

1 **™Elias Agredo-Narvaez©**

2 c/o 1080-b

3 1080 East veterans Highway

4 Jackson, New Jersey Republic [near 08527]

5 Non-Domestic, non-Assumpsit

6 Without the United States

9 To:

10 **Honorable Joel A. Pisano**

11 **United States District Judge for the District of New Jersey**

12 Clarkson S. Fisher Building

13 & U.S. Courthouse

14 402 East State Street

15 Trenton, NJ 08608

19 **Re:**

20 **Presentment in the nature of a "Letter Rogatory."**

21 This writing is submitted in the nature of a LETTER ROGATORY from my court, to your
22 court and relates to an apparent and ongoing disparagement of the supposedly unfettered
23 right to remedy and thereby assertion of my private reservation of natural rights at this
24 juncture in time, and as being demonstrably critical to my personal safety and economic
25 well being and addresses the ultimate and individual survival of this American
26 National/Citizen. **One** write this letter as a Man born on, and living upon the dry land and
27 **One** firmly believe this act of my live birth as being wholly natural and not having arisen as
28 a privilege granted by "**this state**" of the forum and permits **me** to speak to the subject in
29 question, namely what **One** suspect and believe to be the procedural portal and remedy for
30 **myself** in the flesh to access my inherent and thereby secured natural rights pursuant to
31 the reliance upon the aforesaid reservation of rights without prejudice as provided at UCC
32 1-308. **One, Me** may at some point in the future require your certification of any statute as
33 being constitutionally valid and which may be relied on to infringe the reservation of my
34 natural rights.

35 **One** ask that you read this letter and accompanying documents carefully and that you not
36 dismiss out of hand, my understanding as related to the manner that many of the
37 administrative entities and their respective operatives who are employed by "**this state**",
38 appear to cast a blind eye on my assertion to notoriously and unconditionally reserve my
39 private and thereby natural rights, without prejudice.

40 Construction of Statutes; where a statute is equally susceptible of two interpretations, one
41 in favor of natural right and the other against it, the former [natural right] is to prevail (as



1 against the summary infringement of rights employing fraud in the inducement by the "law
2 merchant.")

3 WHEREAS; "Merchants have no country. The mere spot they stand on does not constitute
4 so strong an attachment as that from which they draw their gains."

5 -Thomas Jefferson to Horatio Gates Spafford, 17 Mar. 1817, cited in Papers 14:221

6 (1)"Unless you become more watchful in your States and check this spirit of monopoly and
7 thirst for exclusive privileges you will in the end find that the most important powers of
8 Government have been given or bartered away, and the control of your dearest interests
9 have been passed into the hands of these"

10
11 President Andrew Jackson, Farewell Address, March 4, 1837 (2)"I think we are in a

12 position, after the experience of the last 20 years, to state two things: in the first place, that
13 a corporation may well be too large to be the most efficient instrument of production and
14 of distribution, and, in the second place, whether it has exceeded the point of greatest
15 economic efficiency or not, it may be too large to be tolerated among the people who desire
16 to be free."

17
18 -Supreme Court Justice Louis Brandeis, testimony before the Committee on Interstate
19 Commerce, 1911. (102) "Behind the visible government there is an invisible government
20 upon the throne that owes the people no loyalty and recognizes no responsibility. To
21 destroy this invisible government, to undo the ungodly union between corrupt business
22 and corrupt politics is the task of a statesman."

23
24 -Teddy Roosevelt, the 26th President of the United States, during his 1912 election
25 campaign (104) "I see in the near future a crisis approaching that unnerves me and causes
26 me to tremble for the safety of my country. . . .corporations have been enthroned and an era
27 of corruption in high places will follow, and the money power of the country will endeavor
28 to prolong its reign by working upon the prejudices of the people until all wealth is
29 aggregated in a few hands and the Republic is destroyed."

30
31 -U.S. President Abraham Lincoln, Nov. 21, 1864, from a letter to Col. William F. Elkins (3)

32 Due to the above referenced circumstance causing the country to move to rapid
33 deterioration, I have made a personal determination to traverse to my God given natural
34 right and proceed out of the "shadow" of the fictional creations crafted by "**this state**" and
35 will not animate such entities in a subservient nature.
36



1 WHEREAS, it would appear the majority of the operatives of **"this state"** be it out of
2 ignorance, indifference or extreme prejudice completely refuse to acknowledge such
3 assertion of the natural right as clearly acknowledged within the New Jersey's Constitution
4 and the New Jersey's Revised Statutes. Unfortunately, the problem seems to go to an
5 insensitive attitude or perception among many government employees, agents and those
6 exercising the administrative police powers at article I and article II administrative
7 tribunals while relying wholly upon the Administrative Procedures Act for their authority
8 and presume a waiver of my substantive Due Process rights. Said employees of the state of
9 the forum see this circumstance as an **"us" vs. "them"** contest and perceiving the people as
10 being the more or less ignorant masses who are presumed to be **statutorily captured** and
11 thereby, the **involuntary** source of funding for the public employee's regular paychecks,
12 benefits and assorted perks. Said people dare not threaten the operative's privileged well
13 being by reserving the right to access their natural right, which could go to the economic
14 detriment of **"this state"** and its privileged public [servants].

