissibly and unconstitutionally vague. I have not seen the files. There is no
6 description of what I did that violates the law. Merely touching the lane divider line is insufficient justification
7 to justify a traffic stop and some bald allegation that I failed to yield is also insufficient. You must dismiss my
8 case. <http://caselaw.lp.findlaw.com/data2/circs/9th/0150140p.pdf> As to where to draw the line between yielding
9 and not yielding, this defective statute fails to warn me.

10 This statute denies the driver his constitutional right to **due process** by failing to adequately instruct
11 him as to what constitutes violation of the law. A vague statute violates the **due process clause** of the 14th
12 amendment. This concept is known as **void for vagueness**. Vagueness is a subject of both constitutional
13 law and criminal law. It is taught in every law school in this country and has been for the past 50 years. Some
14 leading case regarding vagueness are **Grayned v Rockford** and **Connally v General Construction** (1926)
15 269 U.S. 385

16 <http://www.lawyerdude.net/firms.com/vague26.html> Vagueness is discussed at the following two articles:
17 <http://www.lawyer.gq.nu/vagueness.html> (Reprinted in the Appendix to this brief) and
18 <http://www.fu.gq.nu/vague2.html>

19 In Connally a statute there was held to be fatally vague. The Supreme Court said:

20 The question whether given legislative enactments have been thus wanting in certainty has
21 frequently been before this court. In some of the cases the statutes involved were upheld; in
22 others, declared invalid. The precise point of differentiation in some instances is not easy of
23 statement; but it will be enough for present purposes to say generally that the decisions of
24 the court, upholding statutes as sufficiently certain, rested upon the conclusion that they
25 employed words or phrases having a technical or other special meaning, well enough known
26 to enable those within their reach to correctly apply them. - U.S. Supreme Court.

27 As for a more focused case regarding the very words used in this statute, a leading case pertaining
28 to vagueness of the words "as nearly as practicable" is the case of **U.S. v Eric Colin** (9th circuit 2002)
<http://www.fu.gq.nu/colin.html>

I have searched the case file. There is no description of what I did that violates the law. Merely touching the lane divider line is insufficient justification to justify a traffic stop. That is the subject of a concurrent motion to suppress evidence.

This Colin case is binding precedent in the instant case. This court has no discretion. You must dismiss my case.

<http://caselaw.lp.findlaw.com/data2/circs/9th/0150140p.pdf>

1
2 **Declaration of Attorney Douglas Palaschak regarding need for the file and transcripts.**

3 I, Douglas Palaschak, declare the following under penalty of perjury: I am an Engineering Graduate
4 of the University of Illinois, Urbana, where I was an honors student. I marched in "The Marching Illini", the
5 world's undisputed Premiere Marching Band. I began my career as a Registered Professional Engineer
6 having consulted for the U.S. Navy, Mobil, and Exxon. I have testified as an expert witness in the catastrophic
7 failure of oil production machinery.

8 I have been a licensed lawyer for nearly a quarter century. I publish nearly 1200 legal articles on the
9 internet. My areas of expertise are:

10 Licenses, Rights, and Privileges, and their use as Instruments of Oppression,
11 Criminal Defense,
12 Internet-driven Improvements in the Efficiency of Litigation,
13 Empowerment of Pro Se Litigants,
14 Bankruptcy.

15 My most recent book is on the subject of Pre-trial Criminal Litigation of Malum Prohibitum Crimes.
16 It is available by mail order via the internet.

17 Recently Christopher Christensen inquired regarding this case.

18 I asked Christopher for the transcripts of the previous court sessions.

19 I was in Illinois in July to harvest wheat and pick sweet corn at the family farm and sell it in town.
20 However, it would be financially prohibitive to appear in person today. At this point I have not seen any police
21 report, ticket, or other discovery in this case. In order to weigh the merits of the case I need to read these
22 basics first.

23 I am optimistic that this case can be efficiently resolved to the pleasure of all parties.

24 Christopher has worked all his adult life. He is a serious young man and a productive member of
25 society. We need more people like Christopher. He has been a driver for 11 years and has never crashed.
26 He is a good driver. His work requires that he drive.

27 It is regrettable that Christopher's previous lawyer was unwilling to devote sufficient time and effort
28 on this case. However, the constitution forbids us to punish Christopher for this. Christopher is entitled to
29 effective assistance of counsel - more than the bare minimum enunciated by the court in **Strickland**. On the
30 internet I publish a more realistic up-to-date standard for effective assistance at

31 <http://www.lawyerdude.net/firms.com/5635.html> .

