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3 Palaschak: 888 476 8954 Lawyerdude1989@yahoo.com

Reserved for Clerk's Filing Stamp.

4 This document is <http://www.lawyerdude.netfirms.com/8799.html> and
5 <http://www.lawyerdude.netfirms.com/8799.pdf>

Related documents:

6 My previous motion demanding to strike the perjurious complaint:
<http://www.lawyerdude.netfirms.com/8618.pdf> <http://www.lawyerdude.netfirms.com/8618.html> ,
7 <http://www.lawyerdude.netfirms.com/8618.doc> and <http://www.lawyerdude.netfirms.com/8618.wpd>
8 Elaborate Motion to Quash: <http://www.lawyerdude.netfirms.com/8332.pdf>
9 Perjurious Complaint: <http://www.lawyerdude.netfirms.com/8535.pdf>
10 Transcript of Previous court session. March 5: <http://www.lawyerdude.netfirms.com/8489.html>
11 Transcript of February 5 court session: <http://www.lawyerdude.netfirms.com/8372.html>
12 Transcripts of later court session: Sorry, not uploaded yet.

**Court of the 6th Judicial District Court of Kansas
Court of Judge Richard Smith**

318 Chestnut, Mound City, Kansas 66056
913-795-2660 Fax: 913-795-2004

Ann Ware, Clerk; Lori Simmons, Deputy Clerk; Christina Chapman, Perjurious Notary Public.
<http://www.kscourts.org/dstcts/6dstct.htm>

13 Clerks Ann Ware and Lori
14 Simmons, having
15 unlawfully usurped
16 the prosecutorial
17 function that is solely
18 the province of the
19 elected prosecutor,
20 dba under false color
21 of law and corrupt
22 legal fiction as "The
23 People of Kansas"

Plaintiffs

v
24 Richard Wilson, one of the
25 actual People of
26 Kansas.

Defendant

Case Number 06jTR 947

1st Substantive Motion for Defendant.

Document #8799 Version 1.001

3rd Substantive Defense Motion in this case.

Demand to Immediately Strike Perjurious Complaint today.

Demand to Immediately Dismiss today or, in the alternative, to vacate today's hearing an reset it for Tuesday October 16 so that I may have sufficient time to make application for a Writ of Mandamus at the court of appeal, the Kansas Supreme Court, the U.S. District Court or such other court as is appropriate in this situation.

Demand to Vacate the plea erroneously entered by the judge.

Continued Motion for imprisonment for 1 hour for Contempt of Court against Prosecutor ____ with illegible name and Notary Public Christina Chapman .

Continued Demand for \$500 from prosecutor for causing me the expense of challenging his defective complaints.

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.

Date: Friday 14 September, 2007

Time: 9 a.m.

Place: 318 Chestnut, Mound City, Kansas

Motion #8799. Demand Dismiss or Give me time to Apply for a Writ. By Richard Wilson.

1 Demand to Immediately Dismiss today or, in the alternative, to vacate today's hearing an reset it
2 for Tuesday October 16 so that I may have sufficient time to make application for a Writ of
3 Mandamus at the court of appeal, the Kansas Supreme Court, the U.S. District Court or such other
4 court as is appropriate in this situation.

5 At the venue designated in the caption or at such other venue as the court shall designate, I will
6 demand the relief set forth in the caption and in more detail below. The prosecution has filed a perjured
7 document. I demand immediate dismissal with prejudice. I demand a fine leveled against the prosecutor
8 and Christina Chapman.

9 Signed _____ Richard Wilson. Thursday, September 13, 2007

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

11 **Demand to Immediately Dismiss today or, in the alternative, to vacate today's hearing an reset it**
12 **for Tuesday October 16 so that I may have sufficient time to make application for a Writ of**
13 **Mandamus at the court of appeal, the Kansas Supreme Court, the U.S. District Court or**
14 **such other court as is appropriate in this situation. -2-**

15 **Procedural Posture -2-**

16 Demand to send police officer home; his testimony is irrelevant. -3-

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

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

19 Previous Procedural Posture -3-

20 Clerk has unconstitutionally usurped function of prosecutor; Dismissal is my remedy. . -3-

21 **Declaration of Attorney Douglas Palaschak -4-**

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

23 U.S. Constitutional Clauses Cited herein: -4-

24 The Kansas Constitution. Clauses cited herein: -4-

25 Kansas Statutes cited herein: -4-

26 Treaties cited herein: -4-

27 Table of Statutes cited herein: -4-

28 Cases cited herein: -4-

29 **Argument -4-**

30 **A close examination of the Complaint shows that it is perjury; I demand immediate relief today.**

31 -4-

32 **The judge is obviously trying to be expeditious and efficient by calling the police officer here**

33 **today. That is all well and good, but not at the cost of my due process! -4-**

34 **Proof of Service -5-**

35 **Topical Index -5-**

36 **Procedural Posture**

1 I immediately moved to Quash. This court granted that motion. The court ordered the prosecutor
2 to file a complaint. The prosecutor filed a patently perjurious complaint. I protested in writing in motion
3 #8618 which is published at the following hyperlinks: <http://www.lawyerdude.netfirms.com/8618.pdf>
4 <http://www.lawyerdude.netfirms.com/8618.html> , <http://www.lawyerdude.netfirms.com/8618.doc> and
5 <http://www.lawyerdude.netfirms.com/8618.wpd> .

