

YOUR TOWN/CITY/VILLAGE COURT

Address, City, State, Zip

Your Name

Petitioner

- Against -

Town Court Prosecutor Name

Respondent

Jurisdiction: Court of Record, under the rules of Common Law¹

Case no: SEE TICKET ATTACHED

Judge: _____

VERIFIED

JURISDICTIONAL CHALLENGE

10

YOUR STATE)
): ss²
YOUR COUNTY)

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I, **Your Name**, one of the People³ of **Your State**, hereinafter petitioner, by “Special Appearance”⁴ for the purpose of testing the sufficiency of the jurisdiction of the nisi prius “**Your Town, Village, or Traffic Court**”⁵; Petitioner via a “verified action,” hereby opens a “Court of Record” to move this court for dismissal for lack of personam jurisdiction.

¹ “A Court of Record is a judicial tribunal having attributes and exercising functions independently of the person of the magistrate designated generally to hold it, and proceeding according to the course of common law, its acts and proceedings being enrolled for a perpetual memorial.” Blacks Law; Quoting Jones v. Jones, 188 Mo.App. 220, 175 S.W. 227, 229; Ex parte Gladhill, 8 Metc. Mass., 171, per Shaw, C.J. See, also, Ledwith v. Rosalsky, 244 N.Y. 406, 155 N.E. 688, 689.

² An affidavit uncontested un rebutted unanswered stands as truth. - Blacks Law; Quoting United States v. Kis, 658 F.2d 526, 536 (7th Cir. 1981); Cert. Denied, 50 U.S. L. W. 2169; S. Ct. March 22, 1982 1982.

³ PEOPLE: People are supreme, not the state. - Blacks Law; Quoting Waring vs. the Mayor of Savanah, 60 Georgiaat 93; The state cannot diminish rights of the people. - Blacks Law; Quoting Hertado v. California, 100 US 516; Preamble to the US and NY Constitutions - We the people ... do ordain and establish this Constitution...; ...at the Revolution, the sovereignty devolved on the people; and they are truly the sovereigns of the country, but they are sovereigns without subjects...with none to govern but themselves... - Blacks Law; Quoting CHISHOLM v. GEORGIA (US) 2 Dall 419, 454, 1 L Ed 440, 455, 2 DALL (1793) pp471-472]; The people of this State, as the successors of its former sovereign, are entitled to all the rights which formerly belonged to the King by his prerogative. - Blacks Law; Quoting Lansing v. Smith, 4 Wend. 9 (N.Y.) (1829), 21 Am. Dec. 89 10C Const. Law Sec. 298; 18 C Em.Dom. Sec. 3, 228; 37 C Nav.Wat. Sec. 219; Nuls Sec. 167; 48 C Wharves Sec. 3, 7.

⁴ A Special Appearance is for the purpose of testing the sufficiency of service or the jurisdiction of the court; a general appearance is made where the defendant waives defects of service and submits to the jurisdiction. - Blacks Law; Quoting State v. Huller, 23 N.M. 306, 168 P. 528, 534, 1 A.L.R. 170.

⁵ “Trial court acts without jurisdiction when it acts without inherent or common law authority, ...” - Blacks Law; Quoting State v. Rodriguez, 725 A.2d 635, 125 Md.App 428, cert den 731 A.2d 971,354 Md. 573 (1999).

20 Before a plea can be made the petitioner must first know the jurisdiction. “*Court must prove on the record, all jurisdiction facts related to the jurisdiction asserted.*”⁶ “*The law requires proof of jurisdiction to appear on the record of the administrative agency and all administrative proceedings.*”⁷ Furthermore, petitioner challenges jurisdiction of the court and therefore before the court can advance the Prosecutor, hereinafter
25 respondent, must first respond to petitioner’s jurisdictional challenge and show by what constitutional authority the attached “N.Y.S. DMV Uniform Traffic Ticket” complaint against the petitioner should not be dismissed for lack of personam jurisdiction and clearly state the Jurisdiction of the court as required by law.

Both Blacks and Bouvier’s Law Dictionaries defines a complainant as a petitioner
30 in a suit in chancery; “A court having the jurisdiction of a chancellor is a court administering equity and proceeding according to the forms and principles of equity, distinct from the courts of Common Law.”⁸ “Courts of Record” are “Common Law Actions” and are such as will lie, on the particular facts, at common law, without the aid of a statute. Petitioner has an unalienable right protected under the 7th Amendment to a
35 “Court of Law” which proceeds under the Common Law and the rules of Common Law. Whereas a court proceeding under “N.Y.S. DMV Uniform Traffic Ticket” are under equity, and not Law, petitioner’s rights are not to be ignored and hijacked into jurisdictions unknown via summary proceedings.

