

Reserved for Clerk's Filing Stamp.

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<http://www.lawyerdude.netfirms.com/8662.doc> and <http://www.lawyerdude.netfirms.com/8662.wpd>

**Related documents:**

Picture of the ticket in on file with Lawyerdude.

**Roosevelt County Magistrate Court  
Court of Jane A. Martin - not a lawyer, not a judge, not even close.**

Jane A. Martin is a high school graduate falsely representing herself on Findlaw to be a lawyer.

[http://pview.findlaw.com/view/3058764\\_1](http://pview.findlaw.com/view/3058764_1)

42427 U.S. 70, Portales, New Mexico 88130

505-356-8569 Fax: 359-6883

[http://www.nmsc.state.nm.us/directory/program.php?program\\_id=654](http://www.nmsc.state.nm.us/directory/program.php?program_id=654)

Clerk of court, having unlawfully and unconstitutionally (in violation of her oath of office) usurped the prosecutorial function that is solely the province of the elected prosecutor doing business under false color of law and corrupt legal fiction as "The People of New Mexico"  
Specious Fake Corrupt Plaintiff.

v  
Katrina Bryant,  
One of the actual People of New Mexico,  
Moving Party and Putative, Faux non-Defendant.

**Case Numbers:**

Ticket Number 4774353 9 and 47743521  
Date:1 June 2007. Statutes: 66-5-2 & 68-3-18.

1<sup>st</sup> Substantive Motion for Defendant.  
Document #8662 Version 1.003

**Special Appearance.**

**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.**

**Proof of Service.**

Proposed Venue:

Date: **Tuesday 24 August, 2007.**

Time: 1:30 pm

Place: This same courtroom

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

To the clerk, to Imposter Poseur Jane Martin, and police officer Telles: 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**

Motion #8662. Demand to Quash. By Katrina Bryant.

1 **other venue as the court shall designate**, I will demand that the court dismiss this case. Not  
2 one of you is a prosecutor.

3 Jane Martin, you are deceptively masquerading as a judge, impersonating a judge.

4 Some of you work for the court; the court's job is to be a neutral judge - not a prosecutor. The  
5 inquisition ended some years ago. You have done the work of the prosecutor and yet you don't do my  
6 work. You should be neutral; you are not. "Equal Protection of the Law" is the law. **I waive my right to a  
7 speedy trial as necessary to vindicate my legal rights. You should have advised me well; you  
8 didn't. If there were a neutral prosecutor I could have worked this out with him. You may not be  
9 both judge and prosecutor.**

Signed \_\_\_\_\_ Katrina Bryant. Friday, June 29, 2007

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

11	<b>Notice of Concurrent and Upcoming Motions and Demands</b> .....	<u>-4-</u>
12	<b>Statement of the Case</b> .....	<u>-4-</u>
13	<b>This officer has no authority to do what he did.</b> .....	<u>-4-</u>
14	<b>There was no legal basis for this traffic stop. Traffic rules are merely 15 recommendatory.</b> .....	<u>-4-</u>
16	<b>Police officer has usurped the clerk's role.</b> .....	<u>-5-</u>
17	Declaration of Expert Attorney Douglas Palaschak regarding Traffic Court Abuses, 18 Methodology, Corruption, and Systemic Denial of Due Process - especially in New 19 Mexico. ....	<u>-6-</u>
20	A ticket can never be a summons. ....	<u>-6-</u>
21	<b>Table of Authorities and Fountains of Liberty cited herein:</b> .....	<u>-8-</u>
22	<b>U.S. Constitutional Clauses Cited herein:</b> .....	<u>-8-</u>
23	<b>List of Clauses from the Colorado Constitution cited herein:</b> .....	<u>-8-</u>
24	<b>List of Clauses from the Kansas Constitution cited herein:</b> .....	<u>-8-</u>
25	List of Clauses from the Texas Constitution cited herein: .....	<u>-8-</u>
26	<b>List of Clauses from the Florida Constitution cited herein:</b> .....	<u>-8-</u>
27	<b>List of U.S. Supreme Court cases cited herein:</b> .....	<u>-9-</u>
28	<b>Treaties cited herein:</b> .....	<u>-9-</u>
	<b>Illinois, California, and other Foreign Constitutions rightfully cited herein:</b> ...	<u>-9-</u>
	<b>Table of California Statutes cited herein:</b> .....	<u>-10-</u>
	<b>List of California state cases cited herein:</b> .....	<u>-10-</u>
	<b>Treatises cited herein:</b> .....	<u>-10-</u>
	Argument. Memorandum of Points and Authorities. ....	<u>-10-</u>
	<b>Clerk has unconstitutionally usurped function of prosecutor; Dismissal is my remedy.</b> .....	<u>-10-</u>

1	<b>My constitutional right to a remedy. . . . .</b>	<b><u>-10-</u></b>
2	<b>and a speedy remedy afforded for every injury to person, property or character; and right</b>	
3	<b>and justice should be administered without sale, denial or delay. . . . .</b>	<b><u>-11-</u></b>
4	<b>Under U.S. Constitution IV, 2, I am entitled to Georgia, Illinois, and California</b>	
5	<b>rights . . . . .</b>	<b><u>-11-</u></b>
6	<b>I am entitled to utilize the constitutional concepts expressed in foreign constitutions. . . . .</b>	<b><u>-11-</u></b>
7	<b>Application: Kansas Constitution contains no Due Process Clause - and yet I have</b>	
8	<b>a state constitutional right to due process. . . . .</b>	<b><u>-12-</u></b>
9	<b>Fountains of Liberty: Magna Charta, 1948 Universal Declaration of Human rights.</b>	
10	<b>. . . . .</b>	<b><u>-12-</u></b>
11	<b>I am a beneficiary of the rights declared by the California constitution. . . . .</b>	<b><u>-13-</u></b>
12	<b>The clerk and judge have usurped the prosecutorial function; that is wrong.</b>	
13	<b>Dismissal is the remedy. . . . .</b>	<b><u>-13-</u></b>
14	<b>A defendant may appear by motion - by paper. . . . .</b>	<b><u>-14-</u></b>
15	<b>I have not signed any agreement to appear. The police officer has no authority to</b>	
16	<b>issue such a command! The judicial branch may not delegate its authority</b>	
17	<b>to a member of the executive branch including an employee police officer.</b>	
18	<b>. . . . .</b>	<b><u>-14-</u></b>
19	<b>Permitting Police to Summon me to court denies Equal Protection Under the Law</b>	
20	<b>. . . . .</b>	<b><u>-14-</u></b>
21	<b>The Legislature may not give Police the Power to Summon and may not give</b>	
22	<b>Clerks the power to prosecute. . . . .</b>	<b><u>-14-</u></b>
23	<b>You are Equitably Estopped from Presuming a Waiver of Jurisdictional Challenge.</b>	
24	<b>. . . . .</b>	<b><u>-15-</u></b>
25	<b>You may not serve me a summons in court; that would constitute a benefit from</b>	
26	<b>your wrongdoing. . . . .</b>	<b><u>-15-</u></b>
27	<b>Pleadings of Pro Se Litigants must be given some leeway . . . . .</b>	<b><u>-15-</u></b>
28	<b>Special Scrutiny and Prosecution for those who know the law denies equal</b>	
	<b>protection. . . . .</b>	<b><u>-15-</u></b>
	<b>Proof of Service . . . . .</b>	<b><u>-15-</u></b>
	<b>Appendix: Brief Biography of Attorney Douglas Palaschak . . . . .</b>	<b><u>-15-</u></b>
	<b>Appendix: Selected Provisions of the Bad Bill of Rights of Colorado . . . . .</b>	<b><u>-16-</u></b>
	<b>and a speedy remedy afforded for every injury to person, property or character; and right</b>	
	<b>and justice should be administered without sale, denial or delay.</b>	
	<b>. . . . .</b>	<b><u>-16-</u></b>
	<b>§ 14. Taking private property for private use. Private property shall not be taken</b>	
	<b>for private use unless by consent of the owner, except for private ways of</b>	

necessity, and except for reservoirs, drains, flumes or ditches on or across the lands of others, for agricultural, mining, milling, domestic or sanitary purposes. [A traffic fine violates this clause.] . . . . . -17-

§16. Criminal prosecutions - rights of defendant. In criminal prosecutions the accused shall have the right to appear and defend in person and by counsel; to demand the nature and cause of the accusation; to meet the witnesses against him face to face; to have process to compel the attendance of witnesses in his behalf, and a speedy public trial by an impartial jury of the county or district in which the offense is alleged to have been committed. [Lawyerdude observes: Colorado does not want you to have a lawyer.] . . . . . -17-

§ 25. Due process of law. No person shall be deprived of life, liberty or property, without due process of law. . . . . -18-

§ 28. Rights reserved not disparaged. The enumeration in this constitution of certain rights shall not be construed to deny, impair or disparage others retained by the people. . . . . -18-

Colorado is one of the backward states with an anti-gay clause.] . . . . . -19-

Appendix: Kansas Bill of Rights . . . . . -19-

Appendix: Lawyerdude’s Sanitized Bill of Rights of Texas . . . . . -20-

Appendix: Sample state Bill of Rights. Excerpts from the Florida Bill of Rights. . . . . -21-

Excessive fines . . . . . -23-

Topical Index . . . . . -24-

**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 Saturday May 26, 2007. There was no probable cause for the traffic stop. Officer Telles gave me 2tickets ticket falsely alleging that I violated a law.

