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The grounds for dismissal are set forth below.  Respectfully submitted,  \_\_\_\_\_\_**FIRST MIDDLE LAST**\_\_\_\_\_\_  FIRST MIDDLE LAST, Defendant in Error  By:\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_Dated:\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_  *(authorized representative)*  **MEMORANDUM OF POINTS AND AUTHORITIES**  1. Objection for Lack of Ratification of Commencement. There is no claim.  a) FEDERAL RULES OF CIVIL PROCEDURE (F.R.C.P.),  RULE 17(a) - Real Parties in Interest:   |  | | --- | | “(1) Designation in General - An action must be prosecuted in the name of the real party in interest. The following may sue in their own names without joining the person for whose benefit the action is brought: An (a) executor, (b) an administrator, (c) a guardian, (d) a bailee, (e) a trustee of an express trust, (f) a party with whom or in whose name a contract has been made for the benefit of another, or (g) a party authorized by stature.  (2) Action in the Name of the United States for Another’s Use or Benefit –When a federal statute so provides, an action for another’s use or benefit must be brought in the name of the United States.  (3) Joinder of the Real Party in Interest - The court may not dismiss an action for failure to prosecute in the name of the real party in interest until, after an objection, a reasonable time has been allowed for the real party in interest to ratify, join, or be substituted into the action. After ratification, joinder, or substitution, the action proceeds as if it had been originally commenced by the real party in interest.” (emphasis added) | |  |   b) FEDERAL RULES OF CIVIL PROCEDURE (F.R.C.P.), RULE 2:  “There is one form of action – the civil action.”   |  | | --- | | There is neither an injured party nor trespass in the above-mentioned matter, and unless verifiable evidence to the contrary can be presented by the prosecution, none such exists, and, therefore, the matter must be dismissed. As all crimes are commercial (27 C.F.R. § 72.11), and every alleged crime has to have “nature and cause” and must be prosecuted in the name of the people of the state. |   2. There is no *corpus delicti*.   |  |  |  | | --- | --- | --- | | While this alleged offense or infraction may constitute a violation of state statute, it was not a crime. As my limited understanding permits, this is a criminal matter. Notwithstanding, proof of the *corpus delicti* is required in all criminal matters as shown in the following case law: | | | | "**Proof of the *corpus delicti*** **is required in all criminal cases**...There are three basic elements in the proof of a crime: (1) the occurrence of loss or injury, (2) criminal causation of that loss or injury and (3) the identity of the defendant as the perpetrator of the crime.  However, it is firmly established in this State that the term *corpus delicti* embraces only the first two of these elements-loss or injury and criminal causation."  *State v. Hill*, 221 A.2d 725, 728. (emphasis added)  "It is true that the above are all cases of felonious homicide, but the doctrine [of *corpus delicti*] is in nowise peculiar to such cases; **it is equally applicable to all criminal cases**."  *State v. Gelzeiler*, 128 A. 240 (emphasis added) |   3. There is no plaintiff.   |  |  |  | | --- | --- | --- | | This is an adversarial proceeding, and as it is to the alleged DEFENDANT’s limited understanding, adversarial proceedings require real adversaries as supported by the following case law: | | | | “Properly understood the general principle is sound, for courts only adjudicate justiciable controversies… **courts must look behind names that symbolize the parties** to determine whether a justiciable case or controversy is presented.”  [*United States v. Interstate Commerce Commission*](http://caselaw.lp.findlaw.com/scripts/getcase.pl?navby=case&court=us&vol=337&page=426), 337 U.S. 426 (1949). (emphasis added) |  |  |  |  |  |  |  | | --- | --- | --- | --- | --- | --- | | 4. | Lack of evidence that the alleged DEFENDANT was operating a “vessel” in commerce. | | | | | | It has not been established that the alleged Defendant is subject to this private law by way of explicit or implied contract. Alleged Defendant’s signature on said alleged citation was made under duress for fear of arrest and was not meant to be a contract with the STATE. The following is yet more case law to support this assertion: | | | | "The right of the citizen to travel upon public highways and to transport his/her property thereon, either by carriage or automobile, is not a mere privilege which a City/State may prohibit at will, but a common right which he/she has under the right to Life, Liberty, and the Pursuit of Happiness." *Thompson v. Smith*, 154 SE 579.  "The use of the highway for the purpose of travel and transportation is not a mere privilege, but a common and fundamental right which the public and individuals cannot be rightfully deprived." *Chicago Motor Coach v. Chicago*, 337 IIL200, 169 NE 22, 66 ALR 834. *Ligare v. Chicago*,139 III. 46, 28 NE 934. *Booney v. Dark*, 214 SW 607; 25 A M JUR (I'1) Highways, Sec. 163.  “For a crime to exist, there must be an injured party. There can be no sanction or penalty imposed on one because of this exercise of Constitutional rights." *Sheer v. Cullen*, 481 F. 945.  "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.  "Where rights are secured by the Constitution are involved, there can be no rule-making or legislation which would abrogate them." *Miranda v. Arizona*, 384 U.S. 436, 125.  "The claim and exercise of a Constitutional right cannot be converted into a crime." *Miller v. U.S.*, 230 F 2nd 486, 489.  "Under our system of government upon the individuality and intelligence of the citizen, the state" does not claim to control him/her, except as his/her conduct to others, leaving him/her the sole judge as to all that affects himself/herself." *Mugler v. Kansas,* 123 U.S. 623, 659-60. |   **GENERAL RESERVATION OF RIGHTS**  **OF First-Middle: Last**  Please be advised that My use of the phrase, "All Rights Reserved without Prejudice", below My autograph on this document means the following:  (1) THAT I explicitly reject any and all benefits of the Uniform Commercial Code absent a valid commercial agreement which is in force and to which I am a party, and citing its provisions herein is only to serve notice upon ALL agencies of government, whether international, national, state or local, that they (and not I) are subject to, and bound by, all of its provisions whether cited herein or not;  (2) THAT My explicit reservation of Rights has served notice upon ALL agencies of government of the remedy which they must provide for Me under Article 1, Section 308 (formerly § 1- 207) of the Uniform Commercial Code whereby I have explicitly reserved My Common Law Right not to be compelled to perform under any contract or commercial agreement that I have not entered into knowingly, voluntarily, and intentionally;  (3) THAT My explicit reservation of Rights has served notice upon ALL agencies of government that they are ALL limited to proceedings against Me only in harmony with the Common Law and that I do not (and will not) accept the liability associated with the compelled benefits of any unrevealed commercial agreements; and  (4) THAT My valid reservation of Rights has preserved all of My Rights and prevented the loss of any such Rights by application of the concepts of waiver or estoppel.  **CONCLUSION**  It is reasonable to assume that these judicial decisions are straight and to the point that there is no lawful method for government to put restrictions or limitations on rights belonging to the people. There is no question that a citation issued by a police officer for no driver's license, current vehicle registration, or mandatory insurance, etc. which carries a fine or jail time as a penalty. The act is, indeed, converting a right into a crime.  A corporate entity, whether it be a city, state, or of the U.S. Government, cannot testify as an injured party and, thus, cannot be cross-examined as an individual one can speak for a corporation but cannot be an injured party.  If the alleged DEFENDANT is to be subject to the alleged “criminal acts”, it is concluded that no law was, in fact, broken.  Because there is no ratification of commencement and no plaintiff, the Court lacks *personam* jurisdiction. Further, without a verifiable *corpus delecti*, there is no justiciable controversy or cause of action before the Court. For these reasons, the Court is instructed to strike or to dismiss this case that was filed against the alleged DEFENDANT with prejudice.  Respectfully submitted with all rights reserved,  \_\_\_\_\_\_**FIRST MIDDLE LAST**\_\_\_\_\_\_ Dated:\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_  FIRST MIDDLE LAST, Defendant in Error  In Pro Per,  By:  \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_  *(authorized representative), sui juris*  Without the UNITED STATES  Your State, the Land, uSA  ----------------------------------------------- Last Page -------------------------------------------- |  |