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Department of Motor Vehicles  
1375 Sherman St., Room 409  
Denver, CO 80261

May 3, 2007      Certified Mail # 7006 2760 0002 1142 0729

**Brief and Memorandum of Law  
AFFIDAVIT OF TRUTH  
ACTUAL AND CONSTRUCTIVE NOTICE**

Dear Ms. Huber,

It has come to my attention, via several legal and constitutional sources, that the State of Colorado is illegally and unconstitutionally enforcing the Motor Vehicle statutes, as described below. This is my Evidence in Fact of my conclusions based on the following conclusions of Case and Constitutional Law.

I have several times written to the Secretary of State, Department of Revenue/Motor Vehicle Division, under CORA laws, on these issues but have not received any written acknowledgment or response to these legal requests, in violation of CORA laws.

I am requesting a response to this Affidavit of Truth, and Notice, (each and every point brought up), in rebuttal to these conclusions, and where it is in error, to provide documentation so I may understand and obey the true law. If no rebuttal is forthcoming within 30 days, this will be accepted as Evidence in Fact for my position and will permanently relieve me from any traffic enforcement harassment or compulsion to contract with the State of Colorado in any matter against my will.

**Case Law in support of challenge:**

"The parties are entitled to know the findings and conclusions on all of the issues of fact, law, or discretion presented on the record." citing *Butz v. Economou* 438 U.S. 478, 98 S. Ct. 2894, 57 L. Ed. 2d 895, (1978). *FEDERAL MARITIME COMMISSION v. SOUTH CAROLINA STATE PORTS AUTHORITY et al.* certiorari to the united states court of appeals for the fourth circuit No. 01-46. 2.535 U.S. 743, 122 S. Ct. 1864, 152 L. Ed. 2d 962, (2002). Argued February 25, 2002--Decided May 28, 2002. See also *FRCPA Rule 52(a)* and *United States v. Lovasco* 431 U.S. 783 (06/09/77), 97 S. Ct. 2044, 52 L. Ed. 2d 752, and *Holt v. United States* 218 U.S. 245 (10/31/10), 54 L. Ed. 1021, 31 S. Ct.

"Persons dealing with the government are charged with knowing government statutes and regulations, and they assume the risk that government agents may exceed their authority and provide misinformation." Ninth Circuit Court of Appeals, *Lavin v Marsh*, 644 f.2D 1378, (1981).

"Whatever the form in which the government functions, anyone entering into an arrangement with the government takes the risk of having accurately ascertained that he who purports to act for the government stays within the bounds of his authority, even though the agent himself may be unaware of limitations upon his authority." The United States Supreme Court, *Federal Crop Ins. Corp, v. Merrill*, 332 US 380©388 L1947)

If no Findings of Fact and Conclusions of Law are presented, there is NO evidence for the State's position, and there can be NO restrictions against me, and no adjudication of free rights where no injured party exists.

I also believe multiple violations of law and of my rights are occurring and I challenge these below.

1. Operating a private vehicle within the 50 states for private business is a RIGHT, not a privilege which can be taxed. Under Constitutional and Common law, the right for all free sovereign citizens of the several states to drive private vehicles can not be infringed. The requirement of drivers' license to legally operate a private vehicle is unconstitutional and a violation of my Constitutional rights:

I am an un-enfranchised Sovereign, and authorized under statute at large, First Congress 1789, Session 1, Chapters, page 52; Articles of Confederation, Article 4-3-1-1781; MC 38: Title 18, Section 241, USC Title 42, Section 1983, 1985, 1986, of the unhampered use of all navigable waters and all common law highways, roadways, and byways which are used for transport either private, public, or commerce anywhere in these United 50 States of America.

### **Case Law in Support:**

"A licence when granting a privilege, may not, as the terms of its possession, impose conditions which require the abandonment of constitutional rights." *Frost Trucking Co. v. Railroad Commission*, 271, US 583, 589, (1924); *Terral v. Burke Construction Company*, 257 US 529, 532 (1922).