**This officer has no authority to do what he did.**

The ticket does not designate under whose authority this uniformed officer acts.

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.**

There was no legal basis for this traffic stop/ ticket. Traffic rules are there to prevent accidents

1 and to assist in determining causation/ liability/ blame in the event of a car crash.

2 Even if there were a basis for the stop, a prosecutor would be required to make the decision to  
3 prosecute - not this clerk. A prosecutor would have an ethical duty to reject this case. However, the clerk,  
4 being uneducated in the law violates my rights when she usurps the prosecutorial role as she has done  
5 here. Furthermore the clerk is biased in this case by loyalty to her employer. Money from my fine would  
6 be added to the fund that pays her. She has thereby caused the court to be unconstitutionally biased.  
7 See for example: **Tumey v Ohio** (1927) 273 U.S. 510. In this prohibition era case, the city received \$5 for  
8 each conviction. The Tumey case can be see at: <http://www.lawyerdude.8k.com/Tumey.html>

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

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

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

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

24 Usurpation denies me Due Process. Both the federal and Kansas constitution guarantee me due  
25 process.

26 By stealthy encroachment our oppressive governments encroach. Corporations including  
27 governments enjoy eternal life and infinite wealth. They tell the lie over the course of generations. My  
28 children do not know the lie that the government told my parents. This truth about the lie is most obvious  
29 regarding income taxes. They were sold to Americans around 1909 as a tax that would never tax the  
30 wages of the working man. Example 2: In 1903 the federal government usurped the power of our various  
31 state militias by creating the National Guard and seizing control of the militias by co-opting/ incorporating  
32 them.

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

37 In American the individual is king. Primacy of the individual human was once our mantra. All the  
38

1   aforementioned usurpations are destructive of our great country.

2           So now we have a dynamic tension: the struggle between the individual human and the corporate/  
3 government for hegemony. Today the various governments have sent hither swarms of Officers to  
4 harass our people and steal our wealth by the instrument of institutionalized highway robbery. The  
5 overlord always sets up toll gates and other methods of plundering the wealth of the land. This instrument  
6 of oppression was one of the offenses that triggered our early revolution: Declaration of Independence:  
7 “He has erected a multitude of New Offices, and sent hither swarms of Officers to harass our People, and  
8 eat out their substance.”

9           This will not stand.

10          My legal argument is set forth below in my Memorandum of Legal Authorities.

11          - Katrina Bryant. Friday, June 29, 2007

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12   **Declaration of Expert Attorney Douglas Palaschak regarding Traffic Court Abuses, Methodology,  
13 Corruption, and Systemic Denial of Due Process - especially in New Mexico.**

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

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

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

19           Your system treats citizens as your subjects and New Mexico as your fiefdom.

20           You, Jane Martin, masquerade as a judge. You may or may not be a high school graduate. The  
21 only qualification for your position is that you over 18 and read and write a little English.

22           Feudalism is a natural system. As civilized people we rise above the medieval cruelty that was  
23 feudalism.

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

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

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

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

30           A summons is required for the court to gain jurisdiction. A summons is a notification from the  
31 court addressed to the defendant in a pending case. A ticket is never a summons despite the intentions of

1 the legislature. When a person write a ticket there is no pending case. There will be no pending case  
2 until a prosecutor has made a decision to prosecute. Then the prosecutor files a complaint. Only then is  
3 a summons possible. There is then a pending case. I would then have the opportunity to settle the case  
4 with the prosecutor. Most traffic courts today permit the clerk to prosecute the case. This practice is  
5 unconstitutional. It is an example of denial of equal protection. The clerk has demonstrated a bias for the  
6 prosecution. Also, the clerk is paid by the money earned by the ticket that she prosecutes.

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

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

14 You are a mockery to justice.

15 No. This will not stand.

16 Signed Katrina Bryant for and with Special Permission of Palaschak \_\_\_\_\_.

17 Friday, June 29, 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  
4 in the several states. . . . . -11-

5 Commerce Clause/ interstate commerce . . . . . -12-

6 Due Process Clause . . . . . -13-

7 Equal protection clause of the 14<sup>th</sup> amendment . . . . . -14-

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  
9 even if I cannot afford one. <http://www.circuitlawyer.8m.com/griffin.html> . . . . . -11-

10 **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  
11 Pro Se litigants are entitled to some leeway. **Haines v Kerner** (1972) 404 U.S. 519 (1972)  
12 [Http://www.lawyerdude.netfirms.com/haines.html](http://www.lawyerdude.netfirms.com/haines.html) This ruling is consistent with statutes in nearly all  
13 jurisdictions. The law is not a trap for the unwary. For every wrong there is a remedy. . . . . -15-

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

18 **List of Clauses from the Colorado Constitution cited herein:**

19 The Bad Bill of Rights of Colorado is appended to this brief. . . . . -16-

20 §6. Equality of justice. Courts of justice shall be open to every person, **and a speedy remedy**  
21 **afforded for every injury to person, property or character; and right and justice should be**  
22 **administered without sale, denial or delay.** - Colorado constitution. . . . . -10-

23 **List of Clauses from the Kansas Constitution cited herein:**

24 Kansas Bill of Rights is appended hereto. . . . . -19-

25 Kansas Constitution contains no Due Process Clause - and yet I have a right to due process - even if it is  
26 not written into the federal constitution. It is a constitutional concept. We remember the ancient common  
27 law. Forty-nine other state constitutions accrue to my benefit. Also, I rely on the common law since the  
28 Norman Conquest of 1066. [http://en.wikipedia.org/wiki/Norman\\_Conquest](http://en.wikipedia.org/wiki/Norman_Conquest) . . . . . -12-

§ 15. "Search and seizure. The right of the people to be secure in their persons and property against  
unreasonable searches and seizures shall be inviolate; and no warrant shall issue but on probable cause,  
supported by oath or affirmation, particularly describing the place to be searched and the persons or  
property to be seized." This is identical to the U.S. constitution at the 4<sup>th</sup> amendment.  
. . . . . -14-

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

Bill of Rights of Texas is appended to this brief. . . . . -20-

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

Florida Bill of Rights. Excerpts are reprinted in the Appendix. . . . . -21-

1 Florida constitution Art. 1, section 21. guarantees my right to a remedy: Art. 1, section 21. Access to  
2 courts- The courts shall be open to every person for redress of any injury, and justice shall be  
3 administered without sale, denial or delay. - Florida Bill of Rights. . . . . -10-

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

5 **Bell v Burson** (1971) 402 US 535, 29 L Ed 2d 90, 91 S Ct 1586,  
6 <http://www.circuitlawyer.8m.com/Burson.html> <http://www.lawyerdude.netfirms.com/bursonb.html>  
7 . . . . . -11-

8 **MLB v SLJ** (1996) 519 US 102; 117 S Ct 555; 136 L Ed2d 473 <http://www.circuitlawyer.8m.com/mlb.html>  
9 Right to a free transcript even in some civil cases. . . . . -11-

10 **Norton v Shelby County, Tennessee** (1886) 118 U.S. 425 . “An unconstitutional act is not a law; it  
11 confers no rights; it imposes no duties; it affords no protection; it creates no office; it is, in legal  
12 contemplation, as inoperative as though it had never been passed.”  
13 <http://www.lawyerdude.netfirms.com/norton.html>  
14 . . . . . -11-

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

18 **U.S. v Gonzalez-Lopez** 2005-352. Decided 2006. <http://www.lawyerdude.netfirms.com/8345.html> . . . . . -11-

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19 **Treaties cited herein:**

20 Treaty. 1948 Universal Declaration of Human Rights“Article 20(2) No one may be compelled to belong to  
21 an association.” <http://www.lawyerdude.netfirms.com/8213.html> This treaty, the 1<sup>st</sup> amendment, the 6<sup>th</sup>,  
22 and the 14<sup>th</sup> amendments preclude the regulation of the practice of law by non-government lawyers.  
23 . . . . . -12-