After respondent responds the judge must either dismiss the case or show prove
40 on the record that, the court has personam jurisdiction. Since the court proceeds under statutes and codes petitioner perceives that the court is an administrative nisi prius⁹ court and therefore petitioner denies jurisdiction.

“No judicial process, whatever form it may assume, can have any lawful authority outside of the limits of the jurisdiction of the court or judge by

⁶ Blacks Law; Quoting Lantanav. Hopper, 102 F2d 188; Chicagov. New York, 37 F Supp 150.

⁷ Blacks Law; Quoting Hagans v. Lavine, 415 U.S. 528

⁸ Blacks Law; Quoting, Parmeter v. Bourne, 8 Wash. 45, 35 P. 586; Bull v. International Power Co., 84 N.J.Eq. 209, 93 A. 86, 88.

⁹ NISI PRIUS: is a Latin term (Bouvier’s Law) Where courts bearing this name exist in the United States, they are instituted by statutory provision.; “Prius” means “first.” “Nisi” means “unless.” A “nisi prius” procedure is a procedure to which a party FIRST agrees UNLESS he objects.; - Blacks Law; A rule of procedure in courts is that if a party fails to object to something, then it means he agrees to it. A nisi procedure is a procedure to which a person has failed to object A “nisi prius court” is a court which will proceed unless a party objects. The agreement to proceed is obtained from the parties first. - Blacks Law.

45 *whom it is issued;*¹⁰ and, “*Once challenged, jurisdiction cannot be ‘assumed’, it must be proved to exist.*”¹¹

The definition of Law is that which is laid down, ordained, or established. It is “a rule or method according to which phenomena or actions co-exist or follow each other and must be obeyed or be subject to sanctions or legal consequences.”¹² In our Republic,
50 Common Law¹³ is the Law of the Land by which “We the People” chose to be judged when we “assumed among the powers of the earth, the separate and equal station to which the Laws of Nature and of Nature’s God entitle us.”

In the United States, before any court can have authority to hear a case, the court must have both in personam and subject matter jurisdiction. Any court not a court of
55 record¹⁴ has no authority to proceed without the consent of the persons involved. No judge or legislators can alter that which the People ordained, to alter is high treason.

American courts are vested by the People, “the author and source of law,”¹⁵ through constitutions¹⁶ ordained by ““We the People.”” Therefore, a court must first have “constitutional authority” over an individual before it can proceed. In criminal cases, a
60 court must have an indictment by a fully informed untainted grand jury, in other words, the permission by the People to proceed. Furthermore, “all” state laws and constitutions are ultimately governed by the “Supremacy Clause” of the Constitution for the United

¹⁰ “No judicial process, whatever form it may assume, can have any lawful authority outside of the limits of the jurisdiction of the court or judge by whom it is issued; and an attempt to enforce it beyond these boundaries is nothing less than lawless violence.” - Blacks Law; Quoting Ableman v. Booth, 21 Howard 506 (1859).

¹¹ “Once challenged, jurisdiction cannot be ‘assumed’, it must be proved to exist.” - Blacks Law; Quoting Stuck v. Medical Examiners, 94 Ca2d 751.211 P2s 389 “Jurisdiction, once challenged, cannot be assumed and must be decided.” - Blacks Law; Quoting Maine v. Thiboutot, 100 S. Ct. 250] “No sanction can be imposed absent proof of jurisdiction” - Blacks Law; Quoting Stanard v. Olesen, 74 S. Ct.768] “The law requires proof of jurisdiction to appear on the record of the administrative agency and all administrative proceedings” Blacks Law; Quoting Hagans v. Lavine, 415 U.S. 528] Other cases also such as McNutt v. G.M., 56 S. Ct. 789,80 L. Ed. 1135, Griffin v. Mathews, 310 Supp. 341, 423 F. 2d 272, Basso v. U.P.L., 495 F 2d. 906, Thomson v. Gaskiel, 62 S. Ct. 673, 83 L. Ed. 111, and Albrecht v U.S., 273 U.S. 1, also all confirm, that, when challenged, jurisdiction must be documented, shown, and proven, to lawfully exist before a cause may lawfully proceed in the courts.

¹² Blacks Law; Quoting Koenig v. Flynn, 258 N.Y. 292, 179 N. E. 705.

¹³ Under American Jurisprudence, the principles of common law.

