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This space reserved for clerk's filing stamp.

3 This document is an e-brief. If you are looking at a paper copy then I urge you to go to your computer and
4 use the e-version where the hyperlinks work at: <http://www.lawyerdude.netfirms.com/9471.pdf>
<http://www.lawyerdude.netfirms.com/9471.wpd> and <http://www.lawyerdude.netfirms.com/9471.html>
5 Related documents in previous pleadings in chronological order:
6 Picture of the ticket: 65 in a 55 on highway: <http://www.lawyerdude.netfirms.com/9476.jpg>
Boilerplate copied from the internet by Dave Christensen.23 Jan 2009 Brief re Right to drive:
<http://www.lawyerdude.netfirms.com/9470dave.html>
7 Same boilerplate brief 9470 re Right to drive 23 Jan 09 with tables added by Lawyerdude:
<http://www.lawyerdude.netfirms.com/9470.pdf> and
8 <http://www.lawyerdude.netfirms.com/9470.html>
9 Resp by pros. cites 0 cases. 4 Feb 2009: [Http://www.lawyerdude.netfirms.com/9473.html](http://www.lawyerdude.netfirms.com/9473.html)
Statement of facts by defendant. 27 Feb 2009. [Http://www.lawyerdude.netfirms.com/9475.html](http://www.lawyerdude.netfirms.com/9475.html)
10 Notice of sentencing on 15 Apr 09: [Http://www.lawyerdude.netfirms.com/9474.jpg](http://www.lawyerdude.netfirms.com/9474.jpg)
Interrogatories, Requests for Admissions and Critique of Non-responsive brief by Prosecutor
11 entitled "2nd demurrer" by David Christensen. 27 Feb 2009. 2nd demurrer by defendant. 27
Feb 2009. [Http://www.lawyerdude.netfirms.com/9475.html](http://www.lawyerdude.netfirms.com/9475.html)

12 In the Justice Court of Hurricane, Utah, in Washington County

147 North 870 West , Hurricane, Utah 84737

http://www.cityofhurricane.com/email_us.main.html

Clerk Sandi: 435-635-2811 ext.124 sandi@cityofhurricane.com

13 The court claims inability to scan the ticket. 3/13/09. They will move into a new building in 3 months using
14 the money that they have extracted from drivers that they stopped on the highway passing near their town.
15 This amounts to taxation of outsiders by police in the guise of legitimate police power. This is an
impermissible burden on interstate commerce.

16 Judge Karlin S. Myer_ and
17 clerks , having
unlawfully and
18 unconstitutionally (in
violation of the oath of
19 office) usurped the
prosecutorial function
20 (which is solely the
province of the elected
21 prosecutor) doing
business (under false
22 color of law and corrupt
legal fiction) as "City of
23 Hurricane" , Specious
Fake Corrupt
24 Corporate Plaintiff.

v

25 Dave Christensen
Moving Party and Putative,
26 Faux non-Defendant.

Case No. 08 5 306 741 Ticket# UTO270300. 65 in a 55.
Picture of ticket: <http://www.lawyerdude.netfirms.com/9476.jpg>
Client #745. Document #9471 Version 1.001
Table of Contents: [Click here to go there.](#)
Special Appearance. Waiver of my speedy trial rights.
**Demand to Vacate past 24 Feb void putative judgment and future
15 April date for sentencing.**
Notice of intent to seek writ if you fail to vacate.
**Demand to Quash the Summons and the prosecution due to the
clerk's having usurped the power of the prosecutor and
for failure of the prosecutor to file a complaint.**
**Demand for the court to make arrangements for telephonic
hearing.**
Demand for recordation by a stenographic court reporter.
**Demand for prompt e-transcript of every hearing by email to my
address shown above and to the address of my lawyer,
also shown above.**
Argument: [Click here.](#)
Proof of Service. [Click here to go there.](#)
Proposed Venue for hearing:
Date: **Thursday 21 April 2009.**
Time: 1:30 pm
Place: Court #1.

1
2 **Notice of Hearing regarding my Demand to Quash and other Motions. Waiver of my speedy trial rights.**

3 At the venue designated in the caption or at such other venue as the court shall designate, I will
4 demand that you vacate your judgment of 24 February 2009. **If you refuse to vacate the judgment then
5 I will apply to a higher court for a Writ of Mandamus commanding you to do so.**

6 I have set a hearing date of 19 April; therefore I demand that you vacate the sentencing date of
7 April 15.

8 Your putative judgment is void because you had no jurisdiction to rule in this case. There is no
9 jurisdiction until there is a valid dispute before you. There is no valid dispute until the duly elected
10 prosecutor files a written complaint against me. This has not happened.

11 You work for the court; the court's job is to be a neutral judge - not a prosecutor. The inquisition
12 ended some years ago. You have done the work of the prosecutor and yet you don't do my work. You
13 should be neutral; you are not. "Equal Protection of the Law" is the law. I waive my right to a speedy trial
14 as necessary to vindicate my legal rights. My argument is set forth below around page 12.