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

25 California constitution: Section 1. All people are by nature free and independent and have inalienable  
26 rights. Among these are enjoying and defending life and liberty, acquiring, possessing, and protecting  
27 property, and pursuing and obtaining safety, happiness, and privacy.  
28 [http://www.leginfo.ca.gov/const/article\\_1](http://www.leginfo.ca.gov/const/article_1) <http://www.leginfo.ca.gov/const-toc.html> . . . . . -13-

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

Illinois Constitution. Section 1. Inherent and Inalienable Rights: All men are by nature free and  
independent and have certain inherent and inalienable rights among which are life, liberty and the pursuit  
of happiness. To secure these rights and the protection of property, governments are instituted among  
men, deriving their just powers from the consent of the governed. . . . . -12-

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. . . . . -13-

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1  
2 **Table of California Statutes cited herein:**

3 PC 949. The first pleading on the part of the people in a misdemeanor or infraction case is the complaint  
4 except as otherwise provided by law. . . . . -15-

5 Penal Code § 740 states as follows: Except as otherwise provided by law, all misdemeanors and  
6 infractions must be prosecuted by written complaint under oath subscribed by the complainant. . . . . -14-

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

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

9 ***People v Carlucci*** 1979 <http://www.lawyerdude.8k.com/Carlucci.htm>  
10 <http://www.lawyerdude.netfirms.com/carlucci.html> . . . . . -14-

11 ***People v Kurt Albert Stapf*** (1999) <http://www.lawyerdude.netfirms.com/8289.html> Only the duly elected  
12 prosecutor or attorney general may prosecute. . . . . -10-

13 ***People v. Municipal Court (Real Party: Pellegrino)*** (1972)  
14 <http://www.lawyerdude.netfirms.com/8453.html> 27 CA3d 193 (Ventura). In Pellegrino a Ventura judge  
15 appointed a local lawyer to prosecute after the prosecutor declined to prosecute. The court of appeal  
16 ruled that the special prosecutor was unconstitutional. See also the *Stapf* case herein.  
17 . . . . . -10-

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18 **Treatises cited herein:**

19 [http://en.wikipedia.org/wiki/Norman\\_Conquest](http://en.wikipedia.org/wiki/Norman_Conquest) Story of the Norman Conquest

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

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

22 The clerk may not initiate prosecution. She has done so in this case. Only the duly elected  
23 prosecutor may initiate a criminal prosecution. The court may not initiate prosecution. Neither may the  
24 court appoint someone to prosecute. Only the duly elected prosecutor or the attorney general may  
25 prosecute a criminal case. This is the holding of ***People v. Municipal Court (Real Party: Pellegrino)***  
26 (1972) <http://www.lawyerdude.netfirms.com/8453.html> 27 CA3d 193 (Ventura). In Pellegrino a Ventura  
27 judge appointed a local lawyer to prosecute after the prosecutor declined to prosecute. The court of  
28 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.  
Colorado is one such state. The list is at the following hyperlink: *Constitutional Right to a Remedy*  
<http://www.lawyerdude.netfirms.com/8428.html>

The Colorado constitution guarantees my right to a remedy for the clerk’s usurpation:  
§ 6. Equality of justice. Courts of justice shall be open to every person, **and a speedy remedy**

1 **afforded for every injury to person, property or character; and right and justice should be**  
2 **administered without sale, denial or delay.** - Colorado constitution.

3 Other state constitutions proclaims a right to a remedy:

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

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

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

13 "An unconstitutional act is not a law; it confers no rights; it imposes no duties; it  
14 affords no protection; it creates no office; it is, in legal contemplation, as inoperative as  
15 though it had never been passed." - The U.S. Supreme Court in **Norton v Shelby** (1886)

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

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

22 The state constitution and the 7<sup>th</sup> amendment guarantee my right to a jury trial.

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

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

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

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

The officer violated the Privileges and Immunities Clause of the 14<sup>th</sup> amendment which states:

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

1 any person of life, liberty, or property, without due process of law; nor  
2 deny to any person within its jurisdiction the equal protection of the laws. -  
3 Privilege and Immunities Clause of the 14<sup>th</sup> amendment.

4 **Application: Kansas Constitution contains no Due Process Clause - and yet I have a state  
5 constitutional right to due process.**

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

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

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

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

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

24 Illinois Constitution. Section 1. Inherent and Inalienable Rights: All men  
25 are by nature free and independent and have certain inherent and  
26 inalienable rights among which are life, liberty and the pursuit of  
27 happiness. To secure these rights and the protection of property,  
28 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 4<sup>th</sup> 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>

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

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12 **A defendant may appear by motion - by paper.**

13 I need not appear in person but may appear by written motion. **I have not signed any**  
14 **agreement to appear. The police officer has no authority to issue such a command! The judicial**  
15 **branch may not delegate its authority to a member of the executive branch including an employee**  
16 **police officer.** A warrant may only issue upon probable cause and it must be signed by a magistrate!

17 Authority: 4<sup>th</sup> amendment and section 15 of the Kansas Bill of Rights:

18 § 15. Search and seizure. The right of the people to be secure in their  
19 persons and property against unreasonable searches and seizures shall  
20 be inviolate; and no warrant shall issue but on probable cause, supported  
21 by oath or affirmation, particularly describing the place to be searched  
22 and the persons or property to be seized.

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

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

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

28 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  
him. Wouldst that my lawsuits against the police were that quick and easy. That difference denies me  
equal protection under the law. Your process violates the **equal protection clause of the state**  
**constitution and the 14<sup>th</sup> amendment.** My remedy is dismissal. Do it.

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

Penal Code§ 740 states as follows:

Except as otherwise provided by law, all misdemeanors and infractions

1 must be prosecuted by written complaint under oath subscribed by the  
complainant.

2 PC § 949 states as follows:

3 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

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

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

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

7 **You may not serve me a summons in court; that would constitute a benefit from your wrongdoing.**

8 The officer could not give me a summons. No man shall be permitted to benefit from his wrong.  
9 You may not now serve me in court; nor may you order me to appear. To do so would violate the equal  
protection and due process clauses of the federal and state constitutions by making it easier for the  
10 government employee and harder for me to gain access and use the court.

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

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

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

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

17 Signed \_\_\_\_\_ Katrina Bryant. Friday, June 29, 2007

18 **Proof of Service**

19 No service on the prosecutor is necessary because no prosecutor has appeared in writing in this  
case. I served the clerk in court hand delivery in court on this day .

20 Signed \_\_\_\_\_ Katrina Bryant. Friday, June 29,2007

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21 **Appendix: Brief Biography of Attorney Douglas Palaschak**

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

22 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  
23 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  
24 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  
25 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.

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

28 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 have published approximately 1200 legal articles on

1 the internet. My areas of expertise are:

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

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

8 My most recent book is on the subject of Pre-trial Criminal Litigation of Malum Prohibitum Crimes. It  
9 is available by mail order via the internet. My proudest accomplishment is having found a mistake in the  
10 sheet music for Debussy's Clair De Lune. Warner Brothers republished their Debussy book. Here is their  
11 letter in that matter: <http://lawyerdude.8m.com/Warnerletter.jpg> I have been feature on *The Love  
12 Connection, Hard Copy, and Inside Edition.*

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

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18 Subdocument #8649

### 19 **Appendix: Selected Provisions of the Bad Bill of Rights of Colorado**

20 This document is <http://www.lawyerdude.netfirms.com/8649.html>

21 Related pages:

22 The entire Colorado constitution is found at:

23 <http://www.i2i.org/Publications/ColoradoConstitution/cnart2.htm>

24 In order to **assert our rights**, acknowledge our duties, and proclaim the principles upon which our  
25 government is founded, we declare:

26 §1. Vestment of political power. All political power is vested in and derived from the people; all  
27 government, of right, originates from the people, is founded upon their will only, and is instituted solely for  
28 the good of the whole. [Lawyerdude observes: The whole can take care of itself. Bills of rights are  
supposed to look out for individual humans in their struggle against the whole.]

§2. People may alter or abolish form of government - proviso. The people of this state have the sole and  
exclusive right of governing themselves, as a free, sovereign and independent state; and to alter and  
abolish their constitution and form of government whenever they may deem it necessary to their safety  
and happiness, provided, such change be not repugnant to the constitution of the United States.  
[Lawyerdude says: The second clause erases the first. This is a brainless, meaningless .]

§3. Inalienable rights. All persons have certain natural, essential and inalienable rights, among which may  
be reckoned the right of enjoying and defending their lives and liberties; of acquiring, possessing and  
protecting property; and of seeking and obtaining their safety and happiness.

