

CONSTRUCTION AND PROPERTY MAINTENANCE CODE BOARD OF APPEALS AGENDA



MAY 31, 2018 - 4:00 P.M.

**CITY HALL CONFERENCE ROOM
15 LOOCKERMAN PLAZA
DOVER, DELAWARE**

PUBLIC COMMENTS ARE WELCOMED ON ANY ITEM AND WILL BE PERMITTED AT APPROPRIATE TIMES. WHEN POSSIBLE, PLEASE NOTIFY THE CITY CLERK (736-7008 OR E-MAIL AT CITYCLERK@DOVER.DE.US) SHOULD YOU WISH TO BE RECOGNIZED.

- 1. AGENDA ADDITIONS/DELETIONS**
- 2. PROPERTY MAINTENANCE CODE VIOLATION (CHAPTER 106-130 - WRECKED, NONOPERATING, OR IMPROPERLY PARKED OR EQUIPPED VEHICLES - (B) LEAVING VEHICLES ON PROPERTY) - APPEAL OF DECISION - 218 NORTH KIRKWOOD STREET (RONNIER JAMES HENRY)**
- 3. ADJOURNMENT**

/TM

S:\AGENDAS-MINUTES-PACKETS-PRESENTATIONS-ATT&EXH\MISC-AGENDAS\CONSTRUCTION AND PROPERTY MAINTENANCE CODE BOARD OF APPEALS\05-31-2018 CPMCBOA AGENDA.WPD

City of Dover

May 24, 2018

Mr. Ronnier Henry
218 North Kirkwood Highway
Dover, DE 19904

Re: Appeal of Wrecked, Nonoperating, or Improperly Parked or Equipped Vehicles - 218 North Kirkwood Street, Dover, DE 19904
Case #: 18-00001475

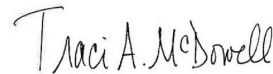
Mr. Henry:

I have received your request to appeal the decision of the Building Inspector to tow the vehicle from 218 North Kirkwood Street, in accordance with Chapter 106 - Traffic and Vehicles of the Dover Code.

A meeting of the Construction and Property Maintenance Code Board of Appeals has been scheduled for Thursday, May 31, 2018 at 4:00 p.m. in the City Hall Conference Room, 15 Loockerman Plaza, Dover, DE 19901 to hear your appeal.

Please feel free to contact me by e-mail at cityclerk@dover.de.us or by phone at (302) 736-7008 if you have any questions or concerns.

Sincerely,



Traci A. McDowell, MMC
City Clerk

TAM/dd

S:\APPEALS\2018\218 NORTH KIRKWOOD STREET-WRECKED, NONOPERATING, ETC VEHICLES\Construction and Property Maintenance Code Board of Appeals - Receipt of Appeal - Improper Vehicles.wpd

cc: David Hugg, Director of Planning & Community Development
Nicholas Rodriguez, City Solicitor
William Pepper, Deputy City Solicitor

City of Dorec

May 18, 2018

Runnier Henry
218 N. Kirlwood St.
Dorec AL



I, Runnier James Henry, special consul,
and owner of the 2003 Cadillac Deville.
Case number 16-00001475. I AM
appealing the decision to tow and
impound my mode of conveyance.
Impeding on my constitutional
and sovereign rights to own
consumer goods. Supreme Court
decision. (Murdoch vs Pennsylvania
319 U.S. 105) Licensing Liberty, no
state shall convert a liberty into
a license and charge a fee therefore
if a state converts a right (liberty)
into a privilege, the citizen can
ignore the license and fee and
engage in the right (liberty)
373 U.S. 262 Also Shuttlesworth
vs City of Birmingham.

I also request an oath office
and Anti Bribery Statement from Velvet Bow

Also under the Separation of Powers Act Velvet L. Bowen was out of Jurisdiction. She was Acting under private capacity, Color of Authority. Clear violations of my sovereign national Allied rights. I also want to cite on title 18 and title 42.

Reserved Rights
Bonnie James Henry
Bonnie James Henry

5-18-18

03/02/18 Delaware Division of Motor Vehicles MVKCS31P
 13:33:54 Transaction Number: 2018030219893 MVICS30M

R	Transaction	Trans	Payment	--Void / Waiver--
T Lic/Reg#	Description	Amount	Amount	Amount Description

— R 181353	INSURANCE PEN	40.00	40.00	
	Transaction Subtotal:	40.00	40.00	
—	VISA CARD		40.00	

Enter-PF1---PF2---PF3---PF4---PF5---PF6---PF7---PF8---PF9---PF10---PF11---PF12---
 UP DOWN RTRN TOTL
 4-© 1 Sess-1 172.16.16.3 KUU4TTCP 7/4

SELLERS REPORT OF SALE

STATE OF DELAWARE
DIVISION OF MOTOR VEHICLES

TAG NO. [REDACTED]	MANUFACTURER & YEAR CADI 2003	VEHICLE IDENTIFICATION NO. [REDACTED]	SELLING PRICE	DATE
NAME OF SELLER (CURRENT REGISTERED OWNER) HENRY RONNIER JAMES		NAME OF BUYER		
COMPLETE ADDRESS OF SELLER		COMPLETE ADDRESS OF BUYER		
CITY	STATE	ZIP	CITY	STATE ZIP
SELLER'S SIGNATURE X	ODOMETER READING-MILES (NO TENTHS)	BUYER'S DRIVERS LICENSE NO.	STATE	

WARNING—WHEN YOU SELL/RELEASE INTEREST IN THIS VEHICLE, YOU MUST MAIL THIS DETACHMENT ALONG WITH THE REGISTRATION CARD IMMEDIATELY TO DMV REGISTRATION SECTION, PO BOX 698, DOVER, DE 19903 TO ENSURE YOUR RESPONSIBILITY FOR THE VEHICLE IS RELEASED.

Public Law 96-170
96th Congress

An Act

Dec. 29, 1979
[H.R. 3343]

To permit civil suits under section 1979 of the Revised Statutes (42 U.S.C. 1983) against any person acting under color of any law or custom of the District of Columbia who subjects any person within the jurisdiction of the District of Columbia to the deprivation of any right, privilege, or immunity secured by the Constitution and laws.

Civil rights in
the District of
Columbia.
Suits for
violation,
permit.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That section 1979 of the Revised Statutes of the United States (42 U.S.C. 1983) is amended—

(1) by inserting “or the District of Columbia” after “any State or Territory”; and

(2) by adding at the end thereof the following new sentence: “For the purposes of this section, any Act of Congress applicable exclusively to the District of Columbia shall be considered to be a statute of the District of Columbia.”

SEC. 2. Section 1343 of title 28, United States Code, is amended—

(1) by inserting “(a)” before “The district courts”; and

(2) by adding at the end thereof the following new subsection:

“(b) For purposes of this section—

“(1) the District of Columbia shall be considered to be a State; and

“(2) any Act of Congress applicable exclusively to the District of Columbia shall be considered to be a statute of the District of Columbia.”

Effective date.
28 USC 1343
note.

SEC. 3. The amendments made by this Act shall apply with respect to any deprivation of rights, privileges, or immunities secured by the Constitution and laws occurring after the date of the enactment of this Act.

Approved December 29, 1979.

LEGISLATIVE HISTORY:

HOUSE REPORT No. 96-548 (Comm. on the District of Columbia).
CONGRESSIONAL RECORD, Vol. 125 (1979):
Nov. 27, considered and passed House.
Dec. 18, considered and passed Senate.

Legal Sidebar

Eleventh Circuit Provides Guidance for the Definition of “Foreign Official” under the FCPA

10/15/2014

On May 16, 2014, the U.S. Court of Appeals for the Eleventh Circuit (Eleventh Circuit) issued its opinion in *United States v. Esquenazi*, a case important for being the first federal appellate court decision to provide guidance for and flesh out the definition of the term “foreign official” under the Foreign Corrupt Practices Act (FCPA or Act). The FCPA, first enacted in 1977 and significantly amended in 1988 (with an additional amendment in 1998 to implement the Organization of Economic Cooperation and Development (OECD) Convention on Combating Bribery of Foreign Public Officials in International Business Transactions), was enacted principally to prevent the bribery of foreign officials. It has three major parts: 1. Requires corporations to keep accurate books, records, and accounts; 2. Requires issuers registered with the Securities and Exchange Commission to maintain a responsible internal accounting control system; and 3. Prohibits bribery by American corporations of foreign officials. (For additional information on the FCPA, see CRS Report R41466: The Foreign Corrupt Practices Act (FCPA): Congressional Interest and Executive Enforcement.)

Esquenazi and Rodriguez owned Terra Telecommunications (Terra), a Florida company that purchased phone time from foreign vendors and resold the minutes to U.S. customers. One of Terra’s main vendors was Telecommunications D’Haiti (Teleco). By 2001, Terra owed Teleco more than \$400,000, and Esquenazi and Rodriguez contacted Teleco officials to negotiate an amortization agreement or, alternatively, to offer a “side payment.” A side payment deal was worked out, and the arrangement resulted in payments to Teleco officials in exchange for debt reduction of Terra’s bills. Esquenazi and Rodriguez were charged with violations of conspiracy, money laundering, and, what is important in this sidebar, the FCPA. The U.S. District Court for the Southern District of Florida found them guilty, and they appealed.

The Eleventh Circuit affirmed. The court began its analysis by quoting the bribery provision of the FCPA and the definition of “foreign official.”

The FCPA prohibits “any domestic concern” from “mak[ing] use of the mails or any means...of interstate commerce corruptly in furtherance of” a bribe to “any foreign official,” or to “any person, while knowing that all or a portion of such money or thing of value will be offered, given, or promised, directly or indirectly, to any foreign official,” for the purpose of “influencing any act or decision of such foreign official...in order to assist such domestic concern in obtaining or retaining business for or with, or directing business to, any person....” A “foreign official” is “any officer or employee of a foreign government or any department, agency, or instrumentality thereof.”

