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IN THE
SUPERIOR COURT OF NEW JERSEY
OCEAN COUNTY
CRIMINAL DIVISION-APPEALS

Elias Agredo-Narvaez, Sui Juris
And attorney in fact
For

TMELIAS AGREDO-NARVAEZ
Defendant in error/Appellant

v.

STATE OF NEW JERSEY
Plaintiff in error/Appellee

Brief of Elias Agredo-Narvaez

On Appeal from the Judgment
Of the MUNICIPAL COURT
JACKSON TOWNSHIP,
SUMMOMS # 162083.

MUNICIPAL APPEAL# 16-02

Before the Honorable
MELANIE APPLEBY JUDGE



1 "Persons dealing with government are charged with knowing government statutes and regulations, and
2 they assume the risk that government agents may exceed their authority and provide misinformation".
3 "Whatever the form in which the Government functions, anyone entering into an arrangement with the
4 Government takes the risk of having accurately ascertained that he who purports to act for the
5 Government stays within the bounds of his authority. The scope of this authority may be explicitly defined
6 by Congress or be limited by delegated legislation, properly exercised through the rule-making power.
7 And this is so even though, as here, the agent himself may have been unaware of the limitations upon his
8 authority. See, e.g., Utah Power & Light Co. v. United States, 243 U.S. 389, 409, 391 (1917), United
9 States v. Stewart, 311 U.S. 60, 70, 108 (1940), and see, generally, In re Floyd Acceptances, 7 U.S. (Wall.)
10 666 (1869)."

11 12 JUDICIAL NOTICES MANDATORY

13 The court will take Judicial Notice:

14 *Due Process provides that the "rights of pro se litigants are to be construed liberally and held to less*
15 *stringent standard than formal pleadings drafted by lawyers; if court can reasonably read pleadings to*
16 *state valid claim on which litigant could prevail, it should do so despite failure to cite proper legal authority,*
17 *confusion of legal theories, poor syntax and sentence construction, or litigants unfamiliarity with pleading*
18 *requirements. Haines v. Kerner, 404 U.S.519-520 (1972); Birl v. Estelle, 660 F.2d 592 (1981). Further*
19 *accused believes that this court has a responsibility and legal duty to protect any and all of the accused*
20 *constitutional and statutory rights. See United States v. Lee, 106 US 196,220 [1882]*

21
22 Nothing contained in this brief should be construed as and is not:

23 An admission to any of the allegations of the alleged complaint from the lower court, an admission to any
24 of the elements of the accusation/s, an admission to any of the facts alleged in the alleged complaint or
25 accusation.

26 *A statute should be construed in harmony with the Common Law, unless there is a clear legislative*
27 *intent to abrogate the Common Law." (UCC 1-103.6)*

28
29 **The Following doctrines and their protections are therefore, hereby invoked:**

30
31 Clearfield doctrine; Clearfield Trust Co. v. United States 318 U.S. 363- 371 1942

32 Clean hands doctrine; Franklin v. Franklin, 365 Mo. 442,283 S.W.2d 483, 486

33 Poisonous tree doctrine. Com. V. Spofford,343 Mass. 703, 180 N.E.2d 673.



Hearing on Appeal Rule 3:23-8.

The court may also supplement the record and admit additional testimony whenever : 1) the municipal court erred in excluding evidence offered by the defendant, (2) the state offers rebuttal evidence to discredit supplementary evidence admitted hereunder, or (3) the record being reviewed is partially unintelligible or defective.

The accused specially visits before the law side of this court seeking its protection from the excess zeal of corporate government, trusting that this court will assume a neutral stance at law and require the corporate plaintiff in this criminal action to prove its in rem and, or, in personam criminal jurisdiction over the accused to be a fact of law before this court will take on the role of judging the facts of this legislative charge brought before you. Your Oath of Office compels nothing less from you. *"On every writ of error or appeal, the first and fundamental question is that of jurisdiction, first, of this court, and then of the court from which the record comes. This question the court is bound to ask and answer for itself, even when not otherwise suggested, and without respect to the relation of the parties to it." **Great Southern Fire Proof Hotel Co. v. Jones.***

COMES NOW by Special visitation only, Elias Agredo-Narvaez, Sui Juris, member of a protected class of Citizens under the United States Constitution, un-RE-PRESENTED, Not a public official, Not an attorney, Not becoming one, Citizen of New Jersey, expressly, Not a citizen of "this State" or, of the Unite States, (2 Stat. 153, c. 28 §1; Rev. St §2165.) April 14, 1802;. (U.C.C. sec 9-307 (h) "Federal Citizen") and Appellant in the above entitled matter on behalf of the defendant in error TM ELIAS AGREDO-NARVAEZ, (Note that Elias Agredo-Narvaez is the REGISTERED USER of the trade name TM ELIAS AGREDO-NARVAEZ, witnessed by your own Clerk) (*See Exhibit 1*). (filed with the lower court but ignored). I am a **Natural Person**, evidenced by the right **index print** on every page of this document's stamp, not to be misconstrued by any court as a corporate person, who may be found to have no rights, and I am not to be addressed by this or any court in ALL CAPITAL letters, which by law, such grammar indicates a corporation, per the United States Government Printing Office. (18 U.S.C. Sec 1001: statements or entries generally (3))

Statutes employing the word person are ordinarily construed to exclude the Sovereign." Wilson v. Omaha Tribe, 442 U.S. 653, 667 (1979) (quoting United States v. Cooper Corp., 312 U.S. 600, 604 (1941)). See also United States v. Mine Workers, 330 U.S. 258, 275 (1947).

JURISDICTION OF THIS COURT

This Honorable Court has jurisdiction under New Jersey State Constitution Article VI, sec III, 2 which States: The Superior Court Shall have general jurisdiction throughout the State in all causes.



CERTIFICATE OF INTERESTED PERSON/PARTIES

Fed. R. Civ. P 19(b)

Elias Agredo-Narvaez, Appellant herein, certifies that the following listed **persons** have an interest in the outcome of this case. These representations are made in order that the Judge/s of this court may evaluate possible conflicts in regards the doctrine of "*indispensable parties.*" *Whom as such, are/were all required to be in the court room during the alleged trial since this was allegedly a criminal matter.*

1. **Social security Administration:** As the creator of the defendant Trade name, Trust account, individual, and artificial person AKA; ELIAS AGREDO-NARVAEZ under the Social Security Act of 1935.
2. **The State of New Jersey:** as the registered agent and beneficiary of such Trade name, Trust account, individual, and artificial person born/created during the Birth registration of a natural Person's birth under the Vital Statistics Act [or under the registration of a certificate of naturalization as the case may be] and for it which the STATE OF NEW JERSEY receives at least \$1.8 millions dollars a year of federal grants money under sec 502.(a) of the Social security act of 1935.
3. **The Department of Transportation:** as the alleged violations in this alleged criminal action sprung from federal Law that controls "MOTOR VEHICLE" laws.
4. **Matthew J. Dorry:** as the initiator of the alleged criminal case.
5. **Eugene A. Racz:** [*whom I miss identified previously as STEVEN ZABARSKY thanks to the mala fide of the officers of the court in identifying their names and addresses where they can be served with process, and against whom I erroneously filed a criminal complaint which is hereby amended to reflect the correct name as Eugene A. Racz*] For engaging in criminal and malicious profiling/labeling of my Person as one of them SOVEREIGN CITIZENS who have already been determined by the FBI as domestic terrorist organization.
6. **Stephen Cilento:** as the initial violator of my inherent rights protected by the U.S. Constitution and whom under color of authority deprived my of my property/ conveyance while in the



possession of a fire arm (*aggravating the Factors*) and whom could have prevented all these controversies should have he followed the Constitutional provisions of law. And against whom I will most likely bring suit in the U.S. court of Claims, if and when I don't get compensated as stipulated in the contract that he entered into when unlawfully impounded my conveyance.

All rights reserved.

Elias Agredo-Narvaez. Sui Juris

STATEMENTS OF RELATED PROCEEDINGS

Elias Agredo-Narvaez, on behalf of the defendant filed with the "traffic" court a PETITION FOR ABATEMENT Item #12231973-EAN-RE-TICKET162083 with the **alleged TICKET/SUMMOMS# 162083** (See Exhibit 2 to find also *Reservation of rights affidavit*). (pointing out to the court, the errors of identity as well as those of Service and acknowledged by the judge on the record). *"The Code is complimentary to the Common Law, which remains in force, except where displaced by the code. A statute should be construed in harmony with the Common Law, unless there is a clear legislative intent to abrogate the Common Law."* (UCC 1-103.6)

That an officer or employee of a state or one of its subdivisions is deemed to be acting under "color of law" as to those deprivations of right committed in the fulfillment of the tasks and obligations assigned to him. Monroe v. Page, 1961, 365 U.S. 167.

There can be no sanction or penalty imposed upon one because of the exercise of a constitutional right. Sherar v. Cullen, 481 F.945 (9th Cir. 1973) Spevack v. Klein, 385 U.S. 511 (1967) Garrity v. New Jersey, 385 U.S. 493 (1967) Boyd v. US, 116 U.S. 616 (1886) Malloy v. Hogan, 378 U.S. 1(1964)

And later a **BRIEF IN SUPPORT** Item# 12231972-EAN-BIS with corresponding affidavit of denial traveling in commerce Item# 12231972-EAN-AISPFA-162083 (See Exhibit 3). (**unrebutted and not even addressed by the "traffic" court**) In this court now rests the question of whether the "*brady rule*" was violated. Brady v. Maryland, 373 U.S. 83 (1963)

Non Rebutted Affidavits are "Prima Facie Evidence in the Case, "United States vs. Kis, 658 F.2d, 526, 536-337 (7th Cir. 1981);



1 Seitzer v. Seitzer, 80 Cal. Rptr. 688 "*Uncontested Affidavit taken as true in support of Summary*
2 *Judgment.*"

3 "*The district court relied on the uncontested affidavit of Robert A. Michlik, the PBGC case officer*
4 *responsible for processing the termination of the Plan, for the finding that 74 Plan participants were*
5 *eligible for pension benefits as of September 20, 1978.*" In re Syntex Fabrics Inc., 698 F.2d 199 (3rd Cir.
6 01/19/1983).

7 And finally a NOTICE AND DEMAND DEPOSITION tem# 12231972EAN-CAUSE NUMBER 162083
8 (See Exhibit 4) (**also uncontested and not even addressed by the "traffic" court**). Copies to
9 prosecutors Steven Zabazky and Matthew J. Dorry, Court administrator Erin J. DiCristina, NJ attorney
10 General John Jay Hoffman, Mayor Michael Reina, and Governor Christ Christie, all are now without
11 excuse.

12 "*Silence can only be equated with fraud where there is a legal or moral duty to speak, or where an*
13 *inquiry left unanswered would be intentionally misleading. . . We cannot condone this shocking*
14 *behavior... This sort of deception will not be tolerated and if this is routine it should be corrected*
15 *immediately.*" U.S. v. Tweel, 550 F.2d 297, 299. See also U.S. v. Prudden, 424 F.2d 1021, 1032; Carmine
16 v. Bowen, 64 A. 932.

17 Owen v. City of independence, 445 US 622 (1980) *A municipality has no immunity from liability from*
18 *it's constitutional violations and may not assert the good faith of it's officers as a defense to such liability.*
19

20 Porter v. City of Atlanta, 259 Ga. 526 (1989) *Even when power is specifically delegated, local*
21 *governments may NOT enact any ordinance that is preempted by or in conflict with state legislation or is*
22 *inconsistent with the Constitution.*
23

24
25
26 **The United States Constitution reads in part:**

27 **Article VI**

28 This Constitution, and the Laws of the United States which shall be made in Pursuance thereof; and all
29 Treaties made, or which shall be made, under the Authority of the United States, shall be the supreme
30 Law of the Land; **and the Judges in every State shall [Mandatory] be bound thereby**, any Thing in the
31 Constitution or Laws of any State to the Contrary notwithstanding. (*The "traffic" court violated*
32 *this*).
33

34 **Supremacy clause**



Article VI, Paragraph 2 of the Constitution is commonly referred to as the Supremacy Clause. It establishes that the federal constitution, and federal law generally, **take precedence over state laws**, and even state constitutions. (*The lower court violated this*).

New Jersey state constitution

Article 1.

1. All persons are by nature free and independent, and have certain natural and unalienable rights, among which are those of enjoying and defending life and liberty, of acquiring, possessing, and protecting property, **and of pursuing and obtaining safety and happiness**. (*The lower court violated this by allowing my private conveyance to be impounded under color of law by the misapplication of a law enacted by congress with the purpose of regulating traffic and commerce which has never been evidenced that the alleged defendant has ever engaged in*).

RIGHT -- In law, (a) **an enforceable claim** or title to any subject matter whatever; (b) **one's claim to something out of possession**; (c) a power, prerogative, or **privilege as** when the word is applied to a corporation. (*Emphasis added*). See: Webster Unabridged Dictionary.

RIGHT -- As relates to the person, **RIGHTS** are absolute or relative; absolute **RIGHTS**, such as every individual born or living in this country (and not an alien enemy) is constantly clothed with, and relate to his own personal security of life, limbs, body, health, and reputation; or to his personal liberty; **RIGHTS which attach upon every person immediately upon his birth** in the kings dominion, and even upon a slave the instant he lands within the same. (*Emphasis added*). See: 1 Chitty Pr. 32.

RIGHT -- A legal **RIGHT**, a constitutional **RIGHT** means a **RIGHT protected by the law, by the constitution**, but government does not create the idea of **RIGHT** or original **RIGHTS**; it **acknowledges them**. . . . (*Emphasis added*). See: Bouvier's Law Dictionary, 1914, p. 2961.

Absolute -- Without any condition or encumbrance as an absolute bond, simplex obligatio, in distinction from a conditional bond; an absolute estate, one that is free from all manner of conditions or encumbrance. A rule is said to be absolute when, on the hearing, it is confirmed. (*Emphasis added*). See: Bouvier's Law Dictionary.

Unalienable -- A word denoting the condition of those things, the property in which cannot be lawfully transferred from one person to another. (*Emphasis added*). See: Bouvier's Law Dictionary.

8. No person shall be held to answer for a criminal offense, unless on the presentment or indictment of a grand jury, except in cases of impeachment, or in cases now prosecuted without indictment, or



1 arising in the army or navy or in the militia, when in actual service in time of war or public danger. (*The*
2 *lower court violated this by permitting and aiding the prosecutor in bringing a sham plea and aiding*
3 *the prosecution without standing. If it was not because of this appeal, I would have never find out that*
4 *this is an alleged criminal process since neither the defendant, nor I, was ever informed of the nature*
5 *and cause of the accusation.*)

6 "Where rights secured by the Constitution are involved, there can be no rule making or legislation
7 which would abrogate them." Miranda v Arizona, 384 US 436, 491; 86 S Ct 1602; 16 L Ed 2d 694
8 (1966).

9 **9. The right of trial by jury shall remain inviolate;** but the Legislature may authorize the trial of civil
10 causes by a jury of six persons. The Legislature may provide that in any civil cause a verdict may be
11 rendered by not less than five-sixths of the jury. The Legislature may authorize the trial of the issue of
12 mental incompetency without a jury. *The lower court violated this by acting in concert with the police*
13 *officer; an incompetent witness, and the prosecutor having no standing, to act as if they were at the*
14 *same time, the victims of a crime, the prosecutors, and the judges of the said crime.*

15
16 **10. In all criminal prosecutions** the accused shall have the right to a **speedy and public trial by an**
17 **impartial jury**; to be informed of the nature and cause of the accusation; to be confronted with the
18 witnesses against him; to have compulsory process for obtaining witnesses in his favor; and to have the
19 assistance of counsel in his defense. (*The lower court violated this by forcing me to appear in the court*
20 *four times without been able to prove jurisdiction to finally adjudicate in a criminal case that should*
21 *have been presented in federal court since the lower court acting as the STATE, the Judge representing*
22 *a party to the action; the State, and the State, been a party to the case could not legally be the*
23 *victim/Plaintiff and JUDGE at the same time, the court lacked jurisdiction.*)

24
25 *Lack of subject matter jurisdiction can never be waived, but... see DiFrishia v. New York Central rail*
26 *road Co., 279 F.2d 141 (3d Cir. 1960), and if a court, even on appeal, determines that there was no*
27 *subject matter jurisdiction, the case almost always will be dismissed and any judgment or verdict*
28 *entered in the case will be void. see Brown v. Francis, 75 F3d 860 (3d Cir. 1996), and*
29 *Let it stand alone the fact that in all criminal cases, Miranda v. Arizona, applies, but was buried under*
30 *the bench by the secret jurisdiction of the lower court. "So much from an impartial Jury"*

31
32 **21. This enumeration of rights and privileges shall not be construed to impair or deny others retained**
33 **by the people.** *The lower court violated this by allowing an armed private contractor to take away my*



private conveyance under color of law but without any lawful authority while I was exercising my natural right of moving from one place to another without interference from the government.

"Since the right to travel is a constitutionally protected right, any classification which serves to penalize the exercise of that right, unless shown to be necessary to promote a compelling governmental interest, is **unconstitutional**". See: Dunn v. Blumstein, 405 U.S. 330, 339, 92 S. Ct. 995 (1972)

ARTICLE IV

Section VII

4. To avoid improper influences which may result from intermixing in one and the same act such things as have no proper relation to each other, every law shall embrace but one object, and that shall be expressed in the title. (The lower court violated this by permitting the police officers to use a device AKA **automated license plate scanning and recognition device** (which was used to scan my conveyance), = 1 license plate scanning per second and therefore the why, the police officer pulled me over within seconds after I had passed him, **contrary to the testimony of the revenue generating officer[misnamed as law enforcement officer] in open court**; and it which it shall only be used for scanning motor vehicles as defined by the federal statutes and which by nature are exercising an **excise privilege by using the roads of this state as a place of business.**

This court will now also take judicial notice of how NJ Statute 39 is titled, **MOTOR VEHICLE AND TRAFFIC REGULATIONS**. (see definitions infra for verification that traffic is commerce related period.) See also exhibit# 5 for even more proofs that the nature of the whole licensing and registration processes are commercial in nature.

