

Part 1 Challenging the Jurisdiction of ANY Court, anywhere!

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Following are quotes issued by courts within the United States of America — which attest to the fact that a court's jurisdiction over parties appearing before the court, may be challenged by any party, and at any time.

A court, upon such challenge, is **compelled to answer** the challenge, and **prove** to the challenger's reasonable doubt that it, the court, possesses jurisdiction for a particular action before the court.

Typically, challenges to a court's jurisdiction pertain to criminal proceedings and prosecutions — whereby an accused, or a defendant, may challenge a court's jurisdiction to adjudicate a criminal case.

The maxim of law therefore, substantiated by numerous case cites, is that once challenged, **a court's jurisdiction must be proven.**

- 1) "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. US*, 505 F2d 1026."
- 2) **Court must prove** on the record, all jurisdiction facts related to the jurisdiction asserted." *Latana v. Hopper*, 102 F. 2d 188; *Chicago v. New York*, 37 F Supp. 150.
- 3) "The law provides that once State and Federal Jurisdiction has been challenged, it **must be proven.**" *Main v. Thiboutot*, 100 S. Ct. 2502 (1980).
- 4) "Jurisdiction can be challenged at **any time.**" and "Jurisdiction, once challenged, cannot be assumed and **must be decided.**"
Basso v. Utah Power & Light Co., 495 F 2d 906, 910.
- 5) "Defense of lack of jurisdiction over the subject matter may be **raised at any time, even on appeal.**" *Hill Top Developers v. Holiday Pines Service Corp.*, 478 So. 2d. 368 (Fla 2nd DCA 1985)
- 6) "Once challenged, jurisdiction cannot be assumed, it **must be proved** to exist."
Stuck v. Medical Examiners, 94 Ca 2d 751. 211 P2d 389.
- 7) "There is **no discretion** to ignore that lack of jurisdiction." *Joyce v. US*, 474 F2d 215.
- 8) "The burden shifts to the court to prove jurisdiction." *Rosemond v. Lambert*, 469 F2d 416.

- 9) A universal principle as old as the law is that a proceedings of a court without jurisdiction are a nullity and its judgment therein without effect either on person or property." *Norwood v. Renfield*, 34 C 329; *Ex parte Giambonini*, 49 P. 732.
- 10) "Jurisdiction is fundamental and a judgment rendered by a court that does not have jurisdiction to hear is ***void, ab initio.***" ***null and void at inception***
In Re Application of Wyatt, 300 P. 132; *Re Cavitt*, 118 P2d 846.
- 11) "Thus, where a judicial tribunal has no jurisdiction of the subject matter on which *it assumes to act*, its proceedings are ***absolutely void*** in the fullest sense of the term." *Dillon v. Dillon*, 187 P 27.
- 12) "Where a court ***failed to observe safeguards***, it amounts to ***denial of due process*** of law, court is ***deprived of juris.***"
Merritt v. Hunter, C.A. Kansas 170 F2d 739.
- 13) "***An action*** by 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 its employees, ***agents***, hearing officers, are ***null and void.***" *Doolan v. Carr*, 125 US 618; *City v. Pearson*, 181 Cal. 640.
- 14) "When acting to enforce a statute and its subsequent amendments to the present date, the judge of the municipal court is acting as an administrative officer and judicially, but merely ministerially". *Thompson v. Smith*, 154 SE 583.
- 15) "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, presentation, or rational. (Why am I here?)
ASIS v. US, 568 F2d 284.
- 16) "Ministerial officers are ***incompetent to receive grants of judicial power*** from The legislature, their acts in attempting to exercise such powers are necessarily ***nullities.***" *Burns v. Sup. Ct.*, SF, 140 Cal. 1.
- "The elementary doctrine that the constitutionality of a legislative act is open to attack ***only by persons whose rights are affected thereby***, applies to statute relating to administrative agencies, the validity of which may not be called into question in the absence of a showing of ***substantial harm, actual*** or ***impending***, to a legally protected interest directly resulting from the enforcement of the statute."

Part 2

Who is the Criminal?

(Titles added by ed.)

