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**Mount Vernon Police/ Municipal Court
Judge Paul E. Spurgeon**

5 North Gay Street, 3rd Floor, Mount Vernon, Ohio 43050
<http://www.mountvernonmunicipalcourt.org/criminal.htm>

Clerk Lisa Hart, a high school graduate, having unlawfully and unconstitutionally (in violation of her oath of office) usurped the prosecutorial function that is solely the province of the elected prosecutor, dba under false color of law and corrupt legal fiction as "The State of Ohio"

Plaintiff
v
Roy Dahlin, age 65,
One of the actual People of
Ohio.

Putative Faux non-
Defendant

Case Number
Ticket Number 48581

1st Substantive Motion for Defendant.
Document #8474 Version 1.001

**Demand for adjournment/ continuance/
postponement of arraignment on March
26 to consider this motion.**

Waiver of time.

**Demand to Quash due to the clerk's having
usurped the power of the prosecutor
and for failure to file a complaint.**

**Demand for recordation by a stenographic
court reporter.**

**Demand for prompt e-transcript of every
hearing by email to my address shown
above.**

Date: Tuesday 24 April 2007
Time: 1:30 pm
Place: Court of Judge Spurgeon

Demand to Quash. Demand to Vacate. Waiver of time.

To Clerk Lisa Hart, Judge Spurgeon, and the police officer: You have all conspired and usurped the role of the prosecutor by filing a ticket in this case thereby initiating prosecution and bypassing the prosecutorial function: At the venue designated in the caption or at such other venue as the court shall designate, I will demand that the court dismiss this case. Not one of you is a prosecutor. Some of you work for the court; the court's job is to be a neutral judge - not a prosecutor. The inquisition ended some years ago. You have done the work of the prosecutor and yet you don't do my work. You should be neutral; you are not. "Equal Protection of the Law" is the law. **I waive my right to a speedy trial as necessary to vindicate my legal rights. You should have advised me well; you didn't. If there were a neutral prosecutor I could have worked this out with him. You may not be both judge and prosecutor.**

Signed _____ Roy Dahlin Friday, March 23, 2007

Motion #8474. Demand to Quash. By Roy Dahlin.

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

2 **Notice of Concurrent and Upcoming Motions and Demands** -3-

3 **Statement of the Case** -3-

4 **Clerk has unconstitutionally usurped function of prosecutor; Dismissal is my**

5 **remedy.** -3-

6 **Police officer has usurped the clerk’s role.** -3-

7 **Declaration of Attorney Douglas Palaschak regarding Summonses** -4-

8 **A ticket can never be a summons.** -5-

9 **Table of Authorities and Fountains of Liberty cited herein:** -6-

10 **U.S. Constitutional Clauses Cited herein:** -6-

11 **List of Clauses from the Ohio Constitution cited herein:** -6-

12 **List of U.S. Supreme Court cases cited herein:** -6-

13 **Treaties cited herein:** -7-

14 **Illinois, California, and other Foreign Constitutions rightfully cited herein:** ... -7-

15 **Table of Statutes cited herein:** -7-

16 **List of Foreign state cases cited herein:** -7-

17 **Argument. Memorandum of Points and Authorities.** -7-

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

19 **rights** -8-

20 **I am entitled to utilize the constitutional concepts expressed in foreign constitutions.** -8-

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

22 -9-

23 **I am a beneficiary of the rights declared by the California constitution.** -10-

24 **The clerk and judge have usurped the prosecutorial function; that is wrong.**

25 **Dismissal is the remedy.** -10-

26 **A defendant may appear by motion.** -11-

27 **Permitting Police to Summon me to court denies Equal Protection Under the Law**

28 -11-

The Legislature may not give Police the Power to Summon and may not give

Clerks the power to prosecute. -11-

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

 -11-

Pleadings of Pro Se Litigants must be given some leeway -11-

Special Scrutiny and Prosecution for those who know the law denies equal

protection. -12-

Proof of Service -12-

Appendix: Ohio Bill of Rights as amended to 1974. -12-

2 **Notice of Concurrent and Upcoming Motions and Demands**

- 3 1. I will be filing a motion to suppress all evidence in this case.
- 4 2. Regarding the Pretextual Stop using the instrument of a vague and overbroad statute, I will be
- 5 challenging the statute should that issue arise. All traffic laws are merely recommendatory.
- 6 Otherwise the statutes would be oppressive. I will be moving in that regard.