"The acceptance of a license, in whatever form, will not impose upon the licensee an obligation to respect or to comply with any provision of the statute or with the regulations prescribed that are repugnant to the Constitution of the United States." *Collier v. Wallis*, 180 US 452 (1901) 333 US 426, 606 CL (1936) 56 P2d 602.

"The 'liberty' guaranteed by the constitution must be interpreted in the light of the common law, the principles and history of which were familiar and known to the framers of the constitution. This liberty denotes the right of the individual to engage in any of the common occupations of life, to locomote, and generally enjoy those rights long recognized at common law as essential to the orderly pursuit of happiness by free men." *Mere v. Nebraska* 262 US 390, 399; *US v. Won Kim Ark* 169 US 649, 654.

"It (the legislature or statutory laws) may not violate constitutional prohibits or guarantees OR AUTHORIZE OTHERS TO DO SO." *Lockard v. Los Angeles* 33 Cal2d 553; *Cert den* 337 US 939.

"It is clear that a license relates to qualifications to engage in profession, business, trade or calling; thus when merely traveling without compensation or profit, outside of business enterprise or adventure with the corporate state, no license is required of the natural individual traveling for personal business, pleasure and transportation." *Wingfield v. Fielder* (1972) 29 CA3d 213.

"No statutory duty lies to apply for, or to possess a drivers' license for personal travel and transportation as defendant is not within the 'class of persons for whose benefit or protection the statute was enacted.'" *Routh v Quinn*, 20 Cal2d 488

Under Constitutional and common law, my right to travel cannot be infringed. Supreme Court Case law provides that all sovereigns have the right to freely travel in the 50 states unencumbered, requiring no "license" to do so, and as long as there is no injured party, there can be no sanctions (speeding fine or license points) against me. No "drivers' license" is required save for commercial driving applications. It is unconstitutional for the State to demand and require a drivers' license from anyone of age, and also cannot legally tax for such right to travel. Since a license to travel is unconstitutional, it stands that where no injury has occurred... no injured party involved with any legal action, there can be no sanctions for operating a private vehicle save for common law violations involving a damaged or injured party.

I being an un-enfranchised Sovereign, am authorized under statute at large, First Congress 1789, Session 1, Chapters, page 52; Articles of Confederation, Article 4-3-1-1781; MC 38: Title 18, Section 241, USC Title 42, Section 1983, 1985, 1986, of the unhampered use of all navigable waters and all common law highways, roadways, and byways which are used for transport either private, public, or commerce anywhere in these United 50 States of America.

Americans' "freedom to travel throughout the United States has long been recognized as a basic right under the Constitution," according to multiple cases including *Williams v Fears*, 179 US 270, 274; 21 S Ct 128; 45 L Ed 186 (1900); *Twining v New Jersey*, 211 US 78, 97; 29 S Ct 14; 53 L Ed 97 (1908), as listed in the case of *United States v Guest*, 383 US 745; 86 S Ct 1170; 16 L Ed 2d 239 (1968), a case involving criminally prosecuting people for obstructing the right (obstruction is a federal crime pursuant to federal criminal law 18 USC § 241).

The Supreme Court in *Guest* says of the "right to travel" that "Its explicit recognition as one of the federal rights protected by what is now 18 USC § 241 goes back at least as far as 1904. *United States v Moore*, 129 F 630, 633 [Circ Ct ND Ala, 1904]. We reaffirm it now." As we see, the Michigan Supreme Court had already recognized it in 1889, and *Crandall v Nevada* had alluded to the concept in 1867. The earliest known case working towards developing the concept was *Smith v Turner*, 48 US 283 (1849).