1. **The State DMVs** [Departments of Motor Vehicles] are institutionalized criminal enterprises which commit racketeering crimes of extortion with every American who unknowingly contracts with them for unneeded automobile registration, and perhaps unneeded driver licenses (DL). (State DMV's are merely federal DOT's/ed.)
2. **Who must register?**
 - 2a. If the alleged "motor vehicle" is **NOT actually being used in** transportation/commerce as a legitimate business operation, then the car, van, truck, etc., of such conveyance is **NOT required to be registered** [per California Vehicle Code section 260(b) or (c), compared to CVC sect. 260(a)]. But the morons at the DMV are programmed to **deny, deny, deny**.
 - 2b. Go around those bastards, and use one's unalienable ~~sovereignty~~ (*inherent rights in common*) to travel behind the wheel, without display of registration plates and without carrying a license. [At such non-evidence of being subject to the CVC, law **enforcement officers have the burden to prove otherwise**; they can't... but that doesn't inhibit their own criminal activity, under color of law -- because most cops are following departmental "policy", but not the law]. (color of office/ed.)
3. **Classification** of cars, vans, etc. as "**motor vehicles**" **ceases the moment the motorist realizes** that his/ her car, van, conveyance, etc., is **NOT used in transportation** for business or commercial gain. The conveyance then automatically reverts to being called a "consumer good" from its prior false designation as a "motor vehicle." No communication is necessary with the criminal enterprise called the DMV. Simply remove the unneeded registration plates, and leave the DL at home.
4. **VERY IMPORTANT:** If you knew an ostensible agency of corporate "government" (in name only), was dealing criminally with you, with pathological lies alleged to be truth... would any self-respecting American want to do business — ANY business at all, with such liars, criminals and crooks?!
The DMV is always dealing criminally with the public (people), and any suggestion they are dealing honorably is a sick joke.
5. **Points of DMV criminality:**
 - 5.a. **The DMVs commit theft** by conversion of the manufacturers' original title document which purports to give the DMV legitimate ownership of the conveyance, but it does NOT. All automobile dealerships are complicit by conspiracy with the DMVs by delivering the title docs to them, for valuable consideration, and then NOT informing the new car buyers of their action. The sales of virtually all cars constitute **breaches of contract**, by auto dealerships against their customers, ...

(breach) **for not divulging the existence of the manufacturers' title docs**, which are hijacked in conspiracy with the DMVs. Such withholding of the title docs to customers constitutes a crime called "**fraudulent concealment**". This is provable actual fraud, and fraud vitiates a contract, ab initio, i.e. **from the beginning**.

Remedy: Sue the dealer in federal court and make them give you a free automobile as restitution, and with the title doc, such automobile needs no DMV registration, unless used in commercial transportation. Maybe the dealer would settle out of court, by advice of his/ her attorney. 'Want evidence that the automobile dealerships deliver the title documents to the DMV? Just call and ask them, and they'll admit it, over the phone. Then ask them if they disclose this fact to all new car buyers. Expect hesitancy, at such point, or they'll be non-committal by response (or I suppose they could lie by saying they do disclose, but then a new car buyer would have to knowingly accept this understanding, and in writing from the dealer).

- 5.b. Letters of demand by prior registered owners of alleged "motor vehicles" to the DMV to reclaim the title docs are rebuffed rudely or just ignored. Why? Because the DMVs are criminals, and they believe they are above the law. (Inherent rights/ed.)
- 5.c. There is no formal provision to take a car prior registered to a condition of non-requirement to be registered, except by exporting it. Why go through the charade of exporting, when the car is for our private use only? The DMV are criminals. Ignore them!
- 5.d. The clerks of the DMV who deal with members of the public are not instructed to question the public on whether an applicant for registration is actually in a business of transportation, and if not, to advise the public they do NOT need automobile registration. Remember, the DMV are criminals.
6. Incensed motorists who recognize they do NOT need car registration, may remove the registration plates and leave their DLs at home, with impunity, and no fear. All law enforcement officers must have "probable cause" meaning a cited code violation, in order to arrest people for non-display of a registration plate, which is NOT a crime, WHEN there's no lawful requirement to display such tags! Btw, all stops of motorists by law enforcement officers constitute arrests, by show of authority to stop.
7. If law enforcement nonetheless arrests a traveler while exercising his/ her unalienable right of automobile use, and seizes the car to place it in impound, the motorist will have no option other than to sue the "law enforcement" arresting officer, the agency head, the state governor, and the tow company. 'Sounds like a hassle, right? But is a hassle not worth the fight to reclaim one's rights to travel the streets and highways without harassment by law enforcement agencies? 'Have to take a stand... or else continue to be an obedient slave.

