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4 This document is <http://www.lawyerdude.netfirms.com/7978.pdf> and <http://www.lawyerdude.netfirms.com/7978.wpd>

5
6 **In the Circuit Court of Cook County, Illinois - home of Operation GreyLord**

7 Where Sec. of State Ryan sold driver licenses to previously suspended drivers who then killed.

8 **Al Capone worked his entire murderous career here in Cook County
without interference from this court or this prosecutor's office.**

9 16501 South Kedzie Parkway, Markham, Illinois 60426

708-210-4551 http://www.cookcountycourt.org/traffic_court/index.html

Court of Judge Brian Flaherty Room 205.

10 http://www.co.cook.il.us/secretary/HomePage_Links/whats_cookin_in_cook_county_book.htm

11 The Cook County Court is the most corrupt in the country. The court's website contains grammatical errors and broken email links.

12 Clerk of Court, a high school graduate,
13 having unlawfully usurped the
14 prosecutorial function that is solely
15 the province of the elected
prosecutor, dba under false color of
law and corrupt legal fiction as "The
People of Illinois"

16 v
17 Christopher Christensen, one of the actual people
of Illinois.

Case Number _____
2nd Substantive Motion for Defendant.
Document #7978 Version 1.001

**Demand to Quash for failure to file a
complaint.**

Date: Thursday, October 19.
Time: 1:30 pm
Place: This room #205

18 **Demand to Quash**

19 To the clerk of court who has usurped the role the prosecutor by filing a ticket in this case
20 thereby initiating prosecution and bypassing the prosecutorial function: At the venue designated
21 in the caption or at such other venue as the court shall designate, I will demand that you dismiss
22 this case. You are not a prosecutor. The inquisition ended some years ago. You have done the
work of the prosecutor. Yet you don't do my work. You should be neutral. "Equal Protection of
the Law" is the law.

23 Signed _____ Christopher Christensen. Thursday, September 14, 2006

24
25 **Contents of this Demand to Quash/ Dismiss:**

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Notice of Concurrent Motions

The **Motion to Suppress Evidence** is <http://www.lawyerdude.netfirms.com/7855.pdf> .

Demand for Effective Assistance of Counsel.

Statement of the Case

1 There was no basis for the traffic stop. If there were a prosecutor he would be required to
2 reject this case. However, the clerk, an uneducated person biased in this case by money to be
3 added to the fund that pays her. See for example: **Tumey v Ohio** (1927) 273 U.S. 510. In this
4 prohibition era case, the city received \$5 for each conviction. <http://www.lawyerdude.8k.com/Tumey.html>
5 She has usurped the prosecutorial function. Ironically the police officer usurped the clerk's function
6 which is to summon people to court only after there is a case filed by a duly authorized person -
7 which there was not when the police officer issued the faux, spurious summons to appear in court.

8 To this date, I have been served neither a valid summons nor a verified complaint. I
9 therefore demand dismissal. I demand that this court recognize that I have neither been properly
10 summoned to court nor properly prosecuted by an authorized prosecutor. Instead a mere police
11 officer performed the legal nullity of serving me a substitute for a summons. The officer has no
12 authority to summon me to court; issuance of a summons is the duty of the clerk. The officer may
13 not ordain himself a clerk even if the legislature so deems.

14 The clerk, who would ordinarily issue summonses, now elevates herself to the position of
15 prosecutor by prosecuting this case without the formality of a complaint. Only a prosecutor can file
16 a complaint. The clerk may not ordain herself to the status of prosecutor.

17 By stealthy encroachment our oppressive governments encroach. Corporations including
18 governments enjoy eternal life and infinite wealth. They tell the lie over the course of generations.
19 My children do not know the lie that the government told my parents. This truth about the lie is
20 most obvious regarding income taxes. They were sold to Americans around 1909 as a tax that
21 would never tax the wages of the working man.

22 Every court wants to be a profit center. They presume to be working for the greater good.
23 The city justifies traffic tickets as a means to raise revenue. In New Orleans the Public Defender
24 is paid from revenue from parking meters.

25 In American the individual is king.

26 So now we have a dynamic tension: the struggle between the individual human and the
27 corporate/ government for hegemony. Today the various governments have sent forth swarms
28 of employees to eat up all our wealth.

 This will not stand.