One of Americans' basic "Bill of Rights" rights is "the basic constitutional right to travel," upheld as long ago as in cases such as *Crandall v Nevada*, 73 US 35; 18 L Ed 745 (1868), *Pinkerton v Verberg*, 78 Mich 573; 44 NW 579 (1889), and once again reaffirmed by the U.S. Supreme Court in so many words, "right to travel," in *Dunn v Blumstein*, 405 US 330; 92 S Ct 995; 31 L Ed 2d 274 (1974), and in the following cases:

"Undoubtedly the right of locomotion, the right to remove from one place to another according to inclination, is an attribute of personal liberty, and the right, ordinarily, of free transit from or through the territory of any State is a right secured by the 14th Amendment and by other provisions of the Constitution." - Schactman v Dulles, 96 App D.C. 287, 293.

"The right to travel is part of the Liberty of which the citizen cannot be deprived without due process of law under the Fifth Amendment." Kent v. Dulles 357 U.S. 116, 125. Reaffirmed in Zemel v. Rusk 33 US 1.

"Where activities or enjoyment, natural and often necessary to the well being of an American citizen, such as travel, are involved, we will construe narrowly all delegated powers that curtail or dilute them... to repeat, we deal here with a constitutional right of the citizen..." Edwards v. California 314 US 160 (1941).

"Even the legislature has no power to deny to a citizen the right to travel upon the highway and transport his property in the ordinary course of his business or pleasure" - Chicago Motor Coach v Chicago, 169 NE 22

"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 right which he has under the right to life, liberty, and the pursuit of happiness." - Thompson v Smith, 154 SE 579.

### **The right to travel is protected by the Equal Protection Clause of the 14th Amendment.**

Right to travel is constitutionally protected against private as well as public encroachment." Volunteer Medical Clinic, Inc. V. Operation Rescue, 948 F2d 218; International Org. Of Masters, Etc. V. Andrews, 831, F2d 843; Zobel v. Williams, 457 US 55, 102 Sct. 2309.

"The right to make use of an automobile as a vehicle of travel along the highways of the state, is no longer an open question. The owners thereof have the same rights in the roads and streets as the drivers of horses or those riding a bicycle or traveling in some vehicle." House v. Cramer, 1 12 N. W. 3; 134 Iowa 374 (1907).

"Personal liberty, which is guaranteed to every citizen under our constitution and laws, consists of the right to locomotion, to go where one pleases, and when, and to do that which may lead to one's business or pleasure, only so far restrained as the rights of others may make it necessary for the welfare of all other citizens. . . .

"Any law which would place the keeping and safe conduct of another in the hands of even a conservator of the peace, unless for some breach of the peace committed in his presence, or upon suspicion of felony, would be most oppressive and unjust, and destroy all the rights which our Constitution guarantees." Pinkerton v Verberg, 78 Mich 573, 584; 44 NW 579, 582-583 (1889).

"...those things which are considered as inalienable rights which all citizens possess cannot be licensed since those acts are not held to be a privilege." *City of Chicago v. Collins*, 51 N.E. 907, 910.

"The State cannot diminish rights of the people." *Hertado v. California*, 110 U.S. 516

"Under our system of government upon the individuality and intelligence of the citizen, the state does not claim to control him/her, except as his/her conduct to others, leaving him/her the sole judge as to all that affects himself/herself." *Mugler v. Kansas* 123 U.S. 623, 659-60.

"The assertion of federal rights, when plainly and reasonably made, is not to be defeated under the name of local practice."- *Davis v. Wechsler*, 263 U.S. 22, 24.

"The general rule is that an unconstitutional statute, though having the form and name of law, is in reality no law, but is wholly void and ineffective for any purpose, since its unconstitutionality dates from the time of its enactment... In legal contemplation, it is as inoperative as if it had never been passed... Since an unconstitutional law is void, the general principles follow that it imposes no duties, confers no right, creates no office, bestows no power or authority on anyone, affords no protection and justifies no acts performed under it... A void act cannot be legally consistent with a valid one. An unconstitutional law cannot operate to supersede any existing law. Indeed insofar as a statute runs counter to the fundamental law of the land, (the Constitution JTM) it is superseded thereby. No one is bound to obey an unconstitutional law and no courts are bound to enforce it." *Bonnett v. Vallier*, 116 N.W. 885, 136 Wis. 193 (1908); *NORTON v. SHELBY COUNTY*, 118 U.S. 425 (1886).

