

MOTION FOR DISMISSAL OF PROHIBITION CHARGE(S)

IN THE CRIMINAL COURT OF _____

FOR THE _____ JUDICIAL DISTRICT AT

STATE OF _____

Plaintiff,

VS.

DOCKET No. _____

DIV _____

.Defendant. _____

COMES NOW *Defendant*, _____, *Pro Se*, moves the Court for DISMISSAL in the "furtherance of justice" regarding the instant proceeding for the charge of _____ N.Y. Crim. Proc. Law § 210.40 grants the defendant (or the prosecutor or the court) the power to apply for relief: Defendant moves the court to find, under the general concept of the "furtherance of justice" stated in its provisions, that the "dismissal is required as a matter of judicial discretion by the existence of some compelling factor, consideration or circumstance clearly demonstrating that conviction or prosecution of the defendant upon such indictment or count would constitute or result in an injustice." As grounds for this motion, Defendant would show the Court as follows:

1. Defendant proceeds as *Movant* to move the Court to accept a lawful declaration of “NO MENS REA” to any and all Prohibition charges unlawfully inflicted by legislation , as a plea of “guilty” or “not guilty” creates the false impression that a crime has been committed when, in fact, the innocence of Movant is founded in Human Rights, not by involvement or non-involvement to any degree in a criminal act by enforcing the concept of “Malum prohibitum” over the reality of “Malum in se”.

2. The unlawful Prohibition enforced by legislation engages the court in the criminal act of “Politically Motivated Judicial Bias” by denying the Movant’s Sixth Amendment right to face an accuser in a court of law in order to enforce legislation that presupposes guilt by declaration without the support of evidence or testimony offered by an accuser that a crime has been committed, which denies the Movant the remedies needed for defense.

3. The unlawful Prohibition enforced by legislation supplants the accuser with criminal codes based on political policies that cannot be answered by the Movant with remedies available to Defendants (such as but not limited to “No mens rea” and/or “consent”), where an accuser has sworn a complaint detailing the alleged criminal act(s), “Mens Rea” is evaluated for every degree of murder charges. “Consent” is offered as an absolute defense against rape charges, overturned miscegenation, sodomy, birth control, abortion, pornography, oral copulation and gay marriage. Prohibition enforced by legislated criminal codes deny human rights.

4. The unlawful Prohibition enforced by legislation dehumanizes the nature of a “victim” by superimposing terms in place of the name of a “victim” on an Affidavit of Complaint such as but not limited to, “Public” “Society” “Peace & Dignity”. The Court must weigh third-party impact on survivors of criminal acts who are trivialized by a standard that demeans the suffering experienced by the victim with a contrived comparison to the petty societal angst over consenting behavior deemed offensive by some and exciting to others.

5. The unlawful Prohibition enforced by legislation is in conflict with the principles of American life which guarantees the protection of FREE citizens, with FREEWILL, in a FREE society, where FREE market enterprise is preserved to maintain the peace and prosperity of our country. By conscripting innocent citizens to answer to charges in Court

that have been manufactured by legislation rather than generated by a victim, the Court is knowingly engaged in committing the crime of “Perversion of Justice”, in complicit furtherance of the crime of “Restraint of Trade”.

6. The unlawful Prohibition enforced by legislation creates an unnecessary risk factor in society by guaranteeing an unregulated, underground, black market will develop to supply the demands of those who crave the consensual activity being denied by the enforcement of legislated criminal codes over the respect for Human Rights.

7. The unlawful Prohibition enforced by legislation provides the motive, opportunity and means for Public Corruption, from the cops to the prosecution to the Court to the politicians, individually, jointly, severally and collectively to operate outside the law to seize property, assets and children, as well as commit robbery, vandalism, assaults and murder disproportionately to the apprehension of subjects of arrests for all other misdemeanor or felony charges based on the accusation by a victim.

8. The unlawful Prohibition enforced by legislation targets minorities for arrest, prosecution and incarceration disproportionately, by ratio, to Caucasians, breeding a system of racist application of legislated criminal codes, which is taught as a fundamental principle in law enforcement, prosecution and court proceedings.

