

# **“The Traffic Ticket Manual” Volume 1**

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## **Dedication**

I dedicate this great legal work to my fellow dear friends – all those who were on the scene in my life when I was heavy into law and learning the System by attempting to change the System and challenging the System.

Major props and thanks to all of the following:

Odis and Danni Muhammad, Ansel Littlejohn, Roland and Romaine Reese, Ana Gonzalez (a/k/a Kira Akasha), Travon Dugar Muhammad, Alvis “Lucky” Grundy, Oniji Medji (Doug Cook), Jason Orman, Gabriela Venezuela, Ahman Dolphin, Sis. Buashie, Martin Casillas, Ryan “Karast” Jackson, Loreal Muhammad, Mark C. Lomax, Anthony Myron Brooks, Raw-Sheed, Edafe Okurume, Tanjareen Martin, and Ruthie Grant (Dr. Parthenia Onasis).

Sincere thanks to all of you! I couldn’t be who I am today as far as my legal knowledge, wisdom, and understanding is concerned, without your help, assistance, and friendship.

I will never forget any of you! We have some fun, rough, tumultuous, and challenging times but we prevailed and came out of the meat grinder court system in one piece.

Peace and Love!

Djehuty Ma’at-Ra

## Preface

The Traffic Ticket Manual is a long overdue book that I have promised people over the years that I would one day write and make readily available to all the bold American and state citizens who are tired of getting fleeced like wool by the American judicial system in general, the traffic court system in particular.

This manual will help the most legally un-astute person to learn the entire traffic court game front to back and is sure to enlighten and empower at the same time.

Ninety percent of all people who contest their traffic ticket in court in a trial lose and they lose for one reason: they don't know the Game! They argue the facts of a case rather than the law.

In American law, it has nothing to do with being right, but all to do with knowing the rules, and that's what you learn in the Traffic Ticket Manual, Volumes 1 and 2!

You will learn the rules, procedure, and the law regarding traffic tickets. You will also learn the legal loopholes, the tricks of the trade as well as the trade itself, and you will know all the pitfalls, snares, and booby traps the traffic court system has set up for the *Boobus Americanus* (ignorant Americans).

You will even learn how to type up your own legal pleading(s) in which to file in your very own traffic case.

After reading this book, The Traffic Ticket Manual, you will no longer go to court and be afraid due to ignorance. You will receive exclusive knowledge in this book, all 3 volumes, and when you apply this knowledge, you will become powerful in many respects and regards – guaranteed! You don't have to be a lawyer to know and perform the law. As a matter of fact, it is your duty as a citizen to know the laws of the land and to enforce your rights, privileges, and immunities under the law.

Use this book as a study guide and resource. Read it as much as possible as often as you can.

No other book compiles as much useful and practical information and knowledge on the subject of traffic tickets and traffic court.

Though much of the legal references in the book are taken from California law, it is 100% applicable in every other State. All you have to do is study your state's laws (statutes and codes) and substitute California law with your respective state's law.

This book is a labor of love and I trust that you will enjoy reading it as well as applying the information and knowledge it contains.

Djehuty Ma'at-Ra, July 17, 2009

## Chapter 1

# “The Nature and Purpose of A Traffic Ticket”

Traffic tickets serve a two-fold purpose: (1) to regulate public safety on the streets and highways, and (2) to collect revenue for the State, county, and city or municipality.

Traffic has long been a scheme by the powers that be in this country to deprive American citizens of their constitutionally secured rights and immunities and civil liberties so as to make money from them.

No level of government (federal, state, and local) could make money the way they are currently making money in 2009 if the United States Constitution were in fact still the recognized as the Supreme law of the land by government officials.

Consider that in the 14<sup>th</sup> Amendment “no person can be deprived of due process of law” and how in traffic cases if you don’t pay or post bond for your trial date, you will not be allowed to have your day in court but the court will eventually render an adverse judgment against you. Government is compelling you to first pay for your hearing and they are doing it cleverly under the guise of collecting bail, but bail for what?

By due process is meant “a law which hears before it condemns, which proceeds upon inquiry, and renders judgment only after trial.” *Daniel Webster, Dartmouth College Case*, 4 Wheat 518; *State v. Strasberg*, 110 P. 1020; *Dennis v. Moses*, 52 P. 33

In an infraction case, there is no imprisonment at anytime. In California, consider how in the Penal Code it states this fact:

An infraction is an offense not punishable by imprisonment. California Penal Code 19.6

You can't be jailed on an infraction (even if you committed one and were found guilty in court), so if you are to pay or post bail, what are you bailing out from? You need to ask yourself this question!

This violates the United States constitution! It violates "procedural due process (of law)" which means "notice and opportunity to defend one's self of all charges or offenses alleged."

Consider the following:

The right of the litigant **to be heard** is one of the fundamental rights of due process of law. Council of Federated Organizations v. Mize, C.A. Miss. (1964), 339 F.2d 898; Ricker v. U.S., D.C.Me. 1976, 417 F.Supp. 133

Reasonable notice and **opportunity to be heard and present any claim or defense** are embodied in the term "procedural due process." *In re Nelson*, 78 N.M. 739, 437 P.2d 1008

Regardless of which State you reside or dwell in, procedural due process is secured to you in the 14<sup>th</sup> Amendment of the United States Constitution as well as your State's Constitution (private rights section).

But due to our collective ignorance, legislators have found clever ways to violate our rights in the face of the Constitution. How have they done this? But creating statutory laws (which are secondary laws under the Constitution which must harmonize with the Constitution which is superior to them).

Legislators have enacted a bunch of wordy statutory laws and law enforcement officials have been trained (like seals) to enforce the statutory laws as primary law in lieu of constitutional law. These statutory laws are more commonly known as codes or codebooks, i.e. Penal Code, Vehicle Code, Family Code, Civil Code, etc. Basically, the statutes themselves have been codified into codebooks, making the statutes brief in content, allegedly for convenience.

If the Constitution clearly states "No person can be deprived of ... property without due process of law" how do you think law enforcement can impound your car before you ever have a hearing on the impounding of your car?"

Police impound your car on the authority of statutory law or the secondary law (Vehicle Code) and when you know what the Constitution states, you know that the impounding of your car before you've had a fair hearing before an impartial judge to consider all evidence and testimony (called procedural due process) constitutes violation or deprivation of your right under the 14<sup>th</sup> Amendment.

Why are constitutional rights so violated today? Well, simply because too many people are ignorant of them and if you don't know your rights, you don't have any. It's that simple!

American citizens used to have a right to travel free and unencumbered (as long as they were not making money by using the streets and highways as a place or means of business) which meant they could use their cars to go anywhere they desired and weren't required to have a license (driver's license) or even vehicle registration. However, like with many other things, especially rights, Americans were duped and conned out of this right through what I call "word control."

The only people who were required to have a license and vehicle registration were people employed in commerce, who were "driving" for hire (compensation), i.e. limousine drivers, bus drivers, cab drivers, cargo drivers, and truck drivers.

If you were using your automobile on the public streets and highways to transport yourself and your private property, you were using your automobile for pleasure purposes (or perhaps family or household purposes). This meant your automobile was a consumer good; it was not purchased to make you money (i.e. serving as a cab or car for hire). It was purchased for your private pleasure.

If you were not making money with your automobile, the machine was considered an "automobile" and you were considered a "traveler" and you were not required to have licensing or registration though you had a duty to obey the rules of the road, which is just plain common sense.

There was a legal difference between a "driver" and a "traveler"

<p>"Driver." One <u>employed</u> in conducting a coach, wagon, or other vehicle. Bouveir's Law Dictionary, 1914 Edition, page 940</p>
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When you're "employed" that means you work for someone else and get paid for that work. If you were a driver, that was your occupation and by law you were required to have a license and vehicle registration for the automobile (now legally dubbed a "motor vehicle" due to the nature of making money with it on the public streets and highways).

Driving was a privilege granted by the State. It was not a right like traveling. You can always tell when a thing is a privilege by the words: license (i.e. driver's license), certificate, permit, and registration. These are all terms to denote that you have applied for some privilege by the State and the State granted that privilege, and as such, can revoke that privilege anytime it wants to, especially if you violate the terms of that privilege.

Driving is a **privilege** not a right. California Driver Handbook, 2002, page 7 (top of page)

The State plainly tells you in its literature that "driving" is not a right (i.e. traveling).

A driver license shows that **you have been given permission** by the State of California to "drive" on the public roadways. You must apply for a license at most offices of the Department of Motor Vehicles (DMV). "You will receive a license after you have **paid the fee...**" California Driver Handbook, 2002, page 2 "The California Driver License."

Privileges cost money, that's why there's a fee involved. It's business! In most cases with privileges, money is collected by ways of taxes, fines, and penalties. Rights cost no money! They are yours by birthright!

Also, I should point out that there is a difference between a State "resident" and a state "citizen." A resident only has privileges. A citizen has rights. What you are not told when you apply for and receive your driver license is that acceptance of the license will convert your status from a "citizen" to a "resident" without your knowledge, and when this happens, you are now at the mercy of the State. The State can use the license you now possess to regulate you (beyond the scope of obeying the rules of the road).

If you are a California resident and drive a motor vehicle on a public highway or in a parking facility open to the public, you must have a

California driver license. California Driver Handbook, 2002, page 2 “Who must have a license – California Residents.”

Privileges (licenses, permits, certificates, registration) means a superior or competent authority gave permission for you to do something that without the permission would be illegal.

The above is actually the legal definition for the term “license.”