32 The legal subject of licenses is one where dynamic tension is at play. Our oppressive bureaucracies
33 have by stealthy encroachment taken away our most basic rights and sold them back to use as licenses and
34 permits. Those agencies and bureaus disparage the truth and attempt to make it seem as though all rights
35 are the property of the state to be doled out at the whim of the state. Driving licenses and bar licenses are

1 two examples. I recommend the following article to explain the confusion in the language of licenses and
2 rights: **Public Licenses and Private Rights** (1953) Excerpts from 33 Oregon Law Review 1 (Barnett, 1953)
3 published at: <http://www.lawyerdude.8k.com/5943.html>

4 I ask this court's indulgence regarding our attempt to obtain the police reports and other discovery
5 in this case so that Christopher can enjoy his right to fully advised counsel and effective assistance.

6 I have been paid nothing in this case and I have not agreed to handle this case until I can fully inquire
7 as to the facts and history of this case.

8 Signed by specific permission. _____ Douglas Palaschak. Thursday, August 24, 2006

9 **Appendix 1: Detailed Brief regarding the Doctrine entitled "Void for Vagueness"** 10 **Void for Vagueness. Fourteenth Amendment Annotations**

11 This article is at <http://www.lawyerdude.netfirms.com/vagueness.html>

12 First annotation:

13 **Connally vs. General Construction Co.** (1926)

14 <http://www.lawyerdude.netfirms.com/vague26.html> 269 U.S. 385

15 The question whether given legislative enactments have been thus wanting in certainty has
16 frequently been before this court. In some of the cases the statutes involved were upheld; in
17 others, declared invalid. The precise point of differentiation in some instances is not easy of
18 statement; but it will be enough for present purposes to say generally that the decisions of
19 the court, upholding statutes as sufficiently certain, rested upon the conclusion that they
20 employed words or phrases having a technical or other special meaning, well enough known
21 to enable those within their reach to correctly apply them - Supreme Court in 1926 in
22 **Connally v Gen. Construction.**

23 That the terms of a penal statute creating a new offense must be sufficiently explicit to inform those
24 who are subject to it what conduct on their part will render them liable to its penalties is a well- recognized
25 requirement, consonant alike with ordinary notions of fair play and the settled rules of law; and a statute which
26 either forbids or requires the doing of an act in terms so vague that men of common intelligence must
27 necessarily guess at its meaning and differ as to its application violates the first essential of **due process** of
28 law.

29 **International Harvester Co. v. Kentucky**, 234 U.S. 216, 221 , 34 S. Ct. 853; **Collins v. Kentucky**, 234 U.S.
30 634, 638 , 34 S. Ct. 924 [269 U.S. 385, 393] <http://www.lawyerdude.netfirms.com/vague14.html> ...

31 The dividing line between what is lawful and unlawful cannot be left to conjecture. The citizen
32 cannot be held to answer charges based upon penal statutes whose mandates are so
33 uncertain that they will reasonably admit of different constructions. A criminal statute cannot
34 rest upon an uncertain foundation. The crime, and the elements constituting it, must be so

1 clearly expressed that the ordinary person can intelligently choose, in advance, what course
2 it is lawful for him to pursue. Penal statutes prohibiting the doing of certain things, and
3 providing a punishment for their violation, should not admit of such a double meaning that the
citizen may act upon the one conception of its requirements and the courts upon another.'

4 **Rector, Etc., Of Holy Trinity Church v. United States** (1892)

5 <http://www.lawyerdude.netfirms.com/vague92.html> 143 U.S. 457; 12 S.Ct. 511 :

6 "All laws should receive a sensible construction. General terms should be so limited in their
7 application as not to lead to injustice, oppression, or an absurd consequence. It will always
8 be presumed that the legislature intended exceptions to its language which would avoid
9 results of this character. The reason of the law in such cases should prevail over its letter." -

Rector, Etc., Of Holy Trinity Church v. United States 143 U.S. 457; 12 S.Ct. 511 (1892)

10 **Winters v. People of State of New York** (1948) 333 U.S. 507; 68 S.Ct. 665:

