

**STATE OF COLORADO
CITY OF COLORADO SPRINGS
IN THE COUNTY OF EL PASO COURT**

STATE OF COLORADO
Plaintiff in Error,

Cit. Nos. 213625-0 & 213361-5

Vs.

Xxxx Xxxxxxxxxx,
Defendant in Error

**CERTIFIED PETITION TO BE INFORMED OF THE NATURE AND CAUSE OF THE
ACCUSATION and ACTUAL and CONSTRUCTIVE NOTICE**

COMES NOW, the Defendant in Error, Xxxx Xxxxxxxxxx, sui juris, Party Injured, a living, breathing sovereign American Citizen, non-licensed attorney, claiming all inherent Constitutionally guaranteed rights; and one of the holders of the inherent political power of the State of New Mexico¹ and the Republic of these united States of America, hereinafter Accused, and makes his Certified **Petition** as a **matter of right** and **not** as a motion, as said holder, to be **informed of the nature and cause of the accusation**², in the instant case.

AND HEREBY THIS PETITION gives actual and constructive notice to all parties proceeding in any capacity that Accused challenges their presumptions of subject matter jurisdiction and they must answer said challenge by proving their aforesaid presumptions have a lawfully verifiable case.

FURTHER, by such actual and constructive notice the judge, prosecuting attorney and accuser have each taken an Oath of Office in exchange for the public trust and filed a commercial bond to ensure the integrity and honor of the Citizens of Colorado not be placed in jeopardy by their actions; are hereby informed of their oath to uphold and defend the U.S. Constitution, Constitution and laws of Colorado.

¹ All political power is vested in and derived from the people; all government of right originated with the people, is founded upon their will and is instituted solely for their good. Article II, Section 2; New Mexico Constitution.

All persons are born equally free, and have certain natural, inherent and inalienable rights, among which are the rights of enjoying and defending life and liberty, of acquiring, possessing and protecting property, and of seeking and obtaining safety and happiness. Article II, section 4; New Mexico Constitution.

² "In all criminal proceedings, the accused shall have the right...to demand the nature and cause of the accusation; to be..." Article II, section 14; New Mexico Constitution.

AND FURTHER, Accused shall not accept the term “**offense**” to be exercised by this court while Accused is charged with a crime³ as the term, offense, is merely an exercise by the court for the purpose of extracting a civil penalty under the guise of a criminal proceeding.

AND WHEREAS, the Judge, Prosecuting Attorney, and accusing officer, as public officers, hence by mandate of their sworn oaths⁴; have no discretion but to answer all particulars of this challenge of their presumptions of subject-matter jurisdiction in the instant case. They are further reminded of their respective duties and obligations as expressly evidenced in the Colorado State Constitution and by and through Article XIV of the U.S. Constitution and as further evidenced by published Rules of Criminal Procedure, expressly to include *Miranda v. Arizona*.

AND WHEREAS, the Accused makes this Petition hereinall and in the particularities of his averments made as his sworn statements under penalty of perjury, as a Sovereign, holding Primacy⁵ of Position and positively can expect no less from the Judge, prosecuting attorney and accusing Police Officer than their sworn answers to the particulars of his averments.

WHEREFORE, the Accused states as follows:

1. It is an undisputable fact; that on 10/18/05 Accused was issued Cit. Nos. 213625-0 & 213361-5, hereafter Citations, of the Colorado Springs Police Department/Colorado Division of Motor Vehicle Division of Colorado Department of Revenue (hereinafter CSPD/DMV/DR), by Officer Thomas, hereinafter Thomas, badge No. 11257. On said citation, Officer Thomas alleges Accused violated 1973 CRS as amended, (hereinafter (statutes)).
2. It is an undisputed fact; CSPD/DMV/DR statutes are Colorado administrative law administered and enforced by CSPD and other agents of DMV/CDR, /by/through, an administrative agency of the Colorado state legislature.
3. It is an undisputed fact; Accused was engaged in **no** driving activity, or other activity, **either regulateable** or in fact Colorado administrative law, **regulated** by DMV/CDR, when Accused was stopped, detained, and ticketed, hence, it is an undisputed material fact that Accused is not subject to the administrative jurisdiction wherein DMV/CDR statutes may be enforced.
4. It is an undisputed fact; Accused is, at best a **traveler** in his automobile, and not to be confused with a driver who is hired, contracted, or employed to drive a vehicle.
5. It is an undisputed fact; Accused is not an operator, nor does he operate a service involving a vehicle or vehicles used for transportation of passengers and property for hire.
6. It is an undisputed fact; Accused owns an automobile and not to be confused with a vehicle.

