

Richard Wilson, Pro Se Reserved for Supreme Court of Kansas Filing Stamp.  
 2111 East Santa Fe #274, Olathe Kansas 66062. Slightly earlier version was filed Nov 19 at 2 pm  
 Cell: 913 302 8693 [wilsonbrandx@yahoo.com](mailto:wilsonbrandx@yahoo.com)  
 Fax: 913-795-2710  
 Palaschak: 888 476 8954 [Lawyerdude1989@yahoo.com](mailto:Lawyerdude1989@yahoo.com)

This document is <http://www.lawyerdude.netfirms.com/8903.pdf>  
<http://www.lawyerdude.netfirms.com/8903.html> and <http://www.lawyerdude.netfirms.com/8903.wpd>

**In the Supreme Court of Kansas**  
 Clerk of the Appellate Courts, Kansas Judicial Center  
 301 S.W. 10th Avenue, Room 374, Topeka, Kansas 66612-1507  
 785-296-3229, Fax:785-296-1028, Email: [appellateclerk@kscourts.org](mailto:appellateclerk@kscourts.org)  
<http://www.kscourts.org/>

<p>Richard Wilson,          Petitioner</p> <p>v</p> <p>Judge Richard Smith of the Court of the 6<sup>th</sup>          Judicial District Court of Kansas          Smith, 318 Chestnut, Mound City, Kansas          66056. 913-795-2660 Fax: 913-795-2004.  <a href="http://www.kscourts.org/dstcts/6dstct.htm">http://www.kscourts.org/dstcts/6dstct.htm</a>          Respondent</p>	<p>Lower Court Case Number 06 TR 947</p> <p>Document #8903 Version 0.57</p> <p><b>Application for Writ of Mandate          Compelling Judge Smith to          Order the Production of an E-          transcript and Quash this traffic          ticket case until a duly          authorized prosecutor files a          written complaint.          Application for Stay of Lower Court          Proceedings.          Declaration of Petitioner Richard          Wilson</b></p> <p>Proof of Service upon the office of Respondent          Judge Smith.</p> <p>Proposed Hearing/ Briefing Schedule:          Petitioner's Brief Due by Tuesday 22 Jan 2008          Respondent's Brief Due by Monday 25 Feb 2008</p>
--	--

Table of Contents of this Preliminary Application for Writ of Mandate:

<b>Application for Writ of Mandate, or in the alternative, an Order to Show Cause.</b> . . . . .	<u>-2-</u>
<b>Declaration of Petitioner Richard Wilson</b> . . . . .	<u>-3-</u>
<b>Prologue: Statement of the underlying retaliatory traffic ticket case.</b> . . . . .	<u>-3-</u>
Surplusage: Related documents: . . . . .	<u>-4-</u>
<b>Surplusage: Notice of Concurrent and Upcoming Motions and Demands in trial court.</b> . . . . .	<u>-4-</u>
<b>Declaration of Attorney Douglas Palaschak</b> . . . . .	<u>-4-</u>
<b>Table of Authorities and Fountains of Liberty cited herein:</b> . . . . .	<u>-5-</u>
<b>U.S. Constitutional Clauses and Constitutional Concepts Cited herein:</b> . . . . .	<u>-5-</u>
List of Clauses from the Washington Constitution cited herein: . . . . .	<u>-5-</u>
<b>List of Clauses from the Colorado Constitution cited herein:</b> . . . . .	<u>-6-</u>
<b>List of Clauses from the Kansas Constitution cited herein:</b> . . . . .	<u>-6-</u>
<b>List of Clauses from the Florida Constitution cited herein:</b> . . . . .	<u>-6-</u>

1	List of U.S. Supreme Court cases cited herein: .....	-6-
	Treaties cited herein: .....	-7-
2	Illinois, California, and other Foreign Constitutions rightfully cited herein: .....	-7-
	Table of California Statutes cited herein: .....	-7-
3	List of California state cases cited herein: .....	-7-
	Treatises and "Fundamental Things" cited herein: .....	-8-
4	Argument. Memorandum of Points and Authorities. ....	-8-
	<b>Jurisdiction</b> .....	-8-
5	The judge and clerk have unconstitutionally usurped function of prosecutor; Motion to Quash is my remedy. ....	-9-
6	The main purpose of government is to protect my rights; the traffic ticket system is categorically and inherently evil and unconstitutional. ....	-10-
7	The traffic ticket/ police court system in this country is fundamentally flawed. This is a structural flaw in the nomenclature of the U.S. Supreme Court. Even if I confess, the corpus delicti must be proven without regard to my confession. ....	-10-
8	My constitutional right to a remedy. ....	-10-
9	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. ....	-10-
10	My Right to an E-transcript. It takes 2 only more clicks of the court reporter's mouse. ....	-11-
	Under U.S. Constitution IV, 2, I am entitled to Georgia, Illinois, and California rights ..	-12-
11	I am entitled to utilize the constitutional concepts expressed in foreign constitutions. ....	-12-
12	Application: Kansas Constitution contains no Due Process Clause - and yet I have a state constitutional right to due process. ....	-12-
	Fountains of Liberty: Magna Charta, 1948 Universal Declaration of Human rights. ....	-12-
13	I am a beneficiary of the rights declared by the California constitution. ....	-13-
14	The clerk and judge have usurped the prosecutorial function; that is wrong. Dismissal is the remedy. ....	-14-
15	A defendant may appear by motion - by paper. ....	-15-
16	I have not signed any agreement to appear. The police officer has no authority to issue such a command! The judicial branch may not delegate its authority to a member of the executive branch including an employee police officer. ....	-15-
17	A sworn written complaint is fundamental to due process. ....	-15-
18	The Legislature may not give Police the Power to Summon and may not give Clerks the power to prosecute. ....	-15-
	Pleadings of Pro Se Litigants must be given some leeway .....	-15-
	<b>Proof of Service</b> .....	-15-
19	Appendix: Kansas Bill of Rights .....	-16-
	Brief Autobiography of Attorney Douglas Palaschak .....	-17-
20	<b>Topical Index</b> .....	-17-
	<b>List of Exhibits</b> .....	-20-
21	1. The perjurious complaint. ....	-20-

**Application for Writ of Mandate, or in the alternative, an Order to Show Cause.**

I ask this court to compel Judge Smith to do the following:

1. Rule on my written motion to strike the perjurious complaint.
2. Strike the complaint until such time as a prosecutor signs it.
3. Quash the prosecution until such time as a duly elected prosecutor files a signed complaint instead of the perjurious complaint depicted in Exhibit 1 and at the following hyperlink:  
<http://www.lawyerdude.netfirms.com/8535.pdf> The notary seal says that the complaint is signed by the complaining witness. In fact it is not signed by the complaining witness. That much is patently obvious.

