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8 This document is <http://www.lawyerdude.netfirms.com/8511.pdf> , <http://www.lawyerdude.netfirms.com/8511.html>
9 <http://www.lawyerdude.netfirms.com/8511.rtf> and <http://www.lawyerdude.netfirms.com/8511.wpd>

10 **Municipal Court of California, County of Riverside**

Southwest Justice Center, 30755-D Auld Road. Murrieta, CA 92563.
951-304-5100. Hours: 7:30-4.

11 <http://www.riverside.courts.ca.gov/>

12 B.S. Hozz, having signed an
13 unfounded complaint under
14 false color of law and
15 corrupt legal fiction as "The
16 People of California"

17 Plaintiff

v

18 Debra Brumback, One of the
19 actual People of California,
20 Putative Faux non-
21 Defendant

Case Number

Ticket Number

1st Substantive Motion for Defendant.

Document #8511 Version 1.000

Filing concurrent with First Appearance.

Demand for discovery.

**Demand for the legible name and office of the
person who illegibly signed the
complaint.**

Waiver of time.

Demand to Quash.

**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: Courtroom # _____

22
23 **Demand to Quash. Waiver of time.**

24 At the venue designated in the caption or at such other venue as the court shall designate, I will
25 demand that the court quash this case in the absence of a complaint by a duly elected prosecutor based
26 on competent testimony attesting to the commission of a crime. **I waive my right to a speedy trial as
necessary to vindicate my legal rights.**

27 Signed _____ Debra Brumback Wednesday, April 18, 2007
28

Motion #8474. Demand to Quash. By Debra Brumback.

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

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

3 **Statement of the Case** -2-

4 **Table of Authorities and Fountains of Liberty cited herein:** -3-

5 **U.S. Constitutional Clauses Cited herein:** -3-

6 **List of Clauses from the California Constitution cited herein:** -3-

7 **List of U.S. Supreme Court cases cited herein:** -3-

8 **Treaties cited herein:** -3-

9 **Illinois, California, and other Foreign Constitutions rightfully cited herein:** ... -3-

10 **Table of Statutes cited herein:** -3-

11 **List of Foreign state cases cited herein:** -3-

12 **Argument. Memorandum of Points and Authorities.** -3-

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

14 **rights** -4-

15 I am entitled to utilize the constitutional concepts expressed in foreign constitutions. -4-

16 **I am a beneficiary of the rights declared by the California constitution.** -4-

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

18 **Clerks the power to prosecute.** -4-

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

20 -4-

21 **Pleadings of Pro Se Litigants must be given some leeway** -4-

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

23 **protection.** -5-

24 **Proof of Service** -5-

25 **Appendix: Excerpts from California Bill of Rights.** -5-

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

- 27 1. I will be filing a motion to suppress all evidence in this case.
- 28 2. The prosecutor has committed prosecutorial misconduct.

Statement of the Case

The complaint in this case is signed illegibly. The signer does not indicate that he/ she has authority to sign. This is my first appearance. I have not seen the police reports.

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. -4-

4 **Haines v Kerner** (1972) 404 U.S. 519 (1972) <http://www.lawyerdude.netfirms.com/haines.html> Pleadings of
5 Pro Se litigants are entitled to some leeway. **Haines v Kerner** (1972) 404 U.S. 519 (1972)
6 <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. -5-

7 **List of Clauses from the California Constitution cited herein:**

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

9 **U.S. v Gonzalez-Lopez** 2005-352. Decided 2006. <http://www.lawyerdude.netfirms.com/8345.html> -3-

10 **Treaties cited herein:**

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

12 California constitution: Section 1. All people are by nature free and independent and have inalienable
13 rights. Among these are enjoying and defending life and liberty, acquiring, possessing, and protecting
property, and pursuing and obtaining safety, happiness, and privacy.
14 http://www.leginfo.ca.gov/const/article_1 <http://www.leginfo.ca.gov/const-toc.html> -4-

15 **Table of Statutes cited herein:**

16 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. -4-

17 Penal Code§ 740 states as follows: Except as otherwise provided by law, all misdemeanors and
18 infractions must be prosecuted by written complaint under oath subscribed by the complainant. -4-

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

20 **People v Dragomir** Feb 14, 2006 <http://www.lawyerdude.netfirms.com/Dragomir.html> -4-

21 **People v Carlucci** 1979 <http://www.lawyerdude.8k.com/Carlucci.htm>
22 <http://www.lawyerdude.netfirms.com/carlucc.html> -4-

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

24 I have a right to a remedy. Thirty-five states include a "right to a remedy" in their constitution.
25 California is not on that list; however the right to a remedy exists here nonetheless. The list is at the
following hyperlink: *Constitutional Right to a Remedy* <http://www.lawyerdude.netfirms.com/8428.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>

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

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

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

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

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

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

12 The California Constitution protects me: Here is our first flowery clause:

13 California constitution: Section 1. All people are by nature free and
14 independent and have inalienable rights. Among these are enjoying and
15 defending life and liberty, acquiring, possessing, and protecting property,
16 and pursuing and obtaining safety, happiness, and privacy.

17 <http://www.leginfo.ca.gov/const-toc.html>

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

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

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

24 Penal Code§ 740 states as follows:

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

28 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.

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

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

9 Signed _____ Debra Brumback Friday, March 23, 2007

10 **Proof of Service**

11 I, Bill Brumback, served this document upon the prosecutor's office by handing it to the clerk at
12 the reception window on 4/18/07. Thereafter I filed it at the criminal filing window on 4/18/07. I served the
13 prosecutor by hand delivery in court on this day.

14 Signed _____ Wednesday, April 18, 2007

15 **Appendix: Excerpts from California Bill of Rights.**