15 Signed _____ Dave Christensen. Thursday, March 19, 2009

16 **Overview: The themes presented in this brief:**

17 You, Judge Karlin S. Myer, have no jurisdiction in this case until the duly elected prosecutor and/or the
18 grand jury files a signed written complaint or indictment. The traffic ticket is NOT signed by a prosecutor.
19 It is signed by a mere traffic cop.

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

21 Notice of Hearing regarding my Demand to Quash and other Motions. Waiver of my speedy
22 trial rights.. -2-

23 **Overview: The themes presented in this brief:**.. -2-
24 You, Judge Karlin S. Myer, have no jurisdiction in this case until the duly elected
25 prosecutor and/or the grand jury files a signed written complaint or
26 indictment. The traffic ticket is NOT signed by a prosecutor. It is signed
27 by a mere traffic cop.. -2-

28 **Notice of Concurrent and Upcoming Motions and Demands.** -4-

Statement of the Case. -4-
This case arises from a traffic stop on a state highway, a tributary to interstate
15. Accusation: 65 in a 55.. -4-

Declaration of Attorney Douglas Palaschak regarding procedure and posture. -4-

Declaration of Expert Attorney Douglas Palaschak regarding Traffic Court Abuses,
Methodology, Corruption, and Systemic Denial of Due Process.. -4-
A ticket can never be a summons... -5-

1	Table of Authorities and Fountains of Liberty cited herein:	<u>-5-</u>
	U.S. Constitutional Clauses and Constitutional Concepts Cited herein:	<u>-5-</u>
2	List of Clauses from the Washington Constitution cited herein:	<u>-6-</u>
	List of Clauses from the Colorado Constitution cited herein:	<u>-6-</u>
3	List of Clauses from the Kansas Constitution cited herein:	<u>-6-</u>
	List of Clauses from the Florida Constitution cited herein:	<u>-6-</u>
4	List of U.S. Supreme Court cases cited herein:	<u>-7-</u>
	Treaties cited herein:	<u>-7-</u>
5	Illinois, California, and other Foreign Constitutions rightfully cited herein:	<u>-7-</u>
	Table of California Statutes cited herein:	<u>-8-</u>
6	List of California state cases cited herein:	<u>-8-</u>
7	Treatises and “Fundamental Things” cited herein:	<u>-8-</u>
8	Argument. Memorandum of Points and Authorities..	<u>-8-</u>
	This is the end of the particularized argument. Below this line is a more	
9	generalized argument.	<u>-9-</u>
	Police officer has usurped the clerk’s role.	<u>-9-</u>
10	Argument: Overbreadth and Vagueness.	<u>-10-</u>
	Judge/ Clerk have unconstitutionally usurped function of prosecutor; Quashing is	
11	my remedy.	<u>-10-</u>
	The main purpose of government is to protect my rights; the traffic ticket system	
12	is categorically and inherently evil and unconstitutional.	<u>-11-</u>
	Your system in traffic court is fundamentally flawed. This is a structural flaw in	
13	the nomenclature of the U.S. Supreme Court. Even if I confess, the corpus	
	delicti must be proven without regard to my confession.	<u>-11-</u>
14	My constitutional right to a remedy.	<u>-11-</u>
15	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.	<u>-12-</u>
16	Under U.S. Constitution IV, 2, I am entitled to Georgia, Illinois, and California	
	rights.	<u>-12-</u>
17	I am entitled to utilize the constitutional concepts expressed in foreign constitutions.	<u>-12-</u>
18	Application: Kansas Constitution contains no Due Process Clause - and yet I have	
	a state constitutional right to due process.	<u>-13-</u>
19	Fountains of Liberty: Magna Charta, 1948 Universal Declaration of Human rights.	
	<u>-13-</u>
20	I am a beneficiary of the rights declared by the California constitution.	<u>-14-</u>
	The clerk and judge have usurped the prosecutorial function; that is wrong.	
21	Dismissal is the remedy.	<u>-14-</u>
	A defendant may appear by motion - by paper.	<u>-15-</u>
22	I have not signed any agreement to appear. The police officer has no authority to	
23	issue such a command! The judicial branch may not delegate its authority	
	to a member of the executive branch including an employee police officer.	<u>-15-</u>
24	Permitting Police to Summon me to court denies Equal Protection Under the Law	
	<u>-16-</u>
25	The Legislature may not give Police the Power to Summon and may not give	
	Clerks the power to prosecute.	<u>-16-</u>
26	You are Equitably Estopped from Presuming a Waiver of Jurisdictional Challenge.	
	<u>-16-</u>
27	You may not serve me a summons in court; that would constitute a benefit from	
	your wrongdoing.	<u>-16-</u>
28	Pleadings of Pro Se Litigants must be given some leeway.	<u>-16-</u>

1 **Proof of Service** [-16-](#)

2 **Appendix: Brief Biography of Attorney Douglas Palaschak.** [-16-](#)

3 **Appendix: Washington state bill of rights. Only the good parts..** [-16-](#)

4 In no instance shall any accused person before final judgment be compelled to advance
5 money or fees to secure the rights herein guaranteed.. [-17-](#)

