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Reserved for Clerk's Filing Stamp

5 This document is <http://www.lawyerdude.netfirms.com/8628.pdf> , <http://www.lawyerdude.netfirms.com/8628.html>
6 <http://www.lawyerdude.netfirms.com/8622.rtf> and <http://www.lawyerdude.netfirms.com/8622.wpd>

7 Picture of the ticket: <http://www.lawyerdude.netfirms.com/ticket.pdf>

San Antonio Municipal Court

8 401 South Frio Street, San Antonio, TX 78207
210-207-8970

9 Monday-Thursday 8-5 Friday 8-8

<http://www.sanantonio.gov/court/>

10 "The mission of the Court is to interpret and adjudicate applicable state laws and to support the local community by
11 providing efficient and effective services through the promotion of justice. We seek to serve the citizens of San
Antonio in an accountable, efficient, and independent manner. In addition to providing fair and equal access to all
12 citizens of San Antonio, we also strive to facilitate the timely disposition of cases with prompt and courteous service."
- Sayeth their website. Ha!

13 Clerk of court, a high school graduate, having
14 unlawfully and unconstitutionally (in
violation of her oath of office)
15 usurped the prosecutorial function
that is solely the province of the
16 elected prosecutor, doing business
under false color of law and corrupt
17 legal fiction as "The People of Texas"
Specious Fake Corrupt Plaintiff.

v
18 Leslie Seaton,
19 One of the actual People of Texas,
Moving Party and Putative, Faux non-
20 Defendant.

Case Number
Ticket Number P181528____ Date 30 May, 2007.

1st Substantive Motion for Defendant.
Document #8622 Version 1.002

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

**Demand to Immediately Recall any
Warrant for me.**

**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.

Proposed Venue:
Date: Thursday 12 July, 2007.
Time: 1:30 pm
Place: Arraignment court.

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

27 To the clerk, judge, and police officer: You have all conspired and usurped the role of the
28 prosecutor by filing a ticket in this case thereby initiating prosecution and bypassing the prosecutorial

Motion #8628. Demand to Quash. By Leslie Seaton.

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 _____ Leslie Seaton. Wednesday, June 20, 2007

Contents of this Demand to Quash/ Dismiss:

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There was no legal basis for this traffic stop. Traffic rules are merely recommendatory. -3-

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Declaration of Expert Attorney Douglas Palaschak regarding Traffic Court Abuses, Methodology, Corruption, and Systemic Denial of Due Process - especially in Texas. -5-

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Argument. Memorandum of Points and Authorities. -9-

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

My constitutional right to a remedy. -9-

Under U.S. Constitution IV, 2, I am entitled to Georgia, Illinois, and California rights -10-

I am entitled to utilize the constitutional concepts expressed in foreign constitutions. -10-

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

1	<u>-10-</u>
2	I am a beneficiary of the rights declared by the California constitution.	<u>-11-</u>
3	The clerk and judge have usurped the prosecutorial function; that is wrong.	
4	Dismissal is the remedy.	<u>-11-</u>
5	A defendant may appear by motion.	<u>-12-</u>
6	Permitting Police to Summon me to court denies Equal Protection Under the Law	
7	<u>-12-</u>
8	The Legislature may not give Police the Power to Summon and may not give	
9	Clerks the power to prosecute.	<u>-13-</u>
10	You are Equitably Estopped from Presuming a Waiver of Jurisdictional Challenge.	
11	<u>-13-</u>
12	Pleadings of Pro Se Litigants must be given some leeway	<u>-13-</u>
13	Special Scrutiny and Prosecution for those who know the law denies equal	
14	protection.	<u>-13-</u>
15	Proof of Service	<u>-13-</u>
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17	Appendix: Lawyerdude’s Sanitized Bill of Rights of Texas	<u>-14-</u>
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20	Topical Index	<u>-17-</u>

Notice of Concurrent and Upcoming Motions and Demands

1. I will be filing a motion to suppress all evidence in this case.
2. 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.

Statement of the Case

I was ticketed in a pretextual traffic stop on Wednesday 30 May 2007. Speeding. 45 in a 35. Radar was used. Traffic was congested. He could not know which car he was tracking. He was not correctly aligned to assure accuracy of the instrument.