- 1 4. Order the delivery to me of **e-transcripts for which I which have already paid** and which have
- 2 already been produced by the court reporter. They are on her computer.
- 3 5. Produce an e-copy of the case(s) on which he relied for his ruling and/ or from which he read in
- 4 his oral announcement/ opinion which is in the e-transcript that the court reporter refuses to
- 5 deliver to me.
- 6 6. Vacate his previous ruling regarding the validity of the perjurious complaint. Permit me to respond
- 7 to his brief before he makes his decision. It is prejudicial for the judge to be doing the briefing for
- 8 the prosecutor anyway.

### 7 **Declaration of Petitioner Richard Wilson**

8 I, Richard Wilson, declare the following under penalty of perjury:

#### 9 **Prologue: Statement of the underlying retaliatory traffic ticket case.**

10 In December 2006 I was attending a meeting pertaining to the recall of my candidate on the  
11 county board. Filla waited for me outside the meeting. He was campaigning to recall my candidate.  
12 When I departed Officer Paul Filla signaled me to stop. He had no probable cause. Filla intended  
13 retaliation for my campaigning. This retaliation issue is not the issue of the instant application. Filla gave  
14 me a ticket for driving without a license. He handcuffed me, fingerprinted me and put me in jail until I  
15 bailed out.

16 The duly elected prosecutor declined to file a complaint against me - perhaps knowing that the  
17 court prosecutes tickets without a prosecutor.

18 There was no legal basis for this traffic stop/ ticket. Even if there had been a basis for the stop, a  
19 prosecutor would be required to make the decision to prosecute - not this clerk. I filed a motion #8332 to  
20 Quash on 5 Feb 2007. You can see this motion at <http://www.lawyerdude.netfirms.com/8332.pdf> The  
21 court ruled in my favor on 5 March 2007. That transcript of that March 5 court session can be seen at:  
22 <http://www.lawyerdude.netfirms.com/8372.html> . Court recorder/ transcriber Judy Jeck delivered an e-  
23 transcript to me. She thereby proved that an e-transcript can be done with a few key and mouse strokes.

24 On March 5 Judge Smith gave the prosecution 21 days to properly file an actual complaint and  
25 serve it on me. On 26 March an unknown person signed a patently perjurious complaint depicted in  
26 Exhibit 1 and at the following hyperlink: <http://www.lawyerdude.netfirms.com/8535.pdf> The complaint  
27 bears the signature of Notary Christina Chapman. The written attestation above her signature attests that  
28 the complaint is signed by a complaining witness, but you can readily see that the complaining witness,  
Filla, has not signed the complaint.

Thereafter the court erroneously entered a plea for me prior to the filing of a valid complaint to  
which I could plea. The court has no jurisdiction to enter a plea until there is a valid complaint. Today  
there is no valid complaint. Thereafter the trial judge erroneously scheduled an omnibus hearing and sent  
for the arresting officer.

Thereafter I demanded that the trial court make a ruling on whether or not it had jurisdiction. The  
court did not respond to my demand. A court is entitled to rule on its own jurisdiction or not.

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

**Surplusage: Related documents:**

4 My previous motion demanding to strike the perjurious complaint:

5 <http://www.lawyerdude.netfirms.com/8618.pdf> <http://www.lawyerdude.netfirms.com/8618.html> ,  
6 <http://www.lawyerdude.netfirms.com/8618.doc> and <http://www.lawyerdude.netfirms.com/8618.wpd>

7 Elaborate Motion to Quash: <http://www.lawyerdude.netfirms.com/8332.pdf>

8 Perjurious Complaint: <http://www.lawyerdude.netfirms.com/8535.pdf>

9 Transcript of Previous court session. March 5: <http://www.lawyerdude.netfirms.com/8489.html>

10 Transcript of February 5 court session: <http://www.lawyerdude.netfirms.com/8372.html>

11 I have struggled with the court recorder. She produced an e-transcript but refuses to delivery me  
12 one to me although I have already paid for it.

**Surplusage: Notice of Concurrent and Upcoming Motions and Demands in trial court.**

- 13 1. I will be filing a motion to suppress all evidence in this case.
- 14 2. Regarding the Pretextual Stop using the instrument of a vague and overbroad statute, I will be  
15 challenging the statute should that issue arise. The statute is defective: It says that people are  
16 required to have a license unless they are exempted. I will not devote legal effort in this regard  
17 until there is a valid complaint.

---

**Declaration of Attorney Douglas Palaschak**

18 I, Douglas Palaschak, declare the following under penalty of perjury: My biography is appended  
19 hereto. I am an expert in the law of the constitutional rights and the shortchanging thereof in traffic courts  
20 around the country. I have compiled a list of the methods of shortchanging at the following hyperlink:  
21 <http://www.lawyerdude.8k.com/5724.html> Failure of the court to deliver transcripts in a timely manner is  
22 #1 on my list. Institutional Elimination of Mens Re by the police/ prison/ drug war/ sex war/ military  
23 industrial complex industry is #3 on the list.

24 I talked on the telephone and exchanged email with the court recorder/ transcriber in this case.  
25 She admits having produced an e-transcript. She refuses to deliver it to Richard Wilson or anybody.

26 Judge Smith having previously ruled that the prosecution must file a signed complaint now  
27 overlooks the failure of the prosecution to file said signed complaint. Well, it is signed by somebody but it  
28 is defective due to patent perjury and must be stricken.

Without a transcript, Petitioner Wilson cannot explain to me what happened in court.

Without an e-transcript Petitioner Wilson cannot readily extract text from the transcript to relate to  
this Supreme Court in a brief.

I was frustrated to hear that Judge Smith did research for the case without a brief from the  
prosecutor. The judge is obligated to remain neutral. He may not be both judge and prosecutor.

1 By keeping his brief secret until he announced his opinion orally, the judge sandbagged Petitioner  
2 Wilson. He denied Petitioner Wilson due process. Wilson should have been permitted to rebut the brief  
of the opposition.