15 Another prime example lies in **"Policing for Profit"** to wit: "Policing for Profit" Report
16 Documents the Nationwide Abuse of Civil Forfeiture

17 Each State & Feds Graded on Forfeiture Laws & Practice; Only Three States Earn Grades of
18 B or Better. It's called policing for profit and it's happening all across America.

19 Police and prosecutors' offices seize private property—often without ever charging the
20 owners with a crime, much less convicting them of one—then keep or sell what they've
21 taken and use the profits to fund their budgets.

22 And considering law enforcement officials in most states don't report the value of what
23 they collect or how that bounty is spent, the issue raises serious questions about both
24 government transparency and accountability.

25 Under state and federal civil asset forfeiture laws, law enforcement agencies can seize and
26 keep property suspected of involvement in criminal activity.

27 Unlike criminal asset forfeiture, however, with civil forfeiture, a property owner need not
28 be found guilty of a crime—or even charged—to permanently lose her cash, car, home or
29 other property.

30 According to the Institute for Justice—whose fight against eminent domain abuse raised
31 that issue to national prominence—civil asset forfeiture is one of the worst abuses of
32 property rights in our nation today. The Institute for Justice today released a first-of-its-
33 kind national study on civil forfeiture abuse. The report—Policing for Profit: The Abuse of
34 Civil Asset Forfeiture (<http://www.ij.org/PolicingForProfitPDF>) is the most comprehensive
35 national study to examine the use and abuse of civil asset forfeiture and the first study to
36 grade the civil forfeiture laws of all 50 states and the federal government. The report finds,



not surprisingly, that by giving law enforcement a direct financial incentive in pursuing forfeitures and stacking the legal deck against property owners, most state and federal laws encourage policing for profit rather than seeking the neutral administration of justice. (For additional resources on this report, visit: <http://www.ij.org/PolicingForProfit>. For a brief video on this topic, visit: http://www.youtube.com/watch?v=_hytkAaoF2k&feature=player_embedded.) Government at every level is in on the take and the problem is growing. For example, in 2008, for the first time in its history, the Department of Justice's forfeiture fund topped \$1 billion in assets taken from property owners and now available to law enforcement. State data reveal that state and local law enforcement also use forfeiture extensively: From 2001 to 2002, currency forfeitures alone in just nine states totaled more than \$70 million. Considering this measure excludes cars and other forfeited property as well as forfeiture estimates from many states for which data were unreliable or that did not make data available for those years, this already-large figure represents just the tip of the forfeiture iceberg.

Laws Stacked Against Property Owners

The report demonstrates that legal procedures make civil forfeiture relatively easy for most governments and difficult for many property owners to fight. The vast majority of states and the federal government use a standard of proof—what is needed to successfully prosecute a forfeiture action—lower than the “**beyond a reasonable doubt**” standard required to prove an individual was guilty of the criminal activity that supposedly justified the taking of his property. Given that situation, it is not surprising that upwards of 80 percent of forfeitures at the federal level occur absent a prosecution. Likewise, many jurisdictions provide an “**innocent owner**” defense that allows owners to get their property back if they had no idea it was involved in a crime. But in most places, owners bear the burden of establishing their innocence.

“Americans are supposed to be innocent until proven guilty, but civil forfeiture turns that principle on its head,” said Institute for Justice Senior Attorney Scott Bullock, a co-author of the report. “With civil forfeiture, your property is guilty until you prove it innocent.”

Grading Forfeiture Laws and How Government Evades Them

In *Policing for Profit*, IJ grades each state on its forfeiture laws and other measures of abuse. Only three states (Maine, North Dakota and Vermont) earned a grade of B or better. Maine earned the highest grade, an A-, largely because all forfeiture revenues go to the state's general fund, not directly into law enforcement coffers. On the other end of the spectrum, states like Texas and Georgia both earned a D- because their laws make