The officer threatened to imprison me if I refused to sign. Your system contains systemic errors and this signature fiasco is one such error. In Oregon the police do not require a signature. You have no right to demand anything of me! In a civil case or criminal case, you may serve a summons upon me. I am not required to sign it.

The clerk has invaded the exclusive province of the prosecutor as set forth more fully in my memorandum of authorities below.

There was no legal basis for this traffic stop. Traffic rules are merely recommendatory.

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

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

6 This will not stand.

7 - Leslie Seaton. Wednesday, June 20, 2007.

8 **Declaration of Expert Attorney Douglas Palaschak regarding Traffic Court Abuses, Methodology,
9 Corruption, and Systemic Denial of Due Process - especially in Texas.**

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

11 My biography is appended hereto. I have been a lawyer for nearly a quarter century.

12 For over a quarter century I have studied the tactics and methodology of traffic courts. They are
13 instruments of oppression. Over half of my work consists of writing motions for traffic court. I see the
14 same patterns in nearly all the 50 states.

15 Your system treats citizens as your subjects and San Antonio as your fiefdom. Feudalism is a
16 natural system. As civilized people we rise above the medieval cruelty that was feudalism.

17 For years Ventura, California, showed a video that contained blatant lies about your rights. In
18 particular they said there were 3 pleas; there are 6. They ignored the demurrer.

19 They prosecute insurance tickets even in the absence of an accompanying citation on the same
20 paper - in violation of statute.

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

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

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

Your pretext for prosecuting this defendant is violation of a license. The license is a legal fiction.

1 We are each entitled to use the roads! It is only by incessant stealthy encroachment that the police state
2 now treats the roads as its private fiefdom. The right to use the highway has been eroded and diminished
3 until today it is no longer a right of the people but a franchise of the state.

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

7 You are a mockery to justice.

8 No. This will not stand.

9 Signed by Leslie Seaton for and with Special Permission of Palaschak _____..

10 Wednesday, June 20, 2007

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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. -10-

4 Commerce Clause/ interstate commerce -10-

5 Due Process Clause -12-

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

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> -9-

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. -13-

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. -10-

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

15 Bill of Rights of Texas is appended to this brief. -14-

16 **List of Clauses from the Florida Constitution cited herein:**

17 Florida Bill of Rights. Excerpts are reprinted in the Appendix. -15-

18 Florida constitution Art. 1, section 21. guarantees my right to a remedy: Art. 1, section 21. Access to
courts- The courts shall be open to every person for redress of any injury, and justice shall be
19 administered without sale, denial or delay. - Florida Bill of Rights. -9-

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

21 **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>
22 -9-

23 **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. -9-

24 **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
25 contemplation, as inoperative as though it had never been passed."
<http://www.lawyerdude.netfirms.com/norton.html>
26 -9-

27 **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
28 profit. -4-

1 **U.S. v Gonzalez-Lopez** 2005-352. Decided 2006. <http://www.lawyerdude.netfirms.com/8345.html> -10-

3 **Treaties cited herein:**

4 Treaty. 1948 Universal Declaration of Human Rights“Article 20(2) No one may be compelled to belong to
5 an association.” <http://www.lawyerdude.netfirms.com/8213.html> This treaty, the 1st amendment, the 6th,
6 and the 14th amendments preclude the regulation of the practice of law by non-government lawyers. -10-

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
10 property, and pursuing and obtaining safety, happiness, and privacy.
11 http://www.leginfo.ca.gov/const/article_1 <http://www.leginfo.ca.gov/const-toc.html> -11-

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

17 Illinois Constitution. Section 1. Inherent and Inalienable Rights: All men are by nature free and
18 independent and have certain inherent and inalienable rights among which are life, liberty and the pursuit
19 of happiness. To secure these rights and the protection of property, governments are instituted among
20 men, deriving their just powers from the consent of the governed. -11-

21 Illinois Constitution: Section 2. Due Process and Equal Protection. No person shall be deprived of life,
22 liberty or property without due process of law nor be denied the equal protection of the laws. -12-

23 **Table of California Statutes cited herein:**

24 PC 949. The first pleading on the part of the people in a misdemeanor or infraction case is the complaint
25 except as otherwise provided by law. -13-