Statutes Must be known. "Vagueness of wording is aggravated by prolixity and profusion of statutes, regulations and administrative machinery, and by manifold cross-references to interrelated enactments and rules" Keyishian v. Board of Regents of U. of St. of N.Y., 385 US 603, 604; 87 S Ct 675, 684; 17 L Ed 2d 629 (1967)

Motor vehicle. In the Uniform Act regulating traffic on highways, 11 U.L.A., and similar statutes, any self propelled "**vehicle**," defined as including every device in, upon, or by which any person or property is or may be **transported** or drawn upon a highway, except devices moved by human or muscular power or used exclusively upon stationary rails or tracks. The term "**Motor vehicle**," although some times regarded as synonymous with or limited to "**automobiles**," **often has a broader meaning** and includes



not only ordinary automobiles, but also motorbuses and trucks as well as motorcycles. Blashfield, Cyc. Of automobile laws and prac., Perm. Ed., sec 2. (Black's law 4th P1164.)

Traffic. Commerce; trade; sale or exchange of merchandise, bills, money and the like. The passing of goods or commodities from one person to another for an equivalent in goods or money. **The subjects of transportation** on a route, as persons or goods; the passing to and from persons, animals, vehicles, or vessels along a route of transportation, as along a street, highway, etc. *See Commerce.* (Black's law 4th P1340)

Transportation. The movement of goods or persons from one place to another, **by a carrier.** *Black's law 5th P1344.*

Railroad Co. v. Pratt, 22 Wall.133,22 L.Ed. 827; Interstate commerce Com'n v. Brimson, 154 U.S. 447, 14 S.Ct. 1125, 38 L.Ed. 1047; Gloucester Ferry Co. v. Pennsylvania, 114 U.S. 196, 5 S.Ct. 826, 29 L.Ed. 158.

Traffic Regulations. Prescribed rules of conduct to promote the orderly and safe flow of **traffic.**

Commerce. The exchange of goods, productions, or property of any kind; the buying, selling and exchanging of articles. Anderson v. humble oil and refining Co., 226 Ga. 252, 174, S.E.2d 415, 417. The transportation of persons and property by land, water and air. Union pacific R. Co. v. State Tax Commissioner, 19 Utah 2d 236,429 P.2d 983, 984. **Ibid**

7. No general law shall embrace any provision of a private, special or local character.

STATEMENTS OF THE ISSUE

The annual report 322 of the Attorney –General of the State of New York, in the year 1909 states in part: There is no provision of law that I am aware of requiring the owner of a motor car or any member of his family to **procure a chauffeur's license** to run such machine.

Subdivision 5 of section 280 of chapter 30 of the consolidated laws defines the word "chauffeur" as follows: **shall mean any person operating a motor vehicle** as mechanic, employee or **for hire.**

Section 282 requires the owner to file in the secretary of State's office a statement of his name and address, with a brief description of a vehicle **to be registered, etc.**

Section 283 provides for the **registration of such motor vehicle.**



Section 302 provides that every person **desiring to operate a motor vehicle** as a "chauffeur" shall file in the office of the Secretary of State a statement, which shall include his name and address and the trade name and motive power **of the motor vehicle he is to operate**. Upon filing such statement, the secretary of State shall issue to **the chauffeur a badge**, as provided in section 304.

Section 306 provides that **no person shall operate a motor vehicle** as a chauffeur upon **public highways**, unless such person shall have complied in all respects with the requirements of the preceding sections.

There is no requirement that the owner of a **motor vehicle** shall procure a license to run the same, *nor there is any requirement*. (See Exhibit 6) (*also ignored by the lower court*) in addition to this letter, there are also two more documents that are believed to have been destroyed/ removed or otherwise hidden from the record because of the inconvenience of the prosecution to admit them (they were labeled by the City's **prosecutor (without Standing)** as SOVEREIGN CITIZEN'S Bull's Shit.) See Exhibits 6,7, &8.

STATEMENTS OF THE FACTS

The subscriber had returned to the court, a document (*herein after the ticket*) that purported as summons to pay \$54 dollars. Such document was returned with a petition for abatement pointing out the errors on the information therein. (Item #12231973-EAN-RE-TICKET162083 *supra*)

Within few days after returning the ticket, another document arrived in the mail demanding the alleged defendant; A CORPORATE ENTITY also a JURISTIC PERSON which is my registered TRADE NAME property to appear before the judge in the municipal court of Jackson. The subscriber then entered into the court an ENTER OF SPECIAL AND LIMITED APPEARANCE for the required date. (*see exhibit 9*)

At the arraignment appearance, Nov 12, 2015 (erroneously named by the court in transcripts as HEARING appearance) the judge, by implication eliminated the right number #1 of the defendant's rights; **Presumed to be innocent until proven guilty beyond reasonable doubt** published in the NJ judiciary website, by suggesting that a **very minor violation** (*which is now a commercial criminal matter for which there was never a maritime contract in evidence before the court*) could be done away by participating in a trial if pleading NOT GUILTY or alternatively by just paying the **modest fine of \$89** all together.

First and foremost, I challenged the Jurisdiction of the court, both, in personam and subject matter, and also requested for a valid charging instrument to be on the record. I also notified the court of the defect in the service and requested correction of the same; all of these to no avail. The judge then contended that the **"traffic ticket"** that I had returned to him along with my **petition for abatement** (misrepresented by the judge as **"the letter"** that I had sent him, and by the prosecutor as **"motion to dismiss"**) is/was the **"charging instrument"**, or the **"summons, for purposes of today."** When presented with the question



1 of service after I had denied been served as required by law, the prosecutor, went on to "suggesting" that
2 there is only two ways an individual can be "served" 1, by certified mail and 2, by hand-delivery,
3 however he failed to observe that as party to the case, the tender of such fraudulent summons "revenue
4 generating officer", misrepresented as "law enforcement officer" failed to qualify as witness.

5 Furthermore, the court also failed in proving all the elements of the accusation as required by law
6 including also the elements of/ or "DRIVER, DRIVING, DRIVING A MOTOR VEHICLE,
7 VEHICLE, AND UNREGISTERED MOTOR VEHICLE, TRAFFIC, AND TRAFFIC

8 REGULATIONS" It is to be noted however that the court requested from me a brief in support of my
9 positions while allowing three weeks to do so.

10 A challenge to subject matter jurisdiction may be made at any time, even after disposition, and even
11 collaterally. Fed.R.Civ.P. 12(h) and 60(b)(4); Taubman Co v Webfeats, 319 F3d 770, 773 (CA 6, 2003).

12 After having sent the brief to the judge and copies to the prosecutor Steven Zabarsky by certified mail
13 #7015 1730 0002 3740 3133, and to the NJ AG certified mail# 7015 1730 0002 3740 3126 (see Exhibit
14 10) then, the time for the hearing on said brief came about, but the hearing was adjourned because the
15 prosecutor allegedly never received his copy. (Note that the record's transcript doesn't mention this)

16 At the new "arraignment?" day? [New, because the first day, the prosecution was unable to stablish
17 jurisdiction] the prosecutor Eugene A. Racz without the consent of the alleged defendant, after in mala
18 fide, engaged in criminal profiling of the alleged defendant by labeling it as one of them, SOVEREING
19 CITIZENS and in fact against my will, entered a plea of NOT GUILTY, (His action was protested on
20 the record since I understand that jurisdiction is obtained by the defendant's plea, whatever it may be)
21 after lying in open court by stating that he had offered a plea bargain, which is a complete lie and a
22 fabrication, [This only proves how bias both, prosecutor and judge were in the matter] State ex rel.
23 Mitchell v. Sage Stores Co., 157 Kan. 622, 143 P2d 652,655; and that after defendant having refused such
24 a deal, he; the prosecutor, entered such a not guilty plea, and the judge, even after been notified on the
25 record of such action, proceeded to aid and protect the wrongs of the prosecution on furthering a "SHAM
26 PLEA", adjudicated in a case without first proving jurisdiction as required by law and mandated by the
27 supreme court. [canon 2, Rule 2.2 & 2.3] Isn't that practice from the bench, and if the prosecution
28 against my will entered a NOT GUILTY plea, is it not that a confession/admission that there was not
29 guilty party? All in all, this so called "trial" was completely surrounded by exorbitant conflicts of
30 interests.

31 These questions are now left to this court to resolve. (is it not the job of the defendant or of the
32 defendant's attorney to enter a plea?

33 how, and since when, does the prosecution's job is to prosecute and to enter the plea all by him self?

34 How is it possible in the eyes of Justice?.



1 Is it not justice supposed to be blind?

2 "*Men of common intelligence cannot be required to guess at the meaning of penal enactment.*" Winters v
3 People of State of New York, 333 U.S. 507; 68 S. Ct. 665 (1948)

4 It was imperative that the alleged defendant was informed of the nature and cause of the accusation
5 because the VI amendment to the Constitution so obligates the judge as well as so protect the
6 defendant's rights.

7 *The constitutional right to be informed of the nature and cause of the accusation entitles the defendant to*
8 *insist that the indictment apprise him of the crime charged with such reasonable certainty that he can*
9 *make his defense and protect himself after judgment against another prosecution on the same charge.*

10 United States v. Cruikshank, 92 U.S. 542, 544, 558 (1876); United States v. Simmons, 96 U.S. 360
11 (1878); Bartell v. United States, 227 U.S. 427 (1913); Burton v. United States, 202 U.S. 344 (1906).

12
13 On December 22, 2015, the municipal court charged the alleged defendant (a trade name, a trust, and a
14 corporation) for alleged violations to the NJ **TITLE 39 MOTOR VEHICLES AND TRAFFIC**
15 **REGULATION :3-4 unregistered vehicle**; even when the judge himself on the record said that it was
16 for **driving an unregistered motor vehicle**, while, at the same time, the prosecutor said it was for
17 "operating" un unregistered vehicle, which by implications, opens this matter to the question of
18 "driving" and "operating" a "motor vehicle"

19 20 DRIVER

21 The term "driver" in contradistinction to "traveler," is defined as:

22 "Driver -- One employed in conducting a coach, carriage, wagon, or other vehicle ..."

23 Bovier's Law Dictionary, 1914 ed., Pg. 940. Notice that this definition includes one who is "employed" in
24 conducting a vehicle. It should be self-evident that this individual could not be "travelling" on a journey,
25 but is using the road as a place of business.

26 27 OPERATOR

28 Today we assume that a "traveler" is a "driver," and a "driver" is an "operator." However, this is not the
29 case.

30 "It will be observed from the language of the ordinance that a distinction is to be drawn between the terms
31 "operator" and "driver"; the "operator" of the service car being the person who is **licensed** to have the car
32 on the streets **in the business of carrying passengers for hire**; while the "driver" is the one who actually
33 drives the car. However, in the actual prosecution of business, it was possible for the same person to be
34 both "operator" and "driver." Newbill vs. Union Indemnity Co., 60 SE.2d 658



At no time does any court ruling or any law exonerate the guilty, in or out of government. This ideal was reemphasized in Lavin v. Marsh, 644 F.2d 1378, (9th Circuit, 1981)

ARGUMENT

The Court takes notice of the alleged statute violated :39-4; however, in pari materia- Sutherland, Statutory Construction (3rd ed.1943), 5201. " Palmer v. Kingsley, 27 N.J. 425,429 (1958).

39:3-4.1. Licensing motor vehicles for transportation of passengers for hire

As used in this section the term "**motor vehicle**" is hereby defined as meaning any motor vehicle propelled otherwise than by muscular power (except such vehicles as run only on rails or tracks exclusively) **carrying passengers for hire of any kind over the highways in this State**, except (1) taxicabs, (2) hotel buses, (3) autobuses with a carrying capacity of not more than six passengers now or hereafter operated under municipal consent upon a route established wholly within the limits of a single municipality, which route does not in whole or in part parallel upon the same street the line of any street railway or traction railway or any other autobus line and (4) vehicles used in ridesharing arrangements.

When Licensing and Registration Is Required

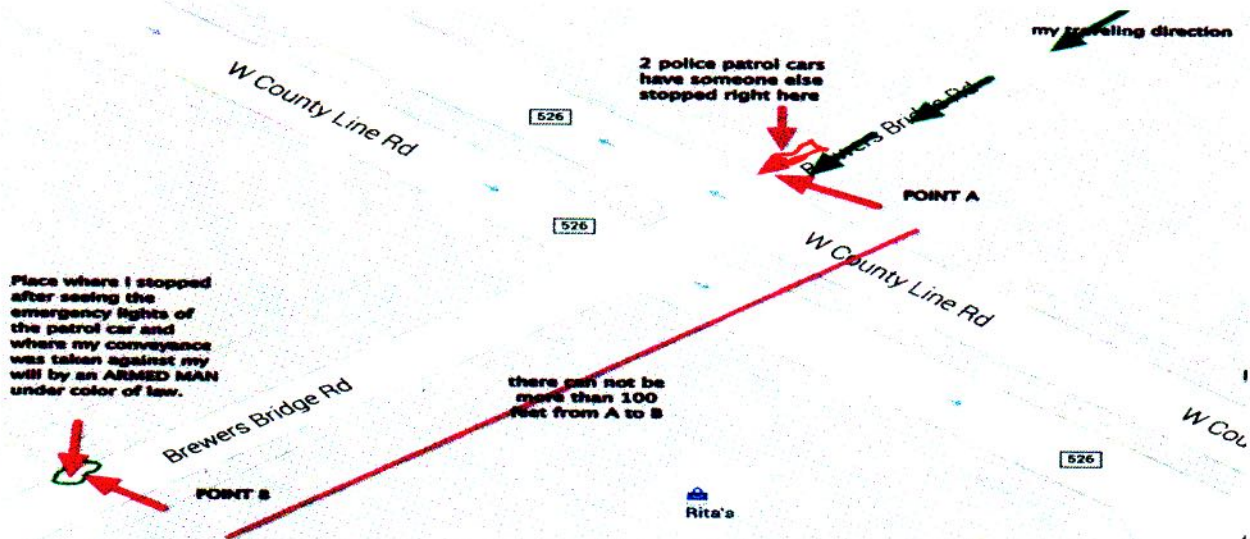
Automobiles Classified as Motor Vehicles

The Washington State Supreme Court has already made it clear in the following case that the "drivers license" is intended to apply only to "for hire" vehicles. (Emphasis added.) "*Sec. 103 It shall be unlawful for any person to drive an automobile or other motor vehicle carrying passengers for hire, within the city of Seattle, without having a valid and subsisting license so to do, to be known as a 'drivers license' ...*" Driver's license, 'first class' shall entitle the holder thereof to drive any kind or class of motor vehicles for hire within the city of Seattle. "Drivers license, second class' shall be limited to stages, sight-seeing cars, or other motor vehicles operating over a specified route and having a fixed terminal. "Drivers license, 'third class' shall be limited to drivers of taxicabs, for hire cars, or other automobiles not operating on fixed routes, and having a passenger capacity of less than seven (7) persons, not including the driver. ...It is intended to apply to "for hire" vehicles as provided in section 6313, Rem. Comp. Stats., are defined to mean all motor vehicles other than auto- mobile stages used for the **transportation of persons for which remuneration** of any kind is received, either directly or indirectly." INTERNATIONAL MOTOR TRANSIT CO. et al. V. CITY OF SEATTLE et al. , (No. 19992) 251 PACIFIC REPORTER 120-123 (Dec. 6, 1926.)



"The local authorities shall have NO POWER to pass or enforce any ordinance, rule, or regulation requiring of the owner or operator of any motor vehicle, ANY LICENSE OTHER THAN AN OCCUPATIONAL LICENSE or tax." (emph. mine) Session Laws of 1915, Chapter 142, Sec. 34. (See exhibit 11)

On October 18, 2015 during a personal travel from picking up my daughter and her friend from another friend's home and while passing by two officers who were performing a stop on another "traveler"



I was detained by one of them police officers within no more than 5seconds, presumably because the officer in question identified as officer id #274 was making use of a device called automated license plate scanning and recognition that may range in cost between \$20,000 to 30,000 dollars depending on the vendor. The officer, then asked me for driver's license insurance and registration which instead of proving such documents, I provided him with a written information that I was not a driver who was driving, that I was not operating a motor vehicle as he was using those terms, "a vanpool vehicle is not a commercial vehicle" and "a vehicle not used for commercial activity is a "consumer goods", ...it is NOT a type of vehicle required to be registered and "use tax" paid of which the tab is evidence of receipt of the tax." Bank of Boston vs. Jones, 4 UCC Rep. Serv. 1021, 236 A2d 484, UCC PP 9-109.14.

Licenses are for the conduct of a business, profession, occupation, the exercise of such when they are a privilege. licensing is in the nature of a SPECIAL PRIVILEGE entitling licensee to do some thing that he would not be entitled to do without a license. San Francisco v Liverpool, 74 Cal 113.

He then told me that he was going to impound my conveyance for not having it registered. The officer once again was informed that I was not who he believed I was; **a driver of a motor vehicle who does need to have a driver's license, insurance and registration** and that the information I had previously



1 provide him with was with the sole purpose of protecting him from his actions. The officer disregarding
2 the information provided to him still proceeded to impound my private conveyance against my will.
3 The written document provided to the officer was in contract form and was, implied in fact of which the
4 United States Claims Court has jurisdiction (*see exhibit 12*) said contract established his liability should he
5 proceed with his unwarranted actions. The officer also handed me a "traffic ticket" demanding to pay a
6 fine of \$54 dollars.

7 *"The officers of the law, in the execution of process, are required to know the requirements of the law,
8 and if they mistake them, whether through ignorance or design, and anyone is harmed by their error, they
9 must respond in damages."* Roger v. Marshall (United States use of Rogers v. Conklin), 1 Wall. (US)
10 644, 17 Led 714.