...

...

§ 6. Equality of justice. Courts of justice shall be open to every person, **and a speedy remedy  
afforded for every injury to person, property or character; and right and justice should be  
administered without sale, denial or delay.**

§7. Security of person and property - searches - seizures - warrants. The people shall be secure in their  
persons, papers, homes and effects, from unreasonable searches and seizures; and no warrant to search  
any place or seize any person or things shall issue without describing the place to be searched, or the  
person or thing to be seized, as near as may be, nor without probable cause, supported by oath or  
affirmation reduced to writing.

§8. Prosecutions - indictment or information. Until otherwise provided by law, no person shall, for a felony,  
be proceeded against criminally otherwise than by indictment, except in cases arising in the land or naval  
forces, or in the militia when in actual service in time of war or public danger. In all other cases, offenses  
shall be prosecuted criminally by indictment or information.

...

§10. Freedom of speech and press. No law shall be passed impairing the freedom of speech; every  
person shall be free to speak, write or publish whatever he will on any subject, being responsible for all

1 abuse of that liberty; and in all suits and prosecutions for libel the truth thereof may be given in evidence,  
2 and the jury, under the direction of the court, shall determine the law and the fact.

3 §11. Ex post facto laws. No ex post facto law, nor law impairing the obligation of contracts, or  
4 retrospective in its operation, or making any irrevocable grant of special privileges, franchises or  
5 immunities, shall be passed by the general assembly.

6 §12. No imprisonment for debt. No person shall be imprisoned for debt, unless upon refusal to deliver up  
7 his estate for the benefit of his creditors in such manner as shall be prescribed by law, or in cases of tort  
8 or where there is a strong presumption of fraud.

9 § 13. Right to bear arms. The right of no person to keep and bear arms in defense of his home, person  
10 and property, or in aid of the civil power when thereto legally summoned, shall be called in question; but  
11 nothing herein contained shall be construed to justify the practice of carrying concealed weapons.

12 **§ 14. Taking private property for private use. Private property shall not be taken for private use  
13 unless by consent of the owner, except for private ways of necessity, and except for reservoirs,  
14 drains, flumes or ditches on or across the lands of others, for agricultural, mining, milling,  
15 domestic or sanitary purposes. [A traffic fine violates this clause.]**

16 §15. Taking property for public use - compensation, how ascertained. Private property shall not be taken  
17 or damaged, for public or private use, without just compensation. Such compensation shall be ascertained  
18 by a board of commissioners, of not less than three freeholders, or by a jury, when required by the owner  
19 of the property, in such manner as may be prescribed by law, and until the same shall be paid to the  
20 owner, or into court for the owner, the property shall not be needlessly disturbed, or the proprietary rights  
21 of the owner therein divested; and whenever an attempt is made to take private property for a use alleged  
22 to be public, the question whether the contemplated use be really public shall be a judicial question, and  
23 determined as such without regard to any legislative assertion that the use is public.

24 **§16. Criminal prosecutions - rights of defendant. In criminal prosecutions the accused shall have  
25 the right to appear and defend in person and by counsel; to demand the nature and cause of the  
26 accusation; to meet the witnesses against him face to face; to have process to compel the  
27 attendance of witnesses in his behalf, and a speedy public trial by an impartial jury of the county  
28 or district in which the offense is alleged to have been committed. [Lawyerdude observes:  
Colorado does not want you to have a lawyer.]**

§ 17. Imprisonment of witnesses - depositions - form. No person shall be imprisoned for the purpose of  
securing his testimony in any case longer than may be necessary in order to take his deposition. If he can  
give security he shall be discharged; if he cannot give security his deposition shall be taken by some judge  
of the supreme, district or county court, at the earliest time he can attend, at some convenient place by  
him appointed for that purpose, of which time and place the accused and the attorney prosecuting for the  
people shall have reasonable notice. The accused shall have the right to appear in person and by counsel.  
If he has no counsel, the judge shall assign him one in his behalf only. On the completion of such  
examination the witness shall be discharged on his own recognizance, entered into before said judge, but  
such deposition shall not be used if in the opinion of the court the personal attendance of the witness  
might be procured by the prosecution, or is procured by the accused. No exception shall be taken to such  
deposition as to matters of form.

§18. Crimes - evidence against one's self - jeopardy. No person shall be compelled to testify against  
himself in a criminal case nor shall any person be twice put in jeopardy for the same offense. If the jury  
disagree, or if the judgment be arrested after the verdict, or if the judgment be reversed for error in law,  
the accused shall not be deemed to have been in jeopardy.

§19. Right to bail - exceptions. (1) All persons shall be bailable by sufficient sureties pending disposition of  
charges except:

(a) For capital offenses when proof is evident or presumption is great; or

(b) When, after a hearing held within ninety-six hours of arrest and upon reasonable notice, the court finds  
that proof is evident or presumption is great as to the crime alleged to have been committed and finds that  
the public would be placed in significant peril if the accused were released on bail and such person is  
accused in any of the following cases:

(I) A crime of violence, as may be defined by the general assembly, alleged to have been  
committed while on probation or parole resulting from the conviction of a crime of  
violence;

(II) A crime of violence, as may be defined by the general assembly, alleged to have been

1 committed while on bail pending the disposition of a previous crime of violence charge for  
2 which probable cause has been found;

3 (III) A crime of violence, as may be defined by the general assembly, alleged to have  
4 been committed after two previous felony convictions, or one such previous felony  
5 conviction if such conviction was for a crime of violence, upon charges separately brought  
6 and tried under the laws of this state or under the laws of any other state, the United  
7 States, or any territory subject to the jurisdiction of the United States which, if committed  
8 in this state, would be a felony; or

9 (2) Except in the case of a capital offense, if a person is denied bail under this , the trial of the  
10 person shall be commenced not more than ninety days after the date on which bail is denied. If  
11 the trial is not commenced within ninety days and the delay is not attributable to the defense, the  
12 court shall immediately schedule a bail hearing and shall set the amount of the bail for the person.

13 (2.5) (a) The court may grant bail after a person is convicted, pending sentencing or appeal, only  
14 as provided by statute as enacted by the general assembly; except that no bail is allowed for  
15 persons convicted of:

16 (I) Murder;

17 (II) Any felony sexual assault involving the use of a deadly weapon;

18 (III) Any felony sexual assault committed against a child who is under fifteen years of age;

19 (IV) A crime of violence, as defined by statute enacted by the general assembly; or

20 (V) Any felony during the commission of which the person used a firearm.

21 (b) The court shall not set bail that is otherwise allowed pursuant to this sub (2.5) unless the court  
22 finds that:

23 (I) The person is unlikely to flee and does not pose a danger to the safety of any person  
24 or the community; and

25 (II) The appeal is not frivolous or is not pursued for the purpose of delay.

26 (3) This shall take effect January 1, 1995, and shall apply to offenses committed on or after said  
27 date.

28 [Lawyede says: All the foregoing is unconstitutional. It violates the U.S. bill of rights. This Colorado  
constitution is not an instrument of freedom, but an instrument designed by prosecutors to take away your  
rights.]

§ 20. Excessive bail, fines or punishment. Excessive bail shall not be required, nor excessive fines  
imposed, nor cruel and unusual punishments inflicted.

§21. Suspension of habeas corpus. The privilege of the writ of habeas corpus shall never be suspended,  
unless when in case of rebellion or invasion, the public safety may require it.

§22. Military subject to civil power - quartering of troops. The military shall always be in strict subordination  
to the civil power; no soldier shall, in time of peace, be quartered in any house without the consent of the  
owner, nor in time of war except in the manner prescribed by law.

§23. Trial by jury - grand jury. The right of trial by jury shall remain inviolate in criminal cases; but a jury in  
civil cases in all courts, or in criminal cases in courts not of record, may consist of less than twelve  
persons, as may be prescribed by law. Hereafter a grand jury shall consist of twelve persons, any nine of  
whom concurring may find an indictment; provided, the general assembly may change, regulate or abolish  
the grand jury system; and provided, further, the right of any person to serve on any jury shall not be  
denied or abridged on account of sex, and the general assembly may provide by law for the exemption  
from jury service of persons or classes of persons.

§ 24. Right to assemble and petition. The people have the right peaceably to assemble for the common  
good, and to apply to those invested with the powers of government for redress of grievances, by petition  
or remonstrance.

**§ 25. Due process of law. No person shall be deprived of life, liberty or property, without due  
process of law.**

§27. Property rights of aliens. Aliens, who are or may hereafter become bona fide residents of this state,  
may acquire, inherit, possess, enjoy and dispose of property, real and personal, as native born citizens.