26 Penal Code§ 740 states as follows: Except as otherwise provided by law, all misdemeanors and
27 infractions must be prosecuted by written complaint under oath subscribed by the complainant. -13-

28 **List of California state cases cited herein:**

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

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

People v Kurt Albert Stapf (1999) <http://www.lawyerdude.netfirms.com/8289.html> Only the duly elected
prosecutor or attorney general may prosecute. -9-

People v. Municipal Court (Real Party: Pellegrino) (1972)
<http://www.lawyerdude.netfirms.com/8453.html> 27 CA3d 193 (Ventura). In Pellegrino a Ventura judge
appointed a local lawyer to prosecute after the prosecutor declined to prosecute. The court of appeal
ruled that the special prosecutor was unconstitutional. See also the *Stapf* case herein.

Argument. Memorandum of Points and Authorities.

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

The clerk may not initiate prosecution. She has done so in this case. Only the duly elected prosecutor may initiate a criminal prosecution. The court may not initiate prosecution. Neither may the court appoint someone to prosecute. Only the duly elected prosecutor or the attorney general may prosecute a criminal case. This is the holding of *People v. Municipal Court (Real Party: Pellegrino)* (1972) <http://www.lawyerdude.netfirms.com/8453.html> 27 CA3d 193 (Ventura). In Pellegrino a Ventura judge appointed a local lawyer to prosecute after the prosecutor declined to prosecute. The court of appeal ruled that the special prosecutor was unconstitutional.

The concept/ rule of “ exclusive province “ was reaffirmed in *People v Kurt Albert Stapf* (1999) <http://www.lawyerdude.netfirms.com/8289.html> .

My constitutional right to a remedy.

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

Our Florida constitution guarantees my right to a remedy for today’s denigration of my right to a jury and transcript:

Art. 1, section 21. Access to courts- The courts shall be open to every person for redress of any injury, and justice shall be administered without sale, denial or delay. - Florida Bill of Rights.

You can’t take away a driver license without a hearing. That’s what the Supreme Court said: *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> . Therefore the purported suspension by a mere high school graduate was void ab initio.

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

“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 contemplation, as inoperative as though it had never been passed.” - The U.S. Supreme Court in *Norton v Shelby* (1886)

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

27 Likewise a driver need not register himself at every state border. Neither should a statute require
28 that I re-register my car upon residing in a state more than 60 days or whatever that state requires. Such
a requirement violates so very many clauses in the various fountains of liberty. Example: To do so
imposes an undue burden on **interstate commerce**. Both lawyers and drivers are subjected to ever
tightening reigns of state governments. Governments by stealthy encroachment over the course of
generations seek to fatten the corporate bureaucracies and extract greater percentages of the wealth of
the citizenry which they view as their subjects. In the beginning we sought government to provide law and

1 order - not to enslave and rule us. Consider the portentous words of “our” Illinois constitution. By terms of
2 the U.S. constitution, we free people of every state are beneficiaries of the liberating clause of the
3 constitutions of Illinois and California as well as our own. We have 51 fountains of liberty from which to
4 drink:

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

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

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

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

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

25 “Our” Illinois constitution forbids unwarranted searches.

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

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

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

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

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

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

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

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

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

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

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

23 The prosecution may or may not constitutionally be done without any prosecutor - depending on
24 the actual facts of the case. **People v Carlucci** 1979 <http://www.lawyerdude.8k.com/Carlucci.htm>
25 <http://www.lawyerdude.netfirms.com/carlucc.html> **People v Dragomir** Feb 14, 2006
26 <http://www.lawyerdude.netfirms.com/Dragomir.html>

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

28 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 me to court denies Equal Protection Under the Law

When I want to sue the police I must jump through the hoops of a summons and complaint and
filing fee. Conversely when he wants to "sue" me he uses his ticket book. Then the clerk prosecutes for

1 him. Wouldst that my lawsuits against the police were that quick and easy. That difference denies me
2 equal protection under the law. Your process violates the **equal protection clause of the state**
3 **constitution and the 14th amendment**. My remedy is dismissal. Do it.