The court considered what the word “instrumentality” means in the definition of “foreign official” and whether Teleco qualifies as an instrumentality. For purpose of the FCPA, the court defined “instrumentality” as an “entity controlled by the government of a foreign country that performs a function the controlling government treats as its own.” According to the court, there are two elements in deciding whether an entity is an instrumentality for purposes of the FCPA: whether the foreign government controls the entity and whether the entity performs a function that the government treats as its own. Using language from the above-mentioned OECD Convention, the court listed factors relevant to the first element as including whether the government has a majority interest in the entity; the government’s ability to hire and fire the entity’s principals; the extent to which the entity’s profits go directly into the government fisc; the extent to which the government funds the entity if it fails to break even; and the length of time these factors have existed. Factors of the second element, also from OECD Convention language, include whether the entity has a monopoly over the function it carries out; whether the government subsidizes the costs associated

with the entity providing services; whether the entity provides services to the public at large in the foreign country; and whether the public and the government of that foreign country generally perceive the entity to be performing a governmental function.

Based on witness testimony and its own analysis, the court found that Teleco is an instrumentality of the Haitian government. The court noted such characteristics of Teleco as its monopoly over telecommunications services, its tax advantages, and the Haitian president's choosing its director general and all of its board members. Since Teleco is an instrumentality of a foreign government, its employees are, according to the court, foreign officials under the FCPA. Esquenazi and Rodriguez had a payment arrangement with Teleco officials in return for a reduction of their debt to Teleco. By making payments to Teleco officials, Esquenazi and Rodriguez were, according to the court, bribing foreign officials and, therefore, violating the FCPA.

Posted at 10/15/2014 10:33 AM by [Michael V. Seitzinger](#) | [Share Sidebar](#)

Category: [Securities and Derivatives](#)



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WHITE COLLAR CRIME REPORT



VOL. 5, NO. 19 640-642

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BRIBERY

Getting What They Pay For: The Far-Reaching Impact Of the Dodd-Frank Act's 'Whistleblower Bounty' Incentives on FCPA Enforcement



By T. MARKUS FUNK

Congress, by recently passing the historic Dodd-Frank Wall Street Reform and Consumer Protection Act (H.R. 4173) ("Dodd-Frank Act"), provided a major boost to the U.S. government's recently

T. Markus Funk is a partner with Perkins Coie LLP, working out of the firm's Denver and Chicago offices. Funk focuses on corporate investigations, complex commercial litigation, and Foreign Corrupt Practices Act matters. He is a former Assistant U.S. Attorney in Chicago, most recently working with the Public Corruption and Organized Crime Section.

ramped-up Foreign Corrupt Practices Act enforcement efforts. When President Obama signed the Dodd-Frank Act into law July 21, he made available both potentially huge new cash incentives for whistleblowers as well as beefed-up protections against retaliation.¹ Foreign and domestic corporate "insiders" (including those at the parent and off-shore subsidiary levels), purported recipients of bribes, as well as corporate "outsiders" (such as family members and friends who happened upon relevant information), now have unparalleled fi-

¹ Note that the Dodd-Frank Act contains identical whistleblower provisions governing the Commodity Futures Trading Commission. See Section 748.

nancial incentives to come forward with evidence of possible FCPA violations.²

The expected results are twofold: A notable uptick in government-initiated FCPA enforcement actions and an increase in self-disclosure by corporate entities. Companies will therefore need to update their anti-corruption compliance programs, making internal reporting mechanisms efficient and attractive to potential tipsters who surely will be tempted by the Dodd-Frank Act's considerable monetary incentives.

Exceptional Incentives for Tipsters

The stated objective of the Dodd-Frank Act is to address the root causes of the recent financial turmoil. As anticipated, the 2,253 pages of this ambitious omnibus act contain provisions that variously impact banks, derivative instruments, and financial institutions. Although easily overlooked, the act also introduces exceptional whistleblower bounty incentives.

The Dodd-Frank Act's impact on the FCPA enforcement landscape is emblematic of the government's ongoing commitment to addressing foreign bribery through the FCPA.

By way of a short recap, the FCPA, enacted in 1977, is enforced dually by the Department of Justice (and its chief FCPA investigative arm, the FBI) and the Securities and Exchange Commission, both of which have intensified their ongoing efforts to identify and prosecute FCPA violators, either criminally or administratively. The FCPA (1) makes it illegal for U.S. persons, real or corporate, or third parties acting on their behalf,³ foreign companies registered with the SEC, and foreign companies or persons that commit an act in furtherance of an improper payment or offer while in the United States, to bribe foreign officials (that is, provide the officials with "anything of value") in order to "obtain or retain business," and (2) mandates recordkeeping and internal-control standards for publicly held corporations registered under the Securities Exchange Act of 1934.

The Dodd-Frank Act's whistleblower provisions, designed to assist increasingly vigorous FCPA enforcement efforts and modeled after a successful 2006 IRS Whistleblower program,⁴ must be taken seriously, as they promise to fundamentally alter a corporation's self-disclosure calculus when dealing with potential FCPA violations.

² Section 922 enumerates a narrow category of individuals who are excluded from whistleblower award eligibility.

³ The FCPA also claims expansive territorial jurisdiction for itself. Consider, in this context, the FCPA's "alternative" nationality-based jurisdiction, see 15 U.S.C. §§ 78dd-1(g) and 78dd-2(i); the FCPA's jurisdiction over foreign companies that are not issuers but that commit an act in furtherance of a prohibited payment within the United States, see 15 U.S.C. § 78dd-3(a); and the FCPA's jurisdiction over any "issuer," "domestic concern," officer, director, employee, or agent of such issuer or domestic concern, or stockholder acting on behalf of such issuer or concern, who makes use of any instrumentality of interstate commerce in furtherance of any improper payment or offer of payment, see 15 U.S.C. §§ 78dd-1(a) and 78dd-2(a).

⁴ See Sen. Rep. No. 111-176.

The Dodd-Frank Act's Language

The Dodd-Frank Act creates substantial contingency-based pecuniary incentives for those with "inside" FCPA-related information to come forward and report that information to federal authorities. That is, if an individual discloses to the government information concerning some yet-to-be-discovered FCPA wrongdoing, that person can potentially receive a percentage-based cash reward if and when the government collects on that information. In this regard, the Dodd-Frank Act has turned every corporate employee, located anywhere in the world, into a potential confidential informant for the FBI or the SEC. This is, stated plainly, a "dream come true" for the federal law enforcement community.

Specifically, under the act, whistleblowers who provide "original" violation-related information "derived from [his or her] independent knowledge or analysis" are now statutorily entitled to a *minimum* of 10 percent, and a maximum of 30 percent, of *all* monetary recoveries made as a result of the information (Section 922).⁵ The tip must result in the "successful resolution" of the civil or criminal enforcement action and, for the tipster to collect, the government's total sanctions or recovery, through settlement or otherwise, must exceed \$1 million.

Fortified Anonymity and Whistleblower Rights

Beyond the new financial incentives, which are paid through the SEC's existing Investor Protection Fund, the Dodd-Frank Act also motivates potential tipsters to blow the whistle by providing an option to remain anonymous "prior to payment of the award." The Act additionally closes a considerable Sarbanes-Oxley Act and False Claims Act anti-retaliation loophole by explicitly covering whistleblowers employed by subsidiary companies as well as those working for the parent company. Finally, the Act provides a private cause of action for damages to whistleblowers claiming retaliation and allows whistleblowers denied an award to appeal the denial to federal court.

Ramped-Up FCPA Enforcement Efforts

The anticipated consequence of the Act's financial incentives and enhanced whistleblower protections is to spur domestic and foreign employees, as well as other "insiders" such as past and planned recipients of alleged bribes, into coming forward with evidence of claimed violations. Tipsters have in fact proved themselves extremely effective in uncovering fraud. Senate Banking Committee expert testimony, for example, indicates that whistleblower tips detected 54.1 percent of all uncovered fraud schemes in public companies; put another way, to date whistleblower tips have been some *13 times* more effective than the efforts of external auditors (which include SEC exam teams) when it comes to fraud detection.⁶ And more tipsters, whether insiders

⁵ In contrast, under the pre-Dodd-Frank Act regime, the largely unused SEC whistleblower program was far more limited, applying only to insider trading cases and restricting monetary reward to a maximum of 10 percent of the recovered funds.

⁶ See Sen. Rep. No. 111-176.

or outsiders with knowledge, are exactly what the government is looking for.

The SEC and DOJ have in fact clearly announced their intent to pursue increasingly vigorous FCPA enforcement efforts. On March 18, SEC Enforcement Director Robert Khuzami stated that “law enforcement authorities within the U.S. and across the globe are working together to aggressively monitor violators of anti-corruption laws.” Similarly, on Nov. 17, 2009, Assistant Attorney General Lanny Breuer of DOJ’s Criminal Division warned that “the prospect of significant prison sentences for [FCPA violators] should make clear to every corporate executive, every board member, and every sales agent that we will seek to hold you personally accountable for FCPA violations.” The Dodd-Frank Act’s potent evidence-gathering tools undeniably enhance and advance the aim of ever-increasing and dynamic FCPA enforcement.

