

1 Edward C. Lawson
2 Box 2098, Beverly Hills CA 90213
3 310-289-4700
4 888-476-8954
5 edwardclawson@hotmail.com Lawyerdude1989@yahoo.com

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8 and <http://www.lawyerdude.netfirms.com/8255.wpd> Brief #2871: <http://www.circuitlawyer.8m.com/2871.html>

9 **Superior Court of California, West Los Angeles District**
10 **Court of Judge Joseph S. Biderman, Dept. C.**

11 Room 92, 1633 Purdue Avenue, West Los Angeles, California 90025
12 8:30 - 4:30 p.m., Mon. - Fri.
13 310- 312-6591
14 <http://www.lasuperiorcourt.org/locations/>

15 The Clerk of Court, having unlawfully usurped
16 the prosecutorial function that is solely
17 the province of the elected prosecutor,
18 dba under false color of law and corrupt
19 legal fiction as "The People of California"

20 v
21 Edward Lawson , one of the actual people of
22 California.

23 Case Number
24 1st Substantive Motion for Defendant.
25 Document #8255 Version 1.004
26 **Demand to Quash for failure to file a**
27 **complaint.**
28 **Demand for recordation by a**
stenographic court reporter.
Demand for prompt e-transcript of every
hearing by email to my address
shown above.

Proof of Service

Date: Thursday February 8, 2007.
Time: 1:30 pm
Place: 1633 Purdue, Dept. C. , W. Los Angeles CA

20 **Demand to Quash**

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

27 Signed _____ Edward Lawson . Friday, January 5, 2007

28 **Contents of this Demand to Quash/ Dismiss:**

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25	You are Equitably Estopped from Presuming a Waiver of Jurisdictional Challenge. ..	<u>-13-</u>
26	Pleadings of Pro Se Litigants must be given some leeway	<u>-14-</u>
27	Special Scrutiny and Prosecution for those who know the law denies equal protection.	<u>-14-</u>
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Notice of Concurrent and Upcoming Motions and Demands

1 The statute employed for prosecuting me encroaches on my personal freedom. The prosecution
2 of status crimes and malum prohibitum crimes is institutional barratry.

3 Pretextual Stop using the instrument of a vague and overbroad statute. All traffic laws are merely
4 recommendatory. Otherwise the statutes would be oppressive. I will be moving in that regard.

5 **Demand for Effective Assistance of Counsel.**

6 **Statement of the Case**

7 I have not yet been properly accused of having violated any law. This case arises from my
8 having driven on a lighted street where car headlights were not needed.

9 **Clerk has unconstitutionally usurped function of prosecutor; Dismissal is my remedy.**

10 There was no basis for the traffic stop. Even if there were a basis for the stop, a prosecutor he
11 would be required to make the decision to prosecute - not this clerk. A prosecutor would have an ethical
12 duty to reject this case. However, the clerk, being uneducated in the law violates my rights when she
13 usurps the prosecutorial role as she has done here. Furthermore the clerk is biased in this case by
14 loyalty to her employer. Money from my fine would be added to the fund that pays her. She has thereby
15 caused the court to be unconstitutionally biased. See for example: *Tumey v Ohio* (1927) 273 U.S.
16 510. In this prohibition era case, the city received \$5 for each conviction. The Tumey case can be see
17 at: <http://www.lawyerdude.8k.com/Tumey.html>

18 **Police officer has usurped the clerk's role.**

19 There has been a reciprocal usurpation. Ironically the police officer usurped the clerk's function
20 which is to summon people to court only after there is a case filed by a duly authorized person. There
21 was no such complaint/ case when the usurpatious officer issued the faux, spurious summons/ ticket to
22 me appear in court. My remedy is this motion to Quash.

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

The clerk, who would ordinarily issue summonses, now elevates herself to the position of
prosecutor by prosecuting this case without the requisite legal formality of a complaint signed by a
complaining party/ witness. This is classic stealthy incessant encroachment. Only a prosecutor may
lawfully file a complaint. The clerk may not ordain herself to the status of prosecutor.

Usurpation denies me Due Process. Both the federal and Georgia constitution guarantee me
due process.

