

**FIRST JUDICIAL DISTRICT COURT  
SANTA FE COUNTY  
NEW MEXICO STATE, A REPUBLIC**

Thomas Hyland,  
Plaintiff,

v. Case no. D-101-CV-2006-02939

Machinery of government of the State of New Mexico

represented by the following individuals:

Governor Bill Richardson; Secretary of Taxation & Revenue  
Jan Goodwin; Taxation & Revenue Ombudsman Jeanne Flannery;  
Motor Vehicle Division Director Ken Ortiz; former MVD Director  
Larry Kehoe; Attorney General Patricia Madrid; Secretary of State  
Rebecca Vigil-Giron; Chief Supreme Court Justice Richard Bosson;  
Supreme Court Justices Pamela Minzner, Patricio Serna, Edward  
Chavez, and Petra Jimenez; Speaker of the House Ben Lujan; Senate  
President Pro Tem Ben Altamirano; Santa Fe County Sheriff Greg  
Solano; Santa Fe Mayor David Coss; former Santa Fe Mayor Larry  
Delgado; Santa Fe City Councilors Miguel Chavez, Patti Bushee,  
Carmichael Dominguez, Rebecca Wurzbarger, Chris Calvert,  
Matthew Ortiz, Karen Heldmeyer, and Ronald Trujillo; former  
Santa Fe City Councilors David Pfeffer and Carol Robertson Lopez;  
former Santa Fe City Managers Asenath Kepler and Mike Lujan;  
Santa Fe Police Chief Eric Johnson; former Santa Fe Police Chief  
Beverly Lennen; Santa Fe Police Sergeant Joe Carleton; Santa Fe  
Police Officers Laurie Ross and Gruff Herrman; 15 Jane and John  
Does; operating in their professional and in their individual, private  
and personal capacities;  
Defendants.

**AFFIDAVIT of OBSERVATION of ACTS of TREASON OPERATING WITHIN THE  
FIRST JUDICIAL DISTRICT COURT**

**I, Thomas Hyland**, affiant, American Citizen, holder of Rights guaranteed by and in the federal and state Constitutions, hereby execute this Affidavit to stand as public record, attesting to the unlawful actions of Judge James A. Hall, acting as presiding judge and chief justice for the First Judicial District Court of the State of New Mexico. It is my duty and honor as an American Citizen to protect and defend this nation and my Constitution from all enemies, foreign and domestic. With this Affidavit I proclaim on record my personally witnessed observations of sedition, insurrection, and treason committed by this domestic enemy Hall, while he presided as judge at a hearing to rule on motions for the civil case *Thomas Hyland v. the Machinery of Government of the State of New Mexico, et al.* on the afternoon of May 11, 2007.

1. Within the instant case, I included a MOTION TO CLAIM AND EXERCISE CONSTITUTIONAL RIGHTS, filed on February 23, 2007, which is simply a motion by which I claim and exercise the Rights guaranteed to me and to all American Citizens in the state and federal Constitutions, and which requires the Court to uphold and abide by Constitutional positions, as stated in the Motion. Such basic and fundamental Rights, guaranteed by the supreme law of the land, should never be opposed or denied, by any public officer, who has previously taken an oath to uphold those documents. Although my Motion did not require anything extraordinary to the Constitutional duties of any lawful judge, Hall, in dereliction of those duties and in obstruction of justice, denied my motion, unsupported by any fact and law, whatsoever; and with this action, he effectively canceled, making null and void, the Constitutional requirements and mandates imposed upon him, pursuant to his oath and his requirement to abide by his oath in the performance of his official duties, and to uphold the Public Trust. Hall's actions were witnessed by over a dozen Citizens, included into the court record, and the judge asked opposing counsel, Christopher L. Greaser, to write the order dismissing my claims to exercise Constitutional Rights, which included the words, "*the Court finds the motion not well taken...*" In so doing, Greaser, pursuant to his oath and requirements under 36-2-10 (A) NMSA and as an officer of the court, condoned and acted in support of Hall's treason. Hall's actions were a blatant and reckless denial of the foundation of our country and a personal attack upon me, my freedom, and my Rights to, including, but not limited to, due process, all within the "People's Court" which was attended by an armed guard. Hall's actions effectively place him within the definition of a traitor to his country. By and through Hall's disrespect to his oath, and to the Constitutions, he has vacated his office, pursuant to Sections 3 and 4 of the 14th Amendment to the Constitution, and must step down immediately from his position.

2. The thirty three (33) defendants represented by attorney Stephen G. French failed to respond to my Motion, referenced in paragraph 1 above. Thus, pursuant to LR1-306 (D), they consented to the granting of that Motion. Defendant Greg Solano, represented by attorney Greaser, did not oppose or object to the Motion. Pursuant to LR1-306 (D), I filed a Request for Ruling and attached a proposed order granting the Motion, and pursuant to that same rule, when the opposing parties fail to object to the Order within five days of service, they consent to the granting of the Order. Pursuant to court rules, all defendants consented to the granting of the Motion and consented to the granting of the Order. It was **only** Hall who opposed the Motion for my claim and exercise of Constitutional Rights. In violation of court rules, his oath, due process of law, Constitutional foundations stated in the Motion, the Constitutions, themselves, and my Rights guaranteed therein, Hall denied the Motion and committed sedition, insurrection and treason.

3. Hall denied all MOTIONS TO INTERVENE, which were submitted by nine Citizens keenly motivated to interject their claims and connection to the basic Constitutional foundations which are the hallmark of this case. Each intervener claimed the same vested Rights that I have fought to proclaim and secure by the actions of this suit. Hall smiled as he said these Citizens efforts "were well intentioned," but dismissed all motions of intervention, and thus, attacked and attempted to dismiss the sovereign Rights of every intervener involved. This is a further example of Hall's treason. Hall denied the interveners their fundamental Rights guaranteed in the Constitutions, which allow Citizens to lawfully and peaceably assemble, redress grievances and assert their Rights secured in the Constitution for common purpose. Each intervener claimed his Rights to protect his Constitutionally guaranteed Rights regarding their Right to unrestricted free

travel in this nation, and their right not to be defrauded by their government, as I have claimed. Hall restricted and denied these Rights and unlawfully and unconstitutionally required each intervener to narrowly define his Constitutional Rights, only as they related to or approximated my exact situation. The Constitutions and the rights guaranteed therein cannot be restricted, limited, modified or controlled in any way, nor can Citizens' claims to those Rights be so constricted and impaired. However, this is exactly what Hall did, which is further evidence of his treason.

**4.** Hall denied me the most basic and fundamental Rights, guaranteed within the federal Constitution as the seventh Amendment, and within the New Mexico Constitution as Article II, Sections 12 and 18, which are the Right to trial by jury and the Right to due process of law, respectively. Though the state Constitution mandates the *“right to trial by jury as it heretofore existed shall be secured to all and remain inviolate”*, Hall's act of insurrection was sealed when he denied any “Right” to trial and insisted that all civil trials by jury must be bought and paid for, before the Constitutionally guaranteed Right will be granted by this court.

**5.** The 33 defendants represented by attorney French failed to respond to my Motion, referenced in paragraph 4 above. Thus, pursuant to LR1-306 (D), they consented to the granting of that Motion. Defendant Greg Solano, represented by attorney Greaser, in his Response to my Motion, opposed and objected to the fundamental Right of trial by jury, guaranteed in both Constitutions and requested the Court deny that Right; thus, committed sedition, insurrection and treason. Pursuant to LR1-306 (D), I filed a Request for Ruling and attached a proposed order granting the Motion, and pursuant to that same rule, when the opposing parties fail to object to the Order within five days of service, they consent to the granting of the order. None of the defendants, including Solano, objected to the Order, thus, consented to the granting of the Order. Pursuant to court rules, all defendants, except Solano, consented to the granting of the Motion and all, including Solano, consented to the granting of the Order. Pursuant to court rules, his oath, due process of law, Constitutional Rights and Constitutional foundations stated in the Motion, the Constitutions, themselves, and my Rights guaranteed therein, Hall denied the Motion and committed treason.

**6.** The efforts of Hall extracting fees from the Citizenry to exercise basic Rights guaranteed in the Constitutions could be compared to the money changers who set up business in the temple. It is public record that the First Judicial District Court has incorporated itself as a “Private Company” and has posted this status since 2002 with the corporate financial data base known as Dun & Bradstreet. The chief executive officer of this private company, allegedly a court of the People, is one Patricio Serna, who may be the same Patricio Serna who sits as a justice within the New Mexico Supreme Court. Though the focus of treasonous activity of James Hall is the main purpose of this Affidavit, there is a growing interest among the supportive parties to this case to investigate and reveal the putrid rot that is being flaunted on public record as a court that displays total indifference and arrogance regarding its original duties and purpose, which are to uphold the Constitutions, the People's Rights guaranteed therein and to serve justice. However, since this court is listed as a private business in Dun & Bradstreet, then it is likely that its main interests run to amassing profits for the business and not to dispensing justice to the Citizens of New Mexico, which renders this alleged “court” a total fraud, in dereliction of every possible Constitutional duty.

7. Hall ignored the lawful precedent of the CERTIFICATE AS TO THE STATE OF THE RECORD, certified on April 12, 2007 by the court clerk, that officially decreed default of seventeen of the defendants represented by attorney French. This action by Hall, with no law or evidence to support it, placed these defaulted defendants out and away from all legal responsibility, and elevated them to a position blameless despite their failure to abide by court rules, thus, exonerated them and held them above the law. If the situation were reversed, it is doubtful that Hall would so exonerate me. I invoke **NMRA 21-400, Disqualification, "Code of Judicial Conduct"**, to wit: **A. Recusal:** *A judge is disqualified and shall recuse himself or herself in a proceeding in which the judge's impartiality might be reasonably questioned...* Hall showed me no impartiality and, instead, demonstrated bias on behalf of defendants in this case, all of whom, along with Hall, earn their salaries and owe their allegiances to duties exercised in alleged service to the People of the state of New Mexico. Further, Hall demonstrated bias against the Constitutions and Rights guaranteed therein by denying them and denying my Right to claim my Constitutionally guaranteed Rights.

8. Hall denied my MOTION TO STRIKE DEFENDANT'S MOTIONS TO DISMISS, prompted by Motions to Dismiss filed by attorney French, and in so doing, he upheld the unlawful actions of these defendants. These defendants failed to file an Answer or a responsive pleading to my Complaint within 30 days of service, as required by Rules 1-012(A) and 1-007(A), therefore, they defaulted. French stated in the May 11th hearing that he did not respond to my Complaint or any of my Motions because he was of the "opinion" that none of the, in his words, "state defendants" had been properly served. Opinions have no place in a court of law, therefore, his opinion regarding service is null and void. As I have stated on numerous occasions throughout my Motions and in my Complaint, there are no "state defendants" cited in my Complaint; therefore French, by his statement, put fraud upon the court. My Complaint cites members of the machinery of government of the state of New Mexico, in their professional, individual and private capacities. French represented facts not in evidence and misrepresented the definition of how and in what capacities the named defendants are being sued. Since the defendants are not "state defendants", then, they were properly served, and are in default.

9. After the Clerk of the Court attested to the State of the Record and declared 17 defendants in default, and after I filed a Motion for Default Judgment and a proposed Order granting that default judgment, French, being fully apprised of the status of the 17 defendants in default, filed three Motions to Dismiss for all 33 defendants, in which he interspersed the 17 who had defaulted, among those who were not in default, and did so well after the 30 days required for such a response. By Hall's denial of my Motion to Strike Defendant's Motion to Dismiss, he exonerated these 17 defendants, and violated any concept of adhering to court rules and due process of law. In view of his public position, and the positions of office held by all defendants, it is highly unlikely Hall would have made the same biased and prejudiced ruling in my favor, if I were a defendant in default.

10. The arena in which Hall attacked, vilified and denied the Constitutions was classified as a "hearing." This word does not appear in the Constitutions, only "Trial by Jury" does, because only a Trial by Jury will afford the People fair and just due process of law. Within this "hearing" my Rights were attacked and denied, and the merits of this case went unheard, because only one man sat in judgment, and not 12 Citizens as is required by the state and federal Constitutions. One man, James A. Hall, ruled that I cannot claim and exercise Constitutional Rights, nor can

any other Citizen intervene and claim their Rights. Hall's actions prove and underscore his abandonment of his oath and the Constitutions he swore to uphold and defend.

**11.** Hall made a point of stating, on several occasions, that he wants decisions made based upon the **merits** of the case. It is obvious, by Hall's actions, that his statement is false, a fraud and a lie. The Constitution, as the Supreme Law and the highest authority in the Land, is the most meritorious document in court, yet, Hall dismissed the Constitution and all rights guaranteed therein and ignored and overrode any argument based on the merits of the Constitution in the court. Hall failed to consider the merits regarding Solano's unconstitutional and unlawful actions, including, but not limited to, Solano's opposition to a fundamental right of trial by jury, guaranteed in both Constitutions and in his request that the court deny that Right, which is treason. Hall ignored the merits, or in this case, the infamy of Solano's treason, thereby exonerated and upheld that treason, in his dismissing Solano from the case. Further, Solano violated court rules by first filing an Answer to my Complaint, and then, at a much later date, by filing a Motion to dismiss him from the case, which violates 1-007(A) NMRA. This fact was made known to Hall during the hearing, yet, he allowed the Motion to Dismiss, prohibited by rule, to stand, and then, granted that Motion without any support based in fact and law. Hall also ignored the merits of all other subjects covered in this affidavit and violated all laws, rules and regulations, cited herein. Clearly, Hall avoided all the merits contained in my Complaint and my pleadings, including, but not limited to, the mandatory judicial notice to the court and the unconstitutional actions of defendants' attorneys. Hall also stated that I had no Right to write proposed orders, which is absolutely incorrect, and violates LR1-306(D). However, if Hall's statement were true, then Hall must have already approved Solano's order of dismissal, by and through attorney Graeser, likely during an ex parte discussion, in which the likely outcome of the motion was determined, prior to the hearing, in violation of court rules and due process of law, since the "order" was ready for presentation to me by Graeser during the hearing on May 11th.

**12.** A further act of treason against myself, the People, and his oath to the Constitution was committed when Hall stated that the supreme court can modify, restrict, and interpret the Constitution, which, as the supreme law and the highest authority in the land, cannot be superseded, denied, modified, overruled or set aside by anyone. No one acting as judge, in any court, including this one, can lawfully restrict, limit, overturn, or interpret the Constitution in any way and to attempt this is an overt act of sedition, insurrection, and treason.

**IN CONCLUSION,** Judge James A. Hall, acting as judge, has vacated every duty and oath he owes to the People of New Mexico, in the instant case, to me, by his egregious, unconstitutional, unlawful and malicious actions, in violation of not only the Constitutions, but also the rules of the court. He has rendered this court entirely incompetent, defective, and deficient, and his rulings are null, void, and without lawful force or effect, whatsoever, including the granting of Solano's Motion to Dismiss him from this action. No one is above the law, as Hall held Solano. I demand that Constitutional mandates be upheld and Hall be removed from this case, and relieved of his position on the judicial bench, pursuant to Sections 3 and 4 of the 14th Amendment, whereby he vacated his office and forfeited all benefits thereof, including salary and pension, for his unconstitutional, unlawful actions. Hall must be held liable for his actions and the First Judicial District Court must be restored to Constitutional competence before it can hear any further cases, including mine. The position arises as to whether the First Judicial District Court will remove Hall from his office and hold him liable for his treason, or fail to do so, thereby uphold, condone, aid and abet Hall's sedition, insurrection and treason, as the normal custom,

practice, and policy of the First Judicial District Court. Since defendants act in this manner, I sought to remedy Constitutional injuries with a Constitutional remedy, by and through the courts. Yet, my experience with this court indicates that this court scorns and ignores the powers of and Rights guaranteed in the Constitutions, with sufficient force and effect as to render it in league with the unconstitutional actions of all defendants. Sadly, it may be said that only divine intervention, if indeed a divine force exists, can intercede on behalf of the People of New Mexico. Affiant further sayeth not.