As a further predictor that the Dodd-Frank Act’s new provisions promise to dramatically change the reporting and self-reporting landscape, consider that FCPA penalties and settlements alone in recent years have yielded billions of dollars for the U.S. government. In 2009, for example, Halliburton agreed to pay \$559 million to the United States to settle charges that one of its former units bribed Nigerian officials during the construction of a gas plant, and in 2008 Siemens paid the United States \$800 million for FCPA violations in Latin America and the Middle East.⁷

And it does not take much to render someone an FCPA violator: On Aug. 6, the Mercator Corporation, a merchant bank with offices in New York, pleaded guilty to one count of making an unlawful payment to a senior government official of the Republic of Kazakhstan in the form of two snowmobiles purchased almost 11 years earlier, in 1999. This Mercator resolution demonstrates that DOJ means business when it says it will prosecute improper payments to government officials, no matter how small the value. The FCPA’s “anything of value” language apparently means “anything of value,” even if the improper payment is made well outside the window of typical statute-of-limitation calculations. In this regard, had these violations come to light after the enactment of the Dodd-Frank Act as a result of a tipster’s information, that tipster would likely now be a wealthy individual.⁸

⁷ Similarly, Statoil, Willbros Group, Halliburton/KBR, Siemens, and Daimler paid a collective \$639.5 million in SEC civil settlements, which represent the SEC’s *disgorgement* of the FCPA violators’ profits; add to this figure the approximately \$978.1 million in *penalties* subsequently assessed as a result of settlements with DOJ. Even a tipster achieving merely the Dodd-Frank Act’s floor of 10 percent would have been well-compensated for his or her information assisting any of these investigations.

⁸ Although the Mercator numbers are not yet available, consider the general FCPA recovery provisions: The FCPA pro-

The Danger of False Reporting

That said, the promise to potential tipsters of financial riches also carries with it the risk of generating flawed, or even outright false, information to the great detriment of a corporation’s finances and reputation. Indeed, Congress itself expressed concern about false reporting, as the Dodd-Frank Act directs the SEC inspector general to conduct a study examining, among other things, “whether the reward levels are so high as to encourage illegitimate whistleblower claims.” The results of the study must be reported and made public within 30 months of the Act’s enactment.

Harmonizing Compliance Programs With the New Realities

The SEC has 270 days from July 21 to issue regulations implementing the Dodd-Frank Act’s whistleblower provisions. Corporate employees, their personal and professional associates, as well as actual or intended bribe recipients, who may have previously been a bit more blasé about the FCPA, now have a very tangible reason to proactively uncover, “investigate,” and report an FCPA violation.

The emergence of this fortified program, coupled with the government’s increasingly intensified efforts to aggressively prosecute FCPA violators, heralds an era of substantially increased FCPA prosecutions. These developments serve to further highlight the vital role that robust and updated FCPA and anti-corruption compliance programs, including investigations work plans that seek to anticipate potential problem areas by being tailored to match individual business models, must play for companies with operations outside the United States.

Full text of the Dodd-Frank Act is at <http://pub.bna.com/cl/DoddFrankAct.pdf>.

vides that a company can be criminally fined up to \$2 million per violation of the anti-bribery provisions and culpable individuals can be subject to a criminal fine of up to \$250,000 per violation as well as imprisonment for up to five years. Willful violations of the books and records and internal control provisions, moreover, can result in a criminal fine of up to \$25 million for a company and a criminal fine up to \$5 million as well as imprisonment for up to 20 years for culpable individuals. Critically, as noted in the prior footnote, the FCPA also authorizes the SEC to disgorge a company’s profits on contracts secured with improper payments; recent studies demonstrate that the SEC is increasingly pursuing this option. The Department of Justice, on the other hand, has the ability to impose criminal penalties that may be multiples of the gross profits. Violations may result in the imposition of costly and burdensome compliance monitoring, as well as the cancellation of government contracts or outright debarment—a kiss of death for a company with a sizeable government contracts portfolio.

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U.S. Code › Title 28 › Part I › Chapter 21 › § 453

28 U.S. Code § 453 - Oaths of justices and judges

Each justice or judge of the United States shall take the following oath or affirmation before performing the duties of his office: "I, _____, do solemnly swear (or affirm) that I will administer justice without respect to persons, and do equal right to the poor and to the rich, and that I will faithfully and impartially discharge and perform all the duties incumbent upon me as _____ under the Constitution and laws of the United States. So help me God."

(June 25, 1948, ch. 646, 62 Stat. 907; Pub. L. 101-650, title IV, § 404, Dec. 1, 1990, 104 Stat. 5124.)

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U.S. Code › Title 18 › Part I › Chapter 73 › § 1514

18 U.S. Code § 1514 - Civil action to restrain harassment of a victim or witness

(a)

(1) A United States district court, upon application of the attorney for the Government, shall issue a temporary restraining order prohibiting harassment of a victim or witness in a Federal criminal case if the court finds, from specific facts shown by affidavit or by verified complaint, that there are reasonable grounds to believe that harassment of an identified victim or witness in a Federal criminal case exists or that such order is necessary to prevent and restrain an offense under section 1512 of this title, other than an offense consisting of misleading conduct, or under section 1513 of this title.

(2)

(A) A temporary restraining order may be issued under this section without written or oral notice to the adverse party or such party's attorney in a civil action under this section if the court finds, upon written certification of facts by the attorney for the Government, that such notice should not be required and that there is a reasonable probability that the Government will prevail on the merits.

(B) A temporary restraining order issued without notice under this section shall be endorsed with the date and hour of issuance and be filed forthwith in the office of the clerk of the court issuing the order.

(C) A temporary restraining order issued under this section shall expire at such time, not to exceed 14 days from issuance, as the court directs; the court, for good cause shown before expiration of such order, may extend the expiration date of the order for up to 14 days or for such longer period agreed to by the adverse party.

(D) When a temporary restraining order is issued without notice, the motion for a protective order shall be set down for hearing at the earliest possible time and takes precedence over all matters except older matters of the same character, and when such motion comes on for hearing, if the attorney for the Government does not proceed with the application for a protective order, the court shall dissolve the temporary restraining order.

(E) If on two days notice to the attorney for the Government, excluding intermediate weekends and holidays, or on such shorter notice as the court may prescribe, the adverse party appears and moves to dissolve or modify the temporary restraining order, the court shall proceed to hear and determine such motion as expeditiously as the ends of justice require.

(F) A temporary restraining order shall set forth the reasons for the issuance of such order, be specific in terms, and describe in reasonable detail (and not by reference to the complaint or other document) the act or acts being restrained.

(b)

(1) A United States district court, upon motion of the attorney for the Government, or its own motion, shall issue a protective order prohibiting harassment of a victim or witness in a Federal criminal case or investigation if the court, after a hearing, finds by a preponderance of the evidence that harassment of an identified victim or witness in a Federal criminal case or investigation exists or that such order is necessary to prevent and restrain an offense under section 1512 of this title, other than an offense consisting of misleading conduct, or under section 1513 of this title.

(2) In the case of a minor witness or victim, the court shall issue a protective order prohibiting harassment or intimidation of the minor victim or witness if the court finds evidence that the conduct at issue is reasonably likely to adversely affect the willingness of the minor witness or victim to testify or otherwise participate in the Federal criminal case or investigation. Any hearing regarding a protective order under this paragraph shall be conducted in accordance with paragraphs (1) and (3), except that the court may issue an ex parte emergency protective order in advance of a hearing if exigent circumstances are present. If such an ex parte order is applied for or issued, the court shall hold a hearing not later than 14 days after the date such order was applied for or is issued.

(3) At the hearing referred to in paragraph (1) of this subsection, any adverse party named in the complaint shall have the right to present evidence and cross-examine witnesses.

(4) A protective order shall set forth the reasons for the issuance of such order, be specific in terms, describe in reasonable detail the act or acts being restrained.

(5) The court shall set the duration of effect of the protective order for such period as the court determines necessary to prevent harassment of the victim or witness but in no case for a period in excess of three years from the date of such order's issuance. The attorney for the Government may, at any time within ninety days before the expiration of such order, apply for a new protective order under this section, except that in the case of a minor victim or witness, the court may order that such protective order expires on the later of 3 years after the date of issuance or the date of the eighteenth birthday of that minor victim or witness.

(c) Whoever knowingly and intentionally violates or attempts to violate an order issued under this section shall be fined under this title, imprisoned not more than 5 years, or both.

(d)

(1) As used in this section—

(A) the term “course of conduct” means a series of acts over a period of time, however short, indicating a continuity of purpose;

(B) the term “harassment” means a serious act or course of conduct directed at a specific person that—

(i) causes substantial emotional distress in such person; and

(ii) serves no legitimate purpose;

(C) the term “immediate family member” has the meaning given that term in section 115 and includes grandchildren;

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Legal Information Institute [LII]
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U.S. Code › Title 42 › Chapter 21 › Subchapter I › § 1983

42 U.S. Code § 1983 - Civil action for deprivation of rights

Every person who, under color of any statute, ordinance, regulation, custom, or usage, of any State or Territory or the District of Columbia, subjects, or causes to be subjected, any citizen of the United States or other person within the jurisdiction thereof to the deprivation of any rights, privileges, or immunities secured by the Constitution and laws, shall be liable to the party injured in an action at law, suit in equity, or other proper proceeding for redress, except that in any action brought against a judicial officer for an act or omission taken in such officer's judicial capacity, injunctive relief shall not be granted unless a declaratory decree was violated or declaratory relief was unavailable. For the purposes of this section, any Act of Congress applicable exclusively to the District of Columbia shall be considered to be a statute of the District of Columbia.

(R.S. § 1979; Pub. L. 96–170, § 1, Dec. 29, 1979, 93 Stat. 1284; Pub. L. 104–317, title III, § 309(c), Oct. 19, 1996, 110 Stat. 3853.)

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CERTIFICATE OF TITLE

State of Delaware

DIVISION OF MOTOR VEHICLES

DEPARTMENT OF TRANSPORTATION

STOCK NO.

