

Jacob Smith  
Lanark, IL  
61046

STATE OF ILLINOIS  
IN THE CIRCUIT COURT OF THE 17TH JUDICIAL CIRCUIT  
COUNTY OF BOONE

PEOPLE OF THE STATE OF ILLINOIS	)	Docket # 13-CM-173-73
		13-OV-71
	)	13-TR-7929-30
plaintiff, Prosecution	)	
vs.	)	
	)	
Jacob Smith, Sui Juris, Special Appearance	)	
	)	
defendant	)	

**ANSWER TO MOTION TO VACATE ORDER, MODIFY AND INCREASE  
BOND**

Now Comes Jacob Smith, alleged defendant, by special appearance, not submitting to the court's jurisdiction, who hereby moves this court to strike/dismiss the motion and increased bond filed by Adam J. Kaplan, in interest of constitutionally protected rights to due process of law. The plaintiff's missive entitled " motion to vacate order, modify and increase bond " is denied for failure to present a cause of action or crime. Failure to present the court a case deprives the court of jurisdiction. The court is further requested to provide a full findings of fact and conclusions of law if the court the court does not deny plaintiff's motion this motion. Just saying "it doesn't apply" in response to the alleged defendants rebuttal is not a sufficient grounds in passing the plaintiff's motion.

In rebuttal to Adam J. Kaplan's six(6) points:

1. Alleged defendant has no knowledge or evidence with which to form an opinion, and requires strictest proof.
2. Adam J. Kaplan states in his motion that I obstructed a Police officer, Attempted Obstruction of justice and that I am public nuisance
  - 720 ILCS 5/31-1 clearly states Resisting or obstructing a Peace officer, firefighter or correctional officer. No where within this statute does it state a Police officer. Adam J. Kaplan's own incompetence is reason enough to dismiss/drop all charges.

- 720 ILCS 5/ 47-5 Sec. 47-5. Public Nuisance. Has no statement about a noise ordinance violation.
- 720 ILCS 5/ 8-4 Attempt. No statements about attempting to conceal Identification. This statute deals with attempted murder.

**3.** Furthermore, Adam J. Kaplan determined that the alleged defendant is guilty judging by his motion. When in actuality he been not been convicted of the alleged crimes of obstructing a police officer, attempted obstruction of justice and a public nuisance.

**4.** The alleged defendant did not willfully violate and such bond or statute As described under 725 ILCS 5/110-10(a)(4) as exercising a right can not be turned into a criminal offense. Exercising a right is by no means a public safety issue.

### **Take judicial notice of:**

"The right of the citizen to travel upon the public highways and to transport his property thereon, either by carriage or by automobile, **is not a mere privilege which a city may prohibit or permit at will**, but a common right which he has under the right to life, liberty, and the pursuit of happiness."- Thompson v Smith, 154 SE 579."

*"Undoubtedly the right of locomotion, the right to move from one place to another according to inclination, is an attribute of personal liberty, and the right, ordinarily, of free transit from or through the territory of any State is a right secured by the 14th amendment and by other provisions of the Constitution." Schactman v. Dulles, 96 App DC 287, 293.*

*"... the right of the citizen to drive on a public street with freedom from police interference... is a fundamental constitutional right." -1979 California case, re White, 97 Cal.App.3d.141, 158 Cal.Rptr. 562, 566-67 (1979)*

*"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."*

*"If [state] officials construe a vague statute unconstitutionally, the citizen may take them at their word, and act on the assumption that the statute is void." - Shuttlesworth v. Birmingham 394 U.S. 147 (1969).*

*"The claim and exercise of a Constitutional right cannot be converted into a crime." Miller v. U.S., F.2d 486, 489.*

### **Take judicial notice of:**

#### **TITLE 18 USC § 1951 - Interference with commerce by threats or violence**

(a) Whoever in any way or degree obstructs, delays, or affects commerce or the movement of any article or commodity in commerce, by robbery or extortion or attempts or conspires so to do, or commits or threatens physical violence to any person or property in furtherance of a plan or purpose to do anything in violation of this section shall be fined under this title or imprisoned not more than twenty years, or both.

(1) The term "robbery" means the unlawful taking or obtaining of personal property from the person or in the presence of another, against his will, by means of actual or threatened force, or violence, or fear of injury, immediate or future, to his person or property, or property in his custody or possession, or the person or property of a relative or member of his family or of anyone in his company at the time of the taking or obtaining.

(2) The term "extortion" means the obtaining of property from another, with his consent, induced by wrongful use of actual or threatened force, violence, or fear.

**5.** No affidavit in support of this motion.

**6.** No facts in evidence.

7. No grounds were set forth.
8. These statements made by Adam J. Kaplan are hearsay statements.

WHEREFORE, the alleged defendant does not wish to offend, I respect the court's hard-work and its officials motivations to serve others, I just wish you to understand my positions and reasoning's, before you declare me a "danger to society". I am nothing of the sorts. I am asking for the courts protection and in prayer, hope that the court will do the right thing and serve justice and uphold my life, liberty, and pursuit to happiness for the sake of your own morality and faith in my character.

### **CONCLUSION**

I believe that the corporate entity, also known as "THE STATE OF ILLINOIS" and its sister companies in the county government have made an error in their judgements, and I am willing to forgive them. You have 7(seven) days to respond, via sworn affidavit to refute each statement made within this document and my previous motions, notice of dishonor, affidavit and conditional acceptance letter or else you agree to forfeit your allegations, grant me exemption status from any statute, law, or code that cannot show an injured party, and we shall consider this matter closed, with prejudice, unless you or your offices refute in the manner prescribed. Because the plaintiff has failed to allege the required elements of a cause of action/crime and there is no corpus delicti, the Court has no jurisdiction. As such, the court should either strike the complaint filed against alleged defendant or dismiss it.

### **NOTICE**

This is admissible as evidence in court. An irrelevant response that does not address each point made will be considered harassment and a civil suit will commence.

Submitted this \_\_\_ day of \_\_\_\_\_ 20\_\_\_

---

Jacob Smith, Sui Juris, Special Appearance

### **Certificate of service**

This is to certify that a true and correct copy of the foregoing has been mailed this \_\_\_ day of \_\_\_\_\_ 2013, to the plaintiff at the following address:

Adam J. Kaplan  
Boone County Circuit Court  
601 North Main St. Suite 302  
Belvidere, Illinois 61008

---

Notary Public