**AFFIDAVIT**

I, Thomas Hyland, do hereby swear and affirm that the statements and charges made herein are true, correct and lawful.

Date All Rights Reserved

Thomas Hyland, American Citizen  
c/o 5 Bishop Lamy Road  
Lamy, New Mexico 87540

**NOTARY STATEMENT**

On this 22nd day of May 2007, Thomas Hyland did appear before me, a notary public, in and for the County of Santa Fe, State of New Mexico, and acknowledged the making and signing of this document.

Notary Public

**IN FIRST JUDICIAL DISTRICT COURT  
SANTA FE COUNTY  
NEW MEXICO STATE, A REPUBLIC**

Thomas Hyland,  
Plaintiff,

vs. Case no. D-101-CV-2006-02939

Machinery of government of STATE OF NEW MEXICO, et al,  
Defendants.

**MOTION TO CLAIM AND EXERCISE CONSTITUTIONAL RIGHTS AND REQUIRE  
THE PRESIDING JUDGE TO RULE UPON THIS MOTION AND ALL PUBLIC  
OFFICERS OF THIS COURT TO UPHOLD SAID RIGHTS**

**COMES NOW**, Thomas Hyland, American Citizen, sui juris Plaintiff in this instant case, the undersigned, and moves the Court as follows:

1. To acknowledge and act in accordance with a United States Supreme Court ruling, to wit: **“The claim and exercise of a Constitutional right cannot be converted into a crime.”** *Miller vs. U.S. 230 F, 2d 286, 489;*
2. To honor and abide by the oaths taken by the presiding judge and attending court officers, pursuant to the Constitution for the United States of America, Article VI, Clauses 2 and 3, and the Constitution for the State of New Mexico, Article 20, Section 1, in this matter;
3. To provide due process of law, pursuant to the First, Fifth, Sixth, and Fourteenth Amendments of the Constitution for the United States of America, and pursuant to Article II, Sections 2, 4, 12, and 18 of the Constitution for the State of New Mexico, and as required by the aforementioned oaths taken by the presiding judge and attending court officers in this matter;
4. To provide equal protection under the law, as required by the Federal and State Constitutions, and pursuant to referenced oaths;
5. To respect, protect and uphold the Rights of Thomas Hyland, an American Citizen, in this matter, whose Rights are guaranteed in the Federal and State Constitutions;
6. To acknowledge and uphold the Constitution for the United States of America as the Supreme Law of this court, in this matter, pursuant to the mandate in Article II, Section I, of the Constitution for the State of New Mexico, that the Federal Constitution is the Supreme Law of New Mexico;
7. To acknowledge and so rule that any court and/or judge which denies a Citizen to present evidence in any hearing or trial, in support of that Citizen’s position, is perjury of oath and denial of due process of law;

8. To acknowledge and so rule that this court and no other court and no judge in New Mexico has jurisdiction over or can issue an order against an American Citizen if that court and/or judge: (a) does not provide due process of law; (b) does not provide equal protection under the law; (c) does not respect and uphold the Constitutional Rights of American Citizens, and in the instant action, the Rights of Plaintiff Hyland, an American Citizen, pursuant to the Rights guaranteed in the Constitutions for the United States of America and the State of New Mexico; (d) act with sufficient force and effect so as to deny the power of the Federal and State Constitutions.

**Wherefore**, Hyland moves this court grant this Motion for the aforesaid reasons.

Respectfully Submitted,  
All Rights Reserved

Thomas Hyland  
5 Bishop Lamy Road  
Lamy, New Mexico 87540

### **CERTIFICATE OF SERVICE**

I Certify that on this day of February, 2007, a true and exact copy of the foregoing Motion to Claim and Exercise Constitutional Rights was hand delivered to the First Judicial District Court of Santa Fe County, and true and exact copies were mailed via U.S. Mail, first class, postage paid, to the following recipients:

Attorney Stephen G. French  
c/o French & Associates, P.C.  
500 Marquette Ave. N.W., Suite 500  
Albuquerque, New Mexico 87102

Attorney Mark A. Basham  
c/o Basham & Basham, P.C.  
2205 Miguel Chavez Road # A  
Santa Fe, New Mexico, 87505

All Rights Reserved

Thomas Hyland, American Citizen  
5 Bishop Lamy Road  
Lamy, New Mexico 87540

Thomas Hyland  
HC 75 Box 322  
Lamy, New Mexico 87540

**NOTICE AFFIDAVIT TO SURRENDER MOTOR VEHICLE REGISTRATIONS,  
NUMBERED PLATES, CERTIFICATES OF TITLE, AND DRIVER LICENSE TO THE  
STATE OF NEW MEXICO TAXATION & REVENUE DEPARTMENT, MOTOR  
VEHICLE DIVISION**

I, Thomas Hyland, the undersigned, hereby create this affidavit as an instrument effectively severing any contract previously connecting me or my property with the activities of the State of New Mexico Motor Vehicle Division upon surrender of the following items:

1. State of New Mexico Driver License #009414878
2. Certificate of Vehicle Registration issued to 1987 Mazda B2000 Truck, VIN # JM2UF311XH0525762
3. New Mexico License Plate # 011 FGC issued to same Truck
4. Certificate of Title # 86149402A950617 issued to same Truck
5. Certificate of Vehicle Registration issued to 1974 Moto Guzzi 740 Motorcycle, VIN # 33378
6. New Mexico License Plate # A39681 issued to same Motorcycle
7. Certificate of Title # 90137701A972922 issued to same Motorcycle

Above items surrendered to New Mexico MVD July 26, 2004

**Thomas Hyland**  
Citizen/Sovereign, Sui Juris

On this 26th day of July 2004, Citizen, Thomas Hyland being duly sworn, did personally appear before me, and executed the foregoing instrument/affidavit. Subscribed and sworn to before me, the undersigned Notary Public, in Santa Fe County, State of New Mexico.

Notary Public

**AMENDED COMPLAINT**

**IN THE FIRST JUDICIAL DISTRICT COURT  
SANTA FE COUNTY  
NEW MEXICO STATE, A REPUBLIC**

Thomas Hyland,  
Plaintiff,

v. Case no. D-101-CV-2006-02939

Machinery of government of the STATE OF NEW MEXICO,  
represented by the following individuals:

Governor Bill Richardson; Secretary of Taxation & Revenue Jan Goodwin; Taxation & Revenue Ombudsman Jeanne Flannery; Motor Vehicle Division Director Ken Ortiz; former MVD Director Larry Kehoe; Attorney General Patricia Madrid; Secretary of State Rebecca Vigil-Giron; Chief Supreme Court Justice Richard Bosson; Supreme Court Justices Pamela Minzner, Patricio Serna, Edward Chavez, and Petra Jimenez Maes; Speaker of the House Ben Lujan; Senate President Pro Tem Ben Altamirano; Santa Fe County Sheriff Greg Solano; Santa Fe Mayor David Coss; former Santa Fe Mayor Larry Delgado; Santa Fe City Councilors Miguel Chavez, Patti Bushee, Carmichael Dominguez, Rebecca Wurzburger, Chris Calvert, Matthew Ortiz, Karen Heldmeyer, and Ronald Trujillo; former Santa Fe City Councilors David Pfeffer and Carol Robertson Lopez; former Santa Fe City Manager Asenath Kepler; former City Manager Mike P. Lujan; Santa Fe Police Chief Eric Johnson; former Santa Fe Police Chief Beverly Lennen; Santa Fe Police Sergeant Joe Carleton; Santa Fe Police Officers Laurie Ross, and Gruff Herrman; and Gilbert C DeBaca as a John Doe; First Judicial District Court Clerk Stephen T. Pacheco as a John Doe; First Judicial District Court Judge James A. Hall as a John Doe; and 12 Jane and John Does; operating in their professional and in their individual, private and personal capacities;  
Defendants.

**COMPLAINT FOR VIOLATION OF, AND OPPOSITION AND CONTRADICTION  
TO, THE FEDERAL AND STATE CONSTITUTIONS;**

**FOR DEPRIVATION OF CONSTITUTIONALLY GUARANTEED RIGHTS (TO  
TRAVEL FREELY, TO OWN AND HOLD PERSONAL PROPERTY, TO BE SECURE  
AGAINST UNWARRANTED SEARCHES AND SEIZURES OF PERSONAL  
PROPERTY AND OF PERSONAL LIBERTY);**

**AND FOR FRAUD, COLLUSION AND CONSPIRACY TO COMMIT FRAUD,  
UNLAWFUL CONVERSION OF PRIVATE PROPERTY, THEFT OF PRIVATE  
PROPERTY, EXTORTION, RACKETEERING AND MISPRISION OF CRIME; AS  
THE USUAL CUSTOMS AND PRACTICES OF DEFENDANTS AND THE  
MACHINERY OF GOVERNMENT OF THE STATE OF NEW MEXICO**

**COMES NOW** Thomas Hyland, injured party, plaintiff (hereinafter “Hyland”), who appears before this court as a living, breathing, natural born, free, sovereign American Citizen, who has and claims all inherent, unlimited, unalienable Rights guaranteed to him in the federal and state Constitutions, including the right to trial by jury, which Hyland demands in this present case.

Hyland is the injured party, suffering extensive damages, and declares that the defendants, who received numerous written communications from Hyland, knowingly participated, colluded and conspired to oppose, contradict, defy and deny the Constitutions and Rights guaranteed therein. In so doing, defendants (hereinafter “defendants”), as part of the machinery of government for the State of New Mexico, placed Hyland in harm’s way, in pursuit of control, financial and other benefits for the machinery of government of the State of New Mexico (hereinafter “the State”), in blatant contradiction to the Constitutions, using administrative agencies of the State, namely, the Motor Vehicle Division of New Mexico Department of Taxation and Revenue, the City of Santa Fe, the Santa Fe Police Department, the New Mexico State Police, and the State of New Mexico, to the detriment of plaintiff. Defendants held Hyland to those conditions involuntarily, against his will, under duress, coercion, threats and intimidation, while having full authority to do otherwise. Defendants contributed to those conditions, as notified, and were aware and willful participants in (including, but not limited to) the unconstitutional actions, crimes, conspiracy, fraud, extortion and racketeering committed against Hyland.

Hyland is entitled to legal, lawful and Constitutional remedies and damages due to (including, but not limited to) fraud, extortion, conversion of property, denial and deprivation of Rights guaranteed in the Constitutions, and unlawful, illegal and unconstitutional actions of defendants, acting as part of the machinery of government of the State of New Mexico.

## I. JURISDICTION

1. The Court incurs jurisdiction under authority of **Article III** of the Constitution of the United States of America, the Supreme Law of the Land and the highest authority in the Land, and under the New Mexico Constitution, which affirms this fact in Article II, Section One. The entire episode described herein occurred within the State of New Mexico, in which Hyland dwells and owns property, which is within the authority and jurisdiction of this Honorable Court. Further, the judges of this Honorable Court have taken oaths of office to support and uphold the federal and state Constitutions, and are required to abide by their oaths in the performance of their official duties, especially in regard to cases brought before this Honorable Court.

2. Hyland is a New Mexico Citizen and an American Citizen, and his guaranteed Constitutional Rights and private property were denied and damaged by the unlawful actions of the defendants, who are public officers and employees of the State of New Mexico, and who acted for the State of New Mexico in their performance of their official duties. Defendants enforced unconstitutional “laws” upon Hyland and compelled him, under duress, coercion and threat of force and/or incarceration, to abide by these unconstitutional laws. This Honorable Court, pursuant to oaths taken, has the authority and jurisdiction to hear, determine and correct those unconstitutional and wrongful actions committed by the New Mexico public officer defendants, as named herein.

## II. PARTIES

1. Plaintiff Thomas Hyland, c/o 5 Bishop Lamy Road, Lamy, New Mexico 87540
2. Defendant Bill Richardson, New Mexico Governor  
c/o Governor’s Office, New Mexico State Capitol, Santa Fe, New Mexico 87501
3. Defendant Jan Goodwin, New Mexico Secretary of Taxation and Revenue  
c/o N.M. Dept. of Taxation & Revenue, 1100 St. Francis Dr., Santa Fe, New Mexico 87501
4. Defendant Jeanne Flannery, N.M. Taxation and Revenue Ombudsman

c/o N.M. Dept. of Taxation & Revenue, 1100 St. Francis Dr., Santa Fe, New Mexico 87501

5. Defendant Ken Ortiz, New Mexico Motor Vehicle Division Director  
c/o New Mexico MVD, 1100 St. Francis Drive, Santa Fe, New Mexico 87501
6. Defendant Larry Kehoe, former New Mexico Motor Vehicle Division Director  
c/o N.M. State Land Office, 310 Old Santa Fe Trail, Santa Fe, New Mexico 87501
7. Defendant Patricia Madrid, New Mexico Attorney General  
c/o P.O. Drawer 1508, Santa Fe, New Mexico 87504
8. Defendant Rebecca Vigil-Giron, New Mexico Secretary of State  
c/o 325 Don Gaspar, Suite 300, Santa Fe, New Mexico 87503
9. Defendant Richard Bosson, New Mexico Chief Supreme Court Justice  
c/o P.O. Box 848, Santa Fe, New Mexico 87504
10. Defendant Pamela Minzner, New Mexico Supreme Court Justice  
c/o P.O. Box 848, Santa Fe, New Mexico 87504
11. Defendant Patricio Serna, New Mexico Supreme Court Justice  
c/o P.O. Box 848, Santa Fe, New Mexico 87504
12. Defendant Edward Chavez, New Mexico Supreme Court Justice  
c/o P.O. Box 848, Santa Fe, New Mexico 87504
13. Defendant Petra Jimenez Maes, Supreme Court Justice  
c/o P.O. Box 848, Santa Fe, New Mexico 87504
14. Defendant Ben Lujan, New Mexico Speaker of the House  
c/o New Mexico State Capitol, Room 104, Santa Fe, New Mexico 87501
15. Defendant Ben Altamirano, New Mexico Senate President Pro Tem  
c/o New Mexico State Capitol, Room 105-A, Santa Fe, New Mexico 87501
16. Defendant Greg Solano, Santa Fe County Sheriff  
c/o 35 Camino Justicia, Santa Fe, New Mexico 87508
17. Defendant David Coss, Mayor of City of Santa Fe  
c/o P.O. Box 909, Santa Fe, New Mexico 87504
18. Defendant Larry A. Delgado, former Mayor of City of Santa Fe  
c/o P.O. Box 909, Santa Fe, New Mexico 87504
19. Defendant Miguel Chavez, Santa Fe City Councilor  
c/o P.O. Box 909, Santa Fe, New Mexico 87504
20. Defendant Patti Bushee, Santa Fe City Councilor  
c/o P.O. Box 909, Santa Fe, New Mexico 87504
21. Defendant Chris Calvert, Santa Fe City Councilor  
c/o P.O. Box 909, Santa Fe, New Mexico 87504
22. Defendant Rebecca Wurzburger, Santa Fe City Councilor  
c/o P.O. Box 909, Santa Fe, New Mexico 87504
23. Defendant Karen Heldmeyer, Santa Fe City Councilor  
c/o P.O. Box 909, Santa Fe, New Mexico 87504
24. Defendant Matthew Ortiz, Santa Fe City Councilor  
c/o P.O. Box 909, Santa Fe, New Mexico 87504
25. Defendant Carmichael Dominguez, Santa Fe City Councilor  
c/o P.O. Box 909, Santa Fe, New Mexico 87504
26. Defendant Ronald Trujillo, Santa Fe City Councilor  
c/o P.O. Box 909, Santa Fe, New Mexico 87504
27. Defendant David Pfeffer, former Santa Fe City Councilor  
c/o P.O. Box 909, Santa Fe, New Mexico 87504
28. Defendant Carol Robertson Lopez, former Santa Fe City Councilor  
c/o P.O. Box 909, Santa Fe, New Mexico 87504