11
12 Such traffic ticket was then returned to the judge included in a petition for abatement since the
13 information in the ticket seemed to be directed to my registered "TRADE NAME" and not to me as "*man
14 of good character*" April 14, 1802 (2 Stat. 153, c. 28 §1; Rev. St §2165,) also since the alleged ticket
15 purported to be a summons (*confirmed in error by the judge. See the transcript of hearing page/section 9
16 lines 16 to 19*) and giving my understanding of some of the legal traps used by some government agents
17 to gain jurisdiction over living people due to the systematic indoctrination of the public to believing that a
18 "dead person's name" that when pronounced will sound like their name is actually their names and then
19 unknowingly and most likely unwillingly take fiduciary relationship/duty with such dead and fictional
20 entities. (presumably; the judge believes that ticketing of people for offenses they can not commit
21 eliminates his legal duties of summoning and serving them according to the law, furthermore, the judge
22 according to the transcripts, believes that **complaint, summons, charging instrument, cause of action,
23 and service** are all, one and the same thing) **lets see how the law is written:**

24
25 Summon, vb. To command a person by service of a summons to appear in court. Black's law 9th ed page
26 1574.

27 Summons, n. 1 A writ or process commencing the **plaintiff's** action. 4. English law. The application to a
28 common-law judge upon which an order is made. *Black's law 9th ed p.1574 (So, in this instant matter the
29 officer wrote the ticket/summons commencing his own action, he delivered it himself and then presented it
30 to a common-law judge who will profit from violating my inherently natural rights protected by federal
31 and state constitutions?).*

32 Since this is allegedly a criminal action, I went to **Federal Rules of Criminal Procedure** but found
33 nothing under rules 1 to 61 that describes this type of **summons**; however this is not true under **Federal**





1 **Rules of Civil Procedure**, and rule 2 therein says that there is only one form of action- the civil action.
2 (*perhaps there is a conflict of laws involved in the instant matter?*)

3 **Rule 4. Summons:** [*assuming that there was in fact any summons involved*]

4 (a) **Contents; Amendments.**

5 (1) *Contents.* A summons must:

6 (A) name the court and the parties; (*there was none of these in the ticket, only a trade name*)

7 (B) be directed to the defendant; (*the alleged defendant is my registered property which can not defend*
8 *by it self*)

9 (C) state the name and address of the plaintiff's attorney or—if unrepresented—of the plaintiff; (*never*
10 *happened*)

11 (D) state the time within which the defendant must appear and defend; (*the only time on the ticket other*
12 *than the issued date was a pay by date*)

13 (E) notify the defendant that a failure to appear and defend will result in a default judgment against the
14 defendant for the relief demanded in the complaint; (*no where mentioned, not even a requirement to*
15 *appear*)

16 (F) be signed by the clerk; and (*the ticket in question was signed by the issuer, never by any clerk*)

17 (G) bear the court's seal. (*only mentioned the court but did not include any seal*)

18 (2) *Amendments.* The court may permit a summons to be amended. (*the alleged summons was returned*
19 *to the court and a request was made to correct the same. Never happened*)

20 (b) **Issuance.** On or after filing the **complaint**, the plaintiff may present a **summons** to the clerk for
21 signature and seal. **If the summons is properly completed**, the clerk must sign, seal, and issue it to the
22 plaintiff for service on the defendant. A summons—or a copy of a summons that is addressed to multiple
23 defendants—must be issued for each defendant to be served. (*according to the paragraphs above a*
24 *complaint and, summons, are not one and the same thing, am I wrong? Because I keep insisting now*
25 *before this court on that, there was never jurisdiction obtained by proper service*).
26

27 **Service**, n. The formal delivery of a writ, summons, or other legal process. Be sure that a certificate of
28 service is attached to the motion. Black's law 9th ed p.1491.

29 **Service of process.** The service of writs, summonses, etc., signifies the delivering or to leaving them with
30 the party to whom or with whom they ought to be delivered or left; and, when they are so delivered, they
31 are then said to have been served. Usually a copy only is served and the original is shown. The service
32 must furnish reasonable notice to defendant of proceedings to afford him opportunity to appear and be
33 heard. Chemical Specialties Sales Corp. Industrial Div. v Basic Inc., D.C.Conn., 296 FSupp.1106, 1107.
34 Black's law 5th ed p.1227



**NJ Courts Rule 4. Summons****(c) Service.**

(1) *In General.* A summons must be served with a copy of the complaint. The plaintiff is responsible for having the summons and complaint served within the time allowed by Rule 4(m) and must furnish the necessary copies to the person who makes service. *(only a copy of the alleged summons was hand-delivered by the plaintiff, who was also the issuer of it, and who was also in the possession of a firearm and equipment that surpasses \$25000 dollars, but the judge calls the complaint a summons, and affidavit, and he thinks is ok to do so)*

(2) *By Whom.* Any person who is at least 18 years old and not a party may serve a summons and complaint. *(Here, again, the judge believes that is ok and lawful to have the plaintiff while in the possession of a firearm hand it to the alleged defendant)*

(3) *By a Marshal or Someone Specially Appointed.* At the plaintiff's request, the court may order that service be made by a United States marshal or deputy marshal or by a person specially appointed by the court. The court must so order if the plaintiff is authorized to proceed in forma pauperis under 28 U.S.C. §1915 or as a seaman under 28 U.S.C. §1916.

(d) **Waiving Service.** *(service has never been waived, in fact as the authorized agent of the trade name I have repeatedly asked for the court to correct the errors in the service)*

(I) Proving Service.

(1) **Affidavit Required.** Unless service is waived, proof of service **must be made to the court**. Except for service by a United States marshal or deputy marshal, proof must be by the server's affidavit. under the circumstances and in the manner provided by state law in that district. *(In this court's hands now lays the question of whether or not the "traffic court" can show an affidavit of service as required)*

New Jersey Courts rules**RULE 4:4. Process****4:4-3. By Whom Served; Copies**

(a) **Summons and Complaint.** Summonses shall [MANDATORY] be served, together with a copy of the complaint, *[if Summons and Complaint are one and the same thing then how is this possible?]* by the **sheriff**, or by a person specially appointed by the court for that purpose, or by plaintiff's attorney or the attorney's agent, or by any other competent adult **not having a direct interest in the litigation.** *(what a*



1 *conflict here. Again, the judge in the lower court blatantly violated his own rules and the New Jersey's*
2 *courts rules and he thinks it is cool) The question now rests in this court to resolve it. Whether there was*
3 *a due process violation or not. Whether summons and complaint are one and the same thing as the judge*
4 *in the lower court claims they are.*

5 Now, going to the Federal Rules of Criminal procedure: [even when Rule 2 of the Fed Rules of Civ pro
6 negates their validity]

8 **RULE 3. The Complaint**

9 The complaint is a written statement of the essential facts constituting the offense charged. Except as
10 provided in rule 4.1, it **must be made under Oath** before a magistrate judge or, if none is reasonably
11 available, before a state or local judicial officer. *(In the instant case however, it seems that there was*
12 *never an actual complaint filed with the court, no petition to any judge or magistrate under oath as*
13 *required, but, hearsay, not even based on first hand knowledge. Demand is made hereby to put in to*
14 *evidence such a complaint and sworn affidavit) The only sworn affidavit made before a state official was*
15 *mine, and it was directed to denying/rebutting each individual element of the accusation, but the*
16 *prosecution, including also the judge, found it to be very inconvenient.*

18 **RULE 10. Arraignment**

19 a) In general. An arraignment must be conducted in open court and must consist of:

20 (1) Ensuring that the defendant has a copy of the **indictment** or information;

21
22 **INDICTMENT:** An accusation in writing found and presented by a **grand jury** legally convoked and
23 **sworn**, to the court in which it is impaneled, charging that a person therein named has done some act, or
24 been guilty of some omission, which by law is a public offense, punishable on indictment.....*Black's law*
25 *5th P695.* Another question for this court to resolve is whether the "traffic" ticket qualifies as an
26 Indictment.

28 **Rule 23. Jury or Nonjury Trial**

29 (a) **JURY TRIAL.** If the defendant is entitled to a jury trial, the trial **must be by jury** unless:

30 (1) the defendant waives a jury trial in writing; [*which never happened in the instant case*]

31 (2) the government consents; and

32 (3) the court approves.

33 (c) **NONJURY TRIAL.** In a case tried without a jury, the court must find the defendant guilty or not guilty.

34 If a party requests before the finding of guilty or not guilty, the court must state its specific findings of



fact in open court or in a written decision or opinion. *(This rule was chosen by the court, without written consent or waiver of jury trial from the alleged defendant, and therefore is in violation of the following constitutional provision. Unless of course the judge can prove an impeachment case),*

The Constitution of the United States, Article III. Section 2, Paragraph 3, provides:

The Trial of all Crimes, except in Cases of Impeachment, shall [MANDATORY] be by Jury;

Amendment VI provides:

In all criminal prosecutions, the accused shall enjoy the right to a speedy and public trial, **by an impartial jury of the State and district** wherein the crime shall have been committed, *(but the question of impartiality in the instant case is now also left to this court to decide).....*

"The Supreme Court has defined the right to a jury trial in criminal prosecutions and has mandated a standard applicable **in all jurisdictions** in the country save one: The military justice system. The "secret" **jurisdiction of the municipal court.**

THE QUESTION OF STANDING

"Governments are established to protect and maintain *individual rights*. *And without standing there can be no jurisdiction*

"Standing is perhaps the most important of [the jurisdictional] doctrines.... Standing represents a jurisdictional requirement *which remains open to review at all stages of the litigation...*" NOW, Inc., v Scheidler, 510 US 249.

"Without standing there is no actual or justiciable controversy, and courts will not entertain such cases". Clifford S. v. Superior Court, 45 Cal. Rptr. 2d. 333, 335.

"Standing is a necessary component of subject matter jurisdiction" Rames v. Bryd, 521 US 811

"The requirement of standing, however, has a core component derived directly from the Constitution. A plaintiff must allege personal injury fairly traceable to the defendant's allegedly unlawful conduct and likely to be redressed by the requested relief." Allen v. Wright, 468 U.S 737, 751 (1984).



1 **The requirement of standing.** A plaintiff must allege personal injury fairly traceable to the defendant's
2 allegedly unlawful conduct and likely to be redressed by the requested relief. 454 U.S. at 454 U. S. 472.
3 The injury alleged must be, for example, "*distinct and palpable*," Gladstone, Realtors v. Village of
4 Bellwood, 441 U. S. 91, 441 U. S. 100 (1979) (quoting Warth v. Seldin, at 422 U. S. 501), and not
5 "abstract" or "conjectural" or "hypothetical," Los Angeles v. Lyons, 461 U.S. 95, 461 U. S. 101-102
6 (1983); O'Shea v. Littleton, 414 U. S. 488, 414 U. S. 494 (1974). The injury must be "fairly" traceable to
7 the challenged action, and relief from the injury must be "likely" to follow from a favorable decision. See
8 Simon v. Eastern Kentucky Welfare Rights Org., 426 U.S. at 426 U. S. 38, 426 U. S. 41.

9
10 The alleged complaint in the instant case should have been dismissed under rule 12(b) (6). But obviously
11 that would require an unbiased judge.

12 The Court below erred in entertaining a matter without first testing the standing of the plaintiff, since
13 there was never a complaint of violation of private rights, Corpus delicti, or even an injured party, without
14 any of these, no jurisdiction could ever be had, therefore the entire matter is **void and null**.

15
16 To make things even worst in this case been a **criminal action**, the Supreme court mandates that the
17 defendant must be Mirandized before any questioning begins, however we find ourselves in this appeal of
18 a criminal matter where the Miranda warnings have never even been considered. Yet another violation.

20 QUESTION OF JURISDICTION

21
22 Although Rule 2 of the federal rules of civil procedure establishes that there is only one form of action, and
23 that that is the **civil action**, it was already established by the cases immediately above, that the traffic court
24 proceeded without jurisdiction, and that in order to have any jurisdiction; Standing is to be first proven.

25
26 For purposes of securing the appeal of an adverse order, I will further reinforce that fact as follows:

27
28 "Governments are established to protect and maintain **individual rights**. And for that, the Courts are vested
29 with two types of criminal Jurisdiction under the US Constitution, although, three types of jurisdictions
30 are mentioned therein as areas of jurisdiction in which the courts may operate:

31
32 *It is the duty of the court to recognize the substance of things and not the mere form. "The courts are not*
33 *bound by mere form, nor are they to be misled by mere pretenses. They are at liberty -- indeed they are*
34 *under a solemn duty -- to look at the substance of things, whenever they enter upon the inquiry whether*



1 the legislature has transcended the limits of its authority. If, therefore, a statute purported to have been
2 enacted to protect ... the public safety, has no real or substantial relation to those objects or is a palpable
3 invasion of Rights secured by the fundamental law, it is the duty of the courts to so adjudge, and thereby
4 give effect to the Constitution." Mulger vs. Kansas, 123 US 623, 661I

5
6 in Black's law 5th; one finds the following:

7 **Civil action.** Action brought to enforce, redress, or protect *private rights*. In general, all types of actions
8 other than criminal proceedings. So, reasoning, from the paragraph above, any intelligent being can
9 logically conclude that **rule 2** clearly negates the existence of any criminal action.

10 In this case, the plaintiff must allege personal injury.

12 Three areas of jurisdiction

14 Since the question of jurisdiction was never resolved by the court as requisite to have the power to
15 adjudicate, I contend that it was a **secret jurisdiction**. -Here is why; for this court to resolve it.

- 16 1. **Criminal Jurisdiction under Common law.** Which requires that either a corpus delicti be
17 proven or that the injured party/plaintiff be present in the court room and injuries be proven.
18 (*Perhaps during this appeal, the question of injured party can be resolved and the case can be*
19 *moved to the appropriate court*)
- 20 2. **Criminal Jurisdiction under Article 1 Sec 8, clause 17**, also know as Admiralty/ military
21 jurisdiction under the condition of a maritime/ international contract. (*or may be easier for the*
22 *lower court to prove that the alleged defendant was named on a contract of international*
23 *proportions and can also explain how is the defendant supposed to perform under it, unless the*
24 *judge wants to alleged once again for the whole world to know that a **Driver's license** in this case*
25 *is such a contract*) **Note to the court:** neither the decedent defendant nor me as it's attorney in
26 fact have been issued such thing as "**driver's license**", only an "**auto drivers license**". *This*
27 *court must now also decide whether driver's license and auto drivers license are the same thing.*
28 Also, the question of whether one can **operate** a **motor vehicle** when in the possession of an
29 **auto drivers license**, and if automobile and motor vehicle are the same thing then, why does the
30 Congress bother on giving those words/ terms different meanings.
31 "*There being no such license as a 'driver's' license known to the law, it follows that the*
32 *information, in charging the driving of a motor vehicle upon a public highway without such a*
33 *license, charges no offense.*" See also Holloway v. State, Tex.Cr.App., 237 S.W.2d 303.



This Court has held that there is no such license known to Texas law as a "driver's license". See Hassell v. State, 149 Tex. Cr.R. 333, 194S.W.2d400; Brooks v. State, 158 Tex.Cr.R. 546, 258 S.W.2d 317.

3. **Equitable Jurisdiction** is an authority that is based on the nature of a matter and it will be dealt with an equitable deliberation *and not one of laws*. (The law Dictionary) and which by their nature can only be in the category of *civil actions* since they compel the performance of **contracts** (*emphasis mine*). So once again, unless the lower court can show that the alleged defendant has any contract obligations to perform, no jurisdiction of equitable nature can be had.

Personal Jurisdiction

Personal jurisdiction is the power of a court over the parties in the case. Before a court can exercise power over a party, the constitution requires that the party have certain minimum contacts with the forum in which the court sits. International Shoe v Washington, 326 US 310 (1945). Personal jurisdiction is generally waivable, so if a party appears in a court without objecting to the court's lack of jurisdiction over it, that objection is forfeited. See Federal Rule of Civil Procedure 12(a)(4). (*I have been challenging both personal and subject matter jurisdictions from the outset of the matter, even before going into the court*)

Service of a traffic ticket imposes no compulsion on him, and no penalty attached for failure to heed it... Purpose of traffic ticket is to secure the motorist's voluntary appearance. Colville v. Bennett, 293 NYS 2d 685.

*** As a side note to this Court. In the transcript of hearing page/section 13, lines 19 to 22, the prosecution alleges or claims to have jurisdiction over the case by some State's statutes not specified at all, however since this is allegedly a criminal case, and there are not such thing as "**Criminal Jurisdiction under State's statutes**" mentioned in the united states constitution, nor there are such things as **Rules of criminal procedure under State's statutes** published anywhere, nor there is any information as to **nature and cause of such statutory criminal jurisdiction**. It is therefore; Once again concluded that the court below didn't have any jurisdiction and that the judgment rendered it is not only voidable but void.





Synopsis of the rule of law.

On a pure question of statutory construction, **the court's first job** is to try to determine **congressional intent**, using the traditional tool of statutory construction.

Therefore:

This court is now presented with the following statute/s in order to exercise it's duty to determine congressional intent therein,

39:3-1. Certain vehicles excepted from chapter

Automobile fire engines **and such self-propelling vehicles** as are used **neither for** the conveyance of persons **for hire**, pleasure or business, **nor for the transportation of freights**, such as steam road rollers and traction engines **are excepted from the provisions of this chapter.**

"...[T]he exemptions provided for in section 1 of the Motor Vehicle Transportation License Act of 1925 (Stats. 1925, p.833) in favor of those who solely transport their own property or employees, or both, and of those who transport no persons or property for hire or compensation, by motor vehicle, have been determined in the Bacon Service Corporation case to be lawful exemptions."

In re Schmolke (1926) 199 Cal. 42, 46.

"It is obvious that those who **operate motor vehicles** for the transportation of persons or property **for hire** enjoy **a different and more extensive use of the public highways.** * * * Such **extraordinary use** constitutes a natural distinction and a full justification **for their separate classification** and **for relieving from the burden of the license tax those who merely employ the public highways for the transportation of their own property or employees.**" --Bacon Service Corporation v. Huss, 129 Cal. 21, 248 P. 235, 238." (State v. Karel, 180 So. 3 at 8.)