Laws that interfere with "fundamental rights" are "suspect" and demand "close scrutiny" by courts. Laws cannot simply be passed on whimsy, but there must be a "compelling state interest." Any law that would "chill" exercising a right is "patently unconstitutional." It is a well established right of the people "to be free to travel throughout the length and breadth of our land uninhibited by statutes, rules, or regulations which unreasonably burden or restrain this movement." *Shapiro v Thompson*, 394 US 618 (1969).

Unconstitutional enactments are treated as though they had never existed. For example, in one state alone, here are examples: *Bonnett v Vallier*, 136 Wis 193, 200; 116 NW 885, 887 (1908); *State ex rel Ballard v Goodland*, 159 Wis 393, 395; 150 NW 488, 489 (1915); *State ex rel Kleist v Donald*, 164 Wis 545, 552-553; 160 NW 1067, 1070 (1917); *State ex rel Martin v Zimmerman*, 233 Wis 16, 21; 288 NW 454, 457 (1939); *State ex rel Commissioners of Public Lands v Anderson*, 56 Wis 2d 666, 672; 203 NW2d 84, 87 (1973); and *Butzlaffer v Van Der Geest & Sons, Inc*, Wis, 115 Wis 2d 539; 340 NW2d 742, 744-745 (1983).

## **2. Further, under CRS 42-2-101, it states;**

Licenses for drivers required.

(1) Except as otherwise provided in part 4 of this article for commercial drivers, no person shall drive any motor vehicle upon a highway in this state unless such person has been issued a currently valid driver's or minor driver's license or an instruction permit by the department under this article.

This statute states it involves commercial drivers, NOT private citizens NOT driving for hire or driving commercial vehicles. Either this statute is void for vagueness, because NO statutory declaration is made regarding NON-commercial vehicles and NO presumption can be made with what ISN'T written, or it is clearly stating the facts... that ONLY commercial "drivers" are required to be licensed for the privilege of driving on public roads for commercial purposes, and the State allows the fraud to continue for financial gain (RICO violations-see below) and control of citizens.

3. In addition to a drivers' license NOT being required to have the right to drive a private vehicle for private business, the State of Colorado is illegally and unconstitutionally taxing its citizens for licensing and registrations of these rights. All legal taxes must fall under one of two classes of taxation... direct, according to apportionment, or indirect, according to uniformity. The tax paid for drivers' licenses and registrations must be either direct taxes, requiring apportionment amongst the population, or indirect, (excise taxes), which must be uniform across the state.

Although a drivers' license could fall under the category of excise taxation if taxation of a right was constitutionally allowed, the law states that such a tax for a right is NOT allowed and that right cannot be infringed without any violation of the rights of others (damaged party) and only through Due Process. In addition, registration fees for private property which private vehicles are, is NOT uniformly taxed and is clearly unconstitutional.

### **Case Law in Support:**

The Constitution clearly defines only TWO forms of taxation:

Article I, Section 2, Clause 3; Representatives and direct Taxes shall be apportioned among the several States which may be included within this Union, according to their respective Numbers.

These include taxes directly upon people or personal property. "...all duties, imposts and excises [indirect taxes], shall be uniform throughout the United States". [See Article I, Section 8, Clause 1.]. This is consistent with the Supreme Court's ruling in Knowlton v. Moore, 178 U.S. 41 (1900).

Section 8 Clause 1: "The Congress shall have power to lay and collect taxes, duties, imposts and excises to pay the debts and provide for the common defense and general welfare of the United States: but all duties, imposts and excises shall be uniform throughout the United States."

Section 9, clause 4; No Capitation, or other direct, Tax shall be laid, unless in Proportion to the Census of Enumeration herein before directed to be taken.

"Thus, in the matter of taxation, the Constitution recognizes the two great classes of direct and indirect

taxes, and lays down two rules by which their imposition must be governed, namely: the rule of apportionment as to direct taxes and the rule of uniformity as to duties, imposts and excises." Pollock v. Farmers' Loan & Trust Co. 158, U.S. 601, at 637 (1895).