³ See FN 2. The sovereign Citizen can only be charged with **only one** of two crimes, which must be **civil in nature** or **criminal in nature**.

⁴ “...and all executive and judicial officers...shall be bound by oath or affirmation, to support this constitution;...” Article VI, Clause 3, U.S. Constitution.

⁵ See FN 1

7. It is an undisputed fact; Accused has a common law **unalienable right**⁶ to use public roads **without** any form of licensure, a.k.a. permission, of any agency of his state government, for his personal pleasure and business as if common right without first receiving permission to use said roads as mere privilege granted by any officer of the aforesaid state government pursuant to any licensure scheme which may be conceived, devised, and enacted by state legislators, serving only as political trustees of the aforesaid state political trust, within offices of the state government, a legal fiction styled as the State of Colorado which can **only be the people**.
8. It is an undisputed fact; Officer Thomas has **alleged no nexus** connecting Accused to the instant case.
9. It is an undisputed fact; from the foregoing there is **no nexus** between Accused and the DMV/CDR in the instant case.
10. It is an undisputed fact; **neither** Officer Thomas **nor** any other DMV/CDR agent, **nor** any other accusing party ever made a **verified complaint**⁷, **information, indictment, affidavit**, or any other form of verified statement alleging Accused committed a criminal act or any other matter of fact.
11. It is an undisputed fact; Officer Thomas had **no prima facie probable cause** to believe that the Accused was subject to the aforesaid administrative jurisdiction of the DMV/CDR at the time he was stopped, detained, and arrested.
12. It is an undisputed fact; the alleged charge was made on DMV/CDR Citations listed above, and not pursuant to any published rules for either a civil or criminal matter cognizable in a judicial power court of the people's judicial branch of government.
13. It is an undisputed fact; no law enacted by state political trustees who sit in offices of the aforesaid state legislature is a duly enacted law unless it contains a mandated enacting clause⁸ which is a term and condition of the state political trust expressed in the aforesaid state Constitution.
14. It is an undisputed fact; Officer Thomas filed a statement of **hearsay** when she executed and filed said Citation 10/18/05, in a New Mexico state **administrative law** matter, it is **prima facie** fact that statutes/ordinances, listed above are merely evidence of law for in no case is it an enacted law of the officers of the aforesaid legislative body.

⁶ "Even the legislature has no power to deny a citizen the right to travel upon the highway and transport his property in the ordinary course of his business or pleasure, though this right might be regulated in accordance with public interest and convenience." *Chicago Coach Co. vs City of Chicago*, 377 Ill. 200, 169 N.E. 22, 206

⁷ "Held, that a uniform traffic ticket is not sufficient information to be used as a pleading and held that the absence of verified information was a jurisdictional defect which could not be waived by a plea of guilty." *People vs Marsellus*, 157 NYS 2d 148

⁸ "The enacting clause of every law shall read: Be it enacted by the Legislature of the State of New Mexico..." Article IV, Section 15. New Mexico Constitution.

15. It is an undisputed fact; the Accused was **cited with violating no law duly enacted by officers of the aforesaid state legislative body.**

16. It is an undisputed fact; whenever any unauthorized change in language, structure, terms, phrases and/or any deletions in part or portion form a body of law are made, the subject law is modified and becomes null and void and unenforceable due to its unauthorized amendment.