6 **Appendix: Michigan Bill of Rights.** [-18-](#)

7 **Appendix: Sample state Bill of Rights. Excerpts from the Florida Bill of Rights..** [-20-](#)

8 **Excessive fines.** [-21-](#)

9 **Topical Index.** [-21-](#)

Notice of Concurrent and Upcoming Motions and Demands

- 10 1. I have filed brief #9470 updated on 18 March 2009 asserting my right to drive unmolested by
11 pretextual interference in the guise of raising revenue.
- 12 2. I will be seeking an Extraordinary Writ if you deny this motion.
- 13 3. I will move to dismiss if the prosecutor actually prosecutes.
- 14 4. I will move to suppress evidence on the basis of lack of probable cause to stop.
- 15 5. I will move to dismiss due to overbroad and vague statutes.

Statement of the Case

16 This case arises from a traffic stop on a state highway, a tributary to interstate 15. Accusation: 65
17 in a 55.

Declaration of Attorney Douglas Palaschak regarding procedure and posture.

18 On Friday, March 13, 2009 I telephoned the office of the prosecutor. His machine said that he
19 only talks about traffic matters on Wednesday afternoons. This is the day when he handles traffic matters
20 in the afternoon in court. I pretended I was a non-traffic matter and talked to a different portion of his
21 machine. I asked for a pdf or text e-copy of his 4 page pleading in the case.

Declaration of Expert Attorney Douglas Palaschak regarding Traffic Court Abuses, Methodology, Corruption, and Systemic Denial of Due Process.

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

23 My biography is appended hereto and/ or published on the internet at
24 <http://www.lawyerdude.netfirms.com/bio33.html> . I have been a lawyer for nearly a quarter century.

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

28 Your system treats citizens as your subjects and geographical boundaries of your state as your

1 fiefdom.

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

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

6 They prosecute insurance tickets even in the absence of an accompanying citation on the same
7 paper - in violation of a statute that specifically requires dismissal in such a situation.

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

A ticket can never be a summons.

14 A summons is required for the court to gain jurisdiction. A summons is a notification from the
15 court addressed to the defendant in a pending case. In a criminal case a warrant must be issued signed
16 by a judge after finding probable cause. A ticket is never a summons despite the intentions of the
17 legislature. When a police officer writes a ticket there is no pending case. There will be no pending case
18 until a prosecutor has made a decision to prosecute. Then the prosecutor files a complaint. Only then is
19 a summons possible. There is then a pending case. I would then have the opportunity to settle the case
20 with the prosecutor. Most traffic courts today permit the clerk to prosecute the case. This practice is
21 unconstitutional. It is an example of denial of equal protection. The clerk has demonstrated a bias for the
22 prosecution. Also, the clerk is paid by the money earned by the ticket that she prosecutes.

23 The police power stems from a medieval concept of questioning every stranger. The police court
24 has been an instrument of institutional oppression. Your name has now been changed to the euphemism
25 of "municipal court" but the game remains the same.

26 No. This will not stand.

27 Signed by Dave Christensen for and with Special Permission of Palaschak _____

28 Thursday, March 19, 2009

Table of Authorities and Fountains of Liberty cited herein:

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

6 th amendment guarantees by right to a jury trial..	-12-
Article IV, Section 2.: The citizens of each state shall be entitled to all privileges and immunities of citizens in the several states..	-12-
Commerce Clause/ interstate commerce..	-13-

1 Corpus delicti rule is a law of constitutional magnitude.. . . . -11-

2 Due Process Clause.. . . . -14-

3 Due Process clause.. . . . -12-

4 Equal Protection clause. -12-

5 Equal protection clause of the 14th amendment. -16-

6 No state shall make or enforce any law which shall abridge the privileges or immunities of citizens of the

7 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

9 Immunities Clause of the 14th amendment.. . . . -12-

List of Clauses from the Washington Constitution cited herein:

10 Washington bill of rights: § 1 Political Power. All political power is inherent in the people, and

11 governments derive their just powers from the consent of the governed, and are established **to protect**

12 **and maintain individual rights**.. . . . -11-

13 § 12 Special Privileges and Immunities Prohibited. “ No law shall be passed granting to any citizen, class

14 of citizens, or corporation other than municipal, privileges or immunities which upon the same terms shall

15 not equally belong to all citizens, or corporations.” The police speed routinely and with impunity in

16 violation of this clause.. . . . -11-

List of Clauses from the Colorado Constitution cited herein:

17 §6. Equality of justice. Courts of justice shall be open to every person, **and a speedy remedy**

18 **afforded for every injury to person, property or character; and right and justice should be**

19 **administered without sale, denial or delay.** - Colorado constitution... -11-

List of Clauses from the Kansas Constitution cited herein:

19 Kansas Constitution contains no Due Process Clause - and yet I have a right to due process - even if it is

20 not written into the federal constitution. It is a constitutional concept. We remember the ancient common

21 law. Forty-nine other state constitutions accrue to my benefit. Also, I rely on the common law since the

22 Norman Conquest of 1066. http://en.wikipedia.org/wiki/Norman_Conquest -13-

23 § 15. “Search and seizure. The right of the people to be secure in their persons and property against

24 unreasonable searches and seizures shall be inviolate; and no warrant shall issue but on probable cause,

25 supported by oath or affirmation, particularly describing the place to be searched and the persons or

26 property to be seized.” This is identical to the U.S. constitution at the 4th amendment.

