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John Slavenomore, Sui Juris
2nd Judicial District
99999 Guess Where
Your Town,
California

In Propria Persona

By Special Appearance Only

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In The Municipal Court, Los Angeles County, California

At Law

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) John Slavenomore

_____)
Date: ____
Time: ____
Ctm: ____

PLEASE TAKE NOTICE, that on ____, 1994, in Dept ____, at ____ A.M./P.M., or as soon thereafter as may be heard Citizen John Slavenomore, Sui Juris, will move and hereby does

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move this court to abate and dismiss with prejudice this action on grounds of Sovereign Immunity. Citizen John Slavenomore, Sui Juris, as a member of the Sovereign Body Politic, in whom all Sovereignty is vested, hereby invokes the bar of Sovereign Immunity under the Treaty of Peace in 1783, and Article I, Section 21 of the California Constitution of 1849, which states:

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"Sec. 21. This enumeration of rights shall not be construed to impair or deny others, retained by the people."

This Citizen hereby demurs to the complaint/citation and demands that the court abate the action on the following grounds: I

The facts stated therein do not constitute a public offense for the reason that the Accused is

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not a "resident" of the State of California or "in this State" as that term is defined in the Revenue and Taxation Code § 6017, and the "Buck Act, Title 4, §§ 104-113, and no presumption is permitted with respect to such "political status".

There appears to be no law of any State, Municipality, or governmental subdivision forbidding or commanding any act alleged to have been committed by the nonresident "Citizen

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of California".

There is no law that forbids any "Citizen" from traveling or forbidding the Citizen from owning private property, nor is there any law that regulates the "Citizen" in the use of his private Rights or property.

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The court has no territorial jurisdiction over the offense charged therein for the reason shown on the face of the citation/complaint, in that there is the bar of sovereign immunity and the Accused is not properly identified by the allegations.

Therefore, the first element of a crime is missing. Furthermore this court may not presume territorial jurisdiction over a Sovereign Citizen, nor may a magistrate or Judge presume such

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territorial jurisdiction exists absence some type of contract or commercial activity, and none exists nor has been properly admitted in evidence before this court.

Dated: mm/dd/yy

Respectfully submitted,

John Slavenomore, *Sui Juris*

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Citizen of California
In Propria Persona

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POINTS AND AUTHORITIES

**THE ACCUSED IS INVOKING HIS SOVEREIGN
IMMUNITIES SECURED TO THE PEOPLE BY THE
TREATY OF PEACE (1783) AND THE 1849 CONSTITUTION**

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OF CALIFORNIA, SECTION I, ARTICLE 21.

1. The Accused is an undisputed Sovereign Citizen of California who is invoking the Doctrine of Common-Law Sovereign Immunity in this matter. The prosecution of this case is a violation of The Treaty of Peace (1783) **which is the Law of the Land**, M'Ilvaine v. Coxe's Lesse, (1804)2 Cranch 279, 8 U.S. 280, and Article I, Section 16, (Impairing the obligation of

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contracts), Section 21 of the Constitution of California (1849) which is a restriction and limitation on the enactments of the Executive and Legislative branches. Each of these sections, among others are grounds for sovereign immunity to be raised in proceedings like this.

"It will be admitted on all hands that with the exception of the powers granted to the states and the federal government, through the Constitutions, the people of the

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several states are unconditionally sovereign within their respective states." Ohio L. Ins. & T. Co. v. Debolt, 16 How. 416, 14 L.Ed. 997.

2. The Accused is a Sovereign California Citizen, in whom all Sovereignty is vested. Whenever a right grows out of, or is protected by, a treaty, it prevails against all laws, or decisions of the courts of the staes, and whoever may have the right under the treaty is protected.

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The Nereide, Bennet, Master, 9 Cranch 338; Wae v. Hylton, 1 Cranch 103; Owing v. Norwood's lessee, 5 Cranch 344. The Sovereign's personal property is exempt from seizure within his own Nation, or while traveling through another Nation. This immunity has been established by the California Supreme Court in K. Tashiro v. Jordan, (1927) 201 Cal. 236, 246, 256 P. 545 where the court made a legal distinction between citizens of the United States and those of a state.