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

6 Penal Code§ 740 states as follows:

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

10 PC § 949 states as follows:

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

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

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

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

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

19 Pleadings of Pro Se litigants are entitled to some leeway. *Haines v Kerner* (1972) 404 U.S. 519
20 (1972) <http://www.lawyerdude.netfirms.com/haines.html> This ruling is consistent with statutes in nearly all
21 jurisdictions. The law is not a trap for the unwary. For every wrong there is a remedy.

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

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

27 Signed _____ Leslie Seaton. Wednesday, June 20, 2007

28 **Proof of Service**

I, Leslie Seaton, served this document at the criminal filing window. No service on the prosecutor
is necessary because no prosecutor has appeared in writing in this case. I served the clerk at the filing
window by hand delivery in court on this longest day of the year.

Signed _____ Leslie Seaton. Thursday, June 21, 2007.

Appendix: Brief Biography of Attorney Douglas Palaschak

This subdocument is <http://www.lawyerdude.netfirms.com/bio33.html>

I, Douglas Palaschak, declare the following under penalty of perjury: I have enjoyed a charmed
life. I grew up on the perfect farm. My brother Greg farms it now. I am an Engineering Graduate of the
University of Illinois, Urbana, the best engineering school in the world - home of the Hal9000 of 2001, A
Space Odyssey. There I was an honors student. I marched in "The Marching Illini", the world's undisputed
Premiere Marching Band. John Philip Sousa said that we were the best. I began my career as a
Registered Professional Engineer. I consulted for the U.S. Navy, Mobil, and Exxon. My expert testimony
resolved a personal injury case where my calculations proved that a hydraulic accumulator could not
contain sufficient oxygen for combustion to have overloaded the failed bolts. This tended to prove that the
cause of the explosion was a failed hydraulic safety valve.

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

3 I have been a licensed lawyer for nearly a quarter century. I passed the California bar exam in
1983. I have my J.D. from Ventura College of Law. I publish approximately 1200 legal articles on the
internet. My areas of expertise are:

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

I wrote only one appeal in my career and it won.

9 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. My proudest accomplishment is having found a mistake in the
sheet music for Debussy's Clair De Lune. Warner Brothers republished their Debussy book. Here is their
letter in that matter: <http://lawyerdude.8m.com/Warnerletter.jpg> I have been feature on *The Love
Connection*, *Hard Copy*, and *Inside Edition*.

10 My heroes are Williams Kunstler <http://www.lawyerdude.netfirms.com/kunstler.html> Stephen
11 Yagman <http://www.circuitlawyer.8m.com/yagman.html> , and Melvin Belli. Kunstler was sentenced to 4
years and 13 days in jail for his zealous advocacy. He won on appeal. Yagman was suspended for 2 years
for having accused Judge Real of being a drunk. He won on appeal. Belli was whacked by the California
bar for having done a TV spot for his favorite wine.

12 **Appendix: Lawyerdude's Sanitized Bill of Rights of Texas**

13 This document is <http://www.lawyerdude.netfirms.com/8632.html>

I have removed some bullshit and useless clauses.

14 Article1. Bill of Rights.

15 That the general, great and essential principles of liberty and free government may be recognized and
established, we declare:

16 § 2. All political power is inherent in the people and all free governments are founded on their authority,
and instituted for their benefit. The faith of the people of Texas stands pledged to the preservation of a
17 republican form of government, and, subject to this limitation only, they have at all times the inalienable
right to alter, reform or abolish their government in such manner as they may think expedient.

18 § 3. All free men when they form a social compact have equal rights, and no man, or set of men, is
entitled to exclusive separate public emoluments, or privileges, but in consideration of public services.

19 § 5. No person shall be disqualified to give evidence in any of the courts of this State on account of his
religious opinions, or for the want of any religious belief, but all oaths or affirmations shall be administered
20 in the mode most binding upon the conscience, and shall be taken subject to the pains and penalties of
perjury.

21 § 8. Every person shall be at liberty to speak, write or publish his opinions on any subject, being
responsible for the abuse of that privilege; and no law shall ever be passed curtailing the liberty of speech
or of the press. In prosecutions for the publication of papers investigating the conduct of officers or men in
22 public capacity, or when the matter published is proper for public information, the truth thereof may be
given in evidence. And in all indictments for libels the jury shall have the right to determine the law and the
23 facts under the direction of the court, as in other cases.

