

Title 18 USC 31:

1) (6)"Motor vehicle" means every description or other contrivance propelled or drawn by mechanical power and used for commercial purposes on the highways in the transportation of passengers, or passengers and property.

2) (10)"Used for commercial purposes" means the carriage of persons or property for any fare, fee, rate, charge or other considerations, or directly or indirectly in connection with any business, or other undertaking intended for profit. 3) "Traffic (AKA 'Traffic Laws')- commerce, trade, sale or exchange of merchandise, bills, money, or the like. The passing of goods and commodities from one person to another for an equivalent in goods or money ..." Bovier's Law Dictionary, 1914 ed., Pg. 3307

4) "Driver -- One employed in conducting a coach, carriage, wagon, or other vehicle" Bovier's Law Dictionary, 1914 ed., Pg. 3307

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

6) "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

7) "The right of the citizen to travel upon the highway and to transport his property thereon, in the ordinary course of life and business, differs radically and obviously from that of one who makes the highway his place of business for private gain in the running of a stagecoach or omnibus." State vs. City of Spokane, 186 P. 864

8) "Where rights secured by the Constitution are involved, there can be no rule making or legislation which would abrogate them." Miranda vs. Arizona, 384 US 436, 491

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

10) "There can be no sanction or penalty imposed upon one because of this exercise of constitutional Rights." Snerer vs. Cullen, 481 F. 946

11) "... 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 privilege or a license which the legislature may grant or withhold at its discretion." State vs. Johnson, 243 P. 1073; Homes, 155 P. 171; Packard vs. Banton, 44 S.Ct. 256; Hadfield vs. Lundin 98 Wash 516

12) "The Right of the Citizen to travel upon the public highways and to transport his property thereon, either by drawn carriage or by automobile, is not a mere privilege which a city can prohibit or permit at will, but a common Right which he has under the right to life, liberty, and the pursuit of happiness." Thompson vs. Smith, 154 SE 579

13) "The term 'motor vehicle' is different and broader than the word 'automobile.'" City of Dayton vs. DeBrosse, 23 NE.2d 647, 650; 62 Ohio App. 212)

14) License: "The permission, by competent authority to do an act which without permission, would be illegal, a trespass, or a tort." People vs. Henderson, 218 NW.2d 2, 4

15) "The state cannot diminish Rights of the people." Hurtado vs. California, 110 US 516

16) "An...officer violates the Constitution he ceases to represent the government." Brookfield County V. Stuart, 234 F. Supp. 94.

17) "The omission of one's Christian name by either plaintiff or defendant in a legal process prevents the court from acquiring jurisdiction, ..." - Bovier's Law Dictionary, 8th ed., pg. 2287

18) "If two or more persons conspire to injure, oppress, threaten, or intimidate any American National in the free exercise or enjoyment of a right or privilege secured to him by the Constitution or the Laws of the United States, or goes in disguise on the highway, or the premise of another, with the intent to prevent or hinder his free exercise or enjoyment of any Right or privilege so secured- they shall be fined not more than \$10,000 or imprisoned not more that ten years, or both; and if death occurred from their actions, they shall be subject to imprisonment for any term of years or for life." USC Title 18 Section 241.

19) "There is no discretion to ignore that lack of jurisdiction." Joyce v. US, 474 F2d 215.

20) "Court must prove on the record, all jurisdiction facts related to the jurisdiction asserted." Lantana v. Hopper, 102 F2d 188; Chicago v. New York, 37 F Supp 150.

21) "The burden shifts to the court to prove jurisdiction." Rosemond v. Lambert, 469 F2d 416.

22) "Conviction of a nonexistent crime results in a void judgment not subject to waiver." People v. McCarty 94 Ill. 2d 28, 37 (1983).

23) "A judgment obtained without jurisdiction over the defendant is void." Overby v. Overby, 457 S.W.2d 851 (Tenn. 1970).

24) "A judgment rendered by a court without personal jurisdiction over the defendant is void. It is a nullity." [A judgment shown to be void for lack of personal service on the defendant is a nullity.] Sramek v. Sramek, 17 Kan. App. 2d 553 (1992), rev. denied 252 Kan. 1093.

25) "The law provides that once State and Federal jurisdiction has been challenged, it must be proven." Main v. Thiboutot, 100 S. Ct. 2502 (1980).

26) "Where there is absence of jurisdiction, all administrative and judicial proceedings are a nullity and confer no right, offer no protection, and afford no justification, and may be rejected upon direct collateral attack." Thompson v. Tolmie, 2 Pet. 157, 7 L. Ed. 381; Griffith v. Frazier, 8 Cr. 9, 3L. Ed. 471.

27) "No sanctions can be imposed absent proof of jurisdiction." Standard v. Olsen, 74 S. Ct. 768; Title 5 U.S.C., Sec. 556 and 558 (b).

28) "The proponent of the rule has the burden of proof." Title 5 U.S.C., Sec. 556 (d).

29) "Jurisdiction can be challenged at any time, even on final determination." Basso v. Utah Power & Light Co., 495 2nd 906 at 910.

30) "An action by the Department of Motor Vehicles, whether directly or through a court sitting administratively as the hearing officer, must be clearly defined in the statute before it has subject matter jurisdiction, without such jurisdiction of the licensee, all acts of the agency, by it's employees, agents, hearing officers, are null and void." Doolan v. Carr, 125 US 618; City v. Pearson, 181 Cal. 640.