**§ 28. Rights reserved not disparaged. The enumeration in this constitution of certain rights shall  
not be construed to deny, impair or disparage others retained by the people.**

§29. Equality of the sexes. Equality of rights under the law shall not be denied or abridged by the state of  
Colorado or any of its political subdivisions on account of sex.

1 § 30a. Official language. The English language is the official language of the State of Colorado.  
2 § 30b. **[Colorado is one of the backward states with an anti-gay clause.]**No Protected Status Based  
3 on Homosexual, Lesbian or Bisexual Orientation. Neither the State of Colorado, through any of its  
4 branches or departments, nor any of its agencies, political subdivisions, municipalities or school districts,  
5 shall enact, adopt or enforce any statute, regulation, ordinance or policy whereby homosexual, lesbian or  
6 bisexual orientation, conduct, practices or relationships shall constitute or otherwise be the basis of or  
entitle any person or class of persons to have or claim any minority status, quota preferences, protected  
status or claim of discrimination. This of the Constitution shall be in all respects self-executing.  
Please send comments to Independence Institute, 14142 Denver West Pkwy., suite 185, Golden, CO  
80401 Phone 303-279-6536 (fax) 303-279-4176 (email)webmngn*r*@i2i.org

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### Appendix: Kansas Bill of Rights

7 <http://skyways.lib.ks.us/KSL/ref/constitution/rights.html>

8 § 1. Equal rights. All men are possessed of equal and inalienable natural rights, among which are life,  
9 liberty, and the pursuit of happiness.

10 § 2. Political power; privileges. All political power is inherent in the people, and all free governments are  
11 founded on their authority, and are instituted for their equal protection and benefit. No special privileges or  
immunities shall ever be granted by the legislature, which may not be altered, revoked or repealed by the  
same body; and this power shall be exercised by no other tribunal or agency.

12 § 3. Right of peaceable assembly; petition. The people have the right to assemble, in a peaceable  
13 manner, to consult for their common good, to instruct their representatives, and to petition the  
government, or any department thereof, for the redress of grievances.

14 § 4. Bear arms; armies. The people have the right to bear arms for their defense and security; but  
15 standing armies, in time of peace, are dangerous to liberty, and shall not be tolerated, and the military  
shall be in strict subordination to the civil power.

16 § 5. Trial by jury. The right of trial by jury shall be inviolate.

17 § 6. Slavery prohibited. There shall be no slavery in this state; and no involuntary servitude, except for the  
18 punishment of crime, whereof the party shall have been duly convicted.

19 § 7. Religious liberty. The right to worship God according to the dictates of conscience shall never be  
20 infringed; nor shall any person be compelled to attend or support any form of worship; nor shall any control  
of or interference with the rights of conscience be permitted, nor any preference be given by law to any  
religious establishment or mode of worship. No religious test or property qualification shall be required for  
any office of public trust, nor for any vote at any elections, nor shall any person be incompetent to testify  
21 on account of religious belief.

22 § 8. Habeas corpus. The right to the writ of habeas corpus shall not be suspended, unless the public  
23 safety requires it in case of invasion or rebellion.

24 § 9. Bail. All persons shall be bailable by sufficient sureties except for capital offenses, where proof is  
25 evident or the presumption great. Excessive bail shall not be required, nor excessive fines imposed, nor  
cruel or unusual punishment inflicted.

26 § 10. Trial; defense of accused. In all prosecutions, the accused shall be allowed to appear and defend in  
27 person, or by counsel; to demand the nature and cause of the accusation against him; to meet the witness  
face to face, and to have compulsory process to compel the attendance of the witnesses in his behalf, and  
a speedy public trial by an impartial jury of the county or district in which the offense is alleged to have  
28 been committed. No person shall be a witness against himself, or be twice put in jeopardy for the same  
offense.

1 § 11. Liberty of press and speech; libel. The liberty of the press shall be inviolate; and all persons may  
2 freely speak, write or publish their sentiments on all subjects, being responsible for the abuse of such  
3 rights; and in all civil or criminal actions for libel, the truth may be given in evidence to the jury, and if it  
4 shall appear that the alleged libelous matter was published for justifiable ends, the accused party shall be  
5 acquitted.

6 § 12. No forfeiture of estate for crimes. No conviction within the state shall work a forfeiture of estate.

7 § 13. Treason. Treason shall consist only in levying war against the state, adhering to its enemies, or  
8 giving them aid and comfort. No person shall be convicted of treason unless on the evidence of two  
9 witnesses to the overt act, or confession in open court.

10 § 14. Soldiers' quarters. No soldier shall, in time of peace, be quartered in any house without the consent  
11 of the occupant, nor in time of war, except as prescribed by law.

12 § 15. Search and seizure. The right of the people to be secure in their persons and property against  
13 unreasonable searches and seizures shall be inviolate; and no warrant shall issue but on probable cause,  
14 supported by oath or affirmation, particularly describing the place to be searched and the persons or  
15 property to be seized.

16 § 16. Imprisonment for debt. No person shall be imprisoned for debt, except in cases of fraud.

17 § 17. Property rights of citizens and aliens. No distinction shall ever be made between citizens of the state  
18 of Kansas and the citizens of other states and territories of the United States in reference to the purchase,  
19 enjoyment or descent of property. The rights of aliens in reference to the purchase, enjoyment or descent  
20 of property may be regulated by law.

21 § 18. Justice without delay. All persons, for injuries suffered in person, reputation or property, shall have  
22 remedy by due course of law, and justice administered without delay.

23 § 19. Emoluments or privileges prohibited. No hereditary emoluments, honors, or privileges shall ever be  
24 granted or conferred by the state.

25 § 20. Powers retained by people. This enumeration of rights shall not be construed to impair or deny  
26 others retained by the people; and all powers not herein delegated remain with the people.

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

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

I have removed some bullshit and useless clauses.

Article 1. Bill of Rights.

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

§ 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  
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.

§ 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.

§ 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  
in the mode most binding upon the conscience, and shall be taken subject to the pains and penalties of  
perjury.

§ 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

1 or of the press. In prosecutions for the publication of papers investigating the conduct of officers or men in  
2 public capacity, or when the matter published is proper for public information, the truth thereof may be  
3 given in evidence. And in all indictments for libels the jury shall have the right to determine the law and the  
4 facts under the direction of the court, as in other cases.

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

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

16 § 11. All prisoners shall be bailable by sufficient sureties, unless for capital offenses when the proof is  
17 evident; but this provision shall not be so construed as to prevent bail after indictment found, upon  
18 examination of the evidence in such manner as may be prescribed by law.

19 § 12. The writ of habeas corpus is a writ of right, and shall never be suspended. The Legislature shall  
20 enact laws to render the remedy speedy and effectual.

21 § 13. Excessive bail shall not be required, nor excessive fines imposed, nor cruel or unusual punishment  
22 inflicted. All courts shall be open, and every person for an injury done him in his lands, goods, person or  
23 reputation shall have remedy by due course of law.

24 § 14. No person, for the same offense, shall be twice put in jeopardy of life or liberty; nor shall a person be  
25 again put upon trial for the same offense after a verdict of not guilty in a court of competent jurisdiction.

26 § 15. The right of trial by jury shall remain inviolate. The Legislature shall pass such laws as may be  
27 needed to regulate the same, and to maintain its purity and efficiency.

28 § 16. No bill of attainder, ex post facto law, retroactive law, or any law impairing the obligation of contracts  
shall be made.

§ 17. No person's property shall be taken, damaged or destroyed for or applied to public use without  
adequate compensation being made, unless by the consent of such person, and, when taken, except for  
the use of the State, such compensation shall be first made, or secured by deposit of money; and no  
irrevocable or uncontrollable grant of special privileges or immunities shall be made; but all privileges and  
franchises granted by the Legislature or created under its authority shall be subject to the control thereof.

§ 18. No person shall ever be imprisoned for debt.

§ 19. No citizen of this State shall be deprived of life, liberty, property, privileges or immunities, or in any  
manner disfranchised, except by the due course of the law of the land.

§ 20. No citizen shall be outlawed; nor shall any person be transported out of the State for any offense  
committed within the same.

§ 24. The military shall at all times be subordinate to the civil authority.

§ 26. Perpetuities and monopolies are contrary to the genius of a free government, and shall never be  
allowed; nor shall the law of primogeniture or entailments ever be in force in this State.

§ 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.