By stealthy encroachment our oppressive governments encroach. Corporations including
governments enjoy eternal life and infinite wealth. They tell the lie over the course of generations. My
children do not know the lie that the government told my parents. This truth about the lie is most

1 obvious regarding income taxes. They were sold to Americans around 1909 as a tax that would never
2 tax the wages of the working man. Example 2: In 1903 the federal government usurped the power of
3 our various state militias by creating the National Guard and seizing control of the militias by co-opting/
4 incorporating them.

5 Every court wants to be a profit center. They incorrectly claim to be working for the greater good
6 but they are not. Like all corporations they exist to serve their own; they thus create “the governing
7 class” which is a parasitic class. Traffic tickets are the bite of these parasites. The city justifies traffic
8 tickets as a means to raise revenue. In New Orleans the Public Defender is paid from revenue from
9 parking meters.

10 In American the individual is king. All the aforementioned usurpations are destructive of our
11 great country.

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

15 This will not stand.

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1 **Table of Authorities and Fountains of Liberty cited herein:**

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

3 6th amendment -14-

4 Article IV, Section 2.: The citizens of each state shall be entitled to all privileges and immunities of
citizens in the several states. -7-

5 Commerce Clause/ interstate commerce -7-

6 Due Process Clause -11-

7 Equal protection clause of the 14th amendment -13-

8 Equal Protection of the Law is mandated by the 14th amendment. -1-

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

12 **Washington Constitution. Clauses cited herein:**

13 The **unnecessary delay** clause of Washington Constitution: Justice in all cases shall be administered
openly, and **without unnecessary delay**.
14 -8-

15 **Treaties cited herein:**

16 Treaty. 1948 Universal Declaration of Human Rights“Article 20(2) No one may be compelled to belong to an
association.” <http://www.lawyerdude.net/firms.com/8213.html> This treaty, the 1st amendment, the 6th, and the 14th
17 amendments preclude the regulation of the practice of law by non-government lawyers. -7-

18 **California constitution cited herein:**

19 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.
20 http://www.leginfo.ca.gov/const/article_1 <http://www.leginfo.ca.gov/const-toc.html> -8-

21 Equal protection clause of the California constitution. -1-

23 **Illinois Constitution rightfully cited herein:**

24 Illinois constitution. Section 6. Searches, Seizures, Privacy, and Interceptions: The people shall 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 eavesdropping devices
25 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. -11-

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

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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. -11-

Table of Statutes cited herein:

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. -13-

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. . . -13-

Cases cited herein:

People v Dragomir Feb 14, 2006 <http://www.lawyerdude.netfirms.com/Dragomir.html> -12-

Haines v Kerner (1972) 404 U.S. 519 (1972) [Http://www.lawyerdude.netfirms.com/haines.html](http://www.lawyerdude.netfirms.com/haines.html) Pleadings of Pro Se litigants are entitled to some leeway. *Haines v Kerner* (1972) 404 U.S. 519 (1972) [Http://www.lawyerdude.netfirms.com/haines.html](http://www.lawyerdude.netfirms.com/haines.html) This ruling is consistent with statutes in nearly all jurisdictions. The law is not a trap for the unwary. For every wrong there is a remedy. -14-

People v Carlucci 1979 <http://www.lawyerdude.8k.com/Carlucci.htm> <http://www.lawyerdude.netfirms.com/carlucc.html> -12-

Pousson <http://www.lawyerdude.netfirms.com/pousson.html> Not pertinent. -12-

Spence <http://www.lawyerdude.netfirms.com/7968.html> Not pertinent here. -12-

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

Related Briefs cited herein:

Brief #2871: <http://www.circuitlawyer.8m.com/2871.html> This brief for a traffic litigant resulted in the FBI raiding my farm house in Illinois on May 14, 1999. I was innocent. - Lawyerdude -1-

Argument

My right to employ and enjoy foreign pronouncements law of universal application. Under U.S. Constitution IV, 2, I am entitled to Georgia, Washington, Illinois, and California rights.

Under the constitutional concept of “dual federalism” we are all beneficiaries of at least two constitutions, to wit: state and federal.

