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3 This document is <http://www.lawyerdude.netfirms.com/8800.pdf>

4 Previous motion: <http://www.lawyerdude.netfirms.com/8746.pdf>  
5 <http://www.lawyerdude.netfirms.com/8746.html> <http://www.lawyerdude.netfirms.com/8746.doc>  
6 and <http://www.lawyerdude.netfirms.com/8746.wpd>

**Related documents:**

7 Picture of the usurpatious complaint that preceded the complaint from the prosecutor:

<http://www.lawyerdude.netfirms.com/8747.jpg>

8 Picture of the current unsworn lying complaint: <http://www.lawyerdude.netfirms.com/8801.jpg>

**Luzerne County Court of Pennsylvania sitting in an office space.**

9 20 North Pennsylvania Avenue, Wilkes Barre, Pennsylvania 18711-1001  
10 Civil/Criminal Court Scheduling (570) 825 1593, 1594/5/6, 1655, Judge's chambers: 1667  
9-4:30 pm

11 "The Commonwealth of  
Pennsylvania"  
12 Specious Fake  
Corrupt Plaintiff.  
13 v  
Joseph Levandowski,  
14 One of the actual  
People of Pennsylvania,  
15 Moving Party and Putative,  
Faux non-Defendant.

Case Numbers: 5-39-2006  
Ticket Number  
Folder #1084. Client #913.  
Document #8800 Version 2.000

**Special Appearance.**

**Demand to strike unsworn complaint that would be  
perjurious if sworn, or in the alternative, to  
permit the prosecutor to eliminate the lie in the  
complaint.**

**Demand for continuance to enable me to answer a  
late filed complaint.**

**Waiver of my right to a speedy trial.**

**Declaration of Defendant regarding: not third offense.**

**Demand for recordation by a stenographic court  
reporter.**

**Demand for prompt e-transcript of every hearing - but  
especially August 14<sup>th</sup> - by email to my address  
shown above.**

**Proof of Service.**

Proposed Venue:

Date: **Tuesday 16 October, 2007.**

Time: 9 a.m.

Place:

**Demand for continuance to enable me to answer a late filed complaint. I waive time.**

In addition, at the venue indicated in the caption, or at such other venue as the court shall

designate, I demand that this court strike this unsworn complaint that would be perjurious if sworn, or in the alternative, to permit the prosecutor to eliminate the lie in the complaint.

On August 14, I swore in open court that this was my 1<sup>st</sup> offense. The judge inspected the photograph and agreed that it was not me in the files of the alleged 1<sup>st</sup> and 2<sup>nd</sup> offenses. Nonetheless the prosecution has failed to change the complaint.

I have not yet ordered a transcript of August 14<sup>th</sup>.

Signed \_\_\_\_\_ Joe Levandowski. Thursday, September 13, 2007

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1 and a speedy remedy afforded for every injury to person, property or character; and right  
2 and justice should be administered without sale, denial or delay. . . . . -9-  
3 Under U.S. Constitution IV, 2, I am entitled to Georgia, Illinois, and California  
4 rights . . . . . -10-  
5 I am entitled to utilize the constitutional concepts expressed in foreign constitutions. . . . . -10-  
6 Application: Kansas Constitution contains no Due Process Clause - and yet I have  
7 a state constitutional right to due process. . . . . -10-  
8 Fountains of Liberty: Magna Charta, 1948 Universal Declaration of Human rights.  
9 . . . . . -10-  
10 I am a beneficiary of the rights declared by the California constitution. . . . . -11-  
11 The clerk and judge have usurped the prosecutorial function; that is wrong.  
12 Dismissal is the remedy. . . . . -12-  
13 A defendant may appear by motion - by paper. . . . . -13-  
14 I have not signed any agreement to appear. The police officer has no authority to  
15 issue such a command! The judicial branch may not delegate its authority  
16 to a member of the executive branch including an employee police officer.  
17 . . . . . -13-  
18 Permitting Police to Summon me to court denies Equal Protection Under the Law  
19 . . . . . -13-  
20 The Legislature may not give Police the Power to Summon and may not give  
21 Clerks the power to prosecute. . . . . -13-  
22 You are Equitably Estopped from Presuming a Waiver of Jurisdictional Challenge.  
23 . . . . . -13-  
24 You may not serve me a summons in court; that would constitute a benefit from  
25 your wrongdoing. . . . . -14-  
26 Pleadings of Pro Se Litigants must be given some leeway . . . . . -14-  
27 Special Scrutiny and Prosecution for those who know the law denies equal  
28 protection. . . . . -14-  
29 Proof of Service . . . . . -14-  
30 Appendix: Brief Biography of Attorney Douglas Palaschak . . . . . -14-  
31 Appendix: Pennsylvania Constitution of 1776, Declaration of Rights. . . . . -15-  
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Declaration of Defendant regarding August 14<sup>th</sup> hearing and conclusion that this is the 1<sup>st</sup> offense.