31) "...all departments of the United States Corporation are part of the corporation." Title 28, 3002 (15) (3).32) "...a Sovereign is not a 'PERSON'. " United Mine Workers vs. United States, 330 U.S. 258.

33) "The State Citizen is immune from any and all government attacks and procedure, absent contract." Dred Scott vs. Sanford, 60 U.S. (19 How.) 393.

34) "If the Christian name be wholly mistaken, this is regularly fatal to all legal instruments..." A New Abridgement of the Law, Matthew Bacon, Vol. III (1846).

35) "Governments are corporations. 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." *Penhallow v. Doane* 3 U. S. 54; 1 L. Ed. 57; 3 Dall. 54.

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

37) "It is the duty of the courts to be watchful for the Constitutional rights of the citizen and against any stealthy encroachments thereon." *Boyd vs. United States*, 116 US 616

38) "No state shall...make anything but gold and silver coin a tender in the payment of debts." - Article 1 section 10 United States Constitution

39) "No public policy of a state can be allowed to override the positive guarantees of the U.S. Constitution." 16 Am.Jur. (2nd), Const. Law, Sect. 7R

Supremacy Clause = State courts have to abide by Supreme Court rulings.

Breathalyzer test constitutes a "search"

pursuant to the Fourth and Fourteenth Amendments to the United States Constitution. See, *Skinner v. Railway Labor Executives Association*, 489 U.S. 602 (1989) (blood, urine, and breath analysis all constitute searches as "they intrude upon expectations of privacy as to medical information")

The Fourth and Fourteenth Amendments require

that a search not be coerced by explicit or implicit means, by implied threat or covert force. See, *Schneekloth v. Bustamonte*, 93 S. Ct.

2041, 2048 (1973); *Rochin v. California*, 342 U.S.

165 (1952), You have the right to refuse any tests without a warrant. S.Ct. MISSOURI v. MCNEELY No. 11-1425. April 17, 2013 (4th amendment)

40) RULE 60. RELIEF FROM JUDGMENT OR ORDER

(a) Clerical Mistakes. In judgments, orders, or other parts of the record and errors therein arising from oversight or omission may be corrected by the court at any time of its own initiative or on the motion of any party and after such notice, if any, as the court orders. During the pendency of an appeal, such mistakes may be so corrected before the appeal is docketed in the appellate court, and thereafter while the appeal is pending may be so corrected with leave of the appellate court.

(b) Mistakes; Inadvertence; Excusable Neglect; Newly Discovered Evidence; Fraud, etc. On motion and upon such terms as are just, the court may relieve a party or a party's legal representative from a final judgment, order, or proceeding for the following reasons:

(1) mistake, inadvertence, surprise, or excusable neglect; (2) newly discovered evidence which by due diligence could not have been discovered in time to move for a new trial under Rule 59 (b); (3) fraud (whether heretofore denominated intrinsic or extrinsic), misrepresentation, or other misconduct of an adverse party; (4) the judgment is void; (5) the judgment has been satisfied, released, or discharged, or a prior judgment upon which it is based has been reversed or otherwise vacated, or it is no longer equitable that the judgment should have prospective application; or (6) any other reason justifying relief from the operation of the judgment. The motion shall be made within a reasonable time, and for the reasons (1), (2), and (3) not more than one year after the judgment, order, or proceeding, or to grant relief to a defendant not actually personally notified as provided in Title 28, U.S.C., Sec. 1655, or to set aside a judgment for fraud upon the court. Writs of *coram nobis*, *coram vobis*, *audita querela*, and bills of review and bills in the nature of a bill or review, are abolished, and the procedure for obtaining any relief from a judgment shall be by motion as prescribed in these rules or by an independent action.

41) "A motion to set aside a judgment as void for lack of jurisdiction is not subject to the time limitations of Rule 60(b)." *Garcia v. Garcia*, 712 P. 2d 288 (Utah 1986).

42) "There is only an immaterial procedural difference between the relief sought pursuant to Rule 60(b) and the relief sought in an independent action." *Hadden v. Rumsey Prods.*, 196 F.2d 92 (2d Cir. 1952); 7 Moore's Federal Practice, § 60.38 (3) (2d ed. 1971).

43) "A judgment is void, and therefore subject to relief under Rule 60 (b) (4), only if the court that rendered judgment lacked jurisdiction or in circumstances in which the court's action amounts to a plain usurpation of power constituting a violation of due process." *United States v. Boch Oldsmobile, Inc.*, 909 F. 2d 657, 661 (1st Cir. 1990).

44) "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." *Melo v. U.S.*, 505 F.2d 1026.

45) "Where Rule 60 (b)(4) is properly invoked on the basis that the underlying judgment is void, 'relief is not a discretionary matter; it is mandatory.'" *Orner v. Shalala*, 30 F.3d 1307, 1310 (10th Cir. 1994) (quoting *V.T.A., Inc. v. Airco, Inc.*, 597 F.2d 220, 224 n.8 (10th Cir. 1979)).

46) "In order for a judgment to be void, there must be some jurisdictional defects in the court's authority to enter the judgment, either because the court lacks personal jurisdiction or because it lacks jurisdiction over the subject matter of the suit." *Puphal v. Puphal*, 105 Idaho 302, 306, 669 P.2d 191, 195 (1983); *Dragotolu*, 133 Idaho at 647, 991 P.2d at 379.