TRAFFIC. *Commerce; trade; sale or exchange of merchandise, bills, money, and the like. The passing of goods or commodities from one person to another for an equivalent in goods or money.* Senior v. Ratterman, 44 Ohio St. 673, 11 N.E. 321; Fine v. Moran, 74 Fla. 417, 77 So. 533, 538; Bruno v. U. S., C.C.A.Mass., 289 F. 649, 655; Kroger Grocery and Baking Co. v. Schwer, 36 Ohio App.512, 173 N.E. 633. *The subjects of transportation on a route, as persons or goods; the passing to and fro of persons, animals, vehicles, or vessels, along a route of transportation, as along a street, canal, etc.* United States v. Golden Gate Bridge and Highway Dist. of California, D.C.Cal., 37 F. Supp. 505, 512.



1 Can this court now, in harmony with the code of judicial conduct **canon 1, rule 1.2; canon 2, rule 2.2**
2 **and 2.3**, decide whether the alleged defendant was exercising a separate classification of privilege?
3 Can this court, in Judicial fairness and impartiality decide whether the lower court has/d proven the
4 element of **"traffic"** as marked on the ticket, and alleged by the judge in the lower court as to been the
5 alleged **"Summons, complaint, and affidavit?"**

6
7 **TRAFFIC REGULATIONS.** *Prescribed rules of conduct to promote the orderly and safe flow of*
8 *traffic.* Dembicer v. Pawtucket Cabinet & Builders Finish Co., 58 R.I. 451, 193 A. 622, 625.

9
10 **39:3-10.9. Short title**

11 This act shall be known and may be cited as the "New Jersey Commercial Driver License Act."
12 *And this is the statute that requires every body using their private conveyances to obtain a commercial*
13 *driver's license, even if it does not clearly states so on the license it self.. See also exhibit 5 for even*
14 *more proofs that everything having to do with registration of conveyances is commercial.* Furthermore,
15 *see exhibit 13 for final proof that regardless of how its called, all driver's licenses are commercial, in this*
16 *document you will find how cleverly the non-existing commission reinstated the driver's license of one of*
17 *my friends and therein it can be found the following:*

18 **PRIVILEGE**

19 **BASIC DRIVING PRIVILEGE**

20 **COMMERCIAL DRIVING PRIVILEGE.** Even though this guy has never been issued any commercial
21 driver's license.

22
23 **39:3-10.10. Purpose**

24 The purpose of this act is to reduce or prevent commercial motor vehicle accidents, fatalities, and
25 injuries by strengthening licensing and testing standards for drivers of commercial motor vehicles,
26 and by disqualifying those drivers who have committed certain serious traffic violations or other specified
27 offenses. This act is also designed to substantially conform the laws of this State to the requirements
28 and standards established under the federal "Commercial Motor Vehicle Safety Act of 1986," Pub. L.
29 99-570 (49 U.S.C. s. 2701 et seq.) and the regulations promulgated pursuant to that federal law. This act
30 is a remedial law and shall be liberally construed to promote the public health, safety, and welfare.
31 *(doesn't this sound more like and admission/confession of the commercial nature of licensing?*
32

33 **39:3-10.11 Definitions relative to commercial driver licenses.**



For purposes of this act, a term shall have the meaning set forth in R.S.39:1-1 unless another meaning for the term is set forth in this act, or unless another meaning is clearly apparent from the language or context of this act, or unless the meaning for the term set forth in R.S.39:1-1 is inconsistent with the manifest intent of the Legislature in this act.

For purposes of this act:

"Alcohol concentration" means:

- a. The number of grams of alcohol per 100 milliliters of blood; or
- b. The number of grams of alcohol per 210 liters of breath.

"Driver license" means a license issued by this State or any other jurisdiction to a person authorizing the person to operate a **motor vehicle**.

"Motor vehicle" includes all vehicles propelled otherwise than by muscular power, except such vehicles as run only upon rails or tracks. The term "motor vehicle" includes motorized bicycles.

After reading the definitions immediately above in conjunction with the New Jersey Constitution **ARTICLE IV Section VII** anyone can intelligently deduct that driver's license, registrations, and Motor vehicles can't get any less commercial than what they already are, **can they?**

"It is a cardinal principle of statutory construction that statutes relating to the same or similar subject matter- statutes in pari materia- are to be construed together. Sutherland, Statutory Construction (3rd ed.1943), 5201. " Palmer v. Kingsley, 27 N.J. 425,429 (1958).

"...[I]t is fundamental that statutes cannot be considered in a vacuum. They must be understood in their relation and interaction with other laws which relate to the same subject or thing; they must be construed together with these related sections in order to learn and give effect to the true meaning, intent and purpose of the legislation as a whole." Appeal of New York State Realty & Terminal Co., 21 N.J. 90, 98 (1956).

The following questions are yet to be answered

- Did the lower court have Subject matter jurisdiction in a criminal case that is not criminal at all?;



1 *Infractions are not crimes...upon the rationale the Legislature did not intend to classify*
2 *infractions as crimes. People v. Sava* (1987) 190 Cal. App. 3d 935, 235 Cal. Rptr. 694 [No.
3 D005040, Court of Appeals District, Division One. March 27, 1987.]

- 4 • How can there be a common law crime when by NJ Title 2C:1-5. such crimes were abolished?
- 5 • How can this matter be a criminal action for a violation of a motor vehicle and traffic regulation
6 when NJ Code of Criminal Justice Title 2C sec 2C:52-28 Motor vehicle offenses; Reads in
7 part: Nothing contained in this chapter SHALL apply to arrests or convictions for motor
8 vehicles offenses contained in Title 39 (this court is now Judicially notified of the requirement of
9 culpability as per Sec 2C:2-2)

- 10
11 • How can one be charged with an offense of not registering a vehicle with the New Jersey
12 division of motor vehicles (see transcript of hearing sec/page 10, lines8-13) when such division
13 has been abolished by Title 39 sec 39:2A-4(b) [Therefore, the statute in question is ambiguous].

14
15 *"a vanpool vehicle is not a commercial vehicle" and "a vehicle not used for commercial activity is*
16 *a "consumer goods", ...it is NOT a type of vehicle required to be registered and "use tax" paid of*
17 *which the tab is evidence of receipt of the tax."* Bank of Boston vs. Jones, 4 UCC Rep. Serv.
18 1021, 236 A2d 484, UCC PP 9-109.14.

19 *"The Motor Vehicle Act classifies drivers of automobiles into two classes, one professional*
20 *chauffeurs, and requiring them to obtain a license, and pay an annual license fee of \$2.00, the*
21 *other embracing all others, who are not required to secure a license or pay license fee, is sound*
22 *classification, and not arbitrary, so as to constitute special legislation."* Ex Parte Stork, 167 Cal
23 294. The Supreme Court of California Feb 24, 1914 - footnote inparamateria. Further confirmed
24 in Beamon v. DMV (1960), 180. App.2d 200,4 Cal. Rptr 396.

25
26 *"The activity licensed by state DMVs and in connection with which individuals must submit*
27 *personal information to the DMV - the operation of motor vehicles - is itself integrally related to*
28 *interstate commerce"*. Seth Waxman, Solicitor General U.S. Department of Justice BRIEF
29 FOR THE PETITIONERS Reno v. Condon, No. 98-1464, decided January 12, 2000 Supreme
30 Court of the United States

31
32 And looking into the requirements of yearly registration of motor vehicles, the findings make such
33 registration even more commercial than it already is, for example:



Title 39 - Motor Vehicles And Traffic Regulations**▼ Section - 39:3****39:3-19. - Annual Registration Fees**

39:3-19. For each vehicle used as an omnibus for the transportation of passengers for hire the applicant for the registration thereof shall pay an annual fee as follows:

\$30.00 for each vehicle having a seating capacity of 18 passengers or less;

\$48.00 for each vehicle having a seating capacity of not less than 19 nor more than 30 passengers;

\$48.00 for vehicles having a seating capacity of more than 30 passengers and an additional fee of \$3.00 for each passenger measured by the seating capacity in excess of 30 passengers.

Whenever the number of regular route passengers carried by an applicant in the previous calendar year represents 75% or more of the combined number of passengers carried on regular route, casino, special and charter bus operations during that year, then such applicant shall pay \$10.00 per annum for the registration of each vehicle used as an omnibus for the transportation of passengers for hire in lieu of the annual fees hereinbefore prescribed. In addition, any applicant who is operating regular route bus service under a contract with the New Jersey Transit Corporation pursuant to P.L. 1979, c. 150 (C. 27:25-1 et seq.), shall pay \$10.00 per annum for the registration of each vehicle used as an omnibus for the transportation of passengers for hire in lieu of the annual fees hereinbefore prescribed and without regard to the aforementioned 75% requirement.

Applicants seeking to register a vehicle for the reduced fee shall first obtain a letter from the Department of Transportation certifying that the number of regular route passengers carried by the applicant in the previous calendar year represents 75% or more of the combined number of passengers carried on regular route, casino, special and charter bus operations during that year, or in the case of applicants operating under contract with the New Jersey Transit Corporation pursuant to P.L. 1979, c. 150 (C. 27:25-1 et seq.) shall obtain a letter from the corporation certifying that they are under such a contract. Applicants shall present the appropriate letters of certification with their applications for omnibus registration to the Director of the Division of Motor Vehicles..... ;

Every applicant for omnibus registration shall make application, setting forth the fact that he is in the business of transporting passengers for hire; and the director, if satisfied of the correctness of the statements made in such application, may issue a registration certificate for omnibus license.

"Where a private statute exists of which the intent is regulation of commercial common carriers, the particular agency enforcing that private statute, shall not apply it by trickery and deceit, to persons who are not noticed by the statute as persons regulated and taxed, nor should it permit any party to do so in



1 violation of a person's right to stay out of compelled license/contract, when he is not a person subject to
2 the statute, unless clearly within its words." State v. Ebershart, 179 P 853, 246 P 2d 1011.

4 "Economic necessity cannot justify a disregard of Constitutional guarantee." Riley vs. Carter, 79 ALR
5 1018; 16 Am. Jur. (2nd), Const. Law, Sect. 81.

7 "Constitutional Rights cannot be denied simply because of hostility to their assertions and exercise;
8 vindication of conceded Constitutional Rights cannot be made dependent upon any theory that it is less
9 expensive to deny them than to afford them." Watson vs. Memphis, 375 U.S. 526.

12 Conclusions

- 13 • "Under Rule 12(b)(1), Fed. R. Civ. P, plaintiff has failed to establish jurisdiction by a
14 preponderance of the evidence.". The case shall have been dismissed at the first request.
- 16 • Under Rule 19(b) Fed. R. C. The prosecution failed to name all indispensable parties.
- 18 • Contrary to the prosecution's statements in transcript of hearing page/section 13, lines 19-21,
19 there is not such thing as Criminal jurisdiction under the statutes of any State created or
20 authorized by the Constitution for the United States of America, and no such rules of procedure
21 published anywhere, hence; the lower court lacked jurisdiction.
- 23 • The nature of the licensing of drivers of motor vehicles as defined by both federal and State
24 statutes is commercial.
- 26 • The nature of the registration of motor vehicles as defined by both, Federal and State's statutes is
27 commercial.
- 29 • The nature of the box titled **traffic** in the traffic tickets further confirms the commercial nature of
30 the traffic stop.

31 Traffic "The word "**traffic**" is manifestly used here in secondary sense, and has reference to the **business**
32 **of transportation** rather than to its primary meaning of interchange of commodities." Allen vs. City of
33 Bellingham,



1 **TRAFFIC.** Commerce; trade; dealings in merchandise, bills, money, and the like. See In re Insurance Co.
2 (D. C.) 96 Fed. 757; Levine v. State, 35 Tex. Cr. R. 647, 34 S. W. 969; People v. Hamilton, 17 Misc. Rep.
3 11, 39 N. Y. Supp. 531; Merriam v. Langdon, 10 Conn. 471.

4
5 **TRAFFIC. Commerce;** trade; sale or exchange of merchandise, bills, money, and the like.....
6 The subjects of **transportation** on a route, as persons or goods..... (Black's law 5th P 1340)

7
8 **Transportation.** The movement of **goods or persons** from one place to another **by a carrier**. (Black's
9 law 8th P 1537) Railroad Co. v. Pratt, 22 Wall. 133, 22 L.Ed. 827; Interstate Commerce Com'n v.
10 Brimson, 14 S.Ct.1125, 154 U.S. 447, 38 L.Ed. 1047; Gloucester Ferry Co. v. Pennsylvania, 5 S.Ct. 826.
11 114 U.S. 196, 29L.Ed. 158.

- 12
- 13 • The statute in question, in itself, is not said to be unconstitutional, however the fashion in which
14 these lower courts are training the law enforcement officers to turn them into revenue generating
15 agents for the municipalities while going beyond allowed parameters is in it's nature
16 **unconstitutional** because it abuses whatever power they may be vested with by unlawfully
17 converting natural rights into privileges.
 - 18
 - 19 • As it applies in the instant case, the language of the Fifth Amendment is clear:
20 And no person shall be deprived of Life, Liberty, or **Property** without due process of law, and the
21 alleged defendant's fifth Amendment rights were clearly violated under color of law.
 - 22
 - 23 • The people of the several/50 states not engaged in commercial driving as defined by congress are
24 lawful exceptions from the requirements of the licensing and registration of personal
25 conveyances.
 - 26
 - 27 • The officer who issued the traffic ticket in this particular matter is not qualified to do so since he
28 does not know the difference between vehicle and motor vehicle and as he stated on the record,
29 he only reads those parts of the statutes that he is instructed of reading. That is called
30 manipulation, and obviously the officer does not have the intelligence and and abilities to do
31 research on his own, make sound reasoning or even the scant knowledge of the United States'
32 Constitution. This is why we live in a **police state** misnamed as **Democracy**.
 - 33



- NJ Statute Title 39 is **Motor vehicles and traffic regulations**. As per NJ constitution art IV sec VII clause 4, **traffic**; incidentally involves **Transportation** and transportation incidentally involves **commercial vehicles only** not private conveyances.
- Contrary to what the prosecution stated in the transcript of trial, page/section 22, lines 21-24, The Title 39 code **does** have an element of transportation in it; beginning with the title "**motor vehicles and Traffic regulations**" see exhibit 6, page 5, and NJ constitution art IV sec VII clause 4 supra,

Traffic:

TRANSPORTATION. *The removal of goods or persons from one place to another, by a carrier.*

Railroad Co. v. Pratt, 22 Wall. 133, 22 L. Ed. 827; Interstate Commerce Com'n v. Brimson, 154 U. S. 447, 14 Sup. Ct 1125, 38 L. Ed. 1047; Gloucester Ferry Co. v. Pennsylvania, 114 U. S. 196, 5 Sup. Ct. 826, 29 L. Ed. 158.

And:

Title 2C - THE NEW JERSEY CODE OF CRIMINAL JUSTICE

Section 2C:33-14 - *Interference with transportation.*

2C:33-14 *Interference with transportation.*

a. *Interference with Transportation.* A person is guilty of interference with transportation if the person purposely or knowingly:

(1) casts, shoots or throws anything at, against or into any vehicle, including, but not limited to, a bus, light rail vehicle, railroad locomotive, railroad car, jitney, trolley car, subway car, ferry, airplane, or other facility of transportation; or

(2) casts, shoots, throws or otherwise places any stick, stone, object or other substance upon any street railway track, trolley track or railroad track; or

(3) endangers or obstructs the safe operation of motor vehicles by casting, shooting, throwing or otherwise placing any stick, stone, object or other substance upon any highway or roadway; or

(4) unlawfully climbs into or upon any light rail vehicle, railroad locomotive or railroad car, either in motion or standing on the track of any railroad company in this State; or

(5) unlawfully disrupts, delays or prevents the operation of any vehicle, including, but not limited to, a bus, light rail vehicle, railroad locomotive, train, bus, jitney, trolley, subway, airplane or any other facility of transportation.

(6) endangers or obstructs the safe operation of motor vehicles by using a traffic control preemption device to interfere with or impair the operation of a traffic control signal as defined in R.S.39:1-1; or

(7) shines, points or focuses a laser lighting device beam, directly or indirectly, upon a person operating



1 *any vehicle, including, but not limited to, a bus, light rail vehicle, railroad locomotive, railroad car,*
2 *jitney, trolley car, subway car, ferry, airplane, or other facility of transportation.*
3 *(emphasis mine)*

- 4
- 5 • Contrary to the silly assertions by the judge in the lower court in transcript of hearing, page/sec 17,
6 lines 1-4; that my 1997 four doors buick is a motor vehicle. It is not, period. *"It is a jury question*
7 *whether ... an automobile ... is a motor vehicle [.] "*United States v Johnson, 718 F.2d 1317, 1324
8 (5th Cir. 1983).

- 9 • The Judge does not have the authority to change the meaning o a word that congress has already
10 defined. There is a clear distinction between an automobile and a motor vehicle. An automobile
11 has been defined as:

12 *"The word "automobile" connotes a **pleasure vehicle** designed for the transportation of persons on*
13 *highways. "*American Mutual Liability Ins. Co., vs. Chaput, 60 A.2d 118, 120; 95 NH 200

15 **39:4-95. "Vehicle" defined**

16 As used in this article, the word "vehicle" includes street cars.

17 **Street car.** A vehicle on rails used primarily for **transporting** passengers and typically operating on city
18 streets. (Merriam-Webster's Learner's Dictionary)

20 While the distinction is made clear between the two as the courts have stated:

21 *"A motor vehicle or automobile for hire is a motor vehicle, other than an automobile stage, used for the*
22 *transportation of persons for which remuneration is received. "*International Motor Transit Co. vs.
23 Seattle, 251 P. 120

25 *The term "motor vehicle" is different and broader than the word "automobile."* City of Dayton vs.
26 DeBrosse, 23 NE.2d 647, 650; 62 Ohio App. 232

28 The distinction is made very clear in Title 18 USC 31:

29 **"Motor vehicle"** means every description or other contrivance propelled or drawn by mechanical power
30 **and used for commercial purposes** on the highways in the transportation of passengers, or passengers
31 and property.