7 **Statement of the Case**

8 I was ticketed in a pretextual traffic stop.

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

10 There was no legal basis for this traffic stop/ ticket. Even if there were a basis for the stop, a

11 prosecutor would be required to make the decision to prosecute - not this clerk. A prosecutor would have

12 an ethical duty to reject this case. However, the clerk, being uneducated in the law violates my rights

13 when she usurps the prosecutorial role as she has done here. Furthermore the clerk is biased in this case

14 by loyalty to her employer. Money from my fine would be added to the fund that pays her. She has

15 thereby caused the court to be unconstitutionally biased. See for example: *Tumey v Ohio* (1927) 273

16 U.S. 510. In this prohibition era case, the city received \$5 for each conviction. The Tumey case can be

17 see 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 was

21 no such complaint/ case when the usurpatious officer issued the faux, spurious summons/ ticket to me

22 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

1 children do not know the lie that the government told my parents. This truth about the lie is most obvious
2 regarding income taxes. They were sold to Americans around 1909 as a tax that would never tax the
3 wages of the working man. Example 2: In 1903 the federal government usurped the power of our various
4 state militias by creating the National Guard and seizing control of the militias by co-opting/ incorporating
5 them.

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

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

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

15 This will not stand.

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 Marching
19 Illini", the world's undisputed Premiere Marching Band. I began my career as a Registered Professional
20 Engineer having consulted for the U.S. Navy, Mobil, and Exxon. My expert testimony resolved a personal
21 injury case where my calculations proved that a hydraulic accumulator could not contain sufficient oxygen
22 for combustion to have overloaded the failed bolts.. This tended to prove that the cause of the explosion
23 was a failed hydraulic safety valve.

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

Roy Dahl has retained me to vindicate and preserve his constitutional rights in this matter. I need

1 some time. I have not yet even mailed my book to Roy. He won't receive it until at least 28 March.

2 For over a quarter century I have studied the tactics and methodology of traffic courts. They are
3 an instrument of oppression. Over half of my work consists of writing motions for traffic court. I see the
4 same patterns in nearly all the 50 states. Feudalism is a natural system. As civilized people we rise
5 above the medieval cruelty that was feudalism.

6 Police court retains the vestiges of both feudalism and the Inquisition. Proof: "Mr. Smith, you are
7 accused of going 50 in a 35. How do you plead." Mr. Smith never thinks to ask "Who accuses me?" It is
8 obvious: the court accuses you! When the court is the accuser and the judge, then the system is
9 Inquisitorial and not Adversarial. Such is this police court of Mount Vernon. Masquerading under the
10 euphemism of "municipal court" changes nothing. This is military power used unconstitutionally against
11 the people.

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

13 A summons is required for the court to gain jurisdiction. A summons is a notification from the
14 court addressed to the defendant in a pending case. A ticket is never a summons despite the intentions of
15 the legislature. When a person write a ticket there is no pending case. There will be no pending case
16 until a prosecutor has made a decision to prosecute. Then the prosecutor files a complaint. Only then is
17 a summons possible. There is then a pending case. I would then have the opportunity to settle the case
18 with the prosecutor. Most traffic courts today permit the clerk to prosecute the case. This practice is
19 unconstitutional. It is an example of denial of equal protection. The clerk has demonstrated a bias for the
20 prosecution. Also, the clerk is paid by the money earned by the ticket that she prosecutes.

21 Your pretext for prosecuting this defendant is violation of a license. The license is a legal fiction.
22 We are each entitled to use the roads! It is only by incessant stealthy encroachment that the police state
23 now treats the roads as its private fiefdom. The right to use the highway has been eroded and diminished
24 until today it is no longer a right of the people but a franchise of the state.

25 The police power stems from a medieval concept of questioning every stranger. The police court
26 has been an instrument of institutional oppression. Your name has now been changed to the euphemism
27 of "municipal court" but the game remains the same. Your name change is part of your institutional deceit.

28 You are a mockery to justice.

No. This will not stand.