(Others have successfully: Simply send letters to dispatch and tow company stating, "You are now leasing my car at \$2500 a week/ed.)

8. This motorist lost her car to the CHP on October 1, 2013, and it was impounded, for my lawful travel by right, without evidence of registration, by non-display of any registration plate. The arresting officer WITHOUT probable cause stated for the arrest/ stop, discovered that the car was prior registered, and so a Notice to Appear was issued for expired registration. But pursuant to my advocacy in item 7 above, I sued in federal district court, ALL the actors involved. As soon as the towing company got served with the lawsuit, they within two days agreed to return my car at no charge to me, which I now possess again. [Earlier, they had demanded over \$2,300 to release the car, and that it also be re-registered]. The arresting officer and the state governor have also been served. Now, we're ready to rock and roll!
9. Never forget, the DMV is an institutionalized and arrogant criminal enterprise. The DMV will eventually be sued under the federal racketeering statutes [Title 18 USC Sect. 1962 et seq.]. Any further **arrest** of this traveler by law enforcement — **for a non-crime** behind the steering wheel, will trigger a racketeering lawsuit against the DMV, et al. And at such time I plan to kick their butt. Btw, I'm prosecuting this active case as a private attorney general, on behalf of a class of people — the victimized automobile traveling ~~public~~, (people/ed.) whom are deceived into falsely believing that most of them need car registrations and DLs to travel from their homes to the grocery store, for example.

Can anything so depriving as the unalienable rights (life inherent right in common) of travel and liberty be tolerated much longer? I've drawn my line in the sand, and the voluntary deprivation stopped for me, years ago. Other motorists with now a valid axe to grind against the DMV, may follow suit — to exercise their unalienable right (life inherent right) to liberty and freedom, using their automobiles lawfully.

Part 3

Who needs to register?

A lawful need to register a car for its non-commercial transportation use, does not exist... period.

- 1) First off, a traffic citation (or ticket) is not a summons. The citation is issued by an officer of the executive branch of government, not the judicial branch. A traffic citation is not a final agency determination. Properly handled, a motorist should notify the issuing agency, i.e. the law enforcement entity, within ten days of receipt of a traffic citation — to notice them in demand for an administrative hearing.

- 2) Most States' Administrative Procedures Acts (APA) specify that any alleged traffic offense should be adjudicated in an **administrative hearing**, and that such hearing can only be reviewed **by a judicial branch court upon petition** — after final determination by one of the parties to the controversy.
- 3) This means that the ***Traffic Court is an improper venue*** in which to hear the controversy. Indeed, unless the issues at hand are introduced into the record within the administrative hearing, **the judicial branch court is without jurisdiction** to review those issues.
- 4) ***The courts primary weapon appears to be presumption*** on their part, as well as by the party issued the citation.

[Comment by Robyna Choleton. In California, the Department of Motor Vehicles (DMV) used to have to issue a petition to a court if the DMV wished for the court to adjudicate a matter under the DMV's purview for prosecution. The court would then have to issue a special writ to accept the DMV's petition. This process is no longer in force, and so administrative hearings by the DMV have all been abolished for traffic infractions].

- 5) "If a citation is unsigned by a law enforcement officer (LEO), there is no verified complaint — which is required to initiate any case at law.
 - 1) **Both will require a verified complaint that is sworn to by the complainant to validate a case.**
 - 2) A signature from the one accused is not required for the case to proceed.
 - 3) The court record is available from the court clerk's office on virtually any day that's not scheduled for the applicable court hearing. The record of the case may be requested for review.
 - 4) The record should be available for viewing, and copies of the documents wanted can be requested, for a copying fee. Look for pics or notes on the reverse of the court's copy of the citation.
 - 5) Anything written on the citation record that is not on the copy, should be copied. Such additional notes on the citation record constitute unlawful ex parte communication to the magistrate presiding over the case.
 - 6) "It may be found that traffic court rules state that an accused MAY enter a plea, but not that it's mandatory.

- 7) It may also be found that a traffic ticket does not meet the requirements of either a summons, a complaint, or an indictment, which means that the ticket has insufficient standing before the court, and that “in personam” (i.e. personal) jurisdiction has not been established. (legal power over you not shown/ed.)