32 "Used for commercial purposes" means the carriage of persons or property for any fare, fee, rate, charge
33 or other considerations, or directly or indirectly in connection with any business, or other undertaking
34 intended for profit.



- 1 • Having failed to prove all the elements of the accusation plus jurisdiction; both in personam and
2 subject matter, in addition to the failure to prove standing and failing to provide an injured party,
3 this whole scheme qualifies as a **sham plea**, and should have never gotten this far. "A fact which
4 constitutes an essential element of a cause of action cannot be left to inference." Roberts v.
5 Roberts, 81 C.A.2d 871, 185 P.2d 381
6
- 7 • "No statutory duty lies to apply for, or to possess a driver license for personal travel and
8 transportation as defendant is not within the class of persons for whose benefit or protection the
9 statute was enacted." Routh v. Quinn, 20 Cal 2d 488.
10
- 11 • There is not such provision as **unregistered vehicle** in the entirety of the NJ code of criminal
12 Justice Title 2C.
13

14 **Section 2C:52-28 - Motor vehicle offenses**

15 *Nothing contained in this chapter shall apply to arrests or conviction for motor vehicle offenses contained*
16 *in Title 39.*
17

- 18 • The Jackson municipality is abusing the **police powers of the state** by using the **police officers**
19 **as revenue generating agents** by means of wilful misapplication and misrepresentations of the
20 laws.
- 21 • The city attorneys are abusing their powers by labeling those law abiding Citizens who
22 demonstrate sound knowledge of the laws, and who they can not lawfully by legal means defeat,
23 as members of terrorist organizations/groups as in the instant matter. This needs to be addressed.
24
- 25 • Having denied me knowledge of jurisdiction and equal protection such is a violation by the lower
26 court of 42 USC 1983, and/or 18 USC 241 and 242,
27
- 28 • The prosecution/Plaintiff lacked Article III Standing, therefore the court also lacked jurisdiction.
29
- 30 • The alleged process of service in the instant matter was/is defective not within the realm of the
31 law, and not according to stablished rules.
32



- The impounding of my conveyance was done by misrepresentation, and misapplication of the laws since the authority to impound **not private conveyances but "motor vehicles"** is as follows: and is not found in Title 39.

Title 2C - THE NEW JERSEY CODE OF CRIMINAL JUSTICE

Section 2C:43-2.4 - Authority to impound motor vehicles.

2C:43-2.4 Authority to impound motor vehicles.

1. a. Any law enforcement agency is authorized to impound:

(1) a motor vehicle in which a violation of subsection a., d., or f. of N.J.S.2C:39-5 (namely unlawful possession of weapons. (emphasis mine)) was committed;

(2) a motor vehicle in which possession of a handgun, rifle, or shotgun for an unlawful purpose in violation of N.J.S.2C:39-4 was committed;

(3) a motor vehicle in which a violation of subsection b. or c. of N.J.S.2C:39-5 was committed in addition to the motor vehicle being used to commit a separate crime of the first, second, third or fourth degree under Title 2C of the New Jersey Statutes;

(4) a motor vehicle which was used in the commission of any offense under subsection b. of N.J.S.2C:34-1 (namely PROSTITUTION AND RELATED OFFENSES(emphasis mine)); and

(5) a motor vehicle which was used in the commission of an offense under subsection a. of N.J.S.2C:35-10 (namely POSSESSION, USE OR BEING UNDER THE INFLUENCE OR FAILURE TO MAKE LAWFUL DISPOSITION (emphasis mine)) or subsection a. of N.J.S.2C:35-5.

b. A law enforcement agency impounding a vehicle pursuant to this section is authorized to charge a reasonable administrative fee in addition to the fees charged for the towing and storage of the impounded vehicle. The law enforcement agency is further authorized to retain custody of the vehicle until the fees are paid. All administrative fees and towing and storage fees shall be imposed on the registered owner of the motor vehicle. The registered owner shall be entitled to a hearing, upon request.

- The impounding of my conveyance in the instant matter was/is unconstitutional and a violation of constitutionally protected rights. As the only damaged party in the case I have a valid reason to sue the municipality and to enforce the contract implied in fact which the entire prosecution is under obligation to perform. I suggest the prosecution to get back to that document tendered to the police officer and to the judge and read the terms that were accepted therein. **This is my firm intention to prosecute/enforce such contract.** "To say that one may not defend his own property is usurpation of power by legislature." O'Connell v. Judnich (1925), 71 C.A.386, 235 P. 664.



- 1 • Contrary to what the judge in the lower court said, Service of a traffic ticket on a motorist **does**
2 **not give the court jurisdiction over his person...** Service of a traffic ticket imposes no
3 compulsion on him, and no penalty attached for failure to heed it... Purpose of traffic ticket is to
4 secure the motorist's voluntary appearance. Colville v. Bennett, 293 NYS 2d 685.
5
- 6 • Finally, we come to the issue of "public policy. "It could be argued that the "licensing scheme" of
7 all persons is a matter of "public policy. "However, if this argument is used, it too must fail, as:
8 "No public policy of a state can be allowed to override the positive guarantees of the U.S.
9 Constitution." 16 Am. Jur. (2nd), Const. Law, Sect. 70.
10
- 11 • "It is the duty of the courts to be watchful for the Constitutional rights of the citizen and against any
12 stealthy encroachments thereon." Boyd vs. United States, 116 US 616
13
- 14 • The history of this *invasion* of the Citizen's Right to use the public highways shows clearly that
15 the legislature simply found a heretofore untapped source of revenue, got greedy, and attempted
16 to enforce a statute in an unconstitutional manner upon those free and natural individuals who
17 have a Right to travel upon the highways. This was not attempted in an outright action, but in a
18 slow, meticulous, calculated encroachment upon the Citizen's Right to travel.
19 This position must be accepted unless the prosecution can show his authority for the position that
20 the "*use of the road in the ordinary course of life and business*" is a privilege.
21
- 22 • Therefore, the Court's decision in the instant case must be made without the issue of cost to the
23 state being taken into consideration, as that issue is irrelevant. The state cannot lose money that it
24 never had a right to demand from the "Sovereign People."
25 Because
- 26 • "Economic necessity cannot justify a disregard of Constitutional guarantee." Riley vs. Carter, 79
27 ALR 1018; 16 Am. Jur. (2nd), Const. Law, Sect. 81
28
29
30
31
32
33



ADDITIONAL CASELAW

Supreme Court of New Jersey.

STATE of New Jersey, Plaintiff-Appellant, v. Jason SHELLEY, Defendant-Respondent.

Decided: March 9, 2011

When interpreting statutory language, the goal is to **divine and effectuate the Legislature's intent**.

DiProspero v. Penn, 183 N.J. 477, 492 (2005). In furtherance of that goal, we begin each such inquiry with the language of the statute, giving the terms used therein their ordinary and accepted meaning. *Ibid*.

When the Legislature's chosen words lead to one clear and unambiguous result, the interpretive process comes to a close, without the need to consider extrinsic aids. State v. D.A., 191 N.J. 158, 164 (2007) (citation omitted). We seek out extrinsic evidence, **such as legislative history, for assistance when statutory language yields "more than one plausible interpretation."** DiProspero, supra, 183 N.J. at 492-93.

When interpreting penal statutes, the doctrines of strict construction and lenity also provide guidance. D.A., supra, 191 N.J. at 164. The doctrine of lenity, a corollary to the doctrine of strict construction, dictates that when ambiguities "cannot be resolved by either the statute's text or extrinsic aids," **a criminal statute must be interpreted in favor of the defendant.** State v. Gelman, 195 N.J. 475, 482 (2008) (citations omitted).

In the construction of the laws and statutes of this state, **both civil and criminal, words and phrases shall be read and construed with their context**, and shall, **unless** inconsistent with the manifest intent of the legislature or unless another or different meaning is expressly indicated, be given their generally accepted meaning, according to the approved usage of the language.

This Court has acknowledged its obligation to adhere to that legislative mandate. Burnett v. County of Bergen, 198 N.J. 408, 421 (2009) ("At the outset of New Jersey's statutory code, the Legislature reminds us that a statute's 'words and phrases shall be read and construed within their context' and 'given their generally accepted meaning.' "(quoting N.J.S.A. 1:1-1)). Also, when interpreting provisions of the New Jersey Code of Criminal Justice, additional considerations apply. As Lewis, 185 N.J. at 369, explains, "[t]he Code of Criminal Justice specifically declares that 'when the language [of a provision] is susceptible of differing construction it shall be interpreted to further the general purposes stated in this section and the special purposes of the particular provision involved.'" (quoting N.J.S.A. 2C:1-2(c); citations omitted).



1 Every Citizen has an unalienable RIGHT to make use of the public highways of the state; every Citizen
2 has full freedom to travel from place to place in the enjoyment of life and liberty. See: People v. Nothaus,
3 147 Colo. 210.

4
5 "Citizen's right to travel upon public highways includes Right to use usual conveyances of time,
6 including horse-drawn carriage, or automobile, for ordinary purposes of life and business." Thompson v.
7 Smith (chief of police), 154 S.E. 579, 580.

8
9 "The streets of the cities of this country belong to the public. Primarily, every member of the public has a
10 natural right to the free use of such streets in the normal pursuit of his private or personal business or
11 pleasure. The right of the public at large to the free use of the streets is paramount to the natural right of
12 the individual. ... The power of the city in exercising such control is limited only by the Constitution and
13 general laws of the state, ... But neither the Legislature nor the city commissioners has the power to take
14 away or unreasonably abridge, the natural rights of the Citizen to the use of the streets in the manner and
15 for the purpose we have set forth above." City of San Antonio v. Fetzer, 241 SW 1034

16
17 "Even though government has legitimate and substantial purpose behind legislation, purpose cannot be
18 sought by means that broadly stifle fundamental personal liberties when less drastic means for achieving
19 same basic purpose are available... [There is a] right of "all Citizens" to be free to travel within and
20 between states uninhibited by statutes." See: U.S. C.A. Const. Art. 1, § 8" Johnson v. City of Opelousas,
21 658 F.2d 1065

22
23 "Constitutionally protected right to travel is basically the right to travel unrestricted by unreasonable
24 government interference or regulation." See: Tetalman v. Holiday Inn, 500 F.Supp. 217

25
26 "Right to travel and to freedom of movement, particularly within United States, are fundamental rights of
27 all Citizens of the United States." Gautier Torres v. Mathews, 426 F.Supp. 1106, reversed Califano v.
28 Gautier Torres, 98 S.Ct. 906, 435 U.S., 1, 55 L.Ed.2d 65

29 "Since the right to travel is a constitutionally protected right, any classification which serves to penalize
30 the exercise of that right, unless shown to be necessary to promote a compelling governmental interest, is
31 unconstitutional". See: Dunn v. Blumstein, 405 U.S. 330, 339, 92 S. Ct. 995 (1972)

32
33 "Where rights secured by the Constitution are involved, there can be NO LEGISLATION, OR RULE
34 MAKING which would abrogate them." See: Miranda v. Arizona, 384 US 436



1 "It is the duty of the courts to be watchful for the Constitutional Rights of the Citizen, and AGAINST
2 ANY STEALTHY ENCROACHMENT THEREON." See: Boyd v. US, 116 US 616 (1886).

3 "No State shall convert a liberty into a privilege, license it, and charge a fee therefore." See: Murdock v.
4 Pennsylvania, 319 US 105

5
6 "There can be no sanction or penalty imposed upon one because of this exercise of constitutional rights."
7 See: Sherer v. Cullen, 481 F 946

8
9 "If the State converts a right (liberty) into a privilege, the citizen can ignore the license and fee and
10 engage in the right (liberty) with impunity." See: Shuttlesworth v. City of Birmingham Alabama, 373 US
11 262

12 "The activity licensed by state DMVs and in connection with which individuals must submit personal
13 information to the DMV- the operation of motor vehicles- **is itself integrally related to interstate**
14 **commerce**". Seth Waxman, solicitor General U.S. Department of Justice BRIEF FOR PETITIONERS
15 Reno v. Condon, No. 98-1464, decided January 12, 2000 Supreme court of The United States

16
17 Undoubtedly the RIGHT of locomotion, the RIGHT to remove from one place to another according to
18 inclination, is an attribute of personal liberty, and the RIGHT, ordinarily, of free transit from or through
19 the territory of any state is a RIGHT secured by the Fourteenth Amendment and by other provisions of the
20 Constitution. See: Williams v. Fears, 343 U.S. 270, 274. (Emphasis added)

21
22 "The statutory requirement that licenses be procured for motor vehicles used upon the highways is based
23 on the servitude put on the highways by such use and the advantage which the improved highways may
24 afford the business in which the motor vehicle is employed." Patterson vs. Southern Ry. Co., 198 S.E.
25 364, 214 N.C. 38.

26
27 "The privilege of using the streets and highways by the operation thereon of motor carriers for hire can be
28 acquired only by permission or license from the state or its political subdivisions." Black's Law
29 Dictionary, 6th Ed., p.920.

30
31 "The right to travel on the public highways is a constitutional right." Teche Lines v. Danforth, Miss. 12
32 So 2d 784, 787.



"The right to travel is part of the 'liberty' that a citizen cannot be deprived without due process of law." Kent v. Dulles 357 U.S. 116; U.S. v. Laub 385 U.S. 475

"The use of the highways for the purpose of travel and transportation is not a mere privilege, but a common and fundamental Right of which the public and the individual cannot be rightfully deprived." Chicago Motor Coach vs. Chicago, 169 NE 22; Ligare vs. Chicago, 28 NE 934; Boon vs. Clark, 214 SSW 607; 25 Am.Jur. (1st) Highways Sect.163.

"Operation of a motor vehicle upon public streets and highways is not a mere privilege but is a right or liberty protected by the guarantees of Federal and State constitutions." Adams v. City of Pocatello 416 P2d 46.

"The right of a citizen to travel upon the public highways and to transport his property thereon, by horse-drawn carriage, wagon, or automobile is not a mere privilege which may be permitted or prohibited at will, but a common right which he has under his right to life, liberty, and the pursuit of happiness." Slusher v. Safety Coach Transit Co., 229 Ky 731, 17 S.W.2d 1012.

"The claim and exercise of a constitutional Right cannot be converted into a crime." Miller vs. U.S., 230 F. 486, 489.

"The right to travel is part of the 'liberty' of which a citizen cannot be deprived without due process of law under the Fifth Amendment." Kent v. Dulles, 357 U.S. 116 (1958).

"Where activities or enjoyment, natural and often necessary to the well being of an American citizen, such as travel, are involved, we will construe narrowly all delegated powers that curtail or dilute them ... to repeat, we deal here with a constitutional right of the citizen," Edwards v. California, 314 U.S. 160 (1941)

It is a principle of law that, once challenged, the person asserting jurisdiction must prove that jurisdiction exists as a matter of law. For judicial support of this principle, see in particular the following cases:

Griffin vs Matthews, 310 F.Supp. 341; 423 F.2d 272 McNutt vs. G.M., 56 S.Ct. 780; 80 L.Ed 1135
Basso vs. U.P.L., 495 F.2d 906 Thomson vs Gaskiel, 62 S.Ct. 673; 873 L.Ed 111

"For while a Citizen has the Right to travel upon the public highways and to transport his property thereon, that Right does not extend to the use of the highways, either in whole or in part, as a place for private gain. For the latter purpose, no person has a vested right to use the highways of the state, but is a



1 privilege or a license which the legislature may grant or withhold at its discretion." State vs. Johnson, 243
2 P. 1073; Cummins vs. Homes, 155 P. 171; Packard vs. Banton, 44 S.Ct. 256; Hadfield vs. Lundin, 98
3 Wash 516 Willis vs. Buck, 263 P. 1 982; Barney vs. Board of Railroad Commissioners, 17 P.2d 82

4
5 "The right to travel (called the right of free ingress to other states, and egress from them) is so
6 fundamental that it appears in the Articles of Confederation, which governed our society before the
7 Constitution." (Paul v. Virginia).

8
9 "The right to travel freely from State to State ... is a right broadly assertable against private interference as
10 well as governmental action. Like the right of association, it is a virtually unconditional personal right,
11 guaranteed by the Constitution to us all." (U.S. Supreme Court, Shapiro v. Thompson). 394 US 618, 22 L
12 Ed 2d 600, 89 S Ct 1322

13
14 "a citizen has the right to travel upon the public highways and to transport his property thereon..." State
15 vs. Johnson, 243 P. 1073; Cummins vs. Homes, 155 P. 171; Packard vs. Banton, 44 S.Ct. 256; Hadfield
16 vs. Lundin, 98 Wash 516, Willis vs. Buck, 263 P. 1 982; Barney vs. Board of Railroad Commissioners, 17
17 P.2d 82

18
19 There is a clear distinction between an automobile and a motor vehicle. An automobile has been defined
20 as: "The word 'automobile' connotes a pleasure vehicle designed for the transportation of persons on
21 highways." American Mutual Liability Ins. Co., vs. Chaput, 60 A.2d 118, 120; 95 NH 200.

22 While the distinction is made clear between the two as the courts have stated: "A motor vehicle or
23 automobile for hire is a motor vehicle, other than an automobile stage, used for the transportation of
24 persons for which remuneration is received." International Motor Transit Co. vs. Seattle, 251 P. 120

25
26 "First, it is well established law that the highways of the state are public property, and their primary and
27 preferred use is for private purposes, and that their use for purposes of gain is special and extraordinary
28 which, generally at least, the legislature may prohibit or condition as it sees fit." Stephenson vs. Rinford,
29 287 US 251; Pachard vs Banton, 264 US 140, and cases cited; Frost and F. Trucking Co. vs. Railroad
30 Commission, 271 US 592; Railroad commission vs. Inter-City Forwarding Co., 57 SW.2d 290; Parlett
31 Cooperative vs. Tidewater Lines, 164 A. 313

32
33 "[The roads] ... are constructed and maintained at public expense, and no person therefore, can insist that



1 he has, or may acquire, a vested right to their use in carrying on a commercial business." Ex Parte
2 Sterling, 53 SW.2d 294; Barney vs. Railroad Commissioners, 17 P.2d 82; Stephenson vs. Rinford, supra.