Signed by Roy Dahlin with Special Permission of Palaschak _____ . 3/23/07

1 **Table of Authorities and Fountains of Liberty 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. -8-

4 Commerce Clause/ interstate commerce -9-

5 Due Process Clause -10-

6 Equal protection clause of the 14th amendment -11-

7 Griffin v Illinois (1956)100 L Ed 891, 351 US 12, 79 S Ct 585, 55 ALR2d 1055 I have a right to a transcript
even if I cannot afford one. <http://www.circuitlawyer.8m.com/griffin.html> -8-

8 **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
9 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
10 jurisdictions. The law is not a trap for the unwary. For every wrong there is a remedy. -12-

11 No state shall make or enforce any law which shall abridge the privileges or immunities of citizens of the
12 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
13 Immunities Clause of the 14th amendment. -9-

14 **List of Clauses from the Ohio Constitution cited herein:**

15 Ohio Bill of Rights as amended to 1974. Appended to this brief. -12-

16 Ohio Constitution: Art. Sec. 16. All courts shall be open, and every person, for an injury done him in his
land, goods, person, or reputation, shall have remedy by due course of law, and shall have justice
17 administered without denial or delay. Suits may be brought against the state, in such courts and in such
manner, as may be provided by law. (Adopted Sept.3, 1912.)
. -8-

18 Ohio constitution: Section 1. All people are by nature free and independent and have inalienable rights.
19 Among these are enjoying and defending life and liberty, acquiring, possessing, and protecting property,
and pursuing and obtaining safety, happiness, and privacy. -10-

21 **List of U.S. Supreme Court cases cited herein:**

22 **Bell v Burson** (1971) 402 US 535, 29 L Ed 2d 90, 91 S Ct 1586,
<http://www.circuitlawyer.8m.com/Burson.html> <http://www.lawyerdude.netfirms.com/bursonb.html>
23 -8-

24 **MLV v SLJ** (1996) 519 US 102; 117 S Ct 555; 136 L Ed2d 473 <http://www.circuitlawyer.8m.com/mlb.html>
Right to a free transcript even in some civil cases. -8-

25 **Norton v Shelby County, Tennessee** (1886) 118 U.S. 425 . “An unconstitutional act is not a law; it
confers no rights; it imposes no duties; it affords no protection; it creates no office; it is, in legal
26 contemplation, as inoperative as though it had never been passed.”
<http://www.lawyerdude.netfirms.com/norton.html>
27 -8-

28 **Tumey v Ohio** (1927) 273 U.S. 510. In this prohibition era case, the city received \$5 for each conviction.

1 <http://www.lawyerdude.8k.com/Tumey.html> The clerk has usurped the prosecutorial function - for
profit. -3-

2 **U.S. v Gonzalez-Lopez** 2005-352. Decided 2006. <http://www.lawyerdude.netfirms.com/8345.html> -8-

4 **Treaties cited herein:**

5 Treaty. 1948 Universal Declaration of Human Rights“Article 20(2) No one may be compelled to belong to
6 an association.” <http://www.lawyerdude.netfirms.com/8213.html> This treaty, the 1st amendment, the 6th,
and the 14th amendments preclude the regulation of the practice of law by non-government lawyers. . . -9-

7 **Illinois, California, and other Foreign Constitutions rightfully cited herein:**

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

11 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,
12 seizures, invasions of privacy or interceptions of communications by eavesdropping devices or other
means. No warrant shall issue without probable cause, supported by affidavit particularly describing the
13 place to be searched and the persons or things to be seized. -10-

14 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
15 men, deriving their just powers from the consent of the governed. -9-

16 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. -10-

18 **Table of Statutes cited herein:**

19 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. -11-

20 Penal Code§ 740 states as follows: Except as otherwise provided by law, all misdemeanors and
21 infractions must be prosecuted by written complaint under oath subscribed by the complainant. -11-

22 **List of Foreign state cases cited herein:**

23 **People v Dragomir** Feb 14, 2006 <http://www.lawyerdude.netfirms.com/Dragomir.html> -11-

24 **People v Carlucci** 1979 <http://www.lawyerdude.8k.com/Carlucci.htm>
<http://www.lawyerdude.netfirms.com/carlucc.html> -11-