17. It is an undisputed fact; this proceeding is **not** being **conducted** as a **civil matter pursuant to the Constitution** of these United States in a judicial power court having a civil jurisdictional authority which is ***prima facie*** evident from the form of **citation** and the **fact** that **proceedings are not** being conducted pursuant to the published Colorado Rules of Criminal Procedure.

18. It is an undisputed fact; this proceeding is **not** being conducted as a **criminal matter pursuant to the National Constitution** in a judicial power court having criminal jurisdiction authority which is ***prima facie*** evident from the form of **citation** and the fact that proceedings are **not** being **conducted** pursuant to the published Colorado Rules of Criminal Procedure.

19. It is an undisputed fact; this proceeding is **not** being **conducted pursuant to published requirements of Administrative Procedures/Tribunals**, notwithstanding in to circumstance can Accused **be offered anything less than his unalienable right to full due process**⁹.

20. It is an undisputed fact; evident from the foregoing, Accused is compelled to appear in an ***ad hoc*** summary proceeding wherein the **rules** of court are **unpublished**; the nature of the **proceeding** is intentionally being withheld from the Accused, and Accused is **unable** to prepare his **defense** for want of knowledge of the nature and cause of the accusation, absolutely; yet is compelled to make his own appearance in what is ***prima facie, an ad hoc, de facto*** jurisdiction¹⁰ **under threat of loss** of life, freedom and property pursuant to ***ad hoc, de facto*** police power, in violation of the due process, the police power provisions of his state and national constitutions, having no jurisdictional facts in evidence Accused is subject to the ***ad hoc, de facto*** jurisdiction presumed from the face of charging documents or any other part of the public record before this forum, nor the administrative jurisdiction evidenced from the face of the naked statute Accused is charged with allegedly violating.

21. It is an undisputable fact; evident from the foregoing, Accused is denied his right to plenary right to due process¹¹ of law and is being deprived of his freedom.

22. It is an undisputed fact; the Accused is being denied his right to due process of law on grounds the court is commencing action without evidence of a Complaint¹² in the required form.

⁹ Article II, Bill of Rights, Section 18.

¹⁰ Court must prove on record, all jurisdictional facts related to the jurisdiction asserted. Latana v. Hopper, 102 F2d. 188; Chicago v. New York, 37 F. Supp. 150

¹¹ "...nor be deprived of life, liberty or property, without due process of law..." Bill of Rights, Article V, U.S. Constitution.

¹² NMRA 2-201. Commencement of Action.

2-201-C. The complaint shall be in substantially the form approved by the court administrator and the supreme court.

NMRA 5-201, Initiation of Proceedings.

23. It is an undisputed fact; among his unalienable¹³ rights is the right of the Accused to unabridged, full, plenary, due process of law in a judicial power court of general jurisdiction pursuant to the Constitution and laws of the aforesaid people and their aforesaid political trust, in the event any person charges him with any alleged crime.

24. It is an undisputed fact; Accused did not freely affix his signature to the citation in fear¹⁴ of his life, freedom and property even when faced with being bodily thrown in jail if he refused to sign the citation.

25. It is an undisputed fact; Officer Thomas, **pursuant to his Oath**, failed to make disclosure¹⁵ of the truth at the time she attempted to coerce, intimidate and force Accused to affix his signature to citation while at the same time not acknowledging guilt of a criminal violation.

26. It is an undisputed fact; the **Judge** presiding in the instant case, **pursuant to his or her Oath** given in exchange for public trust, is **witness** to the Accuser acting as a police officer not making full disclosure of the truth in attempting to compel Accused to affix his signature under the threat of being jailed.

27. It is an undisputed fact; the **prosecuting attorney** prosecuting the instant case, **pursuant to his or her Oath**, given in exchange for the public trust, is **witness** to the Accuser acting as a police officer not making full disclosure of the truth in attempting to compel Accused to affix his signature under threat of being jailed.

