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4 8509 Motion #2 for Roy Dahlin.

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5 <http://www.lawyerdude.netfirms.com/8509.rtf> and <http://www.lawyerdude.netfirms.com/8509.wpd>

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

7 5 North Gay Street, 3rd Floor, Mount Vernon, Ohio 43050
<http://www.mountvernonmunicipalcourt.org/criminal.htm>

8 Clerk Lisa Hart, a high school
9 graduate, having unlawfully
10 and unconstitutionally (in
11 violation of her oath of
12 office) usurped the
13 prosecutorial function that is
14 solely the province of the
15 elected prosecutor, dba
16 under false color of law and
17 corrupt legal fiction as "The
18 State of Ohio"

14 Plaintiff
15 v
16 Roy Dahlin, age 65,
17 One of the actual People of
18 Ohio.

17 Putative Faux non-
18 Defendant

Case Number
Ticket Number

2nd Substantive Motion for Defendant.
Document #8509 Version 1.001

Confidential Ex Parte Notification of Indigency.

Waiver of time.

Declaration of Attorney Palaschak re funeral.

Declaration of Indigency by Roy Dahl.

**Demand for Recognition of U.S. Supreme
Court's Ruling that the poor may not be
punished for their inability to pay a fine.**

**Demand for adjournment/ continuance/
postponement of hearing on 17 April to
consider this motion.**

**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 22 May 2007
Time: 1:30 pm
Place: Court of Judge Spurgeon

25 **"It is a denial of equal protection to limit punishment to payment of a fine for
26 those who are able to pay it but to convert the fine to imprisonment for those who
are unable to pay it."** - U.S. Supreme Court (1971) *Tate* case set forth herein.

Notice of Motion. Waiver of time.

To Judge Spurgeon: I am unable to pay this fine.

In addition, you may not be both the accuser and the judge. You have usurped the role of the

Motion #8509. Confidential Ex Parte Notification of Inability to Pay Fine. By Roy Dahlin.

1 prosecutor by filing an "Order to show cause" which is not a proper motion in a criminal case. At the
2 venue designated in the caption or at such other venue as the court shall designate, I will demand that the
3 court withdraw my plea and quash this case. An "Order to Show Cause" is an inquisitorial process. The
inquisition ended some years ago.

4 "Equal Protection of the Law" is the law. I waive my right to a speedy trial as necessary to
5 vindicate my legal rights. My lawyer needs more time to deal with this latest issue, to wit: this
6 Order to Show Cause. He has been delayed by his Dad's funeral as set forth in more detail herein.

Signed _____ Roy Dahlin Tuesday, April 17, 2007

7
8 **Contents of this Demand to Quash/ Dismiss:**

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| | Permitting Police to Summon me to court denies Equal Protection Under the Law | <u>-11-</u> |
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Notice of Concurrent and Upcoming Motions and Demands

1. Regarding the Pretextual Stop using the instrument of a vague and overbroad statute, I will be challenging the statute should that issue arise. All traffic laws are merely recommendatory. Otherwise the statutes would be oppressive. I will be moving in that regard.
2. I will be filing a more complete motion to quash this prosecution.

Statement of the Case

I was ticketed in a pretextual traffic stop.

The law does not expect the impossible. Equal Protection forbids jail in this case.

The Supreme Court has spoken precisely on this issue. The court did so in not one but two cases. The cases are Tate and Williams - as set forth more fully herein.

Declaration of Attorney Douglas Palaschak regarding funeral.

I, Douglas Palaschak, declare the following under penalty of perjury:

I am Roy Dahl's lawyer. Roy has asked me to vindicate and preserve his constitutional rights in this matter. I need some time. Roy has finally received my book.

On 27 March I began a 6 day drive across country in anticipation of the death of my Dad. He died 18 hours before my arrival on April 1, 2007. Thereafter on the Wednesday before Holy Thursday we buried him. I delivered the eulogy. I also drove his 1958 John Deere tractor leading the funeral parade from the church to the cemetery.

I have yet to make the drive back to my home. I am writing this from a motel. This is my 3rd full day back at work even though I have not returned home.

I need more time to properly assist Roy in this case. Although Roy informed me of this Order to Show Cause I have been unable to address the issue due to the inescapable responsibilities associated with the inescapable death of my father.

For over a quarter century I have studied the tactics and methodology of traffic courts.

A common illegal tactic of traffic court is the attempt to extract a fine from the indigent. Roy Dahlin is indigent.

1 Traffic courts are instruments of oppression. Over half of my work consists of writing motions for
2 traffic court. I see the same patterns in nearly all the 50 states. Feudalism is a natural system. As
3 civilized people we rise above the medieval cruelty that was feudalism.

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

Signed by Roy Dahlin with Special Permission of Palaschak _____ . 4/17/07.