3 The judge presented his opinion orally - which exacerbates the problem of the absence of an e-  
4 transcript. Petitioner Wilson paid for all the transcripts. He has received paper copies but that requires  
5 him to key the entire transcript into the computer again. The court reporter could readily provide an e-  
6 transcript with a couple key strokes. Indeed a previous court recorder/ transcriber in this same case did  
indeed provide an e-transcript. That e-transcript is depicted at

7 <http://www.lawyerdude.netfirms.com/8489.html> In fact an e-transcript saves the court reporter/  
8 transcriber the trouble of printing and mailing a paper transcript for me.

9 Judge Smith cited as precedent cases which are not reported on the internet. He should have the  
courtesy to deliver an e-copy of the case - like I do for every case that I cite in my own briefs.

10 I am left wondering what happened. I have no transcript. I know the name of the case. It is  
11 burdensome to require a litigant to travel to a law library in a distant state to research and copy a case.  
12 Even if I were in a Kansas law library I would have to settle Xerox paper copies - a picture of the actual  
13 test. I would not have an e-copy. Judge Smith did not discuss any of this with Petitioner Wilson or me  
prior to dropping the surprise on Petitioner Wilson in court.

14 The action puts the icing on a string of denials of due process.

15 \_\_\_\_\_ Douglas Palaschak. Monday, November 19, 2007. Signed by Richard Wilson with  
specific permission from Attorney Douglas Palaschak

---

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

18 **U.S. Constitutional Clauses and Constitutional Concepts Cited herein:**

19 Article IV, Section 2.: The citizens of each state shall be entitled to all privileges and immunities of citizens  
in the several states. . . . . [-11-](#), [-12-](#)

20 Commerce Clause/ interstate commerce . . . . . [-12-](#)

21 Due Process Clause . . . . . [-14-](#)

22 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  
23 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. . . . . [-12-](#)

---

25 **List of Clauses from the Washington Constitution cited herein:**

26 Washington bill of rights: § 1 Political Power. All political power is inherent in the people, and  
governments derive their just powers from the consent of the governed, and are established **to protect  
and maintain individual rights.** . . . . . [-10-](#)

27 § 12 Special Privileges and Immunities Prohibited. " No law shall be passed granting to any citizen, class  
28 of citizens, or corporation other than municipal, privileges or immunities which upon the same terms shall

1 not equally belong to all citizens, or corporations.” The police speed routinely and with impunity in  
2 violation of this clause. .... -10-

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

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

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

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

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.” This is identical to the U.S. constitution at the 4<sup>th</sup> amendment.  
16 ..... -15-

17 § 20. Powers retained by people. This enumeration of rights shall not be construed to impair or deny  
18 others retained by the people; and all powers not herein delegated remain with the people.  
19 ..... -11-

20 §18 of the Kansas Bill of Rights: . Justice without delay. All persons, for injuries suffered in person,  
21 reputation or property, shall have remedy by due course of law, and justice administered without delay.  
22 <http://skyways.lib.ks.us/KSL/ref/constitution/rights.html> .... -8-, -10-

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

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

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

28 **Bell v Burson** (1971) 402 US 535, 29 L Ed 2d 90, 91 S Ct 1586,  
29 <http://www.circuitlawyer.8m.com/Burson.html> <http://www.lawyerdude.netfirms.com/bursonb.html>  
30 ..... -11-

31 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  
32 even if I cannot afford one. <http://www.circuitlawyer.8m.com/griffin.html> .... -8-, -11-

33 **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  
34 Pro Se litigants are entitled to some leeway. **Haines v Kerner** (1972) 404 U.S. 519 (1972)  
35 [Http://www.lawyerdude.netfirms.com/haines.html](http://www.lawyerdude.netfirms.com/haines.html) This ruling is consistent with statutes in nearly all  
36 jurisdictions. The law is not a trap for the unwary. For every wrong there is a remedy. .... -15-

37 **Miranda V Arizona** (1966) <http://www.lawyerdude.netfirms.com/miranda.html> 384 U.S. 436, 86 S. Ct.  
38 1602, 16 L. Ed. 2d 694, 10 ALR 3rd 974 and 59 other ALR treatises . The court uses the word  
39 “inquisition” or its variant many times in this case.  
40 ..... -14-

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

2 **Norton v Shelby County, Tennessee** (1886) 118 U.S. 425 . “An unconstitutional act is not a law; it  
3 confers no rights; it imposes no duties; it affords no protection; it creates no office; it is, in legal  
4 contemplation, as inoperative as though it had never been passed.”  
<http://www.lawyerdude.netfirms.com/norton.html>  
5 . . . . . -11-

6 **U.S. v Gonzalez-Lopez** 2005-352. Decided 2006. <http://www.lawyerdude.netfirms.com/8345.html> . . -9-, -12-

---

7 **Treaties cited herein:**

8 Treaty. 1948 Universal Declaration of Human Rights“Article 20(2) No one may be compelled to belong to  
9 an association.” <http://www.lawyerdude.netfirms.com/8213.html> This treaty, the 1<sup>st</sup> amendment, the 6<sup>th</sup>,  
and the 14<sup>th</sup> amendments preclude the regulation of the practice of law by non-government lawyers.  
10 . . . . . -12-

---

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

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

14 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,  
15 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  
16 place to be searched and the persons or things to be seized. . . . . -13-

17 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  
18 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. . . . . -13-

19 Illinois Constitution: Section 2. Due Process and Equal Protection. No person shall be deprived of life,  
20 liberty or property without due process of law nor be denied the equal protection of the laws. . . . . -14-

---

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

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

24 Penal Code§ 740 states as follows: Except as otherwise provided by law, all misdemeanors and  
25 infractions must be prosecuted by written complaint under oath subscribed by the complainant. . . . . -15-

---

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

27 **People v Dragomir** Feb 14, 2006 <http://www.lawyerdude.netfirms.com/Dragomir.html> . . . . . -15-

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

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

2 **People v. Municipal Court (Real Party: Pellegrino)** (1972)  
3 <http://www.lawyerdude.netfirms.com/8453.html> 27 CA3d 193 (Ventura). In Pellegrino a Ventura judge  
4 appointed a local lawyer to prosecute after the prosecutor declined to prosecute. The court of appeal  
ruled that the special prosecutor was unconstitutional. See also the *Stapf* case herein.  
5 . . . . . -9-

---

6 **California Rules of Court cited herein:**

7 California Rule of Court, rule (4)(f)(4): "On request, and unless the superior court orders otherwise, the  
reporter must provide any party with a copy of the reporter's transcript in computer-readable format."  
8 <http://www.courtinfo.ca.gov/rules/titleone/title1-1-16.htm#TopOfPage> Or Start here:  
<http://www.courtinfo.ca.gov/rules/> . . . . . -11-