29. Defendant Asenath Kepler, former Santa Fe City Manager  
c/o P.O. Box 909, Santa Fe, New Mexico 87504
30. Defendant Mike P. Lujan, former Santa Fe City Manager  
c/o P.O. Box 909, Santa Fe, New Mexico 87504
31. Defendant Eric Johnson, Santa Fe Police Chief  
c/o 2515 Camino Entrada, Santa Fe, New Mexico 87507
32. Defendant Beverly Lennen, former Santa Fe Police Chief  
c/o 2515 Camino Entrada, Santa Fe, New Mexico 87507
33. Defendant Joe Carleton, Santa Fe Police Sergeant  
c/o 2515 Camino Entrada, Santa Fe, New Mexico 87507
34. Defendant Laurie Ross, Santa Fe Police Officer  
c/o 2515 Camino Entrada, Santa Fe, New Mexico 87507
35. Defendant Gruff Herrman, Santa Fe Police Officer  
c/o 2515 Camino Entrada, Santa Fe, New Mexico 87507
36. Defendant Gilbert C DeBaca, Santa Fe Police Captain  
c/o 2515 Camino Entrada, Santa Fe, New Mexico 87507
37. Defendant Stephen T. Pacheco, Court Clerk/Administrator  
c/o 100 Catron Street, Santa Fe, New Mexico 87501
38. Defendant James A. Hall, First Judicial District Court Judge  
c/o 100 Catron Street, Santa Fe, New Mexico 87501

### III. FACTS, POINTS OF LAW AND AUTHORITIES

1. It is an irrefutable fact that the United States of America is a Constitutional Republic, and the Constitution of the United States of America is the Supreme Law of the Land and the highest authority in this Republic. No other law, statute, code, rule or regulation supersedes the Constitution, nor is any other authority, whatsoever, a higher authority than the Constitution. This is affirmed in Article II, Section One of the New Mexico Constitution, which states that the federal Constitution is “the Supreme Law of the Land”. However, the State of New Mexico, by and through the defendants, operates as a **corporation** and unlawfully governs the People as a corporation in complete opposition and contradiction to Constitutional requirements that each of the several States, which in fact are the People thereof, is guaranteed a republican form of government, as found in the Constitution of the United States of America, Article IV:

**Section 4.** The United States shall guarantee to every State in this Union a Republican Form of Government, and **shall protect** each of them against Invasion, and on Application of the Legislature, or of the Executive (when the Legislature cannot be convened) **against domestic Violence.** [*Emphasis added.*]

2. The very fact that the State of New Mexico, by and through the machinery of government, operates as a corporation is proof that it is lawless, anarchistic, unconstitutional, pernicious to the Rights of the People it is charged to serve, and conducts business fraudulently, under color of law. These facts are undisputed, and therefore, the defendants, as part of the machinery of government, have absolutely no Constitutional authority, thus no authority of any type, whatsoever, to serve in office, discharge any duties of those offices, and govern, intimidate and coerce the People, under threat of pains and penalties. Such fraud and deceit by defendants is not authorized in the Constitutions and must not be tolerated by the People and the Judicial System of this State.

3. By the actions of the defendants, it appears that the United States has failed to protect the People of New Mexico against invasion and domestic violence, perpetrated by the defendants, and that the defendants act as renegades and rogues, outside the Law, while holding New Mexico Citizens, in the instant case Hyland, to invalid “law”, while fraudulently holding office, supplanting the Constitutions and all mandates thereof, including, but not limited to, the fact that the People are the Sovereigns and are guaranteed their inherent Rights. Such actions by defendants constitute sedition, insurrection and treason, and render the defendants **criminals, domestic enemies, terrorists and traitors**. There is no authority delegated in the Constitutions to oppose Rights guaranteed therein, nor to act in opposition to the only form of government guaranteed and mandated in the Constitutions, nor to undermine and subject the Constitutions to defendants’ usurped authority.

4. We, the People, by and through the federal Constitution, delegated limited powers to the machinery of government under the mandate that all public servants in government uphold the best interests and inherent Rights of the People. See: Declaration of Independence. Among those limited powers is the legislative authority to create laws solely for the good of the People, and this authority is vested only in Congress. See: Article I, Section 1, Constitution of the United States of America. **What the Constitution does not authorize it prohibits.** Neither the judicial nor the executive/administrative branches of the federal, state and local governments have any Constitutionally delegated power, whatsoever, to create law binding upon American Citizens. Further, all laws created by Congress for the American People must be Constitutionally compliant and specific to the Bill of Rights. Still further, no laws created by Congress can ever supersede Rights guaranteed to the People in the Constitutions. A law must be valid to exist and must exist to be enforced. As previously stated, there is no Constitutional authority delegated to defendants to deny Rights guaranteed to the People, in the instant case to Hyland, but that is exactly what defendants have done.

5. The New Mexico Constitution, in Article II, Section 2, “Popular Sovereignty”; Section 3, “Right of Self Government”; and Section 4, “Inherent Rights of the People”; specifies (including, but not limited to) that the People have the exclusive Right to govern themselves as a free and sovereign People and that all government of right originates with the People, is founded upon their will and is instituted solely for their good.

6. The Constitutions also mandate that all public officers must swear or affirm oaths to uphold and support the Constitutions and the Rights of the People guaranteed therein, and must abide by those oaths in the performance of their official duties; yet the defendants, in their normal customs and practices, demonstrated by and through their actions, perjure their oaths, and defy, deny and oppose the Constitutions and Rights guaranteed therein to American Citizens and to New Mexico Citizens, as they did in the instant case to Hyland.

7. In addition to the mandated oaths, the condition imposed upon public officers to acquire bonds to ensure the faithful performance of their duties is mandated by the New Mexico Constitution, which cannot be changed or amended except by an act of the legislature, confirmed by vote of the People. This requirement is further upheld by New Mexico statutes, which mandate that all state employees acquire valid surety bonds, to be kept on file with the office of the secretary of state for public scrutiny, as a **condition precedent** to assuming office, without which no duties of office can be lawfully discharged. However, no evidence exists that the defendants have valid surety bonds, on file for public scrutiny. Therefore, pursuant to state statutes, none of the defendants have any lawful authority to either assume office or discharge any duties thereof.

8. Plaintiff Hyland bases all his written and spoken charges in fact and law, and in the paramount authority of the Constitution of the United States of America and the New Mexico Constitution.

Hyland attaches hereto and makes part of this Complaint various exhibits, all marked as such, which specify, with particularity, his lawful charges arising from the crimes, violations and unconstitutional actions committed by the defendants, pursuant to oaths taken, none of which charges have been rebutted by any of the defendants to Hyland, in any manner, whatsoever.

9. The Motor Vehicle Division (MVD), of the New Mexico Department of Taxation and Revenue (NMDTR), by and through its customs, practices and usual business policies, fraudulently stole from Hyland his Constitutional Right to travel, by deceitfully coercing him into accepting a “driver’s license”, registrations, and license plates issued by the MVD/NMDTR, in a scheme designed to unlawfully involve him in the privileged commercial activity defined as “driving”. From *New Mexico Administrative Code*, Title 18, “Transportation and Highways”, section 18.2.3.12, “Driving of Motor Vehicles”: “**The department of public safety hereby adopts Part 392 of Title 49 of the Federal Regulations with no amendments.**” 49 CFR 392 begins with the headline: “**Driving of Commercial Motor Vehicles**”; a copy thereof is attached hereto, incorporated herein and marked **Exhibit A**.

10. Hyland does not transport passengers or freight for payment, thus is not a commercial “driver”, pursuant to state and federal laws, but rather travels in his personal motor conveyance; therefore, he does not fit or fall under the State’s definition of “driver”, the State’s jurisdiction, or any of the requirements thereof, yet he was fraudulently held to that definition by defendants, to Hyland’s harm and detriment. Hyland has the Constitutional Right to freely travel in America, and a Right guaranteed in the Constitution may not be taxed, legislated, restricted or controlled, in any way. However, the defendants, without any Constitutional authority, whatsoever, converted Hyland’s Right into a regulated privilege, and then controlled it. When a Right is converted into a privilege, and such conversion left unchallenged, that Right becomes extinct, and the unlawful conversion of that Right is detrimental to the People.

11. On July 23, 2004, Hyland met personally with MVD Director of Field Operations Angela Lucero and MVD Transportation Bureau Chief Raul Alvarez, presented and read to them the law previously referenced in paragraph III:9 above, and was met with their silence when these officers failed to offer any lawful rebuttal, explanation or alternative definition, whatsoever, regarding the law and the facts at hand. Hyland returned to MVD headquarters on Monday, July 26, 2004, and with full knowledge and intent voluntarily surrendered MVD fabricated items, attested by the Affidavit attached hereto, made part hereof, and marked **Exhibit B**. Hyland received an official printout from the MVD records department attesting to his status as a “Non-Driver”, and to the fact that all said MVD items had been voluntarily Surrendered by Hyland, a copy of which is attached hereto, made part hereof, and marked **Exhibit C**.

12. On that same day, July 26, 2004, Hyland wrote a formal inquiry to MVD Records Officer Cassandra Sena, requesting that **Titles of Origin** representing a Mazda truck and a Moto Guzzi motorcycle, belonging to Plaintiff Hyland, be returned to him. Officer Sena promised that this would be done within six (6) months; however, the said Titles remain in the archives of MVD headquarters more than twenty-nine (29) months since Hyland’s request was made and Sena’s promise to Hyland, on behalf of MVD, was rendered. A copy of said written request is attached hereto, incorporated herein and marked **Exhibit D**.

13. On September 15, 2004, Hyland was detained in a “traffic stop” initiated by Santa Fe Police Officer Laurie Ross. Ross arrested Hyland without a sworn complaint filed by a Citizen allegedly injured by Hyland’s actions, in violation of due process of law. Ross swore an oath to the Constitutions; yet her actions perjured her oath and directly opposed and contradicted the Constitutions, as is the usual custom, practice and policy of the Santa Fe Police Department and the

State in such situations. The city and the State upheld Ross' unconstitutional actions in this incident, and, as a routine custom and practice, uphold similar actions by the police, each and every day.

14. The alleged probable cause for Hyland's detainment was Officer Ross' observation that no license plate was present on Hyland's private motor conveyance. Hyland produced an Affidavit and documents attesting that he had voluntarily severed all MVD connections, in an effort to inform Ross that he is not under the jurisdiction of MVD and therefore not subject to MVD requirements or "traffic stops" such as this, and that as a sovereign American and New Mexican Citizen he has the Constitutionally guaranteed Right to travel freely, without interference or encumbrance, by officers of the State, the City of Santa Fe, or anyone else. An American Citizen, in the instant case Hyland, has the Constitutionally guaranteed Right to defend his Rights and his private property, as confirmed in the Constitutions, and as affirmed by the State in the MVD receipt issued to Hyland. However, Ross, in full perjury of her oath, in defiance of Rights guaranteed in the Constitutions, and in opposition and contradiction to the actions of the MVD, a higher authority than Ross, arrested Hyland.

15. By her actions, Ross demonstrated that she was apparently incapable of reaching any decision regarding Hyland's documents, rendered, and called her supervisor, Sergeant Joe Carleton, to intercede. Officer Ross and Sergeant Carleton were under the command and authority of Police Chief, Beverly Lennen, in all of their actions taken against Hyland. Carleton reviewed Hyland's Affidavit and documents, and then commanded Ross to issue tickets to Hyland for "No Drivers License, No Registration, No Insurance"; and, in violation of the Fourth Amendment to the federal Constitution, and similar Rights in the New Mexico Constitution, to seize Hyland's private motor conveyance. During this detainment, Hyland was commanded by Officer Ross to produce the MVD items Ross demanded. Throughout this incident, Ross openly vilified the Constitutions and disparaged Hyland's Rights guaranteed therein as meaningless. Ross further ordered the tow truck operator, Martin Flores, a private Citizen and businessman, who was called to remove Hyland's truck, to ascertain that Hyland was in compliance with all MVD requirements before Flores would release Hyland's private property to him. Still further, Ross ordered Hyland to appear in Santa Fe Municipal Court to prove compliance with MVD code and to pay Flores towing and storage charges before Hyland's private property would be returned to him. As Hyland's private motor conveyance was being towed away, Ross turned to Hyland, and sarcastically said: "*So, tell me some more about your laws.*" Hyland responded, "*These are your laws, too, but you told me that you had no interest in hearing about the laws or what my rights are.*" Ross replied, "*Yeah, that's right.*"

16. Upon receipt of letters from Hyland, Martin Flores subsequently released Hyland's private motor conveyance to him, at a minor cost, and without Hyland having to present any of the MVD documents ordered by Ross. When Hyland appeared in court in defense of the charges issued by Ross, the charges and the case were dismissed, with prejudice.

17. During the traffic stop of September 15, 2004, Hyland inquired of Officer Ross and Sergeant Carleton if the officers held proof of their faithful performance surety bond, as required by Surety Bond Act NMSA 10-2-13 to 10-2-16 and other related statutes. This Act states that no officer or official of the State can acquire official status or execute official duties with any authority without meeting the requirements clearly stated. The surety bond requirement is a **condition precedent** to office, without which no duties of office can be lawfully discharged. However, the officers met Hyland's inquiry with apparent ignorance and indifference and admitted they had no knowledge of any surety bond. Hyland learned within a few days of the traffic stop, by inquiring at the City of Santa Fe Administrative Offices, that Officer Ross, Sergeant Carleton, and Police Chief, Beverly Lennen, were all in violation of surety bond requirements, as there was no proof to be found at that official location of their compliance. Therefore, neither Ross nor Carleton had any lawful authority

to serve in office and conduct any duties of that office. Thus, they had no authority to arrest Hyland, issue citations to him and to order his private property stolen. Yet, the City of Santa Fe and the State upheld their unlawful actions.

18. By the unlawful actions of Officer Ross and Sergeant Carleton, Hyland was left without adequate transportation to conduct his business affairs, tend to personal needs, or travel to and from his home 15 miles from Santa Fe. Hyland had no option except to purchase another truck to meet his needs, as the status of his seized private motor conveyance was not resolved until thirty (30) days after the initial traffic detainment. As referenced above, a letter written by Hyland to Flores, attached hereto, incorporated herein, and marked **Exhibit E**, persuaded the tow truck operator to return the stolen private property to Hyland, despite the contrary unlawful, unconstitutional orders of Officer Ross, Sergeant Carleton, and Chief Lennen.