1 **Table of Authorities cited herein:**

2 **U.S. Constitutional Clauses Cited herein:**

3 Article IV, Section 2.: The citizens of each state shall be entitled to all privileges and immunities of
citizens in the several states. Page 5 of 9

4 Due Process Clause Page 6 of 9

5 Equal protection clause of the 14th amendment Page 8 of 9

6 No state shall make or enforce any law which shall abridge the privileges or immunities of citizens
of the United States; nor shall any state deprive any person of life, liberty, or property, without due
7 process of law; nor deny to any person within its jurisdiction the equal protection of the laws. -
Privilege and Immunities Clause of the 14th amendment. Page 5 of 9

9 **Illinois, California, and other Constitutional Clauses Cited herein:**

10 California constitution: Section 1. All people are by nature free and independent and have
inalienable rights. Among these are enjoying and defending life and liberty, acquiring, possessing,
and protecting property, and pursuing and obtaining safety, happiness, and privacy.
11 http://www.leginfo.ca.gov/.const/.article_1 <http://www.leginfo.ca.gov/const-toc.html>
. Page 6 of 9

12 Illinois constitution. Section 6. Searches, Seizures, Privacy, and Interceptions: The people shall
13 have the right to be secure in their persons, houses, papers and other possessions against
unreasonable searches, seizures, invasions of privacy or interceptions of communications by
14 eavesdropping devices or other means. No warrant shall issue without probable cause, supported
by affidavit particularly describing the place to be searched and the persons or things to be seized.
15 Page 6 of 9

16 Illinois Constitution. Section 1. Inherent and Inalienable Rights: All men are by nature free and
independent and have certain inherent and inalienable rights among which are life, liberty and the
17 pursuit of happiness. To secure these rights and the protection of property, governments are
instituted among men, deriving their just powers from the consent of the governed.
18 Page 6 of 9

19 Illinois Constitution: Section 2. Due Process and Equal Protection. No person shall be deprived of
life, liberty or property without due process of law nor be denied the equal protection of the laws.
20 Page 6 of 9

22 **Table of Statutes cited herein:**

23 PC 949. The first pleading on the part of the people in a misdemeanor or infraction case is the
complaint except as otherwise provided by law. Page 9 of 9

24 Penal Code § 740 states as follows: Except as otherwise provided by law, all misdemeanors and
infractions must be prosecuted by written complaint under oath subscribed by the complainant.
25 Page 9 of 9

26 **Cases cited herein:**

27 *People v Dragomir* Feb 14, 2006 <http://www.lawyerdude.netfirms.com/Dragomir.html>

1 Page 7 of 9

2 **People v Carlucci** 1979 <http://www.lawyerdude.8k.com/Carlucci.htm>
3 <http://www.lawyerdude.netfirms.com/carlucc.html> Page 7 of 9

4 Pousson <http://www.lawyerdude.netfirms.com/pousson.html> Not pertinent. Page 7 of 9

5 Spence <http://www.lawyerdude.netfirms.com/7968.html> Not pertinent here. Page 7 of 9

6 **Tumey v Ohio** (1927) 273 U.S. 510. In this prohibition era case, the city received \$5 for each
7 conviction. <http://www.lawyerdude.8k.com/Tumey.html> The clerk has usurped the prosecutorial function -
8 for profit. Page 3 of 9

8 **Argument**

9 **Under U.S. Constitution IV, 2, I am entitled to Illinois and California rights.**

10 All people in Illinois are entitled to the rights of Californians, except the right to vote, which
11 is reserved to California citizens. That is why I cite California law herein.

12 Article IV, Section 2.: The citizens of each state shall be entitled to
13 all privileges and immunities of citizens in the several states.

14 The officer violated the Privileges and Immunities Clause of the 14th amendment which
15 states:

16 No state shall make or enforce any law which shall abridge the
17 privileges or immunities of citizens of the United States; nor shall any
18 state deprive any person of life, liberty, or property, without due
19 process of law; nor deny to any person within its jurisdiction the
20 equal protection of the laws. - Privilege and Immunities Clause of the
21 14th amendment.

22 A lawyer need not change his bar license upon entering a sister state and likewise I need
23 not re-register my car every 60 days. To do so imposes an undue burden on interstate commerce.
24 Both lawyers and drivers are subjected to ever tightening reigns of state governments.
25 Governments by stealthy encroachment over the course of generations seek to fatten the corporate
26 bureaucracies and extract greater percentages of the wealth of the citizenry which they view as
27 their subjects. In the beginning we sought government to provide law and order - not to enslave
28 and rule us.