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3. The effect of a treaty, however, is not to nullify a conflicting statute, but rather to suspend it in its application to a Citizen. [See 52 Am Jur 18, page 816, fn 12.] "But Citizen was a name worthy of a freeman, and the true name by which a republican was to be known" M'Ilvaine v. Coxe's Lesse, (1804)2 Cranch 279, 291, 8 U.S. 280,

4. Treaties are the Law of the Land and a rule of decision in all courts. Strother v. Lucas, 12

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Pet. 419, 9 L.Ed. 227; a treaty is a law of the land whenever its provisions prescribe a rule by which the rights of a private Citizen or subject may be determined. Re Cooper, 143 U.S. 472, 12 S.Ct. 453, 36 L.Ed. 232. Neither Congress nor any state Legislature has any constitutional power to settle or interfere with any except purely political rights under treaties. Holden v. Joy, 17 Wall. 211, 21 L.Ed. 523. This court cannot go behind, for the purposes of annulling in whole or

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in part, a treaty which founded this Union of several States. United States v. Minnesota, 270 U.S. 181, 46 S.Ct. 298, 70 L.Ed. 539.

II

THIS COURT CANNOT IMPAIR THE OBLIGATIONS OF A
PREEXISTING CONTRACT.

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5. The obligation of a treaty, the supreme law of the land, must be admitted. The execution of the contract between the two nations is to be demanded from the executive of each nation; but where a treaty effects the rights of parties litigating in court, the treaty binds those rights, and is as such regarded by the Supreme Court as an Act of Congress. U.S. v. The Schooner Peggy, 1 Cranch, 103. This intent of the treaty is brought forth in the Constitution for California (1849).

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Section 16, of the Consitution of California (1849) states:

"No bill of attainder, ex post facto law, or law imparing the obligation of contracts, shall ever be passed."

A treaty is in its nature a contract, not a legislative act. Foster v. Neilson, 2 Pet. 253, 7 L.Ed. 415.

The California Legislature in 1849 delibrately passed this section to keep in in unity with the

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other constitutions. "A treaty operates as a perfect, present and absolute confirmation of grants" of all the sovereignty to the people, either singly or collectively. Rhode Island v. Massachusetts, 12 Pet. 657, 9 L.Ed. 1233.

6. California Government Code Section 54950 (Brown Act) states in part: "The people of this state do not yield their sovereignty to the agencies which serve them...." Treaty provisions

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prevail over conflicting provisions of state law. Clark v. Allen, 331 U.S. 503, 67 S.Ct. 1431, 170 ALR 953.

"Sec 21. This enumeration of rights shall not be construed to impair or deny others, retained by the people."

7. "The Doctrine of Sovereign Immunity is one of the Common-Law immunities and

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defenses that are available to the Sovereign" Citizen of California. Will v. Michigan Dept. of State Police, (1988) 491 U.S. 58, 105 L.Ed.2d. 45, 109 S.Ct. 2304.

"The people of the state, as the successors of its former sovereign, are entitled to all the rights which formerly belonged to the king by his own prerogative." Lansing v. Smith, (1829) 4 Wendell 9, (NY).

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8. Powers granted to the State do not equate with powers surrendered, and this Citizen of California has not and did not grant such powers to the State as are being attempted upon this "Citizen." Those powers and rights reserved include without limitation this Citizens Inalienable Rights set out in Article I, Section 1 of the Constitution which reads:

"Article I, Section 1. All men are by nature free and independent, and have certain

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inalienable rights, among which are those of enjoying and defending life and liberty:
acquiring, possessing and protecting property: and pursuing and obtaining safety and
happiness."

9. "At the Revolution, the sovereignty devolved on the people [state Citizens] and they are truly the sovereigns of the country," Chisholm v. Georgia, 2 Dall. 440, 463

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10. The Privileges and Immunities of a Citizen of California are completely different than those with the political status of a "citizen of the United States", see K. Tashiro v. Jordan, (1927) 201 Cal. 236, 246, 256 P. 545. The Accused is one of those classified as a "Citizen of California" and, being SUI JURIS, is fully capable of invoking the Doctrine of Sovereign Immunity because the Sovereign has not been named specifically in these codes, which are "private law" with

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general applicability to those who are within the specific definition and have a "contract implied in fact" Kirkendall v. U.S., 31 F.Supp. 766 (Ct.Cl. 1940). This is particularly true where, as here, the facts are undisputed. No counter-affidavits are before this court signed under penalty of perjury, establishing that I am not one of the sovereignty. Indeed none could be.