A license is merely a permit or privilege to do what otherwise would be unlawful. *Payne v. Massey*, 196 S.W. 2d 493; 145 Tex. 237, 241

The purpose of a license is to make lawful what would be unlawful without it. *State v. Minneapolis-St. Paul Metro Airports Com'n*, 25 N.W. 2d 718, 725

A license is a Right granted by some competent authority to do an act which, without such license, would be illegal. *Beard v. City of Atlanta*, 86 S.E. 2d 672, 676; 91 Ga. App. 584

A license confers the Right to do that which without the license would be unlawful. *Antlers Athletic Assoc. v. Hartung*, 274 P. 831, 832 85 Colo. 125

A license is a mere permit to do something that without it would be unlawful. *Littleton v. Burgess*, 82 P. 864, 866; 14 Wyo. 173

Generally, a license is a permit to do what, without a license, would not be lawful. *Bateman v. City of Winter Park*, 37 So. 2d 362, 363; 160 Fla. 906

The object of license is to confer a right or power which does not exist without it and exercise of which without license would be illegal. *Inter-City Coach Lines v. Harrison*, 157 S.E. 673, 676, 172 Ga. 390

Also, there also was a difference between an “automobile” and a “motor vehicle.”

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. v. Seattle*, 251 P. 120

The term “motor vehicle” is **different and broader** than the word “automobile.” *City of Dayton v. De Brosse*, 23 N.E. 2d 647, 650 62 Ohio App. 232

“The word “automobile” **not being synonymous** with the term “motor vehicle.” *Brown v. State*, 20 Ohio Dec. 348, 10 Ohio N.P., N.S., 328

**“Motor vehicle.”** – The term “motor vehicle” means every description of carriage or other contrivance propelled or drawn by mechanical power and **used for commercial purposes** on the highways in the **transportation of passengers, passengers and property, or property or cargo.** Title 18 U.S.C., § 31(6)

**“Used for commercial purposes.”** – The term “used for commercial purposes” means the **carriage of persons or property for any fare, fee, rate, charge, or other consideration**, or directly or indirectly in connection with **any business, or other undertaking for profit.** **Title 18 U.S.C. § 31(10)**

Clearly, the terms “driver” and “motor vehicle” (and “commercial vehicle”), “license plate”, and “vehicle registration” are all COMMERCIAL terms; and just look at how millions of people ignorantly and loosely use these terms not realizing the impact of such words, especially in a court of law.

Okay, now a synopsis of the vehicle registration scheme. In order to control (regulate) you and the automobile, the State devised a plan to compel all car dealers to include the State in transactions of all new cars sold.

In every car deal or transaction, there are three parties: buyer, seller, and the State. You don’t actually see the State (state representative) present when buying the new car because nowadays the car dealer handles matters for the State. The car dealer is the one who asks you to sign all documents pertinent to the State or the State’s interests. How do you think the State knows to send your new car’s license plates and registration tags through the mail?

New cars are registered with the Department of Motor Vehicles (DMV) by the car dealer, who also serves as State agent, but of course, unknowingly so. To the poor car dealer, he/she is just doing his/her job and trying to collect a

commission on a car sale. Remember, this whole scheme with government doesn't work absent ignorance. Also, most people don't have the time to crack this whole scheme because they are too busy trying to make money to pay the bills and get ahead in life, or, they simply don't believe government could be so diabolical and conniving, especially so-called patriotic persons. People who believe government can do no wrong deserve to get screwed and abused by government. They deserve it for being ignorant against their better judgment.

When your new car is registered with the DMV, it now belongs to the State (under the name of the "legal owner" which will list the car dealer or financier until the car is finally paid off). You, the payer of the monthly car note, become the "registered" owner.

The registered owner of the car pays the monthly bills (notes), maintenance fees (not covered under warranty, i.e. oil change/lube, tune-up, etc.), annual permission (to drive) tax called "vehicle registration fees" which if you don't pay you cannot use the car anymore on the public streets and highways and if you do, you will be stopped by a law enforcement officer and cited for "driving without registration" and perhaps have the State's vehicle (property) that you think is yours, towed away.

Annual vehicle registration is nothing but an annual tax collected from every registered vehicle "registered" or "legal" owner (if the registered owner is also the legal owner).

Though you may the monthly note, the car (motor vehicle) is not yours. It belongs to the State, that's why the car has state license plates on it and you must drive the car according the laws of the State as incorporated into the Vehicle Code.

You see, you didn't know it back when you applied for your driver's license, but when you applied for your license and accepted it when it came in the mail, you agreed to everything in the code (Vehicle Code) and agreed to obey every rule and ordinance in the code, even those that violate your constitutional rights. And remember, it is not government's duty to enforce your rights against it. That's your duty!

I wrote the above to give you a brief synopsis of how we got into this traffic court and system mess. The government needed money so they turned to

traffic, another regulated industry and then government misled us into it and we got trapped in it. Hell, in high school, they even gave us “driver’s ed.” I would admonish you not to bring up the aforementioned in a modern day court of law because judges will ignore it. But Djehuty, you cited unrepealed case law! I sure did, but it still doesn’t matter because judges will ignore it. They have to! They have a duty and that is to collect revenue.

To render the law in your favor would be disastrous to the System that really needs those hundreds of millions and billions of dollars collected via traffic tickets.

So know the truth of the scheme, and go to court and contest the ticket in the way the government has set up for you to contest the ticket. This actually gives you the upper hand because I will teach you on how to beat them at their own game.

Government will always stay on top of the people because government always stays strategically in a position of power and the people don’t have a clue of what power is nor how to reclaim it for themselves. I’m doing my best to help people to understand their power so as to reclaim and start exercising it, especially in the face of brutal tyranny.

## Chapter 2

# “How To Handle A Traffic Stop”

A traffic stop or detention is technically an arrest simply because the officer’s lights are turned on which constitutes an arrest. Reference the following for your judicial edification:

“When the officer turns on the red light to pull you over, he technically places you under arrest.” *People v. Superior Court (1972) 7 Cal.App.3d 186, 200*

However, you need to know that there are now two kinds of arrest: (1) a custodial arrest, and (2) a non-custodial arrest.

A custodial arrest is when you are handcuffed and your Miranda Rights are read to you and you are taken to the police station and fingerprinted and booked.

A noncustodial arrest is when you are temporarily detained and investigated (asked questions) and are either given a notice to appear or released to be on your merry way, perhaps with a warning (if you did something minor but the officer doesn't trip on you) or an apology from the officer (because you were inconvenienced so the officer could perform his or her job).

The new term "custodial arrest" was invented by the Legislature because the codes (statutory laws) outright stated "arrest" when an officer pulled someone over and the term "arrest" carries stipulations and implications, especially 4<sup>th</sup> Amendment stipulations and implications which could have made traffic stops very difficult for officers due to informed citizens exercising their constitutionally secured rights.

So in order to make this traffic ticket scheme work, the term "arrest" had to be altered and given a secondary meaning, such as "to be issued a traffic ticket (notice to appear)."

Codes are dangerous because they can always be altered to bail out government and they usually are altered so as to bail out government and/or to add new schemes that negatively affect the people to the benefit of the State (government). That's why new codes come out every year – to reflect the changes to the codes, which are secondary laws.

It's also a lucrative market or business too for publishing companies that publish various codebooks like West Publishing Company. Just think, hundreds of new codes have to be altered every single year (due to laws being repealed and new laws being added) and law firms, courts, and law enforcement agencies have to purchase these books. We're talking millions of dollars here!

Law or the legal field is a very lucrative business. I know because I used to be in it.

Again, in order to make this traffic ticket scheme work, the term "arrest" had to be altered and given a secondary meaning, such as "to be issued a traffic ticket (notice to appear)" or "to be stopped or restrained of activity (to be investigated)" and new codes and case law books reflected this.

Consider the following for your judicial edification:

“Arrest” means any law enforcement action, including issuance of a notice to appear or notice of violation, which results in a criminal charge.

**California Penal Code § 1463(a)**

The word “arrested” means to bring to a standstill or state of inactivity, as in arrested tuberculosis. *Kassowitz v. Sentinel Co.*, 277 N.W. 177, 180, 226 Wis. 468

The above definitions have nothing to do with taking somebody into physical custody. You see, the original legal term “arrest” meant to take someone into custody and detaining him or her to answer a criminal charge or in some cases, a civil charge or demand:

“Arrest.” To deprive a person of his liberty by legal authority. Taking, under real or assumed authority, custody of another for the purpose of holding or detaining him to answer a criminal charge or civil demand. *State v. Ferraro*, 81 N.J.Super. 213, 195 A.2d 227; *People v. Wipfler*, 37 Ill.App.3d 400, 346 N.E.2d 41, 44

So today, a traffic stop is an arrest in the sense that you have been stopped or restrained for purposes of receiving a notice to appear (so you can go to court and lose and have to pay tribute [a fine] to the System or State, at least that’s what government has in mind for you).

***What To Say and How To Act/Behave When Pulled Over***

When an officer turns on his light or even sounds his siren, pull over immediately, but do so cautiously. Always pull over to the right and never block traffic. If you’re in the far left lane or center lane and an officer gets behind you and turns on his lights and/or siren, immediately signal with your right blinker to let the cop know you are aware that you’re being pulled over.

If you happen to be Black or African-American, or Hispanic or Latino, or a female of any race or ethnicity and are being pulled over at night or during the daytime but on a stretch of road where there is no people activity and you are worried about possibly being violated by a cop, when an officer turns on his lights, turn on your safety (hazard) lights, lower your speed to about 10 miles per hour or less (i.e. 5 miles) and drive to a lighted area (if

it's nighttime) or where there are people present (if it's daytime, and even nighttime for that matter).

NOTE: I wouldn't advise anyone to pull over on a dark road and it is police officers, usually corrupt and/or racist ones, that justify my saying this as too many people, especially Black people, have been violated and even murdered by police on dark roads in barren places. Many females have also been violated (raped) by police officers due to pulling over on a dark road. I'm not indicting all law enforcement officials here, but just pointing out a sad and unfortunate fact that corrupt officials have given life to.

When you get to a safe place and have pulled over, turn off your car's ignition. This lets the officer know he is not in danger and that you won't drive off as he approaches the car.

Before the officer gets out of his car and approaches you, remind yourself that the worst thing that can happen is that you'll receive a ticket, and basically, there's nothing to fear or worry about.

And also, there's nothing to be upset about and therefore there's no reason to disrespect the officer or to have an attitude with the officer because in most cases the officer is simply doing his job. He gets paid to pull people over under the guise of traffic safety and public safety. That's his job! Don't take it personal!

