



## CASE LAWS

### Due Process of Law

- **Kazubowski v. Kazubowski**, 45 Ill.2d 405, 259 N.E.2d 282, 290 (*"An orderly proceeding wherein a person is served with notice, actual or constructive, and has an opportunity to be heard and to enforce and protect his rights before a court having power to hear and determine the case."*)
- **Biffle v. Morton Rubber Indus., Inc.**, 785 S. W.2d 143, 144 (Tex.1990). (*"An instrument is deemed in law filed at the time it is delivered to the clerk, regardless of whether the instrument is 'file-marked.'"*)
- **Sniadach v. Family Finance Corp.**, 395 U.S. 337 349 (1968) (*"The ability to place a lien upon a man's property, such as to temporarily deprive him of its beneficial use, without any judicial determination of probable cause dates back not only to medieval England but also to Roman times."*)

### TREATY/RIGHTS

- **Kolovrat v. Oregon**, 366 U. S. 187, 194, 81 S.Ct. 922 (1961) (*"A state cannot refuse to give foreign nationals their treaty rights because of fear that valid international agreements may possibly not work completely to the satisfaction of state authorities. Under the supremacy clause of the United States Constitution Art. VI, clause 2, state policies as to the rights of aliens to inherit must give way to overriding federal treaties and conflicting arrangements."*)
- **Miranda v. Arizona** 384 US 436, 125 (*"Where rights secured by the Constitution are involved, there can be no rule-making or legislation, which would abrogate them."*)
- **Miller v. Kansas** 230 F 2nd 486, 489 (*"The claim and exercise of Constitutional Rights cannot be converted into a crime."*)

- **Trezevant v. City of Tampa, 741 F.2d 336 (11th Cir. 1984)** Motorist illegally held for 23 minutes on a traffic charge was awarded \$25,000 in damages. (Sets foundation for \$75,000/hr., or \$1,600,000/day)

## FRAUD

- **United States v. Throckmorton, 98 U.S. 61, 25 L.Ed. 93** (*"Fraud vitiates the most solemn contracts, documents, and even judgments."*)
- **McNalley v. United State, 483 U.S. 350, 371-378, quoting United States v. Holzer, 861 F.2d. 304, 307** (*"Fraud in its elementary common law sense of deceit...includes the deliberate concealment of material information in a setting of fiduciary obligation. A public official is a fiduciary toward the public,...and if he deliberately conceals material information from them he is guilty of fraud."*).
- **Morison v. Coddington, 662 F.2d. 155, 135 Ariz, 480 (1983)** (*"Fraud and deceit may arise from silence where there is a duty to speak the truth, as well as from speaking an untruth."*).

## PERSONS/CORPORATIONS

- **Wheeling Steel Corp. v. Fox, 29 U.S. 193, 80 L.Ed. 143, 56 S.Ct. 773** (*"The U.S. citizen residing in one of the states of the union, are classified as property and franchisee of the federal government as an individual entity."*).
- **Covington & L. Turnp. Co. V. Sanford, 17 S.Ct. 198, 164 U.S. 578** (*"Corporations are "persons" as that word is used in the first clause of the XIVth Amendment."*)
- **Clearfield Trust Co. v. United States, 318 U.S. 363, 371 (1942)** (*"Governments descend to the level of a mere private corporation, and take on the characteristics of a mere private citizen...where private corporate commercial paper [Federal Reserve Notes] and securities [Checks] are concerned...For purposes of suit, such corporations and individuals are regarded as entities entirely separate from government."*)
- **Padelford, Fay & Co. vs. The Mayor and Aldermen of the City of Savannah. 14 Georgia 438, 520** (*"But, indeed, no private person has a right to complain, by suit in court, on the ground of a breach of the Constitution. The Constitution, it is true, is a compact, but he is not a party to it. The States are the parties to it. And they may*

*complain. If they do, they are entitled to redress. Or they may waive the right to complain.”)*

### INJURED PARTY

- **Trinsey v. Pagliaro, 229 F.Supp. 647**, (“*Statements of counsel in their briefs or arguments are not sufficient for purposes of granting a motion to dismiss or for summary judgment.*”).
- **Allen v. Wright, 468 U.S. 737, 751 (1984)** (“*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.*”)
- **Sherer v. Cullen 481 F. 945** (“*For a crime to exist, there must be an injured party (corpus delicti). There can be no sanction or penalty imposed on one because of this Constitutional right.*”)
- **People v. Sapp, 73 P.3d 433, 467 (Cal. 2003)** (“*In every criminal trial, the prosecution must prove the corpus delecti, or the body of the crime itself-i.e., the fact of injury, loss or harm, and the existence of a criminal agency as its cause.*”)
- **Penhallow v. Doan’s Administrators, 3 U.S. 54, 1 L.Ed 57** (“*Inasmuch as every government is an artificial person, an abstraction, and a creature of the mind only, a government can interface only with other artificial persons. The imaginary, having neither actuality nor substance, is foreclosed from creating and attempting parity with the tangible. The legal manifestation of this is that no government, as well as any law, agency, aspect, court, etc. can concern itself with anything other than corporate, artificial persons and the contracts between them.*”).