47) "A void judgment is one that has been procured by extrinsic or collateral fraud or entered by a court that did not have jurisdiction of the subject matter or the parties." *Rook v. Rook*, 233 Va. 92, 95, 353 S.E.2d 756, 758 (1987).

48)
rise of Constitutional Rights. *Sherar v. Cullen*, 481 F. 945

49) "The assertion of federal Rights, when plainly and reasonably made, is not to be defeated under the name of local practice." *Davis v. Wechsler*, 263 U.S. 22, 24

50) "This Constitution, AND the Laws of the United States which shall be made in pursuance thereof;...shall be the supreme Law of the Land; and the Judges in EVERY State shall be bound thereby, any Thing in the Constitution or laws of any State to the Contrary notwithstanding. The Senators and Representatives before mentioned, and the Members of the several State Legislatures, and all executive and judicial Officers, both of the several States, shall be bound by Oath or Affirmation, to support this Constitution..." The Art. 6 of the U.S. Constitution.

51) It is one thing to find that the Tribe has agreed to sell the right to use the land and take valuable minerals from it, and quite another to find that the Tribe has abandoned its sovereign powers simply because it has not expressly reserved them through a contract. To presume that a sovereign forever waives the right to exercise one of its powers unless it expressly reserves the right to exercise that power in a commercial agreement turns the concept of sovereignty on its head. *MERRION ET AL., DBA MERRION & BAYLESS, ET AL. v. JICARILLA APACHE TRIBE ET AL.* 1982.SCT.394 , 455 U.S. 130, 102 S. Ct. 894, 71 L. Ed. 2d 21, 50 U.S.L.W. 4169 pp. 144-148. (Bold emphasis added here)

52) "Here is the often expressed understanding from the United States Supreme Court, that "in common usage, the term 'person' does not include the Sovereign, statutes employing the 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).

53) "An illegal arrest is an assault and battery. The person so attempted to be restrained of his liberty has the same right, and only the same right, to use force in defending himself as he would have in repelling any other assault and battery." *State v. Robinson* 145 Me. 77, 72 Atl. 2d 260, 262 (1950).

54) "The offense of resisting arrest, both at common law and under statute, presupposes a lawful arrest. It is axiomatic (self-evident) that every person has the right to resist an unlawful arrest. In such a case the person attempting to arrest stands in the position of a wrongdoer and may be resisted by the use of force, as in self-defense." *State v. Mobley* 240 N.C. 476, 83 S.E. 2d 100, 102 (1954).

55) "All laws which are repugnant to the Constitution are null and void." *Marbury vs. Madison*

56) "There is no position which depends on clearer principles, than that every act of a delegated authority contrary to the tenor of the commission under which it is exercised, is void. No legislative act, therefore, contrary to the constitution, can be valid. To deny this, would be to affirm that the deputy is greater than the principal; that the servant is above his master; that the representatives of the people are superior to the people themselves; that men, acting by virtue of powers, may do not only what their powers do not authorize, but what they forbid."-Alexander Hamilton in the Federalist #78

57) "The people of this state do not yield their sovereignty to the agencies that serve them." -California Civil Code 22.2

58) "The United States is located in the District of Columbia." -California Commercial Code Sec. 9307 (h).

59) "No State shall make or enforce any law which shall abridge the privileges or immunities of citizens of the United States;..."-14th Amendment, Section 1 of the US Constitution

60) "At the Revolution, the Sovereignty devolved on the people; and they are truly the Sovereigns of the country, but they are Sovereigns without subjects...with none to govern but themselves; the Citizens of America are equal as fellow Citizens, and as joint tenants in the Sovereignty." - Chisolm v. Georgia (U.S.) 2 Dall 419, 454

61) " The people of this state, as successors of the former Sovereign, are entitled to all the Rights which formerly belonged to the King by his prerogative through the medium of the Legislature they may exercise all the powers which previous to the Revolution could have been exercised either by the King alone, or by him in conjunction with his Parliament; subject only to those restrictions which have been imposed by the Constitution of this State or of the U.S." - Lansing v. Smith, 21 D. 89., 4 Wendel 9 (1829) (New York)

62) "United States and State of California are two separate sovereignties, each dominant within its own sphere." - Redding v Los Angeles (1947) 81 CA2d 888, 185 P2d 430, app dismd 334 US 825, 92 L Ed 1754, 68 S Ct 1338

63) "As independent sovereignty, it is State's province and duty to forbid interference by another state or foreign power with status of its own citizens." - Roberts v Roberts (1947) 81 CA2d 871, 185 P2d 381. Black's Law Dictionary, 4th Ed., p 1300

64) "'Sovereignty' means that the decree of sovereign makes law, and foreign courts cannot condemn influences persuading sovereign to make the decree." - Moscow Fire Ins. Co. of Moscow, Russia v. Bank of New York & Trust Co., 294 N.Y.S. 648, 662, 161 Misc. 903.

65) "The very meaning of 'sovereignty' is that the decree of the sovereign makes law." American Banana Co. v. United Fruit Co., 29 S.Ct. 511, 513, 213 U.S. 347, 53 L.Ed. 826, 19 Ann.Cas. 1047. 66) "Sovereignty itself is, of course, not subject to law." Yick Wo vs. Hopkins, U.S. 356 (1886)

67) "When the Revolution took place, the people of each state became Themselves Sovereign..." - Martin v. Waddel, 41 U.S. 367 (1842)

68) "A State may not impose a charge for the enjoyment of a right granted by the Federal Constitution." Murdock v. Pennsylvania, 319 U.S. 105, at 113.