19. Hyland sent letters of lawful notification to Ross and Carleton, the police officers who arrested him, informing them of their unconstitutional actions and crimes against him, copies of which are attached hereto, made part hereof and marked **Exhibits F and G**. Hyland cautioned Ross and Carleton that if they disagreed with his charges they must rebut them, or they admit to them, fully binding upon them in any court, without their protest, objection or that of those who represent them. Neither Ross nor Carleton responded or rebutted; therefore they admitted to all of Hyland's charges. Hyland sent additional letters to the other defendants with oversight responsibility for Ross and Carleton, named herein. Attached hereto, made part hereof and marked **Exhibit H**, is a copy of Hyland's letter sent to defendant, Mayor Larry A. Delgado, which is similar in content to Hyland's letters to the other defendants in this action. In these letters, Hyland cited the unconstitutional actions and crimes committed by Ross and Carleton and informed the recipients of their duty, pursuant to their oaths, and their duties thereunder, as public officers, as well as their duty to uphold the Public Trust, to stop and correct the crimes committed. The recipients were cautioned in these letters that if they failed to rebut Hyland's charges contained therein, they admitted to Hyland's charges, fully binding upon them in any court, without their protest, objection or that of those who represent them. No recipient responded or rebutted, therefore each and every one of them fully admitted to all of Hyland's charges.

20. Hyland then sent Affidavits to all letter recipients in which he informed them that by their failure to respond and rebut the charges made in his letters, they had admitted to those charges. In the Affidavits, Hyland stated that recipients had the opportunity to rebut the Affidavits with their own sworn and notarized Affidavits; however, none of the recipients responded with their own Affidavits, which further corroborated that they admitted to all of Hyland's charges, fully binding upon them in any court. Hyland subsequently recorded all of the Affidavits with the Santa Fe County Clerk; thus, they are part of the public record and fully admissible as truth before this court. A copy of the Affidavit Hyland sent to Ross, similar in content to the Affidavits sent to the other defendants in this action, is attached hereto, made part hereof and marked **Exhibit I**.

21. Hyland filed pleadings with the Santa Fe Municipal Court, to which the State failed to respond or rebut his charges. Therefore, pursuant to court rules, the State consented to Hyland's motions and pleadings and admitted to his charges. On January 15, 2005, Hyland appeared at Santa Fe Municipal Court to attend a pretrial hearing for the case captioned, **State of New Mexico v. Thomas Hyland, case no. L-201-TR-20048943**. As previously stated, all charges brought against Hyland—"No License, No Registration, No Insurance"—were **dismissed with prejudice** by Santa Fe Prosecuting Attorney Art Michael. The Notice of Dismissal is attached hereto, incorporated herein and marked **Exhibit J**.

22. On June 23, 2005, Hyland was detained in a traffic stop initiated by New Mexico State Police Officer Jody Kerr. Kerr detained Hyland without a sworn complaint filed by a Citizen allegedly injured by Hyland's actions, in violation of due process of law, Hyland's Rights guaranteed in the Constitutions and Kerr's oath thereto. Alleged probable cause for this detainment was Kerr's observation of one defective headlight on Hyland's private motor conveyance, which is not a valid, Constitutionally compliant law to authorize any officer to detain and arrest any Citizen, in the instant case Hyland. This detainment resulted in Hyland again being issued citations for "No License, No Registration, No Insurance", but Kerr decided that Hyland's private property should not be seized. Hyland asked Officer Kerr for proof of his faithful performance surety bond, but Kerr was incapable of responding to this request and could only express ignorance of surety bond laws and their requirements. Therefore, since Kerr had no surety bond, he had no lawful authority to serve in office or to conduct any duties of that office. As previously stated, all state employees and officers are required to have proof of their bond kept at the Office of the New Mexico Secretary of State for public scrutiny, but despite this written statutory requirement, Hyland was told by that office that no official book of record for such bonds exists at that location. Thus, the Office of the New Mexico Secretary of State conducts business in violation of state statutes, thereby depriving the public, in the instant case Hyland, of their Right to verify whether or not public officers are lawfully holding office, in compliance with surety bond requirements.

23. Hyland sent letters of lawful notification to Jody Kerr, the police officer who arrested him, informing Kerr of his unconstitutional actions and crimes against Hyland; copies of these letters are attached hereto, made part hereof and marked **Exhibit K**. Hyland cautioned Kerr that if he disagreed with his charges he must rebut them, or he admits to them, fully binding upon him in any court, without his protest, objection or that of those who represent him. Kerr failed to respond or rebut; therefore he admitted to all of Hyland's charges. Hyland sent additional letters to the other defendants with oversight responsibility for Kerr, named herein. Attached hereto, and made part hereof, is a copy of Hyland's letter sent to defendant Governor Bill Richardson, marked **Exhibit L**, which is similar in content to Hyland's letters to the other defendants in this action. In these letters, Hyland cited the unconstitutional actions and crimes committed by Kerr and informed the recipients of their duty, pursuant to their oaths, and their duties thereunder, as public officers, as well as their duty to uphold the Public Trust, to stop and correct the crimes committed. The recipients were cautioned in these letters that if they failed to rebut Hyland's charges contained therein, they admitted to Hyland's charges, fully binding upon them in any court, without their protest, objection or that of those who represent them. No recipient responded or rebutted; therefore each and every one of them fully admitted to all of Hyland's charges.

24. Hyland then sent Affidavits to all letter recipients in which he informed them that by their failure to respond and rebut the charges made in his letters, they had admitted to those charges. In the Affidavits, Hyland stated that recipients had the opportunity to rebut the Affidavits with their own sworn and notarized Affidavits; however, none of the recipients responded with their own Affidavits, which further corroborated that they admitted to all of Hyland's charges, fully binding upon them in any court. Hyland subsequently recorded all of the Affidavits with the Santa Fe County Clerk; thus they are part of the public record and fully admissible as truth before this court. A copy of the Affidavit Hyland sent to MVD Director Ken Ortiz, similar in content to the Affidavits sent to the other defendants in this action, is attached hereto, made part hereof and Marked **Exhibit M**.

25. Hyland was subsequently required to appear at Magistrate Court to face this second set of identical charges, whereupon he demanded a trial by jury to defend himself against the traffic violations and was afforded his Constitutional Right to trial by jury, secured in the Constitution of

the United States of America, Amendment VI, by Santa Fe County Magistrate Court Judge Sandra Miera. Trial was set for October 9, 2005. When Hyland requested Judge Miera qualify a subpoena commanding Santa Fe Prosecuting Attorney Art Michael to appear to testify on Plaintiff's behalf, Judge Miera recused herself from the case. Lacking the subpoena, Hyland presented Michael with an Affidavit of Truth, attesting to the fact that he dismissed identical charges brought against Hyland in September 2004, which Michael willingly signed. This Affidavit is attached hereto, made part hereof and marked **Exhibit N**.

26. Judge Miera's recusal prompted Magistrate Judge George Anaya, Jr., to continue the case, rescheduled for October 12, 2005, but Hyland's Constitutional Right to trial by jury was now denied and Hyland instead was granted a "Hearing", which has no fundamental Constitutional basis or lawfulness. Hyland wrote and issued to Officer Kerr a Request for Admissions to determine Kerr's qualification to act as a law abiding official of the State. This Request is attached hereto, made part hereof and marked **Exhibit O**. Kerr, who was officially placed in the unlawful and conflict-of-interest position of being the State's witness, accuser, and prosecutor against Hyland, resigned from the State Police after receiving Hyland's Request for Admissions.

27. Hyland filed pleadings with the Santa Fe County Magistrate Court, to which the State failed to respond or rebut his charges. Therefore, pursuant to court rules, the State consented to all of Hyland's motions and pleadings and admitted to all of his charges. The referenced pleadings in the referenced case will be attached to Motions, filed with this court and entered into evidence. One of those motions, Hyland's Motion to Dismiss, is attached hereto, made part hereof and marked **Exhibit P**. As stated, the State admitted to all charges contained in this Motion.

28. On October 12, 2005, a hearing was held for the case captioned, **State of New Mexico v. Thomas Hyland, case no. M-49-MR-2005-00961-Div.2**. Since the State had already admitted to all of Hyland's charges, contained in his letters, affidavits and pleadings, it is obvious that the State had no defense, whatsoever, against the truth and Constitutional positions contained in Hyland's documents, therefore the charges and the case were **dismissed with prejudice** by Judge Anaya. The Final Order On Criminal Complaint is attached hereto, made part hereof and marked **Exhibit Q**. By the fact that the State dismissed two separate cases, in two separate courts, brought against Hyland for the same, identical charges, it would appear that the State is well aware and well apprised that it routinely, as a usual custom and practice, engages in unconstitutional, unlawful, criminal actions, including (but not limited to) opposition and contradiction to the Constitution; deprivation and violation of Rights guaranteed in the Constitutions; perjury of oaths; fraud; collusion and conspiracy to defraud the Public; unlawful conversion of Citizens' funds and Citizens' private property; expenditure of public funds for criminal purposes; extortion, under duress, coercion, intimidation and threat of force, incarceration and/or bodily harm; racketeering and imposition of military-style police force tactics perpetrated against an unaware, misinformed Citizenry. Hyland is not unaware, but rather is fully aware of his Rights guaranteed in the Constitution of the United States of America and in the New Mexico Constitution. As a patriotic American and New Mexican Citizen, it is Hyland's avowed duty to expose all enemies of this Republic, both foreign and domestic. By the actions of all defendants, named herein, they are domestic enemies and domestic terrorists to the Citizens of this state and this nation, willfully engaged in sedition and insurrection against the Constitutions, and treason against the Sovereign People. If Hyland were incorrect in any actions he had taken regarding these two cases and the charges made against him, then it would have been the duty of the State to rebut his charges and find him guilty, as charged. For the previous reasons given, this was a Constitutional and judicial impossibility. Not one defendant rebutted anything Hyland stated, because no one could. The entire State and the entire machinery of government opposed Hyland in every way possible. The only branch of government that exercised

its proper checks and balances was the judicial branch of New Mexico, which properly, pursuant to oaths taken, upheld those oaths and upheld Hyland's Rights guaranteed in the Constitutions and ruled in his favor, twice.

29. On September 22, 2006, Hyland, after parking his private motor conveyance in an off-street parking lot, exited and locked its doors. As Hyland was walking away, he was unlawfully arrested by Santa Fe Police Officer Gruff Herrman. No one allegedly injured by Hyland's actions made a sworn complaint, therefore, pursuant to Herrman's oath, he violated the Constitutions, Rights guaranteed therein, including (but not limited to) due process of law, and perjured his oath. Alleged probable cause for this detainment was Herrman's incorrect and unverified opinion that Hyland was not wearing a seat belt, though this accusation could not be debated at the point of the encounter, since Hyland was walking away from his private motor conveyance when he was made aware of Herrman's presence and intentions. Herrman unlawfully ordered Hyland, a free Citizen, to return to and sit in his private motor conveyance, while Herrman retreated to his police cruiser to confer with supervisors following Hyland's statement to Herrman that he had previously severed all ties to the New Mexico MVD and had prevailed victoriously in the two criminal cases described in this Complaint. After receiving instructions from command, Officer Herrman issued **no citations**, but instead gave Hyland "warnings" for the "offenses" of "No Drivers License, No Registration, No Insurance, and Not Wearing a Seat Belt". It is obvious that any Citizen stopped by the police under such conditions, by the usual customs and practices of the Santa Fe Police Department, would have been arrested, on the spot, and his private motor conveyance would have been confiscated. Further, it appears that in this incident, with Hyland and Herrman, that when Herrman conferred with his supervisors, he may have been warned to cease and desist with Hyland, which is likely the reason why Hyland was not arrested, jailed and his private motor conveyance stolen. Still further, it is obvious that the Santa Fe Police Department is well aware of the courts properly and lawfully upholding Hyland's Constitutional Rights on two occasions and of the criminal activity committed by the Santa Fe Police Department against the unaware and uninformed Citizens of Santa Fe and New Mexico.

30. On March 6, 2007, Hyland was arrested when his travel was abruptly stopped by Santa Fe Police Captain Gilbert C DeBaca, whose alleged probable cause for detaining Hyland was C DeBaca's sighting of an unconventional plate in place of the standard MVD variety that is affixed to vehicles. Hyland does not own a "vehicle"; he owns his personal, private motor conveyance and has the free and unrestricted Right to travel anywhere, on public roads, in his private motor conveyance. When C DeBaca arrested Hyland, he did so in violation of Rights guaranteed to Hyland in the 4th Amendment to the federal Constitution and in Article II, Section 10, of the Constitution of the State of New Mexico, which protect him from unreasonable searches and seizures. Further, there was no Citizen injured by Hyland's actions who made any complaint against him. Hyland explained, at length and with authority, the definitions, codes, laws and jurisdiction of the commercial "driving" activity, as defined in New Mexico's Title 18 and Title 49, Section 392, of the federal code, to C DeBaca. However, C DeBaca upheld the unconstitutional restrictions of the referenced titles, in spite of Hyland's delivery of that lawful information to the officer, and in direct violation of C DeBaca's oath. Further, C DeBaca ignored the prerequisites described within **NMSA 29-1-1** as the first duties of a peace officer to investigate complaints, information, and violations of law, and issued citations to Hyland for the commercial violations of no license, no registration, and no insurance. In a letter to C DeBaca, dated March 14, 2007, Hyland gave fair notice that if the officer reviewed the several exhibits included with the letter which presented facts, laws, and evidence of the jurisdiction of the driving code, and information pertaining to the dismissal, with prejudice, by two separate New Mexico courts, of all identical charges in two previous cases brought by the State against Hyland, but then failed to investigate this valid evidence and proceeded to prosecute this

new case, that Hyland would join C DeBaca as a defendant in this instant case. And thus, this Amended Complaint and Summons issued from this Court, joins Gilbert C DeBaca as a defendant in this case in replacement of one of the “John Does.”

31. On May 11, 2007, during a hearing to rule on Motions submitted by plaintiff Hyland and by defendants, presiding judge, James A. Hall committed acts of sedition, insurrection and treason, witnessed by Hyland and more than a dozen Citizen witnesses, when Hall denied Hyland’s Right to claim, exercise and enforce his Constitutionally guaranteed Rights before the court. Also, Hall denied all nine Motions to Intervene, submitted by Citizens who claimed the same Constitutionally guaranteed Rights as did Hyland. Further, Hall denied Hyland the Right to Trial by Jury, perverting that Right into a paid-for privilege. Further, Hall dismissed defendant Greg Solano, Santa Fe County Sheriff, from all charges, when Solano stated on record, by and through counsel, in his Response to Hyland’s Motion, that Hyland had no Right to a jury trial and requested the court deny a fundamental, substantive Right guaranteed in the Constitutions, which is treason by a man who has previously taken an oath to support and defend the Constitutions. Still further, in Solano’s Answer to Hyland’s Complaint, he opposed Hyland’s request for relief which included that New Mexico be returned to a Constitutional form of government, as guaranteed in Article IV, Section 4, of the federal Constitution. This is also treason. Hall’s treason rendered the court defective and incompetent, thus, Hyland filed on May 21st the following pleadings: (a) Objection to Rulings; (b) Motion to Vacate Void Rulings; (c) Notice of Disqualification, under **21-400, Code of Judicial Conduct**. On May 29th, Hyland filed: (a) Objection to Hearing Scheduled for June 8, 2007; (b) Verified Complaint in Quo Warranto, challenging Hall’s lawful authority to have so acted and ruled, which has been sent to the Attorney General of New Mexico, the New Mexico Judicial Standards Commission, plus several official parties representing the interests of the People of New Mexico. Hyland filed this Complaint as a result of violations and deprivations of his Constitutionally guaranteed Rights by 34 individuals, acting as public officers of the machinery of government of the State of New Mexico. To protect against further injuries and damages to Hyland’s Rights, he included fifteen (15) John and Jane Does, in case unknown persons harmed and injured him during the course of these proceedings and, thus, could be included as defendants and parties to the case. Hyland sought relief from this court for injuries he sustained by and through defendants’ unconstitutional actions against him. Yet Hall, exacerbated and upheld defendants’ unconstitutional actions, by his own unconstitutional actions, which underscore the very cause of this suit, and exemplify the standard customs, practices and policies of government which regularly inflict injury and harm upon the People, in the instant case, Hyland, instead of protecting the People’s Constitutionally guaranteed Rights, by enforcing unconstitutional laws, which oppose and contradict the Constitutions, upon the People, while those acting as public officers ignore the Constitutions and their duties thereunder, pursuant to their oaths. Therefore, Hyland joins James A. Hall as a defendant and party to this case in replacement of the second “John Doe.”