28. It is an undisputed fact; the unalienable rights and freedom of the People of America are not limited, abbreviated, or any manner diminished to only those rights expressly declared in the National and State Constitutions, **inasmuch as the people are, themselves, without power and authority to derogate or abrogate their unalienable rights.**

29. It is an undisputed fact; the **aforesaid people** of America, have **no authority to convert any of their unalienable rights** or the unalienable rights of their fellow citizens **into privileges, or otherwise derogate or abrogate said rights**¹⁶:

¹³ **UNALIENABLE.** A[jective]. Not alienable; that may not be transferred; as unalienable rights. Webster's American Dictionary of the English Language, 1st Ed. Vol. II. Pg. 101 (1828)

UNALIENABLE. Inalienable; incapable of being aliened, that is, sold and transferred. Inalienable rights. Rights which can never be abridged because they are so fundamental. Black's Law Dictionary, 6th Ed. Pg. 1523. (1990).

¹⁴ "Where fundamental personal liberties are involved, they may not be abridged by the States simply on a showing that a regulatory statute has some rationale relationship to the effectuation of a proper state purpose. Where there is a significant encroachment upon personal liberty, the State may prevail only upon showing a subordinating interest which is compelling." *City of Carmel-by-the-Sea vs Young*, 466 P.2d 225, 232; 85 Cal Rptr. 1 (1970).

¹⁵ **Fraud**, n. 1. A knowing misrepresentation of the truth or concealment of a material fact to induce another to act to his or her detriment. Black's Law Dictionary, 7th Ed. Pg. 670

¹⁶ "Where rights secured by the constitution are involved, there can be no rule making or legislation which would abrogate them." *Miranda v. Arizona*, 384, U.S. 436, 491

30. It is an undisputed fact; **1973 CRS as amended**, its statutes and its provisions are evidence of **administrative laws** enacted by officers of said state legislature body with intent that said laws be administered and enforced by the DMV/CDR.

31. It is an undisputed fact; the administrative laws charged to the DMV/CDR, with administration and enforcement are a licensure scheme in the nature of a traffic regulatory scheme wherein persons upon whom this scheme is imposed are required to obtain various permits and permissions and be subject to the scheme's licensure provisions in order to use the public roadways.

32. It is an undisputed fact; provisions of the aforesaid Colorado statutes **may not derogate or abrogate** the unalienable rights of the aforesaid people or create new classes of crimes¹⁷ which said provisions may classify as misdemeanors or **offenses** or the like by licensure schemes and the like by officers of said legislative body.

33. It is an undisputed fact; any Colorado court, when **hearing** a matter charging an American Citizen with violation of any provision of statutes in **1973 CRS as amended**, as aforesaid is at best sitting as a legislative court, hence a **quasi judicial power court** and **not** as a judicial power court and the **officer¹⁸ sitting on the bench** is at best sitting in a **ministerial** office and a quasi judicial power office and **not a judicial power office** and most commonly sits as a state actor conducting **ad hoc summary proceedings**.

34. It is an undisputed fact; any Colorado court when hearing a matter charging an **American Citizen** with violation of any provision of statutes in **1973 CRS as amended**, as aforesaid has **no subject-matter jurisdiction¹⁹** to hear and rule upon the cause in the second instance, if the accused person is **not subject** to the administrative jurisdiction of the DMV/CRD **in the first instance**.

35. It is an undisputed fact; **ad hoc** summary proceedings against a Citizen are a **violation of all due process of law** with **willful intent** to irreparably harm, damage, injure and destroy the Accused.