69) "A State may not impose a charge for the enjoyment of a right granted by the Federal Constitution." Murdock v. Pennsylvania, 319 U.S. 105, at 113.

70) "Statutes that violate the plain and obvious principles of common right and common reason are null and void." Bennett v. Boggs, 1 Baldw 60.

71) "...those things which are considered as inalienable rights which all citizens possess cannot be licensed since those acts are not held to be a privilege." City of Chicago v. Collins, 51 N.E. 907, 910

72) "Any law which would place the keeping and safe conduct of another in the hands of even a conservator of the peace, unless for some breach of the peace committed in his presence, or upon suspicion of felony, would be most oppressive and unjust, and destroy all the rights which our Constitution guarantees." Pinkerton v Verberg, 78 Mich 573, 584; 44 NW 579, 582-583 (1889).

73) "A license when granting a privilege, may not, as the terms to its possession, impose conditions which require the abandonment of constitutional rights." Frost Trucking Co. V. Railroad Commission, 271 US 583, 589 (1924); Terral v. Burke Construction Company, 257 US 529, 532 (1922).

74) "A license is merely a permit or privilege to do what otherwise would be unlawful, and is not a contract between the authority, federal, state or municipal granting it and the person to whom it is granted..."American States Water Services Co. Of Calif. V. Johnson, 88 P.2d 770, 774; 31 Cal. App.2d 606.

75)

76) "The right to make use of an automobile as a vehicle of travel along the highways of the state, is no longer an open question. The owners thereof have the same rights in the roads and streets as the drivers of horses or those riding a bicycle or traveling in some vehicle." House v. Cramer, 1 12 N. W. 3; 134 Iowa 374 (1907).

77) "Even the legislature has no power to deny to a citizen the right to travel upon the highway and transport his property in the ordinary course of his business or pleasure, though this right may be regulated in accordance with the public interest and convenience. - Chicago Motor Coach v Chicago, 169 NE,

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 US 160 (1941)

79) "The right to travel is part of the Liberty of which the citizen cannot be deprived without due process of law under the Fifth Amendment." Kent v. Dulles 357 U.S. 116, 125. Reaffirmed in Zemel v. Rusk 33 US 1.

80) "Undoubtedly the right of locomotion, the right to remove 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 D.C. 287, 293.

81) "Americans' 'freedom to travel throughout the United States has long been recognized as a basic right under the Constitution,' according to multiple cases including Williams v Fears, 179 US 270, 274; 21 S Ct 128; 45 L Ed 186 (1900); Twining v New Jersey, 211 US 78, 97; 29 S Ct 14; 53 L Ed 97 (1908), as listed in the case of United States v Guest, 383 US 745; 86 S Ct 1170; 16 L Ed 2d 239 (1968), a case involving criminally prosecuting people for obstructing the right (obstruction is a federal crime pursuant to federal criminal law 18 USC 241)

82) "Right to travel is constitutionally protected against private as well as public encroachment." - Volunteer Medical Clinic, Inc. V. Operation Rescue, 948 F2d 218; International Org. Of Masters, Etc. V. Andrews, 831, F2d 843; Zobel v. Williams, 457 US 55, 102 Sct. 2309.

83) "WHEREAS, officials and even judges have no immunity (See, Owen vs. City of Independence, 100 S Ct. 1398; Maine vs. Thiboutot, 100 S. Ct. 2502; and Hafer vs. Melo, 502 U.S. 21;) officials and judges are deemed to know the law and sworn to uphold the law; officials and judges cannot claim to act in good faith in wilful deprivation of law, they certainly cannot plead ignorance of the law, even the Citizen cannot plead ignorance of the law, the courts have ruled there is no such thing as ignorance of the law, it is ludicrous for learned officials and judges to plead ignorance of the law therefore there is no immunity, judicial or otherwise, in matters of rights secured by the Constitution for the United States of America." See: Title 42 U.S.C. Sec. 1983.

"When lawsuits are brought against federal officials, they must be brought against them in their "individual" capacity not their official capacity. When federal officials perpetrate constitutional torts, they do so ultra vires (beyond the powers) and lose the shield of immunity." Williamson v. U.S. Department of Agriculture, 815 F.2d. 369, ACLU Foundation v. Barr, 952 F.2d. 457, 293 U.S. App. DC 101, (CA DC 1991).

85)"Personal involvement in deprivation of constitutional rights is prerequisite to award of damages, but defendant may be personally involved in constitutional deprivation by direct participation, failure to remedy wrongs after learning about it, creation of a policy or custom under which unconstitutional practices occur or gross negligence in managing subordinates who cause violation." - Gallegos v. Haggerty, N.D. of New York, 689 F. Supp. 93 (1988).