24 § 9. The people shall be secure in their persons, houses, papers and possessions from all unreasonable
seizures or searches, and no warrant to search any place, or to seize any person or thing, shall issue
without describing them as near as may be, nor without probable cause supported by oath or affirmation.

25 § 10. In all criminal prosecutions the accused shall have a speedy public trial by an impartial jury. He shall
have the right to demand the nature and cause of the accusation against him and to have a copy thereof.
26 He shall not be compelled to give evidence against himself. He shall have the right of being heard by
himself or counsel or both; shall be confronted with the witnesses against him; and shall have compulsory
27 process for obtaining witnesses in his favor. And no person shall be held to answer for a criminal offense,
unless on indictment of a grand jury, except in cases in which the punishment is by fine, or imprisonment
28 otherwise than in the penitentiary, in cases of impeachment, and in cases arising in the army or navy, or in

1 the militia, when in actual service in time of war or public danger.
2 § 11. All prisoners shall be bailable by sufficient sureties, unless for capital offenses when the proof is
3 evident; but this provision shall not be so construed as to prevent bail after indictment found, upon
4 examination of the evidence in such manner as may be prescribed by law.
5 § 12. The writ of habeas corpus is a writ of right, and shall never be suspended. The Legislature shall
6 enact laws to render the remedy speedy and effectual.
7 § 13. Excessive bail shall not be required, nor excessive fines imposed, nor cruel or unusual punishment
8 inflicted. All courts shall be open, and every person for an injury done him in his lands, goods, person or
9 reputation shall have remedy by due course of law.
10 § 14. No person, for the same offense, shall be twice put in jeopardy of life or liberty; nor shall a person be
11 again put upon trial for the same offense after a verdict of not guilty in a court of competent jurisdiction.
12 § 15. The right of trial by jury shall remain inviolate. The Legislature shall pass such laws as may be
13 needed to regulate the same, and to maintain its purity and efficiency.
14 § 16. No bill of attainder, ex post facto law, retroactive law, or any law impairing the obligation of contracts
15 shall be made.
16 § 17. No person's property shall be taken, damaged or destroyed for or applied to public use without
17 adequate compensation being made, unless by the consent of such person, and, when taken, except for
18 the use of the State, such compensation shall be first made, or secured by deposit of money; and no
19 irrevocable or uncontrollable grant of special privileges or immunities shall be made; but all privileges and
20 franchises granted by the Legislature or created under its authority shall be subject to the control thereof.
21 § 18. No person shall ever be imprisoned for debt.
22 § 19. No citizen of this State shall be deprived of life, liberty, property, privileges or immunities, or in any
23 manner disfranchised, except by the due course of the law of the land.
24 § 20. No citizen shall be outlawed; nor shall any person be transported out of the State for any offense
25 committed within the same.
26 § 24. The military shall at all times be subordinate to the civil authority.
27 § 26. Perpetuities and monopolies are contrary to the genius of a free government, and shall never be
28 allowed; nor shall the law of primogeniture or entailments ever be in force in this State.
29 § 29. To guard against transgressions of the high powers herein delegated, we declare that everything in
this "Bill of Rights" is excepted out of the general powers of government, and shall forever remain
inviolable, and all laws contrary thereto, or to the following provisions, shall be void.

17 **Appendix: Sample state Bill of Rights. Excerpts from the Florida Bill of Rights.**
18 http://en.wikipedia.org/wiki/Florida_Constitution

19 SECTION 1. Political power.--All political power is inherent in the people. The enunciation herein of
20 certain rights shall not be construed to deny or impair others retained by the people.

21 SECTION 2. Basic rights.--All natural persons, female and male alike, are equal before the law and have
22 inalienable rights, among which are the right to enjoy and defend life and liberty, to pursue happiness, to
23 be rewarded for industry, and to acquire, possess and protect property; except that the ownership,
24 inheritance, disposition and possession of real property by aliens ineligible for citizenship may be
25 regulated or prohibited by law. No person shall be deprived of any right because of race, religion, national
26 origin, or physical disability.

27 History.--Am. S.J.R. 917, 1974; adopted 1974; Am. proposed by Constitution Revision Commission,
28 Revision No. 9, 1998, filed with the Secretary of State May 5, 1998; adopted 1998.