After you turn off the ignition, keep your hands on the steering wheel in plain sight where the officer can see them. This is vital if you are a Black or African American male.

If you have your cell phone nearby, you can quickly dial someone in your contacts or phonebook and put the phone on speaker and tell the person to stay on the line as you are being pulled over by police. This gives you a potential witness should the stop turn foul. Place the phone in a cup holder in the car or perhaps on the passenger seat if you have no passengers at the time.

Don't roll down the window until the cop approaches the car. When the cop approaches, he'll gesture for you to roll down the window and when he does, slowly roll down the window. Remember, there's no need to be frightened. The cop is just a mere mortal man and will one day die too and have to

answer before God, so keep your faith and trust in God or a higher power and don't give your power away to the cop.

There's no need to kiss the cop's ass either. The only ass that would be worth kissing is God's ass and God does not even require us to kiss His/Her ass so why should or would we kiss another human being's ass? Heck, God made us (our body) in a way where we can't even physically kiss our own ass even if we wanted to. So kissing ass for any reason is out of the equation. Just remember to be yourself and speak from your 3<sup>rd</sup> chakra or solar plexus, the seat of your personal power.

You can also ask your spirit guides and guardian angels to protect you during the stop. They are always with you. Always! The Matrix doesn't teach us this truth, but it is very true nonetheless.

Now if the cop asks why you didn't stop sooner, be honest and tell the cop why you slowed down, turned on your hazard lights, and drove to a lighted area – for your safety! You did this for your safety, and no other reason. Cops should know that cops cannot be trusted anymore on the strength that they are government officials.

Usually, the cop will either tell you the alleged offense you committed and ask you for your papers: driver's license, vehicle registration, and proof of insurance; or, he'll ask you some questions about the alleged offense (i.e. "did you know you just ran through a red light?") and then ask for your papers; or, he'll simply just ask you for your papers.

You have many options in this situation:

You can ask the cop the reason why he pulled you over (it's best to use legal terminology, like "Officer, what's the probable or reasonable cause or suspicion for pulling me over?")

NOTE: Because a traffic situation is criminal, being technical, you can use the term "probable cause" or "reasonable suspicion" during a traffic stop.

Speak with respect, kindness, and clarity of voice and nine times out of ten you'll receive the same from the officer. Remember, Universal law is always at work. Think about the Law of Attraction!

Myself personally (because I am very legally astute and know more about law than any officer pulling me over) I would ask the officer why I am being pulled over. You see, because I know law (especially California law) very well I can't be punked or threatened by any officer. My knowledge of the cop's duties (pursuant to the Vehicle Code, California case law or legal precedent which is recorded in the California Peace Officer's Legal Sourcebook), my rights, and the governing laws empowers me. I can speak the language of law successfully.

If the officer gets an attitude or resents you questioning his judgment for pulling you over, simply remain calm and let the officer simply do what he intends to do – write you a ticket. Never argue with a cop. It's useless!

Never argue with a cop for accusing you of commission of a Vehicle Code offense. On the street at the scene of the arrest is not the place to get into a legal discussion or to argue law. Save that for court.

Okay, now this is real important and you never want to forget this! Many cops will ask you a question so as to set you up for admission of guilt right there on the spot. For example, a cop may ask you: "Do you know how fast you were driving?"

This is a trick question! Remember, you still have your Constitutional 5<sup>th</sup> Amendment right to not incriminate yourself, even during a traffic stop. Yes, the 5<sup>th</sup> Amendment applies to traffic cases too! It applies to any legal case, especially if it's criminal!

If a cop ever asks you a question, exercise discretion and be judicious. Remember, traffic is not about real law or even a real crime. Traffic is a regulatory offense scheme, a strict liability statute scheme – all to raise money and make your life a bit more miserable by inconveniencing you.

So basically, get being honest out of your mind in this situation (traffic stop) because it will only be used against you later on in a court of law. It's not about honesty with government, but about being smart and knowing how to play the game to your benefit. Remember, the System wants something from you – your money! Don't volunteer your money away unless you really want to or because you like helping out government, a government that doesn't give a rat's ass about you or any of its citizens.

So if you don't know how fast you were going (driving) or you do know how fast you were going and it was over the speed limit, DON'T ADMIT IT! Simply tell the officer one of the following:

“Officer, with all due respect, I respectfully decline to answer that question!”

Now if you are astute and conscious and you know what the speed limit was (despite going more than what it stated), simply tell the officer you were driving at the speed limit. If the speed limit was 25 miles per hour and you were going 35 miles per hour, tell the cop that you were going 25 miles per hour, if you're going to open your mouth and say anything.

“But Djehuty this is lying!” Wait a minute! Know your realm, Beloved! This is law and there's no honesty 95% of the times in this corrupt American judicial system so honesty has no place in the American judicial system for the most part (though there are rare exceptions to the rule). This is not about honesty, but being smart and wise, about playing the game.

Even Jesus told us to be “wise as serpents and gentle as doves.” He mentioned nothing about honesty. Being honest in certain situations, i.e. traffic stop, can be very detrimental to you. Honesty should only be practiced with other honest individuals or under circumstances whereby honesty accounts for something, something good, positive, and constructive.

Being honest with government will cause you to lose time, energy, and money. Government is not trying to make life easier for you, but harder and more miserable for you. Plus, traffic is a fraud anyway! Traffic being forced on us deprived us of our right to travel freely and without license. Traffic was originally only for people involved in commercial activity in a regulated industry.

Is the government being honest with you? Hell no it isn't!

Is the government telling you that it took away your right to travel freely and unencumbered when it forced you to apply for a driver's license which put you into a regulated industry called commerce and which subjects you to yearly taxation (vehicle registration) and random taxation (i.e. traffic tickets)?

Is the government telling you that your federal income tax dollars don't pay for one single government feature, function, or attribute but goes to pay off

the national debt (or the interest of the national debt) which goes to the stockholders of the privately owned Federal Reserve Bank?  
Is government telling you that your Social Security card is proof that you are a U.S. citizen and subject to the rules and regulations of Congress and makes you a citizen of the territory Congress controls?

Is government telling you that your birth certificate constitutes proof of your being delivered into commerce as property of the State (government)?

Why would you be honest with a dishonest government? So I'm not advising anyone to be honest with government pertaining to anything pseudo in nature, i.e. a regulatory offense or a strict liability statute. I'm simply stating that one would be wise to use wisdom and intelligence when dealing with government and it only makes sense when you know how corrupt our government, all branches of it (federal, state, and local) really is.

Honesty has no place in traffic court! The only thing that has a rightful place in a traffic court case is: the facts and the law (Vehicle Code and case law). Nothing else!

If the cop says I clocked you going at 35 miles per hour, I would simply retort, "Officer, according to my speedometer, I was going 25 miles per hour."

Basically, people, don't make the cop's job easy or easier than it has to be. Make them work for that money they want from you. That's all I'm saying! Everything a cop says, or more importantly, writes or checks off on a traffic ticket (notice to appear) has to be proven in court. So say your peace on the street and make the officer come to court and work (prove what he wrote down).

Also, it is very important for you to know that the least you say to the officer the better. Your answers or responses if any should be "yes" or "no" or "I respectfully decline to answer that question."

And don't worry about if the cop suspects you of being guilty of something because you exercise your 5<sup>th</sup> Amendment right not to incriminate yourself. A lot of times, government officials will assume someone is guilty because they exercise their right not to talk, but there is case law to the effect that clearly states that exercise of a right cannot be converted into a crime.

Is not the 5<sup>th</sup> Amendment Self Incrimination Clause a right? Of course it is, so how could it be a crime if you exercise the right given to you?

Consider the following:

“The claim and exercise of a constitutional right cannot be converted into a crime.” *Miller v. U.S.* (5<sup>th</sup> Cir. 1956) 230 F.2d 486, 489

And,

“The claim and exercise of a Constitutional Right cannot be converted into a crime. A denial of them would be a denial of due process of law.” *Simmons v. United States* (1968) 390 U.S. 377

The Founding Fathers created the Constitution as a safeguard for the people against the possible tyranny of government. The Constitution protects the people from the government. The Constitution restricts government (agency and agent).

If an officer becomes irate at you for exercising your rights, that's the officer's problem, not yours. You are merely doing what the law permits. Period! Just focus on the fact that you are standing on what the law permits because in a court of law, at the end of the day, the only thing that matters is law, not facts.

Law or questions of law can be appealed, but the facts of a case cannot. That's why people make a mistake in traffic cases when they argue the facts of the case rather than what the law is and what the law states, so when they lose in court and attempt to appeal, the appeal is shot down simply because facts are not appealable, only issues of law are, i.e. what the actual code section states or what legal precedent states. Always argue based upon what is written down in a law book, be it a codebook (i.e. Vehicle Code) or a reporter, i.e. California Reporter, Southwest Reporter.

NOTE: A reporter is a name for a collection of case law for a particular state or a few particular states. The California Reporter contains California courts case law. The Pacific Reporter contains case law for California, Washington, and Oregon.

Many times an officer will become irate with you and threaten you, like saying “I will arrest you and take you to jail!” This threat only works on ignorant people. No cop can take you to jail without cause, i.e. probable cause (which means suspicion of criminal activity).

Now what is your probable cause to be arrested during a routine traffic stop? Exercising your rights to an irate cop who’s pissed off because you know your rights and are not afraid to exercise them? That would never hold up in court. First of all, you must know that the Vehicle Code is the sole authority for a cop making an arrest (custodial arrest) for a traffic offense.