9 **Re-iteration of Declaration of Indigency of Roy Dahlin.**

10 I, Roy Dahl, declare the following under penalty of perjury:

11 I have previously filed this information with this court.

12 My monthly total income for both my wife and I is \$1,200.60.

13 My monthly expenses are:

| | |
|-----------------------------|---------|
| Rent | 675 |
| Food | 135 |
| Electricity | 40 |
| Gasoline | 80 |
| Heating Fuel | 30 |
| Telephone | 70 |
| Cable | 45 |
| Water/sewer/trash | 12 |
| Credit service | 50 |
| Medicine | 56 |
| Total expenses: | \$1,193 |
| Excess left for exigencies: | \$7.60 |

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18
19 My 64 year old wife is under doctor's care, I must get her meals, help her dress, help her
20 wash, clean the house and do the laundry. I must take her to the doctor for
21 visits and tests and treatment.

22 In addition, my name is not the name that is listed on this case.

Signed _____ Roy Dahlin. Tuesday, April 17, 2007

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
4 in the several states. -8-

5 Commerce Clause/ interstate commerce -9-

6 Due Process Clause -10-

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

8 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-

9 **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
10 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
11 jurisdictions. The law is not a trap for the unwary. For every wrong there is a remedy. -11-

12 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 process of
13 law; nor deny to any person within its jurisdiction the equal protection of the laws. - Privilege and
Immunities Clause of the 14th amendment. -8-

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.)
18 -7-

19 Ohio 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,
20 and pursuing and obtaining safety, happiness, and privacy. -9-

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 -7-

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
26 confers no rights; it imposes no duties; it affords no protection; it creates no office; it is, in legal
contemplation, as inoperative as though it had never been passed.”
27 <http://www.lawyerdude.netfirms.com/norton.html>
28 -8-

1 **Tate v Short** (1971) 401 U.S. 395 <http://www.lawyerdude.netfirms.com/tate.html> This case holds that you
2 may not impose jail time upon indigent people if wealthy people would not receive jail time. Williams is the
3 companion case. These two cases are Black Letter Law. They appear in West's text on Constitutional
4 Law. They also appeared in Weinreb's *Leading Cases on the Rights of Criminal Defendants*.
5 Lawyerdude publishes this list at <http://www.lawyerdude.netfirms.com/weinreb.html>

..... -7-

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

7 **Williams v Illinois** (1970)399 U.S. 235 www.lawyerdude.netfirms.com/williams.html These two cases
8 are Black Letter Law. You can't be jailed for inability to pay a fine. They should advise you of that. They
9 appear in West's text on Constitutional Law. They also appeared in *Weinreb's Leading Cases on the*
10 *Rights of Criminal Defendants*. Lawyerdude publishes this list at
11 <http://www.lawyerdude.netfirms.com/weinreb.html>

..... -7-

12 **Treaties cited herein:**

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

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

17 California constitution: Section 1. All people are by nature free and independent and have inalienable
18 rights. Among these are enjoying and defending life and liberty, acquiring, possessing, and protecting
19 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> -9-

21 Illinois constitution. Section 6. Searches, Seizures, Privacy, and Interceptions: The people shall have the
22 right to be secure in their persons, houses, papers and other possessions against unreasonable searches,
23 seizures, invasions of privacy or interceptions of communications by eavesdropping devices or other
24 means. No warrant shall issue without probable cause, supported by affidavit particularly describing the
25 place to be searched and the persons or things to be seized. -10-

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
28 of happiness. To secure these rights and the protection of property, governments are instituted among
29 men, deriving their just powers from the consent of the governed. -9-

30 Illinois Constitution: Section 2.Due Process and Equal Protection. No person shall be deprived of life,
31 liberty or property without due process of law nor be denied the equal protection of the laws. -10-

32 **Table of Statutes cited herein:**

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

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

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

1 **People v Dragomir** Feb 14, 2006 <http://www.lawyerdude.netfirms.com/Dragomir.html> -10-

2 **People v Carlucci** 1979 <http://www.lawyerdude.8k.com/Carlucci.htm>
3 <http://www.lawyerdude.netfirms.com/carlucc.html> -10-

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

5 I have a right to a remedy. Thirty-five states include a “right to a remedy” in their constitution.
6 Ohio is one such state. The list is at the following hyperlink: *Constitutional Right to a Remedy*
7 <http://www.lawyerdude.netfirms.com/8428.html>

8 Our Ohio constitution guarantees my right to a remedy:

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

15 You may not punish an indigent person by jail for the inability to pay a fine. That is precisely what
16 you are considering today. The two cases squarely on point are Tate and Williams: **Tate v Short** (1971)
17 401 U.S. 395 <http://www.lawyerdude.netfirms.com/tate.html> and **Williams v Illinois** (1970)399 U.S. 235
18 www.lawyerdude.netfirms.com/williams.html These two cases are Black Letter Law.You can’t be jailed
19 for inability to pay a fine. They should advise you of that. They appear in West’s text on Constitutional
20 Law. They also appeared in Weinreb’s Leading Cases on the Rights of Criminal defendants. Lawyerdude
21 publishes this list at <http://www.lawyerdude.netfirms.com/weinreb.html>