1027264

TITLE, TAG AND REGISTRATION NO.		SPECIAL TAG, IF ANY		ODOMETER MILEAGE	
[REDACTED]		[REDACTED]		0	
MANUFACTURER AND YEAR		MODEL		BODY STYLE	
CADI 2003		DEV		4D	
TITLE DATE		EXPIRATION DATE		VEHICLE IDENTIFICATION NO.	
03/02/2018		00/00/000		[REDACTED]	
REG WEIGHT		MGVWR		USE	
[REDACTED]		[REDACTED]		TRANSFER	
[REDACTED]		[REDACTED]		COLOR	
[REDACTED]		[REDACTED]		BRZ	

MILEAGE DISCLOSURE NOT REQUIRED

ISSUED TO

2018030220107129BLT 0004875RT U0167894

HENRY RONNIER JAMES
9539 MEYER LN LOT M1
SEAFORD DE 19973

LIENHOLDER(S)

NONE

1ST LIEN
DATE OF RELEASE

LIENHOLDER

AUTHORIZED REPRESENTATIVE

2ND LIEN (IF ANY)
DATE OF RELEASE

LIENHOLDER

AUTHORIZED REPRESENTATIVE

3RD LIEN (IF ANY)
DATE OF RELEASE

LIENHOLDER

AUTHORIZED REPRESENTATIVE



I, the undersigned, hereby certify that an application for certificate of title has been made for the vehicle described hereon, pursuant to the provisions of the Motor Vehicle Laws of this State, and the applicant named on the face hereon has been duly recorded as the lawful owner of said vehicle. I further certify that the vehicle is subject to the security interests shown hereon, if any. However, the vehicle may be subject to other security interests not filed with this Department. The Department will not be responsible for false or fraudulent odometer statements made in the assignment of the Certificate of Title or for errors made in the recording by the Department.

STOCK NO. 1027264

Scott Vrain

DIRECTOR, MOTOR VEHICLE DIVISION

PMVABLT

**STORE IN A SAFE PLACE
ANY ALTERATIONS, ERASURES, OR
MUTILATIONS VOID THIS TITLE**

VOID IF ALTERED

DO NOT DETACH UNTIL SOLD - SEE REVERSE SIDE

125535

HOLD TO LIGHT TO VIEW EAGLE WATERMARK

HOLD TO LIGHT TO VIEW EAGLE WATERMARK

For value received, the undersigned transfers the vehicle described on the face of this certificate to

DATE OF SALE

PURCHASER(S)

ADDRESS

To be completed by seller of the vehicle unless sold to a Delaware Registered Dealer. The vehicle described on the front of this certificate was sold for a

Total price of

* Less trade-in value

Net cost

Document fee

I certify to the best of my knowledge that the ODOMETER READING is the ACTUAL MILEAGE of the vehicle unless one of the following statements is checked:

ODOMETER READING-MILES (NO TENTHS)

- ☐ 1. The mileage stated is in excess of odometer mechanical limits, and the reading started again at zero.
☐ 2. The odometer reading is not the actual mileage. -WARNING-ODOMETER DISCREPANCY

FEDERAL and State Law requires that you state the mileage in connection with transfer of ownership. Failure to complete ODOMETER STATEMENT OR providing a FALSE STATEMENT may result in fines and/or imprisonment.

I/we certify, under penalty of perjury, that the statements made herein are true and correct to the best of my/our knowledge, information and belief.

Signature of Seller-

of Buyer-

Signature of Seller-

of Buyer-

Printed Name of Seller

of Buyer-

For value received, the undersigned transfers the vehicle described on the face of this certificate to

DATE OF SALE

PURCHASER(S)

ADDRESS

and warrant title to said vehicle and state that at the time of delivery is subject to the following security interests and none other.

Dealer must complete upon reassignment unless sold to a Delaware Registered Dealer. The vehicle described on the front of this certificate was sold for a

Total price of

* Less trade-in value

Net cost

Document fee

* THIS INFORMATION IS REQUIRED ONLY IF THE TRADE-IN IS A DELAWARE REGISTERED VEHICLE.

I certify to the best of my knowledge that the ODOMETER READING is the ACTUAL MILEAGE of the vehicle unless one of the following statements is checked:

ODOMETER READING-MILES (NO TENTHS)

- ☐ 1. The mileage stated is in excess of odometer mechanical limits, and the reading started again at zero.
☐ 2. The odometer reading is not the actual mileage. -WARNING-ODOMETER DISCREPANCY

I/we certify, under penalty of perjury, that the statements made herein are true and correct to the best of my/our knowledge, information and belief.

Signature of Seller's Agent-

of Buyer/Agent

Printed Name of Seller's Agent

of Buyer/Agent

Printed Name of Dealer

of Dealer/Company

NAME OF LIENHOLDER

ADDRESS

PRINT FULL NAME OF APPLICANT(S)

ADDRESS OF APPLICANT(S)

DATE OF BIRTH

CO. APPLICANT DRIVERS LIC. NO.

INSURANCE CO. TAG NO.

IF UNDER 18 PARENT OR GUARDIAN'S CONSENT

I, to whom the vehicle described on the face of this certificate has been transferred, do hereby state that the description on the face of this certificate agrees in every particular with the vehicle described and I further state that this vehicle is subject to the above stated liens and none other.

I/we certify, under penalty of perjury, that the statements made herein are true and correct to the best of my/our knowledge, information and belief.

X

(SIGNATURE OF APPLICANT)

(DATE)

X

(SIGNATURE OF CO-APPLICANT)

(DATE)

STORE IN A SAFE PLACE

ANY ALTERATIONS, ERASURES, OR MUTILATION VOIDS THIS TITLE

No JURISDICTION = No AUTHORITY

Quaelibet jurisdictio cancellos suos habet.

Every jurisdiction has its bounds.

Bouvier's Law Dictionary, 1856

This page should serve to illuminate some issues regarding a necessary element that is foundational to an officer's exercise of authority, JURISDICTION. Without it, an officer's demand or command lacks constitutional foundation, and absent constitutional foundation:

Jurisdiction consists of "in personam", "subject matter" and "geographic".

“Once challenged, jurisdiction cannot be ‘assumed’ it must be proved to exist”.

Stuck v Medical Eaminers, 94 Ca.2d 751, 211 P. 2s 389

“Jurisdiction once challenged cannot be assumed and must be decided”.

Main v. Thiboutot, 100 S.Ct. 2502

“...federal jurisdiction cannot be assumed, but must be clearly shown”.

Brooks v. Yawkey, 200 F. 2d 633

“No sanction can be imposed absent proof of jurisdiction”.

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”.

Hagans v. Lavine, 415 U.S. 533

“If any tribunal finds absence of proof of jurisdiction over person and subject matter, the case must be dismissed”.

Louisville Rail Road v. Motley, 211 U.S. 149, 29 S.Ct. 42

“Jurisdiction is essential to give validity to the determination of administrative agencies and where jurisdictional requirements are not satisfied, the action of the agency is a nullity...”

City Street Improvement Co. v. Pearson, 181 C. 640, 185 P. 962,

We think it is clear that... ..the officers provided for by the act herein under consideration, nor any other official acquired any jurisdiction of petitioner to consider or make any order and that the order made is null and void. This, of course, because petitioner herein was not a licensed contractor at the time of the proceeding which is a precedent necessity before any action is authorized.

O’Neil v. Dept. Of Professional & Vocational Standards, 7 Ca 2d 395, 46 P. 2d 234

“Therefore, it is necessary that the record present the fact establishing the jurisdiction of the tribunal”.

Lowe v. Alexander, 15 C. 296, ***People v. Board of Delegates of San Francisco Fire Dept.***, 14 C. 479

Also see the following for citations re the person asserting jurisdiction must, when challenged, prove that jurisdiction exists:

McNutt v. G.M., 56 S.Ct. 789, 80 L.Ed 1135,

Griffin v. Matthews, 310 Supp. 341, 423,

Basso v. U.P.L., 495 F. 2d 906,
Thompson v. Gaskiel , 62 S.Ct. 673, 83 L.Ed. 111,
Albrecht v. U.S., 273 U.S.

"...the states are separate sovereigns with respect to the federal government".
Heath v. Alabama, 474 U.S. 187

"There is a canon of legislative construction which teaches Congress that, unless a contrary intent appears is meant to apply only within the territorial jurisdiction of the United States".
U.S. v. Spelar, 338 U.S. 217 at 222

"All legislation is prima facie territorial".
American Banana Co. v. U.S. Fruit, 213 U.S. 347 at 357-358

"Criminal jurisdiction of the federal courts is restricted to federal reservations over which the Federal Government has exclusive jurisdiction, as well as forts, magazines, arsenals, dockyards or other needful buildings".
Title 18 USC, §451, 3rd paragraph

"The laws of Congress in respect to those matters do not extend into the territorial limits of the states, but have force only in the District of Columbia, and other places that are within the exclusive jurisdiction of the national government".
Caha v. U.S., 152 U.S. 211

"It is an elementary rule of pleading, that a plea to the jurisdiction is...a tacit admission that the court has a right to judge in the case, an is a waiver to all exceptions to the jurisdiction".
Girty v. Logan, 6 Bush Ky. 8

"Every person born or naturalized in the United States and subject to its jurisdiction is a citizen".
Title 26, CFR §1.1-1(c)

Why was the word "**their**" not use in place of the word "**it's**"? "It's" denotes the singular and not the many, as in *states* of the union.

"...the principle that a citizen can defy an unconstitutional act is deep in our system".
[Emphasis added]
Thomas v. Collins, 323 U.S. 516, 532-537. [392 U.S. 598, 614]

When in a recent case (*Wright v. Georgia*, 373 U.S. 284, 291-292), it was said that "failure to obey the command of a police officer constitutes a traditional form of breach of the peace," we made a qualification: "**Obviously, however, one cannot be punished for failing to obey the command of an officer if that command is itself violative of the Constitution.**" {Emphasis added]
Wainwright v. City of New Orleans, 392 U.S. 598 (1968)

"Ignorance of the law does not excuse misconduct in anyone, least of all in a sworn officer of the law."[Emphasis added]
In re McCowan (1917), 177 C. 93, 170 P. 1100.