Part 4

Cases & Quotes:

- 1) “When statutory service of process requirements are not satisfied, a court lacks personal jurisdiction over a party and any judgment entered against the party is void. Scott v. Goldman, 82 Wn. App. 1, 6, 917 P.2d 131 (1996).
- 2) “Service is ineffective because the **LEO (law enforcement officer)** delivered **the summons and petition personally**. See CR 4(c) (A party to an action cannot serve process on an opponent). But by answering the complaint without objecting to the method or type of service, the accused waives any objection possibly had. Friend v. Cove Methodist Church, Inc., 65 Wn.2d 174, 179, 396 P.2d 546 (1964). (“I have not been served under due process”)
- 3) “Wells Fargo v. Wells Fargo 556 F2d 406, 416: “The requirements of due process must be met before the court can properly assert in personam jurisdiction.” (Due process includes **proper service of summons by person other than claimant**)
- 4) “Colville v. Bennett, 293 NYS 2d 685: “Service of a traffic ticket on a motorist does not give the court jurisdiction over his person... 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.” The magistrate is involved in a scheme of bribery (the Alemann cases, Bracey v Warden, U.S. Supreme Court No. 96-6133 (June 9, 1997), (14) where a **summons was not properly issued**, where **service of process was not made** pursuant to statute and Supreme Court Rules, Janove v Bacon, 6 Ill.2d 245, 249, 218 N.E.2d 706, 708 (1955).
- 5) “A copy of the **complaint shall be attached to the summons!** A ticket is not a verified complaint, and the magistrate has the discretion to modify or even refuse any sentence offered by the persecutor. No established verified complaint ever achieves jurisdiction from the start. No traffic ticket ever lists the statute violation; therefore an accused is not fully informed under the nature and cause requirement of the 6th Amendment, and service has not been perfected. Service could procedurally be estopped by prosecutorial ineptitude.

Part 5

Useful Questions in/during Court

“A motorist may question a LEO (law enforcement officer) with the following:

- (1) ‘In order to be a law enforcement officer, did you swear an oath to support both the State and Federal Constitutions?’ The answer should be ‘Yes’.
- (2) ‘On the day and time you approached me, you were armed, were you not?’
The answer should be ‘Yes’.
- (3) ‘Having sworn an oath to the Constitution, you accosted me by force of arms with an attempt to compel me to be a witness against myself, in felony breach of your fiduciary duty pursuant to the oath you swore.’ ‘Right?’
The answer should be ‘Yes’.
- (4) These admissions by the LEO should cause a case dismissal, because the officer impeached himself under oath.

Comments:

- 1) The citation is only a complaint or summons if the matter is waived.
- 2) Method of service is also specifically spelled out in the rules. Service is always **of** process. **Process includes** a sworn complaint and a court-issued summons.
 - a) An LEO cannot create these at a roadside ‘traffic stop’ and
 - b) in no event can that LEO cross the bright line of separation of powers in order to create a judicial document — called a summons.
- 3) The ticket may state ‘Summons’ as printed on it, but it says nothing about a ‘Complaint’... AND those actions both require signatures, that are not present to comply with on a traffic ticket.
- 4) **In order to be in compliance with lawful criteria**, a Uniform Traffic Ticket ought to have printed on its face, the caption, ‘Summons and Complaint’. If it instead reads, ‘Uniform Traffic Ticket’, it is **NOT** a ‘Summons and Complaint’, so it is not legal on its face. If a traffic citation **DOES** however read ‘Summons and Complaint’, then the argument by an accused is that the ‘court’, **NOT** the police, must issue a ‘Summons and Complaint’. It matters not what ‘laws’ the state Legislature may have passed, if they are not in compliance with the ‘Separation of Powers’ doctrine [that’s typically found in state constitutions].

- 5) A traffic ticket is not in the form of a summons. Merely printing the term 'Summons' on the ticket does not establish the correct form.
- 6) A form exists that the state judicial council approved for serving as a summons. Part of that form provides for a signature and stamp of the court clerk who issues the summons. The ticket fails the 'summons' criteria. This defect in the traffic ticket forms a valid argument for the party issued the ticket, the one who is accused.

Part 6 ~~Sovereign~~ Right of Travel versus Citizen's Privilege to Drive
 (Life inherent right in common to travel /ed.)