1 forfeiture easy and profitable for law enforcement—with 90 and 100 percent of proceeds
2 awarded to the agencies that seized the property.
3 Federal forfeiture law makes the problem worse with so-called “equitable sharing.”
4 Under these arrangements, state and local officials can hand over forfeiture prosecutions to
5 the federal government and then receive up to 80 percent of the proceeds—even when state
6 law bans or limits the profit incentive. Equitable sharing payments to states have nearly
7 doubled from 2000 to 2008, from a little more than \$200 million to \$400 million.
8 “Our results show that law enforcement is acting in pursuit of profit:
9 Agencies are using federal law as a loophole to circumvent more restrictive and less
10 profitable state laws,” said Marian Williams, Ph.D., assistant professor of government and
11 justice studies at Appalachian State University and a co-author of the report. “This finding
12 is consistent with a growing body of scholarly research, news reports and even
13 testimonials from law enforcement officers about civil asset forfeiture practices.”
14 Six states earned an F and 29 states receive a D for their laws alone. Lax federal laws earn
15 the federal government a law grade of D-. Eight states receive a B or higher for their laws:
16 Indiana, Maine, Maryland, Missouri, North Carolina, North Dakota, Ohio and Vermont. But
17 extensive use of equitable sharing pulls down the final grades of five of those states:
18 Indiana (C+), Maryland (C+), Missouri (C+), North Carolina (C+) and Ohio (C-). The lowest-
19 graded states overall, combining both poor laws and aggressive use of equitable sharing,
20 are Georgia, Michigan, Texas, Virginia and West Virginia. Each received overall grades of D-.
21 Policing for Profit was co-authored by IJ’s Scott Bullock and criminal justice researchers
22 Drs. Marian Williams and Jefferson Holcomb of Appalachian State University and Tomislav
23 Kovandzic of the University of Texas at Dallas. The university professors examined
24 equitable sharing data and found clear evidence that law enforcement is acting in pursuit of
25 profit. When state laws make forfeiture harder and less profitable, state and local law
26 enforcement engages in more equitable sharing to circumvent the state laws. New York, for
27 example, has an average grade for its forfeiture laws as rated by IJ—but is one of the most
28 aggressive states for equitable sharing, earning it a D.
29 Bullock said, “If you want reforms that will end policing for profit, you must recognize two
30 realities. First, states should not incentivize forfeiture through laws that make it easy and
31 profitable, as most do. But second, even when those laws are tightened, the research
32 findings are clear: Police are using equitable sharing through the federal government as a
33 loophole to pursue forfeitures that under state law wouldn’t be allowed or wouldn’t
34 provide as much return. **The only way, therefore, to end this growing and**
35 **unaccountable use of government power is through real reforms that truly remove**
36 **the profit motive and protect innocent citizens.”**



1 The Institute for Justice recommends that, first, law enforcement should be required to
2 convict people before taking their property. Law enforcement agencies could still
3 prosecute criminals and forfeit their ill-gotten possessions—but the rights of innocent
4 property owners would be protected. Second, police and prosecutors shouldn't be paid on
5 commission. To end the perverse profit incentive, forfeiture revenue must be placed in a
6 neutral fund, like a state's general fund. It should also be tracked and reported so law
7 enforcement is held publicly accountable. Finally, equitable sharing must be abolished to
8 ensure that when states act to limit forfeiture abuse, law enforcement cannot evade the
9 new rules and continue pocketing forfeiture money.

10 "Police and prosecutors should not be profiting at the expense of private property rights,
11 and the Institute for Justice will use every tool at our disposal to expose this injustice and
12 bring it to an end," said IJ President and General Counsel Chip Mellor.

13 As a Non-Belligerent Claimant proceeding in accordance with My Natural right and
14 standing as a Man upon the dry land, **One, Me** make the following Declaration for cause:
15

16 **AFFIDAVIT OF TRUTH AND UNDERSTANDING**

17 It is well settled the Constitution is not a defense in "satisfaction and accord" commercial
18 venture unless "dishonor" of negotiable instrument is in dispute or fraudulently
19 represented. If no contract or related controversy exists, there cannot be an "action" to
20 force acceptance of obligation if the Citizen remains **In Propria Persona** upon a license or
21 summons.

22 **In Propria Persona** however, will cause to be added upon all presented instruments, signed
23 by a transferor agent or not, will evidence the following; "With Reservation of all Rights,
24 Remedies and applicable Treaties Without Prejudice UCC 1-308," and will be written above
25 my blue wet ink signature, and thereby, reverts the burden of proof and places the implied
26 terms upon the agency or its agent and thereby accessing Article III rights as so reserved.
27 Individual terms are non-negotiable with agent/police power and must be accepted.
28

29 Whereas, Article III protection is afforded by the very statute intended to subject **Myself** to
30 the jurisdiction of commercial agency for said agency is non-assumpsit. The agency charter
31 must follow Uniform Commercial Code to the letter.

32 Black's Law 5th : Non-assumpsit. "The general issue in the action of assumpsit; as being a
33 plea by which the defendant avers that "he did not [knowingly] undertake or promise as
34 [agency] alleged."

35 When this Man becomes aware of any potential controversy regarding agency practice,

36 **One, Myself** will protect my **In Propria Persona American Citizenship status** by



1 writing/signature as "required" upon all "unconscionable" units evidencing, Without
2 Prejudice UCC 1-308, which will render the unit non-assumpsit and reserves Rights upon
3 the said instrument. The non-assumpsit does not grant "**satisfaction and accord**" to the
4 agency. Thereby no expectation or "**promise**" is presumed at UCC 3-104.3.

5
6 Regarding the Penumbra Doctrine as defined in Black's Law 5th. "The implied powers of
7 the federal government predicated on the Necessary and Proper Clause of the U.S. Const.,
8 Art. I, Sec.8 (18), permit one implied power to be engrafted on another implied
9 power." Kohl v. U.S., 91 U.S. 367 (1875) 23 L.Ed. 449.