1 Consider the portentous words of our Illinois constitution:

2 Illinois Constitution. Section 1. Inherent and Inalienable Rights: All
3 men are by nature free and independent and have certain inherent
4 and inalienable rights among which are life, liberty and the pursuit of
5 happiness. To secure these rights and the protection of property,
6 governments are instituted among men, deriving their just powers
7 from the consent of the governed.

8 There are 50 state constitutions. It is interesting to compare them and investigate their
9 derivation. Consider the flowery language of the first paragraph of the California Constitution which
10 is constantly under attack by Republicans shaming Lincoln and attempting to curtail our rights by,
11 for example, limiting our own search prohibition so that it is no stronger than the 4th amendment.
12 Here is that first flowery meaningless clause:

13 California constitution: Section 1. All people are by nature free and
14 independent and have inalienable rights. Among these are enjoying
15 and defending life and liberty, acquiring, possessing, and protecting
16 property, and pursuing and obtaining safety, happiness, and privacy.
17 <http://www.leginfo.ca.gov/const-toc.html>

18 I was exercising my Section 1 rights as a free and natural human when the police officer
19 unconstitutionally violated my rights to enforce his institutional corporate prejudice against drivers.
20 My remedy is dismissal. Do it.

21 Our Illinois constitution forbids unwarranted searches.

22 Illinois constitution. Section 6. Searches, Seizures, Privacy, and
23 Interceptions: The people shall have the right to be secure in their
24 persons, houses, papers and other possessions against
25 unreasonable searches, seizures, invasions of privacy or
26 interceptions of communications by eavesdropping devices or other
27 means. No warrant shall issue without probable cause, supported by
28 affidavit particularly describing the place to be searched and the
persons or things to be seized.

I have addressed the search issue in a concurrent motion listed at another section in this brief.

The clerk is acting as prosecutor; that is wrong. Dismissal is the remedy.

This argument is based on the **Due Process Clause** of the U.S. constitution.

This argument is based on independent state grounds. The **Illinois constitution** makes
it sound as though we created the government to serve us, not to govern us:

Illinois Constitution: Section 2. Due Process and Equal Protection. No

1 person shall be deprived of life, liberty or property without due
2 process of law nor be denied the equal protection of the laws.

3 By stealthy encroachment over the court of generation, all governments and other
4 corporations encroach upon the personal freedoms of humans. The human lives only 75 years.
5 The father fails to warn the grandchild of the lies of the corporation. The lie remains unchallenged
6 generations later due to human ignorance and mortality. The immortality of the corporation gives
7 the government opportunity to encroach as such a speed as to be imperceptible by a single
8 generation of humans.

9 The summons was originally a document issued by a civil court only after the civil
10 prosecutor had made a decision to prosecute. As the court corporations became fatter they
11 ordered the litigants: "write our summonses and bring them to use for signature". Their fellow
12 government minions in the legislature wrote the corresponding rules.

13 Then the courts saw the money flow and realized that they should promote the traffic ticket
14 game by processing the tickets without a prosecutor.

15 The court recognized the power it wields in criminal case. If they converted a civil action
16 into a criminal action they could then change their posture to an inquisitorial posture.

17 This is unconstitutional. The remedy is dismissal. Only a prosecutor can prosecute a
18 criminal offense. This is not an administrative tribunal. If it were, there would be a hearing officer
19 or administrative law judge.

20 The prosecution may not be done without any prosecutor. *People v Carlucci* 1979
21 <http://www.lawyerdude.8k.com/Carlucci.htm> <http://www.lawyerdude.netfirms.com/carlucc.html> *People v Dragomir*
22 Feb 14, 2006 <http://www.lawyerdude.netfirms.com/Dragomir.html>

23 I hereby mention the cases of Pousson <http://www.lawyerdude.netfirms.com/pousson.html> and
24 Spence <http://www.lawyerdude.netfirms.com/7968.html> which I list for completeness and to say that they
25 are not pertinent to my case.