- 1) There is NO requirement for an owner of an automobile to obtain a 'driver' license in order to travel the streets and highways behind the steering wheel, nor is there any requirement that any other private party should do so, UNLESS such a party proposes to become a chauffeur, or one who 'drives' an automobile as an employee for hire or for wages. – Annual Report of the Attorney General of the State of New York, EDWARD R. O'MALLEY, issued on July 21, 1909, ALBANY NEW YORK, pages 322-323 Also, See Laws of New York 1901, Chapter 53, Page 1316, Sec. 169a.
- 2) "The CITATION process can be handled much easier; through the mail. When an LEO issues a traffic CITATION to a motorist, he is actually requesting the motorist to CONTRACT with him! The LEO alleges that a motorist violated an established corporate regulation, which the motorist accepted as an adhesion contract by signing, which thus requires a motorist to respond.
- 3) "The LEO is instructed to explain that a motorist's signature is merely an acknowledgment that he or she received a copy of the CITATION, but in actuality, the motorist's signature theoretically constitutes notification to the court and magistrate that he or she accepted or CONSENTED to the LEO's offer to CONTRACT, which theoretically also grants the magistrate CONSENT; IN PERSONAM and SUBJECT MATTER jurisdiction over the motorist, and the case.
- 4) **Rebuttal by Robyna Choleton:** A traffic ticket (in California and probably elsewhere) employs the "**rule of four corners**". This very obscure rule states that anything written in a box or rectangle on a legal document is not an integral part of the overall document or of the language therein. This rule may be observed on any "Notice to Appear" (the name of a traffic ticket in California), where the motorist is asked to sign on the ticket. One will immediately notice that the "signature block" is a bold-faced rectangular block, which constitutes **the rule of four corners** in place. (See Federal Styles Manuel 1927/ed.)

5) Why could not the designers of the ticket layout simply use a horizontal line with an "x" at the left end of the line? This would use less ink and be less hassle, but the big, bold-face rectangular is there -- for a legal reason. The reason is that the LEO printed the motorist's corporate name (in all capital letters) in the header portion of the ticket. Without the rule of four corners in place, a motorist would inadvertently be "joining" with the corporate name written in the ticket's header by signature below. This act of joinder would not inform the motorist that all unalienable rights possessed prior were waived by the unconditioned signature on a mere line with an "x", because the motorist joined with the dead fictional entity of the corporate name.

(One easy way is to sign, "*Does Not Apply To Me*" ... in signature style or "*Null And Void At Inception*" ... or *Null-&Void*)

- 6) Once this was discovered, litigation by the motorist could ensue for deprivation of rights under color of process and color of law. (And color of office/ed.)
- 7) Hence **the rule of four corners** is to distance the motorist from the dead corporate name (but without disclosure), which retains the integrity of a motorist's true name that's written with initial letter capitals, followed by lower case letters.
- 8) Thus a signature, even a non-conditioned signature in the bold-faced rectangle on the traffic ticket does NOT provide ANY promise to appear in court by the motorist, a living creation in the flesh under the common law, to then join with the fictional corporate name, when the magistrate calls it in court session, and the motorist present in court responds.
- 9) What's a **"conditioned" signature**? It's one with the expression written before or above it, that says, "All rights reserved", or "Without prejudice", or "Under protest", or similar words which retain one's unalienable rights under ~~the common law~~, (Life inherent rights in common... I am under nature's law/ed.) and not waive them due to ignorance, in accordance with UCC 1-308, reservation of rights.
- 10) "Motorists may cancel that CONTRACT, simply by rescinding CONSENT. The Federal Truth in Lending Act provides that any party to a CONTRACT may rescind his or her CONSENT before the clerk of court, within three (3) business days of entering into such a CONTRACT with the LEO. So after the traffic stop, the accosted motorist should print or type across the face of the CITATION, the following words:
- 11) 'I DO NOT ACCEPT THIS OFFER TO CONTRACT' and, 'I DO NOT CONSENT TO THESE PROCEEDINGS', followed by one's initials and the current date.
A photocopy should be made for one's record. The copy of the ticket received with the above notice of non-consent, should be presented to the clerk's window, preferably with a witness present. What the clerk does with that service is of no concern to the motorist. Any date on the ticket ostensibly 'to appear' in court is thus neither active nor binding."