10 This is a "**stare decisis**" or bench statute and does not apply to Article III Judicial Power or
11 **Myself** as a "American Citizen" of the respective land. Article I Legislative and Article II
12 Executive are the implied powers which are engrafted at the "inferior" Fed/State of the
13 forum court. A contract of corporate cause from Article I delict gives police power to
14 agency via Article II Executive and puts the burden on the Citizen to prove (a negative) that
15 he has not violated some form of agreement. The Penumbra Doctrine however, does not
16 include Article III, which is not an "implied" power.

17 Article I, Sec. 8 Cl. (1), "The Congress shall have the power to lay and collect Taxes, Duties,
18 and Impost and Excises."

19 **None of these constitute wages or Right to employment and thereby agency License.**

20 Neither is Congress authorized to delegate tax authority to any of the other "implied
21 powers." The Penumbra Doctrine allowed mere "implied powers" to be "engrafted." Article
22 II Executive to collect the tax with "implied" police power, but no delict to destroy diversity
23 of Citizenship. Article I Legislative is the other "implied" power and together causes third
24 party instruments to be merely "presumed" to obligate the state Citizen.

25 These instruments fail to fully disclose their misrepresentation, omission, concealment,
26 secrecy, and are of collusion, fraud in the inducement and conspiracy. The flag of Article II
27 Admiralty is proof of third party Department of Justice Executive, using Article I Legislative
28 statute to dispense Law Merchant procedure to sell the for profit private copyright statute.
29 Third party units are voidable and both inferior powers and are held to prove their
30 jurisdiction to use the police power enabling clauses within their own system charter. See
31 The Clearfield Doctrine.

32 An Article I witness must verify accuracy and validity of its commercial "officer of the
33 court" summons to the proper "parties." Article II Executive must witness to the validity of
34 proper instruments the agency is "carrying into effect" and validate the unit's application to
35 the proper subject and class subject thereto. Article III Judicial will not be present, only
36 commercial entities are subject to "procedural" due process i.e. diminished "justice."



1 All accusers within a commercial forum have a sworn duty as "officers of the court" to
2 protect both Articles II and III. All three Separation of Powers are required as witness and
3 officials in a state Court.

4 A state Court using **Federal Rules (FRCP) are of the Penumbra Doctrine** and may be
5 made totally "**dead in Law**" by a Citizen who reserves his Article III Rights to state Court
6 pursuant to UCC 1-308.

7 The agent has been put on "Notice" (UCC 1-201.26 "Color of Law") being immune from
8 being held without victim, witness or warrant. The summary agent (statute merchant)
9 must be amenable to this type of plea from a American Citizen who must be heard under
10 Article III "due process" and related mandated right of unlimited discovery prior to
11 hearing, because even the agent had no jurisdiction to proceed and could be sued by the
12 victim for false persecution, kidnapping and possible Robbery Ashore.

13 As there is no victim, nor "**verified complaint**," based upon "**probable cause**" prior to
14 having paid a fine been subjected to Levy or confined to hardship within Federal Rule 12
15 (b) of the commercial Tribunal.

16 The police powers have only the power of arrest granted them by their Masters charter.
17 The FBI, IRS, ATF, license bureaus, municipal tax, and police power are all heads from the
18 same dragon, and only differ contractually. If the contract they presume to exist or enforce
19 is "dishonored" for my failure to specifically perform. The Bill Of Rights are "occupied" by
20 elliptical words of art and Maritime Contract.

21 A commercial action must be met with a commercial response from the agency who by
22 their nature cannot and will not acknowledge the secured Article III due process Rights of
23 the individual who signs their "one status fits all" instruments "unconditionally."
24 Article II D.O.J. lends its "implied power" under the Penumbra Doctrine to execute
25 procedures for collection, which violate the Separation of Powers Doctrine. **Should the**
26 **Citizen not possess knowledge of the transgression, so be it**, for the Citizen is presumed
27 to know the Law and may not use any other documents to excuse ignorance.

28 "Subject"/ignorant citizens are bound to follow procedural rules in civil actions, even if
29 they do not speak the dialect or **understand** the law. When the Natural state Citizen
30 remains **In Propria Persona**, Article III Judiciary requires "probable cause" to issue or
31 Citizen may not be "held" prior to "indictment" of The People per the 5th Amendment. A
32 state Citizen is only as free as his knowledge of the elliptical Citizenship devise within
33 agency contract. A state Citizen is not required to follow Federal Rules of Civil Procedure
34 for these Citizens are "without" the said jurisdiction. If voluntary assent is subscribed by
35 non-disclosure or fraudulent representation/inducement, the contract is a nullity and



1 **"dead in Law"** when the instrument is brought before the proper Tribunal as
2 **"unconscionable."**

3 Whereas, The Masted Federal flag is warning to all; Maritime Jurisdictional Civil Law will
4 dispense forum "procedural "due process to any who enter by contract or "tacit"
5 compliance.