The right of the people to be secure in their persons, houses, and papers, and effects, against unreasonable searches and seizures, shall not be violated, and no warrant 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.

"The Fourth Amendment, of course, 'applies to all seizures of the person, including seizures that involve only a brief detention short of traditional arrest.' *Davis v. Mississippi*, 394 U.S. 721 (1969); *Terry v. Ohio*, 392 U.S. 1, 16-19 (1968). '[W]hen a police officer accosts an individual and restrains his freedom to walk away, he has 'seized' that person... and the fourth Amendment requires that the seizure be reasonable'." *U.S. v. Brignoni-Ponce*, 422 U.S. 873, 878 (1975)"

In a unanimous decision the U.S. Supreme Court held: 'demand for identification is an intrusion on the interests prohibited by the Fourth Amendment and requires reasonable suspicion based on articulable facts relating to the person or his or her conduct, in order to be lawful.

When police officers, with or without arresting an individual, detain the individual for the purpose of requiring him to identify himself, they perform a seizure of person subject to the requirements of the Fourth Amendment. ...that the defendant's conviction requiring identification upon a lawful stop was improper, the police officer's stopping the defendant and requiring him to identify himself violated defendant's First, Fourth and Fifth Amendments was in violation of...United States Constitution when the police officer has no reasonable suspicion to believe that the defendant was engaged or been engaged in criminal conduct.

Brown v. Texas, (1979) 443 U.S. 46 [61 L.Ed.2d. 357]

The LAW is CLEARLY on your side, BUT you have to exercise your power and authority as one of the sovereign people and effectively defend YOUR FREEDOM and RIGHTS.

Extra territorium jus dicenti non paretur impune.
One who exercises jurisdiction out of his territory is not obeyed with impunity.
Bouvier's Law Dictionary, 1856

Sublato fundamento cadit opus.
Remove the foundation, the structure or work fall.
Bouvier's Law Dictionary, 1856

THE PEACE OFFICER CAN NOT COMPEL/FORCE YOU TO CONFESS OR BEAR WITNESS AGAINST YOURSELF:

Nemo tenetur seipsum accusare.
No one is bound to accuse himself.

Nemo tenetur armare adversarum contra se.
No one is bound to arm his adversary.

Nemo tenetur jurare in suam turpitudinem.
No one is bound to testify to his own baseness.

Nemo tenetur seipsam infortunis et periculis exponere.
No one is bound to expose himself to misfortune and dangers. Co. Litt. 253.

Nemo tenetur seipsum accusare.
No man is bound to accuse himself.

COLOR OF OFFICE. An act unjustly done by the countenance of an office, being grounded upon corruption, to which the office is a shadow and color. Plow. 64. *Day v. National Bond & Investment Co.*, Mo.App. 99 S.W.2d 117, 119. A claim or assumption of right to do an act by virtue of an office, made by a person who is legally destitute of any such right.

Feller v. Gates, 40 Or. 543, 67 P. 416, 56 L.R.A. 630, 91 Am.St.Rep. 492; *Citizens' Bank of Colquitt v American Surety Co. of New York*, 174 Ga. 852, 164 S.E. 817; *Pontiac Trust Co. v. Newell*, 266 Mich. 490, 254 N.W. 178, 181.

Black's Law Dictionary, 4th Edition, 1951

"An officer who acts in violation of the Constitution ceases to represent the government".[Emphasis added]
Brookfield Const. Co. v. Stewart, 284 F. Supp. 94.

Extra territorium jus dicenti non paretur impune.
One who exercises jurisdiction out of his territory is not obeyed with impunity.
Bouvier's Law Dictionary, 1856

"...an officer may be held liable in damages to any person injured in consequence of a breach of any of the duties connected with his office...The liability for nonfeasance, misfeasance, and for malfeasance in office is in his 'individual', not his official capacity..."

70 AmJur2nd Sec. 50, VII Civil Liability.

There are PENALTIES for one acting in such a way:

Title 18 United States Code, §241, provides that... "**any person** who goes on the highway in disguise to prevent or hinder the free exercise and enjoyment of any right so secured by law...shall be fined not more than \$10,000.00 or imprisoned not more than ten years or both."[Emphasis added]

Once the officer loses JURISDICTION, he/she becomes a private person just like you and is now suffering LEGAL JEOPARDY because he/she has stepped out from behind the badge. If the officer proceeds after losing JURISDICTION, he/she then trespasses or encroaches upon your rights.

Title 42 United States Code, §1983:

"Every person who, under color of any statute, ordinance, regulation, custom, or usage, of any State or territory, or the District of Columbia, subjects, or causes to be subjected, any citizen of the United States, or other person within the jurisdiction thereof, to the deprivation of any rights, privileges, or immunities secured by the Constitution and laws, shall be liable to the party injured in an action at law, suit in equity or other proper proceedings for redress."

"To maintain an action under 42 USC 1983, it is **not necessary to allege or prove that the defendants intended to deprive plaintiff of his Constitutional rights or that they acted willfully, purposefully, or in a furtherance of a conspiracy.** . . it is sufficient to establish that the deprivation. . . was the natural consequences of defendants acting under color of law. . . ." *Ethridge v. Rhodos*, DC Ohio 268 F Supp 83(1967), *Whirl v. Kern* CA 5 Texas 407 F 2d 781 (1968)[Emphasis added]

Constitution for the United States of America

Article IV.

Frickstad v Medcraft (1929) 100 CA 188, 279 P 840; *Nakashima v Takase* (1935) 8 CA2d 35, 46 P2d 1020; *Haeussler v De Loretto* (1952) 109 CA2d 363, 240 P2d 654.

One may protect his property with all force reasonably necessary for that purpose.
Fawkes v Reynolds (1922) 190 C 204, 211 P 449.

Force that one may use in self-defense is that which reasonably appears necessary in view of all circumstances to prevent impending injury.

McAfee v Ricker (1961) 195 CA2d 630, 15 Cal Rptr 920.

"The Constitution of most of our states (and of the United States) assert that **all power is inherent in the people**; that they may exercise it by themselves; that it is their right and duty to be at all times armed and that they are entitled to freedom of person, freedom of religion, freedom of property, and freedom of press." [Emphasis added]

Thomas Jefferson

"If the representatives of the people betray their constituents, there is then no recourse left but in the exertion of that original right of self-defense..."

Alexander Hamilton, The Federalist Papers, No. 28

"...the principle that a citizen can defy an unconstitutional act is deep in our system". [Emphasis added]

Thomas v. Collins, 323 U.S. 516, 532-537. [392 U.S. 598, 614]

When in a recent case (*Wright v. Georgia*, 373 U.S. 284, 291-292), it was said that "failure to obey the command of a police officer constitutes a traditional form of breach of the peace," we made a qualification: "**Obviously, however, one cannot be punished for failing to obey the command of an officer if that command is itself violative of the Constitution.**" [Emphasis added]

Wainwright v. City of New Orleans, 392 U.S. 598 (1968)

ASKING the officer a few questions regarding the stop is perfectly legal and well within your JURISDICTION and rights and to protect and defend yourself.

The Legislature has told us at Evidence Code §520 that the burden of proof is on the accuser:

EVIDENCE CODE

SECTION 520-523

520. The party claiming that a person is guilty of crime or wrongdoing has the burden of proof on that issue.

This is a fact, IF you are accused of something, you are the DEFENDANT, and are NOT REQUIRED to prove your innocence, the police officer as your ACCUSER is REQUIRED, pursuant to the aforementioned Evidence Code section, to PROVE you are guilty. You are INNOCENT until PROVEN guilty in a court of law, NOT AT CURBSIDE, but IN A COURT with a judicial officer as an impartial trier of fact.

You are well within your rights to ask the following questions to ascertain the **NATURE OF THE STOP**. These questions will provide you with NECESSARY information to determine whether the officer has JURISDICTION. The following are "YES" or "NO" questions. They are designed so that you can determine with the least amount of effort and simply to determine what is happening. Any

other reply is a game being played to get you to lose. Ask ONLY THOSE QUESTIONS you feel absolutely confident about and then STOP.

Officer, is your recording device activated?

Am I under arrest?

Am I free to leave?

Is this State authorized business?

Are you conducting a criminal investigation?

You have the right to remain SILENT AFTER you're arrested, you have the RIGHT to remain SILENT BEFORE you're arrested. The ACCUSED IS INNOCENT UNTIL PROVEN GUILTY IN A COURT OF LAW.

If you have determined that you are being accused of something, you are now an ACCUSED/DEFENDANT, and as your own COUNSEL, it would be in your best interest NOT TO ASSIST YOUR ACCUSER IN PROVING THEIR ACCUSATION/S BY PROVIDING POTENTIALLY INCRIMINATING EVIDENCE. Your name & address is YOUR PERSONAL & PRIVATE PROPERTY which MAY BE used to make a case against you. Once again citing the Legislature:

EVIDENCE CODE
SECTION 520-523

520. The party claiming that a person is guilty of crime or wrongdoing has the burden of proof on that issue.

Semper necessitas probandi incumbit qui agit.

The claimant is always bound to prove: the burden of proof lies on him.

Bouvier's Law Dictionary, 1856

A universal principle as old as the law, is that a proceedings of a court without jurisdiction are a nullity and its judgment therein without effect either on person or property.

Norwood v. Kenfield, 34 C. 329; *Ex parte Giabonini*, 117 C. 573, [49 P. 732]

Jurisdiction is fundamental and a judgment rendered by a court that does not have jurisdiction to hear is void ab initio.