## 24 **Appendix: Sample state Bill of Rights. Excerpts from the Florida Bill of Rights.**

25 [http://en.wikipedia.org/wiki/Florida\\_Constitution](http://en.wikipedia.org/wiki/Florida_Constitution)

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

28 SECTION 2. Basic rights.--All natural persons, female and male alike, are equal before the law and have  
inalienable rights, among which are the right to enjoy and defend life and liberty, to pursue happiness, to  
be rewarded for industry, and to acquire, possess and protect property; except that the ownership,

1 inheritance, disposition and possession of real property by aliens ineligible for citizenship may be  
2 regulated or prohibited by law. No person shall be deprived of any right because of race, religion, national  
origin, or physical disability.

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

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

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

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

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

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

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

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

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

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

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

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

(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

1 delinquency instead of crime and tried without a jury or other requirements applicable to criminal cases.  
2 Any child so charged shall, upon demand made as provided by law before a trial in a juvenile proceeding,  
3 be tried in an appropriate court as an adult. A child found delinquent shall be disciplined as provided by  
4 law.

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

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

14 (b) Victims of crime or their lawful representatives, including the next of kin of homicide victims, are  
15 entitled to the right to be informed, to be present, and to be heard when relevant, at all crucial stages of  
16 criminal proceedings, to the extent that these rights do not interfere with the constitutional rights of the  
17 accused.

18 History.--Am. S.J.R. 135, 1987; adopted 1988; Am. proposed by Constitution Revision Commission,  
19 Revision No. 13, 1998, filed with the Secretary of State May 5, 1998; adopted 1998.

20 SECTION 17. Excessive punishments.--**Excessive fines**, cruel and unusual punishment, attainder,  
21 forfeiture of estate, indefinite imprisonment, and unreasonable detention of witnesses are forbidden. The  
22 death penalty is an authorized punishment for capital crimes designated by the legislature. The prohibition  
23 against cruel or unusual punishment, and the prohibition against cruel and unusual punishment, shall be  
24 construed in conformity with decisions of the United States Supreme Court which interpret the prohibition  
25 against cruel and unusual punishment provided in the Eighth Amendment to the United States  
26 Constitution. Any method of execution shall be allowed, unless prohibited by the United States  
27 Constitution. Methods of execution may be designated by the legislature, and a change in any method of  
28 execution may be applied retroactively. A sentence of death shall not be reduced on the basis that a  
method of execution is invalid. In any case in which an execution method is declared invalid, the death  
sentence shall remain in force until the sentence can be lawfully executed by any valid method. This  
section shall apply retroactively.

History.--Am. H.J.R. 3505, 1998; adopted 1998; Am. H.J.R. 951, 2001; adopted 2002.

SECTION 18. Administrative penalties.--No administrative agency, except the Department of Military  
Affairs in an appropriately convened court-martial action as provided by law, shall impose a sentence of  
imprisonment, nor shall it impose any other penalty except as provided by law.

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

SECTION 19. Costs.--No person charged with crime shall be compelled to pay costs before a judgment  
of conviction has become final.

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.

SECTION 22. Trial by jury.--The right of trial by jury shall be secure to all and remain inviolate. The  
qualifications and the number of jurors, not fewer than six, shall be fixed by law.

SECTION 23. Right of privacy.--Every natural person has the right to be let alone and free from governmental intrusion into the person's private life except as otherwise provided herein. This section shall not be construed to limit the public's right of access to public records and meetings as provided by law.

**Topical Index**

14th amendment . . .	<del>-11-</del> , <del>-12-</del> , <del>-14-</del>	Colorado constitution . . .	<del>-8-</del> , <del>-10-</del> , <del>-11-</del> , <del>-16-</del> , <del>-18-</del> , <del>-19-</del>	demurrer . . . . .	<del>-6-</del>
1983 . . . . .	<del>-15-</del>	commerce . . . . .	<del>-12-</del>	denial . . . . .	<del>-6-</del> , <del>-7-</del> , <del>-11-</del> , <del>-16-</del> , <del>-23-</del>
4th amendment . . . . .	<del>-12-</del> , <del>-14-</del> , <del>-22-</del>	common law . . . . .	<del>-11-</del> , <del>-15-</del>	Dragomir . . . . .	<del>-14-</del>
administrative law . . . . .	<del>-14-</del>	communication . . . . .	<del>-22-</del>	driver license . . . . .	<del>-11-</del>
adversarial . . . . .	<del>-6-</del>	community . . . . .	<del>-18-</del> , <del>-22-</del>	due process . . . . .	<del>-5-</del> , <del>-6-</del> , <del>-11-</del> , <del>-15-</del> , <del>-18-</del> , <del>-22-</del>
affidavit . . . . .	<del>-13-</del> , <del>-22-</del>	compact . . . . .	<del>-20-</del>	due process clause . . . . .	<del>-12-</del> , <del>-13-</del>
affords no protection . . . . .	<del>-11-</del>	compelled . . . . .	<del>-12-</del> , <del>-17-</del> , <del>-19-</del> , <del>-21-</del> , <del>-23-</del>	due process of law . . . . .	<del>-11-</del> , <del>-13-</del> , <del>-18-</del> , <del>-22-</del>
amendment . . . . .	<del>-11-</del> , <del>-12-</del> , <del>-14-</del> , <del>-22-</del> , <del>-23-</del>	complaint . . . . .	<del>-1-</del> , <del>-5-</del> , <del>-7-</del> , <del>-14-</del> , <del>-15-</del>	dynamic . . . . .	<del>-6-</del>
analysis . . . . .	<del>-15-</del>	compulsion . . . . .	<del>-12-</del>	dynamic tension . . . . .	<del>-6-</del>
appeal . . . . .	<del>-10-</del> , <del>-16-</del> , <del>-18-</del>	compulsory . . . . .	<del>-12-</del> , <del>-19-</del> , <del>-21-</del> , <del>-23-</del>	empowerment . . . . .	<del>-16-</del>
appear . . . . .	<del>-5-</del> , <del>-14-</del> , <del>-15-</del> , <del>-17-</del> , <del>-19-</del> , <del>-20-</del>	compulsory association clause . . . . .	<del>-12-</del>	encroachment . . . . .	<del>-5-</del> , <del>-7-</del> , <del>-12-</del> , <del>-13-</del>
appearance . . . . .	<del>-1-</del>	compulsory bar . . . . .	<del>-12-</del>	equal protection . . . . .	<del>-7-</del> , <del>-11-</del> , <del>-15-</del> , <del>-19-</del>
as though . . . . .	<del>-11-</del> , <del>-13-</del>	conditions . . . . .	<del>-22-</del>	error . . . . .	<del>-17-</del>
association . . . . .	<del>-12-</del>	confers no rights . . . . .	<del>-11-</del>	ethical duty . . . . .	<del>-5-</del>
Attorney Douglas Palaschak . . . . .	<del>-6-</del> , <del>-15-</del>	Conquest . . . . .	<del>-10-</del>	evidence . . . . .	<del>-4-</del> , <del>-17-</del> , <del>-20-</del> , <del>-22-</del>
bad bill of rights . . . . .	<del>-16-</del>	constitution . . . . .	<del>-5-</del> , <del>-8-</del> , <del>-10-</del> , <del>-14-</del> , <del>-16-</del> , <del>-18-</del> , <del>-19-</del> , <del>-21-</del> , <del>-23-</del>	excessive . . . . .	<del>-18-</del> , <del>-19-</del> , <del>-21-</del> , <del>-23-</del>
bail . . . . .	<del>-17-</del> , <del>-19-</del> , <del>-21-</del>	constitutional . . . . .	<del>-8-</del> , <del>-10-</del> , <del>-12-</del> , <del>-23-</del>	excessive fines . . . . .	<del>-18-</del> , <del>-19-</del> , <del>-21-</del> , <del>-23-</del>
bar . . . . .	<del>-12-</del> , <del>-15-</del> , <del>-16-</del>	constitutional concept . . . . .	<del>-11-</del>	exclusive . . . . .	<del>-4-</del> , <del>-10-</del> , <del>-16-</del> , <del>-20-</del>
bar license . . . . .	<del>-12-</del>	constitutional right to a remedy . . . . .	<del>-10-</del>	exclusive province . . . . .	<del>-4-</del> , <del>-10-</del>
belief . . . . .	<del>-19-</del> , <del>-20-</del>	corruption . . . . .	<del>-6-</del> , <del>-15-</del>	exclusive province of the prosecutor . . . . .	<del>-4-</del>
Bell v Burson . . . . .	<del>-11-</del>	counsel . . . . .	<del>-11-</del> , <del>-17-</del> , <del>-19-</del> , <del>-21-</del> , <del>-23-</del>	e-transcript . . . . .	<del>-1-</del>
beneficiaries . . . . .	<del>-11-</del> , <del>-12-</del>	counsel of choice . . . . .	<del>-11-</del>	fake . . . . .	<del>-1-</del>
benefit . . . . .	<del>-15-</del> , <del>-17-</del> , <del>-19-</del> , <del>-20-</del>	County . . . . .	<del>-1-</del> , <del>-11-</del> , <del>-17-</del> , <del>-19-</del> , <del>-22-</del> , <del>-23-</del>	false color of law . . . . .	<del>-1-</del>
bill of rights . . . . .	<del>-11-</del> , <del>-12-</del> , <del>-14-</del> , <del>-16-</del> , <del>-18-</del> , <del>-21-</del>	courtroom . . . . .	<del>-1-</del>	falsely representing . . . . .	<del>-1-</del>
Bill of rights of . . . . .	<del>-16-</del> , <del>-20-</del>	creates no office . . . . .	<del>-11-</del>	feudalism . . . . .	<del>-6-</del>
bill of rights of Colorado . . . . .	<del>-16-</del>	deceptively . . . . .	<del>-2-</del>	fiefdom . . . . .	<del>-6-</del> , <del>-7-</del>
Bryant . . . . .	<del>-1-</del> , <del>-2-</del> , <del>-6-</del> , <del>-7-</del> , <del>-15-</del>	deceptively masquerading . . . . .	<del>-2-</del>	fines . . . . .	<del>-18-</del> , <del>-19-</del> , <del>-21-</del> , <del>-23-</del>
California . . . . .	<del>-6-</del> , <del>-9-</del> , <del>-13-</del> , <del>-15-</del> , <del>-16-</del>	deceptively masquerading as a judge . . . . .	<del>-2-</del>	Florida . . . . .	<del>-8-</del> , <del>-11-</del> , <del>-21-</del>
California bar . . . . .	<del>-15-</del> , <del>-16-</del>	declaration . . . . .	<del>-6-</del> , <del>-12-</del>	Florida bill of rights . . . . .	<del>-11-</del> , <del>-21-</del>
California constitution . . . . .	<del>-12-</del> , <del>-13-</del>	declaration of human rights . . . . .	<del>-12-</del>	Florida constitution . . . . .	<del>-8-</del>
Carlucci . . . . .	<del>-14-</del>	Defendant . . . . .	<del>-1-</del> , <del>-6-</del> , <del>-7-</del> , <del>-14-</del> , <del>-17-</del>	for every wrong there is . . . . .	<del>-15-</del>
citizens in the several states . . . . .	<del>-11-</del>	defense . . . . .	<del>-16-</del> , <del>-19-</del>	foreign . . . . .	<del>-9-</del> , <del>-11-</del>
civilized . . . . .	<del>-6-</del>	demand . . . . .	<del>-1-</del> , <del>-2-</del> , <del>-5-</del> , <del>-17-</del> , <del>-19-</del> , <del>-21-</del> , <del>-23-</del>	foreign constitutions . . . . .	<del>-9-</del> , <del>-11-</del>
civilized people . . . . .	<del>-6-</del>	Demand to vacate . . . . .	<del>-1-</del>	fountains of liberty . . . . .	<del>-8-</del> , <del>-12-</del>
classes . . . . .	<del>-18-</del>			franchise . . . . .	<del>-7-</del>
clause of the state constitution . . . . .	<del>-14-</del>			free government . . . . .	<del>-20-</del> , <del>-21-</del>
Clerks . . . . .	<del>-14-</del>			freedom . . . . .	<del>-16-</del> , <del>-18-</del>
color of law . . . . .	<del>-1-</del>			game . . . . .	<del>-7-</del> , <del>-14-</del>
Colorado . . . . .	<del>-8-</del> , <del>-10-</del> , <del>-11-</del> , <del>-16-</del>			Gates . . . . .	<del>-6-</del>