86)"The law requires proof of jurisdiction to appear on the record of the administrative agency and all administrative proceedings. - Hagans v. Lavine, 415 U. S. 533

87)"If you've relied on prior decisions of the Supreme Court you have a perfect defense for willfulness." - U.S. v. Bishop, 412 U.S. 346

88)"Fraud vitiates the most solemn contracts, documents and even judgments." - U.S. v. Throckmorton, 98 US 61

89)"Fraud vitiates everything." - Boyce v. Grundy, 3 Pet. 210

90)"Ex dolo malo non oritur actio. Out of fraud no action arises; fraud never gives a right of action. No court will lend its aid to a man who founds his cause of action upon an immoral or illegal act." - Black's Law Dictionary, Fifth Edition, page 50992) "Party in interest may become liable for fraud by mere silent acquiescence and partaking of benefits of fraud." - Bransom v. Standard Hardware, Inc., 874 S.W.2d 919, 199493) "Fraud in its elementary common law sense of deceit [and this is one of the meanings that fraud bears in the statute, see United States v. Dial, 757 F.2d 163, 168 (7th Cir. 1985)] includes the deliberate concealment of material information in a setting of fiduciary obligation. A public official is a fiduciary toward the public, including, in the case of a judge, the litigants who appear before him, and if he deliberately conceals material information from them he is guilty of fraud." - McNally v. U.S., 483 U.S. 350, 371-372 (1987), Quoting U.S. v. Holzer, 816 F.2d. 304, 30794) "The individual may stand upon his constitutional rights as a citizen. He is entitled to carry on his private business in his own way. His power to contract is unlimited. He owes no such duty [to submit his books and papers for an examination] to the State, since he receives nothing therefrom, beyond the protection of his life and property. His rights are such as existed by the law of the land [Common Law] long antecedent to the organization of the State, and can only be taken from him by due process of law, and in accordance with the Constitution. Among his rights are a refusal to incriminate himself, and the immunity of himself and his property from arrest or seizure except under a warrant of the law. He owes nothing to the public so long as he does not trespass upon their rights." - Hale v. Henkel, 201 U.S. 43 at 4795) Ca. PC Sec. 849 (a) When an arrest is made without as warrant by a peace officer or private person, the person arrested, if not otherwise released, shall, without unnecessary delay, be taken before the nearest or most accessible magistrate in the county in which the offense is triable, and a complaint stating the charge against the arrested person shall be laid before such magistrate. (b) Any peace officer may release from custody, instead of taking such person before the magistrate, any person arrested without a warrant whenever: (1) He or she is satisfied that there are insufficient grounds for making a criminal complaint against the person arrested. (2) The person was arrested for intoxication only, and no further proceedings are desirable.(3) The person was arrested only for being under the influence of a controlled substance or drug and such person is delivered to a facility or hospital for treatment and no further proceedings are desirable.(c) Any record of arrest of a person released pursuant to paragraphs (1) and (3) of subdivision (b) shall include a record of release. Thereafter, such arrest shall not be deemed an arrest, but a detention only.

(this one is for Calif, but should see if your state has something similar in it's vehicle code)

96) CVC 21052 - "The provisions of this code applicable to the drivers of vehicles upon the highways apply to the drivers of all vehicles while engaged in the course of employment by this State, any political subdivision thereof, any municipal corporation, or any district, including authorized emergency vehicles subject to those exceptions granted such emergency vehicles in this code." 97) CVC 17460 "The acceptance or retention by a resident of this state of a driver's license issued pursuant to the provisions of this code, shall constitute the consent of the person that service of summons may be made upon him within or without this state, whether or not he is then a resident of this state, in any action brought in the courts of this state upon a cause of action arising in this state out of the ownership or operation of the vehicle anywhere within this state." (Amended Ch. 720. Stats. 1967. Effective November 8. 1967.) (Amended Ch. 622, Stats. 1971. Operative May 3, 1972.) (Amended Ch. 618, Stats. 1972. Effective March 7, 1973.)98) CVC 17459 "The acceptance by a resident of this state of a certificate of ownership or a certificate of registration of any motor vehicle or any renewal thereof, issued under the provisions of this code, shall constitute the consent by the person that service of summons may be made upon him within or without this state, whether or not he is then a resident of this state, of any action brought in the courts of this state upon a cause of action arising in this state out of the ownership or operation of the vehicle."

"Income means gains/profit from property severed from capitol, however invested or employed. Income is not a wage or compensation from any type of labor."
Stapler v. United States, 21 F.Supp 737 at 739

"...every man has a natural right to the fruits of his own labor, as generally admitted; and no other person can rightfully deprive him of those fruits, and appropriate them against his will..."
The Antelope, 23 U.S. 66, 120

"The right to labor and to its protection from unlawful interference is a constitutional as well as common-law right. Every man has a natural right to the fruits of his own industry".
48 American Jurisprudence, pg. 80

"Among these unalienable rights, as proclaimed in the Declaration of Independence is the right of men to pursue their happiness, by which is meant, the right to pursue any lawful business or vocation, in any manner not inconsistent with the equal rights of others... It has been well said that, the property which every man has is his own labor, as it is the original foundation of all other property so it is the most sacred and inviolable... to hinder his employing...in what manner he thinks proper, without injury to his neighbor, is a plain violation of the most sacred property".
Butchers' Union v. Crescent City Co., 111 U.S. 746, at 756-757

"There can be no sanction or penalty imposed upon one because of the exercise of a constitutional right."
Sherar v. Cullen, 481 F. 945

"...The term [liberty]...denotes not merely freedom from bodily restraint but also the right of the individual to contract, to engage in any of the common occupations of life...The established doctrine is that this liberty may not be interfered with, under the guise of protecting public interest, by legislative action..."
Meyer v. Nebraska, 262 U.S. 390, 399, 400

"A right common in every citizen such as the right to own property or to engage in business of a character not requiring regulation cannot, however, be taxed as a special franchise by first prohibiting its exercise and then permitting its enjoyment upon the payment of a certain sum of money".
Stevens v. State, 2 Ark., 291. 35 Am. Dec. 72.
Spring Valley Water Works v. Barber, 99 Cal. 36, 33 Pac. 735, 21 L.R.A. 416