**Procedural Posture**

I, Joe Levandowski, declare the following under penalty of perjury:

On August 14<sup>th</sup> the judge called the prosecutor to the bench. They looked at the photographs

1 and agreed that it was not me in the alleged 1<sup>st</sup> and 2<sup>nd</sup> offenses.

2 Then the judge swore me in. I testified that this is my first offense.

3 Nonetheless I have been served no revised upgraded complaint.

4 Previously I served a motion to quash on the basis of the absence of a complaint. I served the  
5 motion on Monday August 13. Although the complaint was filed in May (5 months after the date of the  
6 alleged offense) I did not receive a copy of the complaint until August 8. My new lawyer did not know  
7 about the complaint when he wrote motion # 8746 for me. He said that there was no complaint. That was  
8 his error; in fact there was a complaint albeit a late filed complaint.

9 On that basis I am requesting a continuance of today's event in order for my new lawyer to further  
10 evaluate my case and write a new motion.

11 In addition, the complaint is unsworn. I demand a sworn complaint. The complaint contains a lie,  
12 to wit: The complaint falsely alleges that this is my third complaint.

#### 13 **Notice of Concurrent and Upcoming Motions and Demands**

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

#### 18 **Statement of the Case**

19 I was ticketed in a pretextual traffic stop in late 2006 and falsely accused of breaking a law. There  
20 was no probable cause for the traffic stop. The prosecution waited 5 months to file a complaint. The  
21 public defender waited an additional 3 months before relaying the complaint to me.

22 I now request time to answer the complaint.

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

24 There was no legal basis for this traffic stop/ ticket. Traffic rules are there to prevent accidents  
25 and to assist in determining causation/ liability/ blame in the event of a car crash.

26 Traffic court is institutional barratry. The court is lining its own pocket. This is unconstitutional.  
27 See for example: *Tumey v Ohio* (1927) 273 U.S. 510. In this prohibition era case, the city received \$5 for  
28 each conviction. The Tumey case can be see at: <http://www.lawyerdude.8k.com/Tumey.html>

#### 29 **Police officer has usurped the clerk's role.**

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

34 A mere police officer performed the legal nullity of serving me a substitute for a summons. The  
35 officer has no authority to summon me to court; issuance of a summons is the duty of the clerk. The  
36 officer may not ordain himself a clerk even if the legislature so deems.

37 Usurpation denies me Due Process. Both the federal and Kansas constitution guarantee me due

1 process.

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

9 Every court wants to be a profit center. They incorrectly claim to be working for the greater good  
10 but they are not. Like all corporations they exist to serve their own; they thus create "the governing class"  
11 which is a parasitic class. Traffic tickets are the bite of these parasites. The city justifies traffic tickets as  
12 a means to raise revenue. In New Orleans, location of Tulane Law School, where George Anagnosta  
13 studied law, the Public Defender is paid from revenue from parking meters.

14 In American the individual is king. Primacy of the individual human was once our mantra. All the  
15 aforementioned usurpations are destructive of our great country.

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

23 This will not stand.

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

25 - Joseph Levandowski. Thursday, September 13, 2007

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### 26 **Declaration of Attorney Douglas Palaschak regarding setting the venue for this motion.**

27 On Monday, August 13, 2007 at 1:30 pm Eastern time I telephoned the office of the scheduling  
28 clerks. One told me to call the chambers of Judge Toole. There I talked to a coughing woman who said  
that motions are generally held the morning of the trial. I explained the this practice is unacceptable. We  
all know that O.J. Simpson did not argue have any of his motions heard on the morning of trial.