1	Habeas Corpus . . . . .	<del>-18-</del> , <del>-19-</del> , <del>-21-</del> , <del>-22-</del>	liberty . . . . .	<del>-8-</del> , <del>-11-</del> <del>-13-</del> , <del>-17-</del> <del>-22-</del>	Private Attorney General . . .	<del>-15-</del>
2	Haines . . . . .	<del>-15-</del>	licenses . . . . .	<del>-16-</del>	privilege . . . . .	<del>-12-</del> , <del>-18-</del> , <del>-20-</del>
	Haines v Kerner . . . . .	<del>-15-</del>	life, liberty, and the pursuit of happiness . . . . .		privileges . . . . .	<del>-11-</del> , <del>-16-</del> , <del>-17-</del> , <del>-19-</del> <del>21-</del>
3	happiness . . . . .	<del>-12-</del> , <del>-13-</del> , <del>-16-</del> , <del>-19-</del> , <del>-21-</del>	list . . . . .	<del>-8-</del> <del>-10-</del> , <del>-14-</del>	privileges and immunities . .	<del>-11-</del>
4	hearing . . . . .	<del>-1-</del> , <del>-11-</del> , <del>-14-</del> , <del>-17-</del> , <del>-18-</del>	magistrate . . . . .	<del>-1-</del> , <del>-14-</del>	pro se . . . . .	<del>-15-</del> , <del>-16-</del>
5	hegemony . . . . .	<del>-6-</del>	magna charta . . . . .	<del>-12-</del>	Pro Se Litigants . . . . .	<del>-15-</del> , <del>-16-</del>
	highway robbery . . . . .	<del>-6-</del>	malum prohibitum . . . . .	<del>-16-</del>	probable cause . . . . .	<del>-4-</del> , <del>-13-</del> , <del>-14-</del> , <del>-16-</del> , <del>-18-</del> , <del>-20-</del> <del>22-</del>
6	Illinois . . . . .	<del>-9-</del> , <del>-11-</del> <del>-13-</del> , <del>-15-</del>	Martin . . . . .	<del>-1-</del> , <del>-2-</del> , <del>-6-</del>	probation . . . . .	<del>-17-</del>
	Illinois bill of rights . . . . .	<del>-12-</del>	masquerading . . . . .	<del>-2-</del> , <del>-6-</del>	proof of service . . . . .	<del>-1-</del> , <del>-15-</del>
7	Illinois constitution . . . . .	<del>-12-</del> , <del>-13-</del>	masquerading as a judge . . .	<del>-2-</del>	prosecutorial function . . . .	<del>-1-</del> , <del>-13-</del>
	immunities . . . . .	<del>-11-</del> , <del>-12-</del> , <del>-17-</del> , <del>-19-</del> , <del>-21-</del>	Memorandum . . . . .	<del>-4-</del> , <del>-6-</del> , <del>-10-</del>	province of . . . . .	<del>-1-</del> , <del>-4-</del>
8	impersonating a judge . . . . .	<del>-2-</del>	Memorandum of Authorities . . . . .	<del>-4-</del>	province of the elected prosecutor . . . . .	<del>-1-</del>
9	imposes no duties . . . . .	<del>-11-</del>	MLB . . . . .	<del>-11-</del>	province of the prosecutor . .	<del>-4-</del>
	imposter . . . . .	<del>-1-</del>	MLB v SLJ . . . . .	<del>-11-</del>	public defender . . . . .	<del>-5-</del>
10	in writing . . . . .	<del>-15-</del>	monopolies . . . . .	<del>-21-</del>	pursuing . . . . .	<del>-13-</del>
	income . . . . .	<del>-5-</del>	motion to . . . . .	<del>-4-</del> , <del>-5-</del>	pursuit of happiness . . . . .	<del>-12-</del> , <del>-19-</del>
11	independent state grounds . . . . .	<del>-13-</del>	motion to quash . . . . .	<del>-5-</del>	quash . . . . .	<del>-1-</del> , <del>-2-</del> , <del>-5-</del>
12	individual . . . . .	<del>-5-</del> , <del>-6-</del> , <del>-16-</del>	Motion to suppress . . . . .	<del>-4-</del>	recognizance . . . . .	<del>-17-</del>
	inoperative . . . . .	<del>-11-</del>	my right to a remedy . . . . .	<del>-10-</del>	release . . . . .	<del>-22-</del>
13	inquisition . . . . .	<del>-2-</del> , <del>-6-</del>	never been passed . . . . .	<del>-11-</del>	remedy . . . . .	<del>-5-</del> , <del>-10-</del> , <del>-11-</del> , <del>-13-</del> <del>-16-</del> , <del>-20-</del> , <del>-21-</del>
	inquisitorial . . . . .	<del>-6-</del> , <del>-14-</del>	New Mexico . . . . .	<del>-1-</del> , <del>-6-</del>	representing . . . . .	<del>-1-</del>
14	institutionalized highway robbery . . . . .	<del>-6-</del>	no state shall . . . . .	<del>-11-</del>	right . . . . .	<del>-2-</del> , <del>-7-</del> , <del>-10-</del> <del>-14-</del> , <del>-16-</del> <del>-24-</del>
15	instrument of oppression . . .	<del>-6-</del> , <del>-14-</del>	Norman Conquest . . . . .	<del>-10-</del>	right to a remedy . . . . .	<del>-10-</del> , <del>-11-</del>
16	instruments of oppression . .	<del>-6-</del> , <del>-14-</del> , <del>-16-</del>	Norton . . . . .	<del>-11-</del>	right to counsel . . . . .	<del>-11-</del>
17	interstate commerce . . . . .	<del>-12-</del>	Norton v Shelby . . . . .	<del>-11-</del>	right to counsel of choice . .	<del>-11-</del>
	jail . . . . .	<del>-16-</del>	not a judge . . . . .	<del>-1-</del>	rights . . . . .	<del>-2-</del> , <del>-5-</del> , <del>-6-</del> , <del>-11-</del> <del>-14-</del> , <del>-16-</del> <del>-21-</del> , <del>-23-</del>
18	Jane Martin . . . . .	<del>-1-</del> , <del>-2-</del> , <del>-6-</del>	not a lawyer . . . . .	<del>-1-</del>	rights as . . . . .	<del>-11-</del> , <del>-13-</del>
	jurisdiction . . . . .	<del>-6-</del> , <del>-12-</del> , <del>-15-</del> , <del>-18-</del> , <del>-21-</del>	not even close . . . . .	<del>-1-</del>	rise above . . . . .	<del>-6-</del>
19	jurisdictional . . . . .	<del>-15-</del>	nullity . . . . .	<del>-5-</del> , <del>-11-</del>	ruling . . . . .	<del>-15-</del>
20	Kansas . . . . .	<del>-5-</del> , <del>-8-</del> , <del>-12-</del> , <del>-14-</del> , <del>-19-</del> , <del>-20-</del>	Ohio . . . . .	<del>-5-</del> , <del>-13-</del>	sample . . . . .	<del>-21-</del>
21	Kansas bill of rights . . . . .	<del>-14-</del> , <del>-19-</del>	Ohio constitution . . . . .	<del>-13-</del>	search . . . . .	<del>-12-</del> <del>-14-</del> , <del>-16-</del> , <del>-20-</del> , <del>-21-</del>
22	Kansas constitution . . . . .	<del>-5-</del> , <del>-8-</del> , <del>-12-</del>	oppression . . . . .	<del>-6-</del> , <del>-7-</del> , <del>-14-</del> , <del>-16-</del>	search and seizure . . . . .	<del>-14-</del> , <del>-20-</del>
23	Katrina Bryant . . . . .	<del>-1-</del> , <del>-2-</del> , <del>-6-</del> , <del>-7-</del> , <del>-15-</del>	order . . . . .	<del>-12-</del> , <del>-15-</del> <del>-17-</del>	security . . . . .	<del>-16-</del> , <del>-17-</del> , <del>-19-</del>
24	Kerner . . . . .	<del>-15-</del>	overbroad . . . . .	<del>-4-</del>	seizure . . . . .	<del>-14-</del> , <del>-20-</del>
25	Kunstler . . . . .	<del>-16-</del>	overbroad statute . . . . .	<del>-4-</del>	sent hither swarms . . . . .	<del>-6-</del>
	lawyer . . . . .	<del>-1-</del> , <del>-6-</del> , <del>-10-</del> , <del>-12-</del> , <del>-15-</del> , <del>-17-</del>	overlord . . . . .	<del>-6-</del>	sentence . . . . .	<del>-23-</del>
26	Lawyerdude . . . . .	<del>-1-</del> , <del>-5-</del> , <del>-10-</del> <del>-12-</del> , <del>-14-</del> <del>-16-</del> , <del>-20-</del>	own recognizance . . . . .	<del>-17-</del>	sentencing . . . . .	<del>-18-</del>
27	lawyers . . . . .	<del>-12-</del>	Palaschak . . . . .	<del>-6-</del> , <del>-7-</del> , <del>-15-</del>	sex . . . . .	<del>-18-</del>
	legal contemplation . . . . .	<del>-11-</del>	parasitic . . . . .	<del>-5-</del>	Shelby . . . . .	<del>-11-</del>
	legal nullity . . . . .	<del>-5-</del> , <del>-11-</del>	penitentiary . . . . .	<del>-21-</del>	state constitution . . . . .	<del>-11-</del> , <del>-14-</del>
28	liberating . . . . .	<del>-12-</del>	perjury . . . . .	<del>-17-</del>	status . . . . .	<del>-5-</del> , <del>-19-</del>
			perjuring . . . . .	<del>-6-</del> , <del>-15-</del> , <del>-20-</del>	statutes . . . . .	<del>-1-</del> , <del>-4-</del> , <del>-10-</del> , <del>-15-</del>
			plundering . . . . .	<del>-6-</del>	stealthy encroachment . . . .	<del>-5-</del> , <del>-7-</del> , <del>-12-</del> , <del>-13-</del>
			police state . . . . .	<del>-7-</del>	sui juris . . . . .	<del>-1-</del>
			poseur . . . . .	<del>-1-</del>	summons . . . . .	<del>-5-</del> <del>-7-</del> , <del>-13-</del> <del>-15-</del>
			possession . . . . .	<del>-22-</del>	suspended . . . . .	<del>-16-</del> , <del>-18-</del> , <del>-19-</del> , <del>-21-</del> , <del>-22-</del>
			pretext . . . . .	<del>-7-</del>		
			pretextual . . . . .	<del>-4-</del>		
			pretextual traffic stop . . . . .	<del>-4-</del>		
			primacy . . . . .	<del>-5-</del>		
			primacy of the individual . . . .	<del>-5-</del>		
			privacy . . . . .	<del>-13-</del> , <del>-24-</del>		