¹⁴ COURTS OF RECORD and COURTS NOT OF RECORD – The former being those whose acts and judicial proceedings are enrolled, or recorded, for a perpetual memory and testimony, and which have power to fine or imprison for contempt. Error lies to their judgments, and they generally possess a seal. Courts not of record are those of inferior dignity, which have no power to fine or imprison, and in which the proceedings are not enrolled or recorded. - Blacks Law; Quoting 3 Bl. Comm. 24; 3 Steph. Comm. 383; The Thomas Fletcher, C.C.Ga., 24 F. 481; Ex parte Thistleton, 52 Cal 225; Erwin v. U.S., D.C.Ga., 37 F. 488, 2 L.R.A. 229; Heininger v. Davis, 96 Ohio St. 205, 117 N.E. 229, 231.

¹⁵ “*Sovereignty itself is, of course, not subject to law, for it is the author and source of law;*” Blacks Law; Quoting Yick Wo v. Hopkins, 118 US 356, 370.

¹⁶ That which is laid down, ordained, or established. - Blacks Law; Quoting Koenig v. Flynn, 258 N.Y. 292, 179 N. E. 705.

States of America as ordained by “We the People” in Article VI, clause 2, that defines the
“Law of the Land” which renders “anything in the Constitution or Laws of any State to the
65 contrary notwithstanding.”

*“Where rights secured by the Constitution are involved, there can be no rule-
making or legislation which would abrogate them.” Miranda v. State of Arizona*

“We the People” ordained and established the Constitution for the United States of
America.¹⁷ “We the People” vested Congress to make law via Article I Section 8.¹⁸ “We the
70 People” did not vest Congress with law making powers to control the peoples’ behavior.
“We the People” are above the Constitution and ALL LEGISLATED LAW, whereas
government authorities are under the Constitutions. “We the People” are subject only to
the Laws of Nature and of Nature’s God.¹⁹

75 *“All codes, rules, and regulations are for government authorities only, not
human/creators in accordance with God’s laws. All codes, rules, and
regulations are unconstitutional and lacking due process....”²⁰*

The phrase “at Law” is used to point out that a thing is to be done according to the course
of the common law. It is distinguished from a proceeding in equity.²¹ *“All laws, rules and
practices which are repugnant to the Constitution are null and void.”²²* In maintaining
80 harmony with the U.S. Constitution the New York State Constitution did not list town
and/or village courts as “Courts of Record.”

85 ARTICLE VI SECTION 1b: *The court of appeals, the supreme court including the
appellate divisions thereof, the court of claims, the county court, the
surrogate’s court, the family court, the courts or court of civil and criminal
jurisdiction of the city of New York, and such other courts as the legislature
may determine shall be courts of record.*

¹⁷ PREAMBLE: We the people of the United States, in order to form a more perfect union, establish justice, insure domestic tranquility, provide for the common defense, promote the general welfare, and secure the blessings of liberty to ourselves and our posterity, do ordain and establish this Constitution for the United States of America.

¹⁸ Article I Section 1: All legislative powers herein granted shall be vested in a Congress of the United States, which shall consist of a Senate and House of Representatives; Article I Section 8 Clause 18: Congress shall have power to make all laws which shall be necessary and proper for carrying into execution the foregoing powers, and all other powers vested by this Constitution in the government of the United States, or in any department or officer thereof.

¹⁹ Declaration of Independence.

²⁰ Blacks Law; Quoting *Rodrigues v. Ray Donovan* (U.S. Department of Labor) 769 F. 2d 1344, 1348 (1985).

²¹ Blacks 4th At Law.

²² *Marbury v. Madison*, 5th US (2 Cranch) 137, 180.

In maintaining harmony with the US Constitution and the New York State Constitution New York State legislators clearly did not list town and/or village courts as “Courts of Record.”

90 NEW YORK PUBLIC LAW SECTION 2: Courts of Record Each of the following
courts of the state is a court of record: (1) The court for the trial of
impeachments. (2) A court on the judiciary. (3) The court of appeals. (4)
The appellate division of the supreme court in each department. (5) The
supreme court. (6) The court of claims. (7) A county court in each county,
95 except the counties of New York, Bronx, Kings, Queens and Richmond. (8)
The family courts. (9) A surrogates court in each county. (10) Each city court
outside the city of New York. (11) The district court in each county or portion
thereof in which such court shall be established. (12) The civil court of the
city of New York and the criminal court of the city of New York. ALL COURTS
100 OTHER THAN THOSE SPECIFIED IN THIS SECTION ARE COURTS NOT OF RECORD.