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### 29 **Declaration of Expert Attorney Douglas Palaschak regarding Traffic Court Abuses, Methodology, 30 Corruption, and Systemic Denial of Due Process - especially in Arizona.**

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

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

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

1 instruments of oppression. Over half of my work consists of writing motions for traffic court. I see the  
2 same patterns in nearly all the 50 states.

3 Your system treats citizens as your subjects and Arizona as your fiefdom.

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

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

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

10 Police court retains the vestiges of both feudalism and the Inquisition. Proof: "Mr. Smith, you are  
11 accused of going 50 in a 35. How do you plead." Mr. Smith never thinks to ask "Who accuses me?" It is  
12 obvious: the court accuses you! When the court is the accuser and the judge, then the system is  
13 Inquisitorial and not Adversarial. Such is this police court of (insert your city name here - they all do it)  
14 \_\_\_\_\_ Pennsylvania. Masquerading under the euphemism of "municipal court" changes nothing. This is  
15 military power used unconstitutionally against the people.

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

19 You are a mockery to justice.

20 No. This will not stand.

21 Signed by Joe Levandowski for and with Special Permission of Palaschak \_\_\_\_\_.

22 Monday, August 13, 2007

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

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

3 Article IV, Section 2.: The citizens of each state shall be entitled to all privileges and immunities of citizens  
in the several states. . . . . -10-

4 Commerce Clause/ interstate commerce . . . . . -11-

5 Due Process Clause . . . . . -12-

6 Equal protection clause of the 14<sup>th</sup> amendment . . . . . -13-

7 No state shall make or enforce any law which shall abridge the privileges or immunities of citizens of the  
United States; nor shall any state deprive any person of life, liberty, or property, without due process of  
8 law; nor deny to any person within its jurisdiction the equal protection of the laws. - Privilege and  
Immunities Clause of the 14<sup>th</sup> amendment. . . . . -10-

9  
10 **List of Clauses from the Colorado Constitution cited herein:**

11 §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.** - Colorado constitution. . . . . -9-

12  
13 **List of Clauses from the Kansas Constitution cited herein:**

14 Kansas Constitution contains no Due Process Clause - and yet I have a right to due process - even if it is  
not written into the federal constitution. It is a constitutional concept. We remember the ancient common  
15 law. Forty-nine other state constitutions accrue to my benefit. Also, I rely on the common law since the  
Norman Conquest of 1066. [http://en.wikipedia.org/wiki/Norman\\_Conquest](http://en.wikipedia.org/wiki/Norman_Conquest) . . . . . -10-

16 § 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,  
17 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.  
18 . . . . . -13-

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

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

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

23 **Bell v Burson** (1971) 402 US 535, 29 L Ed 2d 90, 91 S Ct 1586,  
<http://www.circuitlawyer.8m.com/Burson.html> <http://www.lawyerdude.netfirms.com/bursonb.html>  
24 . . . . . -9-

25 Griffin v Illinois (1956)100 L Ed 891, 351 US 12, 79 S Ct 585, 55 ALR2d 1055 I have a right to a transcript  
even if I cannot afford one. <http://www.circuitlawyer.8m.com/griffin.html> . . . . . -10-

26 **Haines v Kerner** (1972) 404 U.S. 519 (1972) <http://www.lawyerdude.netfirms.com/haines.html> Pleadings of  
27 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  
28 jurisdictions. The law is not a trap for the unwary. For every wrong there is a remedy. . . . . -14-

1 **Kent v Dulles** (1958) 357 U.S. 116 [http://www.oyez.org/cases/1950-1959/1957/1957\\_481/](http://www.oyez.org/cases/1950-1959/1957/1957_481/) The right to  
2 travel is fundamental. . . . . -9-

3 **Miranda V Arizona** (1966) <http://www.lawyerdude.netfirms.com/miranda.html> 384 U.S. 436, 86 S. Ct.  
4 1602, 16 L. Ed. 2d 694, 10 ALR 3rd 974 and 59 other ALR treatises . The court uses the word  
5 "inquisition" or its variant many times in this case. . . . . -12-