Re Application of Wyatt, 114 Cal.App. 557, [300 P. 132]; *Re Cavitt*, 47 Cal.App.2d. 698, [118 P.2d. 846].

Where a statute requires a court/tribunal to exercise its jurisdiction in a particular manner, or subject to certain limitations, and to follow certain procedure, **any act beyond those limitations is in excess of its jurisdiction.**

Los Angeles County v. Surety, 208 Cal.Rptr. 194.[Emphasis added]

COLOR OF OFFICE, criminal law. A wrong committed by an officer under the pretended authority of his office; in some cases the act amounts to a misdemeanor, and the party may then be indicted. In other cases, the remedy to redress the wrong is by an action.

Bouvier's Law Dictionary, 1856

The previous maxims from Bouvier's Law Dictionary, 1856.

Volunti non fit injuria.

He who consents cannot receive an injury. 2 Bouv.

Bouvier's Law Dictionary, 1856

"...So long as the people do not care to exercise their freedom, those who wish to tyrannize will do so; For tyrants are active and ardent, and will devote themselves in the name of any number of gods, religious and otherwise, to put shackles upon sleeping men."

Voltarine de Cleyre



- Casebriefs - <https://www.casebriefs.com> -

Will v. United States

Posted By *admin* On August 29, 2009 @ 6:01 pm In Appeals | [No Comments](#)

View this case and other resources at:

Bloomberg LAW[®] [1]

Citation. 389 U.S. 90, 88 S. Ct. 269, 19 L. Ed. 2d 305, 1967 U.S. [2]

Brief Fact Summary. Simmie Horwitz, the Defendant in a criminal tax evasion case pending before the United States District Court for the Northern District of Illinois, filed a Motion for a Bill of Particulars, which contained thirty requests for information. Request number twenty-five sought information concerning any oral statements of the Defendant relied upon by the government to support the charge in the indictment.

Synopsis of Rule of Law. The peremptory writ of mandamus has traditionally been used in the federal courts only to confine an inferior court to a lawful exercise of its prescribed jurisdiction or to compel it to exercise its authority when it has a duty to do so. It is clear that only exceptional circumstances amounting to a judicial usurpation of power will justify the invocation of this extraordinary remedy.

Facts. The United States District Court Judge ordered the United States Attorney to furnish the information, but he did not comply with the order. The United States Court of Appeals for the Seventh Circuit granted the government's Writ of Mandamus directing the District Court Judge to vacate his order directing the government to comply with question number twenty-five in the Bill of Particulars.

Issue. Whether it was proper for the United States Court of Appeals for the Seventh Circuit to issue a Writ of Mandamus to compel the United States District Judge, to vacate a portion of the pre-trial order?

Held. Neither the record nor the order of the court of appeals justifies the invocation of the extraordinary Writ of Mandamus in this case. As a result, the Writ is vacated and the cause is remanded to the court of appeals.

Discussion. The Supreme Court of the United States found that the court of appeals had issued the Writ of Mandamus without a reasoned basis for its action. Without a more complete record, and evidence of due inquiry by the court of appeals, the Court was reluctant to let the writ of mandamus stand.

Article printed from Casebriefs: <https://www.casebriefs.com>

URL to article: <https://www.casebriefs.com/blog/law/civil-procedure/civil-procedure-keyed-to-marcus/appeals/will-v-united-states/>

URLs in this post:

[1] Image: <http://www.bloomberglaw.com>

[2] 389 U.S. 90, 88 S. Ct. 269, 19 L. Ed. 2d 305, 1967 U.S.:
<http://www.bloomberglaw.com/document/X5C71N?jcsearch=389%2520U.S.%252090#jcite>

IN THE COURT OF COMMON PLEAS
FOR THE STATE OF DELAWARE

THE STATE OF DELAWARE : Cr. A. No. K17-10-1335,1336,1337
v. : I.D. No. 1708018680
RONNIER J. HENRY : NOTICE OF NOLLE PROSEQUI


A Nolle Prosequi is hereby entered on the charge(s) of

- **Driving a Vehicle Under the Influence of Alcohol**
- **Failure to Have Required Insurance**
- **Failure to Have Lights on When Required**

against the above-named defendant and the Clerk of the Court is requested to
note the same on the record.

REASON: Without Prejudice (#28)

STATE OF DELAWARE
DEPARTMENT OF JUSTICE



CHRISTEL DUFF
Deputy Attorney General
102 W. Water Street
Dover, DE 19904

Dated: May 22, 2018
/cjm



State of Delaware

SECRETARY OF STATE
DIVISION OF CORPORATIONS
P.O. BOX 898
DOVER, DELAWARE 19903

8176363

05-15-2018

RONNIER JAMES HENRY

9539 MEYER'S LANE

LOT M-1

SEAFORD, DE 19973

DESCRIPTION**AMOUNT**

20184504511

SIGV Signature Verify Certificate

Apostille \$30.00*Expedite Fee, 2 hour Apostille* \$500.00*Expedite Fee, 2 hour Apostille* -\$500.00**TOTAL CHARGES** \$30.00**TOTAL PAYMENTS** \$30.00**BALANCE** \$0.00

CERTIFICATION OF VITAL RECORD

State of Delaware

DEPARTMENT OF HEALTH AND SOCIAL SERVICES DIVISION OF PUBLIC HEALTH

Office of Vital Statistics

CERTIFICATION OF BIRTH

NAME: *RONNIER JAMES HENRY*

DATE OF BIRTH: [REDACTED]

CITY/TOWN OF BIRTH: LEWES

SEX: MALE

STATE FILE NUMBER : [REDACTED]

MOTHER'S MAIDEN NAME: LOUISE FRANCES LAWS

FATHER'S NAME: CLAYTON JOSHUA HENRY

FILE DATE: APR 13 1971

DATE ISSUED: APR 16 2018

S915058



This is to certify that this is a true and correct reproduction or abstract of the official record filed with the Delaware Division of Public Health.

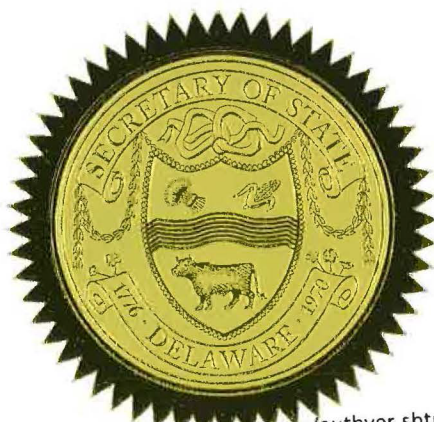
Any alteration of this document is prohibited. Do not accept unless on security paper with the raised seal of the Office of Vital Statistics.

K. T. R. Haynes

State Registrar



ANY ALTERATION OR ERASURE VOIDS THIS CERTIFICATE



Jeffrey W. Bullock
Jeffrey W. Bullock Secretary of State

UCSVC

SR# 20183750713

You may verify this certificate online at corp.delaware.gov/authver.shtml

Authentication: 202693976

Date: 05-15-18

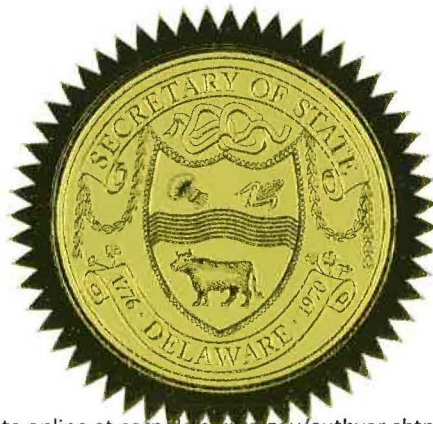
Delaware

Page 1

The First State

I, JEFFREY W. BULLOCK, SECRETARY OF STATE OF THE STATE OF DELAWARE, DO HEREBY CERTIFY THAT KARYL T. RATTAY, M.D., WHOSE GENUINE SIGNATURE APPEARS ON THE ABOVE AND FOREGOING DOCUMENT WAS AT THE TIME OF MAKING AND NOW IS THE STATE REGISTRAR OF VITAL STATISTICS FOR THE STATE OF DELAWARE IN AND FOR SUSSEX COUNTY DULY APPOINTED, COMMISSIONED, AND QUALIFIED, AND THAT FULL FAITH AND CREDIT ARE, AND OUGHT TO BE, GIVEN TO ALL OF HIS OFFICIAL ACTS AS SUCH.

IN TESTIMONY WHEREOF, I HAVE HEREUNTO SET MY HAND AND AFFIXED MY OFFICIAL SEAL OF OFFICE AT DOVER ON THE FIFTEENTH DAY OF MAY, A.D. 2018.




Jeffrey W. Bullock, Secretary of State

UCSVC

SR# 20183750713

You may verify this certificate online at corp.delaware.gov/authver.shtml

Authentication: 202693976

Date: 05-15-18



Division of Corporations Survey

401 Federal Street, Suite 4
Dover, DE 19901

Fax: 302-739-2565

On a scale of 1 (unacceptable) to 10 (outstanding), please rate the following questions.

1. How would you rate the overall quality of service provided by the Division of Corporations?
1 2 3 4 5 6 7 8 9 10 NA
2. How would you rate the convenience of our services?
1 2 3 4 5 6 7 8 9 10 NA
3. How would you rate the promptness of service provided?
1 2 3 4 5 6 7 8 9 10 NA
4. How would you rate the accessibility of the Division of Corporations staff?
1 2 3 4 5 6 7 8 9 10 NA
5. How would you rate the training you received from the Division of Corporations staff?
1 2 3 4 5 6 7 8 9 10 NA
6. How would you rate the written materials received from the Division of Corporations?
(Were they easy to read and helpful? i.e., guidelines, forms, DCIS Manual.)
1 2 3 4 5 6 7 8 9 10 NA
7. Were Division of Corporations staff attentive and helpful relative to your comments and concerns?
1 2 3 4 5 6 7 8 9 10 NA
8. Did Division of Corporations staff display professionalism & courtesy?
1 2 3 4 5 6 7 8 9 10 NA
9. Are Division of Corporations staff knowledgeable?
1 2 3 4 5 6 7 8 9 10 NA

Please let us know about experiences and incidents with the Division of Corporations (i.e., staff, equipment, connectivity, customer service) that impressed or disappointed you.