A cop can arrest you without a warrant ONLY to take you before a magistrate for a prompt probable cause hearing. You can’t be booked at any time when your arrest is made for you to be immediately transported before a magistrate:

“The court noted that under the conditions of the Vehicle Code the arresting officer could either issue defendant a citation or take him before a magistrate without unnecessary delay, and the Vehicle Code section, setting forth the procedure required when an offender is taken before a magistrate, does not, either directly or by inference, provide for a booking prior to appearance before the magistrate.” *Agar v. Superior Court*, 21 Cal.App.3d 24; *People v. Ramirez* (1984) 154 Cal.App.3d Supp. 1

He can’t arrest you and take you to jail and book you, not for talking back to him, not for refusing to sign a ticket, or not for exercising your rights. He can only arrest you temporarily and that is to take you before a magistrate to justify further restraint and if a magistrate is not available (perhaps due to the time of day) the Vehicle Code instructs the cop what to do alternatively.

Consider the following:

**“Mandatory Appearance Before Magistrate.”** Whenever any person is arrested for any violation of this code, not declared to be a felony, the arrested person shall be taken without unnecessary delay before a magistrate within the county in which the offense charged is alleged to have been committed and who has jurisdiction of the offense and is nearest or most accessible with reference to the place where the arrest is made in any of the following cases: (a) When the person arrested fails to present his driver’s license or other satisfactory evidence of his identity for examination. (b)

When the person arrested refuses to give his written promise to appear in court. (c) When the person arrested demands an immediate appearance before a magistrate. **California Vehicle Code, Section 40302**

“Vehicle Code section 40302(a) is couched strictly in mandatory terms. It declares that when a person cited for a violation of the Vehicle Code not declared to be a felony, he shall be taken without unnecessary delay before a magistrate when he fails to present his driver’s license or other satisfactory evidence of his identity for examination. Section 40302 prescribes the procedure for arrest of a Vehicle Code violator. Upon analysis it will be seen that one cannot be arrested on the authority of 40302, which is not penal in nature and cannot form the basis of a lawful arrest.” *People v. Superior Court*, 7 Cal.App.3d 186

Okay, to move on or get back to the gist...

Other times (during a stop) a cop will say: “I can make your life miserable and write down all kinds of violations.” Yes, he can write down all kinds of violations on the traffic ticket, but remember, he must come to court and prove every one of them, well, especially when you plead “not guilty” in open court at your arraignment. Reference the following:

A “not guilty” plea puts government to its proof on all elements. *U.S. v. Zeull*, 725 F.2d 813; *U.S. v. Roberts*, 613 F.2d 379, 383

There you have it! If you plead “not guilty” the officer has to come to court on your trial date and prove that you violated every single element of a code section or provision. You will learn how to break down elements of code sections and provision in a different article (“Traffic Ticket: Preparing For Trial”).

All code sections have elements that must be proven and if a cop can’t prove just one single element of a few elements, then the case must be dismissed and again, I will help you to learn how to break down code section elements for purposes of your cross examination of the cop during your trial. It can actually be a lot of fun in court when you understand the process and know what you’re doing and saying.

Also, you can submit in “discovery.” Discovery is a legal process where you can request documentation from the officer before the trial. You can request

a copy of the officer's copy of the ticket whereby he writes down certain facts during the traffic stop, like the condition of the weather, what you are wearing, what you said to him during the stop, etc.

Pursuant to Rules of Discovery, you can request that the officer send you any applicable and relevant information pertaining to the traffic stop and the charges he's accusing you of and if he fails to do so, the case must be dismissed because in failing to send you your discovery responses, the cop prevents you from making your case (defense) and thus deprives you of due process of law which is your right under the law (14<sup>th</sup> Amendment).

As I always tell you: all law offers remedy and recourse, but you won't know this if you remain ignorant. Too many people are ignorant and cowardly and lazy pertaining to law and knowing and exercising their rights and that's why our country is so jacked up and we are treated like slaves by our own damn government that is supposed to be working for and serving us.

We have been punked and made into bitch made citizens!

Okay, so during your stop, it's best to speak less, speak in legal terms, speak with clarity, kindness, and respect. Ask the reason for your being stopped and the cop will either answer you or ignore you and request your papers at which time simply hand them to the officer so he can do his thing which he is programmed and paid to do; so don't be mad at him – robots do as robots are programmed to do. Don't take it personal!

Don't let a cop trick or incite you into developing an attitude or coming down to his level, frequency or vibration-wise. Many cops want this and want you to go there so they can justify themselves in writing you a ticket and/or giving you a hard time. **REMAIN CALM, CENTERED, and FOCUSED!** Know the game! That's all it is – a game! It's not real law because there's no injury to a real person or their property.

When it comes time for you to sign the ticket (notice to appear) you should first carefully read everything the cop has written on the ticket making sure all information is right or correct before you actually sign the ticket. Most importantly, make sure you can read the cop's name and serial number. If you can't, kindly request that the officer write his name and serial number more legibly, or, ask the cop for a business card.

If the officer refuses your request (to write legibly on the ticket), let the officer know you need this vital information for future purposes and that you will need to get a piece of paper or something (inside the car) to write on so as to get the get his name and serial number.

If the cop says: “Sir/Ma’am, if you don’t sign this ticket I’m going to arrest you!” Personally, I’d be like Clint Eastwood’s Dirty Harry character and say: “Make My Day!” But that’s me! You’d be wise to sign the ticket and just prepare to contest the ticket in court.

Questions you can ask a cop if you’re threatened with jail:

**Question:** “Officer, you are going to make an arrest because someone asked you to write clear or legibly so they can read the ticket they are being issued?”

**Question:** “Officer, what law book authorizes such action?” “What section of the Vehicle Code authorizes this?”

**Question:** “Officer, every arrest must have authority and according to law, the person making the arrest must inform the person to be arrested the nature and authority of the arrest.”

Now if it was me personally, I’d be like: “Officer, according to California Penal Code the person making an arrest must inform the person being arrested the nature of the arrest.”

It is wise to let an officer know that you only see the codebook as the law and/or authority, and not him (though you respect his position and duty in society in preserving the peace).

Let an officer know that you go by and respect the law; this way, if the officer violates you for going by the law, the officer becomes a lawbreaker himself and thus is subject to civil suit. An officer must have authority for his actions. A cop cannot do whatever he wants simply because he wears a badge and has a gun. Even cops have laws and rules and procedures they must go by. The same codebook the cop cites you for violating also prescribes the procedures he himself must follow when stopping you or taking you into custodial arrest. Always remember this!

You see, this (above) is legalese! You've got the officer now! You've made him think about authority. An officer is not the authority. The codebook is the authority. The cop is only enforcing the code. A cop (due to ego) may tell you that he's the law or the authority, but that's bullshit and every officer knows that. Cops answer to higher ups just like everybody else does. If cops were the authority they could never be suspended, demoted, or sued civilly. Cops would never have to answer to internal affairs.

You see, an officer can exercise discretion but only to things clearly spelled out within the code (Vehicle Code). Some things in the Code call for discretion and other things are mandatory.

Also, please remember that if you have a very difficult time with an officer, you can request that cop to call his sergeant to the scene of the traffic stop. We used to do this all the time in Los Angeles. Usually sergeants are more professional and cooler than their field officers.

Sign your ticket and never let the cop know that you are planning on contesting the citation in court. If you say anything to the cop after signing the ticket and receiving your copy of the ticket (notice to appear), it would be best (and wise) to say something like "I'll pay this ticket in about 3 weeks and be done with it" knowing full well you are going to contest this ticket in court.

Your goal is to throw the cop off and make him think you will pay the ticket instead of going to court to fight it, but nowadays and because of your learning the legal game due to these articles here, you are fighting every single traffic ticket to make these government agencies and officials work for every single cent they want from you and the good thing about it all is that you're using the law to do it.

So that's right! Make their asses work for that money, just like a hoe does! This is the mentality you must have. You're in the Matrix! You can still be spiritual and what not, but just know the realm you're in. Traffic places you in the legal realm. This realm has its own rules and procedures; it has its own language, which is law.

You must learn how to play it. Receiving the traffic ticket begins the game. The traffic ticket is your admission into the theatre of law. It's nothing but a staged production. A ticket grants admission and when you get a traffic

ticket you have just received admission to go to court to be in a production whereby you are acting like a defendant in a real crime, but the only thing is, there has been no real crime; only alleged violation of a statute.

NOTE: A real crime involves an injury to a real live person and/or real property.

Again, court is nothing but a staged production. Court is a stage and a stage is where actors act. The commissioner is the “acting commissioner.” The judge is the “acting judge.” The prosecutor is the “acting prosecutor.” These people are merely acting, acting like de jure government officials when in fact they are all merchants – merchants in commercial law.

Well, hopefully you now know what to say and what to do during every future traffic stop based upon what you read in this article.

Knowing the law and your rights can be very empowering!

### Chapter 3

## “Significance of Signing a Ticket”

The significance of a traffic ticket has twofold meaning. On the surface, the traffic ticket serves as a written promise to appear at court so as to offer a plea to the alleged Vehicle Code violation.

At the root, the traffic ticket is a negotiable instrument, though this will never be admitted. In this sense, a traffic ticket is a ticket, an admission ticket, that allows you to come into the court system to see and partake of a staged production featuring actors: an acting judge, perhaps an acting prosecutor (if your charge is a misdemeanor or felony), and also yourself as an acting litigant or defendant. The plaintiff is the State which makes all traffic cases contemptible (contempt of court) as it is black letter law that to move under a fictitious plaintiff is a contempt of court:

**Fictitious Plaintiff.** A person appearing in the writ, complaint, or record as the plaintiff in a suit, but who in reality does not exist, or who is ignorant of the suit and of the use of his name in it. It is a contempt of court to sue in the name of a fictitious party. **Black’s Law Dictionary, 5<sup>th</sup> edition, p. 562**

In a traffic case, the State (or the People of the State) is the plaintiff and a plaintiff is an injured party. How can the State or the people of the State be the injured party in a traffic case when you have not injured the State or another person who reside in the State, especially if you are not involved in a car crash or collision?

Who have you injured by running a red light, not wearing a seat belt, speeding, making a U-Turn, talking on a cell phone, etc.?

The answer is: NO ONE!

But it doesn't matter in a traffic case because all traffic violation cases are nothing but *strict liability*, *regulatory offense*, and *malum prohibitum* violations. They are pseudo crimes against statutes and not real live persons.