6 **The state only has the presumed power over the Citizen** when Maritime jurisdiction
7 has been empowered by "subject matter and in-persona jurisdiction" as provided at Rule
8 12 (b) which delict false citizenship and obligates the party as the [ignorant] "subject" **by**
9 **fraudulent design.**

10 Federal Rule 12 Defenses and Objections-(b) "_the following defenses may at the option of
11 the pleader be made by motion: lack of jurisdiction over subject matter. (commercial
12 "class") lack of jurisdiction over the person (**contracted artificial subject v. natural**
13 **born**) a motion making any of these defenses shall be made before pleading.
14 (Administrative level) (h) (3) **"Whenever it appears by suggestion of the parties or**
15 **otherwise that the court lacks jurisdiction of the subject matter, the court shall**
16 **dismiss the action."**

17 **WHEREAS; "Without Prejudice" UCC 1-308** is by its nature much more than a mere
18 "suggestion" or "request" when written above my signature. A reservation of Rights
19 activates a dormant right that vitiates the license/summons etc. by placing a non-assumpsit
20 "condition" upon the now non-negotiable unit at UCC 3-104.2. The "promise" of UCC 3-
21 104.3 is void ab initio and cannot "make liable" the "promise" under penalty of perjury at
22 UCC 3-104.3. No performance is required for lack of subject matter jurisdiction as "lawful
23 money of the United States" is not germane to "relief sought."

24 The "proof of the matter stated" is contract or lack thereof and a statement of "Without
25 Prejudice" UCC 1-308, gives notice that **One** elect to remain silent" and thereby, will
26 estoppel the agency and stay the matter at the administrative level. "Without Prejudice" is
27 "notice" to agency that a "suggestion" has been made to deny jurisdiction per Rule 12 (b).
28 "Color of law" statutes are very clear and usually devoid of any valid implementing
29 regulation, and thereby, "the court shall dismiss the action." The judge would violate his
30 oath to act in a personal manner to harm anyone, and "made liable" and "obligated" to the
31 Citizen for violation of said Citizens secured Rights. The court officers 12 (6) "failure to
32 state a claim upon which relief can be granted," is fatal. The officers/agent "service" of
33 summons would also be flawed if a reservation of Rights were visible above the Citizens
34 signature on license/summons etc., for no indictment, no "arrest" by surrogate is
35 admissible.



1 The Supreme Court only "hears" what it may under guidelines set forth by the commercial
2 agency bringing action. A knowledgeable state/American Citizen may not be actioned
3 against by "persons" of Federal situs, unless they knowingly and with full knowledge
4 regarding the contract via "unconditional" negotiable units activated by agency executor at
5 "promise."

6 The Supreme Court settles "subject matter" issues between corporate "public policy" and
7 subjects.

8 The reservation of Rights upon the license/summons, or bill of sale estoppels the collection
9 executor, for "no verification of negotiability exist". None may be "made" for you as "single
10 and one dependant."

11 **The Bill of Rights has already been decided as Law and therefore no reason to go to**
12 **Court** unless indicted for probable cause by the People for a "capital crime." Civil actions
13 are not the laws within the jurisdiction of the Bill of Rights, for same may be amended at
14 Congressional delict. A state Citizen of Article III may seek the "original jurisdiction" of the
15 Supreme Court to certify the statute in question as constitutional.

16 Whereas; information, presentment, or any "mail box policy intimidation" stands as truth if
17 not rebutted. All Legislated Statutes will be treated as a rebuttable presumption and
18 harmful to **my in-personam Citizen**. Matters that are not what the agency activity is
19 involved with, jurisdiction can be challenged at any time. "Without prejudice" UCC 1-308,
20 will stand as rebuttal, 'answer' and 'discovery' 'prima facie' on the Administrative record as
21 notice to 'abate.'

22 Agency gets into much difficulty via fraud should it attempt to raise a "dead in Law" issue,
23 without assent.

24 **"Remedy" is final within The Uniform Commercial Code. We the People have been**
25 **given "limited liability" out of necessity due to the usurpation of Constitutional**
26 **'lawful money.'**

27 Government have not the power to repeal The Bill of Rights, even at statute Civil Liberties.
28 Government activity only creates the illusion of sovereignty by our birth in a corporate
29 State hospital per certificate and unconditional contract upon an ignorant minor.

30 Jurisdiction will be challenged at every issue and will maintain the controversy at the
31 administrative level. The two required jurisdictions of 'personam' and 'subject matter' will
32 not be served in the same court, unless the court is Article III. There will be no plea to
33 equity, as equity must only reap equity. A commercial Tribunal must be dealt with
34 commercially, the court will be bound to subject matter only and this American Citizen will
35 retain his 'personam'. **My personam** is the 'common Law' at the Bill of Rights, and pleads no
36 equity.