---

10 **Treatises and "Fundamental Things" cited herein:**

11 [http://en.wikipedia.org/wiki/Norman\\_Conquest](http://en.wikipedia.org/wiki/Norman_Conquest) Story of the Norman Conquest  
The fundamental things apply as time goes by." - Casablanca 1942. . . . . -10-

---

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

14 **Jurisdiction**

15 This court has jurisdiction under Section 18 of the Kansas Bill of Rights, to wit: **Justice without**  
**delay. All persons, for injuries suffered in person, reputation or property, shall have remedy by**  
16 **due course of law, and justice administered without delay.**

17 On June 18<sup>th</sup> I filed a written demand that the court strike the complaint which contained patent  
perjury: This document is <http://www.lawyerdude.netfirms.com/8618.pdf>  
18 <http://www.lawyerdude.netfirms.com/8618.html> , <http://www.lawyerdude.netfirms.com/8618.doc> and  
19 <http://www.lawyerdude.netfirms.com/8618.wpd> The trial judge erred by going forward without a valid  
20 complaint. He erred by failing to strike the perjurious complaint. He erred by failing to even respond to my  
written motion to strike. He simply ignored me. That denies me due process.

21 As to the alleged signature of the prosecutor on the complaint of Exhibit 1, there is no name  
22 attached to the signature. Who signed it? For all we know the clerk could have signed it; indeed the clerk  
23 initiated prosecution without the prosecutor in the first place.

24 In *Griffin v Illinois* (1956)100 L Ed 891, 351 US 12, 79 S Ct 585, 55 ALR2d 1055 found at  
<http://www.circuitlawyer.8m.com/griffin.html> the U.S. Supreme Court announced that we are entitled to  
25 due process at every stage of the proceeding. "Take it up on appeal" is not good enough.

26 My remedy is neither speedy nor adequate without an e-transcript.

27 Without an e-transcript I cannot readily extract text from the transcript to relate to a higher court in  
a brief.

28 I cannot adequately apply for this very writ without an e-transcript.

1 I am employing out-of-state counsel - as is my right. Therefore I need a transcript to explain what  
2 happened in court. As to the right to employ out of state counsel, in June 2006 the U.S. Supreme Court  
reaffirmed that right in the case of *U.S. v Gonzalez-Lopez* 2005-352. Decided 2006.

3 <http://www.lawyerdude.netfirms.com/8345.html>

4 Judge Smith did the prosecutor's job by researching for the case without a brief from the  
5 prosecutor. Had the prosecution submitted a brief he would have submitted a brief to me and I would  
6 have had notice and opportunity to respond.

6 Judge Smith gave me no notice of his brief. I had no opportunity to respond.

7 The judge is obligated to remain neutral. He may not be both judge and prosecutor. That would  
8 be the Inquisitorial system. We are constitutionally obligated to use the adversarial system.

9 By keeping his brief secret until he announced his opinion orally, the judge denied me due  
10 process. I should have been permitted to rebut the brief of the opposition. I am not alleging any sinister  
11 secrecy. It is quite possible that the judge did not research on the case until the day that I was in court. I  
12 am merely alleging that he denied me due process. He ambushed me with a case that I could readily  
13 have rebutted given an adequate brief from the opposition - or from the judge if he is my opposition -  
14 which he should not be in the first place.

13 The judge presented his opinion orally - which would not be as bad if the court transcriber would  
14 deliver an e-transcript - for which I have already paid her in full.

15 Judge Smith cited as precedent cases which are not reported on the internet. He should have the  
16 courtesy to deliver an e-copy of the case(s) - like I do for every case that I cite in my own briefs.

16 I am left wondering what happened. I have no transcript. I know the name of the case but I don't  
17 have the text of the case. It is burdensome to require a litigant to travel to a law library in a distant county  
18 or a distant state to research and copy a case. Even if I were in a Kansas law library I would have to  
19 make Xerox paper copies. I would not have an e-copy. Judge Smith did not discuss any of this with me  
prior to catching me off guard in court and reading his case into the record.

20 **The judge and clerk have unconstitutionally usurped function of prosecutor; Motion to Quash is  
my remedy.**

21 The clerk may not initiate prosecution. She did so in this case. Only upon my written motion was  
22 the prosecution ordered to actually file a complaint. Then they filed the perjurious complaint which is now  
23 before the court. Only the duly elected prosecutor may initiate a criminal prosecution. The court may not  
24 initiate prosecution. Neither may the court appoint someone to prosecute. Only the duly elected  
25 prosecutor or the attorney general may prosecute a criminal case. This is the holding of *People v.*  
26 *Municipal Court (Real Party: Pellegrino)* (1972) <http://www.lawyerdude.netfirms.com/8453.html> 27  
27 CA3d 193 (Ventura, California). In Pellegrino a Ventura judge appointed a local lawyer to prosecute after  
the prosecutor declined to prosecute. The court of appeal ruled that the special prosecutor was  
unconstitutional.

28 The concept/ rule of " exclusive province " was reaffirmed in *People v Kurt Albert Stapf* (1999)

1 <http://www.lawyerdude.netfirms.com/8289.html> . The Stapf case was overturned on appeal but the appeal  
2 was done by an appointed lawyer; the original opinion is better law.

3 **The main purpose of government is to protect my rights; the traffic ticket system is categorically  
4 and inherently evil and unconstitutional.**

5 **The traffic ticket/ police court system in this country is fundamentally flawed. This is a structural  
6 flaw in the nomenclature of the U.S. Supreme Court. Even if I confess, the corpus delicti must be  
7 proven without regard to my confession.**

8 The body of the crime must be proven without regard to my confession. This court violates that  
9 rule with every driver who pleads guilty.

10 Our state governments were each established to protect and maintain individual rights. Your  
11 traffic ticket system is mere barratry.

12 Authority: Washington bill of rights: § 1 Political Power. All political power is inherent in the  
13 people, and governments derive their just powers from the consent of the governed, and are established  
14 **to protect and maintain individual rights.**

15 "The fundamental things apply as time goes by." - Casablanca 1942.

16 The police state has arisen and granted itself the privilege to speed. This violates "our" California  
17 constitution:

18 § 12 Special Privileges and Immunities Prohibited. No law shall be passed granting to any citizen, class  
19 of citizens, or corporation other than municipal, privileges or immunities which upon the same terms shall  
20 not equally belong to all citizens, or corporations.