"...The right to enjoy property without unlawful deprivation, is a personal right, whether the property in question is a welfare check, a home, or a savings account. In fact a fundamental interdependence exists between the person's right to liberty and the personal right in property. Neither could have meaning without the other".
Lynch v. Household Finance Corp., 405 U.S. 538

"A state may not impose a charge for the enjoyment of a right granted by the Federal Constitution."
Murdock v. Pennsylvania 319 US 105 (1943)

"The right to travel is a part of the 'liberty' of which the citizen cannot be deprived without the due process of law under the fifth amendment."
Kent v. Dulles 357 US 116 (1958)

"Like the right of association [the right to travel freely] is a virtually unconditional personal right guaranteed by the constitution to us all."
NAACP vs. Alabama 357 US 449 (1958)

"...a personal liberty protected by the Bill of Rights...Freedom of travel is a constitutional liberty closely related to the rights of free speech and association...the constitutional right to travel has been firmly established and repeatedly recognized...that a right so elementary was conceived from the beginning...In any event, freedom to travel throughout the United States has long been recognized as a basic right under the constitution."
Aptheker v. Sec. Of State 378 US 500 (1964) United States v. Guest 383 US 745 (1966)

"...freedom to travel is an element of the "liberty" secured by the due process clause of the fifth amendment."
Shapiro v. Thompson 394 US 618 (1969)

Constitutionally Guaranteed Right Cannot Be Converted Into A Crime

"The claim and exercise of a constitutional right cannot thus be converted into a crime"
Miller v. US (5th Circuit) 230 F. 2d. 486 (1956)

"Where rights secured by the constitution are involved, there can be no rule making or legislation which would abrogate them."
Miranda v. Arizona 384 US 436 (1966)

"...There is a clear distinction...between an individual and a corporation...The individual may stand upon his constitutional rights as a citizen. He is entitled to carry on his private business in his own way...He owes nothing to the public so long as he does not trespass upon their rights. Upon the other hand, the corporation is a creature of the state...it's powers are limited by law."
Hale v. Henkel 201 US 43 (1906)

"...it is the duty of courts to be watchful for the constitutional rights of the citizen, and against any stealthy encroachment thereon."
Byars v. United States 273 US 28 (1927)

"...a legislative act contrary to the constitution is not law...an act of the legislature repugnant to the constitution is void."
Marbury v. Madison (1 Cranch 170) 5 US 137 (1803)

"An unconstitutional act is not law...it imposes no duty...it is, in legal contemplation, as inoperative as though it had never been passed."
Norton v. Shelby County 118 US 425 (1886)

"The supreme court of the United States is, however, the final expositor and arbiter of all disputed questions touching the scope and meaning of that sacred instrument [the US Constitution], and its decisions thereon are binding upon all courts, both state and federal."
Mugler v. Kansas 123 US 623 (1887)

"The Eleventh Amendment provides no shield for a state official confronted by a claim that he had deprived another of a federal right under the color of state law...when a state officer acts under a state law in a manner violative of the federal constitution. And he is, in that case, stripped of his official or representative character, and is subjected in his person to the consequences of his individual conduct. The state has no power to impart to him any immunity from responsibility to the supreme authority of the United States."
Ex Parte Young 209 US 123 (1908)

"If a law has 'no other purpose...' than to chill the assertion of constitutional rights by penalizing those who choose to exercise them, then it [is] patently unconstitutional."
United States v. Jackson 390 US 570 (1968)

"A law cannot exceed the authority of the lawgiver. We have no more right to decline the exercise of jurisdiction which is given, than to usurp that which is not given. The one or the other would be treason to the Constitution. The several state legislatures and judiciaries, are all bound by solemn obligation of an oath, to support the federal constitution;...wilfully legislating in violation of that constitution...[is] guilty of perjury. [309]"
Cohens v. Virginia (6 Wheaton) 19 US 264 (1821)

Evans v. United States 504 US 255 (1992)
"[The] offense of extortion" was understood...[as] a wrongful taking under a false pretense of official right" [269] and citing:

White v. State, 56 Ga. 385 & 389 (1876) [270]
"generically extortion is an abuse of public justice and a misuse by oppression of the power with which the law clothes a public officer."

"With regard particularly to the U.S. Constitution, it is elementary that a Right secured or protected by that document cannot be overthrown or impaired by any state police authority." Connolly vs. Union Sewer Pipe Co., 184 US 540; Lafarier vs. Grand Trunk R.R. Co., 24 A. 848; O'Neil vs. Providence Amusement Co., 108 A. 887.

Case Law of Supreme Court Decisions which pertain to a Citizen's Right to Travel:

"The right of a citizen to travel upon the public highways and to transport his property thereon in the ordinary course of life and business is a common right which he has under his right to enjoy life and liberty, to acquire and possess property, and pursue happiness and security. It includes the right in so doing to use the ordinary and usual conveyances of the day, and includes the right to operate an automobile thereon, for the usual and ordinary purposes of life and business. It is not a privilege, like the privilege of moving a house on the street, operating a business stand on the street, or transporting persons or property for hire along the street, which a city may permit or prohibit at will."
Thompson v. Smith 155 Va. 367, 154 S.E. 579, 71 ALR 604 (1930)

"...our decisions have made clear that a person faced with...an unconstitutional licensing law may ignore it and engage with impunity in the exercise of the right...for which the law purports to require a license."
Shuttlesworth v. Birmingham 394 US 147 (1969) [not: 373 US 262(63)]

"...an ordinance which makes the peaceful enjoyment of freedoms which the constitution guarantees contingent upon the uncontrolled will of an official – as by requiring a permit or license which may be granted or withheld in the discretion of such official – is an unconstitutional censorship or prior restraint upon the enjoyment of those freedoms."
Staub v. Baxley 355 US 313 (1958)

"The very meaning of 'sovereignty' is that the decree of the sovereign makes law." American Banana Co. v. United Fruit Co., 29 S.Ct. 511, 513, 213 U.S. 347, 53 L.Ed. 826, 19 Ann.Cas. 1047.