### LACK OF JURISDICTION

- **Joyce v. United States, 474 2d 215** (“*There is no discretion to ignore lack of jurisdiction.*”)
- **Main v. Thiboutot, 100. S.Ct 2501 (1980)** (“*The law provides that once State and Federal jurisdiction have been challenged, it must be proven.*”)

- **Basso v. Utah Power and Light Co.** 495 F.2d 906, 910 (*"Jurisdiction can be challenged at any time. And jurisdiction, once challenged, cannot be assumed and must be decided".*)
- **Stcuk v Medical Examiners** 94 Ca 2d 751.211, P 2d 389 (*"Once Challenged, jurisdiction cannot be assumed, it must be proved to exist."*).
- **Manufacturing Co. v. Holt**, 51 W. Va. 352, 41 S.E. 351 [*Coram Non Judice means In the presence of a person not a judge.*](*"When a suit is brought and determined in a court which has no jurisdiction in the matter, then it is said to be coram non judice, and the judgment is void."*).
- **Melo v. United States**, 505 F. 2d. 1026 (*"Once jurisdiction is challenged, the court cannot proceed when it clearly appears that the court lacks jurisdiction, the court has no authority to reach merits, but, rather, should dismiss the action."*).
- **Old Wayne Mut. L Assoc. v. McDonough**, 204 U.S. 8, 27 S.Ct. 236 (1907) (*"A court cannot confer jurisdiction where none existed and cannot make a void proceeding valid. It is clear and well established law that a void order can be challenged in any court."*).
- **Louisville v. Motley**, 211 U.S. 149, 29 S.Ct. 42 (*"If any tribunal finds absence of proof of jurisdiction over a person and subject-matter, the case must be dismissed. The accuser bears the burden of proof beyond a reasonable doubt."*).
- **Jordon v. Gillian**, 500 F.2d. 701, 710 (6<sup>th</sup> Cir. 1974) (*"A void judgment is no judgment at all and is without legal effect."*).
- **Hagans v. Lavine**, 415 U.S. 533 (*"The law requires proof of jurisdiction to appear on the record of the administrative agency and all administrative proceedings."*).
- **Elliot v. Peirsol**, 26 U.S. 328, 340 (1828), (*"Courts are constituted by authority and they cannot act beyond the power delegated to them. If a court acts without authority, its judgments and orders are regarded as nullities. They are not voidable, but simply void; and form no bar to a remedy sought in opposition to them, even prior to a reversal. They constitute no justification; and all persons concerned in executing such judgments, or sentences, are considered, in law, as trespassers."*).
- **Thompson v. Smith**, 154 SE 583 (*"When acting to enforce a statue and its subsequent amendments to the present date, the judge of the municipal court is acting as an*

*administrative officer and not in a judicial capacity; courts in administering or enforcing statutes do not act judicially, but merely ministerially")*

- **ASIS v US 568 F2d, 284** (*" A judge ceases to sit as a judicial officer because the governing principle of administrative law provides that courts are prohibited from substituting their evidence, testimony, record, arguments, and rationale for that of the agency. Additionally, courts are prohibited from substituting their judgment for that of the agency. Courts in administrative issues are prohibited from even listening to or hearing arguments, presentations, or rational."*)

### RIGHT TO TRAVEL

- **Bank of Boston v. Jones, 4 UCC Rep. Serv. 1021, 236 A2d 484. UCC PP 9-109.14** (*"A vehicle not used for commercial activity is a "consumer good"... it is not a type of vehicle required to be registered."*)
- **Kent v. Dulles, 357 U.S. 116 (1958)** (*"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. This right was emerging as early as the Magna Carta."*)
- **Chicago Coach Co. v. City of Chicago, 227 Ill. 200, 169 N.E. 22** (*"No state government entity has the power to allow or deny passage on the highways, byways, nor waterways... transporting his vehicles and personal property for wither recreation or business, but by being subject only to local regulation i.e., safety caution, traffic lights, speed limits, etc. Traveling is not a privilege requiring licensing, vehicle registration, or forced insurance."*)

### FULL FAITH AND CREDIT

- **Christmas v. Russell, 5 Wall. 302, 18 L.Ed. 475** (*"A judgment or record shall have the same faith, credit, conclusive effect, and obligatory force in other states as it has by law or usage in the state from whence taken."*)
- **First Nat. Bank v. Terry, 103 Cal.App. 501, 285 P. 336, 377** (*"Full faith and credit" clause of Const. U.S. art 4, § 1, requires that foreign judgment be given such faith and credit as it had by law or usage of state of its origin."*)