#### 21 **My constitutional right to a remedy.**

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

25 The Kansas Bill of Rights guarantees my right to a remedy - a remedy before a trial in this case.

26 §18 of the Kansas Bill of Rights: . Justice without delay. All persons, for injuries suffered in  
27 person, reputation or property, shall have remedy by due course of law, and justice administered without  
28 delay. <http://skyways.lib.ks.us/KSL/ref/constitution/rights.html>

The constitutions of other states contain similar clauses. Example: 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 afforded  
for every injury to person, property or character; and right and justice should be administered  
without sale, denial or delay.** - Colorado constitution.

Other state constitutions proclaims a 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 administered without  
sale, denial or delay. - Florida Bill of Rights.

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

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

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

10 A void act does not become valid by the running of time.  
11 My right to a transcript even if I cannot afford one is guaranteed by the **Due Process** and **Equal**  
12 **Protection** clauses of the U.S. Constitution. The Supreme court ruled so in **Griffin v Illinois** (1956)100 L  
13 Ed 891, 351 US 12, 79 S Ct 585, 55 ALR2d 1055 <http://www.circuitlawyer.8m.com/griffin.html> . The  
14 Supreme Court reaffirmed that right even in some civil cases in 1996. **MLB v SLJ** (1996) 519 US 102;  
15 117 S Ct 555; 136 L Ed2d 473 <http://www.circuitlawyer.8m.com/mlb.html>

### 16 **My Right to an E-transcript. It takes 2 only more clicks of the court reporter's mouse.**

17 California Rule of Court, rule (4)(f)(4): "On request, and unless the superior court orders  
18 otherwise, the reporter must provide any party with a copy of the reporter's transcript in computer-readable  
19 format." <http://www.courtinfo.ca.gov/rules/titleone/title1-1-16.htm#TopOfPage> Or Start here:  
20 <http://www.courtinfo.ca.gov/rules/>

21 Okay, this rule strictly pertains only to courts of appeal - and only in California, but it bespeaks  
22 judicial recognition of our day in age. The judicial council knows the importance of an e-transcript. Every  
23 court reporter has an e transcript created by her stenograph machine ! Maybe her assistant has to correct  
24 some spelling. What do you think she prints the paper from? She prints it from an e transcript ! They also  
25 have the capability to take the "air" out of the transcript. The paper copy is a tremendous wasted of paper -  
26 and very annoying. I, also, can remove the air, but we are straying into logistical details here. The point is  
27 this: It takes only a few key strokes to send me an e-transcript by email. It actually is less and much  
28 quicker for the court reporter. She can eliminate the task of printing and mailing a paper transcript! We  
are in a modern age; lets act like it!. It is easier and cheaper for them to email me an e-copy! It requires no  
paper and no writing!

If the people in California have this right the so do !! Authority:

Article IV. Clause2: The Citizens of each State shall be entitled to all  
Privileges and Immunities of Citizens in the several States.

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

1 And you may not abridge my right to a transcript:

2 Regarding abridgment: Privileges and Immunities Clause "No State shall make or enforce any law  
3 which shall abridge the privileges or immunities of citizens of the United States; nor shall any State deprive  
4 any person of life, liberty, or property, without due process of law; nor deny to any person within its  
5 jurisdiction the equal protection of the laws." - 14th amendment.

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

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

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

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

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

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

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

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

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

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

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

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

28 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  
imposes an undue burden on **interstate commerce**. Both lawyers and drivers are subjected to ever

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

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

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

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

---

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

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

28 "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  
seized.

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

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

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

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

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

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

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

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

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

26 This is unconstitutional. The remedy is dismissal. Only a prosecutor can prosecute a criminal  
27 offense. This is not an administrative tribunal. If it were, there would be a hearing officer or administrative  
28 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  
37 the actual facts of the case. **People v Carlucci** 1979 <http://www.lawyerdude.8k.com/Carlucci.htm>

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

2 <http://www.lawyerdude.netfirms.com/Dragomir.html>

---

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

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

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

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

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

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

18 **A sworn written complaint is fundamental to due process.**

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

21 California Penal Code § 740 states as follows:

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

25 California PC § 949 states as follows:

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

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

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

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](http://www.lawyerdude.netfirms.com/haines.html) This ruling is consistent with statutes in nearly all  
jurisdictions. The law is not a trap for the unwary. For every wrong there is a remedy.

Signed \_\_\_\_\_ Richard Wilson. Monday, November 19, 2007

---

**Proof of Service**

I, \_\_\_\_\_, served this document upon the office of Judge Smith by personally  
delivering it to him and/ or his secretary/ clerk on Monday, November 19, 2007.

Signed \_\_\_\_\_ Monday, November 19, 2007

Appendix: Kansas Bill of Rights

The Kansas Bill of Rights is found at: <http://www.skyways.org/KSL/ref/constitution/rights.html>

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

§ 2. Political power; privileges. All political power is inherent in the people, and all free governments are 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.

§ 3. Right of peaceable assembly; petition. The people have the right to assemble, in a peaceable 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.

§ 4. Bear arms; armies. The people have the right to bear arms for their defense and security; but 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.

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

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

§ 7. Religious liberty. The right to worship God according to the dictates of conscience shall never be 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 on account of religious belief.

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

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

§ 10. Trial; defense of accused. In all prosecutions, the accused shall be allowed to appear and defend in 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 been committed. No person shall be a witness against himself, or be twice put in jeopardy for the same offense.

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

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

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

§ 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.

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

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

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

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

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

11 Appendix: Biography of Expert: Attorney Douglas Palaschak  
12 Subdocument bio33. Version 1.001 Upgraded 10/12/06. [Lawyerdude1989@yahoo.com](mailto:Lawyerdude1989@yahoo.com) 888 476 8954

13 **Brief Autobiography of Attorney Douglas Palaschak**

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

15 I have enjoyed a charmed life. I grew up on the perfect farm. My  
16 brother Greg farms it now. I am an Engineering Graduate of the University of  
17 Illinois, Urbana, the best engineering school in the world, home of the mythical  
18 *Hal 9000 of 2001, A Space Odyssey*. There I was an honors student. I  
19 marched in The Marching Illini, the world's undisputed Premiere Marching  
20 Band. I began my career as a Registered Professional Engineer having  
21 consulted for the U.S. Navy, Mobil, and Exxon. My expert testimony resolved a  
22 personal injury case where my calculations proved that a hydraulic  
23 accumulator could not contain sufficient oxygen for combustion to have  
24 overloaded the failed bolts. This proved  
25 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  
27 performed the buckling analysis for the riser tubes and contributed to the  
28 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:

- Licensure, Licenses, Rights, and Privileges, and their use as  
Instruments of Oppression;
- Pre-trial Criminal Defense of Malum Prohibitum crimes;
- Internet-driven Improvements in the Efficiency of Litigation;
- Empowerment of Pro Se Litigants;
- Bankruptcy.