**“Malum prohibitum.”** Latin. Wrong because it is prohibited; made unlawful by statute for the public welfare, but not inherently evil and not involving moral turpitude. See 223 N.E. 2d 755, 757. Refers to acts prohibited solely because of the existence of statutes. See **262 F.2d 245, 248. Barron's Law Dictionary, 4<sup>th</sup> Edition.**

**“Regulatory offense.”** Those crimes not inherently evil but which are wrong only because prohibited by legislation i.e., one which is “malum prohibitum.” See 51 S.E. 945, 946. “Generally a crime involving “moral turpitude” is “Malum in se”, but otherwise it is “malum prohibitum.” LaFave & Scott, Criminal Law 33 (2<sup>nd</sup> edition, 1986). Some examples of regulatory offenses are: driving over the speed limit, ...sale of intoxicating liquors, public intoxication, hunting without permission, carrying a concealed weapon, shooting in a public place, keeping slot machines, and passing through a toll gate without paying the toll. Id. At 33-34. Regulatory offenses are also called “statutory offenses” and often impose *strict liability* upon defendants for their violation. **Barron's Law Dictionary, 4<sup>th</sup> Edition**

**“Strict liability.”** In tort and criminal law, liability without fault. In the criminal law, offenses sometimes do not require any specific or general *mens rea*. The conduct itself, even if innocently engaged in, results in criminal liability. Because of the possible harshness of holding people strictly accountable in this way, the courts require strong evidence of a legislative intent to statutorily create strict liability before the usual requirement of *mens rea* will be dispensed with; and strict liability crimes are usually

limited to minor offenses or regulatory offenses such as parking violations and violations of health codes. Penalties for strict liability crimes are usually minimal, except in certain instances such as drug and weapons offenses where the penalties may be quite substantial. In some jurisdictions, strict liability offenses are reduced to “violations” that carry only money fines (and short jail terms) and are not deemed “criminal offenses.” Model Penal Code § 2.05 **Barron’s Law Dictionary, 4<sup>th</sup> Edition**

Traffic infraction violations are civil in nature and thus contractual in nature. Traffic violations constitute breach of contract pertaining to your driver’s license application which attaches to the Vehicle Code and implies that you will obey the entire Vehicle or Transportation Code of your state. This is the truth of the matter though it will never be admitted by government, and understandably so, because government is defrauding the people under the banner or pretense of protecting the people and serving the people’s best interests.

You don’t need or have to write “U.C.C. 1-308 (reservation of rights)” on the traffic ticket because it will never be acknowledged as a commercial instrument in court, though it is a commercial instrument, but the System isn’t going to tell you this and understandably so.

You don’t want to ever bring up the Uniform Commercial Code (U.C.C.) in a traffic case because all it will do is piss the judge off. You can prevail at the Traffic Ticket Scheme by simply learning the rules, procedures, and laws surrounding a traffic charge and case.

Take the path of least resistance, as I teach under judicial jeet kune do. Just play the game and prevail. That’s all you want to do is prevail.

## **Chapter 4**

### **“Request for Immediate Transport To A Magistrate”**

Anytime a traffic offense gets out of hand, perhaps due to a belligerent and/ or egotistical cop, between the hours of 8:00 a.m. and 4:30 p.m., Monday through Friday, you have a right to be transported to the nearest or local courthouse and go before the judge (magistrate).

Technically, you are supposed to have this right 24 hours a day, 7 days a week, but due to lack of municipal funds, courts are no longer around the clock (which is why there's hardly any more night courts in this country), so you want to be mindful of the day and time of day it is before you request this right to be transported to a judge for a prompt probable cause hearing.

There are at least 3-4 conditions or scenarios that allow for you to be temporarily arrested and transported to a courthouse (not a jailhouse, and not to be booked) and they are:

1. When the person arrested fails to present his driver's license or other satisfactory evidence of his identity for examination.
2. When the person arrested refuses to give his written promise to appear in court.
3. When the person arrested demands an immediate appearance before a magistrate.

“Mandatory Appearance Before Magistrate.” Whenever any person is arrested for any violation of this code, not declared to be a felony, the arrested person shall be taken without unnecessary delay before a magistrate within the county in which the offense charged is alleged to have been committed and who has jurisdiction of the offense and is nearest or most accessible with reference to the place where the arrest is made in any of the following cases: (a) *When the person arrested fails to present his driver's license or other satisfactory evidence of his identity for examination.* (b) *When the person arrested refuses to give his written promise to appear in court.* (c) *When the person arrested demands an immediate appearance before a magistrate.* **California Vehicle Code, Section 40302**

There should be no confusion on the promptness of being transported to a magistrate for a prompt probable cause hearing for all law is precise.

“Without delay.” Instantly; at once. **Black's Law Dictionary, 5<sup>th</sup> edition, pg. 1437**

“Unnecessary.” Not required by the circumstances of the case. **Black's Law Dictionary, 5<sup>th</sup> edition, pg. 1379**

“Immediate.” Present; at once; without delay; not deferred by any interval of time. **Black’s Law Dictionary, 5<sup>th</sup> edition, pg. 675**

“Immediately.” Without interval of time, without delay, straightway, or without any delay or lapse of time. ***Drumbar v. Jeddo-Highland Coal Co.*, 155 Pa.Super. 57, 37 A.2d 25, 27**

The words “immediately” and “forthwith” have generally the same meaning. They are stronger than the expression “within a reasonable time” and imply prompt, vigorous action without any delay. ***Alsam Holding Co. v. Consolidated Taxpayers’ Mutual Insurance Co.*, 4 N.Y.S.2d 498, 505, 167 Misc. 732**

The above clearly details that an officer cannot arrest you and hold you in jail for a few hours or even a few days before transporting you to the magistrate (judicial officer).

But remember, due to financial insolvency of our states, counties, and cities, courthouses operate on commercial business hours (9 a.m. to 5 p.m.) and just like major corporations, are closed for business on the weekends (Saturday and Sunday) and holidays; so many of the rights and privileges we once had we no longer have, and may be reflected in new statutes such as the following:

**“Appearance before magistrate.”** Except as provided in paragraph (2), the defendant shall in all cases be taken before the magistrate without unnecessary delay, and, in any event, within 48 hours after his or her arrest, excluding Sundays and holidays. **California Penal Code § 825**

This is why you have to be mindful of the day and time of day you request to be transported immediately to the magistrate for a prompt probable cause hearing.

NOTE: A prompt probable cause hearing allows a judge or commissioner to determine the law in a situation instead of a police officer. You should not be arguing about law with police officers who really are not astute in law, i.e. constitutional and case law.

All law is clear in that the request to be immediately transported to the magistrate for a prompt probable cause hearing do not require or call for a booking:

“The court noted that under the conditions of the Vehicle Code the arresting officer could either issue defendant a citation or take him before a magistrate without unnecessary delay, and the Vehicle Code section, setting forth the procedure required when an offender is taken before a magistrate, does not, either directly or by inference, provide for a booking prior to appearance before the magistrate.” *Agar v. Superior Court*, 21 Cal.App.3d 24; *People v. Ramirez* (1984) 154 Cal.App.3d Supp. 1; *People v. Dukes* (1969) 1 cal.App.3d 913; *People v. Collin* (1973) 35 Cal.App.3d 416; *People v. Mack* (1977) 66 Cal.App.3d 839; *People v. Salinas* (1980) 111 Cal.App.3d Supp. 27; California Attorney General Opinion # 96-1201

An officer can never book you into jail without affording you to post bail:

“Persons taken into custody on nonfelony traffic offenses and traffic warrants must be given an opportunity to post bail before they can be booked or subjected to a booking search.” *People v. Superior Court (Simon)* (1972) 7 Cal.App.3d 186, 209; *People v. Collin* (1973) 35 Cal.App. 416, 421-424

NOTE: If a cop books you into jail due to your request to be temporarily arrested so as to be transported before magistrate for a prompt probable cause hearing, the cop is liable for *false arrest and false imprisonment*.

“Where person arrested for traffic violation not amounting to felony is taken into custody for transportation before a magistrate, either under § 40303 giving officer option to follow such procedure or under this section [40302] making such procedure mandatory, arrestee must be transported directly to a magistrate or to one of the other officials listed in the § 40307 and must immediately be released on bail or written promise to appear, and cannot lawfully be subjected to the routine booking process used in the case of a nontraffic misdemeanor.” *People v. Superior Court of Los Angeles County* (1972) 101 Cal.Rptr. 837, 7 Cal.3d 186; 496 P.2d 1205

And,

“A prisoner (one who has been booked) is entitled to a hearing within a reasonable time after his arrest, and a delay for an unreasonable time in

bringing him before the magistrate constitutes false imprisonment.” *Vernon v. Plumas Lumbar Co. (1925) 71 Cal.App. 112, 234 P. 869*

And while technically you should not have to be arrested to be transported to the magistrate because the law allows for a person to drive his/her own vehicle/automobile to the courthouse:

“Subjects of a vehicle stop that fall under authority of Vehicle Code 40302 (Appearance before magistrate) should be allowed to drive his vehicle to place of booking and allowed to post bail. *People v. Greenwood, 484 P2d 1217*

And,

“When Vehicle Code, Section 40302 (c) is invoked or demanded by the arrestee, the arrested person may either **be taken or escorted** to the magistrate. **California Peace Officer’s Legal Sourcebook, “Traffic Law”, 16.13(c)**

However, due to possibility of evading arrest, officers may insist on transporting you to the magistrate. TV shows like “Cops” (where people constantly attempt to evade arrest or escape from the cops) don’t help in situations like being allowed to be escorted to the magistrate for a prompt probable cause hearing.

Also, the law is very clear in that when you are temporarily arrested so as to be transported to the magistrate, the officer cannot search you as he or she can do when an arrest is custodial. The request and statutory right to be transported before a magistrate is not penal or criminal in nature and cannot form the basis of an arrest, i.e. some Penal or Criminal offense.