The rule still stands, when challenged by equity, you must answer with equity. Estopping the matter of equity is pursuant to reservation of all rights "Without prejudice" UCC1-308 and is the Remedy because the 'representation' **in-personam** reveals the 'discovery' that no Rights were thereby waived at the Bill of Rights. UCC1-103.6 is equalizer via equity and notice, **now the code must be read in harmony with the common Law.**

This section of the Uniform Commercial Code is the only place the Constitution and equity may be joined without 'contempt' of the tribunal.

A court which presumes that **Me, One** will appear [in the airspace above], cannot issue a criminal warrant for 'failure to appear' at corporate bar. 'Without prejudice', written above my 'writing/L.S.' at UCC 3.104.1, destroys the "unconditional" requirement at UCC 3-104.2 and 'promise' is forfeit at UCC 3-104.3. Reservation serves as a bar to all others at 'Obligation of Contract' that a 'condition' is prima facie and wanting upon the unit and it is utterly void at Law.

It is 'proclivity of the adversary not to answer', so I would not expect the agency to voluntarily offer any information upon the herein referenced understanding of the above unconditional right to remedy. Generally the agency can be expected to play 'ignorant' and revert to a predictable 'mail box policy', and **One, Me** will answer everything with reservation at UCC 1-308. The agency must offer their issues in writing under penalty of perjury, sign and mail them to **Me**. Failure of the agency to answer timely on the part of agency is tacit 'estoppel.' As for phone calls they are 'parol' and courts will always grant a 'parol' opportunity to offer an explanation for 'dishonoring' agency presentment(s) by what must be a 'creditable' agency phone call.

Me, the One, declare under penalty of perjury under the laws of the United States of America (without the United States) that the foregoing is true and correct; and at all times asserting my reservation of all rights, remedies, and applicable treaties without prejudice UCC 1-308. **[I] One' am** the Authorized Representative and source of any and all Credit to be monetized as a result of this communication and transaction.

Sincerely,



SEAL

TM Elias Agredo-Narvaez©

Below is the notice going to cause strictly adherence to my Article III "Due Process" in accordance to the Bill of Rights regarding any presumptive circumstance of Arrest, Warrant and Restraint and must be followed to the letter for cause and pursuant to the reservation of rights, remedies and applicable treaties without prejudice UCC 1- 308. All other rights



are equally reserved and may at some point, require the Chief Justice of the New Jersey Supreme Court to certify the constitutionality of any statute that may be relied upon by any operative of "**this state**" to summarily infringe such rights.
Arrest is presumed to be False under Article III Due Process

MEMORANDUM OF POINTS AND AUTHORITIES

1. Arrest is presumed to be false; officer has the burden of proof
The only thing the plaintiff needs to plead and to prove if alleging false arrest, is either (1) that the defendant made an arrest or imprisonment, or (2) that the defendant affirmatively instigated, encouraged, incited, or caused the arrest or imprisonment. *Burlington v. Josephson*, 153 Fed.2d 372,276 (1946).

"When the plaintiff has shown that he was arrested, imprisoned or restrained of his liberty by the defendant, "the law presumes it to be unlawful." *People v. McGrew*, 20 Pac. 92 (1888); *Knight v. Baker*, 133 P. 544(1926).

"The burden is upon the defendant to show that the arrest was by authority of law." *McAleer v. Good*, 65 Atl. 934, 935 (1907); *Mackie v. Ambassador*, 11 P.2d 6 (1932).

"Any arrest made without a warrant, if challenged by the defendant, is presumptively invalid...the burden is upon the state" to justify it as authorized by statute, and as not violative of constitutional provisions. *State v. Mastrian*, 171 N.W.2d 695 (1969); *Butler v. State*, 212 So.2d 577 (Miss 1968)

"As in the case of illegal arrests, the officer ... must keep within the law at his peril." *Thiede v. Scandia*, 217 Minn. 231, 14 N.W.2d 400 (1944).

2. Must show warrant upon request
"He must show it to the accused, if requested to do so." *Smith v. State*, 208 S.2d 747 (Miss., 1968).

"If demanded, he must produce the warrant and read it to the accused, that he may know by what authority and for what cause he is deprived of his liberty." *State v. Shaw*, 89 S.E. 322 (1916).



1 "An accused person, if he demands it, is entitled to have the warrant for his arrest shown to
2 him at the time of arrest." 42 L.R.A. 682, 51 L.R.A.211, *Crosswhite v. Barnes*, 124 S.E. 242,
3 245 (1924).

4
5 "A special deputy is bound to show his warrant if requested to do so, and if he omit, the
6 party against whom the warrant issues may resist an arrest, and the warrant under such
7 circumstances is no protection against an action for an assault, battery and false
8 imprisonment." *Frost v. Thomas*, 24 Wendell's Rep. (N.Y.) 418, 419 (1840).