The federal constitution and the common law invest us with additional rights as follows:

All people in all states are entitled to the rights of Californians and the rights of the people in all the other 49 states except the right to vote in local elections, which, or course, is reserved to the citizens of the locality. That is why I cite foreign law herein.

1
2 U.S. Constitution: Article IV, Section 2.: The citizens of each state
3 shall be entitled to all privileges and immunities of citizens in the
4 several states.

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

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

12 **Fountains of Liberty: Magna Charta, 1948 Universal Declaration of Human rights.**

13 We struggle to "find" the law. Example: A lawyer need not change his bar license upon entering a sister
14 state. Once he has passed his test he has proven himself. Compulsion to join the compulsory bar
15 violates the compulsory association clause of the 1948 Universal Declaration of Human rights

16 "Article 20(2) No one may be compelled to belong to an
17 association." - Treaty. 1948 Universal Declaration of Human
18 Rights. <http://www.lawyerdude.netfirms.com/8213.html>

19 Likewise I need not re-register my car every 60 days. Such a requirement violates so very many
20 clauses in the various fountains of liberty. Example: To do so imposes an undue burden on **interstate**
21 **commerce**. Both lawyers and drivers are subjected to ever tightening reigns of state governments.
22 Governments by stealthy encroachment over the course of generations seek to fatten the corporate
23 bureaucracies and extract greater percentages of the wealth of the citizenry which they view as their
24 subjects. In the beginning we sought government to provide law and order - not to enslave and rule us.

25 Consider the portentous words of "our" Illinois constitution. By terms of the U.S. constitution, we
26 free people of Georgia are beneficiaries of the liberating clause of ths constitutions of Illinois and
27 California as well as our own. We have 51 fountains of liberty from which to drink:

28 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 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.

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

1
2 that first flowery meaningless clause:

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

The Washington Constitution: Independent State Grounds:

7 The Washington constitution can be found at <http://www.courts.wa.gov/education/constitution/index.cfm>

8 Our Washington constitution reads in part as follows:

9 Article 1. Declaration of Rights:

10 §1 Political power. All political power is inherent in the people, and governments derive their
11 just powers from the consent of the governed, and are established to protect and maintain
individual rights.

12 §2 Supreme law of the land. The Constitution of the United States is the supreme law of the
land.

13 §3 Personal rights: [Due Process] No person shall be deprived of life, liberty, or property,
14 without due process of law.

15 §4 Right of petition and assemblage. The right of petition and of the people peaceably to
assemble for the common good shall never be abridged.

16 §5 Freedom of speech. Every person may freely speak, write and publish on all subjects,
17 being responsible for the abuse of that right.

18 §1 Oaths. Mode of administering. The mode of administering an oath, or affirmation, shall
19 be such as may be most consistent with and binding upon the conscience of the person to
whom such oath, or affirmation, may be administered.

20 §7 Invasion of private affairs of home prohibited. No person shall be disturbed in his private
21 affairs, or his home invaded, without authority of law.

22 §8 Irrevocable privilege, franchise, or immunity prohibited. No law granting irrevocably any
privilege, franchise or immunity, shall be passed by the legislature.

23 §9 Rights of accused persons. No person shall be compelled in any criminal case to give
24 evidence against himself, or be twice put in jeopardy for the same offense.

25 §10 Administration of justice. Justice in all cases shall be administered openly, and
without unnecessary delay.

26 §11 Religious freedom. [Deleted. Too long.]

27 §12 Special Privileges and immunities prohibited. No law shall be passed granting to any
28 citizen, class of citizens, or corporation other than municipal, privileges or immunities which
upon the same terms shall not equally belong to all citizens, or corporations. [Perspective: In

1
2 California, the state bar staff (but not bar members) are given immunity to defame, lie, and
3 cheat. It is a statute.]

4 §13 Habeas Corpus. The privilege of the writ of habeas corpus shall not be suspended,
5 unless in case of rebellion or invasion the public safety requires it.

6 §14 Excessive bail, fines, and punishments. Excessive bail shall not be required, excessive
7 fines imposed, nor cruel punishment inflicted.