26 **Argument. Memorandum of Points and Authorities.**

27 I have a right to a remedy. Thirty-five states include a “right to a remedy” in their constitution.
Ohio is one such state. The list is at the following hyperlink: *Constitutional Right to a Remedy*

1 <http://www.lawyerdude.netfirms.com/8428.html>

2 Our Ohio constitution guarantees my right to a remedy for today's denigration of my right to a jury
3 and transcript:

4 Ohio Constitution: Art. Sec. 16. All courts shall be open, and every
5 person, for an injury done him in his land, goods, person, or reputation,
6 shall have remedy by due course of law, and shall have justice
7 administered without denial or delay. Suits may be brought against the
8 state, in such courts and in such manner, as may be provided by law.

9 (Adopted Sept.3, 1912.)

10 You can't take away a driver license without a hearing. That's what the Supreme Court said: **Bell**
11 **v Burson** (1971) 402 US 535, 29 L Ed 2d 90, 91 S Ct 1586, <http://www.circuitlawyer.8m.com/Burson.html>
12 <http://www.lawyerdude.netfirms.com/bursonb.html> . Therefore the purported suspension by a mere high
13 school graduate was void ab initio.

14 This void act was a legal nullity. **Norton v Shelby County, Tennessee** (1886) 118 U.S. 425
15 <http://www.lawyerdude.netfirms.com/norton.html>

16 "An unconstitutional act is not a law; it confers no rights; it
17 imposes no duties; it affords no protection; it creates no office; it is, in
18 legal contemplation, as inoperative as though it had never been passed."

19 - The U.S. Supreme Court in **Norton v Shelby** (1886)

20 A void act does not become valid by the running of time.

21 My right to a transcript even if I cannot afford one is guaranteed by the **Due Process** and **Equal**
22 **Protection** clauses of the U.S. Constitution. The Supreme court ruled so in **Griffin v Illinois** (1956)100 L
23 Ed 891, 351 US 12, 79 S Ct 585, 55 ALR2d 1055 <http://www.circuitlawyer.8m.com/griffin.html> . The
24 Supreme Court reaffirmed that right even in some civil cases in 1996. **MLV v SLJ** (1996) 519 US 102;
25 117 S Ct 555; 136 L Ed2d 473 <http://www.circuitlawyer.8m.com/mlb.html>

26 The state constitution and the 7th amendment guarantee my right to a jury trial.

27 My right to counsel of choice is guaranteed also. The Supreme Court ruled on this in 2006 in the
28 case of **U.S. v Gonzalez-Lopez** 2005-352. Decided 2006. <http://www.lawyerdude.netfirms.com/8345.html>

Under U.S. Constitution IV, 2, I am entitled to Georgia, 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:

I am entitled to utilize the constitutional concepts expressed in foreign constitutions.

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

U.S. Constitution: Article IV, Section 2.: The citizens of each state shall

1 be entitled to all privileges and immunities of citizens in the several
2 states.

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

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

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

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

13 "Article 20(2) No one may be compelled to belong to an association." -
14 Treaty. 1948 Universal Declaration of Human Rights.

15 <http://www.lawyerdude.netfirms.com/8213.html>

16 Likewise a driver need not register himself at every state border. Neither should a statute require
17 that I re-register my car upon residing in a state more than 60 days or whatever that state requires. Such
18 a requirement violates so very many clauses in the various fountains of liberty. Example: To do so
19 imposes an undue burden on **interstate commerce**. Both lawyers and drivers are subjected to ever
20 tightening reigns of state governments. Governments by stealthy encroachment over the course of
21 generations seek to fatten the corporate bureaucracies and extract greater percentages of the wealth of
22 the citizenry which they view as their subjects. In the beginning we sought government to provide law and
23 order - not to enslave and rule us. Consider the portentous words of "our" Illinois constitution. By terms of
24 the U.S. constitution, we free people of every state are beneficiaries of the liberating clause of the
25 constitutions of Illinois and California as well as our own. We have 51 fountains of liberty from which to
26 drink:

27 Illinois Constitution. Section 1. Inherent and Inalienable Rights: All men
28 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. - Illinois Bill of Rights.