11 "Men of common intelligence cannot be required to guess at the meaning of penal
12 enactment. "In determining whether penal statute is invalid for uncertainty, courts must do
13 their best to determine whether vagueness is of such a character that men of common
14 intelligence must guess at its meaning. "Where a statute is so vague as to make criminal an
innocent act, a conviction under it cannot be sustained." - **Winters v. People of State of**

New York, 333 U.S. 507; 68 S.Ct. 665 (1948)

15 **Giaccio v. State of Pennsylvania** (1966) 382 U.S. 399; 86 S.Ct. 518:

16 "Law fails to meet requirements of due process clause if it is so vague and standardless that it leaves
17 public uncertain as to conduct it prohibits or leaves judges and jurors free to decide, without any
legally fixed standards, what is prohibited and what is not in each particular case." - **Giaccio v. State**

of Pennsylvania, 382 U.S. 399; 86 S.Ct. 518 (1966)

18 **Gould v. Gould**, 245 US., 151 (1917):

19 "In the interpretation of statutes levying taxes, it is THE ESTABLISHED RULE NOT TO
20 EXTEND their provisions, by implication, BEYOND THE CLEAR IMPORT OF THE
21 LANGUAGE USED, OR TO ENLARGE their operations SO AS TO EMBRACE MATTERS
NOT SPECIFICALLY POINTED OUT"

22 **Benziger v. U.S.**, 192 U.S. 38 (1904):

23 "This provision of the statute should be liberally construed in favor of the importer, and if there were
24 any fair doubt as to the true construction of the provision in question, the courts should resolve the
25 doubt in his favor. **American Net & Twine Co. v. Worthington**, 141 U.S. 468 , 35 L. ed. 821, 12 Sup.
26 Ct. Rep. 55; **United States v. Wigglesworth**, 2 Story, 369, Fed. Cas. No. 16,690; **Rice v. United**
States, 4 C. C. A. 104, 10 U. S. App. 670, 53 Fed. 910."

27 **U.S. v. De Cadena**, 105 F.Supp. 202, 204 (1952):

1 "The essential purpose of the "void for vagueness doctrine" with respect to interpretation of a criminal
2 statute, is to warn individuals of the criminal consequences of their conduct. ... Criminal statutes which
3 fail to give due notice that an act has been made criminal before it is done are unconstitutional
deprivations of due process of law."

4 **Hassett v. Welch** (1938) 303 US 303, pp. 314 - 315, 82 L Ed 858:

5 " . . .if doubt exists as to the construction of a taxing statute, the doubt should be resolved
6 in favor of the taxpayer..."

7 **Sewell v. Georgia**, 435 U.S. 982 (1978):

8 As we said in **Grayned v. City of Rockford** (1972) 408 U.S. 104, 108 (1972): "It is a basic principle
9 of **due process** that an enactment [435 U.S. 982 , 986] is void for vagueness if its prohibitions are
10 not clearly defined. Vague laws offend several important values. First, because we assume that man
11 is free to steer between lawful and unlawful conduct, we insist that laws give the person of ordinary
12 intelligence a reasonable opportunity to know what is prohibited, so that he may act accordingly.
13 Vague laws may trap the innocent by not providing fair warning. Second, if arbitrary and discriminatory
14 enforcement is to be prevented, laws must provide explicit standards for those who apply them. A
15 vague law impermissibly delegates basic policy matters to policemen, judges, and juries for resolution
on an ad hoc and subjective basis, with the attendant dangers of arbitrary and discriminatory
application." See also **Papachristou v. City of Jacksonville**, 405 U.S. 156 (1972); **Cline v. Frink
Dairy Co.**, 274 U.S. 445, 47 S. Ct. 681 (1927); **Connally v. General Construction Co.**, 269 U.S. 385
(1926).

16 **Karlan v. City of Cincinnati**, 416 U.S. 924 (1974):