29 SECTION 5. Right to assemble.--The people shall have the right peaceably to assemble, to instruct their
30 representatives, and to petition for redress of grievances.

31 SECTION 9. Due process.--No person shall be deprived of life, liberty or property without due process of
32 law, or be twice put in jeopardy for the same offense, or be compelled in any criminal matter to be a
33 witness against oneself.

1 History.--Am. proposed by Constitution Revision Commission, Revision No. 13, 1998, filed with the
2 Secretary of State May 5, 1998; adopted 1998.

3 SECTION 10. Prohibited laws.--No bill of attainder, ex post facto law or law impairing the obligation of
4 contracts shall be passed.

5 SECTION 11. Imprisonment for debt.--No person shall be imprisoned for debt, except in cases of fraud.

6 SECTION 12. Searches and seizures.--The right of the people to be secure in their persons, houses,
7 papers and effects against unreasonable searches and seizures, and against the unreasonable
8 interception of private communications by any means, shall not be violated. No warrant shall be issued
9 except upon probable cause, supported by affidavit, particularly describing the place or places to be
10 searched, the person or persons, thing or things to be seized, the communication to be intercepted, and
11 the nature of evidence to be obtained. This right shall be construed in conformity with the 4th Amendment
12 to the United States Constitution, as interpreted by the United States Supreme Court. Articles or
13 information obtained in violation of this right shall not be admissible in evidence if such articles or
14 information would be inadmissible under decisions of the United States Supreme Court construing the 4th
15 Amendment to the United States Constitution.

16 History.--Am. H.J.R. 31-H, 1982; adopted 1982.

17 SECTION 13. Habeas corpus.--The writ of habeas corpus shall be grantable of right, freely and without
18 cost. It shall be returnable without delay, and shall never be suspended unless, in case of rebellion or
19 invasion, suspension is essential to the public safety.

20 SECTION 14. Pretrial release and detention.--Unless charged with a capital offense or an offense
21 punishable by life imprisonment and the proof of guilt is evident or the presumption is great, every person
22 charged with a crime or violation of municipal or county ordinance shall be entitled to pretrial release on
23 reasonable conditions. If no conditions of release can reasonably protect the community from risk of
24 physical harm to persons, assure the presence of the accused at trial, or assure the integrity of the judicial
25 process, the accused may be detained.

26 History.--Am. H.J.R. 43-H, 1982; adopted 1982.

27 SECTION 15. Prosecution for crime; offenses committed by children.--

28 (a) No person shall be tried for capital crime without presentment or indictment by a grand jury, or for
other felony without such presentment or indictment or an information under oath filed by the prosecuting
officer of the court, except persons on active duty in the militia when tried by courts martial.

(b) When authorized by law, a child as therein defined may be charged with a violation of law as an act of
delinquency instead of crime and tried without a jury or other requirements applicable to criminal cases.
Any child so charged shall, upon demand made as provided by law before a trial in a juvenile proceeding,
be tried in an appropriate court as an adult. A child found delinquent shall be disciplined as provided by
law.

SECTION 16. Rights of accused and of victims.--

(a) In all criminal prosecutions the accused shall, upon demand, be informed of the nature and cause of
the accusation, and shall be furnished a copy of the charges, and shall have the right to have compulsory
process for witnesses, to confront at trial adverse witnesses, to be heard in person, by counsel or both,
and to have a speedy and public trial by impartial jury in the county where the crime was committed. If the
county is not known, the indictment or information may charge venue in two or more counties
conjunctively and proof that the crime was committed in that area shall be sufficient; but before pleading
the accused may elect in which of those counties the trial will take place. Venue for prosecution of crimes