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 that first flowery
meaningless clause:

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

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

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

10 "Our" Illinois constitution forbids unwarranted searches.

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

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

20 **The clerk and judge have usurped the prosecutorial function; that is wrong. Dismissal is the
21 remedy.**

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

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

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

28 By stealthy encroachment over the course of generations, 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
wrote the corresponding rules.

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

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

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

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

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

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

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

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

17 **Permitting Police to Summon me to court denies Equal Protection Under the Law**

18 When I want to sue the police I must jump through the hoops of a summons and complaint and
19 filing fee. Conversely when he wants to "sue" me he uses his ticket book. Then the clerk prosecutes for
20 him. Wouldst that my lawsuits against the police were that quick and easy. That difference denies me
21 equal protection under the law. Your process violates the **equal protection clause of the state
22 constitution and the 14th amendment**. My remedy is dismissal. Do it.

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

25 Penal Code § 740 states as follows:

26 Except as otherwise provided by law, all misdemeanors and infractions
27 must be prosecuted by written complaint under oath subscribed by the
28 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.

You have no jurisdiction over me until a prosecutor files a complaint. There is no controversy. The police
and clerk may not prosecute.

Pleadings of Pro Se Litigants must be given some leeway

1 Pleadings of Pro Se litigants are entitled to some leeway. **Haines v Kerner** (1972) 404 U.S. 519
2 (1972) <http://www.lawyerdude.net/firms.com/haines.html> This ruling is consistent with statutes in nearly all
3 jurisdictions. The law is not a trap for the unwary. For every wrong there is a remedy.

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

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

7 Signed _____ Roy Dahlin Friday, March 23, 2007

8 **Proof of Service**

8 I, Roy Dahlin, served this document at the criminal filing window. No service on the prosecutor is
9 necessary because no prosecutor has appeared in writing in this case. I served the clerk at the filing
10 window by hand delivery in court on this day.

10 Signed _____ Friday, March 23, 2007

11 **Appendix: Ohio Bill of Rights as amended to 1974.**

12 Preamble:

13 We, the people of the State of Ohio, grateful to Almighty God for our freedom, to secure its
14 blessings and promote our common welfare, do establish this Constitution.

14 Article 1. Bill of Rights:

15 Sec. 1. All men are, by nature, free and independent, and have certain inalienable rights, among which are
16 those of enjoying and defending life and liberty, acquiring, possessing, and protecting property, and
17 seeking and obtaining happiness and safety.

16 Sec. 2. All political power is inherent in the people. Government is instituted for their equal protection and
17 benefit, and they have the right to alter, reform, or abolish the same, when ever they may deem it
18 necessary; and no special privileges or immunities shall ever be granted, that may not be altered,
19 revoked, or repealed by the General Assembly.

18 Sec. 3. The people have the right to assemble together, in a peaceable manner, to consult for their
19 common good; to instruct their Representatives; and to petition the General Assembly for the redress of
20 grievances.

20 Sec. 4. The people have the right to bear arms for their defence and security; but standing armies, in time
21 of peace, are dangerous to liberty, and shall not be kept up; and the military shall be in strict
22 subordination to the civil power.

22 Sec. 5. The right of trial by jury shall be inviolate, except that, in civil cases, laws may be passed to
23 authorize the rendering of a verdict by the concurrence of not less than three- fourths of the jury. (

24 Sec. 6. There shall be no slavery in this state; nor involuntary servitude, unless for the punishment of
25 crime. Sec. 7. All men have a natural and indefeasible right to worship Almighty God according to the
26 dictates of their own conscience. No person shall be compelled to attend, erect, or support any place of
27 worship, or maintain any form of worship, against his consent; and no preference shall be given, by law,
28 to any religious society; nor shall any interference with the rights of conscience be permitted. No religious
test shall be required, as a qualification for office, nor shall any person be incompetent to be a witness on
account of his religious belief; but nothing herein shall be construed to dispense with oaths and
affirmations. Religion, morality, and knowledge, however, being essential to good government, it shall be
the duty of the General Assembly to pass suitable laws, to protect every religious denomination in the
peaceable enjoyment of its own mode of public worship, and to encourage schools and the means of

1 instruction.