"A tax levied upon property because of its ownership is a direct tax, whereas one levied upon property because of its use is an excise, duty or impost." - Manufactures' Trust Co. vs. U.S., 32 F. Supp. 289.

"The requirement to pay [excise] taxes involves the exercise of privilege." Flint v. Stone Tracey Company, 220 U.S. 107, 108 (1911).

"Ordinarily, all taxes paid primarily by persons who can shift the burden upon some one else, or who are under no legal (read Constitutional-JTM) compulsion to pay them, are considered indirect [excise] taxes. Pollock v. Farmers Loan & Trust, 157 U.S. 429 and 158 U.S. 601 (1895).

A citizen being "required" to obtain a "driver's license," according to case and constitutional law, is being indirectly taxed for the "privilege" of having State authority to do what is a NATURAL RIGHT, and is illegal. The right to freely travel in private vehicles for private business or pleasure is NOT a privilege, but it is being taxed as a privilege. The law is being violated and Colorado citizen's rights are being violated without full disclosure... contract fraud.

The requirement to yearly "register" our private vehicles, along with paying another tax is also illegal and unconstitutional for similar reasons. Registration fees are being enforced as direct taxation on our personal property, whether these vehicles are driven or not, which requires apportionment. If this registration is purely because of the "activity of driving," (a natural right, not privilege) then it would be an indirect tax which requires uniformity, which is NOT how it is being enforced.

Speed limits and other traffic control devices, being non-fact-based, are simply an unlawful tax or impost on travel, and thus unconstitutional. See Crandall v Nevada, 73 US 35; 18 L Ed (1867).

3. The compulsory requirement for insurance, and seat belt use is also unconstitutional and illegal. Common Law requires an injured party before a crime can exist. If there is no injured party, no damages done, in the process of driving a private vehicle, the defacto, "color of law" statute which requires performance, and then strips finances from citizens where no damage has been done when these hoops have been ignored, is fraud.

### **Case Law in Support:**

"For a crime to exist, there must be an injured party. There can be no sanction or penalty imposed upon one because of this exercise of Constitutional rights."- Sherar v. Cullen, 481 F. 945.

"THE CLAIM AND EXERCISE OF A CONSTITUTIONAL RIGHT CANNOT BE CONVERTED

INTO A CRIME." - Miller v U.S., 230 F 2d 486. 489.

"...all laws which are repugnant to the Constitution are null and void." Marbury v Madison, 5 US 1803 (2 Cranch) 137, 174, 170.

"This Constitution, and the Laws of the United States which shall be made in Pursuance thereof; ...shall be the supreme Law of the Land; and the judges in every State shall be bound thereby, any Thing in the Constitution or Laws of any State to the Contrary notwithstanding." Article six of the U.S. Constitution.

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

4. All violations which receive citations claim that the "Peace and Dignity of the People of the State of Colorado" has been violated. There has never been ANY "Evidence in Fact" of this claim. Further more, I have NEVER provided authority for the State of Colorado to represent me, as one of "The People of the State of Colorado," in the thousands of such hearings and trials monthly. I reject such presumption, and claim that ONLY the "peace and dignity" of myself and other Colorado citizens has been and IS BEING damaged where such predatory, domestic terrorism exists to create fear and intimidation for financial gain, absent any real, tangible and proven damage and crime existing.

5. Manual for Uniform Traffic Control Devices mandates that ALL speed limit zones be scientifically, medically and safety engineered via studies to determine best speeds for road and area. This is NOT being complied with by most areas in Colorado in violation of law.

Speed laws are presumed to be for safety. Presumption is NOT a basis for any statutory law and is void. Speed laws MUST be sound, reasonable and have facts supporting them.

Constitutionally, "a statutory presumption cannot be sustained if there be no rational connection between the fact proved and the ultimate fact presumed." Tot v United States, 319 US 463, 467; 63 S.Ct. 1241, 1245, 87 L.Ed.2d 1519 (1943).