“Vehicle Code § 40302 is not penal in nature and cannot form the basis of a lawful arrest.” *People v. Simon, 7 Cal.App.3d 186, 496 P.2d 1205*

Remember, your arrest is not “custodial” in nature, meaning you can’t be taken to jail and booked (fingerprinted, photographed, etc.) for an offense or violation. Your arrest is temporary and only for purposes of immediate transportation to a courthouse to go before a magistrate. You are not technically arrested in the true legal meaning and sense of the term “arrest.”

So again, you cannot be searched before the transportation before the magistrate:

“Where a person arrested for a traffic violation not amounting to a felony is taken into custody for purposes of transportation before a magistrate, he cannot be searched as an incident of that procedure, either in the field or at a police station.” *People v. Superior Court of Los Angeles County (1972)* 7 Cal.3d 186, 496 P.2d 1205

An officer cannot arrest you “custodially” for your request to be immediately transported before a magistrate. And being technical, an officer cannot even arrest you for a minor Vehicle Code offense (infraction).

In all states except for Florida, a warrantless arrest followed by imprisonment for an infraction violates the Fourth Amendment because California law prohibits such arrests. See **California Penal Code § 19.6** or your state’s Criminal or Penal Code.

Again, you cannot be taken into custody for requesting to be transported immediately to the local magistrate:

“Vehicle Code section 40302(a) is couched strictly in mandatory terms. It declares that when a person cited for a violation of the Vehicle Code not declared to be a felony, he shall be taken without unnecessary delay before a magistrate when he fails to present his driver’s license or other satisfactory evidence of his identity for examination. Section 40302 prescribes the procedure for arrest of a Vehicle Code violator. Upon analysis it will be seen that one cannot be arrested on the authority of 40302, which is not penal in nature and cannot form the basis of a lawful arrest.” *People v. Superior Court*, 7 Cal.App.3d 186

“Arrest without warrant; duty to take prisoner before magistrate and file complaint.” (a) When an arrest is made without a warrant by a peace officer or private person, the person arrested, if not otherwise released, shall, without necessary 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. **California Penal Code § 849**

If an officer ever arrests you and books you for an alleged commission of an offense, misdemeanor or infraction, when all you requested was to be immediately transported to the magistrate as state law requires and allows, the officer must file a complaint, also known as a *verified complaint*.

“Misdemeanor and infraction procedure before magistrate.” (a) Whenever a person is arrested for a misdemeanor or an infraction and is taken before a magistrate, the arresting officer shall file with the magistrate a complaint stating the offense with which the person is charged. **California Vehicle Code § 40306**

Whenever there is no warrant for arrest, including a situation when you request to be transported to the nearest magistrate, right to see a magistrate when no warrant for arrest exist is mandatory, in accordance pursuant to the following:

California Vehicle Code § 40302

California Penal Code § 849

Texas Transportation Code, Section 543.002

*People v. Greenwood*, 484 P2d 1217

*People v. Wohlleben*, 67 Cal.Rptr. 826

*People v. Monroe*, 12 Cal.App. 4<sup>th</sup> 1174 (1993)

*People v. Simon*, 7 C. 3d 186

*Morel v. Superior Court*, 10 Cal.App.3d 913, 916-917

*People v. Mercurio*, 10 Cal.App. 3d 426, 430-431

*People v. Weitzer*, 269 Cal. App 2d 274, 294

*County of Riverside v. D. McLaughlin*, 500 U.S., 114 L.Ed.2d 49

“When Vehicle Code, Section 40302 (c) is invoked or demanded by the arrestee, the arrested person may either **be taken or escorted** to the

magistrate. If the nearest or most accessible magistrate is not available, the officer must take the arrested person to the clerk of the magistrate. If the clerk is not available, the officer should explain fully that the arrestee must either sign the promise to appear, post bail, or go to jail.” **California Peace Officer’s Legal Sourcebook, “Traffic Law”, 16.13(c)**

And,

**“Person Arrested to be Taken Before Magistrate.”** (a) A person arrested for a violation of this subtitle punishable as a misdemeanor shall be immediately taken before a magistrate if: (1) the person is arrested on a charge of failure to stop in the event of an accident causing damage to property; or (2) the person demands an immediate appearance before a magistrate or refuses to make a written promise to appear in court as provided by this subchapter. (b) The person must be taken before a magistrate who: (1) has jurisdiction of the offense; (2) is in the county in which the offense charged is alleged to have been committed; and (3) is nearest or most accessible to the place of arrest. **Texas Transportation Code § 543.002**

And further,

**“Magistrate Unavailable.”** When an arresting officer attempts to take a person arrested for a misdemeanor or infraction of this code before a magistrate and the magistrate or person authorized to act for him is not available, the arresting officer shall take the person arrested, without unnecessary delay, before: (a) The clerk of the magistrate who shall admit him to bail in accordance with a schedule fixed as provided in Section 1269b of the Penal Code, or (b) The officer in charge of the most accessible county or city jail or other place of detention within the county who shall admit him to bail in accordance with a schedule fixed as provided in Section 1269b of the Penal Code or may, in lieu of bail, release the person on his written promise to appear as provided in subdivisions (a) through (f) of Section 853.6 of the Penal Code. Whenever a person is taken into custody pursuant to subdivision (a) of Section 40302 and is arrested for a misdemeanor or infraction of this code pertaining to the operation of a motor vehicle, the officer in charge of the most accessible county or city jail or other place of detention within the county may detain the person arrested for a reasonable period of time, not to exceed two hours, in order to verify his identity. **California Vehicle Code, Section 40307**

It is very important for you to know that any police officer that willfully delays in taken you to the nearest magistrate when you request your right to be immediately transported to the magistrate for a prompt probable cause hearing, is guilty of a misdemeanor:

“Every public officer or other person having arrested any person upon a criminal charge, who willfully delays to take such a person before a magistrate having jurisdiction, to take his examination, is guilty of a misdemeanor.” **California Penal Code, Section 145**

And consider the following:

“Ignorance of the provisions of the Penal Code does not lessen the duty of arresting officers to conform to the provisions of the Penal Code [esp., Sec. 849].” *Vernon v. Plumas Lumber Co. (1925) 71 Cal.App. 112, 234 P. 869*

It is the law for an officer to bring you immediately and directly to a magistrate when there is no warrant for arrest.

“Duty to bring prisoner before a magistrate without delay is especially imperative when arrest is made without warrant.” *Dragna v. White (1955) 45 cal.2d 469, 289 P2d 428*

And remember, if you are ever arrested and booked, a complaint (verified complaint) must be filed:

“Under provision relating to expediting of criminal proceedings against accused, one does not become accused until filling of complaint or other charge.” *People v. Aguirre (1960) 181 cal.App.2d 577, 5 Cal.Rptr. 477*

A written notice to appear will not and cannot suffice as a complaint when you are arrested and taken into custody and booked.

“The act of retaining in personal custody a person arrested instead of taking him promptly before a magistrate is unjustifiable.” *People v. Imamura (1915) 26 Cal.App. 432, 147 P. 219*

And,

“Under Penal Code §§ 847, 849, requiring that one arrested by either a private person or a peace officer be taken before a magistrate or delivered to a peace officer “without unnecessary delay,” a delay of even a few hours may be unnecessary.” *People v. Haydel* (1974) 12 Cal.3d 190, 115 Cal.Rptr 394, 524 P2d 866

And further,

“The action of the defendant’s agent, who arrested the plaintiff without a warrant, instead of taking the plaintiff before the nearest or most accessible magistrate, of placing him in the county jail while the acting parties consulted two attorneys and then repaired to the magistrate’s office constituted an unnecessary delay in taking the plaintiff to the magistrate, and the imprisonment was wholly unwarranted.” *Vernon v. Plumas Lumber Co.* (1925) 71 Cal.App. 112, 234 P. 869

“Though person detained pursuant to lawful arrest cannot bring action for false arrest, action for false imprisonment arising from unlawful detention may be maintained if defendant unlawfully detains prisoner for unreasonable period and unnecessarily delays in taking him before magistrate within reasonable time after arrest.” *Ogulin v. Jeffries* (1953) 121 Cal.App.2d 211, 263 P2d 75

“Unnecessary delay in bringing accused before magistrate makes his confinement false imprisonment.” *Kangieser v. Zink* (1955) 134 Cal.App. 2d 559, 285 P2d 950

“Unnecessary.” Not required by the circumstances of the case. **Black’s Law Dictionary, 5<sup>th</sup> Edition, page 1379**

“Immediate.” Present; at once; without delay; not deferred by any interval of time. In this sense, the word, without any very precise signification, denotes that action is or must be taken either instantly or without any considerable loss of time.” **Black’s Law Dictionary, 5<sup>th</sup> edition, page 675**

“Forty-eight hour period of Pen. C. §825(a)(1) is *not* extended for weekends, that a delay beyond that time is unreasonable unless the government demonstrates “the existence of a bona fide emergency or other extraordinary circumstances. *County of Riverside v. McLaughlin* (1991) 500 U.S. 44

“Denial of Pen. C. § 851.5 (three free completed telephone calls within the local calling area) is a violation of procedural due process under the 14<sup>th</sup> Amendment.” **Carlo v. City of Chino (9<sup>th</sup> Cir. 1997) 105 F.3d 493**

“A two-day wait (Pen. C. § 825(a)(1)) is not automatically lawful; unreasonable delay even within that time frame is improper.” **People v. Turner (1994) 8 Cal.App.4<sup>th</sup> 137**

“Extreme delays impact speedy trial rights and can necessitate dismissal.” **People v. Hughs (1974) 38 Cal.App.3d 670, 674**

“Failure of violator of this section to submit identification subjects him to procedures which will insure either his appearance before a magistrate or his financial response to the charged violation.” **People v. Mercurio (App. 2 Dist. 1970) 10 Cal.App.3d 426**

Penal Code § 825 [arrest with warrant] is not applicable to Vehicle Code § 40302 or 40300.5 arrest without warrant.

Never use the right to be immediately transported before a magistrate unless you know all the details involved in the process predicated upon your state’s laws. Do not rely upon California or any other state’s laws (codes). Each state’s laws are different.