"'Sovereignty' means that the decree of sovereign makes law, and foreign courts cannot condemn influences persuading sovereign to make the decree." Moscow Fire Ins. Co. of Moscow, Russia v. Bank of New York & Trust Co., 294 N.Y.S. 648, 662, 161 Misc. 903.

United States v Jenkins, 2006: An officer "may not lawfully order someone to stop unless the officer reasonably suspects the person of being engaged in illegal activity".

Whren v United States, 1996: "Temporary detention of individuals during the stop of an automobile by police, even if only for a brief period and for a limited purpose constitutes a 'seizure' of 'persons' within the meaning of the 4th amendment."

U.S. Code, Title 28 – JUDICIARY AND JUDICIAL PROCEDURE, (Chapter 176) Section 3002 (15) (a, b, & c); ~

(15) " United States " means – (A) a Federal corporation; (B) an agency, department, commission, board, or other entity of the United States; (C) an instrumentality of the United States

"The IRS is not a U.S. Government Agency. It is an Agency of the IMF." (Diversified Metal Products v. IRS et al. CV-93-405E-EJE U.S.D.C.D.I., Public Law 94-564, Senate Report 94-1148 pg. 5967, Reorganization Plan No. 26, Public Law 102-391.)

The IMF is an Agency of the UN. (Blacks Law Dictionary 6th Ed. Pg. 816)

The U.S. has not had a Treasury since 1921. (41 Stat. Ch.214 pg. 654)

The U.S. Treasury is now the IMF. (Presidential Documents Volume 29-No.4 pg. 113, 22 U.S.C. 285-288)

The FCC, CIA, FBI, NASA and all of the other alphabet gangs were never part of the United States government, even though the "US Government" held shares of stock in the various Agencies. (U.S. V. Strang, 254 US 491, Lewis v. US, 680 F.2d, 1239)

"Citizens may resist unlawful arrest to the point of taking an arresting officer's life if necessary." Plummer v. State, 136 Ind. 306. This premise was upheld by the Supreme Court of the United States in the case: John Bad Elk v. U.S., 177 U.S. 529. The Court stated: "Where the officer is killed in the course of the disorder which naturally accompanies an attempted arrest that is resisted, the law looks with very different eyes upon the transaction, when the officer had the right to make the arrest, from what it does if the officer had no right. What may be murder in the first case might be nothing more than manslaughter in the other, or the facts might show that no offense had been committed."

"An arrest made with a defective warrant, or one issued without affidavit, or one that fails to allege a crime is within jurisdiction, and one who is being arrested, may resist arrest and break away. If the arresting officer is killed by one who is so resisting, the killing will be no more than an involuntary manslaughter." Housh v. People, 75 111. 491; reaffirmed and quoted in State v. Leach, 7 Conn. 452; State v. Gleason, 32 Kan. 245; Ballard v. State, 43 Ohio 349; State v. Rousseau, 241 P. 2d 447; State v. Spaulding, 34 Minn. 3621.

"These principles apply as well to an officer attempting to make an arrest, who abuses his authority and transcends the bounds thereof by the use of unnecessary force and violence, as they do to a private individual who unlawfully uses such force and violence." Jones v. State, 26 Tex. App. 1; Beaverts v. State, 4 Tex. App. 1 75; Skidmore v. State, 43 Tex. 93, 903.

"An illegal arrest is an assault and battery. The person so attempted to be restrained of his liberty has the same right to use force in defending himself as he would in repelling any other assault and battery." (State v. Robinson, 145 ME. 77, 72 ATL. 260).

"Each person has the right to resist an unlawful arrest. In such a case, the person attempting the arrest stands in the position of a wrongdoer and may be resisted by the use of force, as in self- defense." (State v. Mobley, 240 N.C. 476, 83 S.E. 2d 100).

"Statutes that violate the plain and obvious principles of common right and common reason are null and void." Bennett v. Boggs, 1 Baldw 60.

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

"No public policy of a state can be allowed to override the positive guarantees of the U.S. Constitution."16 Am.Jur. (2nd), Const. Law, Sect. 7R

"An illegal arrest is an assault and battery. The person so attempted to be restrained of his liberty has the same right, and only the same right, to use force in defending himself as he would have in repelling any other assault and battery." State v. Robinson 145 Me. 77, 72 Atl. 2d 260, 262 (1950)

"One may come to the aid of another being unlawfully arrested, just as he may where one is being assaulted, molested, raped or kidnapped. Thus it is not an offense to liberate one from the unlawful custody of an officer, even though he may have submitted to such custody, without resistance." (Adams v. State, 121 Ga. 16, 48 S.E. 910).