6 **MLB v SLJ** (1996) 519 US 102; 117 S Ct 555; 136 L Ed2d 473 <http://www.circuitlawyer.8m.com/mlb.html>  
7 Right to a free transcript even in some civil cases. . . . . -10-

8 **Norton v Shelby County, Tennessee** (1886) 118 U.S. 425 . "An unconstitutional act is not a law; it  
9 confers no rights; it imposes no duties; it affords no protection; it creates no office; it is, in legal  
10 contemplation, as inoperative as though it had never been passed."  
11 <http://www.lawyerdude.netfirms.com/norton.html>  
12 . . . . . -9-

13 **Tumey v Ohio** (1927) 273 U.S. 510. In this prohibition era case, the city received \$5 for each conviction.  
14 <http://www.lawyerdude.8k.com/Tumey.html> The clerk has usurped the prosecutorial function - for  
15 profit. . . . . -4-

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

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17 **Treaties cited herein:**

18 Treaty. 1948 Universal Declaration of Human Rights "Article 20(2) No one may be compelled to belong to  
19 an association." <http://www.lawyerdude.netfirms.com/8213.html> This treaty, the 1<sup>st</sup> amendment, the 6<sup>th</sup>,  
20 and the 14<sup>th</sup> amendments preclude the regulation of the practice of law by non-government lawyers.  
21 . . . . . -10-

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

23 California constitution: Section 1. All people are by nature free and independent and have inalienable  
24 rights. Among these are enjoying and defending life and liberty, acquiring, possessing, and protecting  
25 property, and pursuing and obtaining safety, happiness, and privacy.  
26 [http://www.leginfo.ca.gov/const/article\\_1](http://www.leginfo.ca.gov/const/article_1) <http://www.leginfo.ca.gov/const-toc.html> . . . . . -11-

27 Illinois constitution. Section 6. Searches, Seizures, Privacy, and Interceptions: The people shall have the  
28 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. . . . . -11-

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. . . . . -11-

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. . . . . -12-

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

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

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

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

7 **People v Dragomir** Feb 14, 2006 <http://www.lawyerdude.netfirms.com/Dragomir.html> . . . . . -13-

8 **People v Carlucci** 1979 <http://www.lawyerdude.8k.com/Carlucci.htm>  
9 <http://www.lawyerdude.netfirms.com/carlucc.html> . . . . . -13-

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10 **Treatises cited herein:**

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

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

13 **The right to drive is fundamental. A statute abridging such a right is suspect.**

14 Traveling is a fundamental right. **Kent v Dulles** (1958) 357 U.S. 116

15 [http://www.oyez.org/cases/1950-1959/1957/1957\\_481/](http://www.oyez.org/cases/1950-1959/1957/1957_481/)

16 **My constitutional right to a remedy.**

17 I have a right to a remedy. Thirty-five states include a "right to a remedy" in their constitution.

18 Colorado is one such state. The list is at the following hyperlink: *Constitutional Right to a Remedy*

19 <http://www.lawyerdude.netfirms.com/8428.html>

20 The Colorado constitution guarantees Pennsylvania folks a right to a remedy - and due process.

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

24 Other state constitutions proclaims a right to a remedy:

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

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

32 This void act was a legal nullity. **Norton v Shelby County, Tennessee** (1886) 118 U.S. 425

33 <http://www.lawyerdude.netfirms.com/norton.html>

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

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

2 My right to a transcript even if I cannot afford one is guaranteed by the **Due Process** and **Equal**  
3 **Protection** clauses of the U.S. Constitution. The Supreme court ruled so in **Griffin v Illinois** (1956)100 L  
4 Ed 891, 351 US 12, 79 S Ct 585, 55 ALR2d 1055 <http://www.circuitlawyer.8m.com/griffin.html> . The  
5 Supreme Court reaffirmed that right even in some civil cases in 1996. **MLB v SLJ** (1996) 519 US 102;  
6 117 S Ct 555; 136 L Ed2d 473 <http://www.circuitlawyer.8m.com/mlb.html>

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

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

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

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

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

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

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

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

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

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

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

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

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

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

Treaty. 1948 Universal Declaration of Human Rights.