27 -15-

List of Clauses from the Florida Constitution cited herein:

25 Florida Bill of Rights. Excerpts are reprinted in the Appendix.. . . . -20-

26 Florida constitution Art. 1, section 21. guarantees my right to a remedy: Art. 1, section 21. Access to

27 courts- The courts shall be open to every person for redress of any injury, and justice shall be

28 administered without sale, denial or delay. - Florida Bill of Rights.. . . . -11-

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

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

4 -12-

5 **Bradley v. Fisher**, 13 Wall. 335, 351. Pp. 355-357.. -10-

6 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
7 even if I cannot afford one. <http://www.circuitlawyer.8m.com/griffin.html> -12-

8 **Haines v Kerner** (1972) 404 U.S. 519 (1972) [Http://www.lawyerdude.netfirms.com/haines.html](http://www.lawyerdude.netfirms.com/haines.html) Pleadings of
9 Pro Se litigants are entitled to some leeway. **Haines v Kerner** (1972) 404 U.S. 519 (1972)
10 [Http://www.lawyerdude.netfirms.com/haines.html](http://www.lawyerdude.netfirms.com/haines.html) This ruling is consistent with statutes in nearly all
11 jurisdictions. The law is not a trap for the unwary. For every wrong there is a remedy..... -16-

12 **Miranda V Arizona** (1966) <http://www.lawyerdude.netfirms.com/miranda.html> 384 U.S. 436, 86 S. Ct.
13 1602, 16 L. Ed. 2d 694, 10 ALR 3rd 974 and 59 other ALR treatises . The court uses the word
14 "inquisition" or its variant many times in this case. From Miranda "Where rights secured by the
15 Constitution are involved, there can be no rule making or legislation, which would abrogate them."
16 -11-, -15-

17 **MLB v SLJ** (1996) 519 US 102; 117 S Ct 555; 136 L Ed2d 473 <http://www.circuitlawyer.8m.com/mlb.html>
18 Right to a free transcript even in some civil cases.. -12-

19 **Norton v Shelby County, Tennessee** (1886) 118 U.S. 425 . "An unconstitutional act is not a law; it
20 confers no rights; it imposes no duties; it affords no protection; it creates no office; it is, in legal
21 contemplation, as inoperative as though it had never been passed."
22 <http://www.lawyerdude.netfirms.com/norton.html>
23 -10-, -12-

24 Stump V. Sparkman (1978) <http://supreme.justia.com/us/435/349/case.html> 435 U.S. 349 (1978) cites
25 Bradley v. Fisher, 13 Wall. 335, 351. Pp. 355-357. Immunity fails where there is complete absence of
26 jurisdiction - as here where there was no prosecution except by the court itself in violation of the implicit
27 rule against inquisitorial proceedings.. -10-

28 **Stump V. Sparkman** (1978) <http://supreme.justia.com/us/435/349/case.html> 435 U.S. 349 (1978).. -10-

29 **Tumey v Ohio** (1927) 273 U.S. 510. In this prohibition era case, the city received \$5 for each conviction.
30 <http://www.lawyerdude.8k.com/Tumey.html> The clerk has usurped the prosecutorial function - for
31 profit..... -9-

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

33
34 **Treaties cited herein:**

35 Treaty. 1948 Universal Declaration of Human Rights"Article 20(2) No one may be compelled to belong to
36 an association." <http://www.lawyerdude.netfirms.com/8213.html> This treaty, the 1st amendment, the 6th,
37 and the 14th amendments preclude the regulation of the practice of law by non-government lawyers.
38 -13-

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

40 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 property, and pursuing and obtaining safety, happiness, and privacy.

http://www.leginfo.ca.gov/const/article_1 <http://www.leginfo.ca.gov/const-toc.html> -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, 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. -14-

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. -13-

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. -14-

Table of California Statutes cited herein:

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. -16-

Penal Code § 740 states as follows: Except as otherwise provided by law, all misdemeanors and infractions must be prosecuted by written complaint under oath subscribed by the complainant. -16-

List of California state cases cited herein:

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

People v Carlucci 1979 <http://www.lawyerdude.8k.com/Carlucci.htm>
<http://www.lawyerdude.netfirms.com/carlucc.html> -15-

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

People v. Municipal Court (Real Party: Pellegrino) (1972)
<http://www.lawyerdude.netfirms.com/8453.html> 27 CA3d 193 (Ventura). In Pellegrino a Ventura judge appointed a local lawyer to prosecute after the prosecutor declined to prosecute. The court of appeal ruled that the special prosecutor was unconstitutional. See also the *Stapf* case herein. -11-

Treatises and “Fundamental Things” cited herein:

http://en.wikipedia.org/wiki/Norman_Conquest Story of the Norman Conquest
The fundamental things apply as time goes by.” - Casablanca 1942. -11-

Constitutional Right to a Remedy <http://www.lawyerdude.netfirms.com/8428.html> -11-

Modern Day Instruments of Oppression at: <http://www.lawyerdude.8k.com/5724.html>
. -15-

Argument. Memorandum of Points and Authorities.