9
10 "It is doubtless the duty of an officer who executes a warrant of arrest to state the nature
11 and substance of the process which gives him the authority he professes to exercise, and, if
12 it is demanded, to exhibit his warrant, that the party arrested may have no excuse for
13 resistance." *Shovlon v. Com.*, 106 Pa. 369, 5 Am. Crim. Rep. 41 (1884)

14
15 "It was the duty of an officer who attempts to make an arrest to exhibit the warrant if he
16 has one." *Jones v. State*, 114 Ga. 79, 39 S.E. 861(1901)

17
18 3. Warrant must be valid

19 A constable justifying an imprisonment under a warrant must show that the warrant on its
20 face is legal, and that the magistrate had jurisdiction of the subject-matter. 51 L.R.A.
21 197, *Poult v. Slocum*, 3 Blackfords (Ind). 421. (Meaning, you should also demand a copy of
22 the affidavit giving the judge probable cause to issue the warrant. All warrants must issue
23 upon submission of an affidavit of probable cause.)

24
25 "A warrant is regarded as insufficient and thus void if, on its face, it fails to state facts
26 sufficient to constitute a crime." *Wharton's Crim. Proc.*, 12th Ed., vol. 1, p. 152 (1974).

27
28 4. No rubber-stamp "signature"

29 "The United States Supreme Court ... stressed the need for 'individualized review' to avoid
30 the issuance of 'rubber stamp' warrants." *State v. Paulick*, 277 Minn. 140, 151 N.W.2d 596
31 (1967).

32 5. False arrest is assault and battery

33 "An illegal arrest is an assault and battery. The person so attempted to be restrained of
34 his liberty has the same right, and only the same right, to use force in defending himself as
35 he would have in repelling any other assault and battery." *State v. Robinson*, 72 Atl.2d
36 262 (1950).



1 "An arrest without warrant is a trespass, an unlawful assault upon the person ... where one
2 is about to be unlawfully deprived of his liberty he may resist the aggressions of the
3 offender, whether of a private citizen or a public officer, to the extent of taking the life of
4 the assailant, if that be necessary to preserve his own life, or prevent infliction upon him of
5 some great bodily harm." *State v. Gum*, 69 S.E. 464 (1910).

6
7 "Every person has the right to resist an unlawful arrest ... and, in preventing such illegal
8 restraint of his liberty, he may use such force as may be necessary." *Columbus v. Holmes*,
9 152 N.E.2d 306 (1958).

10
11 6. No handcuffs

12 "But a constable cannot justify handcuffing a prisoner unless he has attempted to escape, or
13 unless it be necessary in order to prevent his doing so." 51 L.R.A. 216.

14
15 "The handcuffing was utterly unlawful." *Osborn v. Veitch* 1 Foster & Fin Eng Rep 317.

16
17 7. Go immediately to a magistrate (no photographs, no fingerprinting)

18 "The one arresting has "a duty to immediately seek a magistrate," and failure to do so
19 "makes a case of false imprisonment." *Heath v. Boyd*, 175 S.W.2d. 217 (1943); *Brock v.*
20 *Stimson*, 108 Mass. 520 (1871).

21
22 "To detain the person arrested in custody for any purpose other than that of taking him
23 before a magistrate is illegal." *Kominsky v. Durand*, 12 Atl.2d. 654 (1940).

24
25 "Any undue delay is unlawful and wrongful, and renders the officer himself and all persons
26 aiding and abetting therein wrongdoers from the beginning." *Ulvestad v. Dolphin*, 278
27 Pac. 684 (1929).

28
29 "The taking of the plaintiff's picture before conviction was an illegal act." *Hawkins v. Kuhne*,
30 137 NY Supp 1090, 153 App Div 216 (1912).

31
32 "The power to arrest does not confer upon the arresting officer the power to detain a
33 prisoner for other purposes." *Geldon v. Finnegan*, 252 N.W. 372 (1934).

34
35 "Compulsory fingerprinting before conviction is an unlawful encroachment...[and] involves
36 prohibited compulsory self-incrimination." *People v. Helvern*, 215 N.Y. Supp. 417 (1926)



Summary

For a warrant to issue: the warrant must be signed with a wet blue ink signature by a sitting judge who must have taken a constitutional oath of office on file and proof of a bond to indemnify the party to be taken into custody; must specifically name the crime committed;

Must contain an affidavit executed (under oath) by the accuser, stating FIRST HAND facts constituting a crime;

Must name the party to be arrested, or describe him or her sufficiently to establish identity;

Must offer the warrant and the affidavit for inspection upon request;

No handcuffs;

Must immediately take the arrested party before a magistrate when demanded, and hold the party for no other purpose (no photographs, no fingerprinting);

You are responsible for everything that happens to the party even if you relinquish custody to an assign;

Unlawful arrest is assault, battery & trespass;

There is no immunity in a false arrest case;

Good faith is not a defense to sustain false arrest.

Lastly . . . If the warrant states as cause to issue, a mere civil/statutory infraction or "offense" not rising to the level of a capital crime, then the arrest is in violation of Article III "Due Process." . . [I] **One Me**; do not by accommodation, accept the offer of arrest for any statutory infraction or omission unless the statute defines a capital crime and thereby probable cause exists to issue a warrant based upon said probable cause by the damaged party or his agent acting in his personal capacity.