22 The Supreme Court’s summary of the Tate case says:

23 “Petitioner, an indigent, was convicted of traffic offenses and fined a total
24 of \$425. Though Texas law provides only for fines for such offenses, it
25 requires that persons unable to pay must be incarcerated for sufficient
26 time to satisfy their fines, at the rate of \$5 per day, which in petitioner’s
27 case meant an 85-day term. The state courts denied his petition for
28 habeas corpus. Held: It is a denial of equal protection to limit punishment
to payment of a fine for those who are able to pay it but to convert the
fine to imprisonment for those who are unable to pay it. *Williams v. Illinois*
(1970) 399 U.S. 235 . “ - U.S. Supreme Court in *Tate* case (1971).

29 In more detailed penal codes, impossible fines disappear after 6 months. In the California Penal
30 code this provision is set forth in the section regarding probation. Any fine not paid by reason on indigency
31 in 6 months is stricken.

32 You are prosecuting me for having driven without a license. You can’t take away a driver license
33 without a hearing. That’s what the Supreme Court said: **Bell v Burson** (1971) 402 US 535, 29 L Ed 2d

1 90, 91 S Ct 1586, <http://www.circuitlawyer.8m.com/Burson.html>
2 <http://www.lawyerdude.netfirms.com/bursonb.html> . Therefore the purported suspension by a mere high
3 school graduate was void ab initio.

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

6 “An unconstitutional act is not a law; it confers no rights; it
7 imposes no duties; it affords no protection; it creates no office; it is, in
8 legal contemplation, as inoperative as though it had never been passed.”

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

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

11 My right to a transcript even if I cannot afford one is guaranteed by the **Due Process** and **Equal**
12 **Protection** clauses of the U.S. Constitution. The Supreme court ruled so in **Griffin v Illinois** (1956)100 L
13 Ed 891, 351 US 12, 79 S Ct 585, 55 ALR2d 1055 <http://www.circuitlawyer.8m.com/griffin.html> . The
14 Supreme Court reaffirmed that right even in some civil cases in 1996. **MLV v SLJ** (1996) 519 US 102;
15 117 S Ct 555; 136 L Ed2d 473 <http://www.circuitlawyer.8m.com/mlb.html>

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

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

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

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

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

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

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

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

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

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

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

37 We struggle to “find” the law. Example: A lawyer need not change his bar license upon entering a sister

1 state. Once he has passed his test he has proven himself. Compulsion to join the compulsory bar
2 violates the compulsory association clause of the 1948 Universal Declaration of Human rights

3 "Article 20(2) No one may be compelled to belong to an association." -

4 Treaty. 1948 Universal Declaration of Human Rights.

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

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

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

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

28 California constitution - same as Ohio 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. <http://www.leginfo.ca.gov/const-toc.html>

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

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

1 "Our" Illinois constitution forbids unwarranted searches.

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

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

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

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

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

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

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

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

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

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

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

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

1

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

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

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

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

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

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

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

17 Penal Code § 740 states as follows:

18 Except as otherwise provided by law, all misdemeanors and infractions
19 must be prosecuted by written complaint under oath subscribed by the
20 complainant.

21 PC § 949 states as follows:

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

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

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

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

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

30 Pleadings of Pro Se litigants are entitled to some leeway. *Haines v Kerner* (1972) 404 U.S. 519
31 (1972) [Http://www.lawyerdude.netfirms.com/haines.html](http://www.lawyerdude.netfirms.com/haines.html) This ruling is consistent with statutes in nearly all
32 jurisdictions. The law is not a trap for the unwary. For every wrong there is a remedy.

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

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

38 Signed _____ Roy Dahlin Tuesday, April 17, 2007

39 **Proof of Service**

40 I, Roy Dahlin, served this document at the criminal filing window. No service on the prosecutor is

1 necessary because this is a confidential matter of indigency. I served the clerk at the filing window by hand
2 delivery in court on this day.

3 Signed _____ Tuesday, April 17, 2007

4 **Appendix: Excerpts of the Ohio Bill of Rights as amended to 1974.**

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

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

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

12 Sec. 11. Every citizen may freely speak, write, and publish his sentiments on all subjects, being
13 responsible for the abuse of the right; and no law shall be passed to restrain or abridge the liberty of
14 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 mat- ter charged as libelous is true, and was published with good
16 motives, and for justifiable ends, the party shall be ac- quitted.

17 Sec. 14. The right of the people to be secure in their persons, houses, papers, and possessions, against
18 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 search- ed, and
20 the person and things to be seized.

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

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

27 Sec. 18. No power of suspending laws shall ever be exercised, except by the General Assembly.

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

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