36. It is an undisputed fact; Accused has the right to choice of counsel, a constitutionally protected right²⁰.

¹⁷ Where fundamental liberties are involved, they must not be abridged by the States simply on a showing that a regulatory statute has some rational relationship to the effectuation of a proper statute purpose. When there is a significant encroachment upon personal liberty, the State may prevail only upon showing a subordinating interest which is compelling. *City-of-Carmel-By-The-Sea v. Young*, 466 P2d, 225, 232; Cal Rptr. 1. (1970)

¹⁸ "When acting to enforce a statute and its subsequent amendments to the present date, the judge of the municipal court is acting as an administrative officer and not in a judicial capacity; courts in administrating or 'enforcing' statutes so not act judicially, but merely 'minister ally'." *Thompson v. Smith*, 154 S.E. 583

¹⁹ Once jurisdiction is challenged, the court cannot proceed when it clearly appears that that court lacks jurisdiction, the court has not authority to reach merits, but rather should dismiss the action. *Melo v. US*, 505 F.2d, 1026

There is no discretion to ignore lack of jurisdiction. *Joyce v. U.S.*, 474 2d 215

The burden shifts to the court to prove jurisdiction. *Rosemond v. Lambert*, 469 F.2d, 416

²⁰ "In all criminal prosecutions, the accused shall enjoy the right to be heard by himself or counsel or any other person who may defend him." Section 1047, Complied Laws of New Mexico 1897

WHEREFORE, Accused, to ensure this Honorable Court fully understands his Petition, informs all members of the prosecuting party be and are hereby informed, the following Word Definitions, regardless they may be used in the singular and/or combination, are hereby Incorporated into, bound and made integral to, the Accused's Petition, and said Word Definitions apply throughout Accused's Petition. To wit:

WORD DEFINITION

(the male gender used herein is generic, the female gender is included as appropriate)

administrative agency; an entity, created by the political trustees holding offices in the State legislature, to administer and enforce administrative law against those within such jurisdiction.

administrative law; law created for administering and enforcement against those within such jurisdiction.

administrative proceeding; a proceeding by an administrative agency conducted by a public officer in a forum not cognizable as a constitutional forum to try a Citizen charged with an alleged violation of administrative law.

Agent Principal; a person, having taken an oath of office, and appoints, hires or contracts another person to represent said Principal in matters requiring the agent to have knowledge of the law.

Agent Principal Oath; the oath of a public officer who appoints, hires or contracts other persons to represent him and performs under his oath, attests to these persons having knowledge of the law.

American Citizen; synonymous with Citizen; one who retains full rights, including Bill of Rights, in the U.S. Constitution and enjoys the benefits thereof, and not to be confused with the word person.

automobile; a mechanical conveyance used for, and by, the Citizen conducting personal business and not to be confused with the word; vehicle.

certified petition; an affidavit setting forth a statement of undisputed facts before the court, without admitting or accepting jurisdiction of the court nor the administrative law the Accused is charged with allegedly violating.

challenge of jurisdiction; an act by a Citizen, by filing particular Briefs in the forum

"Every man shall be free to defend himself or by any person..." Section 3778, Complied Laws of New Mexico 1897

"All laws of the territory of New Mexico...shall be and remain in force as the laws of the State..." Article XXII, section 4, New Mexico Constitution

where Citizen is compelled to appear, challenges the presumption of jurisdiction held by public officers to administer and enforce their administrative law against him. The law requires the providing of verifiable proof of jurisdiction before the court can reach merits of the case.

choice of counsel; the Accused retains the right to choice of counsel, not limited to a licensed attorney, but rather, the right to choose any Citizen who maintains and exercises, in the opinion of the Accused, an integrity and character necessary to assist the Accused in his defense and/or counter-complaint and which right is protected by his two Constitutions and law.

civil penalty; a monetary fine imposed by an administrative agency of the State against an American Citizen, while charging said Citizen with an alleged violation of law.

constructive trust; a trust construed to bind the trustee and treat the trustee as if a partner in a general partnership and therefore acquiring the same liabilities imposed on the trust.

contract; two independent acts by Citizens obligating themselves to do something.

driver; a person, hired, employed, or otherwise paid, to drive a **vehicle** or other conveyances.