32. Stephen T. Pacheco is joined as a defendant in this case for reasons more fully enumerated in the referenced Verified Complaint in Quo Warranto. On May 22, 2007, in response to Hyland’s referenced Notice of Disqualification, Hyland received a Notice from the Court, endorsed by Court Administrator Stephen T. Pacheco, informing Hyland that James Hall will not be disqualified from this case due to Hyland’s “failure to file a timely excuse for disqualification, within a ten (10) day time frame, pursuant to Rule 1-088.1.” Hyland informed Pacheco, in a letter dated May 24, 2007, that he had never invoked Rule 1.088.1 NMRA, but rather, had invoked Rule 21-400, from the Code of Judicial Conduct, as grounds for disqualifying James A. Hall, acting as judge. In the referenced Notice, Pacheco made a deliberately false statement in an unlawful attempt to supersede and deny Hyland’s Right to have a fair, unbiased, impartial judge preside over his case. Hyland subsequently gave fair notice to Pacheco that if he did not remove Hall from the case, pursuant to Hyland’s lawful

disqualification, that Hyland would join Pacheco in this case as a defendant. Pacheco's deliberate and unlawful interference, and failure to remove Hall constitutes still another violation and deprivation of Hyland's Constitutionally guaranteed Rights, including, but not limited to, due process of law, and yet another demonstration of the usual customs, practices and policies of this court and the machinery of government before and since this action was filed on December 27, 2006. And thus, Hyland joins Stephen T. Pacheco as a defendant in this instant case, through this Amended Complaint and Summons issued from this court, in replacement of the third "John Doe."

#### IV. CAUSES OF ACTION

1. Plaintiff fully incorporates this entire Complaint, including paragraphs III:1 through III:32, herein, verbatim, without reservation.

**2. First Cause of Action: Violation of, opposition to and contradiction of the federal and state Constitutions, violation of Hyland's Rights guaranteed therein, and perjury of oaths by public officers, who have previously sworn oaths to uphold and support the Constitutions, in the performance of their official duties.**

3. The defendants are public officers and employees of the State of New Mexico and, pursuant to their oaths, cannot lawfully violate Hyland's Rights guaranteed in the Constitutions in the performance of their official duties. The objective of requiring public officers and employees to swear oaths is that they should abide by their oaths in the performance of their official duties. However, the State routinely permits defendants, as officers and employees of the State, to perjure their oaths and violate Constitutionally guaranteed Rights, as was done to Hyland, as a normal custom, practice and policy, which is sedition, insurrection and treason by the State of New Mexico against the Citizens, in the instant case Hyland. All the charges Hyland made in his letters, affidavits to defendants and in his pleadings to the courts were never rebutted in any manner, whatsoever, to Hyland. Those documents contain the extensive list of charges.

4. Plaintiff fully incorporates this entire Complaint, including paragraphs III:1 through III:32 and IV:1 through IV:3, herein, verbatim, without reservation.

**5. Second Cause of Action: Fraudulent imposition and enforcement, under threat, intimidation and coercion, by means of military-style armed police force, incarceration and bodily harm, aided and abetted by the support of the judiciary, of invalid, unconstitutional "laws" and statutes, under color of law, for the purpose of exerting control of and extorting funds and property from the Citizenry, and compelling them to abide by unconstitutional "laws; in the instant case Hyland.**

6. Defendants cannot lawfully promote, advocate and enforce "laws" and/or statutes which oppose, contradict and/or violate the Constitutions, then enforce those unconstitutional "laws" and/or statutes upon the Citizens, in the instant case Hyland, under threat of military-style force, bodily harm, incarceration and extensive fines. This Nation called America is theoretically a free nation, and such practices do not take place in a free nation. No public funds can lawfully be spent on such tyranny against the Sovereign People.

7. Plaintiff fully incorporates this entire Complaint, including paragraphs III:1 through III:32 and IV:1 through IV:6, herein, verbatim, without reservation.

**8. Third Cause of Action: Fraudulent and deceptive government practices.**

9. Plaintiff fully incorporates this entire Complaint, including paragraphs III:1 through III:32 and IV:1 through IV:8, herein, verbatim, without reservation.

**10. Fourth Cause of Action: Fraud.**

11. Fraud is an act or an omission intentionally done to another to induce the other to act upon the given information, to his own detriment. Defendants insisted that Hyland be subjected to MVD commercial driving code, be punished by unlawful detainment and seizure of private property and liberty, and then rescinded their prosecution only when faced with charges of failure to comply with laws they pledged an oath to defend and obey. This fraud was fully condoned and authorized by every defendant listed in this Complaint, but all defendants met Hyland's search for remedy and relief with silence and inaction when every one of his many letters and Affidavits went unanswered.

12. Plaintiff fully incorporates this entire Complaint, including paragraphs III:1 through III:32 and IV:1 through IV:11, herein, verbatim, without reservation.

**13. Fifth Cause of Action: Misprision.**

14. Misprision is neglect or light account made of a crime and failure of an official to endeavor to prevent the commission of a crime, while having knowledge of its commission, and failure to reveal it to the proper authorities. Hyland incorporates all of paragraph IV:10, above, verbatim, without reservation, to underline the failure of every public official he contacted, through letters and Affidavits—from the Governor, to the Supreme Court, to the New Mexico Legislature, to the administrators of MVD, to his County Sheriff, to the state and city police departments, none of whom responded—to declare this Fifth Cause of Action: Misprision, to be held against every defendant in this Complaint.

15. Hyland fully incorporates this entire Complaint, including paragraphs III:1 through III:32 and IV:1 through IV:14, herein, verbatim, without reservation.

**16. Sixth Cause of Action: Collusion and Conspiracy to Commit Fraud.**

17. Hyland notified defendants, by certified letters, Affidavits, notarial protests and other written communications, of his charges, grievances and demands, with copies of all communications mailed to all defendants. All defendants received all communications sent directly to them, and copies sent to other defendants. All defendants took no action to correct the problems and charges specified in the communications and apparently acted together to commit, cover up, and perpetuate fraud specified within.

18. Hyland fully incorporates this entire Complaint, including paragraphs III:1 through III:32 and IV:1 through IV:17, herein, verbatim, without reservation.

**19. Seventh Cause of Action: Collusion and Conspiracy to Deny and Deprive Constitutional Rights.**

20. Hyland notified all defendants of his Rights guaranteed in the Constitutions, which defendants denied, as a normal course of business. Defendants owe their official existence and job activities for the Public to the fact that the government approved of and gave existence to their official positions to serve and function within the United States of America. The first duty of any government officer who has previously taken an oath to the Constitution is to support and uphold the Constitution, including the Bill of Rights. All government officers are required to abide by their oaths in the performance of their official duties. Those who do not, by their own action, have invoked the self-executing **Sections 3 and 4 of Amendment XIV** to the Constitution of the United States of America, and have vacated their offices, forfeited any benefits of that former office and forfeited all salaries and pensions. Since the defendants are government officials, and have been granted their official positions by the government, they cannot deny that which the government is sworn to uphold and protect. However, that is exactly what the defendants, by their own actions, as specified

herein, have done. Hyland included in all his notices to defendants a presumptive clause, at beginning and end of each communication, which informed defendants of their opportunity to challenge or rebut any charges, statements or allegations made in these letters, and that they would be willing and participatory parties to the crimes and malfeasance described by not rebutting with particularity or ignoring these letters with silence. Defendants were fully aware of this opportunity to amend or repair their compliance in these crimes, but with full awareness of these Constitutional Rights violations, none of the defendants made any effort, whatsoever, to correct these violations.

21. Hyland hereby incorporates this entire Complaint, including paragraphs III:1 through III:32 and IV:1 through IV:20, herein, verbatim, without reservation, to focus the charge of extortion against the defendants of this Complaint.

#### **22. Eighth Cause of Action: Extortion.**

23. Extortion is the unlawful obtaining of money from another and the exaction of money by reason of oppressive conditions or circumstances. Extortion is obtaining money or property from another, with his unwilling consent, induced by wrongful use of force or fear, or under color of law or official right. Hyland was induced to participate in the MVD sanctioned privileges of “driving”, by a fully aware, deceitful and conspiring government, and forced, under threat of duress, coercion, loss of property and of liberty, to pay every fine, every yearly fee, every tax, and every administrative cost the state could implement as it extracted its plunder from the Plaintiff and his fellow sovereign Citizens.

24. Hyland hereby incorporates this entire Complaint, including paragraphs III:1 through III:32 and IV:1 through IV:23, herein, verbatim, without reservation, to focus the charge of extortion against the defendants of this Complaint.

#### **25. Ninth Cause of Action: Racketeering.**

26. Racketeering is an organized conspiracy to commit the crimes of extortion and coercion, or attempt to commit extortion or coercion. From the standpoint of extortion, it is obtaining of money or property from another, induced by the wrongful use of force or fear. The fear, which constitutes the legal necessary element in extortion, is induced by oral or written or physical threats, to do an unlawful injury to the property of the threatened person; or to kill, kidnap, jail, or injure him or a relative of his family. From the standpoint of coercion, it takes the form of compelling a person, by use of similar threats to person or property, to do or abstain from doing an act which such person has the legal and lawful right to do or abstain from doing.

27. In collusion with and allegiance to the Motor Vehicle Division, the police forces of New Mexico have banded together, in an organized conspiracy, to enforce MVD commercial code upon their masters, We The People, and to impose false arrests and detainments, under fear of jail or the use of lethal force, by means of firearms or other weapons, such as tasers, against them. The People, including Hyland, are forced to obey these officers, who have denied the very Constitution they pledged to uphold and defend, or risk loss of life, limb, property, or liberty. The police are entirely supported by the judges, who are complicit in this racketeering, by reigning within the unconstitutional “traffic” courts and extracting moneys and property from the Public under the guise of the all-encompassing commercial traffic code.

28. Every defendant named herein this Complaint is complicity connected to the charges of racketeering, as not one defendant denied the unlawful nature of this crime or their connection to the overall machinery of government and its program to extract money, property, and liberty from Hyland.

**V. RELIEF DEMANDED**

Plaintiff Hyland demands that the rule of valid and Constitutional law be reinstated in this instant case, to accomplish the following:

A. Defendants be penalized for their fraud, collusion and conspiracy to commit fraud, conversion, extortion, racketeering, and conspiracy to deny and deprive Plaintiff of his Constitutional Rights, and the Court direct the Defendants to use their authorities to correct, forever, these crimes upon Plaintiff and all other constituents of Defendants.

B. Stop, permanently, the unwarranted detainment of motorists, upon the alleged probable cause that they do not display Motor Vehicle Division license plates, registration stickers, or seat belt compliance, as these codes only pertain to the "licensed driver", that individual who is involved in the commerce of transporting goods or paying passengers upon the streets and highways of America as an occupation.

C. Restore Constitutional governance to the State of New Mexico, as intended by the Constitutions, and to restore a Constitutional Republic, as required by Article IV, Section 4, of the Constitution of the United States of America.

D. Award plaintiff damages for pain, suffering, mental anguish, emotional distress arising from the unlawful deprivation of his Constitutionally guaranteed Rights, which are priceless, in the amount of \$25,000,000.00, and any other relief this Honorable Court deems just and fair.

**VI. AFFIDAVIT**

I, Thomas Hyland, do hereby swear and affirm that the statements and charges made herein are true, correct and lawful, and that none of the charges made in my documents described herein were ever rebutted by any of the defendants, in writing, to me.

Respectfully submitted,  
All Rights Reserved

\_\_\_\_\_  
Thomas Hyland, American Citizen  
c/o 5 Bishop Lamy Road  
Lamy, New Mexico 87540  
505 466-7525

**NOTARY STATEMENT**

On this 5th day of June, 2007, Thomas Hyland did appear before me, a notary public, in and for the County of Santa Fe, State of New Mexico, and acknowledged the making and signing of this document.

My commission expires: \_\_\_\_\_

\_\_\_\_\_  
Notary Public

Officer Laurie Ross  
Santa Fe Police Department  
2515 Camino Entrada  
Santa Fe, New Mexico 87507

January 31, 2005

Officer Ross, this letter is lawful notification to you. Your failure to rebut or challenge any statement made in this letter, within 30 days of receipt, is your agreement to all charges and facts within. Your silence will be your admission and agreement, and will be fully binding as evidence in any court of law in America, without your protest or objection, or that of those who represent you. **U.S. v. Tweel, 55o F. 2d. 297**, *“Silence can only be equated with fraud where there is a legal or moral duty to speak or where an inquiry left unanswered would be intentionally misleading.”*

On the afternoon of September 15, 2004, as I was traveling southbound along Siler Street in Santa Fe, you ordered me to pull over because you saw no license plate on the back of my Mazda pick up truck. You asked for registration, license, and proof of insurance. I showed you written evidence; receipts from the New Mexico Motor Vehicle Division; that all previously issued MVD items that had once been assigned to me had been surrendered to the MVD; on July 26, 2004; and any previous connection or contract with the MVD, myself, and my property had been officially cancelled. I showed you a notarized affidavit attesting to the fact that all these MVD items had been returned to the state headquarters of the Motor Vehicle Division and all connections to the MVD had been severed. I showed you several pages from New Mexico Administrative Code Title 18, which clearly describes the activity of “driving” as a commercial activity and subjects only those who are involved in transporting goods or paying passengers to be licensed to conduct such commerce upon the streets and highways of New Mexico. Nowhere in Title 18, or the traffic code of NMSA Chapter 66, is it written that the private citizen, traveling in his private automobile upon the public Right of Way, must waive that RIGHT to travel and convert it into a privileged commercial activity. From **City of Chicago v. Collins, 51 N.E. 907, 910...** *“A license, therefore implying a privilege, cannot possibly exist with reference to something which is a right, free and open to all, as is the right of the citizen to ride and drive over the streets of the city without charge and without toll.”*

Your inability to respond in a learned and lawful fashion, after I presented several facts of law regarding my rightful position, prompted you to call and confer with your supervising officer, Santa Fe Police Sgt. Joe Carleton. I was given, perhaps, a minute of Sgt. Carleton’s time to show him written evidence of my lawful status, at which point he told you to write traffic citations, issue them to me, and have my truck towed away. After that moment Sgt. Carleton promptly left the scene. You called the owner of Flores Wrecker Service, Mr. Martin Flores, and when he arrived at the scene you gave him instructions to tow my truck. Also, by verbal authority, you told Mr. Flores that my truck cannot be returned to me unless I show Mr. Flores written proof of insurance, registration, and license. Several crimes were committed by you, Sgt. Carleton, and Mr. Flores at this point. Already, I was being held and detained by false imprisonment, as you had not shown any lawful evidence to hold me further after I had proven my

identification and my right to travel. Seizing my truck and having it towed away to a locked facility was a direct violation of **Amendment IV, Constitution for the United States of America**, *“The right of the people to be secure in their persons, houses, papers, and effects, against unreasonable searches and seizures, shall not be violated, and no Warrants shall issue, but upon probable cause, supported by Oath or affirmation, and particularly describing the place to be searched, and the persons or things to be seized.”* Amendment IV of the Constitution is repeated again and appears as Article II, Section 10 in our Constitution for the State of New Mexico.