8 §15 Convictions, effect of. No conviction shall work corruption of blood, nor forfeiture of
9 estate.

10 §16 Eminent domain. [Deleted. Too long.]

11 §17 Imprisonment for debt. There shall be no imprisonment for debt, except in cases of
12 absconding debtors.

13 §18 Military power. The military shall be in strict subordination to the civil power. [The feds
14 took over the state militia in 1903.]

15 §19 Freedom of elections. All Elections shall be free and equal, and no power, civil or
16 military, shall at any time interfere to prevent the free exercise of the right of suffrage.

17 §20 Bail when authorized. All persons charged with crime shall be bailable by sufficient
18 sureties, except for capital offenses when the proof is evident, or the presumption great.

19 §21 Trial by jury The right of trial by jury shall remain inviolate, but the legislature may
20 provide for a jury of any number less than twelve in **courts not of record** [a court of no
21 record is a court of no value], and for a verdict by nine or more jurors in civil cases in any
22 court of record, and for waiving of the jury in civil cases where the consent of the parties
23 interested is given thereto.

24 §22 Rights of the accused.

25 In criminal prosecutions the accused shall have the right to appear and defend in person, or
26 by counsel, to demand the nature and cause of the accusation against him, to have a copy
27 thereof, to testify in his own behalf, to meet the witnesses against him face to face, to have
28 compulsory process to compel the attendance of witnesses in his own behalf, to have a
speedy public trial by an impartial jury of the county in which the offense is charged to have
been committed and the right to appeal in all cases: Provided, The route traversed by any
railway coach, train or public conveyance, and the water traversed by any boat shall be
criminal districts; and the jurisdiction of all public offenses committed on any such railway
car, coach, train, boat or other public conveyance, or at any station or depot upon such
route, shall be in any county through which the said car, coach, train, boat or other public
conveyance may pass during the trip or voyage, or in which the trip or voyage may begin or
terminate. In no instance shall any accused person before final judgment be compelled to
advance money or fees to secure the rights herein guaranteed.

1
2 §22 Original text - Rights of accused persons. - In criminal prosecution, the accused shall
3 have the right to appear and defend in person, and by counsel, to demand the nature and
4 cause of the accusation against him, to have a copy thereof, to testify in his own behalf, to
5 meet the witnesses against him face to face, to have compulsory process to compel the
6 attendance of witnesses in his own behalf, to have a speedy public trial by an impartial jury
7 of the county in which the offense is alleged to have been committed, and the right to appeal
8 in all cases; and, in no instance, shall any accused person before final judgment be
9 compelled to advance money or fees to secure the rights herein guaranteed.

10 §23 Bill of attainder. Ex post facto. No bill of attainder, ex post facto law, or law impairing the
11 obligations of contracts shall ever be passed.

12 §24 Right to bear arms. The right of the individual citizen to bear arms in defense of himself,
13 or the state, shall not be impaired, but nothing in this Section shall be construed as
14 authorizing individuals or corporations to organize, maintain or employ an armed body of
15 men.

16 §25 Prosecution by information. Offenses heretofore required to be prosecuted by
17 indictment may be prosecuted by information, or by indictment, as shall be prescribed by
18 law. [The legislature has usurped our fundamental rights and eliminated this fundamental
19 right.]

20 §26 Grand jury. No grand jury shall be drawn or summoned in any county, except the
21 superior judge thereof shall so order.

22 §27 Treason defined. Treason against the state shall consist only in levying war against the
23 state, or adhering to its enemies, or in giving them aid and comfort. No person shall be
24 convicted of treason unless on the testimony of two witnesses to the same overt act, or
25 confession in open court.

26 §28 Hereditary privileges abolished. No hereditary emoluments, privileges, or powers, shall
27 be granted or conferred in this state.

28 §29 Constitution mandatory. The provisions of this Constitution are mandatory, unless by
express words they are declared to be otherwise. [By comparison, traffic statutes are merely
recommendatory.]

§30 Rights Reserved [Similar to the federal 9th amendment] The enumeration in this
Constitution of certain rights shall not be construed to deny others retained by the people.