11. Therefore, the Court cannot proceed further without first making a judicial determination

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as to whom the statutes apply. As the court is well aware, all the California Codes are to be read as one, and the "person" identified in one Code is the same "person" identified in all the Codes.

The Penal Code specifically identifies who is a "person" and who is a "Citizen".

Penal Code 228:

"Any citizen of this state who shall fight a duel ... shall not be allowed to hold any office of

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profit, or to enjoy the right of suffrage,"

Penal Code 232:

"Any person who fights a duel ... shall not be allowed to hold any office of profit, or to enjoy the right of suffrage,"

Thus, the Codes specifically state that only 228 of the Penal Code applies to Citizens of this

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State (*i.e.* Sovereign State Citizens).

12. Neither the Congress of the United States nor the Legislatures of the States can disregard a Treaty, and do not have the power to nullify treaties which founded this nation many years ago.

Reichert v. Felps, 6 Wall. 160, 18 L.Ed. 849.

"In common usage, the term "person" does not include the sovereign, [and] statutes

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employing the [word] are ordinarily construed to exclude it."

Wilson v. Omaha Indian Tribe, 442 U.S. 653, 667, 61 L.Ed2. 153, 99 S.Ct. 2529 (1979)
(quoting United States v. Cooper Corp. 312 U.S. 600, 604, 85 L.Ed. 1071, 61 S.Ct. 742 (1941)).

12. The United States Supreme Court in National City Bank v. Republic of China, 348 U.S. 356, 99 L.Ed. 389, 75 S.Ct. 423 (1955) stated at page 363:

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"(a) The Court of Claims is available to foreign nationals (or their governments)..."

The Executive Branch's agency, the Internal Revenue Service, has also recognized this by stating in their publications that "nonresident aliens [state Citizens] must take their case to the Court of Claims, as they do not have standing in the federal district court or the tax court." This premise is based upon the fact that the immunity rests upon the ground that no enforceable right exists

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"against the authority that makes the law on which the right depends." Kawananakoa v. Polybank, 205 U.S. 349, 353, and it is undisputable that the Citizens of the several states united granted *limited* powers to the federal government, because the People are vested with complete sovereignty.

"To the Constitution of the United States the term SOVEREIGN is totally unknown.

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There is but one place where it could have been used with propriety. But, even in that place it would not, perhaps, have comported with the delicacy of those who ordained and established that Constitution. They might have announced themselves "SOVEREIGN" people of the United States. But serenely conscious of the fact, they avoided the ostentatious declaration."

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Chisholm v. Georgia, 2 Dallas 440, 455

13. Thus, "the People themselves, either **singly or collectively**, are sovereign," supra at 456, over both the State and the federal governments and are the true SOVEREIGNS within this nation. The Sovereign Citizen's immunity is a Personal privilege of the Sovereign Citizen.

14. This claim of Sovereign Immunity is further enhanced by the fact that the statute did not

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and does not intend to abolish any of the sovereign Rights retained by the Citizens of California. Statutes which in general terms divest pre-existing rights or privileges will not be applied to the Sovereign without express words to that effect. U.S. v. United Mine Workers of America, (1947) 67 S. Ct. 677, 686, 330 U.S. 258.

15. But, in fact and in law, such statutes are intended to be applied to those who are here as

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"residents" "in this State" [Buck Act 4 USC 104-113 which created a federal zone called "in this State and in the State"] under the Interstate Commerce Clause of the Federal Constitution and the so-called 14th Amendment. No contrary presumptions are permitted in criminal proceedings.

People v. Racter, (1983) 33 Cal3d. 491, 189 CR 501.

Thus, for the foregoing reasons, this case must be dismissed in the interests of justice

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because the bar of sovereign immunity prevails in this matter, or in the alternative, an evidentiary hearing must first be scheduled where evidence and testimony may be presented to a trier of fact on these crucial issues.

Dated: mm/dd/yy

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Respectfully submitted,

John Slavenomore, *Sui Juris*
Citizen of California
In Propria Persona