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

Likewise a driver need not register himself at every state border. Neither should a statute require  
that I re-register my car upon residing in a state more than 60 days or whatever that state requires. Such  
a requirement violates so very many clauses in the various fountains of liberty. Example: To do so

1 imposes an undue burden on **interstate commerce**. Both lawyers and drivers are subjected to ever  
2 tightening reigns of state governments. Governments by stealthy encroachment over the course of  
3 generations seek to fatten the corporate bureaucracies and extract greater percentages of the wealth of  
4 the citizenry which they view as their subjects. In the beginning we sought government to provide law and  
5 order - not to enslave and rule us. Consider the portentous words of "our" Illinois constitution. By terms of  
6 the U.S. constitution, we free people of every state are beneficiaries of the liberating clause of the  
7 constitutions of Illinois and California as well as our own. We have 51 fountains of liberty from which to  
8 drink:

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

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

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

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

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

"Our" Illinois constitution forbids unwarranted searches.

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

Meidn #8800. Demand for continuance to Answer late complaint. By Joseph Levandowski.

1 seized.

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

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

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

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

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

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

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

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

22 The court recognized the power it wields in criminal case. If they converted a civil action into a  
23 criminal action they could then change their posture to an inquisitorial posture. The inquisitorial nature is  
24 an unconstitutional nature. The Supreme Court discussed it in the *Miranda* case. ***Miranda V Arizona***  
25 (1966) <http://www.lawyerdude.net/firms.com/miranda.html> 384 U.S. 436, 86 S. Ct. 1602, 16 L. Ed. 2d  
26 694, 10 ALR 3rd 974 and 59 other ALR treatises .

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

29 In *Miranda* the court mentions the work "inquisition" or its variant many times. Today you ask  
30 each of us defendants to confess! You do this even though no prosecutor prosecutes us! In *Miranda* the  
31 court talks about "inquisitorial and manifestly unjust methods of interrogating accused persons." It talks  
32 about "inquisitorial character." It talks about "the right to refrain from answering any further inquiries." It  
33 talks about "an unconstitutional inquisition . . . Lilburn. . . the inquisitorial Court of Star Chamber. . [and]  
34 the inquisitorial system." Six variation of the inquisitional theme are condemned in the *Miranda* opinion  
35 and yet this court goes blithely forth as though this 1966 opinion had never been written.

36 The prosecution may or may not constitutionally be done without any prosecutor - depending on

1 the actual facts of the case. **People v Carlucci** 1979 <http://www.lawyerdude.8k.com/Carlucci.htm>  
2 <http://www.lawyerdude.netfirms.com/carlucc.html> **People v Dragomir** Feb 14, 2006  
3 <http://www.lawyerdude.netfirms.com/Dragomir.html>

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

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

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

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

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

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

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

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

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

27 Penal Code § 740 states as follows:

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

PC § 949 states as follows:

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

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

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

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

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

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

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

7 Pleadings of Pro Se litigants are entitled to some leeway. *Haines v Kerner* (1972) 404 U.S. 519  
8 (1972) <http://www.lawyerdude.netfirms.com/haines.html> This ruling is consistent with statutes in nearly all  
9 jurisdictions. The law is not a trap for the unwary. For every wrong there is a remedy.

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

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

Signed \_\_\_\_\_ Joe Levandowski. Thursday, September 13, 2007

15 **Proof of Service**

I served the prosecutor in open court today.

Signed \_\_\_\_\_ Joe Levandowski. Friday 14 September 2007

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

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

18 Here is my photograph from April 2007: <http://www.lawyerdude.netfirms.com/HPIM0622.JPG>

19 Here I am on YouTube: <http://www.youtube.com/watch?v=nesDVOx7lac>

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

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 tall oil rig  
presently in service in the North Sea.

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

Enhancement of Freedom through constructive rebellion and litigation;

The abuse of Licensure <http://en.wikipedia.org/wiki/Licensure> by the state as an Instruments of  
Oppression;

Pre-Trial Criminal Defense of Malum prohibitum Crimes - the subject of my book;

Internet-driven Improvements in the Efficiency of Litigation;

Empowerment of Pro Se Litigants;

Bankruptcy.