You produced no written court order, signed by a judge, to seize my truck. On a personal visit to the Santa Fe Municipal Court, about two weeks later, I learned that there was never a signed court order to seize my property on that September 15th, nor was one ever created afterwards. I asked you a direct question during my detainment, *“Are you a bonded public officer and is there proof of your faithful performance public surety bond recorded and kept by the City of Santa Fe?”* See **NMSA 10-2-9**. You expressed entirely your ignorance and indifference to this inquiry. I have since learned that there is no record of your faithful performance surety bond, and thus, you have not perfected title to the position of a police officer and are only operating in this position within your own personal capacity, and outside of the law. As the wheels to my truck were being lifted off the ground you said to me, *“So, tell me some more about your laws.”* I replied to you, *“These are your laws too, but you told me earlier that you had no interest in hearing about the laws or what my rights are.”* You responded, *“Yeah, that’s right.”* You then returned to your patrol car to complete your paperwork. At this point I asked Mr. Flores if he was a deputized public officer and if he had the authority to demand that a private citizen show him proof of license, insurance, and registration. He admitted that he was not a public officer and he was obeying your verbal command. For your information, it was 30 days later when Mr. Flores released my truck, in a direct violation of your instructions, after he finally understood the laws he was violating and his complicity in this criminal matter. And in my third letter to him, Mr. Flores realized it was highly doubtful that the City of Santa Fe would be paying for his legal defense. Your unauthorized command to Mr. Flores held no lawful authority and was proven deficient if you read on. During that 30 days, Mr. Flores had written me twice that he was going to re-title my truck and sell it to the highest bidder. The theft of my truck deprived me of the ability to earn a living. Also, I was stranded out in the country side and unable to buy food or anything else I needed. I was forced to purchase another truck because I did not know if I was ever to have my property returned to me. As you were about to leave the scene of my detainment, I asked you if you could give me a ride to my house, as now I was on foot, holding as many personal items as I could in my arms, and I told you that I live about 10 miles away in Santa Fe County. You flatly refused, and told me that this is what happens to people who don’t have licenses or insurance, and you drove away. I still have in my possession your business card which contains the message, *“To Serve and Protect.”* Your duty to serve is a pledge to protect the citizens and their rights, not the machinery of government. Your’s and Sgt. Carleton’s actions are in total violation of your oaths, particularly the 4th Amendment to our national Constitution, the entire Bill of Rights, and Article II, Sections 2, 3, 4, and 10 of the New Mexico Constitution.

On Saturday, January 15, 2005, I appeared at Santa Fe Municipal Court to attend a pre-trial hearing for my case, which is **State of New Mexico v. Thomas Hyland, case no. 04-023032**. All charges against me were **dismissed** by Prosecuting Attorney Art Michael. I told Mr. Michael that “driving” is a commercial activity that I am no longer involved in and that I wasn’t “driving” the day you detained me and had my truck seized from my possession. He asked me to repeat again my status as a citizen who is not connected to the MVD in any way. When I explained again my sovereign standing, he shook my hand and said, “*You are the first person who has ever come in here and told me this.*”

Now this matter is entirely in my hands, as the City of Santa Fe has dismissed the case with prejudice, and has no further word or position as a plaintiff in this matter. As I collect facts and evidence from this attack on my rights, my person, and property, your commentary, or lack of it, can be admissible as evidence in any court of law, anywhere in America. Your failure to respond, to rebut or correct, to challenge anything I have written in this letter, is your admission that everything within this letter is true and correct. If you disagree with anything in this letter, then rebut that which you disagree, in writing, with particularity, to me, within 30 days of receipt, and support your disagreement with evidence, fact, and law. Again, your failure to respond, as stipulated, is your agreement with and admission to the fact that everything in this letter is true, correct, legal, lawful, and is your irrevocable admission attesting to this, fully binding upon you, in any court of law in America, without your protest or objection or that of those who represent you.

All Rights Reserved

Thomas Hyland  
5 Bishop Lamy Road  
Lamy, New Mexico 87540

Martin Flores October 8, 2004  
Flores Wrecker Service  
2500 Lopez Lane  
Santa Fe, New Mexico 87507

Mr. Flores,

I have received your certified letter of October 4, 2004. From reading this letter I surmise that a Sheriff's Deputy has given you nothing more than a verbal message that the "legalities that were imposed are valid." Personally, I have been able to produce written laws from the very first day of this theft of my truck and every one of my lawful facts have gone unanswered. I will seek these answers in a federal court of law. The only "authority" or "guidelines" that have been imposed on you have been verbal, and criminal, in nature. By your own actions, your willingness to accommodate the Santa Fe Police in their activity has been complicit and criminal. The Sheriff's Deputy failed to mention to you that I have been charged only with "challenging the applicability of commercial code." That is not a crime and it certainly doesn't allow the punishment of having my personal property stolen and offered up for sale unless I pay some ransom. The matter between you and me is this, you are in possession of stolen property and I want what is mine returned.

The next message I receive from you would better be that my truck is parked outside your facility and ready to be reclaimed, expenses free. If I hear otherwise, then you will be included in the upcoming law suit and your part in it will be fought at your own expense and at the peril of losing your bank accounts and possessions. Ask the Santa Fe Police if they are going to help pay your way through this legal adventure. Also, I want the name of this Santa Fe County Deputy Sheriff who gave you this illegal advise. I will be including that individual in this upcoming law suit. I have given you several opportunities to reflect upon your involvement in this matter. Being a successful business man, I am sure you can come up with an idea of what this could cost you in the end.

Thomas Hyland  
HC 75 Box 322  
Lamy, New Mexico 87540

Governor Bill Richardson  
Governor's Office  
New Mexico State Capitol  
Santa Fe, New Mexico 87501

February 24, 2005

Governor Richardson, this letter is lawful notification to you. Your failure to rebut or challenge any statement made in this letter, within 30 days of receipt, is your agreement to all charges and facts within. Your silence will be your admission and agreement, and will be fully binding upon you, pursuant to your oath of office; see **New Mexico Constitution Article XX, Section 1**; as evidence in any court of law in America, without your protest or objection, or that of those who represent you. From **U.S. v. Tweel, 550 F. 2d. 297 (1977): “Silence can only be equated with fraud where there is a legal or moral duty to speak or where an inquiry left unanswered would be intentionally misleading.”** Pursuant to, including, but not limited to: (a) your oath, as required by **U.S. Code Title 4 Chapter 4 Part 101**; (b) the faithful performance of your duties; (c) your duty to the Public Trust, you have allowed, permitted and condoned the following crimes and unlawful actions, as herein described, to take place under your office.

As Governor for the People of the State of New Mexico; among your duties listed within **New Mexico Constitution Article V Sections 1-12**; it is imperative that you be notified as to the crimes and injuries committed against my person, my properties, and my rights by duly sworn officers and officials of this state. I claim protection by the **Bill of Rights, Amendments I, IV, V, VI, VII, VIII, IX, and X**, claimed but not limited by those enumerated. The chain of command links you to these crimes against me, as the entire dysfunctional and criminal elements of my government is a whole and connected force, and every official holds an equal position and responsibility for this injustice.

On July 26, 2004, I paid a personal visit to the administrative offices of the New Mexico Motor Vehicle Division and willingly surrendered all items and documents fabricated by the MVD that connected me and my property to the jurisdiction of that agency. The previous Friday, the 23rd, I met with Director of Field Operations, Angela Lucero, and Transportation Bureau Chief, Raul Alvarez, and showed them several pages from **New Mexico Administrative Code Title 18**. This code, titled **“Transportation and Highways”** is the statutory authority defining the commercial activity of transporting goods and paying passengers upon the streets and highways of New Mexico. Nowhere in Title 18, not in the traffic regulations of **NMSA Chapter 66** is there a law that forces the Sovereign Citizen to relinquish his right to travel upon the public Right of Way and convert that right into a commercial privilege. The Motor Vehicle Division of New Mexico has only the jurisdiction to oversee the regulation of commercial activities and this duty has not been widened to include anything else since the

division was created in January 1929. Mr. Alvarez warned me that I am not allowed to drive without a license. He was entirely correct but I asked him to show me what is a “driver” and where in the law this was written. From Chapter 66 he pointed to a statute describing that all “drivers” must have a driver’s license. Atop that page, from Section 5 of NMSA Chapter 66, was the headline **“Operators’ and Chauffeurs Licenses.”** I explained to Mr. Alvarez, and Ms. Lucero, who was present, that these titles of “operator” and “chauffer” are commercial, and privileged activities. I turned to a page from Title 18 to show them the definition of “driver.” From **18.2.3.12, Driving of Motor Vehicles: The department of public safety hereby adopts Part 392 of Title 49 of the Code of Federal Regulations with no amendments.** I presented these MVD directors the title page from 49 CFR 392, which begins with this headline: **Driving of Commercial Motor Vehicles.** Mr. Alvarez and Ms. Lucero could point only to commercial code when I asked them to show me written laws describing who is a “driver” and what the purpose of these “vehicles” are. From **City of Chicago v. Collins, 51 N.E. 907, 910: “A license, therefore implying a privilege, cannot possibly exist with reference to something which is a right, free and open to all, as is the right of the citizen to ride over the streets of the city without charge and without toll.”** There exist over 100 Supreme Court decisions, that I am aware of, that proclaim the Right of the Citizen to travel freely upon the streets and highways of America. Not one ruling exists in contradiction to these cases that proclaim and underline our basic rights.

I have written letters demanding that the Motor Vehicle Division return to me my Title of Origin for a Mazda truck, a Moto Guzzi motorcycle, and a Toyota truck. It has been over six months since I first made this request, and still, the MVD has not cooperated. The **Title of Origin, or Manufacturer’s Statement of Origin**, is the perfect title of proven ownership of a vehicle. The new car, truck, motorcycle, what have you, is owned by the manufacturer until it is delivered to the sales dealership. The fee is exchanged, along with the **MSO**, and now the title and ownership is held by that merchant. The dealer owns that vehicle until the customer pays the full price and then is presented the MSO. The unwitting customer goes to the field office of MVD and hands over the perfect title of ownership to the state, in exchange for the MVD fabricated **“Certificate of Title”** and a license plate. With a driver’s license, the Citizen has unknowingly waved his right to travel and has converted all of his activities on the streets and highways into a commercial privilege. He has **NO RIGHT** to be on the streets in this car. He has **NO RIGHT** to park this car on a street without first paying a fee. You, Governor Richardson, and your underlings at the Motor Vehicle Division are participants in the crimes of **fraud** and **conversion**. The rightful ownership of our properties has been converted to the state by means of deception and enforced by an iron-fisted judiciary and a police state that serves the machinery of government. As the Governor for the People of the State of New Mexico, you hold reign over this corruption that robs the People of their property, Rights, and freedom.

In a telephone conversation with Larry Kehoe, Director of MVD, I attempted to explain to him the difference between rightful travelling, and the commercial activity of driving. When I read to him certain passages from Supreme Court rulings that underline our Right to travel, Mr. Kehoe assured me that New Mexico statutes are the supreme law in this state. This came as a big shock to me, for Mr. Kehoe to embrace such reasoning, when the New Mexico Constitution contains this: **Article II, Section 1: *The state of New Mexico is an inseparable part of the federal union, and the Constitution of the United States is the supreme law of the land.*** If Mr. Kehoe pledged an Oath to defend and honor the Constitution, upon becoming director of the MVD, then this would be a direct violation of his Oath and a failure to keep his commitment to honor and protect my Rights. I ask you, Mr. Richardson, to remember YOUR Oath to the people of New Mexico, to me personally, and that you never stray from this sacred commitment. However, there is a great malfeasance, a criminal element, that has stained the integrity of the officers and administrators of the State of New Mexico. When you raised your hand and swore to uphold the Constitutions of the United States and New Mexico, proof of your faithful performance surety bond was absent. See **Surety Bond Act NMSA 10-2-13 to 10-2-16.** I spent many hours on field trips and during telephone conversations, writing letters, visiting the offices of Secretary of State, the General Services Division, the Supreme Court Law Library, and there is **NO PROOF** of your surety bond to be found. This means you never perfected title to this office you supposedly hold, and you occupy this space only within your personal capacity, and outside of the law. The same state of affairs is Mr. Kehoe's status. This explains Mr. Kehoe's pathetic and lawless remarks regarding the sanctity of Constitutional law, because in reality, he holds no allegiance to me, the State of New Mexico, or America. Your allegiance is equally flawed and disingenuous. Clearly, there exists a dilemma regarding titles here. On one hand, neither you nor Mr. Kehoe have perfected title to the offices claimed. And on the other hand, the true titles to my personal property have been confiscated and are held by the New Mexico MVD. I paid for this motorcycle and these trucks and am protected under the Constitution for the State of New Mexico, **Article II, Section 4: *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 property, of acquiring, possessing and protecting property, and of seeking and obtaining safety and happiness.*** Neither you nor the director of MVD have perfected title to office as required by state statutes; the requirements of which date back to territorial days; see **NMSA 10-2-5, 6 and 9 NMSA 1978 (1893)**; and you do so while denying me the power of the New Mexico Constitution, and also, while defying state statutes on surety bond requirements while you claim title to an office you were elected to but have not perfected.

On September 15, 2004, while traveling along Siler Road in Santa Fe, I was ordered to pull over by Santa Fe Police Officer Laurie Ross. Her probable cause for this detainment was that she saw no license plate on the back of my truck. When she asked for proof of insurance, license, and registration, I presented her with a certified affidavit describing all MVD items that had been surrendered to that agency. I showed her the written laws describing commercial privilege and who is subject to that jurisdiction. Further consultation with her commanding officer, Sgt. Joe Carleton, resulted in him giving the command that my truck be seized and impounded until I became a willing participant once again in the commercial traffic code defined by Title 18. Officer Ross gave a verbal command to local tow truck operator Martin Flores that he was not to release my property until I **prove to Mr. Flores** that I am a licensed, insured, and registered "driver." I asked Mr. Flores if he was a deputized officer of the State of New Mexico and if he was authorized to demand that a fellow citizen produce such commercial certificates. He informed me that he held no official position and he was following the orders of Officer Ross. It was 30 days later when Mr. Flores released my truck. This was after I had written him three letters, each describing his criminal activities. By the third letter, Mr. Flores realized that the City of Santa Fe wasn't going to pay for his legal defense in this matter. It was then that he disobeyed Officer Ross' command, which was proven unlawful and illegitimate, if you read on. It was before that 30 days had transpired, before my truck was returned to me, that I was stranded and deprived of the ability to earn a living, or buy groceries, or tend to my personal needs. I live about 10 miles outside of Santa Fe in the County. I had to purchase another truck because I never knew if my property would be returned to me. And during this 30 day interim, my research revealed that this Officer Ross was equally deficient regarding proof of her faithful performance public surety bond. I asked Officer Ross, as I was detained, if she was bonded in accordance with the Surety Bond Act and she answered my question with indifference and ignorance. I am beginning to believe that the Oath to our Constitution, which each public servant must pledge, has become to them meaningless and forgettable chatter and is merely a segue to a plate of doughnuts and a photo opportunity with family and friends. The 4th Amendment to the Constitution reads: "***The right of the people to be secure in their persons, houses, papers, and effects, against unreasonable searches and seizures, shall not be violated, and no Warrants shall issue, but upon probable cause, supported by Oath or affirmation, and particularly describing the place to be searched, and the persons or things to be seized.***" Officer Ross never produced an order signed by a judge describing the laws violated and the judgment that my property be seized. There was no order that day nor was one ever produced thereafter. Because the state already stole away the ownership to my property, perhaps these officers think they have the right to do what they please.