9. The unlawful Prohibition enforced by legislation allows for defamation of character by labeling the Movant as a criminal, when the lawful facts of the case do not offer any testimony or evidence of a crime being committed based on the act of the Movant, which is always consensual in all cases where a condition of legislated Prohibition is inflicted.

10. The unlawful Prohibition enforced by legislation is a crime against humanity on its face. In cases where there is an accuser, legislation is not needed to define the criminal act of the Movant, as there is an accuser to detail the evidence of the alleged crime.

11. The unlawful Prohibition enforced by legislation has proven to be unjustly applied in cases where the only allegation made against a Defendant is that they committed a consensual act that is being prohibited by legislation---among the many who have suffered the unjust application of Prohibition by legislation over Human Rights have been

Scientists, Witches, Negroes, Quakers, Homosexuals, Irish, Transsexuals, Jews, Transvestites, Women, Transgenders, as well as consenting adults engaged in specific consensual sexual acts forbidden by legislation supported by religious, racial, social and gender bigotry.

12. The unlawful Prohibition enforced by legislation prevents society from growing in peace; keeps schools from being built and being properly equipped; raises property taxes, ends urban renewal, while perverting the process of investigating, prosecuting and incarcerating perpetrators of crimes where victims cry out for justice.

13. The unlawful Prohibition enforced by legislation allows criminals to receive plea bargains on reduced sentences so that more than half of their time will be spent on parole or probation, which leads to recidivism that would be avoided if criminals were incarcerated.

14. The unlawful Prohibition enforced by legislation supports the growth and power of gangs and cartels, foreign and domestic, creating danger and instability on the streets and in the world.

15. The unlawful Prohibition enforced by legislation against the use, sales and cultivation of CANNABIS has unlawfully included HEMP, which has been known to the world for thousands of years as a natural, renewable, biodegradable source of fuel, medicine, nutrition, textiles, and clothing that does not pollute the environment with non biodegradable toxic waste that is a danger to citizens and an ecological disaster to the planet, its people and wildlife . . . crimes against nature.

16. The unlawful Prohibition enforced by legislation sponsors juvenile delinquency by tempting them with an opportunity to make quick cash, in amounts that will be unavailable to them by going through the process of schooling, training, or apprenticeship to take their place as working members of society.

17. The unlawful Prohibition enforced by legislation denies the individual right to declare what is lawful and unlawful in favor of accepting an unenforceable criminal code of legal and illegal. Arguendo, as Sodomy has been declared “legal” how could someone declare

that it was “illegal” when done to them? The act is only as lawful or as unlawful as the individual sees fit; not as far as the Court seeks to control our consensual behavior with political legislation.

18. The unlawful Prohibition enforced by legislation has led to institutions of oppression against people, supported by the Court, such as, but not limited to, Slavery, Women’s Suffrage, Jim Crow, Anti-Miscegenation, Antisemitism, human reproduction and Gay-Bashing.

19. The unlawful Prohibition enforced by legislation must “Cease & Desist” as it frustrates the administration of justice and hinders the search for truth, as the entire case is based on the fallacy of legality that a person who does nothing to no one can still be branded and labeled as a criminal by the Court, even a “violent offender” or “felon in commission of a crime” despite the lack of a criminal act, criminal intent or victim outcry.

20. The unlawful Prohibition enforced by legislation creates an unequal balance in application, as two people engaged in the same act (actus reus) with the same intent (mens rea) resulting in the same outcome, are divided by the system into “customers” and “criminals” based on their compliance with legislation and not whether they committed an overt act with the intent to do harm. For instance, two people use a drug. The act and intent are the same but for the unlawful Prohibition against drugs that THE ENTITY does not market. Restraint of Trade creates a Monopoly that denies FREEWILL in a FREE MARKET. Two people sat at the front of the bus for the exact same reason . . . one was considered a “customer” while the other was branded a “customer” based on a racial supremacy.

21. The unlawful Prohibition enforced by legislation is the greatest crime against humanity ever committed for profit and gain, as the Court conspires with politicians to create a system to criminalize innocent citizens and conscript them into court as “de facto Defendants in essence” who stand not in a court of law not as alleged criminals accused of a crime by a victim, but as customers charged by a bill from the Criminal Court seeking to stay in business by expanding the list of artificial criminal codes and

manufactured political policies to be potentially violated in order to manipulate FREE people into a system to pay fees and fines and taxes and penalties to justify the existence of THE ENTITY.