NOTICE: The arresting officer that is in possession of this information and has been duly presented with said material, has both a civil and legal duty to become informed with the material incorporated herein before an arrest is determined to have cause to be performed. With Reservation of All Rights, Remedies, Applicable Treaties and particularly noting, the Natural Right to prevail in regard to a conflicting statute and is a right that can be reserved pursuant to UCC 1-308, under the Due Process Clause pursuant to Article III.

I declare under penalty of perjury under the laws of the United States of America (Without The United States) that the foregoing is true and correct; and at all times asserting my reservation of all rights, remedies and applicable treaties without prejudice UCC 1-308.



By my hand, this 7th Day of February, 2014,



SEAL

™Elias Agredo-Narvaez©, Sui Juris

JURAT

County of Ocean)
) ss.
NT State)

On the 7th day of February, 2014, ™Elias Agredo-Narvaez©, Personally appeared before me and proved to me on the basis of satisfactory evidence to be the person whose name is subscribed hereto and acknowledged to me that he executed the same under asseveration, and accepts the facts thereof.

Subscribed and affirmed to before me this 7th Day of February 2014

Sunny Patel

Notary Public Signature



My Commission expires on the 8th day of June, 2017.

Affidavit of Publication

Publisher's Fee \$129.60 Affidavit \$35.00

State of New Jersey } SS.

Monmouth/Ocean Counties

Personally appeared

Darryl Newman

Of the **Asbury Park Press**, a newspaper printed in Freehold, New Jersey and published in Neptune, in said County and State, and of general circulation in said county, who being duly sworn, depose and saith that the advertisement of which the annexed is a true copy, has been published in the said newspaper 3 times, once in each issue as follows:

1/15/14, 1/22/14, 1/29/14

A.D. 2014

[Signature]

Sworn and subscribed before me, this
29 day of January, 2014

[Signature]

Notary Public of New Jersey

OTHER HEADINGS

PUBLIC NOTICE OF RESERVATION
OF RIGHTS UNDER UCC 1-308
THIS IS A PUBLIC COMMUNICATION
TO ALL

Notice is hereby made public that: Elias Agredo-Narvaez, A Citizen of New Jersey, Reserves all Rights and Liberties under U.C.C. - ARTICLE 1 - GENERAL PROVISIONS (2001) , PART 3. TERRITORIAL APPLICABILITY AND GENERAL RULES .

(a) A party that with explicit reservation of rights performs or promises performance or asserts to performance in a manner demanded or offered by the other party does not thereby prejudice the rights reserved. Such words as "without prejudice," "under protest," or the like are sufficient. therefore; I, Elias Agredo- Narvaez Retain all of my Rights and Liberties at all times and places. Nunc-pro tunc from the time of my live birth and forever more. Further, I retain my Rights no to be compelled to perform under any contract or commercial agreement that I did not enter knowingly , voluntary and intentionally. And furthermore, I do not accept the liability of the compelled benefit of any unrevealed contract or commercial agreement. I am not ever subject to silent contracts and have never knowingly or willingly contracted away any of my Rights or freedoms. Further, I am not a United States citizen or a 14th amendment citizen. I am a natural born, Nationalized Citizen of one of the several states of the union as New Jersey Republic (or same as adopted by Oath) This incidentally makes me an American national and I Reject any attempted expatriation. See 15 united States statute at large, July 27th, 1868 also known as the expatriation statute. Violation fee of any of my Rights, Liberties or Freedoms is \$250,000 per incident or per 15 minutes or any part thereof. wherefore all have undeniable Knowledge

(\$129.60)

965251

Kathleen A. Gibson
Notary Public State of New Jersey
My Commission Expires Dec. 18, 2014



Certificate of service

One, Elias Agredo-Narvaez, hereby certify that on 02/08/2014, One,
Served copies of the following documents and to the corresponding Parties and by
way of First Class Regular mail and certified mail as follows:

TO:

By CERTIFIED MAIL# 7012 2920 0002 2427 3903
Honorable Jerome B. Simandle, Chief Judge
United States District Judge for the District of New Jersey
Mitchell H. Cohen Building
& U.S. Courthouse
4th & Cooper Streets
Camden, NJ 08101

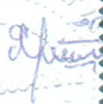
TO:

By CERTIFIED MAIL# 7012 2920 0002 2479 4047
Honorable Jose L. Linares
United States District Judge for the District of New Jersey
Martin Luther King Building
& U.S. Courthouse
50 Walnut Street
Newark, NJ 07101

TO:

By CERTIFIED MAIL# 7012 2920 0002 2479 3873
Honorable Joel A. Pisano
United States District Judge for the District of New Jersey
Clarkson S. Fisher Building
& U.S. Courthouse
402 East State Street
Trenton, NJ 08608

DATE 02/08/2014

Signature 

Without Prejudice and Without Recourse