1	California bar	-14-	empowerment	-14-	inquisitorial	-5- , -12-
	California constitution	-11-	encroachment	-4- , -6- , -10- , -12-	instrument of oppression	-12-
2	Carlucci	-12-	equal protection	-5- , -9- , -10- , -12- , -13-	instruments of oppression	-5- , -12- , -14-
	citizens in the several states	-10-	error	-3-	interstate commerce	-10-
3	civilized	-5-	ethical duty	-4-	jail	-14-
4	civilized people	-5-	evidence	-3- , -14- , -16-	jurisdiction	-5- , -10- , -13- , -15-
	clause of the state constitution	-13-	excessive	-15- , -17-	jurisdictional	-13-
5	Clerks	-13-	excessive fines	-15- , -17-	Kerner	-13-
6	color of law	-1-	exclusive	-3- , -9- , -14-	Kunstler	-14-
	commerce	-10-	exclusive province	-3- , -9-	lawyer	-5- , -9- , -10- , -14-
7	common law	-10- , -13-	exclusive province of the	-3-	Lawyerdude	-1- , -4- , -9- , -10- , -12- , -14-
	communication	-16-	prosecutor	-3-	lawyers	-10-
8	community	-1- , -16-	e-transcript	-1-	legal contemplation	-9-
	compact	-14-	fake	-1-	legal nullity	-4- , -9-
9	compelled	-10- , -14- , -15- , -17-	false color of law	-1-	Leslie Seaton	-1- , -2- , -5- , -6- , -13-
10	complaint	-1- , -4- , -5- , -12- , -13-	feudalism	-5-	liberating	-11-
	compulsion	-10-	fiefdom	-5- , -6-	liberty	-7- , -10- , -12- , -14- , -15-
11	compulsory	-10- , -14- , -16-	finances	-15- , -17-	licenses	-14-
12	compulsory association clause	-10-	Florida	-7- , -9- , -15-	list	-7- , -9- , -12-
	for every wrong there is	-13-	Florida bill of rights	-9- , -15-	magna charta	-10-
13	compulsory bar	-10-	Florida constitution	-7- , -9-	malum prohibitum	-14-
	conditions	-16-	foreign	-8- , -10-	Memorandum	-3- , -9-
14	confers no rights	-9-	foreign constitutions	-8- , -10-	Memorandum of Authorities	-3-
	constitution	-4- , -7- , -9- , -13- , -15- , -17-	fountains of liberty	-7- , -10- , -11-	MLB	-9-
15	constitutional	-7- , -9- , -10- , -17-	franchise	-6-	monopolies	-15-
16	constitutional concept	-10-	free government	-14- , -15-	motion to	-3- , -4- , -12-
17	constitutional right to a remedy	-9-	game	-6- , -12-	motion to quash	-4- , -12-
	corruption	-5- , -13-	Georgia	-4- , -10-	Motion to suppress	-3-
18	counsel	-10- , -14- , -16-	Georgia constitution	-4-	never been passed	-9-
19	counsel of choice	-10-	Gonzalez	-10-	no state shall	-10-
	creates no office	-9-	Griffin	-9-	Norton	-9-
20	declaration	-5- , -10-	Griffin v Illinois	-9-	Norton v Shelby	-9-
	declaration of human rights	-10-	Habeas	-15- , -16-	nullity	-4- , -9-
21	defense	-14-	Habeas Corpus	-15- , -16-	Ohio	-4- , -11-
22	demand	-1- , -4- , -14- , -16-	Haines	-13-	Ohio constitution	-11-
	Demand to vacate	-1-	Haines v Kerner	-13-	oppression	-5- , -6- , -12- , -14-
23	demurrer	-5-	happiness	-11- , -15-	order	-11- , -14-
	denial	-5- , -9- , -17-	hearing	-1- , -9- , -12-	Oregon	-3-
24	Dragomir	-12-	hegemony	-5-	overbroad	-3-
	driver license	-9-	Illinois	-8- , -13-	overbroad statute	-3-
25	due process	-4- , -5- , -9- , -10- , -12- , -15-	Illinois bill of rights	-11-	Palaschak	-5- , -6- , -13-
26	due process clause	-12-	Illinois constitution	-11- , -12-	parasitic	-4-
	due process of law	-10- , -12- , -15-	immunities	-10- , -15-	penitentiary	-14-
27	dynamic	-5-	imposes no duties	-9-	perjury	-5- , -13- , -14-
28	dynamic tension	-5-	in writing	-13-	police state	-6-
			income	-4-	possession	-15-
			independent state grounds	-12-	pretext	-5-
			individual	-5-	pretextual	-3-
			inoperative	-9-	pretextual traffic stop	-3-
			inquisition	-2- , -5-	privacy	-11- , -17-
					Private Attorney General	-13-

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