Traffic infractions are NOT crimes. Traffic charges are ex parte (From a one-sided or strongly biased point of view) and do not support the presumption that speeding is unsafe. See Jim Crockett Promotion, Inc v City of Charlotte, 706 F2d 486, 490-491 (CA 4, 1983).

"A rule cannot be simply invented or retained when challenged. It must be shown valid, or be struck down." Fox TV Station, Inc v FCC, Case No. 00-1222; \_ US App DC \_; 280 F3d 1027, 1034; 2002. US App LEXIS 2575; 30 Media L Rep 1705 (19 Feb 2002).

When laws such as invented maximum numeric limits lack rational basis, they are invalid, and must be stricken. See Industrial Union Department v American Petroleum Institute, 448 US 607; 100 S Ct 2844; 65 L Ed 2d 1010 (1980).

6. Montana Traffic fatalities and speed limit studies: The National Motorists Association conducted a 7 year study in which the showed that traffic fatalities doubled across the board for interstate highways and state highways where speed limits were imposed. During the 4 previous years of no speed limits, traffic fatalities were half that of the following 3 years where speed limits were unscientifically imposed. It seems obvious that speed limits are for revenue generation primarily, and with little or no real scientific, safety or engineering basis for them on highways. The year following this study (2002) Montana had the highest traffic fatalities in 20 years. Is this what Colorado leaders want for the citizens they serve? Is revenue worth killing people over?

Statutory presumptions have NO basis in scientific, medical or engineering facts, and are unconstitutional. The above study reveals the truth about speed limit laws.

7. It is a fact that the State of Colorado has well over 6.5 Billion Tax dollars which belong to The People. These funds are hidden from the public in CAFR accounts which exist to create even more money for the State coffers through investments. The State does not NEED to unconstitutionally tax its citizens via defacto motor vehicle statutes, or most other statutes. This is a crime of fraud, and this book-doctoring continues yearly. This fact exists in ALL 50 states and is known by millions of people and growing. This will be made public soon, via a movie documentary, and all those accountable will be charged with violating the public trust and other charges.

**Supporting Evidence:** <http://cafrman.com/Articles/Art-CO-S1.htm>, and <http://CAFR1.com>

If the State were honest in its fiscal, fiduciary duties, taxation on Colorado citizens would not exist and the standard of living level would rise considerably.

8. It appears that extortion and bribery are involved the 20 day "offer" to reduce the point penalty on drivers if admission of guilt and payment is made within 20 days of citation date, and prior to any Court hearing. Why is said offer not applicable up to the Court date, allowing time to determine all legal issues and standings; i.e. what statutory documentation exists authorizing the Court or State to delay a speedy hearing well beyond the "grace" period for reducing the "point" penalty, thereby not allowing a hearing before any expiration of the offer for point reduction. It is costly for person's who are presumed to be innocent to take time to defend themselves against charges, but the State has manipulated "action" so as to almost force people to admit guilt even where guilt is not evident in order to save money. Who benefits here?

9. The government of the State of Colorado is a servant government, first and foremost. It is dedicated to the true God of the universe whose laws supercede any manmade laws...

Preamble: "We, the people of Colorado, with profound reverence for the Supreme Ruler of the Universe, in order to form a more independent and perfect government; establish justice; insure 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 'State of Colorado.'"

Human government in Colorado is "Of the People, By the People and For the People..."

Article II, Section 1. Vestment of political power. "All political power is vested in and derived from the people; all government, of right, originates from the people, is founded upon their will only, and is instituted solely for the good of the whole."

The motor vehicle code is NOT complying with this element of the Colorado Constitution, and is therefore void in truth and law. (Other issues will be raised in due course). The statutory laws regarding driving created by the legislature are NOT for the good of the whole People, and are self-serving, fraudulent and serve primarily ONLY the State and its interests, the public servant, which has become overgrown and an outlaw agency in its present form of business conduct. The illegal license taxation against Colorado citizens is proof in point.