## Chapter 5

### “Your Arraignment – Understanding How To Plead”

#### *What is an arraignment?*

An arraignment is a procedure whereby the accused (or defendant) is brought to court or scheduled to appear in court to plead to the criminal charge in the indictment or information (or in a traffic case, a written notice to appear/traffic ticket). The charge is read to you and you are asked to plead “**guilty,**” or “**not guilty,**” or, where permitted, “**nolo contendere (not guilty).**”

Arraignment is legally defined as:

“Procedure whereby the accused is brought before the court to plead to the criminal charge in the indictment or information. The charge is read to him

and he is asked to plead “guilty” or “not guilty” or, where permitted, “nolo contendere.” *State v. McCotter*, 288 N.C. 227, 217 S.E.2d 525, 529

Arraignment shall be conducted in open court and shall consist of reading the indictment or information to the defendant or stating to him the substance of the charge and calling on him to plead thereto. He shall be given a copy of the indictment or information before he is called upon to plead.

### ***Confronting your fears of going to court and before a judge***

It is only normal to have a little fear or sweaty palms when going to court, especially as a defendant. The energy of many people getting screwed over in court leaves an energetic imprint in the halls of many courthouses. Deals by attorneys and prosecutors to screw people leave an energetic mark or imprint in the hallways and courtrooms alike and you pick up on this energy.

The first thing you must tell and remind yourself is that there is nothing to fear or worry about. In the worse case scenario, you can't go to jail and you can't die. So what's to worry about and fear? The fear is all inside your mind and from conditioning.

Here are a few things you can do to quell and release any fear, worry, negativity, and anxiety when you get to court.

First, affirm that you will prevail throughout every phase of your case. Not in the end, but throughout every phase of the case (arraignment, trial, additional hearings).

Play in your mind! Visualize, imagine! See yourself calm, cool, collect, and confident. See yourself being competent. See yourself talking like an attorney to the judge (i.e. “Your Honor”, “May it please the court”, “For the record, Your Honor!” etc.). see yourself cross-examining the citing officer and busting him or her up with your questions he or she is unexpected for.

Simply see yourself prevailing in every phase! See the outcome too (“Case dismissed!”).

Visualize your 3<sup>rd</sup> chakra (located at the abdomen) as a 12 petal yellow flower that is wide open, shining powerfully bright! This is your power center! Your solar plexus!

Know that you are all powerful and you fear no man, or no one but God. That the judge is a human being too and the only thing that separate you from the judge is the black robe.

Take long deep breaths while sitting in the courtroom waiting for your name to be called. Be silent as there is no loud noise tolerated in the courtroom.

Breath deeply, down into your stomach. This will help remove the butterflies in your stomach.

Think positive! Be optimistic! Smile and speak kindly to everyone in the courthouse, including the bailiff and judge. Don't kiss anyone's ass. Just be polite and courteous. No matter how a judge or bailiff may talk to you or treat you, remember that at the end of the day and after they take off their uniform, they're people – a human being just like yourself. Never forget!

Refrain from stooping to anyone's level. Stay focused! Stay positive!

Refrain from talking to anyone who will try and tell you that you are wasting your time and/or don't stand a chance. Ignore these people. Don't fraternize with them regardless of whom they may be, family members, friends, co-workers, or strangers.

Carry a piece of Carnelian crystal (induces feelings of courage) and/or Hematite (very grounding). Or perhaps wear jewelry made from them, i.e. necklace, bracelet, earrings, etc. Inundate yourself with them! Wear them! Hold them in your hand (up until your name is called by the judge).

Inhale Dhealthstore.com inspirants, i.e. Calming inspirant, Elation inspirant, etc.

Just remember the words of Bobby McFerrin's song: "Don't Worry, Be Happy!"

***How do or should I plead in a traffic case in traffic court?***

Always plead “not guilty” especially if you want to contest your traffic ticket, but only do so (plead “not guilty”) after requesting a verified complaint.

A trial is automatic when you enter a plea of “not guilty” and a plea of “not guilty” puts the government (prosecution):

On the traffic ticket (written promise to appear) is key information that allows you to prepare for trial including the date of your arraignment and as well as the offenses you have been charged with committing or violating.

At the bottom of the ticket (written promise to appear) or somewhere on it (depending on the issuing agency) will list:

Court name

Court address

Date to appear at court

The time to appear at court

This date at the bottom of the ticket will be your first court appearance for the traffic ticket you received. This first court appearance is called your “arraignment.”

### ***Documents You Need To Prepare For Filing Before Arraignment***

Before you appear at your arraignment, at least 5-10 days before your appearance, you should file a “Request For Verified Complaint” and an “Affidavit of Poverty or Financial Insolvency” (if you cannot post bail due to your financial situation). You can also file a Brief if you like.

The Brief should basically tell the Judge everything that transpired on the day of the arrest in your own personal terms. The ticket (written promise to appear) is basically the cops allegation and your Brief contains your allegations, but in more specific terms (compared to the cop’s traffic ticket which he just fills out).

At you arraignment, the court may be packed with other people whom the court is trying to get money out of.

On the day of your arraignment, make sure you get to court on time. If the traffic ticket states your court appearance is at 8:30 a.m., be there by 8:25 a.m.

When you get to the courthouse and find your division or department, promptly check in with the bailiff. Always check in first with the bailiff.

Look at the judge's desk and make sure the judicial officer is a judge and not a commissioner. Underneath the judicial officer's name will list his status, i.e. Judge or commissioner.

You don't want a commissioner, but a judge.

If a commissioner is the one accepting pleas, immediately tell the bailiff you do not waive your rights so that a commissioner can accept your plea. The federal constitution only mentions judges, not commissioners, so while a statute and/or case law may allow a commissioner to hear a traffic case, statutes and case law are secondary laws and are inferior to the U.S. Constitution so your argument to have a judge hear your case (or plea) must be a constitutional one and none other, for again, statutes and case law may allow a commissioner to hear your case absent stipulation from yourself:

“No stipulation need be obtained *in a traffic infraction case* in order for a commissioner to hear the case.” **In re Courtney H. (1995) 38 Cal.App.4<sup>th</sup> 1221**

### ***Requesting A Verified Complaint***

California law is clear and precise on the matter of a verified complaint being filed in order for a defendant to enter a plea on the record:

“Filing of notice in lieu of complaint.” (a) Whenever written notice to appear has been prepared, delivered, and filed with the court, an exact and legible duplicate copy of the notice when filed with the magistrate, in lieu of a verified complaint, shall constitute a complaint to which the defendant may plead “guilty” or “nolo contendere.” If, however, the defendant violates his or her promise to appear in court or does not deposit lawful bail, **or pleads**

**other than “guilty” or “nolo contendere” to the offense charged, a complaint shall be filed that conform to Chapter 2 (commencing with Section 948) of Title 5 of Part 2 of the Penal Code**, which shall be deemed an original complaint, and thereafter proceedings shall be had as provided by law, except that a defendant may, by an agreement in writing, subscribed by him or her and filed with the court, waive the filing of a verified complaint and elect that the prosecution may proceed upon a written notice to appear. (b) Notwithstanding subdivision (a), whenever the written notice to appear has been prepared on a form approved by the Judicial Council, an exact and legible duplicate copy of the notice when filed with the magistrate shall constitute a complaint to which the defendant may enter a plea and, if the notice to appear is verified, upon which a warrant may be issued. If the notice to appear is not verified, the defendant may, at the time of arraignment, request that a verified complaint be filed. **California Vehicle Code, Section 40513.**

NOTE: The filing of a verified complaint gives the court jurisdiction to hear the case against you. Anytime you enter a plea of “not guilty” and request a verified complaint, a verified complaint must be filed in order to give the court jurisdiction (authority) to hear your case and absent the filing of a verified complaint once requested, the court lacks jurisdiction to try you or hear the case against you:

“Defendant who was cited for and charged with failure to yield right-of-way and who pleaded not guilty and did not waive filing of complaint was not brought within jurisdiction of court.” *Anger v. Municipal Court of City and County of San Francisco* (App. 1 Dist. 1965) 237 Cal.App.2d 69

And,

“Defendant who was charged with traffic offense, pleaded not guilty and did not waive filing of complaint was not brought within jurisdiction of court until filing of verified complaint.” *Gavin v. Municipal Court of San Diego Judicial Dist.* (App. 4 Dist. 1960) 184 Cal.App.2d 712

The filing of a verified complaint can be waived, but only by you – the Defendant. However, what you may not know in the average traffic court case is that when you are ignorant to law and go to court and enter a plea of “not guilty” and do not request the filing of a verified complaint (or complaint), unbeknownst to yourself, you have voluntarily waived the

request. Nearly 99.9% of litigants in a traffic case waive the filing of a verified complaint and thus elect that that the prosecution (the Court) move against them or try them on the charges absent a complaint or verified complaint.

California law clearly states that if the Notice to Appear is not verified, the defendant may, at the time of arraignment, REQUEST that a verified complaint be filed:

“If the notice to appear is not verified, the defendant may, at the time of arraignment, request that a verified complaint be filed.” **California Vehicle Code § 40513(a)**

The law is clear in that ALL infractions must be prosecuted by written complaint:

“Misdemeanors and infractions; prosecution by written complaint.” Except as otherwise provided by law, all ...infractions must be prosecuted by written complaint under oath subscribed by the complainant. Such complaint may be verified on information and belief.” California Penal Code § 740

And,

“The first pleading on the part of the people in the superior court in a felony case is the indictment, information, or the complaint in any case certified to the superior court under Section 859a. **The first pleading** on the part of the people **in a ... infraction case** is the complaint except as otherwise provided by law.” California Penal Code § 949

NOTE: Complainant means “plaintiff” or victim alleging injury, Penal Code § 1275, second paragraph; and is a “natural person”, Penal Code § 959. California law clearly states that the written complaint under oath must be subscribed by the complainant:

“all ... infractions must be prosecuted by written complaint under oath subscribed by the complainant.” **California Penal Code § 740**

NOTE: “Subscribe.” Literally to write underneath, as one’s name. To sign at the end of a document. See also Attest; Subscriber; Subscription. **Black’s Law Dictionary (1979), 5<sup>th</sup> edition, pg. 1279**

The law is also clear in that the written notice to appear that must be subscribed under oath must also be subscribed by the complainant:

“...all ... infractions must be prosecuted by written complaint ... by the complainant.” **California Penal Code § 740**

Who’s the complainant (plaintiff) in a traffic case? Is it the citing officer?