SECTION 155 TRAFFIC INFRACTIONS (VAT) clearly state that “*a traffic infraction is not a crime*” and that “*no jury trial shall be allowed for traffic infractions.*” Tribunals for all courts of record are the jury (people), therefore, Section 155 impedes a court of record. The Common Law permits destruction of the abatement of nuisances (traffic codes for
105 commercial activities only) by summary proceedings;

16 AMERICAN JURISPRUDENCE 2ND, SECTION 114: “*As to the construction, with reference to Common Law, an important canon of construction is that constitutions must be construed to reference to the Common Law. The Common Law, so permitted destruction of the abatement of nuisances by summary proceedings and it was never supposed that a constitutional provision was intended to interfere with this established principle and although there is no common law of the United States in a sense of a national customary law as distinguished from the common law of England, adopted in the several states. In interpreting the Federal Constitution, recourse may still be had to the aid of the Common Law of England. It has been said that without reference to the common law, the language of the Federal Constitution could not be understood.*”
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Therefore, since Constitutions must be construed to reference the common law, summary proceedings²³ would deny petitioner’s 7th Amendment’s right of trial by jury and, thereby,
120 would be repugnant rendering any such decision null and void.

Amendment VII *In suits at common law, where the value in controversy shall exceed twenty dollars, the right of trial by jury shall be preserved,*

²³ Summary proceeding: Any proceeding by which a controversy is settled, case disposed of, or trial conducted, in a prompt and simple manner, without the aid of a jury, without presentment or indictment, or in other respects out of the regular course of the common law. - Blacks Law; Quoting Sweet see Phillips v. Phillips, 8 N.J.L. 122.

and no fact tried by a jury, shall be otherwise reexamined in any Court of the United States, than according to the rules of the common law.

125 The N.Y.S. Department of Motor Vehicles rules and regulations apply only when a person is operating a motor vehicle for commercial purposes. When the aforesaid person registers with the DMV and is issued a driver's license, (s)he at that time agrees to the commercial rules and regulations when they engage in the transporting of goods or people for commercial purposes; but, when the aforesaid person is traveling without a fare or
130 goods, in other words without commercial purposes, they are not in need of a driver's license nor are they liable to answer to a nisi prius court. The following four Supreme Court cases solidify the aforesaid; it is the essence of American Liberty, the unalienable right to control our own behavior:

135 *"The use of the highway for the purpose of travel and transportation is not a mere privilege, but a common fundamental right of which the public and individuals cannot rightfully be deprived."* – Chicago Motor Coach v. Chicago, 169 NE 221.

140 *"The right of the citizen to travel upon the public highways and to transport his property thereon, either by carriage or by automobile, is not a mere privilege which a city may prohibit or permit at will, but a common law right which (s)he has under the right to life, liberty, and the pursuit of happiness."* – Thompson v. Smith, 154 SE 579.

145 *"The right to travel is a part of the liberty of which the citizen cannot be deprived without due process of law under the Fifth Amendment."* – Kent v. Dulles, 357 US 116, 125.

"The right to travel is a well-established common right that does not owe its existence to the federal government. It is recognized by the courts as a natural right." – Schactman v. Dulles 96 App DC 287, 225 F2d 938, at 941.

150 It could not be stated more directly or conclusively that citizens of the states have a common law right to travel unimpeded, without approval (license) or restriction (codes), and that this right is protected under the United States Constitution.

THIS COURT LACKS JURISDICTION

ADMINISTRATIVE COURT: The uniform traffic ticket, *see attached*, refers to N.Y.S. Department of Motor Vehicles suggesting that this court is an administrative court which

155 would thereby be a nisi prius²⁴ court. Since the “Your Town, Village, or Traffic Court” is
an administrative court, petitioner objects to the process. If the petitioner’s commercial
driver’s license therein called “Client ID Number”²⁵ was used to establish an agreement
to the administrative process, the code enforcing officer and this court is mistaken
because the petitioner was not operating a commercial vehicle for commercial²⁶ services
160 at the time petitioner was prudently²⁷ traveling along a public road and when the
petitioner was stopped and asked to see a driver’s license, petitioner ascertained that it
would be prudent to comply without protest. Since this court is acting in its administrative
court capacity, it lacks personam jurisdiction for the aforesaid reasons.

CRIMINAL COURT: The supporting deposition, *see attached*, states the court to be a
165 criminal court. “Criminal courts proceed according to statutory law. Jurisdiction and
procedure is defined by statute. Likewise, civil courts and admiralty courts proceed
according to statutory law. Any court proceeding according to statutory law is not a
court of record which only proceeds according to common law; it is an inferior court.”²⁸
If this court is acting in its criminal court capacity it, lacks personam jurisdiction because
170 it is a nisi prius court and the petitioner has not agreed.