Our state must change to comply with the Constitutions, both State and U.S., or be at risk of abolishment as provided for in the Constitution. Colorado state has become a microcosm of the U.S. government in its illegal and unconstitutional control making Colorado citizens slaves (instead of sovereigns as they rightfully are) in their own "free" state...

Section 2. People may alter or abolish form of government - proviso. "The people of this state have the sole and exclusive right of governing themselves, as a free, sovereign and independent state; and to alter and abolish their constitution and form of government whenever they may deem it necessary to their safety and happiness, provided, such change be not repugnant to the constitution of the United States."

The present actions of Colorado state government are far from the intent of the founders of this country, and this Great state. Millions in Colorado will be preparing to bring this to the public consciousness in the near future, and I am asking... the People of Colorado are asking, that all who receive this Notice act according to their oath of office, and support the Constitution of the U.S. and Colorado, or be held legally liable as provided by law.

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In conclusion, it is a violation of law to compel any citizen into a contract, or acceptance of any license for rights, where it is not legally required or is unconstitutional to do so. If private people freely contract with the State of Colorado and accept a "drivers' license," that is their right, but it MUST be done with FULL disclosure of the fact that in so doing they bind themselves to the statutory laws regarding driving which the license demands they comply with or be punished.

I am rescinding any such contract with the State of Colorado in the form of any license I have been fraudulently compelled to obtain without full disclosure, and retain and hold all rights to travel freely in this state. I require an Apostille (or equivalent acknowledgment of my sovereignty) from the State of

Colorado to the affect that I am free to travel in Colorado and that I require no license to do so as a free, private traveler, and that my state record will reflect this for any future traffic stops. It is understood under Common Law that where sufficient probable cause exists for a stop, or injured party complains, or a valid crime has occurred that I have been involved in causing, I am personally responsible.

This is a free nation, and a free, sovereign State, and a sovereign people, where these "People" rule, NOT the state. Our State Constitution so states, and I so stand as one who took an oath of office to defend and uphold the Constitution of the United states of America, and thus, the Colorado state constitution. Freedom MUST be defended since it cannot defend itself. This is Official Notice of these crimes, and where they are not refuted, all parties receiving this public notice are required to act on this Evidence in Fact or become criminally complicit.

### **Affidavit of Truth**

I, Jeffrey T. Maehr, do hereby certify the following:

1. That I have not received any documentation, nor can I locate in state statutory records, any law which requires a private citizen to be required to obtain and use a Colorado drivers' license, even despite two separate requests to the DMV, under the Colorado Open Records Act, which I received no written response to.
2. I have not received any documentation proving that driving is a privilege, and is NOT a right, and that a drivers' license can be legally and constitutionally required and taxed.
3. I have not received any documentation showing legal rights for the state to register my personal property, which I use in my personal capacity, and to charge another tax for this.
4. I have not received any documentation showing that the taxes being extracted for license and registration are, in fact, legal and constitutional.
5. I have not received any documentation refuting my UCC 1 filing, regarding the illegal use of my copyrighted name in ALL CAPS, as JEFFREY T. MAEHR, which is NOT my real, flesh and blood name, and is the name used on the drivers' license I applied for in ignorance of my rights under the law.
6. I have not received any documentation showing that statutory laws overrule Constitutional law or Common Law.
7. I have not received any documentation showing the State of Colorado has the legal authority to represent me, one of the "People of the State of Colorado" (whose "peace and dignity has supposedly been damaged by traffic infractions), in any court in Colorado for ANY traffic infraction against other Colorado citizens, and I refute such authority.

8. I have not received any documentation proving that I am NOT one of the "People of the State of Colorado," where I may be a defendant in such a traffic action, thereby being, legally, plaintiff AND defendant, which is illegal and improper, and reveals the fraud and "show" traffic enforcement has become.