3
4 "When the public highways are made the place of business the state has a right to regulate their use in the
5 interest of safety and convenience of the public as well as the preservation of the highways. "Thompson
6 vs. Smith,

7
8 "We know of no inherent right in one to use the highways for commercial purposes. The highways are
9 primarily for the use of the public, and in the interest of the public, the state may prohibit or regulate ...
10 the use of the highways for gain." Robertson vs. Dept. of Public Works,

11
12 "The use to which an item is put, rather than its physical characteristics, determine whether it should be
13 classified as consumer goods" under UCC 9- 109(1) or equipment ' ' under UCC 9-109(2)." Grimes v
14 Massey Ferguson, Inc., 23 UCC Rep Serv 655; 355 So. 2d 338 (Ala., 1978).

15
16 "It is held that a tax upon common carriers by motor vehicles is based upon a reasonable classification,
17 and does not involve any unconstitutional discrimination, although it does not apply to private vehicles, or
18 those used by the owner in his own business, and not for hire." Desser v. Wichita, (1915)96 Kan. 820;
19 Iowa Motor Vehicle Asso. v. Railroad Comrs., 75 A.L.R. 22.

20
21 "Under UCC 9-109 there is a real distinction between goods purchased for personal use and those
22 purchased for business use. The two are mutually exclusive and the principal use to which the property is
23 put should be considered as determinative." James Talcott, Inc. v Gee, 5 UCC Rep Serv 1028; 266
24 Cal.App.2d 384, 72 Cal.Rptr. 168 (1968).

25
26 "The classification of goods in UCC 9-109 are mutually exclusive." McFadden v. Mercantile-Safe
27 Deposit & Trust Co., 8 UCC Rep Serv 766; 260 Md 601, 273 A. 2d 198 (1971).

28
29 "The classification of goods ' ' under [UCC] 9-109 is a question of fact." Morgan County Feeders, Inc. v
30 McCormick, 18 UCC Rep Serv 2d 632; 836 P. 2d 1051 (Colo. App., 1992).

31
32 "Thus self-driven vehicles are classified according to the use to which they are put rather than according
33 to the means by which they are propelled." Ex Parte Hoffert, 148 NW 20.



1 "Complete freedom of the highways is so old and well established a blessing that we have forgotten the
2 days of the Robber Barons and toll roads, and yet, under an act like this, arbitrarily administered, the
3 highways may be completely monopolized, if, through lack of interest, the people submit, then they may
4 look to see the most sacred of their liberties taken from them one by one, by more or less rapid
5 encroachment." Robertson vs. Department of Public Works 180 Wash 133, 147.

6
7
8 **State Has No Jurisdiction to Require Registration to Travel On the Highways**
9

10 "No State government entity has the power to allow or deny passage on the highways, byways, nor
11 waterways... transporting his vehicles and personal property for either recreation or business, but by being
12 subject only to local regulation i.e., safety, caution, traffic lights, speed limits, etc. *Travel is not a*
13 *privilege requiring, licensing, vehicle registration, or forced insurances.*" Chicago Coach Co. v. City of
14 Chicago, 337 111. 200, 169 N.E. 22.

15
16 "Even the legislature has no power to deny to a citizen the right to travel upon the highway and transport
17 his property in the ordinary course of his business or pleasure, though this right may be regulated in
18 accordance with public interest and convenience. Chicago Coach Co. v. City of Chicago, 337 111. 200,
19 169 N.E. 22, 206.

20
21 "In view of this rule a statutory provision that the supervising officials "may" exempt such persons when
22 the transportation is not on a commercial basis means that they "must" exempt them." State v. Johnson,
23 243 P. 1073; 60 C.J.S. section 94 page 581.

24
25 "It is now universally recognized that the state does possess such power [to impose such burdens and
26 limitations upon private carriers when using the public highways for the transaction of their business]
27 with respect to common carriers using the public highways for the transaction of their business in the
28 transportation of **persons or property for hire**. That rule is stated as follows by the supreme court of the
29 United States: 'A citizen may have, under the fourteenth amendment, the right to travel and transport his
30 property upon them (the public highways) by auto vehicle, but he has no right to make the highways his
31 place of business by using them as a common carrier for hire. Such use is a privilege which may be
32 granted or withheld by the state in its discretion, without violating either the due process clause or the
33 equal protection clause.' Buck v. Kuykendall, 267 U. S. 307 [38 A. L. R. 286, 69 L. Ed. 623, 45 Sup. Ct.
34 Rep. 324].)



No Registration, Licensing or Certificate of Title Required

"The court makes it clear that a license relates to qualifications to engage in profession, business, trade or calling; thus, when merely traveling without compensation or profit, outside of business enterprise or adventure with the corporate state, no license is required of the natural individual traveling for personal business, pleasure and transportation." Wingfield v. Fielder 2d Ca. 3d 213 (1972). *See exhibit 6*

"Highways are for the use of the traveling public, and all have the right to use them in a reasonable and proper manner; **the use thereof is an inalienable right of every citizen.**" Escobedo v. State 35 C2d 870 in 8 Cal Jur 3d p. 27

The use of the highway for the purpose of travel and transportation is not a mere privilege but a common and fundamental right of which the public and individuals cannot rightfully be deprived." Chicago Motor Coach v. Chicago, 337 111. 200, 169 NE 22, 66 ALR 834. Ligare v. Chicago, 139 111. 46, 28 NE 934. Boone v. Clark, 214 SW 607; 25 AM JUR (1st) Highways, Sec. 163.

"Traveling is passing from place to place — act of performing journey; and traveler is person who travels." In Re Archy (1858), 9 C. 47.

"A traveler has an **equal right** to employ an **automobile** as a means of transportation and to occupy the public highways with other vehicles in common use." Campbell v. Walker, 78 Atl. 601, 603, 2 Boyce (Del.) 41.

"Right of transit through each state, with every species of property known to constitution of United States, and recognized by that paramount law, is secured by that instrument to each citizen, and does not depend upon uncertain and changeable ground of mere comity." In Re Archy (1858), 9 C. 47.

"Persons faced with an unconstitutional licensing law which purports to require a license as a prerequisite to exercise of right... may ignore the law and engage with impunity in exercise of such right."

Shuttlesworth v. Birmingham 394 U.S. 147 (1969)

Licenses are for the conduct of a business, profession, occupation, the exercise of such when they are a privilege. licensing is in the nature of a SPECIAL PRIVILEGE entitling licensee to do some thing that he would not be entitled to do without a license. San Fransisco v Liverpool, 74 Cal 113



1 "Those who have the right to do something cannot be licensed for what they already have right to do as
2 such license would be meaningless." City of Chicago v Collins 51 NE 907, 910.

3
4 "A license means leave to do a thing which the licensor could prevent." Blatz Brewing Co. v. Collins,
5 160 P.2d 37, 39; 69 Cal. A. 2d 639.

6
7 "The object of a license is to confer a right or power, which does not exist without it." Payne v. Massey
8 (1946) 196 SW 2nd 493, 145 Tex 237.

9
10 **Public Policy or State Regulation Cannot Abrogate Right to Travel**

11
12 To rule in any other manner, without clear authority for an adverse ruling, will infringe upon fundamental
13 and basic concepts of Constitutional law. This position, that a Right cannot be regulated under any guise,
14 must be accepted without concern for the monetary loss of the state.

15 "Disobedience or evasion of a Constitutional Mandate cannot be tolerated, even though such disobedience
16 may, at least temporarily, promote in some respects the best interests of the public." Slote vs.
17 Examination, 112 ALR 660

18
19 "Constitutional Rights cannot be denied simply because of hostility to their assertions and exercise;
20 vindication of conceded Constitutional Rights cannot be made dependent upon any theory that it is less
21 expensive to deny them than to afford them." Watson vs. Memphis, 375 US 526

22
23 "We have repeatedly held that the legislature may regulate the use of the highways for carrying on
24 business for private gain and that such regulation is a valid exercise of the police power." Northern
25 Pacific R.R. Co., supra.

26
27
28 **Restriction of Police Power**

29 Private Corporate State / Municipality Policy Enforcement Officer a.k.a Police Officer Duties and
30 limitations of power "Nothing is gained in the argument by calling it "police power." Henderson v. City
31 of New York, 92 U.S. 259, 2771 (1875); Nebbia v. New York, 291 U.S. 501 (1934).

32
33 "An officer who acts in violation of the Constitution ceases to represent the government." Brookfield



1 Const. Co. v. Stewart, 284 F.Supp. 94.

2
3 Failure to obey the command of a police officer constitutes a traditional form of breach of the peace.
4 Obviously, however, one cannot be punished for failing to obey the command of an officer if that
5 command is itself violative of the constitution. Wright v. Georgia, 373 U.S. 284, 291-2.

6
7 Actions by state officers and employees, even if unauthorized or in excess of authority, can be actions
8 under "color of law." Stringer v. Dilger, 1963, Ca. 10 Colo., 313 F.2d 536.

9
10 "The police power of the state must be exercised in subordination to the provisions of the U.S.
11 Constitution." Bacahanan vs. Wanley, 245 US 6 0; Panhandle Eastern Pipeline Co. vs. State Highway
12 Commission, 2 94 US 613.

13
14 "With regard particularly to the U.S. Constitution, it is elementary that a Right secured or protected by
15 that document cannot be overthrown or impaired by any state police authority. " Donnolly vs. Union
16 Sewer Pipe Co., 184 US 54 0; Lafarier vs. Grand Trunk R.R. Co., 24 A. 848; O'Neil vs. Providence
17 Amusement Co., 108 A. 887.

18
19 Although the Fourteenth Amendment does not interfere with the proper exercise of the police power, in
20 accordance with the general principle that the power must be exercised so as not to invade unreasonably
21 the rights guaranteed by the United States Constitution, it is established beyond question that every state
22 power, including the police power, is limited by the Fourteenth Amendment (and others) and by the
23 inhibitions there imposed. Moreover, the ultimate test of the propriety of police power regulations must
24 be found in the Fourteenth Amendment, since it operates to limit the field of the police power to the
25 extent of preventing the enforcement of statutes in denial of Rights that the Amendment protects.

26 Parks vs. State, 64 NE 682.)

27
28 "It is well settled that the Constitutional Rights protected from invasion by the police power, include
29 Rights safeguarded both by express and implied prohibitions in the Constitutions." Tiche vs. Osborne,
30 131 A. 60

31
32 "As a rule, fundamental limitations of regulations under the police power are found in the spirit of the
33 Constitutions, not in the letter, although they are just as efficient as if expressed in the clearest language."
34 Mehlos vs. Milwaukee, 146 NW 882



"The application of . . . (a code) . . . to detain appellant and require him to identify himself violated the Fourth Amendment because the officers lacked any reasonable suspicion to believe appellant was engaged, or had engaged, in criminal conduct. Accordingly, appellant may not be punished for refusing to identify himself, and the conviction is reversed." (Probable cause) Brown v. Texas, 443 U.S. 47, (1979)

"Traffic infractions are not a crime." People v. Battle, 50 Cal. App. 3, step 1, Super, 123 Cal. Rptr. 636, 639.

Infractions are not crimes...upon the rationale the Legislature did not intend to classify infractions as crimes. People v. Sava (1987) 190 Cal. App. 3d 935, 235 Cal. Rptr. 694 [No. D005040, Court of Appeals District, Division One. March 27, 1987.]

"Speeding, running stop signs, traveling without license plates, or registration are not threats to the public safety, and thus are not arrestable offenses." Christy v. Elliot, 216 I 131, 74 HE 1035, LRA NS 1905-1910 (Cal V. Farley, 98 Cal. Rep. 89, 20 CA 3d 1032)

Licenses are for the conduct of a business, profession, occupation, the exercise of such when they are a privilege. licensing is in the nature of a SPECIAL PRIVILEGE entitling licensee to do some thing that he would not be entitled to do without a license. San Fransisco v. Liverpool, 74 Cal 113

Duties of Government Officials

Justice Brandeis eloquently affirmed his condemnation of abuses practiced by Government officials, who were defendants, acting as Government officials. In the case of Olmstead vs. U.S. 277 US 438, 48 S.Ct. 564, 575; 72 L ED 944 (1928) he declared:

"Decency, security, and liberty alike demand that Government officials shall be subjected to the same rules of conduct that are commands to the Citizen. In a Government of laws, existence of the Government will be imperiled if it fails to observe the law scrupulously. Our Government is the potent, the omnipresent teacher.

For good or for ill, it teaches the whole people by its example. Crime is contagious. If the Government becomes a law-breaker, it breeds contempt for law; it invites every man to become a law unto himself. It invites anarchy. To declare that, in the administration of the law, the end justifies the means would bring a



1 terrible retribution. Against that pernicious doctrine, this Court should resolutely set its face."
2 The information created and surrounding the stricti juris doctrine regarding a particular license which
3 may, or may not, be represented by and revealed within the contents and control of a license agreement
4 "but must be revealed upon demand, and failure to do so is concealment, a withholding of material facts
5 (the enducing, contractual consideration) known by those who have a duty and are bound to reveal."
6 Dolcater v. Manufacturers S Traders Trust Co., D.C.N.Y., 2F.Supp. 637, 641.

7 8 **Penalty Under the Law** 9

10 Under USC Title 42 §1986. Action for neglect to prevent . . ., it states: Every person who, having
11 knowledge that any wrongs conspired or to be done. . . and having power to prevent or aid in preventing .
12 . . Neglects or refuses so to do ... shall be liable to the party injured... and; The means of "knowledge",
13 especially where it consists of public record is deemed in law to be "knowledge of the facts". As the
14 means of "knowledge" if it appears that the individual had notice or information of circumstances which
15 would put him on inquiry, which, if followed, would lead to "knowledge", or that the facts were
16 presumptively within his knowledge, he will have deemed to have had actual knowledge of the facts and
17 may be subsequently liable for any damage or injury. (Public Officials have been given "knowledge of the
18 facts" as it pertains to this conspiracy to commit a fraud against the people.)
19 It would be unconstitutional for an officer to coerce one to waive a fundamental right: "waivers of
20 fundamental Rights must be knowing, intentional, and voluntary acts, done with sufficient awareness of
21 the relevant circumstances and likely consequences. U.S. v. Brady, 397 U.S. 742 at 748 (1970); U.S.v.
22 O'Dell, 160 F.2d 304 (6 th Cir. 1947)"

23
24 And that the agency committed fraud, deceit, coercion, willful intent to injure another, malicious acts,
25 RICO activity and conspired by; Unconscionable "contract" - "One which no sensible man not under
26 delusion, or duress, or in distress would make, and such as no honest and fair man would accept ";
27 Franklin Fire Ins. Co. v. Noll 115 Ind. App. 289, 58 N.E.2d 947, 949, 950.

28
29 "a party cannot be bound by contract that he has not made or authorized." Alexander v.Bosworth (1915),
30 26 C.A. 589, 599, 147 P.607. And therefore; "Failure to reveal the material facts of a license or any
31 agreement is immediate grounds for estoppel." Lo Bue v. Porazzo, 48 Cal.App.2d 82, 1 19, p.2d 346,
32 348.

33
34 Since the "consideration" is the "life blood" of any agreement or quasi-agreement, (contractus) "... the



1 absence of such from the record is a major manifestation of want of jurisdiction, since without evidence
2 of consideration there can be no presumption of even a quasi-contract. Such is the importance of a
3 "consideration." Reading R.R. Co. v. Johnson, 7 W & S (Pa.) 317 So without a Contract (no recording of
4 the M.C.O.) or consideration there is no DMV / government etc. jurisdiction as the property does not
5 "reside" in the colorable fictitious territory as evidenced in Supreme Court cite below:

6 In Wheeling Steel Corp v. Fox, 298 U.S. 193 (1936) it states: Property taxes can be on tangibles or
7 intangibles. In order to have a situs for taxation (a basis for imposing the tax), tangible property (physical
8 property) must reside within the territorial jurisdiction of the taxing authority, and intangibles . . .

9
10 *The State cannot diminish rights of the people.* Hurtado v. California, 110 U.S. 516.

11
12 "A state MAY NOT impose a charge for the enjoyment of a right granted (sic) by the Federal
13 Constitution." MURDOCH v PENNSYLVANIA, 319 US 105. "... THE POWER TO TAX INVOLVES
14 THE POWER TO DESTROY". McCULLOUGH v MARYLAND, 4 Wheat 316.

15
16 "All subjects over which the sovereign power of the state extends are objects of taxation, but those over
17 which it does not extend are exempt from taxation. This proposition may almost be pronounced as self-
18 evident. The sovereignty of the state extends to everything which exists by its authority or its permission."
19 McCullough v Maryland, 17 U.S. [4 Wheat] 316 (1819).

20
21 U.S. adopted Common laws of England with the Constitution. Caldwell vs. Hill, 178 SE383 (1934).

22
23 "The phrase 'common law' found in this clause, is used in contradistinction to equity, and admiralty, and
24 maritime jurisprudence." Parsons v. Bedford, et al, 3 Pet 433, 478-9.

25
26 *To be that statutes which would deprive a citizen of the rights of person or property without a regular*
27 *trial, according to the course and usage of common law, would not be the law of the land.* (Jury) Hoke v.
28 Henderson, 1 5, N.C. 1 5 25 AM Dec 677.

29
30 Jurisdiction is power to declare the law, and when it ceases to exist, the only function remaining to the
31 court is that of announcing the fact and dismissing the cause. " *Ex parte McCardle*, 74 U.S (7 Wall.) 506,
32 514 (1868).

33
34 The parties or the court sua sponte may challenge the existence of subject matter jurisdiction at any time.



Golden v. United States, 379 f. 3d 1344, 1354 (fed. Cir. 2004)

It is well settled that the public are entitled to a free passage along the highway. Michelsen v. Dwyer, 63 N.W.2d 513, 517, 158 Neb. 427 (1954).