1 You, Judge Karlin S. Myer, have no jurisdiction in this case until the duly elected prosecutor and/or
2 the grand jury files a signed written complaint or indictment. The traffic ticket is NOT signed by a
3 prosecutor. It is signed by a mere traffic cop. A cop does not have authority to initiate prosecution.
4 Neither does the clerk. Their actions in filing this ticket with the court constitute a violation of my rights
5 and a usurpation of the office of the duly elected/ employed prosecutor. The prosecution of crimes is the
6 exclusive province of the prosecutor.

7 The prosecutor may only initiate prosecution by filing a complaint signed by him. This did not
8 happen in my case.

9 Without a complaint signed by the prosecutor YOU have no jurisdiction.

10 You had no jurisdiction on 24 February when found me guilty in absentia. Your putative judgment
11 on 24 February was void ab initio. I may challenge jurisdiction at any time. A court my rule on its own
12 jurisdiction. Your act was a legal nullity. I demand that you now vacate that putative judgment.

13 **This is the end of the particularized argument. Below this line is a more generalized**
14 **argument.**

15 Even if there had been a legal basis for the ticket, a prosecutor would be required to make the
16 decision to prosecute - not this clerk. A prosecutor would have an ethical duty to reject this case. The
17 clerk carried the ball for this prosecution. Furthermore the clerk is biased in this case by loyalty to her
18 employer. Money from my fine would be added to the fund that pays her. She has thereby caused the
19 court to be unconstitutionally biased. See for example: *Tumey v Ohio* (1927) 273 U.S. 510. In this
20 prohibition era case, the city received \$5 for each conviction. The Tumey case can be see at:

21 <http://www.lawyerdude.8k.com/Tumey.html>

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

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

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

The clerk, who would ordinarily issue summonses, now elevates herself to the position of
prosecutor by prosecuting this case without the requisite legal formality of a complaint signed by a
complaining party/ witness. This is classic stealthy incessant encroachment. Only a prosecutor may

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

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

9 “Where rights secured by the Constitution are involved, there can be no rule making or legislation,
10 which would abrogate them.” - Miranda v. Arizona (1966) <http://www.lawyerdude.netfirms.com/miranda.html> 384
11 U.S. 436 .

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

14 **Your system in traffic court is fundamentally flawed. This is a structural flaw in the nomenclature
15 of the U.S. Supreme Court. Even if I confess, the corpus delicti must be proven without regard to
16 my confession.**

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

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

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

24 “The fundamental things apply as time goes by.” - Casablanca 1942.

25 The police state has arisen and granted itself the privilege to speed. This violates “our” California
26 constitution:
27 § 12 Special Privileges and Immunities Prohibited. No law shall be passed granting to any citizen, class of
28 citizens, or corporation other than municipal, privileges or immunities which upon the same terms shall not
equally belong to all citizens, or corporations.

My constitutional right to a remedy.

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

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

1 **without sale, denial or delay.** - Colorado constitution.

2 Other state constitutions proclaims a right to a remedy:

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

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

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

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

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

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

21 The state constitution and the 6th amendment guarantee my right to a jury trial.

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

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

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

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

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

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

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

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

No state shall make or enforce any law which shall abridge the privileges
or immunities of citizens of the United States; nor shall any state deprive
any person of life, liberty, or property, without due process of law; nor

1 deny to any person within its jurisdiction the equal protection of the laws. -
2 Privilege and Immunities Clause of the 14th amendment.

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

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

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

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

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

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

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

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

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

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

7 I was exercising my California defined Section 1 rights as a free and natural human when the
8 police officer unconstitutionally violated my rights. He did this to enforce his institutional corporate
9 prejudice against drivers. Because there has been no prosecution by a prosecutor my first remedy is to
10 Quash. I have other remedies. A Motion to Suppress Evidence comes to mine.

11 "Our" Illinois constitution forbids unwarranted searches.

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

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

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

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

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

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

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

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

1 wrote the corresponding rules.

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

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

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

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

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

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

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

23 Authority: 4th amendment and section 15 of the Kansas Bill of Rights:

24 § 15. Search and seizure. The right of the people to be secure in their
25 persons and property against unreasonable searches and seizures shall
26 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.

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

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

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

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

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

10 Penal Code § 740 states as follows:

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

14 PC § 949 states as follows:

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

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

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

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

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

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

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

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

You must dismiss my case now.

Signed _____ Dave Christensen. Thursday, March 19, 2009

Proof of Service

Although I contend that the prosecution has not entered this case I nonetheless served this upon
the prosecutor by mail on this date. I also filed it by mail to the criminal/ ticket filing window of the court.
Signed _____ Dave Christensen. Thursday, March 19, 2009

Appendix: Brief Biography of Attorney Douglas Palaschak

This subdocument is <http://www.lawyerdude.netfirms.com/bio33.html> Deleted from this brief but available
on the net.