JUSTICE COURT: “Your Town, Village, or Traffic Court” claims authority under the Your
County Court²⁹ which constitutionally provides for equity³⁰ and not law³¹. Simply put, the
tribunals in an equity court are elected or appointed ‘judges’ while the tribunals in law
courts are the ‘People’, a/k/a juries. These Law courts are called ‘Courts of Record’ that

²⁴ NISI PRIUS: is a Latin term (Bouvier’s Law) Where courts bearing this name exist in the United States, they are
instituted by statutory provision.; Black’s 5th “Prius” means “first.” “Nisi” means “unless.” A “nisi prius” procedure is a
procedure to which a party FIRST agrees UNLESS he objects.

²⁵ Whose client is inferred?

²⁶ COMMERCIAL LAW: Black’s Law: A phrase used to designate the whole body of substantive jurisprudence applicable
to the rights, intercourse, and relations of persons engaged in commerce, trade, or mercantile pursuits. It is not a very
scientific or accurate term. As foreign commerce is carried on by means of shipping, the term has come to be used
occasionally as synonymous with “maritime law;” but, in strictness, the phrase “commercial law” is wider, and includes
many transactions or legal questions which have nothing to do with shipping or its incidents. - Blacks Law; Quoting
Watson v. Tarpley, 18 How. 521, 15 L.Ed. 509; Williams v. Gold Hill Min. Co., C.C.Cal., 96 F. 464.

²⁷ Article 30 - NY Vehicle and Traffic Law S 1180: Basic rule and maximum limits. (a) No person shall drive a vehicle at
a speed greater than is reasonable and prudent under the conditions and having regard to the actual and potential
hazards then existing.

²⁸ Blacks Law; Quoting Ex parte Watkins, 3 Pet., at 202-203. - SCHNECKLOTH v. BUSTAMONTE, 412 U.S. 218, 255
(1973)

²⁹ NY Constitution Article VI Section 1a: There shall be a unified court system for the state. The state-wide courts shall
consist of the court of appeals, the supreme court including the appellate divisions thereof, the court of claims, the
county court, the surrogate’s court and the family court, as hereinafter provided.

³⁰ Courts of Equity means a court operating under statutes or codes it’s a court for municipalities, government agencies
and their agents, corporations, and people subject to the Title via commercial license or agreement. - Blacks Law;

³¹ The judicial power shall extend to all cases, in law and equity, arising under this Constitution. - U.S. Constitution
Article III Section 2.

175 proceed according to ‘natural law’ liberated from statutes. Since this court is acting as an
equity court, it lacks personam jurisdiction over the petitioner because it is operating as
an equity court and unless the petitioner was engaged under some commercial activities
that this court might have subject matter jurisdiction, petitioner was not. If this court is
acting as a court of law, which both the US and NY constitutions and state legislators deny
180 that it is, it lacks personam jurisdiction over the petitioner.

*“The Natural Liberty of man is to be free from any superior powers on
earth and not to be under the will or legislative authority of man but only
to have the Law of nature for his rule.” – Samuel Adams.*

Under federal Law, which is applicable to all states, the U.S. Supreme Court stated that:

185 *“If a court is without authority, its judgments and orders are regarded as
nullities. They are not voidable, but simply void, and form no bar to a
recovery sought, even prior to a reversal in opposition to them. They
constitute no justification and all persons concerned in executing such
judgments or sentences are considered, in law, as trespassers.”³²*

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WHEREFORE, petitioner denies this court personam jurisdiction and moves “**Your Town,
Village, or Traffic Court**” to cease and desist from all unlawful actions against petitioner.
Disobedience of the law will force the petitioner to move to Federal Court for cause and
sue for denial of due process. Should the “**Your Town, Village, or Traffic Court**” decide to
195 unlawfully pursue prosecuting said complaint the petitioner demands that all officers of
said court place on the record their oaths, bonds, and financials as prescribed by Law.

SEAL

Your Name, In Pro Per

200 **NOTARY**

Your State, Your County on this ____ day of _____ 2024 before me, the subscriber, personally appeared
Your Name to me known to be the living (wo)man described in and who executed the forgoing instrument
and sworn before me that they executed the same as their free will act and deed.

205 (Notary Seal)

Notary

³² Basso v. UPL, 495 F. 2d 906; Brook v. Yawkey, 200 F. 2d 633; Elliot v. Piersol, 1 Pet. 328, 340, 26 U.S. 328, 340 (1828).