Our society is built in part upon the free passage of men and goods, and the public streets and highways may rightfully be used for travel by everyone. Hanson v. Hall, 202 Minn. 381, 383.

Public ways, as applied to ways by land, are usually termed "highways" or "public roads," and are such ways as every citizen has a right to use. Kripp v. Curtis, 11 P. 879; 71 Cal. 62.

A highway includes all public ways which the public generally has right to use for passage and traffic, and includes streets in cities, sidewalks, turnpikes and bridges.

Central Ill. Coal Mining Co. v. Illinois Power Co., 249 Ill. App. 199.

Our court has stressed the basic right of the transient public and abutting property owners to the free passage of vehicles on public highways and the paramount function of travel as overriding all other subordinate uses of our streets. State v. Perry, 269 Minn. 204, 206.

A highway is a way over which the public have a free right of passage.

Yale University v. City of New Haven, 134 Atl. 268, 271, 104 Conn. 610.

A highway is a public road, which every citizen of the state has a right to use for the purpose of travel.

Shelby County Com'rs v. Castetter, 33 N.E. 986, 987, 7 Ind. App. 309; Spindler v. Toomey, 111 N.E.2d 715, 716 (Ind.-1953).

The public have a right of free and unobstructed transit over streets, sidewalks and alleys, and this is the primary and appropriate use to which they are generally dedicated. Pugh v. City, 176 Iowa 593, 599, 156 N.W. 892, 894.

It is well-settled law that every member of the public has the right to use the public roads in a reasonable manner for the promotion of his health and happiness. Sumner County v. interurban Transp. Co., 141 Tenn. 493, 500.

A highway is a road or way upon which all persons have a right to travel at pleasure. It is the right of all



persons to travel upon a road. Gulf & S.I.R. Co. v. Adkinson, 77 So. 954, 955; 117 Miss. 118.

"A license fee is a charge made primarily for regulation, with the fee to cover costs and expenses of supervision or regulation." State vs. Jackson, 60 Wisc.2d 700; 211 NW.2d 480, 487 The fee is the price; the regulation or control of the licensee is the real aim of the legislation.

Federal law

Title 18, UNITED STATES CODE Sec. 31 PART I - CRIMES CHAPTER 2 - AIRCRAFT AND MOTOR VEHICLES Sec. 31. Definitions

When used in this chapter the term -

"Motor vehicle" means every description of carriage or other contrivance propelled or drawn by mechanical power and **used for commercial purposes** on the highways in the **transportation of passengers, passengers and property, or property or cargo;**

Due process of law.

Law in its regular course of administration through courts of justice. 3 Story, Const. 264, 661. "Due process of law in each particular case means such an exercise of the powers of the government as the settled maxims of law permit and sanction, and under* such safeguards for the protection of individual rights as those maxims prescribe for the class of cases to which the one in question belongs." Cooley, Const. Lim. 441. Whatever difficulty may be experienced in giving to those terms a definition which will embrace every permissible exertion of power affecting private rights, and exclude such as is forbidden, there can be "no doubt of their meaning when applied to judicial proceedings. They then mean a course of legal proceedings according to those rules and principles which have been established in our systems of jurisprudence for the enforcement and protection of private rights. To give such proceedings any validity, there must be a tribunal competent by its constitution—that is, by the law of its creation—to pass upon the subject-matter of the suit; and, if that involves merely a determination of the personal liability of the defendant, he must be brought within its jurisdiction by service of process within the state, or his voluntary appearance. Pennoyer v. Neff, 95 U. S. 733, 24 L. Ed. 565.



Due process of law implies the right of the person affected thereby to be present before the tribunal which pronounces judgment upon the question of life, liberty, or property, in its most comprehensive sense; to be heard, by testimony or otherwise, and to have the right of controverting, by proof, every material fact which bears on the question of right in the matter involved. If any question of fact or liability be conclusively presumed against him, this is not due process of law. Zeigler v. Railroad Co., 58 Ala. 599.

These phrases in the constitution do not mean the general body of the law, common and statute, as it was at the time the constitution took effect; for that would seem to deny the right of the legislature to amend or repeal the law. They refer to certain fundamental rights, which that system of jurisprudence, of which ours is a derivative, has always recognized. Brown v. Levee Com'rs, 50 Miss. 468

"Due process of law," as used in the constitution, cannot mean less than a prosecution or suit instituted and conducted according to the prescribed forms and solemnities for ascertaining guilt, or determining the title to property. Embury v. Conner, 3 N. Y. 511, 517, 53 Am. Dec. 325; Taylor v. Porter, 4 Hill (N. Y.) 140, 40 Am. Dec. 274; Burch v. Newbury, 10 N. Y. 374, 397. And see, generally, Davidson v. New Orleans, 96 U. S. 104, 24 L. Ed. 616; Adler v. Whitbeck, 44 Ohio St 539; Duncan v Missouri, 152 U. S. 377, 14 Sup. Ct. 571, 38 L. Ed 485; Cantini v. Tillman (C. C.) 54 Fed. 975; Griffin V. Mixon, 38 Miss. 458; East Kingston v. Towle, 48 N. H. 57, 97 Am. Dec. 575, 2 Am Rep. 174; Hallenbeck v. Hahn, 2 Neb. 377; Stuart v. Palmer, 74 N. Y. 191, 30 Am. Rep. 289; Bailey v. People, 190 111. 28, 60 N. E 98, 54 L. R. A. 838, 83 Am. St. Rep. 116; Eames v. Savage, 77 Me. 221. 52 Am. Rep. 751; Brown v. New Jersey, 175 U.S. 172, 20 Sup. Ct 77, 44 L. Ed. 119; Hagar v. Reclamation Dist, 111 U. S. 701, 4 Sup. Ct. 663, 28 L. Ed. 569; Wynehamer v. People, 13 N. Y. 395; State v. Beswick, 13 R. I. 211, 43 Am. Rep. 26; In re Rosser, 101 Fed. 567, 41 C. C. A. 497. Barron v Burnside - 121 US 186 Boone v Clark - 214 SW 607; Buchanan v Warley - 245 US 60, 74; Chicago Motor Coach v Chicago - 169 NE 22; Cummins v Jones - 155 P. 171; Deibel v Dreiss - 50 NE 2d 1000 (1943); Ferrante Equipment Co v Foley Machinery Co - NJ 213 A.2d 208, 211, 49 NJ 432; Gardner v City of Brunswick - 28 SE 2d 135; Hadfield v Lundin - 98 Wn 657; 168 P. 516; Hale v Henkel - 201 US 43; Hoke v Henderson - 15 NC 15, 25 AM Dec. 677; In re Hong Wah - 82 Fed 623; Kent v Dulles - 357 US 116, 125; Ligare v Chicago - 28 NE 934; McKevitt et al v. Golden Age Breweries Inc - 126 P.2d 1077 (1942); Miranda v Arizona - 384 US 436, 491 (1966); Murdock v Pannsylvania - 319 US 105; O'Conner v. City of Moscow - 69 Idaho 37; Packard v Banton - 44 SCt 257, 264 US 140; Parish of Morehouse v Brigham - 6 S 257; Parish v Thurston - 87 Ind 437 (1882); People v Nothaus - 147 Colo 210; Robertson v Dept of Public Works - 180 Wash 133 at 139; Rogers Construction Co v Hill, Or - 384 P.2d 219, 222, 235 Or 352; Spann v City of Dallas - 235 SW 513; State v City of Spokane - 109 Wn 360; 186 P. 864; State v Johnson - 243 P.1073;





Thompson v Smith (Chief of Police) - 154 SE 579, 580; Weirich v State - 140 Sis 98; Wells v Zenz - 236 P. 485; Western Turf Assn. v Greenberg - 204 US 359; Williams v Fears - 343 US 270, 274.

Respectfully submitted,

With full reservation of rights UCC1-308

06/25/16

Nonnegotiable signature Dated 06/25 2016
Elias Agredo-Narvaez, Sui Juris



EXHIBIT 5

Actual scanned application for registration sent to my TRADENAME.

New Jersey Motor Vehicle Commission

Revenue Processing Center
P.O. Box 008
Trenton, New Jersey 08646-0008

INSTRUCTIONS FOR RENEWAL OF ALL COMMERCIAL REGISTRATIONS

Please read carefully. Items 1 through 3 apply to all commercial registrations. There are also special instructions for individual codes below and on the back. To prevent delays, please follow the instructions.

1. Answer all questions and sign in ink. Please batch all applications with corrections separately and mail with a separate check. If vehicle is owned by a company or corporation, an authorized officer must sign, stating his or her title.

Code 23

(Special Trailer) can only be renewed through the central office 225 East State Street, 2 - West, P.O. Box 016, Trenton, N.J. 08666-0016 (See back)

2. To renew in person - go to any local motor vehicle agency.

Codes 31, 51, 52

Enter your County Agriculture Number in the space on the back of the application. A well digger does not require an agriculture number.

3. **Inspection** - Diesel trucks registered at a gross weight from 10,000 to 17,999 lbs., and all trailers, are self-inspected. All heavy-duty diesel vehicles 18,000 lbs. GVWR or more are required to be tested for smoke emissions annually at Licensed Diesel Private Inspection Facility (Diesel PIF) within 90 days of your vehicle's registration or renewal. Call 1-888-486-3339 for these locations. All gasoline fueled vehicles, except code 51 (farm use), require emissions and safety inspection annually.

PLEASE SUBMIT SEPARATE CHECKS FOR EACH CODE

RC-23 (R9/13)

SEE REVERSE SIDE

Here there is no mention of automobiles or private conveyances. No wonder the DOT never stops private conveyances or automobiles. they know that if not in commerce, people can not lawfully be stopped for inspections.

13:21-1.3 Mandatory disclosure of social security # and is applicable only to commercial drivers as per 13:21-1.4 (a),(c),(d),(e)

Here, by implication, when entering the information in boxes 1,2,and 3 although not required unless registering a commercial motor vehicle, the unsuspecting applicant is giving implied consent to be commercially regulated. And in the case of box #3 is irrefutable proof that unless registering a commercial motor vehicle, people are not lawfully required to get insurance of any type. The problem is, if not filled these boxes the agents would no process the alleged application

Submission of the Social Security Numbers is required pursuant to N.J.A.C. 13:21-1.3. The number will serve as an internal secondary-identifier to prevent errors, to enforce interstate motor vehicle laws, and to assist in collecting motor vehicle fees.

1. Is your registration privilege now revoked or suspended in any state?

YES NO

☐ ☐

2. DATE OF BIRTH

EYE COLOR

SEX

MONTH DAY YEAR

GIVE FULL NAME OF INSURANCE COMPANY AND POLICY NUMBER

3. This vehicle must be covered by liability insurance in the minimum amount required by law with a company authorized to write liability insurance in New Jersey.

INSURANCE COMPANY:

POLICY NUMBER:

4. COMPLETE IF VEHICLE IS REGISTERED UNDER TRADE OR COMPANY NAME.

FEDERAL TAX IDENT. NO.

5. AGRICULTURAL CERT. NO.

DIESEL POWERED TRUCKS 10,000 to 17,999 POUNDS GROSS WEIGHT AND TRAILERS ARE SUBJECT TO SELF-INSPECTION REGULATIONS. GASOLINE POWERED TRUCKS ARE SUBJECT TO STATE INSPECTION. IF SUBJECT TO SELF-INSPECTION REQUIREMENT, THE UNDERSIGNED CERTIFIES THE VEHICLE DESCRIBED ON THIS CARD HAS BEEN INSPECTED AND MAINTAINED IN CONFORMITY WITH SELF-INSPECTION REQUIREMENTS AND IS IN SAFE OPERATING CONDITION.

OWNER
SIGN
HERE

APPLICANTS FOR A REGISTRATION FOR A COMMERCIAL VEHICLE DECLARE KNOWLEDGE OF THE FEDERAL MOTOR CARRIER SAFETY REGULATIONS CONTAINED IN 49-CFR. PARTS 390 TO 397. THE APPLICANT CERTIFY THE STATEMENTS ON BOTH SIDES OF THIS APPLICATION ARE CORRECT. MISSTATEMENTS MAY RESULT IN SUSPENSION OF REGISTRATION PRIVILEGES.

All unsuspecting applicants are unknowingly certifying that they are in fact registering commercial vehicles, and that they are familiar with the law FMC Department of Transportation

Automobiles — Licenses — Chauffeurs.

Members of family owning and operating an automobile, need not procure chauffeur's license.

STATE OF NEW YORK,

ATTORNEY-GENERAL'S OFFICE,

ALBANY, July 21, 1909.

Hon. SAMUEL S. KORNIG, *Secretary of State, Albany, N. Y.:*

Dear Sir.— Your favor of July 13, 1909, duly received.

In answer to your inquiry as to whether or not it is necessary for various members of a family who own an automobile to procure a chauffeur's license in the event that different members of the family operate the automobile, I am of the opinion that such license is not necessary.

There is no provision of law that I am aware of requiring the owner of a motor car or any member of his family to procure a chauffeur's license to run such machine.

Subdivision 5 of section 280 of chapter 30 of the Consolidated Laws defines the word "chauffeur" as follows: "Shall mean any person operating a motor vehicle as mechanic, employee or for hire."

Section 282 requires the owner to file in the Secretary of State's office a statement of his name and address, with a brief description of the vehicle to be registered, etc.

Section 283 provides for the registration of such motor vehicle. Section 302 provides that every person desiring to operate a motor vehicle as a chauffeur shall file in the office of the Secretary of State a statement, which shall include his name and address and the trade name and motive power of the motor vehicle he is to operate. Upon filing such statement, the Secretary of State shall issue to the chauffeur a badge, as provided in section 304.

Section 306 provides that no person shall operate a motor vehicle as a chauffeur upon the public highways, unless such person shall have complied in all respects with the requirements of the four preceding sections.

There is no requirement that the owner of a motor vehicle shall procure a license to run the same, nor is there any requirement

that any other person shall do so, unless he proposes to become a chauffeur or a person conducting an automobile as an employee for hire or wages.

Yours very truly,

EDWARD R. O'MALLEY,

Attorney-General.

Corporations.

O. K. Leather Paring Company, and Urban Publishing Company. Voting power of stockholders. Under the decision of the Appellate Division in *People ex rel. Browne v. Koenig*, the Secretary of State must file certificate of incorporation even though it provides that certain classes of stockholders have no voting power.

(See opinion, August 31, 1909. See opinion, March 21, 1910, with references.)

STATE OF NEW YORK,

ATTORNEY-GENERAL'S OFFICE,

ALBANY, August 26, 1909.

Hon. SAMUEL S. KOENIG, *Secretary of State, Albany, N. Y.:*

Dear Sir.—I have your letters of the 31st ultimo and the 5th instant, signed by Mr. Fennell, in which you request my opinion as to the scope of the decision of the Appellate Division in *People ex rel. Browne v. Koenig*, in relation to the right to file a certificate of incorporation providing that certain classes of stock shall be deprived of voting power. You enclose proposed certificates of incorporation of O. K. Leather Paring Company and Urban Publishing Company. In the former certificate it is provided that preferred stock alone is to have the right to vote and that the consent or favorable vote of such voting stock alone shall be requisite to a sale of the property of the company as an entirety. In the other certificate it is provided that the preferred stock shall have no voting powers except on the question of the increase or reduction of the authorized preferred stock.

EXHIBIT 6 PAGE 3

provisions pertaining to scooters³⁷ and low speed vehicles³⁸. In 2006, the Fuel Efficiency Act³⁹ was adopted.

The NJLRC has given, and will continue to give, careful consideration to the modifications of the law contained in this draft revision. It is the opinion of Commission Staff that this proposed revision to the statute is consistent with the recent efforts to significantly improve both the Title, and the relationship between the MVC and the citizens of this State.

Summary of Current Revision

Volume I

The definitions chapter of the Title has not been substantially changed but it is anticipated that it will be modified after the other revisions have been completed. The next chapters of the Title, pertaining to the Department of Motor Vehicles and the Motor Vehicle Commission, have been consolidated and require review and comment.

The licensing and registration sections of Title 39 have been heavily revised. In the existing Title, registration and licensing requirements are mixed together throughout approximately 120 sections of the statute and are no longer in any particular order. Provisions regarding Commercial Driver Licenses, touring privileges, tires and other matters are interspersed throughout the licensing and registration sections. An effort was made in this draft to reorganize the licensing provisions by consolidating them and ordering them. Additional modifications were made to include statutory language that sets forth current requirements, as practiced, not presently included in the statute. The current statute does not, for example, state in clear and direct terms the requirement of a license for driving in this State. The current statute also does not describe the two available types of driving permits. Sections were added to do so. A definitions section was also added to the licensing chapter to eliminate the need for the repetitive use of certain phrases.

The substance of the statutory sections pertaining to the commercial driver's license was not changed since that language is tied to the federal Commercial Motor Vehicle Safety Act of 1986.

The license plates sections have also been heavily revised to consolidate numerous provisions with identical language. In the current statute, any new specialty funding license plate is added by way of one or several new statutory sections that include language duplicating existing provisions. One goal of consolidating the sections is to limit future modifications to a single section of the statute so that the requirements for any new plate are easy to locate.

³⁷ L. 2005, c. 159.

³⁸ L. 2005, c. 273.

³⁹ L. 2006 c. 39.

EXHIBIT 6 PAGE 4

Sections pertaining to touring privileges, documents and vehicles types were not substantially revised.

The equipment provisions of the statute, including those pertaining to lamps, reflectors, specialized lights, brakes, horns, mufflers, mirrors, window glass, safety belts, and tires, were preliminarily reviewed and those which appear to have been superseded by federal law were removed. The current State statutory language is not equivalent to the current standards imposed on equipment by federal regulation and, as a result, is arguably pre-empted. If, however, the federal regulations apply only to new vehicles, it may be necessary to retain provisions in the State statute that pertain to older vehicles still in operation. Failing to do so could lead to unintended gaps in the statutory coverage pertaining to equipment. Additional research is required to determine the most appropriate language for these chapters.