Appendix: Washington state bill of rights. Only the good parts.

Washington was carved out of the western part of Washington Territory and admitted to the Union as the

1 42nd state in 1889. More than most other states, Washington copied its constitution and law from other
2 states. Due to the sparse population of this state, we has suffered regression to military rule by the
governing class. See, for example, clauses 25 and 26 which eliminate our grand jury rights. This bill of
right is sad proof of the weakening and corruption of our government.

3 <http://www.courts.wa.gov/education/constitution/index.cfm>

4 § 22 Rights of the Accused. In criminal prosecutions the accused shall have the right

5 to appear and defend in person, or by counsel,
6 to demand the nature and cause of the accusation against him,
7 to have a copy thereof, to testify in his own behalf,
8 to meet the witnesses against him face to face,
9 to have compulsory process to compel the attendance of witnesses in his own behalf,
10 to have a speedy public trial by an impartial jury of the county in which the offense is charged to

11 have been committed

12 and the right to appeal in all cases:

13 Provided, The route traversed by any railway coach, train or public conveyance, and the
14 water traversed by any boat shall be criminal districts; and the jurisdiction of all public
15 offenses committed on any such railway car, coach, train, boat or other public
16 conveyance, or at any station or depot upon such route, shall be in any county through
17 which the said car, coach, train, boat or other public conveyance may pass during the trip
18 or voyage, or in which the trip or voyage may begin or terminate.

19 **In no instance shall any accused person before final judgment be
20 compelled to advance money or fees to secure the rights herein
21 guaranteed.** [AMENDMENT 10, 1921 p 79 Section 1. Approved November, 1922.]

22 § Original text - Art. 1 Section 22 Rights of Accused Persons - In criminal prosecution, the accused shall
23 have the right to appear and defend in person, and by counsel, to demand the nature and cause of the
24 accusation against him, to have a copy thereof, to testify in his own behalf, to meet the witnesses against
25 him face to face, to have compulsory process to compel the attendance of witnesses in his own behalf, to
26 have a speedy public trial by an impartial jury of the county in which the offense is alleged to have been
27 committed, and the right to appeal in all cases; and, in no instance, shall any accused person before final
28 judgment be compelled to advance money or fees to secure the rights herein guaranteed.

§ 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.**

§ 2 Supreme Law of the Land. The Constitution of the United States is the supreme law of the land.

§ 3 Personal Rights. No person shall be deprived of life, liberty, or property, without due process of law.

§ 4 Right of Petition and Assemblage. The right of petition and of the people peaceably to assemble for
the common good shall never be abridged.

§ 5 Freedom of Speech. Every person may freely speak, write and publish on all subjects, being
responsible for the abuse of that right.

§ 6 Oaths - Mode of Administering. The mode of administering an oath, or affirmation, shall be such as
may be most consistent with and binding upon the conscience of the person to whom such oath, or
affirmation, may be administered.

§ 7 Invasion of Private Affairs or Home Prohibited.

No person shall be disturbed in his private affairs, or his home invaded, without authority of law.

§ 8 IRREVOCABLE PRIVILEGE, FRANCHISE OR IMMUNITY PROHIBITED.

No law granting irrevocably any privilege, franchise or immunity, shall be passed by the legislature.

§ 9 RIGHTS OF ACCUSED PERSONS.

No person shall be compelled in any criminal case to give evidence against himself, or be twice put in
jeopardy for the same offense.

§ 10 ADMINISTRATION OF JUSTICE.

Justice in all cases shall be administered openly, and without unnecessary delay.

§ 11 Religious Freedom. Not reprinted here. This section has been fatally diluted and corrupted by the
forces of evil and government intermeddlers to advance religious causes.

§ 12 Special Privileges and Immunities Prohibited.

No law shall be passed granting to any citizen, class of citizens, or corporation other than municipal,
privileges or immunities which upon the same terms shall not equally belong to all citizens, or

1 corporations.

2 § 13 HABEAS CORPUS.
The privilege of the writ of habeas corpus shall not be suspended, unless in case of rebellion or invasion
3 the public safety requires it.

4 § 14 EXCESSIVE BAIL, FINES AND PUNISHMENTS.
Excessive bail shall not be required, excessive fines imposed, nor cruel punishment inflicted.

5 § 15 CONVICTIONS, EFFECT OF.
No conviction shall work corruption of blood, nor forfeiture of estate.

6 § 16 Eminent Domain. Not reprinted here.

7 § 17 IMPRISONMENT FOR DEBT.
There shall be no imprisonment for debt, except in cases of absconding debtors.

8 § 18 MILITARY POWER, LIMITATION OF.
The military shall be in strict subordination to the civil power.

9 § 19 FREEDOM OF ELECTIONS.
All Elections shall be free and equal, and no power, civil or military, shall at any time interfere to prevent
the free exercise of the right of suffrage.