Comments: _____

Company name and contact information: _____

If you would prefer, you may take this survey online at

<http://www.surveymonkey.com/s/20113rdqtr>

Court of Common Pleas
Dover, DE 19901
Dover, Delaware
Kent County

2018 FEB - 9 P 3:59
COURT OF
COMMON PLEAS

I, Ronnier James Henry,
hereby declares to this
Court that I am an allied
sovereign of the United
States of the Republic.
I filing this motion for
dismissal of all charges,
Fines against Ronnier James
Henry. 1 Right to travel 2. Jurisdiction.
3 probable cause. 4 Right to
Discovery. 5. copy of surety bond. 5
This court is an Administrative Court.
Article I Judges are actually
Executive Trust Administrators
until you give them Jurisdiction.
Thompson, Smith, 155 VA. 376, 54 SE 588
K.C. DAVIS, Admin Law Ch. 7 CTP West
1965) "Judges who become
involved in enforcement of mere
statutes act as mere "clerks"
of the involved agency."
K.C. Davis, Admin Law., 995 CTP
6 Ed. West 1977.

I filed the motion for
dismissal of all charges
and reimbursement of
tow charge and damages
to my car's window ^{motor} after
the tow. Please respond
Respond to this motion
for dismissal within
the five days required.
Clearfield Doctrine clearly
backs my motion for
dismissal.

2010 FEB - 9 P 3:59
COURT OF
COMMON PLEAS

No Driver License or Insurance
Required

Not for Commerce Use -
private mode of Travel

Private mode of ~~the~~
travel.

Have a look at this Supreme Court
Case law: "Notice for use of the
word motorist", not "traveler".

We hold, therefore, that a random
stop of a motorist in the absence
of specific articulable facts
which justify the stop by
indicating a reasonable
suspicion that a violation of the
law has occurred is constitutionally
impermissible and violative of the
Fourth and Fifth Amendments
to the United States Constitution.
It follows that a random stop solely
for

Reports
Reports

05/24/18

I, Ronnier James Henry, Special Consul,
And owner of the Consumer good, an
2003 Cadillac Deville; Also an

Allodial moorish American National,

1. Common Law ^{23rd} F I J A State v

* Every citizen and free man is endowed
with certain rights and privileges
to enjoy which no written law or

Dred Scott Case

60 U.S. 393
60 U.S. 393

Sovereign

44 L. T. Rep.
N.S. 199

Christians
Georgia

* Res
judicata

Statute is required. ~~That~~ These
are the Fundamental or
natural rights, recognized
among all free people. "U.S. v. Morris
125 F. 322, 325, also Stare Decisis."

* De Facto - "in point of fact". Actually
existing in fact, having effect even
though not formally or legally recognized
< a de facto contract > 2. Illegitimate
but in effect < a de facto government
C.F. DE JURE. BLACK'S LAW DICTIONARY
8 edition page 1258 as matter of law

Stare
Decisis

Blk. Dict.

pg 4403 -
4404

*** FAX TX REPORT ***

TRANSMISSION OK

JOB NO.	0632
DESTINATION ADDRESS	13022554481
SUBADDRESS	
DESTINATION ID	
ST. TIME	05/08 13:14
TX/RX TIME	00' 24
PGS.	2
RESULT	OK

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MAY 24 2018

OFFICE OF THE CITY CLERK

Cover Sheet

Change of medical supplier

State of Delaware

Health and Social Services

Case worker

Case #

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OFFICE OF THE CITY CLERK

UNALIENABLE RIGHTS

Unalienable Rights are the Inherent, Sovereign, Natural Rights that existed before the creation of the State, and which, being antecedent to and above the State, can never be taken away, diminished, altered, or levied by the State, except by Due Process of Law. Nor can any Unalienable Right be fundamentally removed or waived by contract, whether by non-disclosure, which is fraud and unenforceable in Law, or knowingly by sufferance, which is contrary to the Spirit of the Law and prejudicial to Sovereignty.

The Original, Permanent, Unalienable Rights of every Man or Woman, include:

The Right to Life, Freedom, Health and the Pursuit of Happiness

The Right to Contract, or Not to Contract, which is Unlimited

The Right to Earn a Living Income by being Compensated with Wages or a Salary in a Fair Exchange for one's Work

The Right to Travel in the Ordinary Course of one's Life and Business

The Right to Privacy and Confidentiality, free from Unwarranted Invasion

The Right to Own, and Hold Property, lawfully without Trespass

The Right to Self-Defence when threatened with Harm, Loss, or Deceit

The Right to Due Process of Law, with Notice and Opportunity to Defend

The Right to be Presumed Innocent, suffering No Detention or Arrest, No Search or Seizure, without Reasonable Cause

The Right to Remain Silent when accused, to avoid Self-Incrimination

The Right to Equality in the eyes of the Law, and to Equal Representation

The Right to Trial by Jury, being an Impartial Panel of one's Peers

The Right to Appeal in Law against Conviction or Sentence, or both

The Right to Expose Knowledge necessary to one's Rights and Freedoms

The Right to Peaceful Association, Assembly, Expression, and Protest

The Right to Practice a Religion, and to have Beliefs, of one's choosing

The Right to Love, and to Consensual Marriage with Children, as a Family

The Right to Security from Abuse, Persecution, Tyranny, and War

The Right to Refuse to Kill under command, by reason of Conscience

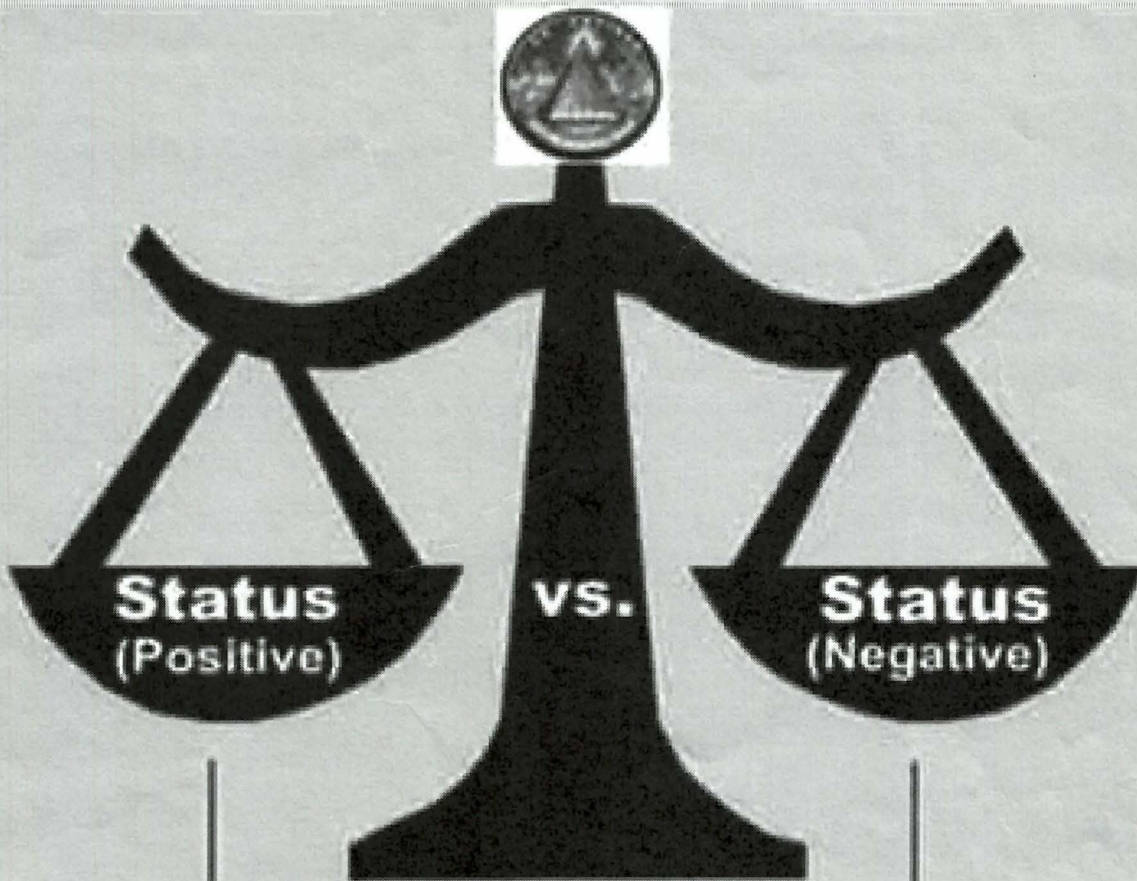
The Right to Live in Peace and be left alone when Law-Abiding

Surely, the most critical failure of The People is their failure to ensure the teaching and common knowledge of their Unalienable Rights. If you do not know your Rights, you effectively have none. By the path of Ignorance, whether by Apathy or Deception, The People arrive in a State of Exploitation, Oppression, and Tyranny.

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MAY 24 2018

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Special Appearance	vs.	Appearance
In Proper Person	vs.	Pro Se
In Full Life	vs.	Civiliter Mortuus
Consul	vs.	Counsel (Attorney)
Natural Person	vs.	Artificial (Corporate) Person
Sui Juris	vs.	Minority
Allodial	vs.	Feudal
Free White Person	vs.	Colored

YOU ARE THE FIRST LINE OF DEFENSE IN THE PROTECTION OF YOUR OWN RIGHTS

Constitution for the State of California, 1849

Article I: Declaration of Rights

Sec. 1.