"Story affirmed the right of self-defense by persons held illegally. In his own writings, he had admitted that 'a situation could arise in which the checks-and-balances principle ceased to work and the various branches of government concurred in a gross usurpation.' There would be no usual remedy by changing the law or passing an amendment to the Constitution, should the oppressed party be a minority. Story concluded, 'If there be any remedy at all ... it is a remedy never provided for by human institutions.' That was the 'ultimate right of all human beings in extreme cases to resist oppression, and to apply force against ruinous injustice.'" (From Mutiny on the Amistad by Howard Jones, Oxford University Press, 1987, an account of the reading of the decision in the case by Justice Joseph Story of the Supreme Court.

"Fraud upon the court" makes void the orders and judgments of that court. The U.S. Supreme Court has consistently held that a void order is void at all times, does not have to be reversed or vacated by a judge, cannot be made valid by any judge, nor does it gain validity by the passage of time. The order is void ab initio. Valley v. Northern Fire & Marine Ins. Co., 254 U.S. 348, 41 S.Ct. 116 (1920). "Fraud destroys the validity of everything into which it enters," Nudd v. Burrows (1875), 91 US 426, 23 Led 286,290; particularly when "a judge himself is a party to the fraud," Cone v. Harris (Okla. 1924), 230 P. 721, 723. Windsor v. McVeigh (1876), 93 US 276, 23 Led 914, 918.

"An order procured by fraud, can be attacked at any time, in any court, either directly or collaterally, provided that the party is properly before the court," Long v. Shorebank Development Corp., 182 F.3d 548 (C.A. 7 Ill. (1999).

"An order is void if fraud was committed in the procurement of jurisdiction," Fredman Brothers Furniture v. Dept. of Revenue, 109 Ill. 2D 202, 486 N.E. 2D 893(1985)

"An order is void if it was procured by fraud upon the court," In re Village of Willowbrook, 37 Ill. App. 3D 393(1962)

The U.S. Supreme Court, in Scheuer v. Rhodes, 416 U.S. 232, 94 S.Ct. 1683,1687 (1974) states "when a state officer acts under a state law in a manner violative of the Federal Constitution, he "comes into conflict with the superior authority of that Constitution, and he is in that case stripped of his official or representative character and is subjected in his person to the consequences of his individual conduct. The State has no power to impart to him any immunity from responsibility to the supreme authority of the United States";

"A judgment is void if a defective petition was filed, "Brown v. Vankeuren, 340 Ill. 118, 122 (1930)

"A judgment of a court without hearing the party or giving him an opportunity to be heard is not a judicial determination of his rights, and is not entitled to respect in any other tribunal" Sabariego v Maverick, 124 US 261, 31 L Ed 430, 8 S Ct 461

"If a court grants relief, which under the circumstances it hasn't any authority to grant, its judgment is to that extent void." (1 Freeman on Judgments, 120-c.)

"When judges act when they do not have jurisdiction to act, or they enforce a void order (an order issued by a judge without jurisdiction), they become trespassers of the law, and are engaged in treason," The Court in Yates v. Village of Hoffman Estates, Illinois, 209 F.Supp. 757 (N.D. Ill. 1962) held that "not every action by a judge is in exercise of his judicial function. ... it is not a judicial function for a judge to commit an intentional tort even though the tort occurs in the courthouse."

3) AUTHORITIES REGARDING DUE PROCESS VIOLATIONS

"Void judgment is one where court lacked personal or subject matter jurisdiction or entry of order violated due process," U.S.C.A. Const. Amend. 5-Triad Energy Corp. v. McNell, 110 F.R.D. 382 (S.D.N.Y. 1986).

- Judgment is a void judgment if the court that rendered the judgment lacked

jurisdiction of the subject matter, or of the parties, or acted in a manner inconsistent with due process, Fed. Rules of Civil Procedure, Rule 60(B) (4), 28 U.S.C.A., U.S.C.A. Const. Amend. 5 – Klug v. U.S., 620 F. Supp. 892 (D.S.C. 1985).

- "A judgment is void if it violated due process," Johnson v. Zerbst, 304 U.S. 458 S Ct.1019; Pure Oil Co. v. City of Northlake, 10 Ill. 2D 241, 245, 140 N.E. 2D 289 (1956) Hallberg v. Goldblatt Bros., 363 Ill. 25 (1936)

Void judgment where the court lacked personal or subject matter jurisdiction or entry of order violated due process, U.S.C.A. Const. Amend. 5 – Triad Energy Corp. v. McNell 110

F.R.D. 382 (382 (S.D.N.Y. 1986)

The subject-matter of a criminal offense is the crime itself. Subject-matter in its broadest sense means the cause; the object; the thing in dispute. Stillwell v. Markham 10 P.2d 15, 16, 135 Kan. 206 (1932)

"Due Process is a requirement of the U.S. Constitution. Violation of the United States Constitution by a judge deprives that person from acting as a judge under the law. He/she is acting as a private person, and not in the capacity of being a judge.";Piper v. Pearson, 2 Gray 120, cited in Bradley v. Fisher, 13 Wall. 335, 20 L.Ed. 646 (1872)

"any judge who acts without jurisdiction is engaged in an act of treason," U.S. v. Will, 449 U.S. 200, 216, 101 S.Ct. 471, 66 L.Ed.2d 392, 406 (1980); Cohens v. Virginia, 19 U.S. (6 Wheat) 264, 404, 5 L.Ed 257 (1821).

"Engaging in an act of treason against the United States Constitution by any citizen of the United States is an act of war against the United States," Cooper v. Aaron, 358 U.S. 1, 78 S.Ct. 1401 (1958):