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 at the  
following link: <http://www.lawyerdude.netfirms.com/8457.html>

I enjoy playing "Clair De Lune" on piano. I found a mistake in the sheet music and Warner  
Brothers republished their Debussy book. Here is a link to their letter in that matter:

<http://lawyerdude.8m.com/Warnerletter.jpg> I have appeared on The Love Connection, Hard Copy, and  
Inside Edition.



<b>Topical Index</b>	888 476 8954 . . . . .	<del>-1-</del> , <del>-17-</del>	adversarial system . . . . .	<del>-9-</del>
14th amendment . . . . .	<del>-12-</del>	abridgment . . . . .	affidavit . . . . .	<del>-13-</del>
1983 . . . . .	<del>-17-</del>	administrative law . . . . .	affords no protection . . . . .	<del>-11-</del>
4th amendment . . . . .	<del>-13-</del> , <del>-15-</del>	adversarial . . . . .	amendment . . . . .	<del>-12-</del> , <del>-13-</del> , <del>-15-</del>

1	analysis . . . . .	<del>-17-</del>	counsel of choice . . . . .	<del>-12-</del>	Illinois constitution . . . . .	<del>-13-</del> , <del>-14-</del>
	appeal . . . . .	<del>-9-</del> , <del>-11-</del>	county . . . . .	<del>-3-</del> , <del>-9-</del> , <del>-11-</del> , <del>-16-</del>	immunities . . . . .	<del>-10-</del> , <del>-12-</del> , <del>-16-</del>
2	appear . . . . .	<del>-15-</del> , <del>-16-</del>	creates no office . . . . .	<del>-11-</del>	imposes no duties . . . . .	<del>-11-</del>
	appellate . . . . .	<del>-1-</del>	declaration . . . . .	<del>-1-</del> , <del>-3-</del> , <del>-4-</del> , <del>-12-</del>	independent state grounds . . . . .	<del>-14-</del>
3	application for writ . . . . .	<del>-1-</del> , <del>-2-</del>	declaration of human rights . . . . .	<del>-12-</del>	individual . . . . .	<del>-10-</del>
	Arizona . . . . .	<del>-14-</del>	Defendant . . . . .	<del>-15-</del>	inoperative . . . . .	<del>-11-</del>
4	as though . . . . .	<del>-11-</del> , <del>-14-</del>	defense . . . . .	<del>-16-</del> , <del>-17-</del>	inquiries . . . . .	<del>-14-</del>
	as time goes by . . . . .	<del>-10-</del>	delicti . . . . .	<del>-10-</del>	inquisition . . . . .	<del>-14-</del>
5	association . . . . .	<del>-12-</del>	demand . . . . .	<del>-3-</del> , <del>-8-</del> , <del>-16-</del>	inquisitorial . . . . .	<del>-14-</del>
	Attorney Douglas Palaschak . . . . .	<del>-4-</del> , <del>-5-</del> , <del>-17-</del>	denial . . . . .	<del>-10-</del>	inquisitorial . . . . .	<del>-9-</del> , <del>-14-</del>
6	bail . . . . .	<del>-16-</del>	Dragomir . . . . .	<del>-15-</del>	inquisitorial Court . . . . .	<del>-14-</del>
7	bar . . . . .	<del>-12-</del> , <del>-17-</del>	driver license . . . . .	<del>-11-</del>	inquisitorial Court of Star Chamber . . . . .	<del>-14-</del>
	bar license . . . . .	<del>-12-</del>	driving . . . . .	<del>-3-</del>	inquisitorial system . . . . .	<del>-9-</del> , <del>-14-</del>
8	barratry . . . . .	<del>-10-</del>	drug . . . . .	<del>-4-</del>	instrument of oppression . . . . .	<del>-15-</del>
	belief . . . . .	<del>-16-</del>	due process . . . . .	<del>-5-</del> , <del>-8-</del> , <del>-9-</del> , <del>-11-</del> , <del>-12-</del> , <del>-14-</del> , <del>-15-</del>	instruments of oppression . . . . .	<del>-15-</del> , <del>-17-</del>
9	Bell v Burson . . . . .	<del>-11-</del>	due process clause . . . . .	<del>-12-</del> , <del>-14-</del>	interstate commerce . . . . .	<del>-12-</del>
	beneficiaries . . . . .	<del>-12-</del> , <del>-13-</del>	due process of law . . . . .	<del>-12-</del> , <del>-14-</del>	jail . . . . .	<del>-3-</del>
10	benefit . . . . .	<del>-16-</del>	elimination of mens re . . . . .	<del>-4-</del>	jurisdiction . . . . .	<del>-3-</del> , <del>-8-</del> , <del>-12-</del>
	bill of rights . . . . .	<del>-8-</del> , <del>-10-</del> , <del>-11-</del> , <del>-13-</del> , <del>-15-</del> , <del>-16-</del>	empowerment . . . . .	<del>-17-</del>	jury . . . . .	<del>-12-</del> , <del>-16-</del>
11	California . . . . .	<del>-7-</del> , <del>-13-</del> , <del>-15-</del> , <del>-17-</del>	encroachment . . . . .	<del>-13-</del> , <del>-14-</del>	Kansas . . . . .	<del>-1-</del> , <del>-5-</del> , <del>-6-</del> , <del>-8-</del> , <del>-12-</del> , <del>-15-</del> , <del>-17-</del>
12	California bar . . . . .	<del>-17-</del>	equal protection . . . . .	<del>-11-</del> , <del>-12-</del> , <del>-14-</del> , <del>-16-</del>	Kansas bill of rights . . . . .	<del>-8-</del> , <del>-10-</del> , <del>-11-</del> , <del>-15-</del> , <del>-16-</del>