fraud; synonymous with unfaithful, infidelity, turbidity, unfairness; an intentional perversion of the truth for the purpose of including another in reliance, to part with some valuable thing belonging to him or to surrender a legal right; a false representation of a matter of fact, whether by words or by conduct, by false or misleading allegations or by concealment of that which should have been disclosed, which deceived and is intended to deceive another so that he acts upon it to his legal detriment.

injury; a deprivation of a Citizen's Rights and undue infliction of pain and penalty imposed on a Citizen through, and by, the actions, and/or lack of actions, by public officers in a course of conduct undertaken while charging and holding the said Citizen to an alleged violation of criminal law.

judicial court; an administrative hearing forum converted to judicial, wherein the Citizen retains full constitutional rights and enjoys the benefits thereof.

Judicial Notice; a court filed instrument, consisting of case captioned Notice attached to a certified copy of oath taken by the presiding Judge in the case; by which an administrative court is converted to Judicial.

jurisdiction; a power possessed by the court when the **proper parties** are present; **unchallenged** power of the court, having a case before it, to hear the merits of the case, make judgment and enforce the law allegedly violated and enter its

judgment.

licensure, license; a permission process, a permission instrument, promoted and advanced by State agencies for the purpose and intent of regulating certain activities by Citizens, which process is administered and enforced uniformly. Even upon those not within such jurisdiction. A presumption by State agencies to make unlawful via the process, of what they would otherwise consider unlawful activities.

licensure scheme; a State agency process to issue permission instruments by which to regulate certain activities and to extract fees for such a privilege, under the wrongful presumption of said agencies that these certain activities are regulatable and such licensure scheme is uniformly applicable to all Citizens.

nexus; a link, connection, legal or otherwise, by which a Citizen may be connected to the jurisdiction claimed by an administrative agency for the purpose of charging him with violation of administrative law and consequently hold court to hear the merits.

oath; synonymous with affirmation; a binding promise, a form of attestation by which a person signifies he is bound in conscience to act or perform faithfully. An affirmation of truth of a statement which one renders willfully asserting an untrue statement is punishable by perjury.

offense; a new class of crime, not cognizable by the two Constitutions of a Citizen; which is administered and enforced by an administrative agency of the State; for the purpose of extracting a civil penalty while charging said Citizen with a criminal violation. A charge of an offense deprives the said Citizen of a proper defense due to the absence of Published Rules of Procedure upon which to build an adequate and legal defense, cognizable as deprivation of Citizen Rights.

Operator; a person, under a license to operate as a service, and who prosecutes the business of the mechanical conveyance by which to transport passengers or passengers and property for hire.

Party Injured; a Citizen who is injured by, and through, the actions and/or lack of action of public officers who, while being witness to a wrongful action by other public officers, neglected or refused to correct or prevent such.

personal business; business conducted by a Citizen, not regulated nor regulatable by any licensure scheme, nor requiring a license of the State or its agencies. Such personal business includes the business of accepting and performing obligations of contracts.

perjury of oath; an act by a public officer, having knowledge of the law, acted contrary to his binding promise, the falsification, the false swearing to the oath that says that they would uphold the law constitutes or gives rise to Title 18 USCA, section

1621.

presumption of jurisdiction; a posture, a belief, taken and held by public officers, certain persons are within such jurisdiction and proceeding forward until such presumption is challenged.

Principal Agent; a person, who is appointed, hired or contracted by a Principal for that person to represent the said Principal in matters requiring the agent to have a knowledge of the law.

public officer; any person holding public office, and in exchange for the public trust, has taken an oath or assumed the oath of Agent Principal and by such oath or assumption of Agent Principal oath, attest to having knowledge of the law.

regulated, regulatable; a process and procedure imposed on particular activities and which process and procedure is enforced by State agencies against those persons who have subscribed to and accepted the particular jurisdiction of such State agencies.

traffic; *n.* Commerce; trade; the sale or exchange of goods, bills, and money.

trust indenture; a trust, converted from a constructive trust, having a named Trustee with enumerated fiduciary duties and responsibilities for managing the trust and severing his connections to any and all liabilities acquired by the trust.