The tow truck operator, Martin Flores, called by Officer Ross to unlawfully seize my truck, acted in collusion and conspiracy with Officer Ross and Sgt. Carleton

to defraud me and seize my property, without constitutional or lawful authority. As previously described, without surety bonds, neither Ross nor Carleton had any lawful authority to perform any of their unlawful acts. Mr. Flores followed Ross' unlawful and illegal orders, acted without valid constitutional or other authority, and had no official state position or authorization for his acts. When he ascertained that he unlawfully did all that is herein described, and apparently became aware that he was in personal jeopardy for following unlawful orders, he released my truck to me. By this release, he violated the unlawful orders issued by Ross and Carleton, and the unlawful laws enforced by the Santa Fe Police, which, since they are repugnant to the Constitutions, are null and void, and without force or effect whatsoever.

On Saturday, January 15, 2005, I appeared at Santa Fe Municipal Court to attend a pre-trial hearing for my case; **State of New Mexico v. Thomas Hyland 04-023032**. All charges against me: NO LICENSE, NO REGISTRATION, NO INSURANCE, were **DISMISSED** by Prosecuting Attorney Art Michaels. I told Mr. Michaels that "driving" is a commercial activity that I am no longer involved in and I wasn't "driving" the day I was detained and had my truck seized from my possession. He asked me to explain again my status as a Citizen who is not connected to the MVD in any way. When I proclaimed again my sovereign standing, Mr. Michaels shook my hand and said, "*You are the first person ever to come in here and tell me this.*" If the laws with which I was charged as violating were valid, then those laws would have been upheld by the court. I would have been found guilty. However, because these laws are unlawful, illegal, unconstitutional, thus, without valid constitutional or other authority, they are null and void, without force or effect, whatsoever, and all charges were dismissed.

It is my intention to notify every official in state government, in the executive, legislative, and judicial sectors, who has been charged with the duty to honor, respect, and defend my rights, and those directly involved in and connected to this miscarriage of justice and this attack upon my person, my property, and my rights. For you to sit in silence after you have been informed of these crimes against me is a crime in itself, **misprision**. Your involvement and your understanding, but your failure to address these crimes connect you to each and every unlawful action I have suffered from. You, the New Mexico Police Departments, the New Mexico Judiciary, the New Mexico Legislature, and the New Mexico Motor Vehicle Division commit **fraud** and **conversion** by stealing the property of the Citizens and enforcing commercial codes upon a free and sovereign people.

Now this matter is entirely in my hands, as the City of Santa Fe has dismissed the case with prejudice, and has no further word or position as a plaintiff in this matter. As I collect facts and evidence from this attack upon me, your

commentary, or lack of it, can be admissible as evidence in any court of law in America. Your silence is your admission that everything in this letter is true and correct. If you disagree with anything in this letter, then rebut that which you disagree, in writing, with particularity, to me, within 30 days of receipt, and support your disagreement with evidence, fact, and law. Again, your failure to respond, as stipulated, is your agreement with and admission to the fact that everything in this letter is true, correct, legal, lawful, and is your irrevocable admission attesting to this, fully binding upon you, in any court of law, without your protest or objection or of those who represent you.

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Thomas Hyland  
5 Bishop Lamy Road  
Lamy, New Mexico 87540

Chief Beverly Lennen  
Santa Fe Police Department  
2515 Camino Entrada  
Santa Fe, New Mexico 87507

January 31, 2005

Chief Lennen, this letter is lawful notification to you. Your failure to rebut or challenge any statement made in this letter, within 30 days of receipt, is your agreement to all charges and facts within. Your silence will be admission and agreement, and will be fully binding as evidence in any court of law in America, without your protest or objection, or that of those who represent you. **U.S. v. Tweel, 550 F. 2d. 297**, *“Silence can only be equated with fraud where there is a legal or moral duty to speak or where an inquiry left unanswered would be intentionally misleading.”*

On the afternoon of September 15, 2004, as I was traveling southbound along Siler Street in Santa Fe, I was ordered to pull over by a police officer under your command, Officer Laurie Ross. She detained me because she saw no license plate on the back of my Mazda pick up truck. Officer Ross asked me to produce registration, drivers license, and proof of insurance. I showed her printed evidence; receipts from the New Mexico Motor Vehicle Division; that all previously issued MVD items that had once been assigned to me had been surrendered to the MVD; on July 26, 2004; and any previous connection or contract with the MVD, myself, or my property had been officially cancelled. Also, I showed Officer Ross a notarized affidavit attesting to the fact that all these MVD items had been returned and all connections to the MVD had been severed. Her inability to arrive at a lawful decision regarding my predicament resulted in a radio call to her immediate supervisor, Sgt. Joe Carleton, a Santa Fe police officer under your command. Sgt. Carleton arrived at the scene of my detainment within a few minutes. He gave me perhaps a minute of his time wherein I attempted to show him the laws describing my lawful standing, but Sgt. Carleton refused to read anything in my possession. Among my documents were pages from New Mexico Administrative Code Title 18, which clearly defines the activity of “licensed driving” as a binding law that controls the activities of those involved in the commercial privilege of transporting goods and paying passengers upon the streets and highways. Nowhere in Title 18 or the traffic code of NMSA Chapter 66 is it written that the private citizen, traveling in his private automobile upon the public Right of Way, must waive the right to travel and convert it into a privileged commercial activity. From **City of Chicago v. Collins, 51 N.E. 907, 910...** *“A license, therefore implying a privilege, cannot possibly exist with reference to something which is a right, free and open to all, as is the right of the citizen to ride and drive over the streets of the city without charge and without toll.”*

Sgt. Carleton listened to my brief explanation, ordered Officer Ross to write several traffic citations against me, ordered her to call a wrecker service to have my truck

towed and impounded, and then promptly left the scene. Shortly after the arrival of Martin Flores, owner of Flores Wrecker Service, there was an accumulation now of several crimes committed by these officers in your charge and this tow truck operator. First, my detainment was false imprisonment, as neither Ross nor Carleton had shown any lawful evidence to hold me further after I had proven my identification and my right to travel. Holding me, seizing my truck, and having it towed away to a locked facility was a direct violation of **Amendment IV, Constitution for the United States of America**, *“The right of the people to be secure in their persons, houses, papers, and effects, against unreasonable searches and seizures, shall not be violated, and no Warrants shall issue, but upon probable cause, supported by Oath or affirmation, and particularly describing the place to be searched, and the persons or things to be seized.”* This amendment is repeated again and appears as Article II, Section 10 in our Constitution for the State of New Mexico.

Officer Ross and Sgt. Carleton, under your command and supervision, never produced a written court warrant, signed by a judge, describing the lawful cause to have my property seized from my possession. On a personal visit to the Santa Fe Municipal Court, about two weeks later, I learned that that there was never a signed court order to seize my truck on that September 15th, nor was one ever created afterwards. I asked Officer Ross, *“Are you a bonded public officer and is there proof of your faithful performance surety bond recorded and required to be kept by the City of Santa Fe?”* See **NMSA 3-10-2**. She expressed ignorance and indifference to this inquiry. I have since learned that there is no record of Officer Ross’s surety bond to be found. Neither is there record of a bond to be found for Sgt. Carleton. And you, Chief Lennen, also are deficient regarding proof of being bonded according to the requirements of the **Surety Bond Act (10 2-13 to 10-2-16 NMSA 1978.)** Since these bonds are absent and were not in place when you or Sgt. Carleton or Officer Ross entered public service, neither of you have perfected title to these positions you supposedly hold, and in fact, only operate within your positions within your personal capacity, and outside of the law. Further compounding the crimes that fell that day, Sgt. Carleton ordered Officer Ross to call a private citizen to seize my truck and hold it in ransom. Sgt. Carleton’s instructions to Officer Ross, and her command to Mr. Flores held no lawful authority and was proven illegitimate if you read on. Officer Ross gave a verbal command to Mr. Flores that he was not to return my property to me unless I gave proof to Flores showing that I hold a drivers license, registration, and insurance. I asked Mr. Flores if he was a deputized officer of the State of New Mexico. I asked him if he had lawful authority to demand of a fellow citizen proof of such commercial certificates. He told me that he was not deputized by the State, but was following the commands of Officer Ross. For your information, it was 30 days later when Mr. Flores released my truck. He had written me threatening letters that he would re-title my truck and sell it to the highest bidder. And it was the third letter I wrote to him wherein I described in a convincing exposure his criminal activities, and the unlikely chance that the City of Santa Fe was going to help pay for his legal defense, that Mr. Flores disobeyed

Officer Ross's instructions and released my truck. These commands from Sgt. Carleton and Officer Ross caused the loss of my truck and left me in a stranded situation wherein I was unable to earn a living, buy groceries, or tend to any personal needs, as I live 15 miles outside of Santa Fe in the countryside. I was forced to buy another truck because I never knew if my property would be returned to me. Officer Ross left me stranded, on foot, holding all of the personal items I could contain in my arms, plus, her business card with the printed motto, "*To Serve and Protect.*" Chief Lennen, your duty to serve is a pledge to protect the citizens and their rights, not the machinery of government. Sgt. Carleton's and Officer Ross's actions, and your supervision, are in total violations of your oaths, particularly the 4th Amendment to our national Constitution, the entire Bill of Rights, and Article II, Sections 2,3,4, and 10 of the New Mexico Constitution.

On Saturday, January 15, 2005, I appeared at Santa Fe Municipal court to attend a pre-trial hearing for my case, **State of New Mexico v. Thomas Hyland, case no. 04-023032**. All charges against me were **dismissed** by Prosecuting Attorney Art Michaels. I told Mr. Michaels that "driving" is a commercial activity that I am no longer involved in and that I wasn't "driving" the day I was detained and had my truck seized from my possession. He asked me to repeat again my status as a citizen who is not connected to the MVD in any way. When I explained again my sovereign standing, he shook my hand and said, "*You are the first person who has ever come in here and told me this.*"

Now this matter is entirely in my hands, as the City of Santa Fe has dismissed the case with prejudice, and has no further word or position as a plaintiff in this matter. As I collect facts and evidence from this attack on my rights, my person, and property, your commentary, or lack of it, can be admissible as evidence in any court of law, anywhere in America. Your failure to respond, to rebut or correct, to challenge anything I have written in this letter, is your admission that everything within this letter is true and correct. If you disagree with anything in this letter, then rebut that which you disagree, in writing, with particularity, to me, within 30 days of receipt, and support your disagreement with evidence, fact, and law. Again, your failure to respond, as stipulated, is your agreement with and admission to the fact that everything in this letter is true, correct, legal, lawful, and is your irrevocable admission attesting to this, fully binding upon you, in any court of law in America, without your protest or objection or that of those who represent you.

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Thomas Hyland  
5 Bishop Lamy Road  
Lamy, New Mexico 87540

Larry Kehoe  
Director, Motor Vehicle Division  
N.M. Taxation and Revenue Dept.  
1100 South St. Francis Drive  
Santa Fe, New Mexico 87504

December 9, 2004

Mr. Kehoe,

This letter is lawful notification to you, and requires your written response to me specific to the subject matter. Your failure to respond, as stipulated, and rebut, with particularity, anything in this letter with which you disagree is your lawful, legal, and binding agreement with and admission to the fact that everything in this letter is true, correct, legal and binding upon you, pursuant to your oath of office; *New Mexico Constitution Article XX Section 1*; in any court, anywhere in America, without your protest or objection or that of those who represent you. Your silence is your acquiescence and your failure to rebut is your agreement with everything stated within.

I am in receipt of your most recent letter to me, dated November 3, 2004, and after researching the content and validity of your reply, now I can present these statements of fact for your information. In my previous letter to you, dated October 7, 2004, I asked you several questions pertaining to MVD matters that, ultimately, the director of that office would be trusted to answer with accurate certainty that these matters have been addressed and defined as the final word. No such result was delivered in your reply as EVERY question I asked was met with such inadequate suggestions that I should consult an attorney, or contact other state agencies, or accept the preposterous and pathetic reply that the MVD "has no opinion." "*Silence can only be equated with fraud where this a legal or moral duty to speak or where an inquiry left unanswered would be intentionally misleading*". *U.S. v. Tweel 550 F.2d 297 (1977)*. I add that you failed to deny, rebut, or oppose any statement contained in my previous letter.

Here are some facts of law that stand today and have yet to be amended, recompiled, or repealed: *New Mexico Administrative Code Title 18*, with the headline, "**Transportation and Highways**", describes from beginning to end, the definitions the State shall bestow upon those involved in commercial transportation of goods and paying passengers upon the streets and highways of New Mexico. *NMSA Chapter 66* contains the commercial traffic code that is the definition of law and restraint by which all commercial motor activities must comply. Nowhere in *Title 18* or *Chapter 66* does a law appear that includes the State Citizen, traveling in his private automobile upon the public right of way, being subject to the registration and licensing of his property. Nowhere is he subject to waiving his right to travel and being compelled to convert this right into a commercial privilege. *Title 18* describes very clearly what these commercial activities are. *Title 18, section 2.3.12* has this headline, "**Driving of Motor Vehicles**". This paragraph holds *Part 392 of CFR 49* as the definition of a "driver" and that Federal Code is titled "**Driving of Commercial Motor Vehicles.**"

All new cars, trucks, vans, motorcycles, etc., are issued an MSO; *Manufacturers Statement of Origin*; or *Title of Origin*, by the manufacturer, and this is the supreme and lawful document that the owner holds as proof of ownership. The first owner is the manufacturer. The sales dealership is the second holder of the Title of Origin, as they own the vehicle until it is sold to the public. The private individual who buys this vehicle unwittingly hands over the perfect Title of Origin to

the Motor Vehicle Division, in exchange for the MVD fabricated “*Certificate of Title*” and license plate. Thus, the private individual has given legal ownership of his property to the State, converted his private property into a privileged commercial vehicle, and waived his right to travel into a privilege called “Driving of Commercial Motor Vehicles” upon receipt of the driver’s licence. This practice is deceptive, is a total lack of full disclosure, converts private property into state owned property, and is fraud in each and every and any and all aspects. This transfer of rightful ownership and right to travel gives the State the right to seize a vehicle from the driver when a violation of *Chapter 66* occurs, because the State is now, in actuality, the owner of the vehicle.

On the 26th day of July 2004, I paid a personal visit to the administrative offices of New Mexico MVD and surrendered all MVD fabricated items that connected myself and my personal properties to any further contracts that were previously monitored by your office. An MVD computer printout was given to me showing that all previous connections to the New Mexico MVD had been surrendered willingly and canceled. Two officials, Angela Lucero, Director of Field Operations; and Raul Alvarez, Transportation Bureau Chief; were presented with the MVD issued items in my possession. Mr. Alvarez warned me that it is illegal to drive without a license and I asked him to show me an existing law written as such. From *Chapter 66* he pointed to a commercial code describing how all “drivers” must have a valid driver’s license. When I showed Mr. Alvarez the commercial basis of this law, under the heading, “**Operators’ and Chauffers’ Licenses**”, and the definition of “driver”, defined in *Title 18* as “**Driving of Commercial Motor Vehicles**,” Mr. Alvarez had nothing else to say and was unable to produce any further evidence to support his original claim. The law must be specific to be valid and it MUST EXIST to be enforced. If there is no law, then there is no requirement for anyone to abide by.