	California constitution . . . . .	<del>-10-</del> , <del>-13-</del>	erred . . . . .	<del>-8-</del>	Kansas constitution . . . . .	<del>-6-</del> , <del>-12-</del>
13	Carlucci . . . . .	<del>-14-</del>	evidence . . . . .	<del>-4-</del> , <del>-16-</del>	Kerner . . . . .	<del>-15-</del>
14	citizens in the several states . . . . .	<del>-11-</del> , <del>-12-</del>	excessive . . . . .	<del>-16-</del>	lawyer . . . . .	<del>-9-</del> , <del>-10-</del> , <del>-12-</del> , <del>-17-</del>
15	Clerks . . . . .	<del>-15-</del>	excessive fines . . . . .	<del>-16-</del>	Lawyerdude . . . . .	<del>-1-</del> , <del>-5-</del> , <del>-8-</del> , <del>-12-</del> , <del>-14-</del> , <del>-15-</del> , <del>-17-</del>
	Colorado . . . . .	<del>-6-</del> , <del>-10-</del>	exclusive . . . . .	<del>-9-</del>	lawyers . . . . .	<del>-12-</del>
16	Colorado constitution . . . . .	<del>-6-</del> , <del>-10-</del>	exclusive province . . . . .	<del>-9-</del>	legal contemplation . . . . .	<del>-11-</del>
	commerce . . . . .	<del>-12-</del>	e-transcript . . . . .	<del>-1-</del> , <del>-3-</del> , <del>-5-</del> , <del>-8-</del> , <del>-9-</del> , <del>-11-</del>	legal nullity . . . . .	<del>-11-</del>
17	common law . . . . .	<del>-12-</del> , <del>-15-</del>	Florida . . . . .	<del>-6-</del> , <del>-10-</del>	liberating . . . . .	<del>-13-</del>
	compelled . . . . .	<del>-12-</del> , <del>-16-</del>	Florida bill of rights . . . . .	<del>-10-</del>	liberty . . . . .	<del>-5-</del> , <del>-12-</del> , <del>-14-</del> , <del>-16-</del>
18	complaint . . . . .	<del>-1-</del> , <del>-4-</del> , <del>-8-</del> , <del>-9-</del> , <del>-15-</del> , <del>-20-</del>	Florida constitution . . . . .	<del>-6-</del>	licenses . . . . .	<del>-17-</del>
19	compulsion . . . . .	<del>-12-</del>	for every wrong there is . . . . .	<del>-15-</del>	life, liberty, and the pursuit of happiness . . . . .	<del>-16-</del>
	compulsory . . . . .	<del>-12-</del> , <del>-16-</del>	foreign . . . . .	<del>-7-</del> , <del>-12-</del>	Lilburn . . . . .	<del>-14-</del>
20	compulsory association clause . . . . .	<del>-12-</del>	foreign constitutions . . . . .	<del>-7-</del> , <del>-12-</del>	list . . . . .	<del>-4-</del> , <del>-7-</del> , <del>-10-</del> , <del>-15-</del> , <del>-20-</del>
21	compulsory bar . . . . .	<del>-12-</del>	fountains of liberty . . . . .	<del>-5-</del> , <del>-12-</del> , <del>-13-</del>	local . . . . .	<del>-9-</del> , <del>-12-</del>
	computer . . . . .	<del>-3-</del> , <del>-5-</del> , <del>-11-</del>	fundamental things apply . . . . .	<del>-10-</del>	Lopez . . . . .	<del>-9-</del> , <del>-12-</del>
22	confers no rights . . . . .	<del>-11-</del>	game . . . . .	<del>-14-</del> , <del>-15-</del>	magistrate . . . . .	<del>-15-</del>
	Conquest . . . . .	<del>-8-</del>	Georgia . . . . .	<del>-12-</del>	magna charta . . . . .	<del>-12-</del>
23	constitution . . . . .	<del>-5-</del> , <del>-6-</del> , <del>-10-</del> , <del>-14-</del> , <del>-16-</del>	Gonzalez . . . . .	<del>-9-</del> , <del>-12-</del>	malum prohibitum . . . . .	<del>-17-</del>
24	constitutional . . . . .	<del>-4-</del> , <del>-5-</del> , <del>-10-</del> , <del>-12-</del>	Griffin . . . . .	<del>-8-</del> , <del>-11-</del>	Memorandum . . . . .	<del>-8-</del>
25	constitutional concept . . . . .	<del>-12-</del>	Griffin v Illinois . . . . .	<del>-8-</del> , <del>-11-</del>	mens re . . . . .	<del>-4-</del>
	constitutional right to a remedy . . . . .	<del>-10-</del>	Habeas . . . . .	<del>-16-</del>	Miranda . . . . .	<del>-14-</del>
26	copies . . . . .	<del>-5-</del> , <del>-9-</del>	Habeas Corpus . . . . .	<del>-16-</del>	MLB . . . . .	<del>-11-</del>
27	corpus delicti . . . . .	<del>-10-</del>	Haines . . . . .	<del>-15-</del>	MLB v SLJ . . . . .	<del>-11-</del>
	council . . . . .	<del>-11-</del>	Haines v Kerner . . . . .	<del>-15-</del>	motion to . . . . .	<del>-2-</del> , <del>-4-</del> , <del>-8-</del> , <del>-9-</del>
28	counsel . . . . .	<del>-9-</del> , <del>-12-</del> , <del>-16-</del>	happiness . . . . .	<del>-13-</del> , <del>-16-</del>	motion to quash . . . . .	<del>-4-</del> , <del>-9-</del>
			hearing . . . . .	<del>-1-</del> , <del>-3-</del> , <del>-11-</del> , <del>-14-</del>	motion to strike . . . . .	<del>-2-</del> , <del>-8-</del>
			Illinois . . . . .	<del>-7-</del> , <del>-8-</del> , <del>-11-</del> , <del>-14-</del> , <del>-17-</del>		
			Illinois bill of rights . . . . .	<del>-13-</del>		