§31 Standing army. No standing army shall be kept up by this state in time of peace, and no
soldier shall in time of peace be quartered in any house without the consent of its owner, nor
in time of war except in the manner prescribed by law.

§32 Fundamental principles. A frequent recurrence to fundamental principles is essential to
the security of individual right and the perpetuity of free government.

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2
3 **California Bill of Rights has been eliminated by the police/ prison industry in section 24**

4 Here is the smoking gun from prop 115:

5 "This Constitution shall not be construed by the courts to afford greater rights to
6 criminal
7 defendants than those afforded by the Constitution of the United States . . ." -
8 section 24 of Art. 1 of California constitution.

9 **I am a beneficiary of the rights declared by the California constitution.**

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

13 Our Illinois constitution forbids unwarranted searches.

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

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

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

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

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

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

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

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

1
2 wrote the corresponding rules.

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

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

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

10 The prosecution may not be done without any prosecutor. **People v Carlucci** 1979
11 <http://www.lawyerdude.8k.com/Carlucci.htm> <http://www.lawyerdude.netfirms.com/carlucc.html> **People v Dragomir** Feb
12 14, 2006 <http://www.lawyerdude.netfirms.com/Dragomir.html>

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

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

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

24 I conceived and designed subsea machinery for the U.S. Navy. I performed the buckling
25 analysis for the riser tubes and contributed to the design of the giant seafloor template for a quarter mile
26 tall oil rig presently in service in the North Sea.

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

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

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

A ticket can never be a summons.

A summons is required for the court to gain jurisdiction. A summons is a notification from the

1
2 court addressed to the defendant in a pending case. A ticket is never a summons despite the intentions
3 of the legislature. When a person write a ticket there is no pending case. There will be no pending
4 case until a prosecutor has made a decision to prosecute. Then the prosecutor files a complaint. Only
5 then is a summons possible. There is then a pending case. I would then have the opportunity to settle
6 the case with the prosecutor. Most traffic courts today permit the clerk to prosecute the case. This
7 practice is unconstitutional. It is an example of denial of equal protection. I would like the clerk to be
8 working on my side of the case. The clerk has demonstrated a bias for the prosecution. Also, the clerk
9 is paid by the money earned by the ticket that she prosecutes.

Your sloppy paper forms in this age of computers bespeak the fill-in-the-blank facade of this court. You are a mockery to justice.

No. This will not stand.

- Douglas Palaschak Friday, January 5, 2007.

A defendant may appear by motion.

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

The ticket is no kind of summons. To call it a summons is to redefine fundamental terms in the middle of the game. This denies me due process. Changing the terms is a common 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 hooks 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 clause of the 14th amendment**. My remedy is dismissal. Do it.

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

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.

PC § 949 states as follows:

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

All criminal law follows the ancient common law. The statute merely codifies and distills what is already the law.

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

1
2 You have denied me discovery and thereby prevented me from knowing that there was no complaint in
3 this case. You have denied me effective assistance of counsel. You have denied me effective
4 assistance of counsel in violation of the 6th amendment. You may not bootstrap that into a waiver of
5 jurisdiction. You have no jurisdiction over me. There is no controversy. The police and clerk may not
6 prosecute.

6 **Pleadings of Pro Se Litigants must be given some leeway**

7 Pleadings of Pro Se litigants are entitled to some leeway. *Haines v Kerner* (1972) 404 U.S. 519
8 (1972) <http://www.lawyerdude.netfirms.com/haines.html> This ruling is consistent with statutes in nearly all
9 jurisdictions. The law is not a trap for the unwary. For every wrong there is a remedy.

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

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

14 Signed _____ Edward Lawson . Friday, January 5, 2007.

15 **Proof of Service**

16 There is no adversary in this case. Therefore there is nobody to serve. This is on convenience
17 of an Inquisition as compared to an adversarial case.

18 Lawson Manifesto. Subdocument to 8255. Version .901

19 **Appendix 1: Link to Lawson Manifesto - version #2 edited by Lawyerdude**

20 Deleted. Here is a link to it: <http://www.lawyerdude.netfirms.com/8256.html>

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