On July 26th, after I surrendered the MVD issued “Certificates of Title” to my Mazda truck, VIN. JM2UF311XH0525762, and my Moto Guzzi motorcycle, VIN. 33378, I gave a written request to Titles Officer Casandra Sena to search for my Titles of Origin and return them to me. It is approaching five months since that day, and still, this request has not been met. As the director of MVD, please inform Ms. Sena that she should add to her list the Title of Origin for a 1988 Toyota truck, VIN. JT4RN55E9J0266161, which I purchased in October 2004 and currently hold “Certificate of Title” for.

One can only presume that you are director of MVD, but more realistically, this is doubtful. In my previous letter to you I asked if you had yet acquired a faithful performance public surety bond, because record of this bond assigned to the office you claim was not available at the Secretary of State offices as of June 2004. In your reply, you did not answer that question, but instead wrote verbatim the contents of *NMSA 10-2-15(a)*, as if this would suffice as proof that you have perfected your title of office. On November 30th I met personally with Patricia Herrera, Secretary of State, Director of Operations. She told me that there is no record of official bonds kept at the Secretary of State Office, a violation of current state law, namely *NMSA 10-2-6*. Ms. Herrera could not verify if ANY state official was indeed bonded in accordance with the Surety Bond Act, *NMSA 10-2-13* to *10-2-16*, and she suggested that I meet with Ira Bolnick, legal council for the Risk Management department of the General Services Office. Though the GSO is defined in *NMSA 10-2-14* as the department that will obtain a blanket surety bond covering the faithful performance of the duties of all state employees and officers, Mr. Bolnick was incapable of producing proof of records or even verifying the existence of such bonds as required by the Surety Bond Act.

Clearly, there exists a dilemma regarding titles here. On one hand, neither you nor the Department Secretary, Jan Goodwin, have perfected title to the offices claimed. And on the other hand, the true titles to my personal property have been confiscated and are held by the New Mexico MVD. I paid for these vehicles under *Section 4, Article II* of the Constitution of the State of New Mexico, affirming my right to acquire, possess and protect property which is titled. I demand you return the true titles of my property to me immediately. A gross disability persists as you claim title to the office of Motor Vehicle Division as its director which has the true title to my personal property; however, neither you nor the Department Secretary have perfected title to office as required by state statutes; the requirements of which date back to territorial days; see *NMSA 10-2-5, 6 and 9 NMSA 1978 (1893)*, and you do so: (a) while denying me the power of the New Mexico Constitution in the process, and (b) while defying state statutes on surety bond requirements applicable and both you and the person who appointed you to the office claimed but not perfected.

As a matter of customs and practices of the Motor Vehicle Division you and your officers of that division obstruct justice. You and I had a telephone conversation in September where you stated that federal law and U.S. Supreme Court rulings have no lawful or legal effect in New Mexico. You stated that New Mexico statutes are the supreme law in New Mexico and you stated this pursuant to your oath. Since this is your statement, then support it with fact, law, and evidence. However, you will be unable to do this, since the Federal Constitution is the supreme law of New Mexico, pursuant to the New Mexico Constitution, Article II Section 1. Your statement not only constitutes fraud, it IS fraud. You and the other public officers in this state act as criminals, dealing in deception, fail to provide full disclosure, commit fraud, and deny the powers of and rights guaranteed in our Constitution. And you and your officers do this as the usual custom and practices of your department.

You suggested that I consult an attorney for further assistance. Likewise, I return that suggestion to you; only I offer the following caution: (a) No justice of the New Mexico Supreme Court is covered by a surety bond for the faithful performance of assigned duties and cannot discharge the assigned duties of the offices to which they were elected or appointed in order to create rules for the licensing of persons to practice law in the State of New Mexico; and thereby, there are no persons lawfully licensed to practice law in New Mexico either as private citizens or as public officers. (b) The disability goes even further. I am authorized to bring action, see *NMSA 44-3-4*, in the name of the State of New Mexico when state power or authority is injurious to me. The problem is that there is no attorney general or district attorney for Santa Fe County because neither have perfected title to the office held and cannot discharge assigned duties, and neither can refuse to act. (c) Still further, when two or more persons set aside state or federal laws with sufficient force and effect so as to deny the power of the Constitution for the United States of America, they engage in insurrection against the constitutions. See *In Re Charge to Grand Jury, 62 F. 828*; and *Sections 3 and 4, Amendment XIV* of the Constitution for the United States of America, and know the insurrection as used in *Sections 3 and 4* is defined by the case cited.

Perhaps no one at the Motor Vehicle Division sensed how serious I was when I demanded the real ownership titles to my properties in exchange for the MVD fabricated registrations, driver's license, plates, and "Certificates of Title." At the age of 15 I was duped into submitting to Motor Vehicle Division control, along with a vast majority of the private citizens of this land. The MVD fails to provide full disclosure of its contractual ingredients, upon receiving a driver's

license and registering a vehicle, and thus perpetrates a fraud upon the public at large. Anybody who eventually reads the contents of *Title 18* will understand that the Motor Vehicle Division has control only of those involved in commerce, or those who have unwittingly contracted themselves to the Division's control. I have proof, in writing, that our contract no longer stands. Truly, vigilance is the requirement by which I will protect my freedom and my rights. I dare you to make me wait any longer to have my true titles of property returned to me.

If you disagree with anything in this letter, then rebut that which you disagree, in writing, with particularity, to me, within 30 days of this letter's date, and support your disagreement with evidence, fact, and law. Your failure to respond, as stipulated, is your agreement with and admission to the fact that everything in this letter is true, correct, legal, lawful, and is your irrevocable agreement attesting to this, fully binding upon you, in any court in America, without your protest or objection or that of those who represent you.

Thomas Hyland  
5 Bishop Lamy Road  
Lamy, New Mexico 87540

Greg Solano  
Santa Fe County Sheriff  
35 Camino Justicia  
Santa Fe, New Mexico 87508

October 12, 2004

Sheriff Solano,

This letter is lawful notification to you, and requires your written response, if you fail to rebut the statements within this letter. Your failure to respond shall be admission that everything in this letter is true, correct, and fully binding upon you in any court of law.

I am in receipt of your letter of October 1, 2004 and I am galled by your apparent inability to understand the justification of my complaints, the very basics of our foundation of government, and your duties as an officer elected by The People. I have included a copy of your recent letter so that you may reference your own statements.

Never have I stated in writing, or verbally, to you or any other individual, that the MVD laws are unconstitutional. The Motor Vehicle Division laws are constituted and declared very clearly within New Mexico Administrative Code Title 18. These laws apply ONLY to those individuals involved in the commercial privilege of transporting goods and paying passengers upon the streets and highways of New Mexico. Because those activities are a category that I have no connection to, Title 18 and the MVD contract has no applicability to me personally. My only responsibility is to obey traffic laws and perform in a safe and aware manner as I travel upon the Public Right of Way.

In your letter you abandoned any effort to assist me in retrieving my stolen truck. In my previous letter to you I wrote out the 4th Amendment to the Constitution in its entirety, and I am astounded that you fail to hear one word within that paragraph that stirs you to consider the crimes that have been committed against me. The 4th Amendment is repeated, word for word, in the Constitution for the State of New Mexico as Article II, Section 10. Our State Constitution declares in Article II, Section 3, "*The people of the state have the sole and exclusive right to govern themselves as a free, sovereign, and independent state.*" And now, you have written me that you will wait until the day arrives that a court of law might rule whether citizens may declare themselves sovereign.

Sheriff Solano, WE THE PEOPLE are the sovereigns who created the court. The court did not create us or grant us sovereignty. The American people fought a war to free themselves from the tyranny of the British empire. This war began in April of 1775 and it ended in November of 1782 when King George III declared... "*His Britannic Majesty acknowledges the said United States to be free, sovereign, and independent States.*" George III did not GIVE us sovereignty. He noted and recognized this God-given status and concluded that we were beholden to no one. The king recognized this sovereignty within us, solely, as a people, then after that we set about the task of creating a government that would serve the people and uphold our Rights.

In the summer of 1787, delegates from across the country convened in Philadelphia to compose the Constitution for the United States of America. With the memories of our servitude to the British empire and the ensuing blood bath that we endured still fresh in their minds, these gentlemen carefully crafted a document that would first of all embrace the Rights of Man, and protect the citizens from a reckless and corrupt government. If the Declaration of Independence was the promise that we would be free and that a government should serve, then the Constitution was that fulfillment.

As for waiting for the day that some court should reaffirm our sovereignty, there is no need to hold your breath in anticipation. There have been hundreds of Supreme Court rulings that describe our unalienable rights, and one of the most eloquent is from about ten years ago, a case titled “City of Dallas v. Mitchell”, wherein the Supreme Court of Texas declared... *“The rights of the individual are not derived from governmental agencies, either municipal, state or federal, or even from the Constitution. They exist inherently in every man, by endowment of the Creator, and are merely reaffirmed in the Constitution, and RESTRICTED ONLY TO THE EXTENT THAT THEY HAVE BEEN VOLUNTARILY SURRENDERED BY THE CITIZENSHIP TO THE AGENCIES OF GOVERNMENT. The people’s rights are not derived from the government, but the government’s authority comes from the people. The Constitution but states again these rights already existing, and when legislative encroachment by the nation, state, or municipality invade these original and permanent rights, it is the duty of the courts to so declare, and to afford necessary relief.”* Be assured that these words that were penned by the Supreme Court of Texas are applicable to all Americans in all of the States. Article IV, Section 2 of the Constitution says... *“The Citizens of each State shall be entitled to all Privileges and Immunities of Citizens in the Several States.”* Any ruling from our national Supreme Court or from any State Supreme Court holds the same authority across the land.

I have included in this envelope a copy of the most recent communication from the tow truck operator who is holding my truck. Time is running out very quickly as he promises to retitle my property and sell it 30 days from the 15th of September. My response to his warning is the letter of October 8th and I have included a copy for your information. This situation is an unwarranted violation of my rights and an attack upon my property and peace. You stated in your letter that you are sworn to uphold the Constitution, and the laws of the federal, state, and local governments. You took the time to write out the sequence of order of importance that these institutions represent, but I am left with a feeling that this was only some empty and worthless remark. The Constitution is the foundation of all law; the first word, and the last. When will you respond to this calamity I am facing? Your oath to uphold the laws of this land mean nothing if you will not act without first waiting for permission from an administrative court whose only jurisdiction is monitoring commercial activity that I have no connection to. The Sheriff is the only elected protector of The People who can intercede on our behalf when our Rights are under attack. You have left me to defend myself against these administrative officers who never issued a warrant supported by oath or affirmation; a direct violation of my 4th Amendment rights.

You must respond immediately to this letter to rebut any statement herein, with particularity, in writing, upon receipt of this letter. Your failure to respond, as stipulated, shall constitute your full agreement with the truth of this letter, and shall be fully binding upon and within your own personal capacity, and will become fully admissible as truth in any court of law.

Thomas Hyland  
HC 75 Box 322  
Lamy, New Mexico 87540

Larry Kehoe, Director  
N.M. Motor Vehicle Department  
1100 South St. Frances Drive  
Santa Fe, New Mexico 87504

October 7, 2004

Greetings Mr. Kehoe,

On September 17th of this year I had a telephone conversation with you and I asked you several questions regarding the functions of the Motor Vehicle Division. Though you were certainly knowledgeable in a variety of subjects, you reminded me that you have only held the position of Director at MVD since early spring of this year and it would be inevitable that the final lawful way to answer these questions would be accomplished if I produced a letter that could be addressed to you and at the same time be sent to the appropriate legal authority. After a few phone calls, I have learned who else might assist me in this inquiry and thus a copy of this letter will be sent to Mr. Don Trigg, Director of the Civil Division at the New Mexico Attorney General's Office.

My first question regards "Title of Origin", "Manufacturer's Statement of Origin", and MVD issued "Certificate of Title." In my research I have found conflicting discoveries regarding who actually owns a vehicle. When a new car is rolled off the delivery truck into the car dealer's lot, the car dealer is given a Title of Origin or MSO. The car dealer owns this new car until it is sold to the buyer. The buyer, if he has paid the total price of the car, goes to the field office of MVD, hands the MSO to the clerk, and in return is given a Certificate of Title and a license plate to place on this car. In my research I have found several court decisions that declare the owner of the car to be whoever holds the Title of Origin or MSO. And that the Certificate of Title is only a promise that a real title does exist and is held by MVD. In a conversation with MVD Titles Officer Casandra Sena, she told me the MVD issued Certificate of Title is proof of ownership. And Mr. Kehoe, you told me the same thing. But I was told a few years ago by Bridget Jacober, former legal council from the Attorney General's Office for the MVD that, in fact, the State owns the vehicle if it holds the MSO. I am seeking the final and lawful word on this subject, being, which is the final legal document of ownership in the State of New Mexico?

Mr. Kehoe, during our telephone conversation when I mentioned these several Supreme Court rulings that described ownership of vehicles, and many Supreme Court rulings that described the Right to Travel versus the privilege of "driving", you told me that Supreme Court rulings have no authority in the State of New Mexico. You told me the only laws that have any authority here are New Mexico Statutes. This is my next question. Does the State of New Mexico operate only within its own statutes and is it lawfully and freely unconnected to decisions of the Supreme Court for the United States and of the Supreme Courts of the separate States?

My next question regards the activity of uninsured cars being towed and impounded upon order of the police. Since my car was impounded on September 15th, I have done much research regarding the legality of these police activities. I know that the 4th Amendment to the Constitution protects the rights of the citizen from unwarranted searches and seizures. The 4th describes very clearly that no properties can be searched or seized, but only by warrants issued and supported by oath or affirmation. This would entail a court order signed by a judge. My question is... Do the Police Departments of New Mexico have the legal authority to seize and impound vehicles in spite of the 4th Amendment to the Constitution and if so, what law in New Mexico statute overrides these basic foundations of our rights?

Some questions regarding the activities of the tow truck operator are these... Does the tow truck operator seize property lawfully if he is not a deputized public officer; one who has sworn an oath to uphold the laws of New Mexico? Is it lawful for the tow truck operator to seize property upon verbal command of the police if no judge signed court order is in place? What law gives the tow truck operator this authority?

Other questions regarding the activities of the tow truck operator are these. Does his activities include the interactive authority to demand proof of insurance and other MVD credentials from the *supposed* owner of the car? Is there a written legal description of the duties of the tow truck operator for the State of New Mexico?

Mr. Kehoe, you were appointed as Director of the New Mexico MVD several months ago. It is my understanding that all officials appointed or elected to positions of government are initially required to pledge an oath to support and defend the Constitution for the United States and the Constitution for the State of New Mexico. Does this requirement demand the participation of Director of MVD and did you initially pledge your oath to these laws?

In New Mexico it is law that all public officials will have acquired a faithful performance public surety bond, required by the Surety Bond Act, see NMSA 10-2-3 to 10-2-18, and evidence of this coverage will be recorded in the Record of Official Bonds within the Office of the Secretary of State. In early June of 2004 I learned that you did not have a performance bond in place at that time. Have you acquired one since? Is this requirement to hold such a bond of necessary importance in the duties of your office, in your opinion?

I thank you for your assistance in answering these questions, and I hope that the answers I receive will be the lawful and final word from the good servants who have been entrusted to protect my rights and uphold the laws of the State of New Mexico.

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