Trustee; a Citizen named as Trustee, who has agreed and accepted the enumerated fiduciary duties and responsibilities for managing the trust indenture and its assets and having no connection to the liabilities of the trust.

Traveler; the Citizen who passes from place to place, whether for pleasure, instruction, health or business and whether on foot, horseback, or in his automobile.

vehicle; a best definition is found under Title 18, USC 31: “Motor **vehicle** means every description or other contrivance propelled or drawn by mechanical power and used for commercial purposes on the highways in the transportation of passengers, or passengers and property.” (emphasis added)

AND IN CONSEQUENCE, Accused petitions this court; pursuant to his unalienable right as an American Citizen, holding Primacy of Position in the State of New Mexico:

A. To be informed the **nature** and **cause of the accusation** in the instant case. Specifically, what is the **nature of this jurisdiction**, and **its proceedings**, and

B. How is he subject to it, in light of the **foregoing undisputed jurisdictional facts** in the record, in the instant case?

C. FURTHERMORE, what is the cause, if Accused is not subject to jurisdiction in the first instance?

D. That the Prosecutor, in the instant case, comply with Colorado Rules of Criminal Procedure, if the instant charges are alleged to be a misdemeanor or a felony crime and that he, or she, shall include in any information to which he, or she, shall **swear his or her oath**, pursuant to Federal Rules of Criminal Procedure, Title 18 Rule 3, Section 10, that he, or she, has knowledge that the statutes are administrative law of the Colorado and that, if he or she shall fail to state whether statutes are, or are not administrative law, then he, or she, shall admit by his or her silence, the undisputed jurisdictional fact that Accused is being **charged with violating administrative laws** of the State of Colorado to which Accused is **not subject for want of a nexus connecting Accused** to the administrative agency of said law, namely, the Division of Motor Vehicles/Colorado Department of Revenue in the first instance, and **notwithstanding the want of the legislature of the State of Colorado to convert any unalienable right of the Accused into a privilege in any case.**

ACTUAL AND CONSTRUCTIVE NOTICE IN THE INSTANT MATTER:

HEREBY NOTICED, the presiding Judge in the instant case, the Accused has filed A Judicial Notice hereby Noticed this Court is now Judicial and not administrative, and

HEREBY NOTICED the court that the Accused is an American Citizen who retains full Constitutional Rights and therefore entitled to enjoy the benefits thereof, and

FURTHER NOTICED this court and all members of the prosecuting party all the Constitutional Rights of the accused are hereby invoked, and

MORE FURTHER NOTICED in the matter of your individual political trusteeships as public office holders in the gift of the people of the State of Colorado, if you fail to lawfully answer this Petition you will have no later defense that you were without knowledge of your duties and obligations to the people of the State of Colorado, and specifically to the Accused in the instant matter. It would be an understatement in the extreme to say "it is well settled" that the Accused has an unalienable right pursuant to his unwritten state constitution, the common law, a.k.a. the law of the land, protected by his written state and federal constitutions, respectively within their sovereign jurisdictions also known as organic law of the land, to have this Petition answered, and whereas, this Petition is a challenge of the above styled forum's presumption of subject-matter jurisdiction. State and federal courts acknowledge a most solemn fundamental of American political theory upon which the body of American jurisprudence is absolutely and totally dependant.

DECLARATION UNDER PENALTY OF PERJURY

I declare under the penalties of perjury that my statements in the foregoing Certified Petition are true and correct.

All Rights Reserved,

Dated this ____ day, July, 2005.

Xxxx Xxxxxxxxxx, Party Injured
926 South Pacific
Las Vegas, New Mexico 87701

NOTARY STATEMENT

State of New Mexico)
) s.s.
County of San Miguel)

The above named person did subscribe to before me, a Notary Public in and for the
County Of San Miguel, State of New Mexico, on the ____ day of November, 2005.

My commission expires:_____

Notary Public

Seal:



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