1 suspension . . . . ~~-11-~~, ~~-18-~~, ~~-22-~~  
 swarms . . . . . ~~-6-~~  
 2 swarms of officers . . . . . ~~-6-~~  
 systemic . . . . . ~~-6-~~  
 3 systemic denial . . . . . ~~-6-~~  
 Telles . . . . . ~~-1-~~, ~~-4-~~  
 4 Tennessee . . . . . ~~-11-~~  
 tension . . . . . ~~-6-~~  
 5 terms . . . . . ~~-12-~~, ~~-14-~~  
 the individual . . . . . ~~-5-~~, ~~-6-~~  
 6 traffic . . . . . ~~-4-~~, ~~-7-~~, ~~-14-~~, ~~-17-~~  
 traffic stop . . . . . ~~-4-~~  
 7 transcript . . . . . ~~-1-~~, ~~-11-~~  
 trial by jury . . . . ~~-18-~~, ~~-19-~~, ~~-21-~~,  
 8 ~~-23-~~  
 Tumey . . . . . ~~-5-~~  
 9 U.S. v Gonzalez . . . . . ~~-11-~~  
 unconstitutional . . ~~-7-~~, ~~-10-~~, ~~-11-~~,  
 10 ~~-14-~~, ~~-18-~~  
 unconstitutional act . . . . . ~~-11-~~  
 11 unconstitutional act is not a law  
 . . . . . ~~-11-~~  
 12 uneducated . . . . . ~~-5-~~  
 usurpation . . . . . ~~-5-~~, ~~-10-~~  
 13 usurpations . . . . . ~~-6-~~  
 usurpatious . . . . . ~~-5-~~  
 14 usurpatious officer . . . . . ~~-5-~~  
 vague . . . . . ~~-4-~~  
 15 venue . . . . . ~~-1-~~, ~~-2-~~, ~~-23-~~  
 video . . . . . ~~-6-~~  
 16 void . . . . . ~~-11-~~, ~~-21-~~  
 wages . . . . . ~~-5-~~  
 17 waiver . . . . . ~~-1-~~, ~~-15-~~  
 warrant . . . ~~-13-~~, ~~-14-~~, ~~-16-~~, ~~-20-~~  
 18 ~~-22-~~  
 warrants . . . . . ~~-16-~~  
 19 Washington . . . . . ~~-11-~~  
 Wikipedia . . . . . ~~-10-~~, ~~-21-~~  
 20 witness . . . . ~~-5-~~, ~~-17-~~, ~~-19-~~, ~~-22-~~  
 writ . . . . . ~~-18-~~, ~~-19-~~, ~~-21-~~, ~~-22-~~  
 21 writ of habeas corpus . . . . ~~-18-~~,  
~~-19-~~, ~~-21-~~, ~~-22-~~  
 22 Yagman . . . . . ~~-16-~~  
 your rights . . . . . ~~-6-~~, ~~-18-~~

23  
 24  
 25  
 26  
 27  
 28