10 § 20 BAIL, WHEN AUTHORIZED.
All persons charged with crime shall be bailable by sufficient sureties, except for capital offenses when the
proof is evident, or the presumption great.

11 § 21 TRIAL BY JURY.
The right of trial by jury shall remain inviolate, but the legislature may provide for a jury of any number less
12 than twelve in courts not of record, and for a verdict by nine or more jurors in civil cases in any court of
record, and for waiving of the jury in civil cases where the consent of the parties interested is given
13 thereto.

14 § 23 BILL OF ATTAINDER, EX POST FACTO LAW, ETC.
No bill of attainder, ex post facto law, or law impairing the obligations of contracts shall ever be passed.

15 § 24 Right to Bear Arms. Not reprinted here.

16 § 25 Prosecution by Information. (This section violates the superior federal constitution.) Offenses
heretofore required to be prosecuted by indictment may be prosecuted by information, or by indictment, as
17 shall be prescribed by law.

18 § 26 Grand Jury. (This section violates the federal constitution.)
No grand jury shall be drawn or summoned in any county, except the superior judge thereof shall so order.

19 27 TREASON, DEFINED, ETC.
Treason against the state shall consist only in levying war against the state, or adhering to its enemies, or
in giving them aid and comfort. No person shall be convicted of treason unless on the testimony of two
witnesses to the same overt act, or confession in open court.

20 28 HEREDITARY PRIVILEGES ABOLISHED.
No hereditary emoluments, privileges, or powers, shall be granted or conferred in this state.

21 29 CONSTITUTION MANDATORY.
The provisions of this Constitution are mandatory, unless by express words they are declared to be
otherwise.

22 30 RIGHTS RESERVED.
The enumeration in this Constitution of certain rights shall not be construed to deny others retained by the
23 people.

24 31 Standing Army.
No standing army shall be kept up by this state in time of peace, and no soldier shall in time of peace be
quartered in any house without the consent of its owner, nor in time of war except in the manner
25 prescribed by law.

26 § 32 Fundamental Principles. A frequent recurrence to fundamental principles is essential to the security
of individual right and the perpetuity of free government.

27 § 33 and 34 Recall of Elective Officers. Not reprinted here.

28 § 35 Victims of Crimes - Rights. Deleted. This section was added by the police state.

Appendix: Michigan Bill of Rights

1 As amended to 1972. Article 1: Declaration of Rights.

2 Sec. 1. All political power is inherent in the people. Government is instituted for their equal benefit,
3 security and protection.

4 Sec. 2. No person shall be denied the equal protection of the laws; nor shall any person be denied the
5 enjoyment of his civil or political rights or be discriminated against in the exercise thereof because of
6 religion, race, color or national origin. The legislature shall implement this Section by appropriate
7 legislation.

8 Sec. 3. The people have the right peaceably to assemble, to consult for the common good, to instruct
9 their representatives and to petition the government for redress of grievances.

10 Sec. 4. Every person shall be at liberty to worship God according to the dictates of his own conscience.

11 No person shall be compelled to attend, or, against his consent, to contribute to the erection or support of
12 any place of religious worship, or to pay tithes, taxes or other rates for the support of any minister of the
13 gospel or teacher of religion. No money shall be appropriated or drawn from the treasury for the benefit
14 of any religious sect or society, theological or religious seminary; nor shall property belonging to the
15 state be appropriated for any such purpose. The civil and political rights, privileges and capacities of
16 no person shall be diminished or enlarged on account of his religious belief. Sec. 5. Every person may
17 freely speak, write, express and publish his views on all subjects, being responsible for the abuse of
18 such right; and no law shall be enacted to restrain or abridge the liberty of speech or of the press. Sec.

19 6. Every person has a right to keep and bear arms for the defense of himself and the state.

20 Sec. 7. The military shall in all cases and at all times be in strict subordination to the civil power.

21 Sec. 8. No soldier shall, in time of peace, be quartered in any house without the consent of the owner
22 or occupant, nor in time of war, except in a manner prescribed by law.

23 Sec. 9. Neither slavery, nor involuntary servitude unless for the punishment of crime, shall ever be
24 tolerated in this state.

25 Sec. 10. No bill of attainder, ex post facto law or law impairing the obligation of contract shall be enacted.

26 Sec. 11. The person, houses, papers and possessions of every person shall be secure from
27 unreasonable searches and seizures. No warrant to search any place or to seize any person or things
28 shall issue without describing them, nor without probable cause, supported by oath or affirmation. The
provisions of this Section shall not be construed to bar from evidence in any criminal proceeding any
narcotic drug, firearm, bomb, explosive or any other dangerous weapon, seized by a peace officer outside
the curtilage of any dwelling house in this state.

Sec. 12. The privilege of the writ of habeas corpus shall not be suspended unless in case of rebellion or
invasion the public safety may require it.

Sec. 13. A suitor in any court of this state has the right to prosecute or defend his suit, either in his own
proper person or by an attorney.

Sec. 14. The right of trial by jury shall remain, but shall be waived in all civil cases unless demanded by
one of the parties in the manner prescribed by law. In all civil cases tried by 12 jurors a verdict shall be
received when 10 jurors agree.