6 Thereafter the court relayed my protest. The prosecutor had no answer.

7 Thereafter the court erroneously entered a plea before there was a complaint to which I could
8 plea. The court has no jurisdiction to enter a plea until there is a valid complaint. There is no valid
9 complaint. Thereafter this court erroneously scheduled an omnibus hearing and sent for the arresting
10 officer. I demand that the court either grant my motion to strike or, in the alternative, give me a month to
11 apply to a higher court for a Writ of Mandamus. A court is entitled to rule on its jurisdiction and I demand
12 that you so rule today. You have no jurisdiction until a valid non-perjurious complaint is filed.

13 **Demand to send police officer home; his testimony is irrelevant.**

14 I demand that you send the officer home. You have no jurisdiction to take testimony until there is
15 a valid complaint submitted by the prosecutor.

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

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

21 **Statement of the Case**

22 I was attending a meeting pertaining to the recall of my candidate on the county board. Without
23 probable cause Officer Paul Filla signaled me to stop. Filla intended to intimidate me for my having
24 attended the political meeting. Filla gave me a ticket for driving without a license.

25 **Previous Procedural Posture**

26 On March 5 Judge gave the prosecution 21 days to properly file an actual complaint and serve it on me.
27 On 26 March the clerk filed the blatantly patently perjurious complaint depicted at the following hyperlink:
28 <http://www.lawyerdude.netfirms.com/8535.pdf>

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

30 There was no legal basis for this traffic stop/ ticket. Even if there had been a basis for the stop, a
31 prosecutor would be required to make the decision to prosecute - not this clerk. I filed a motion #8332 to Quash on
32 5 Feb 2007. You can see this motion at <http://www.lawyerdude.netfirms.com/8332.pdf> The court ruled in
33 my favor on 5 March 2007. That transcript of that March 5 court session can be seen at:
34 <http://www.lawyerdude.netfirms.com/8372.html>

35 I have not yet been arraigned. Reason: The prosecutor has not yet filed a valid complaint. The
36 most recent complaint does not bear the legible name of any prosecutor. This most recent complaint
37 merely proves up perjury on the part of the notary public.

1 **Declaration of Attorney Douglas Palaschak**

2 I, Douglas Palaschak, declare the following under penalty of perjury: I am an expert in the law of
3 the constitutional rights and treacherous corruption of traffic court. It has happened in this case. This
4 court must do the right thing or face the consequences of a lawsuit under Title 42, Section 1983. We all
5 saw the O.J. Simpson trial. Not once did Judge Lance Ito tell Johnny Cochran to bring all his motions on
6 the day of trial.

7 Richard Wilson has a right to counsel and due process at every step. Traffic courts employ
8 Instruments of Oppression to cheat and earn money for themselves. I have compiled a list of these
9 Instruments of Oppression at the following hyperlink: <http://www.lawyerdude.8k.com/5724.html> Jamming
10 the defendant with motions and a trial on the same day is #7 on my list.

11 - _____ Douglas Palaschak. Thursday, September 13, 2007. Signed by Richard Wilson
12 with specific permission from Attorney Douglas Palaschak

13 **Table of Authorities and Fountains of Liberty cited herein:**

14 **U.S. Constitutional Clauses Cited herein:**

15 **The Kansas Constitution. Clauses cited herein:**

16 **Kansas Statutes cited herein:**

17 **Treaties cited herein:**

18 **Table of Statutes cited herein:**

19 **Cases cited herein:**

20 **Argument**

21 **A close examination of the Complaint shows that it is perjury; I demand immediate relief today.**

22 I will not repeat my previous elaborate motion. I hereby incorporate it by reference. That previous
23 motion is depicted at the following hyperlink: <http://www.lawyerdude.netfirms.com/8332.pdf>

24 The sole issue previously was: Will the court permit the prosecution yet another chance to file a
25 valid complaint. The prosecution has filed a defective, perjured complaint. A penalty/ fine is appropriate.

26 Nothing has changed. That issue remains before the court.

27 Calling the police officer here is a denial of Due Process.

28 **The judge is obviously trying to be expeditious and efficient by calling the police officer
here today. That is all well and good, but not at the cost of my due process!** (The foregoing is a
paraphrase is an actual court case; it matters not what the case is; the argument rests on its own patently
sound logic.)

If the court continues its error by permitting this fraud to continue then I have a pre-trial remedy;

1 application for a writ.

2 Signed _____ Richard Wilson. Thursday, September 13, 2007

3 **Proof of Service**

4 I, Richard Wilson, served this document upon the prosecutor in open court this day.
5 I served the clerk at the filing window by personal hand delivery on this day.

6 Signed _____ Friday, September 14, 2007

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