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

1 My most recent book is on the subject of Pre-trial Criminal Litigation of Malum Prohibitum Crimes.  
It is available by mail order via the internet. <http://www.lawyerdude.netfirms.com/8457.html> My proudest  
2 accomplishment is having found a mistake in the sheet music for Debussy's *Clair De Lune*.  
<http://rosemck1.tripod.com/debussy-clair-de-lune.mid> Warner Brothers republished their Debussy book.  
3 Here is their letter in that matter: <http://lawyerdude.8m.com/Warnerletter.jpg> I have appeared on The  
Love Connection, Hard Copy, and Inside Edition.

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

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### 7 Appendix: Pennsylvania Constitution of 1776, Declaration of Rights.

8 I. That all men are born equally free and independent, and have certain natural, inherent and inalienable  
rights, amongst which are, the enjoying and defending life and liberty, acquiring, possessing and  
9 protecting property, and pursuing and obtaining happiness and safety.

10 II. That all men have a natural and unalienable right to worship Almighty God according to the dictates of  
their own consciences and understanding: And that no man ought or of right can be compelled to attend  
11 any religious worship, or erect or support any place of worship, or maintain any ministry, contrary to, or  
against, his own free will and consent: Nor can any man, who acknowledges the being of a God, be justly  
12 deprived or abridged of any civil right as a citizen, on account of his religious sentiments or peculiar mode  
of religious worship: And that no authority can or ought to be vested in, or assumed by any power  
13 whatever, that shall in any case interfere with, or in any manner control, the right of conscience in the free  
exercise of religious worship.

14 III. That the people of this State have the sole, exclusive and inherent right of governing and regulating the  
15 internal police of the same.

16 IV. That all power being originally inherent in, and consequently derived from, the people; therefore all  
officers of government, whether legislative or executive, are their trustees and servants, and at all times  
17 accountable to them.

18 V. That government is, or ought to be, instituted for the common benefit, protection and security of the  
people, nation or community; and not for the particular emolument or advantage of any single man, family,  
19 or sett of men, who are a part only of that community; And that the community hath an indubitable,  
unalienable and infeasible right to reform, alter, or abolish government in such manner as shall be by  
20 that community judged most conducive to the public weal.

21 VI. That those who are employed in the legislative and executive business of the State, may be restrained  
from oppression, the people have a right, at such periods as they may think proper, to reduce their public  
22 officers to a private station, and supply the vacancies by certain and regular elections.

23 VII. That all elections ought to be free; and that all free men having a sufficient evident common interest  
with, and attachment to the community, have a right to elect officers, or to be elected into office.

24 VIII. That every member of society hath a right to be protected in the enjoyment of life, liberty and  
25 property, and therefore is bound to contribute his proportion towards the expense of that protection, and  
yield his personal service when necessary, or an equivalent thereto: But no part of a man's property can  
26 be justly taken from him, or applied to public uses, without his own consent, or that of his legal  
representatives: Nor can any man who is conscientiously scrupulous of bearing arms, be justly compelled  
27 thereto, if he will pay such equivalent, nor are the people bound by any laws, but such as they have in like  
manner assented to, for their common good.

1 IX. That in all prosecutions for criminal offences, a man hath a right to be heard by himself and his council,  
2 to demand the cause and nature of his accusation, to be confronted with the witnesses, to call for  
3 evidence in his favor, and a speedy public trial, by an impartial jury of the country, without the unanimous  
4 consent of which jury he cannot be found guilty; nor can he be compelled to give evidence against himself;  
5 nor can any man be justly deprived of his liberty except by the laws of the land, or the judgment of his  
6 peers.

7 X. That the people have a right to hold themselves, their houses, papers, and possessions free from  
8 search and seizure, and therefore warrants without oaths or affirmations first made, affording a sufficient  
9 foundation for them, and whereby any officer or messenger may be commanded or required to search  
10 suspected places, or to seize any person or persons, his or their property, not particularly described, are  
11 contrary to that right, and ought not to be granted.