Sec. 15. No person shall be subject for the same offense to be twice put in jeopardy. All persons shall,
before conviction, be bailable by sufficient sureties, except for murder and treason when the proof is
evident or the presumption great.

Sec. 16. Excessive bail shall not be required; excessive fines shall not be imposed; cruel or unusual
punishment shall not be inflicted; nor shall witnesses be unreasonably detained.

Sec. 17. No person shall be compelled in any criminal case to be a witness against himself nor be
deprived of life, liberty, or property without due process of law. The right of all individuals, firms,
corporations and voluntary associations to fair and just treatment in the course of legislative and executive
investigations and hearings shall not be infringed.

Sec. 18. No person shall be rendered incompetent to be a witness on account of his opinions on matters
of religious belief.

Sec. 19. In all prosecutions for libel, the truth may be given in evidence to the jury; and, if it appears to
the jury that the matter charged as libelous is true and was published with good motives and for
justifiable ends, the accused shall be acquitted.

Sec. 20. In every criminal prosecution, the accused shall have the right to a speedy and public trial by
an impartial jury, which may consist of less than 12 jurors in all courts not of record; to be informed of
the nature of the accusation; to be confronted with the witnesses against him; to have compulsory

1 process for obtaining witnesses in his favor; to have the assistance of counsel for his defense; to have
2 an appeal as a matter of right; and in courts of record, when the trial court so orders, to have such
reasonable assistance as may be necessary to perfect and prosecute an appeal.

3 Sec. 21. No person shall be imprisoned for debt arising out of or founded on contract, express or
implied, except in cases of fraud or breach of trust.

4 Sec. 22. Treason against the State shall consist only in levying war against it or adhering to its enemies,
giving them aid and comfort. No person shall be convicted of treason unless upon the testimony of two
witnesses to the same overt act or on confession in open court.

5 Sec. 23. The enumeration in this constitution of certain rights shall not be construed to deny or disparage
others retained by the people.

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

8 http://en.wikipedia.org/wiki/Florida_Constitution

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

10 2. Basic rights.--All natural persons, female and male alike, are equal before the law and have inalienable rights, among which are
the right to enjoy and defend life and liberty, to pursue happiness, to be rewarded for industry, and to acquire, possess and protect
property; except that the ownership, inheritance, disposition and possession of real property by aliens ineligible for citizenship may
11 be regulated or prohibited by law. No person shall be deprived of any right because of race, religion, national origin, or physical
disability. History.--Am. S.J.R. 917, 1974; adopted 1974; Am. proposed by Constitution Revision Commission, Revision No. 9,
12 1998, filed with the Secretary of State May 5, 1998; adopted 1998.

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

14 9. Due process.--No person shall be deprived of life, liberty or property without due process of law, or be twice put in jeopardy for
the same offense, or be compelled in any criminal matter to be a witness against oneself. History.--Am. proposed by Constitution
Revision Commission, Revision No. 13, 1998, filed with the Secretary of State May 5, 1998; adopted 1998.

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

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

17 12. Searches and seizures.--The right of the people to be secure in their persons, houses, papers and effects against
unreasonable searches and seizures, and against the unreasonable interception of private communications by any means, shall
not be violated. No warrant shall be issued except upon probable cause, supported by affidavit, particularly describing the place or
places to be searched, the person or persons, thing or things to be seized, the communication to be intercepted, and the nature of
18 evidence to be obtained. This right shall be construed in conformity with the 4th Amendment to the United States Constitution, as
interpreted by the United States Supreme Court. Articles or information obtained in violation of this right shall not be admissible in
19 evidence if such articles or information would be inadmissible under decisions of the United States Supreme Court construing the
4th Amendment to the United States Constitution. History.--Am. H.J.R. 31-H, 1982; adopted 1982.

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

21 14. Pretrial release and detention.--Unless charged with a capital offense or an offense punishable by life imprisonment and the
proof of guilt is evident or the presumption is great, every person charged with a crime or violation of municipal or county ordinance
shall be entitled to pretrial release on reasonable conditions. If no conditions of release can reasonably protect the community from
22 risk of physical harm to persons, assure the presence of the accused at trial, or assure the integrity of the judicial process, the
accused may be detained. History.--Am. H.J.R. 43-H, 1982; adopted 1982.

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

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

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

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

(a) In all criminal prosecutions the accused shall, upon demand, be informed of the nature and cause of the accusation,

1 and shall be furnished a copy of the charges, and shall have the right to have compulsory process for witnesses, to confront at trial
 2 adverse witnesses, to be heard in person, by counsel or both, and to have a speedy and public trial by impartial jury in the county
 3 where the crime was committed. If the county is not known, the indictment or information may charge venue in two or more
 4 counties conjunctively and proof that the crime was committed in that area shall be sufficient; but before pleading the accused may
 5 elect in which of those counties the trial will take place. Venue for prosecution of crimes committed beyond the boundaries of the
 6 state shall be fixed by law.

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

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

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

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

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

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

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

28 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.

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

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