2 Sec. 8. The privilege of the writ of habeas corpus shall not be suspended, unless in cases of rebellion or
invasion, the public safety require it.

3 Sec. 9. All persons shall be bailable by sufficient sureties, except for capital offenses where the proof is
evident, or the presumption great. Excessive bail shall not be required; nor excessive fines imposed; nor
4 cruel and unusual punishments inflicted.

5 Sec. 10. Except in cases of impeachment, cases arising in the army and navy, or in the militia when in
actual service in time of war or public danger, and cases involving offenses for which the penalty
6 provided is less than imprisonment in the penitentiary, no person shall be held to answer for a capital, or
otherwise infamous, crime, unless on presentment or indictment of a grand jury; and the number of
7 persons necessary to constitute such grand jury and the number thereof necessary to concur in finding
such indictment shall be determined by law. In any trial, in any court, the party accused shall be allowed
8 to appear and defend in person and with counsel; to demand the nature and cause of the accusation
against him, and to have a copy thereof; to meet the witnesses face to face, and to have compulsory
9 process to procure the attendance of witnesses in his behalf, and a speedy public trial by an impartial
jury of the county in which the offense is alleged to have been committed; but provision may be made by
10 law for the taking of the deposition by the accused or by the state, to be used for or against the accused,
of any witness whose attendance can not be had at the trial, always securing to the accused means
11 and the opportunity to be present in person and with counsel at the taking of such deposition, and to examine
the witness face to face as fully and in the same manner as if in court. No person shall be compelled, in
12 any criminal case, to be a witness against himself; but his failure to testify may be considered by the
court and jury and may be the subject of comment by counsel. No person shall be twice put in jeopardy
13 for the same offense. (Adopted Sept.3,1912.)

14 Sec. 11. Every citizen may freely speak, write, and publish his sentiments on all subjects, being
responsible for the abuse of the right; and no law shall be passed to restrain or abridge the liberty of
speech, or of the press. In all criminal prosecutions for libel, the truth may be given in evidence to the jury,
15 and if it shall appear to the jury, that the matter charged as libelous is true, and was published with good
motives, and for justifiable ends, the party shall be acquitted.

16 Sec. 12. No person shall be transported out of the State, for any offense committed within the same; and
no conviction shall work corruption of blood, or forfeiture of estate. Sec. 13. No soldier shall, in time of
17 peace, be quartered in any house, without the consent of the owner; nor, in time of war, except in the
manner prescribed by law.

18 Sec. 14. The right of the people to be secure in their persons, houses, papers, and possessions, against
unreasonable searches and seizures shall not be violated; and no warrants shall issue, but upon
19 probable cause, supported by oath or affirmation, particularly describing the place to be searched, and
the person and things to be seized.

20 Sec. 15. No person shall be imprisoned for debt in any civil action, or mesne or final process, unless in
cases of fraud.

21 Sec. 16. All courts shall be open, and every person, for an injury done him in his land, goods, person, or
reputation, shall have remedy by due course of law, and shall have justice administered without denial or
22 delay. Suits may be brought against the state, in such courts and in such manner, as may be provided by
law. (Adopted Sept.3, 1912.)

23 Sec. 17. No hereditary emoluments, honors, or privileges, shall ever be granted or conferred by this
24 State.

25 Sec. 18. No power of suspending laws shall ever be exercised, except by the General Assembly. Sec.
26 19. Private property shall ever be held inviolate but subservient to the public welfare. When taken in time
of war or other public exigency, imperatively requiring its immediate seizure or for the purpose of making
27 or repairing roads, which shall be open to the public, without charge, a compensation shall be made to
the owner, in money; and in all other cases, where private property shall be taken for public use, a
28 compensation therefor shall first be made in money, or first secured by a deposit of money; and such

1 compensation shall be assessed by a jury, without deduction for benefits to any property of the owner.

2 Sec 19(a) Damages for wrongful death. The amount of damages recover- able by civil action in the courts
3 for death caused by the wrongful act, neglect, or default of another, shall not be limited by law. (Adopted
4 Sept.3,1912)

5 Sec. 20. This enumeration of rights shall not be construed to impair or deny others retained by the
6 people; and all powers, not herein delegated, remain with the people.

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