Well, if we are to be technical, and you do have this option to be so during your trial, a police officer or peace officer is a witness for the State and cannot serve as the witness for the State while simultaneously serving as the complainant.

A witness is not a complainant. A witness, such as the citing and arresting officer, cannot as a matter of law instigate or initiate prosecution against a suspected person. Only the complainant can instigate or initiate prosecution:

“Complainant.” One who applies to the courts for legal redress by filing complaint (*i.e.* plaintiff). Also, one who instigates prosecution or who prefers accusation against suspected person. **Black’s Law Dictionary, 5<sup>th</sup> edition, pg. 258**

Without the filing of a formal, verified complaint, the Court lacks subject matter jurisdiction over the entire case. It is black letter law that the filing of a complaint gives the court subject matter jurisdiction to hear a matter brought before it:

“A court acquires jurisdiction over the subject matter when an action is instituted by the filing of a complaint.” **16 California Jurisprudence, 3<sup>rd</sup> Series, § 170 (Courts)**

And,

“The filing of a complaint is essential to invoke the jurisdiction of the court. ***City of San Diego v. Municipal Court*, 102 Cal.App.3d 775**

“The complaint is the foundation of the jurisdiction of the magistrate.” **22 Corpus Juris Secundum § 303, pages 456, 457**

“A trial court’s subject matter jurisdiction is triggered by the filing of information alleging commission of a public offense within the appropriate venue.” **21 American Jurisprudence, 2<sup>nd</sup> Series, § 480 (Criminal Law)**

“A formal accusation which charges some offense known to law is essential for every trial for crime, without which the court acquires no jurisdiction to proceed, even with the consent of the accused.” **22 Corpus Juris Secundum § 167 (Criminal Law)**

“Jurisdiction over the subject matter is acquired when an action or proceeding is instituted by the filing of a complaint in a court in the jurisdictional territory competent to hear and determine the particular cause.” *People v. Gomper* (1984) 160 Cal.App.3d Supp. 1; *Sharp v. Johnson* (5<sup>th</sup> Cir. 1997) 107 F.3d 282;

“A formal accusation is essential for every trial for crime, without it the court acquires no jurisdiction to proceed.” **16 Corpus Juris Secundum § 230 (Criminal Law)**

The Court cannot allege that a written notice to appear or written promise to appear (traffic ticket) is a verified complaint simultaneously because California law at Vehicle Code § 40513(a) clearly states “...*except that a defendant may waive the filing of a verified complaint and elect that the prosecution may proceed upon a written notice to appear.*”

If a written notice to appear (traffic citation) is a verified complaint, how could a defendant possibly waive the verified complaint and elect that the prosecution proceed upon a written notice to appear? Clearly these two documents are not the same.

Lastly, if the Court argues and alleges that a written notice to appear (traffic ticket) is a complaint, for purposes of appellate review, if necessary, make sure you bring up during the hearing (arraignment and/or trial) that the written notice to appear does not conform to California law at Code of Civil Procedure §§ 422.30, 422.40, and 425.10; and Rules of Court Rule 201 and 501 pertaining to the nature and content of a complaint:

**“Caption; contents.”** (a) every pleading shall contain a caption setting forth: (1) The name of the court and county, and, in municipal courts, the

name of the judicial district, in which the action is brought. (2) The title of the action. **California Code of Civil Procedure § 422.30**

**“Names of parties in complaint; names in other pleadings.”** In the complaint, the title of the action shall include the names of all the parties; but, except as otherwise provided by statute or rule of the Judicial Council, in other pleadings it is sufficient to state the name of the first party on each side with an appropriate indication of other parties. **California Code of Civil Procedure § 422.40**

**“Statement of facts; demand for judgment.”** A complaint... shall contain both of the following: (a) A statement of the facts constituting the cause of action, in ordinary and concise language. (b) A demand for judgment for the relief to which the pleader claims to be entitled. If the recovery of money or damages be demanded, the amount thereof shall be stated, unless the action is brought in the superior court to recover actual or punitive damages for personal injury or wrongful death. **California Code of Civil Procedure § 425.10**

**“[Size of paper, Pagination, Etc. and Type Style]”** All papers shall be typewritten or printed, or be prepared by a photocopying or other duplication process that will produce clear and permanent copies equally legible to printing, in type not smaller than 12 points, on opaque, unglazed paper, white or unbleached, of standard quality not less than 20-pound weight, 8½ by 11 inches in size. The typeface shall be essentially equivalent to Courier, Times, or Helvetica. The color of print shall be blue-black or black. **California Rules of Court, Rule 201(c)**

**“[Line Spacing and Numbering]”** Only one side of the paper shall be used, and lines on each page shall be one and one-half spaced or double spaced and numbered consecutively; but descriptions of real property. Line numbers shall be consecutively numbered beginning with the number 1 on each page. There shall be at least three line numbers for every vertical inch on the page. **California Rules of Court, Rule 201(d)**

**“[Page Numbering and Hole Punching]”** Each page shall be numbered consecutively at the bottom. Each paper shall consist entirely of original pages without riders, and shall be firmly bound together at the top. **California Rules of Court, Rule 201(e)**

**“[Format of First Page]”** The first page of each paper shall be in the following form: (1) In the space commencing one inch from the top of the page with line 1, to the left of the center of the page, the name, office address [1] or, if none, [2] residence address, [3] telephone number, fax number and e-mail address (if provided), and State Bar membership number of the attorney for the party in whose behalf the paper is presented, of the party if he or she is appearing in person. (2) The first two inches of space between lines 1 and 7 to the right of the center shall be left blank for the use of the clerk. (3) On or below three and one-third inches from the top of the paper line 8, the title of the court. (4) Below the title of the court, in the space to the left of the center of the page, the title of the case. (5) To the right of and opposite the title, the number of the case. (6) Immediately below the number of the case, the nature of the paper, and on all complaints and petitions, the character of the action or proceeding. **California Rules of Court, Rule 201(f)**

Despite my use of California law to make the above point, the same applies in other states, be it New York, Illinois, Pennsylvania, Nevada, or Colorado.

All complaints must have or list:

Caption, Contents (of Complaint)

Names of the parties (Plaintiff/Complainant, Defendant)

Statement of Fact

Cause of Action

Remedy requested

Clerk’s signature

Court seal

# “Conclusion”

Thank you for reading the Traffic Ticket Manual, Volume 1. After reading Volume 1 you now have a foundation for going to court in person.

I strongly suggest you purchase and read The Traffic Ticket Manual, Volume 2 and Volume 3 (Sample Documents) so you can learn the court process (Volume 2) as well as how to prepare your own legal documents or pleadings (Volume 3).

Documents are important because they speak for you (during the entire case) and if you forget to raise a point in trial (or a belligerent judge) prevents you from doing so, it doesn't matter because once you file a document with the court through the clerk, it's part of the record and can be used on appeal to make your arguments and claim.

Thank you for standing up and learning your rights in order to enforce them. Learning our rights and enforcing them are the only way we will ever get free from this modern day government tyranny that has us operating under a *De facto* statutory-based democracy when in fact we should be operating under a *De jure* sovereign republic.

From the depths of my heart, I thank you!

# “The End”

**Continued in *The Traffic Ticket Manual, Vol. 2***

## **Other Books By Djehuty**

*The Traffic Ticket Manual, Volume 1*

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## Law Consultation

**\$150.00**

**(Over-The-Phone)**

A law consultation gives you the necessary information (not legal advice) to empower you into making sound decisions regarding your personal legal matter. In law, you have to act, especially if you are served a summons and complaint or subpoena.

Many people are not responding to legal service of process in the form of summons and complaints and end up defaulting and thus causing them great injury and harm in the way of loss of money (judgments, wage garnishments), property, and freedom. In law, ignorance is no excuse for every man and woman in the U.S. are presumed to know the law.

Many people are also being bamboozled into and by sovereignty schemes and scams by so-called religio-political patriot groups, militia groups, legal theorist groups, etc.

Patriot mythology, U.C.C. (Uniform Commercial Code) arguments, tax protester arguments, redemption in law, and expatriation/repatriation processes are NOT the way to go in legal-judicial matters regardless of what you may have heard or even studied.

Also, you cannot get anything for free (free house, car, etc.) in this society nor does the government have a check for thousands of dollars in your name because you were issued a Social Security card. Regardless what any group is saying, this is NOT true and you will end up losing much money, energy, and time with such unproven theories.

Law only consists of: constitutional, statutory, and case-decisional law and these are the tools of your position (defense or offense) in a legal matter.

You have a right under due process of law, U.S.Const.Amend.14, to file appropriate documentation on your behalf as a lawyerless litigant or pro se litigant in your legal action.

Learn the appropriate steps to take in a civil or criminal legal action as well as what statutory-based documentation you need to file on your behalf, i.e. Answer, motion, demurrer, judicial notice, bill of particulars, peremptory

challenge, etc.

Because most county legal aid offices are inundated, people (especially poor people) are not receiving viable and solid information for their best interests in legal matters and many legal atrocities and miscarriages of justice are occurring across the country daily.

So if you are faced with the following matters: traffic and/or parking tickets, child support, eviction (unlawful detainer), civil lawsuit, criminal lawsuit, unemployment/disability claims issues, restraining order, etc. and do not know what your course of action is, you may be interested in scheduling a consultation. We use higher law to help guide people in matters pertaining to lower, man-made law. Whatever your personal situation, all law offers remedy and recourse. In order to benefit from the American judicial system, you must use it. There's no other way!

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