1	Motion to suppress . . . . .	<del>-4-</del>	sex . . . . .	<del>-4-</del>
	my right to a remedy . . . . .	<del>-10-</del>	Shelby . . . . .	<del>-11-</del>
2	nature . . . . .	<del>-13-</del> , <del>-14-</del> , <del>-16-</del>	signature . . . . .	<del>-3-</del> , <del>-8-</del>
	nature and cause . . . . .	<del>-16-</del>	slavery . . . . .	<del>-16-</del>
3	never been passed . . . . .	<del>-11-</del>	speech . . . . .	<del>-16-</del>
	no state shall . . . . .	<del>-12-</del>	standing . . . . .	<del>-16-</del>
4	Norman Conquest . . . . .	<del>-8-</del>	state constitution . . . . .	<del>-12-</del>
	Norton . . . . .	<del>-11-</del>	statutes . . . . .	<del>-7-</del> , <del>-15-</del>
5	Norton v Shelby . . . . .	<del>-11-</del>	stealthy encroachment . . . . .	<del>-13-</del> , <del>-14-</del>
	nullity . . . . .	<del>-11-</del>	strike . . . . .	<del>-2-</del> , <del>-4-</del> , <del>-8-</del>
6	Ohio . . . . .	<del>-13-</del>	structural . . . . .	<del>-10-</del>
	Ohio constitution . . . . .	<del>-13-</del>	summons . . . . .	<del>-14-</del> , <del>-15-</del>
7	oppression . . . . .	<del>-15-</del> , <del>-17-</del>	suspended . . . . .	<del>-16-</del>
	order . . . . .	<del>-1-</del> <del>-3-</del> , <del>-13-</del> , <del>-17-</del>	suspension . . . . .	<del>-11-</del>
8	overbroad . . . . .	<del>-4-</del>	telephone . . . . .	<del>-4-</del>
	overbroad statute . . . . .	<del>-4-</del>	Tennessee . . . . .	<del>-11-</del>
9	Palaschak . . . . .	<del>-1-</del> , <del>-4-</del> , <del>-5-</del> , <del>-17-</del>	terms . . . . .	<del>-10-</del> , <del>-13-</del> , <del>-15-</del>
	perjurious . . . . .	<del>-2-</del> <del>-4-</del> , <del>-8-</del> , <del>-9-</del> , <del>-20-</del>	traffic . . . . .	<del>-1-</del> , <del>-3-</del> , <del>-4-</del> , <del>-10-</del> , <del>-14-</del>
10	perjurious complaint . . . . .	<del>-2-</del> <del>-4-</del> , <del>-8-</del> , <del>-9-</del> , <del>-20-</del>	traffic stop . . . . .	<del>-3-</del>
	perjury . . . . .	<del>-3-</del> , <del>-4-</del> , <del>-8-</del>	transcript . . . . .	<del>-1-</del> , <del>-3-</del> <del>-5-</del> , <del>-8-</del> , <del>-9-</del> , <del>-11-</del> , <del>-12-</del>
11	police state . . . . .	<del>-10-</del>	transcripts . . . . .	<del>-3-</del> <del>-5-</del>
12	police/ prison . . . . .	<del>-4-</del>	trial by jury . . . . .	<del>-16-</del>
	pretextual . . . . .	<del>-4-</del>	U.S. v Gonzalez . . . . .	<del>-9-</del> , <del>-12-</del>
13	prison . . . . .	<del>-4-</del>	unconstitutional . . . . .	<del>-9-</del> <del>-11-</del> , <del>-14-</del>
	privacy . . . . .	<del>-13-</del>	unconstitutional act . . . . .	<del>-11-</del>
14	privilege . . . . .	<del>-10-</del> , <del>-12-</del>	unconstitutional act is not a law . . . . .	<del>-11-</del>
15	privileges . . . . .	<del>-10-</del> <del>-12-</del> , <del>-16-</del> , <del>-17-</del>	usurpation . . . . .	<del>-10-</del>
	privileges and immunities . . . . .	<del>-10-</del> <del>-12-</del>	vague . . . . .	<del>-4-</del>
16	pro se . . . . .	<del>-1-</del> , <del>-15-</del> , <del>-17-</del>	void . . . . .	<del>-11-</del>
	Pro Se Litigants . . . . .	<del>-15-</del> , <del>-17-</del>	warrant . . . . .	<del>-13-</del> , <del>-15-</del> , <del>-16-</del>
17	probable cause . . . . .	<del>-3-</del> , <del>-13-</del> , <del>-15-</del> , <del>-16-</del>	Washington . . . . .	<del>-5-</del> , <del>-10-</del> , <del>-12-</del>
18	proof of service . . . . .	<del>-1-</del> , <del>-15-</del>	Washington bill of rights . . . . .	<del>-10-</del>
	prosecutor . . . . .	<del>-1-</del> <del>-4-</del> , <del>-8-</del> , <del>-9-</del> , <del>-14-</del>	Washington constitution . . . . .	<del>-5-</del>
19	prosecutorial function . . . . .	<del>-14-</del>	Wikipedia . . . . .	<del>-8-</del>
	pursuing . . . . .	<del>-13-</del>	Wilson . . . . .	<del>-1-</del> , <del>-3-</del> <del>-5-</del> , <del>-15-</del>
20	pursuit of happiness . . . . .	<del>-13-</del> , <del>-16-</del>	witness . . . . .	<del>-2-</del> , <del>-3-</del> , <del>-16-</del>
	quash . . . . .	<del>-1-</del> <del>-4-</del> , <del>-9-</del>	writ . . . . .	<del>-1-</del> , <del>-2-</del> , <del>-8-</del> , <del>-16-</del>
21	remedy . . . . .	<del>-8-</del> <del>-10-</del> , <del>-13-</del> <del>-15-</del> , <del>-17-</del>	writ of habeas corpus . . . . .	<del>-16-</del>
	Richard Wilson . . . . .	<del>-1-</del> , <del>-3-</del> <del>-5-</del> , <del>-15-</del>	writ of mandate . . . . .	<del>-1-</del> , <del>-2-</del>
22	right . . . . .	<del>-9-</del> <del>-16-</del>		
	right to a jury . . . . .	<del>-12-</del>		
23	right to a remedy . . . . .	<del>-10-</del>		
	right to counsel . . . . .	<del>-12-</del>		
24	right to counsel of choice . . . . .	<del>-12-</del>		
	rights . . . . .	<del>-4-</del> , <del>-8-</del> , <del>-10-</del> <del>-13-</del> , <del>-15-</del> <del>-17-</del>		
25	rights as . . . . .	<del>-12-</del> , <del>-13-</del>		
26	ruling . . . . .	<del>-3-</del> , <del>-15-</del>		
	search . . . . .	<del>-13-</del> <del>-16-</del>		
27	search and seizure . . . . .	<del>-15-</del> , <del>-16-</del>		
	security . . . . .	<del>-16-</del>		
28	seizure . . . . .	<del>-15-</del> , <del>-16-</del>		

**List of Exhibits**

1. The perjurious complaint.

1  
2  
3  
4  
5  
6  
7  
8  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25  
26  
27  
28