26 **Declaration of Attorney Douglas Palaschak regarding Summonses**

27 I, Douglas Palaschak, declare the following under penalty of perjury: I am an Engineering
28 Graduate of the University of Illinois, Urbana, where I was an honors student. I marched in "The
Marching Illini", the world's undisputed Premiere Marching Band. I began my career as a
Registered Professional Engineer having consulted for the U.S. Navy, Mobil, and Exxon. My expert
testimony resolved a personal injury case where my calculations proved that a hydraulic
accumulator could not contain sufficient oxygen for combustion to have overloaded the failed bolts..
This tended to prove that the cause of the explosion was a failed hydraulic safety valve.

I conceived and designed subsea machinery for the U.S. Navy. I performed the buckling
analysis for the riser tubes and contributed to the design of the giant seafloor template for a quarter

1 mile tall oil rig presently in service in the North Sea.

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

4 Licenses, Rights, and Privileges, and their use as Instruments of Oppression,
5 Criminal Defense,
6 Internet-driven Improvements in the Efficiency of Litigation,
7 Empowerment of Pro Se Litigants,
8 Bankruptcy.

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

11 **A ticket can never be a summons.**

12 A summons is required for the court to gain jurisdiction. A summons is a notification from
13 the court addressed to the defendant in a pending case. A ticket is never a summons despite the
14 intentions of the legislature. When a person write a ticket there is no pending case. There will be
15 no pending case until a prosecutor has made a decision to prosecute. Then the prosecutor files
16 a complaint. Only then is a summons possible. There is then a pending case. I would then have
17 the opportunity to settle the case with the prosecutor. Most traffic courts today permit the clerk to
18 prosecute the case. This practice is unconstitutional. It is an example of denial of equal protection.
19 I would like the clerk to be working on my side of the case. The clerk has demonstrated a bias for
20 the prosecution. Also, the clerk is paid by the money earned by the ticket that she prosecutes. No.
21 This will not stand.

22 - Douglas Palaschak

23 **A defendant may appear by motion.**

24 I need not appear in person but may appear by motion. I have appeared as agreed by my
25 signature on the notice to appear by entering this motion to quash.

26 The ticket is no kind of summons. To call it a summons is to redefine fundamental terms
27 in the middle of the game. This denies me due process. Changing the terms is a common
28 instrument of oppression. See the entire list of Modern Day Instruments of Oppression at:

<http://www.lawyerdude.8k.com/5724.html>

Permitting Police to Summon denies Equal Protection Under the Law

When I want to sue the police I must jump through the hoops of a summons and complaint
and filing fee. Conversely when he wants to "sue" me he uses his ticket book. Then the clerk
prosecutes for him. Wouldst that my lawsuits against the police were that quick and easy. That
difference denies me equal protection under the law. Your process violates the **equal protection**

1 **clause of the 14th amendment.** My remedy is dismissal. Do it.

2 **The Legislature may not give Police the Power to Summon and may not give Clerks the**
3 **power to prosecute.**

4 Penal Code § 740 states as follows:

5 Except as otherwise provided by law, all misdemeanors and
6 infractions must be prosecuted by written complaint under oath
7 subscribed by the complainant.

8 PC § 949 states as follows:

9 The first pleading on the part of the people in a misdemeanor or
10 infraction case is the complaint except as otherwise provided by law.
11 - PC 949

12 All criminal law follows the ancient common law.

13 **You are Equitably Estopped from Presuming a Waiver of Jurisdictional Challenge.**

14 You have denied me discovery and thereby prevented me from knowing that there was no
15 complaint in this case. You have denied me effective assistance of counsel. My appointed public
16 defender Bolan has refused to answer my calls or meet with me or file any papers. You may not
17 bootstrap that into a waiver of jurisdiction. You have no jurisdiction over me. There is no
18 controversy. The police and clerk may not prosecute.

19 **Special Scrutiny and Prosecution for those who know the law denies equal protection.**

20 You may not now subject me (and only me) to prosecution by a prosecutor. To do so
21 would punish me with special scrutiny for having performed this public service as a Private Attorney
22 General. Though your purpose be masked as efficiency it is in truth mere corruption and fraud.
23 You must dismiss my case now.

24 Signed _____ Chris Christensen. Thursday, September 14, 2006

25 **Proof of Service**

26 I, C Christensen, served this document upon the prosecutor in this case by hand delivery
27 to the criminal filing window on Thursday, September 14, 2006 at the address shown above the
28 caption on page 1. Signed _____ Thursday, September 14, 2006