## **Notice of RICO Violations**

18 U.S.C. § 1961(1)

section 1341 (relating to mail fraud),

section 1503 (relating to obstruction of justice),

section 1951 (relating to interference with commerce, robbery, or extortion),

section 1952 (relating to racketeering),

section 1957 (relating to engaging in monetary transactions in property derived from specified unlawful activity),

The State of Colorado obtains large financial gain from these unfair, unethical and unconstitutional statutory procedures, in way of not only the license and registration fees, but the fines where violations of these and other defacto laws have been supposedly violated, yet where no damaged party exists. Judges are biased employees of the State and receive financial consideration for supporting traffic citations. Because of this, the State of Colorado's actions in demanding and enforcing statutes for private motor vehicles is in violation of my civil rights, and is in violation of the RICO (Racketeering) laws, fulfilling the four requirements for a RICO crime to exist as follows:

a). Association In Fact; two people acting together (knowingly or unknowingly) which affects Interstate Commerce...

The actions in private motor vehicle statutes and enforcement clearly constitute financial fraud, which is supported by multiple layers of "associations" with the primary intent of taking assets from citizens and profiting the State where NO damage to any party has occurred, OR NO damage to the "peace and dignity" of Colorado Citizens has been proven in the slightest. This commerce affect need only be \$1.00 in loss which could be used for commerce elsewhere in the country to fulfill this requirement.

b). Two or more similar acts of fraud, mail fraud or extortion having occurred...

The actions have been ongoing, as proven by the millions of licenses and registrations which are issued yearly, via U.S. Mail, and which many more than "two similar acts" have occurred to me personally.

c). Money or property deprivation...

This is self evident in correspondence, license and registration fees, court proceedings, fines, costs of time and lose of work income, etc.

d). Pattern is likely to continue.

Pattern has been continuing for many decades and is growing worse. The only way it will stop is for the Rule of Law to be enforced and for Constitutional rights to be enforced... In other words, people's oath of office must be obeyed and not violated, which simply creates even more criminal events in the way of treason against the American People.

See also 18 USC Sec. 241 01/19/04 TITLE 18- CRIMES AND CRIMINAL PROCEDURE - PART I - CRIMES CHAPTER 13 - CIVIL RIGHTS Sec. 2414 Conspiracy against rights. If two or more persons conspire to injure, oppress, threaten, or intimidate any person in any State, Territory, Commonwealth, Possession, or District in the free exercise or enjoyment of any right or privilege secured to him by the Constitution or laws of the United States, or because of his having so exercised the same. . . They shall be fined under this title or imprisoned not more than ten years, or both;

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CC:

Senator Wayne Allard  
954 East 2nd Avenue, Suite 107  
Durango, CO 81301  
Cert Mail # 7006 2760 0002 1142 0736

Senator Ken Salazar  
835 East 2nd Avenue, Suite 203  
Durango, CO 81301  
Cert Mail # 7006 2760 0002 1142 0743

Congressman John Salazar  
813 Main Avenue, Suite 300  
Durango, CO 81301  
Cert Mail # 7006 2760 0002 1142 0750

Attorney General John Suthers  
1525 Sherman St., 7th floor  
Denver, CO 80203  
Cert Mail # 7006 2760 0002 1142 0767

Certified Verification

I declare under penalty of perjury that the identified sovereign individual named above appeared before me with picture identification, and acknowledged this 13 page document before me, consisting of Brief and Memorandum of Law, Affidavit of Truth, Actual and Constructive Notice - Brief and Memorandum of RICO (Racketeering), on; Date: \_\_\_\_\_ /s/

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(NOTARY PUBLIC'S JURAT)

### Certificate of Mailing

I, Jeffrey T. Maehr, do certify that I mailed this original certified document consisting of Brief and Memorandum of Law, Affidavit of Truth, Actual and Constructive Notice - Brief and Memorandum of RICO (Racketeering) Crimes to the Colorado Department of Revenue, certified mail # 7006 2760 0002 1142 0774, and copies of original to the above named individuals, certified mail #'s listed above, all mailed on May 3, 2007.

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Jeffrey T. Maehr