

# Read and learn...

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## CONGRATULATIONS

12-3-09 The following allegedly happened in September 2006. It is presented for the purpose of the information as to what the man did and asked for.

[He included a scanned copy of the dismissal report which I can't include in this blogspot, but it said "dismissal" for the reason of "no charging instrument."]

Re: Ticket Dismissed - No Charging Instrument

In Sonoma County, California September 12, 2006

This is a rough sequence of events that led up to the dismissal of a Traffic Ticket in California. It is my personal experience.

Several days ago I went to the Clerk's Office in Santa Rosa that handles Traffic matters in Sonoma County, California. It was my intention to file a "Motion to Dismiss and Counter Claim" for a [speeding ticket](#) that I got from the Petaluma Police in a speed trap just south of town. The "Motion to Dismiss" is a paper that my Paralegal, Jeff, wrote for me - using strictly Statutes (Vehicle Code) to move for dismissal, based on the fact that there was no "Verified Complaint."

In California the Codes are written so that a "Verified Complaint" sworn under oath with two signatures, is needed to prosecute for most "offenses" - including Traffic, [Misdemeanors](#), Criminal and Civil. 99% of the time there is no such "Complaint" because the Plaintiff would have to swear under oath that there was an Injured Party. In rare occasions such a Complaint is issued by crime victims. But neither the District Attorney nor the Police Officer are going to issue such a Complaint, because they are part of the Government "fiction," which by definition cannot be injured.

So when I attempted to file my 47-page Motion to Dismiss, the Clerk there went to her supervisor, not knowing what to do. These types of Motions are very rare in the Traffic Division, because most people have NO CLUE about the rules. They normally roll over, pay the fine and go to [Traffic School](#), which of course is what The Beast is counting on. Or else they ARGUE THE FACTS in Traffic Court, hoping to get out of the Ticket or have it reduced.

OF COURSE THEY ALWAYS LOSE - because they are dumb-xxxxx who have NO CLUE that "The System" is completely stacked against them. TO ARGUE in court, is to LOSE because ARGUING IS A DISHONOR in the Equity System of Justice. When they plead "Not Guilty," they do not understand that such a plea ARGUES THE FACTS of the case. So what? - They are going to deny that the Ticket was issued on the date specified? That the Officer pulled them over? That they gave their name and Drivers License? This is INSANITY - because 99% of the time THE FACTS ARE INCONTRIVERTABLE. So arguing against them gets an immediate judgment of "Guilty!"

The correct strategy is to ACCEPT THE FACTS as true - because they ARE.

A better strategy is to CHALLENGE JURISDICTION before anything else happens. You do this by bringing up the FACT that their own procedure (Due Process) was not followed, as defined by THEIR Constitution and Codes. IF you do not challenge jurisdiction at the VERY BEGINNING, then you are lost. Although the Supreme Court has ruled that "jurisdiction can be challenged at any time," the practical situation is that most people GIVE UP JURISDICTION WHEN THEY FIRST OPEN THEIR MOUTH. After that, it is completely useless to "challenge jurisdiction," having already given it away.

But of course, The Beast will NEVER tell you this.

Really, you should challenge jurisdiction at the side of the road, when the "Officer" first pulls you over. But that is another matter.

The Traffic Clerk Supervisor refused to file my Motion to Dismiss, because you have to do it within a certain time - usually 10-30 days after the Ticket was issued, depending on their rules. So even though the Appearance Date was not yet up, that window had closed for me. The Supervisor Clerk said that I needed to submit my Motion in open Court.

So I boned up on "the law" (their rules) the next night, in preparation for going to Court the following day. There was a long line at the Traffic Window, as usual. It snaked out the Office door, down the hallway to the Building door, and outside to the Courtyard. AMAZING! - How people STAND IN LINE to be RAPED!!! Finally I got to the Clerk's Window and said that I wanted a Hearing, so she put me on the list, and I proceeded to the Hearing Room. It was another half-hour before the "Judge" walked in. The Bailiff said, "All rise!" To which I responded by remaining seated. When it was finally my turn to enter the Bar, I stepped up and said, "I am here by Restricted Appearance, to challenge Jurisdiction ONLY. I am NOT here to Testify or to Plead, and I do NOT swear to Oaths. Are you, SIR, a DULLY ELECTED JUDICIAL OFFICER?"

(I NEVER call them "Your Honor" or "Judge"!)

To which he replied "No. I see that you have been ticketed for speeding. How do you plead?" So I said, "Excuse me, SIR, but according to the California Constitution, Article 6, I am allowed a DULLY ELECTED JUDICIAL OFFICER. If you are NOT one of those, then I disqualify you for cause." The "Judge" had no alternative but to grant me a Hearing before an elected "Judge", so he scheduled another hearing "Upstairs" in the Superior Court, three weeks hence. Normally they would have you go "Upstairs" immediately, but it was late in the day, and those sessions upstairs had ended.

Finally the fateful day arrived, and I passed the Electronic Surveillance Station. They not only do not want you to bring guns and knives into the Courtroom, but Voice Recorders are also not allowed. I think you may surmise the reason.

This was a "court" that recorded proceedings anyway, so those recordings were OSTENSIBLY available for a small fee. I wanted to be in a court that recorded proceedings, because a Prosecuting Attorney is always there, unlike in Traffic Court. NONE of these "courts" are Courts of Record.

After finding the correct Courtroom and sitting down, I waited for about an hour until my case was called. When I reached the Bar, I immediately stated, "I am here by Restricted Appearance in the matter of George Dxxxxx, to challenge Jurisdiction ONLY. I am not here to plead or to testify, and I do not swear to Oaths." That perked up the woman Judge's ears, because 99.9% of Defendants do not say anything like that. Most just whimper in, accept the "authority" of the "court," and plead for

mercy. Or worse, they try to "explain" their situation, hoping for mercy. Little do most people know, that the "court" has NO Jurisdiction, UNTIL you CONSENT to it - by "appearing" as the "Defendant" before the "court". Then you are AUTOMATICALLY guilty, having agreed to their terms and conditions. All that remains is the amount of "fine." That is why we lose 99% of the time. It is a VERY profitable RACKET.

So the Judge tried to trap me into contracting with the Court, by asking "Mr. Dxxxxx, I see that you are charged with speeding. How do you plead?" Since I fully understood her ploy, I responded with, "Do you have the CHARGING INSTRUMENT?" (This is a SWORN record, or "Verified Complaint" by the District Attorney, of the charges against you. They NEVER have this!)

The Judge then looked at the Assistant DA and asked if she had the Charging Instrument. The Assistant DA said "No," keeping her head bowed low at her table. So the Judge then just shrugged, and said, "Dismissed." I will explain more of the details of what happened, and why, in a later note. Following is a copy of the Court Minutes, showing the dismissal.

George

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