12 XI. That in controversies respecting property, and in suits between man and man, the parties have a right  
13 to trial by jury, which ought to be held sacred.

14 XII. That the people have a right to freedom of speech, and of writing, and publishing their sentiments;  
15 therefore the freedom of the press ought not to be restrained.

16 XIII. That the people have a right to bear arms for the defence of themselves and the state; and as  
17 standing armies in the time of peace are dangerous to liberty, they ought not to be kept up; And that the  
18 military should be kept under strict subordination to, and governed by, the civil power.

19 XIV. That a frequent recurrence to fundamental principles, and a firm adherence to justice, moderation,  
20 temperance, industry, and frugality are absolutely necessary to preserve the blessings of liberty, and keep  
21 a government free: The people ought therefore to pay particular attention to these points in the choice of  
22 officers and representatives, and have a right to exact a due and constant regard to them, from their  
23 legislatures and magistrates, in the making and executing such laws as are necessary for the good  
24 government of the state.

25 XV. That all men have a natural inherent right to emigrate from one state to another that will receive them,  
26 or to form a new state in vacant countries, or in such countries as they can purchase, whenever they think  
27 that thereby they may promote their own happiness.

28 XVI. That the people have a right to assemble together, to consult for their common good, to instruct their  
representatives, and to apply to the legislature for redress of grievances, by address, petition, or  
remonstrance.

The Founders' Constitution Volume 5, Bill of Rights, Document 5  
[http://press-pubs.uchicago.edu/founders/documents/bill\\_of\\_rightss5.html](http://press-pubs.uchicago.edu/founders/documents/bill_of_rightss5.html) The University of Chicago Press

Thorpe, Francis Newton, ed. The Federal and State Constitutions, Colonial Charters, and Other Organic  
Laws of the States, Territories, and Colonies Now or Heretofore Forming the United States of America. 7  
volumes. Washington, D.C.: Government Printing Office, 1909.

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21	defense . . . . .	<u>-14-</u>	inquisitorial . . . . .	<u>-12-</u>	Norton v Shelby . . . . .	<u>-9-</u>
	demand . . . . .	<u>-1-, -16-</u>	inquisitorial Court . . . . .	<u>-12-</u>	nullity . . . . .	<u>-4-, -9-</u>
22	demurrer . . . . .	<u>-5-</u>	inquisitorial Court of Star Chamber . . . . .	<u>-12-</u>	Ohio . . . . .	<u>-4-, -11-</u>
	denial . . . . .	<u>-5-, -9-</u>	inquisitorial system . . . . .	<u>-12-</u>	Ohio constitution . . . . .	<u>-11-</u>
23	Dragomir . . . . .	<u>-13-</u>	institutional barratry . . . . .	<u>-4-</u>	oppression . . . . .	<u>-4-, -5-, -13--15-</u>
	driver license . . . . .	<u>-9-</u>	institutionalized highway robbery . . . . .	<u>-4-</u>	order . . . . .	<u>-3-, -11-, -14-, -15-</u>
24	due process . . . . .	<u>-4-, -5-, -9-, -10-, -12--14-</u>	instrument of oppression . . . . .	<u>-4-, -13-</u>	overbroad . . . . .	<u>-3-</u>
			instruments of oppression . . . . .	<u>-5-, -13-, -14-</u>	overbroad statute . . . . .	<u>-3-</u>
25	due process clause . . . . .	<u>-10-, -12-</u>			overlord . . . . .	<u>-4-</u>
	due process of law . . . . .	<u>-10-, -12-</u>			Palaschak . . . . .	<u>-5-, -14-</u>
26	dynamic . . . . .	<u>-4-</u>			parasitic . . . . .	<u>-4-</u>
	dynamic tension . . . . .	<u>-4-</u>			Pennsylvania . . . . .	<u>-1-, -9-, -15-</u>
27	empowerment . . . . .	<u>-14-</u>			Pennsylvania constitution . . . . .	<u>-15-</u>
	encroachment . . . . .	<u>-4-, -11-, -12-</u>			perjury . . . . .	<u>-5-, -14-</u>
28	equal protection . . . . .	<u>-10-, -12--14-</u>			plundering . . . . .	<u>-4-</u>



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