22. The unlawful Prohibition enforced violates the right of Defendants to evaluate, dissect and question the body of evidence (*corpus delicti*); as only dogmatic legislation that offers no remedy is offered in lieu of evidence or testimony of a crime.

23. The unlawful Prohibition enforced by legislation prevents law enforcement officers from being able to respond to cries for help, as they are under orders to investigate consensual behavior, such as but not limited to: the sales, cultivation and use of CANNABIS; the sales, manufacturing and distribution of narcotics, gambling, prostitution and lap dancing at a rate of 2 to 1 over criminal activity involving a victim. This is why Law Enforcement Against Prohibition (L.E.A.P.) has formed in protest against the unlawful violation of legislated prohibition; as have politicians, prosecutors and judges.

24. The unlawful Prohibition enforced by legislation has been proven to be a Human Rights violation in the landmark cases cited below (*a fortiori*); many initially denied only to be righted through the process of appeal being initiated by the Movant in the case before this court for the same lawful reasons.

Blackstone's Ratio, "*Commentaries on the Laws of England*", (1765) "It is better that ten guilty persons escape than that one innocent suffer."

* *Dred Scott v. Sanford*, 60 U.S. 393 (1857)

Case denied

* *Pace v. Alabama* 106 U.S. 583 (1883)

Case denied

* *Plessy v. Ferguson* 163 U.S. 537 (1896)

Case denied

* *Alford v. United States*, 282 U.S. 687 (1931)

Case sustained

* *Brown v Board of Education of Topeka, KS*, 347 U.S. 483 (1954)

Case sustained

* *Browder v. Gayle*, 142 F. Supp. 707 (1956)

Case sustained

* *Pointer v. Texas*, 380 U.S. 400 (1965)

Case sustained

* *Griswold v. Connecticut*, U.S. 479 (1965)

Case sustained

* *Loving v. Virginia*, 388 U.S. 1 (1967)

Case sustained

* *Timothy Leary v. United States*, 395 U.S. 6 (1969)

Case sustained

* *Stanley v. Georgia*, 395 U.S. 557 (1969)

Case sustained

* *People v. Clayton*, 41 A.D.2d 204, 208 (1973)

Case sustained

* *Davis v. Alaska*, 415 U.S. 308 (1974)

Case sustained

* *Olden v. Kentucky*, 488 U.S. 227 (1988)

Case denied

* *Idaho v. Wright*, 497 U.S. 805 (1990)

Case sustained

* *Lawrence v. Texas*, 539 U.S. 558 (2003)

Case sustained

* *Obergefell v. Hodges*, 576 U.S. (2015)

Case sustained

* “The law is a two-party arrangement between consenting adults. I do not answer to THE ENTITY; I answer to the individual, as does THE ENTITY! I am FREE by law, not Slave to legislation, therefore ‘I AM THE LAW’ . . . [#NOMENSREA](#)” ~THE KINGPIN THORNE PETERS, *Peters v. Tennessee (2018)*

* "It is not the function of our Government to keep the citizen from falling into error; it is the function of the citizen to keep the Government from falling into error." U.S. Supreme Court, in: *American Communications Association v. Douds* 339 U.S. 382 (1950)

In reliance on the above-delineated constitutional statutory guarantees, Movant hereby moves the instant case be immediately dismissed, expunged, with all associated costs assessed against the State of _____.

SWORN TO AND SCRIBED BEFORE ME THIS ___ DAY OF _____ 2018

NOTARY PUBLIC

NOTARY ADDRESS

MY COMMISSION EXPIRES

STATE

COUNTY

CERTIFICATION OF SERVICE

I _____ do hereby declare under the penalty of PERJURY that the foregoing
DISMISSAL OF PROHIBITION CHARGE is true and correct and has been mailed to the office of the
clerk of Courts _____

AND TO the office of the DISTRICT ATTORNEY _____

LOCATED @ _____

This _____ day of _____ in the year _____

AND PLACED IN THE LOCAL MAIL SYSTEM

UCC 1-308 AGENT

ALL RIGHTS EXPLICITLY RESERVED

WITHOUT PREDJUDICE

POWER OF ATTORNEY IN FACT