Sections pertaining to dimensions and weight of vehicles were divided into additional statutory sections for ease of review, but were not changes substantively. Likewise, no substantive changes were made to sections pertaining to specific vehicle types, including motorcycles, tow trucks, school buses, snowmobiles, all-terrain vehicles and limousines. These sections were streamlined, consolidated and rearranged where it seemed appropriate to do so.

The compressed or liquefied gaseous fuel and the motor vehicle theft sections also were not substantively changed. The general prohibitions section was changed to include references to the new penalty classification system described in detail in Volume II and some of the penalties for particular offenses were modified to bring those penalties more in line with penalties for comparable offenses and to address concerns raised by law enforcement officers.

Volume II

The initial sections in this volume, pertaining to the application of the Title, the powers and duties of the Commissioner of Transportation, and the powers of municipalities, counties and the Highway Commissioner remain substantively the same as the original language. The sections pertaining to highways owned by public or semi-public entities and traffic signs and signals also contain the substance of the original sections.

The accidents and reports chapter, the operation of a vehicle under the influence chapter, and the law of the road chapter are also largely unchanged in substance, although the penalty provisions in the accidents and reports chapter were modified to include references to the new penalty classification system.

The chapters pertaining to operation or acts affecting operation, and speed, were changed to include references to the new penalty classification system and some of the penalties for particular offenses were modified to bring those penalties more in line with

TRANSPORTATION

MOTOR VEHICLE COMMISSION

Licensing Service

Adopted Repeal: N.J.A.C. 13:21-5.12

Adopted Amendments: N.J.A.C. 13:21-1.3, 1.4, 1.5, 5.6, 5.8, 5.9, 7.3, 7.4, 8.1, 8.2, 8.5, 8.6, 8.7, 8.8, 8.12, 8.13, 8.14, 8.18, 8.22, 10.1, 12.6, 14.3, 14.5, 18.1, 18.6, 23.16, 23.19, and 23.21

Proposed: August 1, 2011 at 43 N.J.R. 1852(a).

Adopted: February 14, 2012 by the Motor Vehicle Commission, Raymond P. Martinez, Chair.

Filed: March 8, 2012 as R.2012 d.072, **without change.**

Authority: N.J.S.A. 2A:17-56.41 et seq., 2A:17-56.52 et seq., 39:3-4, 39:3-5, 39:3-10, 39:3-10.1, 39:3-10.27, 39:3-11.1, 39:3-13, 39:3-13a, 39:3-13.1, 39:3-20, 39:3-24, 39:3-25, 39:3-29.9, 39:3-33, 39:3C-1 et seq., 39:5-30, 39:5-32, 39:10-2, 39:10-4, 39:10-19, 39:10-20, and 39:10A-6; 42 U.S.C. § 405(c)(2)(C); and 49 CFR 580.5(g).

Effective Date: April 2, 2012.

Expiration Date: June 8, 2013.

Summary of Public Comments and Agency Responses:.....

Federal Standards Statement

Federal law (42 U.S.C. § 666(13)(A)) **requires applicants for driver licenses to record their Social Security numbers on their driver license applications**, so that the numbers can be used to assist in locating individuals who owe child support and/or to enforce child support obligations. Accordingly, the Commission is amending N.J.A.C. 13:21-1.4(e) to indicate that the Social Security numbers can be shared with the New Jersey Department of Human Services for child support enforcement purposes.

The Commission is amending N.J.A.C. 13:21-5.8, mileage reading on certificate of ownership, to comply with 49 CFR 580.5(g), which states, "If the vehicle has not been



UNITED STATES OF AMERICA
DEPARTMENT OF TRAVEL
2000 Pennsylvania Avenue NW Suite 194
Washington, D.C. 20006
Telephone: (202) 600-9095
Facsimile: (202) 370-7177

GOVERNOR CHRIS CHRISTIE
The State House
P.O. Box 001
Trenton, NJ 08625
(609) 292-6000

November 23, 2015

RE: VIOLATION OF U.S. SUPREME COURT RULINGS REGARDING THE RIGHT TO TRAVEL

SUBJECT: EDUCATION OF LAW ENFORCEMENTS AND NEW JERSEY JUDICIARY

Dear Governor Christie,

We are sending this correspondence to make you aware of the unconstitutional acts committed by your law enforcement agencies and state courts against the people of New Jersey. These acts may or may not have been committed knowingly or unintentionally but we are writing to your office to ensure that these violations are brought to your attention so that they can be addressed and corrected.

As you may or may not know, there are people in your state whose status is ostensibly different than the average US Citizen and are considered Foreign Nationals or American Nationals with certain safeguards and protection under the law. Our primary concern is that their travel rights in your state are not infringed.

In order to educate your law enforcement regarding Foreign Nationals or American Nationals in your state, you can call the Department of State here in Washington, D.C. to get clarity or you can go to the Department of State's website at http://travel.state.gov/content/dam/travel/CNAttrainingresources/CNAManual_Feb2014.pdf for our website at https://www.usadot-gov.org/CNAManual_Feb2014.pdf and download the manual. The Department of State also offers training for your law enforcement officers free of charge to raise awareness and compliance. Log on to: <http://travel.state.gov/content/travel/en/consularnotification/training-outreach.html>.

We have enclosed one of our affidavit forms for the exemption of registration and licensing for Foreign Nationals that Foreign Nationals have to file in your state to lawfully claim the exemption. This affidavit also can be used by U.S. Citizens who are not driving or operating a motor vehicle for profit or for hire.

Please forward this information to all of your law enforcement agencies in your state to prevent any unnecessary lawsuits from being filed against these agencies for not following the law and violating the rights of the people to freely travel without interference unless they are a threat to the public safety.

If you have any questions regarding this matter please feel free to respond in writing by mail or fax any questions or concerns you may have and we will be happy to answer and address them.

Thank you in advance for your cooperation and consideration in this matter.

Best regards,

A handwritten signature in black ink, appearing to read "Norv Eisenberg".

Norv Eisenberg
Foreign National Division

Cc: Dept. of Justice Attorney General Loretta Lynch
Dept. of State Secretary John Kerry

SAMUEL E. ROHRER, MEMBER
 128TH LEGISLATIVE DISTRICT
 HOUSE BOX 202020, MAIN CAPITOL
 ROOM 402-B, IRVIS OFFICE BUILDING
 HARRISBURG, PA 17120-2020
 PHONE: (717) 787-8550
 FAX: (717) 783-7862
 srohrer@pahousegop.com

DISTRICT OFFICE:
 29 VILLAGE CENTER DRIVE, SUITE A7
 READING, PA 19607
 PHONE: (610) 775-5130
 FAX: (610) 775-3736
 www.samrohrer.com



House of Representatives
 COMMONWEALTH OF PENNSYLVANIA
 HARRISBURG

April 18, 2006

COMMITTEES

EDUCATION
 MAJORITY CHAIRMAN, SUBCOMMITTEE
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 GAME & FISHERIES
 POLICY

CAUCUSES

COMMONWEALTH CAUCUS
 EAST CENTRAL CAUCUS

CERTIFIED BY COPY
 E.A.N.
 11/10/15

Judge Phyllis R. Streitell
 Chester County Court of Common Pleas
 2 N. High St.
 West Chester, PA 19380

Dear Judge Streitell:

It has recently been brought to my attention that on March 26, 2006, Mr. William Taylor Reil, a defendant in Criminal Action Number 4470-02 before the Court of Common Pleas, was found guilty of violating two provisions of the Transportation Code, 75 Pa. C.S.A. § 7122 (3) and 75 Pa. C.S.A. § 1543 (a).

I have come to know Mr. Reil very well during the past 14 years and I respect his understanding of the law concerning the right of an individual to travel, among other things. I believe Mr. Reil has a better understanding of this area of the law than many licensed attorneys.

While I am not a licensed attorney, I have asked a member of my staff who is a Pennsylvania licensed attorney to examine Mr. Reil's understanding of this complex issue. The conclusion reached by my staff member was that Mr. Reil has thoroughly researched the issue and has based his arguments on solid legal precedent. I have also performed my own in-depth research over the years and I, too, have reached the conclusion that Mr. Reil stands on solid legal footing.

The crux of the issue is whether Title 75 can properly be applied to an individual. Within an individual's right to liberty is the inherent right to travel. If one's movement can be restrained, such restraint is intrinsically a restraint of his liberty. Mr. Reil's use of an automobile is simply an extension of his personal liberty to move about as he wishes.

My research, and that of my staff, confirms that Title 75 can only properly be applied to commercial vehicles and commercial use of the roads. An individual who wishes to utilize an automobile or other means of conveyance in order to exercise his right to travel cannot lawfully be required to obtain a license to drive or to register his automobile in order to operate it freely on our roads.



EXHIBIT 7 PAGE 2

I have not reached the above conclusions without understanding the vast implications that would follow from these conclusions. I am well aware that a ruling of this nature would "undo" years of enforcement of our existing laws. I am also well aware of the enormous economic impact such a ruling would have on the Department of Transportation.

CERTIFIED
COPY

4/10/15

However, no one today would dare argue that we should not have eliminated slavery because it was too costly to the American economy. When rights are being violated, no cost is too high to return those rights to the individuals who hold them. Slavery is the ultimate restriction of one's liberty. It limits one's rights in every conceivable way, including one's right to move about freely. Likewise, refusing to acknowledge an individual's right to travel is an unconstitutional restriction of one's liberty and should not be permitted to continue in Pennsylvania.

I respectfully request that you grant Mr. Reil's request for reconsideration of the March 27 verdict and review the facts and circumstances surrounding his request. He does not wish to perpetuate this situation any more than necessary; he is simply asking for an acknowledgement and protection of his right to travel and would like to return to living the peaceful life he has led over the years.

I would certainly be happy to speak with you concerning this issue if you would like to do so. I appreciate your willingness to consider the views I have expressed in this letter.

Sincerely,



Samuel E. Rohrer
State Representative
128th Legislative District

SER:jac

cc: William Taylor Reil



EXHIBIT 8

WAYNE STUMP
STATE SENATOR
THIRTY SEVENTH LEGISLATURE
DISTRICT 16
STATE CAPITOL - SENATE WING
PHOENIX, ARIZONA 85007
PHONE (602) 555-5261



COMMITTEES:
EDUCATION,
VICE CHAIRMAN
GOVERNMENT
HEALTH & WELFARE

Arizona State Senate
Phoenix, Arizona

December 10, 1985

Ralph Milstead
Director
Department of Public Safety
State of Arizona
2310 North 20th Avenue
P.O. Box 6638
Phoenix, Arizona 85005

Dear Director Milstead:

It has come to my attention that numerous individuals in our state have rescinded all of their contracts with the United States federal government, the State of Arizona, and each of its political subdivisions, establishing themselves as freemen under the organic national Constitution of the Republic of the United States of America. Consequently, they may be driving without auto registration, driver's license, or any other evidence of contract.

Because many law enforcement personnel may be unaware of the contractual nature of auto registration and driver's licenses, it is conceivable that this situation may lead to confrontation between these individuals and law enforcement personnel.

I urge you to inform yourself and your personnel about this matter as soon as possible. If you would like to be briefed by someone knowledgeable on this subject, please contact me.

In the meantime, inasmuch as this procedure is entirely appropriate when properly carried out, I would like to be personally notified of every such instance of confrontation in order that the persons involved and the public officials involved may be apprised of the correct procedure and the appropriateness of their actions on the part of each concerned.

My office phone is 255-5261 and I am requesting to be notified of the names and incidents along with addresses and phone numbers of participants of any such confrontations arising from the exercise of a person's freeman status in order to evaluate the outcome of properly rescinded contracts.

Sincerely,

Wayne Stump
Wayne Stump
State Senator

WS:pg

I, Wayne Howard Stump, do Solemnly state that this is an exact and true copy of a letter that I wrote on Dec. 10, 1985 while serving in the State Senate of Arizona.

Signed *Wayne Howard Stump*

Signed in my presence this *14* Day of January 2004.



EXHIBIT 9

CERTIFIED MAIL# 7015 1730 0002 3740 3096

November/4/2015

JACKSON TWP MUNICIPAL COURT
102 JACKSON DRIVE
JACKSON NJ 08527
TELEPHONE 732-298-1205.

ENTRY OF APPEARANCE

SUMMONS # 162083

STATE VS TMELIAS AGREDO-NARVAEZ©

ALLEGED VIOLATION DATE:

10/18/2015

ALLEGED VIOLATION:

39:3-4

TO THE CLERCK OF COURT:

Enter my appearance for the defendant in connection with the above citation and **take judicial notice** that I will come as one of mankind, a living man and for the defendant fiction named above.

Authorized representative:

Elias Agredo-Narvaez.

Address of Authorized representative: C/O 1080-B East veterans highway
Jackson, New Jersey [08527]
Non-Domestic and Non- assumpsit.

Electronic mail address:

ea07306007@hotmail.com

Phone Number:

973-390-7100

Without prejudice without recourse
All Rights reserved UCC1-308

11/04/11
Elias Agredo-Narvaez

Elias Agredo-Narvaez

Item# 12231972-EAN-JMCEOA

11/04/15
Elias Agredo-Narvaez

EXHIBIT 10



Search or Enter a Tracking Number

Quick Tools

Mail & Ship

Track & Manage

Postal Store

Business

International

Help

USPS Tracking®



Customer Service
Have questions? We're here to help.



Get Easy Tracking Updates
Sign up for My USPS

Tracking Number: 70151730000237403133



Delivered

On Time

Expected Delivery Day: Monday, November 30, 2015

+

Zabarsky

Tracking Number: 70151730000237403102



Delivered

On Time

Expected Delivery Day: Monday, November 30, 2015

+

Judge

Tracking Number: 70151730000237403119



Delivered

On Time

Expected Delivery Day: Monday, November 30, 2015

+

Tracking Number: 70151730000237403126



Delivered

Updated Delivery Day: Wednesday, December 2, 2015

+

NJ
AG

Track Another Package

Tracking (or receipt) number

Track It

Manage Incoming Packages

Track all your packages from a dashboard. No tracking numbers necessary.

Sign up for My USPS



of, and to be approved by, the *company* or *agent* to be represented.

You are therefore advised that an insurance broker under the insurance code may not appoint a "solicitor" or "insurance solicitor".

Yours respectfully,

JNO. A. HOMER,
Assistant Attorney General.

OLYMPIA, Wn., February 9, 1920.

*Bureau of Inspection and Supervision of Public Offices,
Olympia, Wn.*

GENTLEMEN: We have your letter asking as to whether a city may pass an ordinance identical with the provisions of the state motor vehicle law, and provide penalties and forfeitures for its violation, to be paid into the general fund of the city, and not into the permanent highway fund.



Section 34 of chapter 142, Laws of 1915, as amended by chapter 155, Laws of 1917, was amended by section 13, chapter 59, Laws of 1919, to read as follows:

"The local authorities shall have no power to pass or enforce any ordinance, rule or regulation governing the speed of any motor vehicle in conflict with the provisions of this act or requiring of the owner or operator of any motor vehicle, any license other than an occupation license or a tax which may be levied in only one city or town when such motor vehicle is engaged in inter-city service, or permitted to use the public highways except as herein provided or to exclude or prohibit any motor vehicle whose owner has complied with the provisions of this act from the free use of the public highways, and all such rules, ordinances, and regulations now in force are hereby declared to be of no validity or effect: *Provided, however,* That nothing herein shall be construed as limiting the power of the county commissioners or local authorities to make, enforce, and maintain ordinances, rules and regulations governing traffic in addition to the provisions of this act affecting motor vehicles, but not in conflict therewith."

EXHIBIT 12

CERTIFIED
COPY
BY EA-N 11/10/15

This is a contract in admiralty Jurisdiction



™ Elias Agredo-Narvaez ©
UCC# 201209250547512

NOT ELIAS AGREDO-NARVAEZ ©
NOT a Driver as defined in the DMV manual
NOT a U.S. or a 14th Amendment citizen
By proceeding you agree to the terms
on the back of this card

Federal Crop Insurance Corp.
v. Merrill 392 U.S. 380 at
384 (1968)

16 C.F.S. - Constitutional
Law, Sect. 202, p.987



Scan to view our Website!

11 Am. Jur. (2d)
Constitutional Law, Sect.
329, p.1135

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Violation fee of my free traveling, my liberty or if questioned is \$250,000.00 U.S.
Dollars per incident or per 15 minutes or any portion thereof, whichever all have
undeniable knowledge.

THANKS FOR YOUR BUSINESS

EA-N 11/10/15



40c

RES R RSTR

00568 001164

DATE PREPARED

04/17/16



Motor Vehicle Commission

STATE OF NEW JERSEY
MOTOR VEHICLE COMMISSION
225 EAST STATE STREET
TRENTON, NEW JERSEY 08686
(800)292-7500

RESTORATION NOTICE

LAKEWOOD

NJ 08701-2560

D.L. NUMBER

52

EFFECTIVE DATE OF NOTICE: 05/05/2016

By this order, The Motor Vehicle Commission (MVC) restores the **privileges** listed below. This restoration becomes/became effective on the date shown above. NOTE: If the privileges have already been restored, consider this notice a confirmation of that restoration.

PRIVILEGE

BASIC DRIVING PRIVILEGE

COMMERCIAL DRIVING PRIVILEGE

This restoration is conditional upon your attendance and completion of an Intoxicated Driving Program (IDP).

Present this notice of restoration and proof of personal identification to a Motor Vehicle Agent to obtain a permanent replacement driver license. The Motor Vehicle Agent must retain your notice because it gives the Agent authority to issue you the replacement driver license. Make a copy of this notice for your records before you go to the Motor Vehicle Agency to secure your replacement license.

All customers who visit a motor vehicle agency to obtain a driver license, non-driver identification card or boat license must present proof of age, identity and address as part of MVC's 6 point ID Verification program. Non-citizens must show formal proof that their presence in this country is authorized under federal law and confirmed by the United States Citizenship and Immigration Services. For a list of acceptable proofs of identification, please visit our web site www.njmvc.gov or call 1-888-486-3339 toll free from within New Jersey or from out of state, 1-609-292-6500 (toll call).