17 "These cases all involve convictions under ordinances and statutes which punish the mere
18 utterance of words variously described as 'abusive,' 'vulgar,' 'insulting,' 'profane,' 'indecent,'
19 'boisterous,' and the like. The provisions are challenged as being unconstitutionally vague
20 and overbroad. The 'void for vagueness' doctrine is, of course, a **due process** concept
21 implementing principles of fair warning and non-discriminatory enforcement. Vague laws may
22 trap those who desire to be law-abiding by not providing fair notice of what is prohibited.
23 **Papachristou v. City of Jacksonville**, 405 U.S. 156, 162 (1972); **United States v. Harriss**,
24 347 U.S. 612, 617 (1954). They also provide opportunity for arbitrary and discriminatory
25 enforcement since those [416 U.S. 924 , 925] who apply the laws have no clear and explicit
26 standards to guide them. **Coates v. Cincinnati**, 402 U.S. 611, 614 (1971); **Shuttlesworth
v. Birmingham**, 382 U.S. 87 , 90-91, 15 L. Ed.2d 176 (1965) -
27 <http://www.lawyerdude.8m.com/5089.html> (Includes photograph of Reverend Fred
Shuttlesworth). Further, when a vague statute "abut[s] upon sensitive areas of First
Amendment freedoms,' it 'operates to inhibitthe exercise of [those] freedoms.' Uncertain

1 meanings inevitably lead citizens to 'steer far wider of the unlawful zone . . . than if the
2 boundaries of the forbidden areas were clearly marked." - **Grayned v. City of Rockford**,
3 408 U.S. 104, 109 (1972), quoting **Baggett v. Bullitt**, 377 U.S. 360, 372 [1964 loyalty oath
4 case], and **Speiser v. Randall**, 357 U.S. 513, 526 (1958)."

5 "Overbreadth, on the other hand, 'offends the constitutional principle that 'a governmental purpose
6 to control or prevent activities constitutionally subject to state regulation may not be achieved by
7 means which sweep unnecessarily broadly and thereby invade the area of protected freedoms." -
8 **Zwickler v. Koota**, 389 U.S. 241, 250 (1967), quoting **NAACP v. Alabama**, 377 U.S. 288, 307
9 (1964).

10 A vague statute may be overbroad if its uncertain boundaries leave open the possibility of
11 punishment for protected conduct and thus lead citizens to avoid such protected activity in order to
12 steer clear of the uncertain proscriptions. **Grayned v. City of Rockford** supra, 408 U.S. at 109;
13 **Dombrowski v. Pfister**, 380 U.S. 479, 486 (1965). A statute is also overbroad, however, if, even
14 though it is clear and precise, it prohibits constitutionally protected conduct. **Aptheker v. Secretary**
15 **of State**, 378 U.S. 500 , 508-509 (1964); **Shelton v. Tucker**, 364 U.S. 479, 488 (1960)."

16 **City of Mesquite v. Alladin's Castle, Inc.**, 455 U.S. 283 (1982):

17 " **Grayned v. City of Rockford**, 408 U.S. 104, 108 (emphasis [455 U.S. 283, 290] added) *fn12...
18 [Footnote 12] The Court of Appeals summarized the relevant authorities as follows: "A law is void
19 for vagueness if persons `of common intelligence must necessarily guess at its meaning and differ
20 as to its application' **Smith v. Goguen**, 415 U.S. 566, 572 n. 8, quoting **Connally v. General**
21 **Construction Co.**, 269 U.S. 385, 391 . See generally Note, **The Void-for-Vagueness Doctrine in the**
22 **Supreme Court**, 109 U. Pa. L. Rev. 67 (1960). The offense to **due process** lies in both the nature
23 and consequences of vagueness. First, vague laws do not give individuals fair notice of the conduct
24 proscribed. **Papachristou v. City of Jacksonville**, 405 U.S. 156, 162 . Accord **Grayned v. City of**
25 **Rockford**, 408 U.S. 104, 108 & n. 3. Second, vague laws do not limit the exercise of discretion by law
26 enforcement officials; thus they engender the possibility of arbitrary and discriminatory enforcement.
27 **Grayned v. City of Rockford**, 408 U.S. at 108-09 & n. 4
28 <http://www.lawyerdude.net/firms.com/grayned.html> ; **Papachristou v. City of Jacksonville** (1971)
<http://www.lawyerdude.net/firms.com/papachri.html> , 405 U.S. at 168-70. Third, vague laws defeat the
intrinsic promise of, and frustrate the essence of, a constitutional regime. We remain `a government
of laws, and not of men,' **Marbury v. Madison** (1803)
<http://www.lawyerdude.net/firms.com/marbury.html> 5 U.S. (1 Cranch.) 137, 163, only so long as our
laws remain clear." - 630 F.2d, at 1037."

Proof of Service

Today I served this motion upon the prosecutor in this case by personally delivering a copy to his

1 receptionist in his office in this court building.

2 Signed _____ Christopher Christensen. Thursday, August 24, 2006.

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