All men are by nature free and independent, and have certain unalienable rights, among which are those of enjoying and **defending life and liberty**: acquiring, possessing and protecting property: and pursuing and obtaining safety and happiness.

"The law helps the vigilant, before those who sleep on their rights."
California Civil Code § 3527

Vigilantibus et non dormientibus serviunt leges.
The laws serve the vigilant, not those who sleep upon their rights.
2 Bouv. Inst. n. 2327.
Bouvier's Law Dictionary, 1856

This is a fact, the people are the BOSS, the following excerpts are YOUR AUTHORITY, and establishes the JURISDICTION of the sovereign people:

Constitution for the State of California, 1849

Article I: Declaration of Rights

Sec. 2.

All political power is inherent in the people. Government is instituted for the protection, security and benefit of the people;...

Sec. 21.

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

GOVERNMENT CODE §100

100. (a) The sovereignty of the state resides in the people thereof,...

GOVERNMENT CODE §54950

54950 DECLARATION OF LEGISLATIVE PURPOSE. "In enacting this chapter, the Legislature finds and declares that the public commissions, boards and councils and the

other public agencies in this State exist to aid in the conduct of the people's business. It is the intent of the law that their actions be taken openly and that their deliberations be conducted openly.

The people of this State do not yield their sovereignty to the agencies which serve them. The people, in delegating authority, do not give their public servants the right to decide what is good for the people to know and what is not good for them to know. The people insist on remaining informed so that they may retain control over the instruments they have created”.

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 several states are unconditionally sovereign** within their respective states."

Ohio L. Ins. & T. Co. v. Debolt, 16 How. 416, 14 L.Ed. 997.[Emphasis added]

This is a fact, public servants are REQUIRED to swear an oath to protect and defend the Constitution and your constitutionally secured rights:

Constitution for the State of California, 1849

Article XI: Miscellaneous Provisions

Sec. 3. Members of the legislature, and all officers, executive and judicial, except such inferior officers as may be by law exempted, shall before they enter on the duties of their respective offices, take and subscribe the following oath or affirmation:

"I do solemnly swear (or affirm, as the case may be) that I will support the constitution of the United States, and the Constitution of the State of California; and that I will faithfully discharge the duties of the office of ----- according to the best of my ability."

This is a fact, police are officers of the EXECUTIVE branch of government, they are Executive Officers.

This is a fact, police officers, as officers of the Executive branch of government, are not permitted to exercise power or authority of a Judicial officer of the Judicial branch of government, this violates the Separation of Powers doctrine, the following section from the Constitution of the State of California, and their oath:

Article III: Distribution of Powers.

The powers of Government of the state of California shall be divided into three separate departments: the Legislative, the Executive, and Judicial; and no person charged with the exercise of powers properly belonging to one of these departments, shall exercise any functions appertaining to either of the others, except in the cases hereinafter expressly directed or permitted.

When you are stopped, whether on foot, in your car, with another, **REMEMBER: BEFORE** you make a decision to reveal your personal and private information about who you are to a police officer,

A constitutional amendment adopted in 1974 elevated the **right of privacy to an**

"inalienable right" expressly protected by force of constitutional mandate (Cal. Const. art. I, 1). It may be safely assumed that **the right of privacy extends to one's confidential financial affairs as well as to the details on one's personal life.**

Valley Bank of Nevada v. Superior Ct. (1975) 15 Cal.3d. 652, [125 Cal.Rptr. 553, 542 P.2d. 977] [Empahsis added]

you are the DEFENDANT/ACCUSED, AND you are also your own COUNSEL, and are ENTITLED to KNOW certain issues regarding why you have been stopped and what you are being accused of.
YOU HAVE RIGHTS:

Of course, opposing counsel has the right to learn the operative facts as it relates to the issues.

Mack v. Superior Ct., (1968) 259 Cal.App.2d. 7; ***Kenny v. Superior Ct.***, (1967) 255 Cal.App.2d. 106.

Police/Executive officers MAY accuse, they CAN NOT exercise the authority of a Judge. When a police officer stops you and accuses you of something, they become your accuser and WITNESS for the prosecution. They are not a judicial officer and CAN NOT try, convict, and punish you without violating their oath and the law (denial of Due Process & Separation of Powers).

This is a fact, you have the RIGHT to protect and defend yourself:

CALIFORNIA CIVIL CODE

SECTION 50

50. Right to use force

Any necessary force may be used to protect from wrongful injury the person or property of oneself, or of a wife, husband, child, parent, or other relative, or member of one's family, or of a ward, servant, master, or guest.

Enacted 1872. Amended Code Amdts 1873-74 ch 612 §12.

PENAL CODE

SECTION 692-694

692. Lawful resistance to the commission of a public offense may be made:

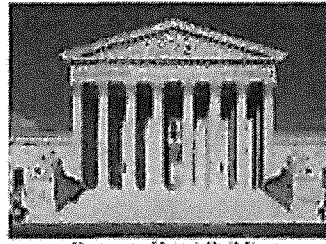
1. By the party about to be injured;
2. By other parties.

693. Resistance sufficient to prevent the offense may be made by the party about to be injured:

1. To prevent an offense against his person, or his family, or some member thereof.
2. To prevent an illegal attempt by force to take or injure property in his lawful possession.

694. Any other person, in aid or defense of the person about to be injured, may make resistance sufficient to prevent the offense.

A private person may use such force as is necessary to prevent an assault upon his person or an injury to his property.



Clearfield Doctrine

Supreme Court Annotated Statute, Clearfield Trust Co. v. United States 318 U.S. 363-371 1942

Whereas defined pursuant to Supreme Court Annotated Statute: Clearfield Trust Co. v. United States 318 U.S. 363-371 1942: "Governments descend to the level of a mere private corporation, and take on the characteristics of a mere private citizen . . . where private corporate commercial paper [Federal Reserve Notes] and securities [checks] is concerned . . . For purposes of suit, such corporations and individuals are regarded as entities entirely separate from government."

What the Clearfield Doctrine is saying is that when private commercial paper is used by corporate government, then government loses its sovereignty status and becomes no different than a mere private corporation.

As such, government then becomes bound by the rules and laws that govern private corporations which means that if they intend to compel an individual to some specific performance based upon its corporate statutes or corporation rules, then the government, like any private corporation, must be the holder-in-due-course of a contract or other commercial agreement between it and the one upon who demands for specific performance are made.

And further, the government must be willing to enter the contract or commercial agreement into evidence before trying to get the court to enforce its demands, called statutes.

This case is very important because it is a 1942 case that was decided after the UNITED STATES CORPORATION COMPANY filed its "CERTIFICATE OF INCORPORATION" in the State of Florida (July 15, 1925). And it was decided AFTER the 'corporate government' agreed to use the currency of the private corporation, the FEDERAL RESERVE. The private currency, the Federal Reserve Note, is still in use today.

3 forms of I Dentification

Contract - principle

Collectively Sheriff
elected

Delegated his authority

No contract

Sec 4 four armed people
with ~~weapons~~ weapons.

Aggravated

intimidation

Title 18

43. Code of Law

Chapter 13.

241 242

Bonds
Come up
for prob
break

State

CLAIMANT
the
bond security

Two or more person

in any state

or the laws

Disguise on the highway

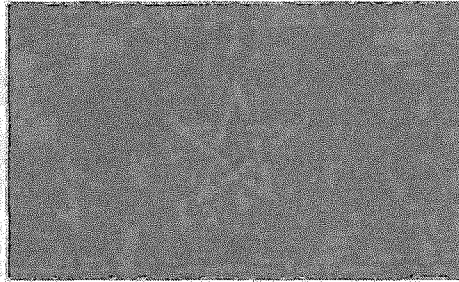
or property & persons

in color of law color authority

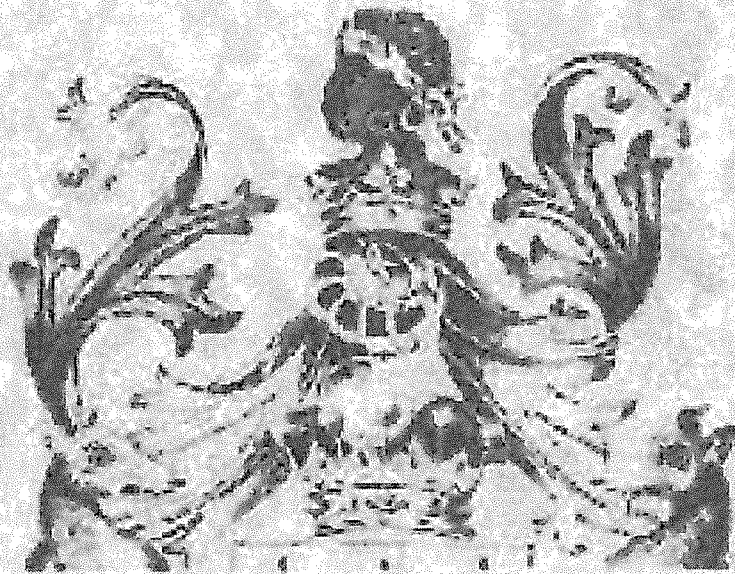
“The people of the United States resident within any State are subject to two governments: one State, and the other National, but there need be no conflict between the two.” United States v. Cruikshank, 92 U.S. 542 (1876).

As a National, you are not a resident within the United States, nor are you a resident of any union State. The above case law, at minimum, exposes for thought, that there exist a National Government and a State Government. Which one pertains to you? One is active at usurping the other's Birth Rights, and the other is inactively complaining about it.

Treaty of



The Al Moroccan Flag



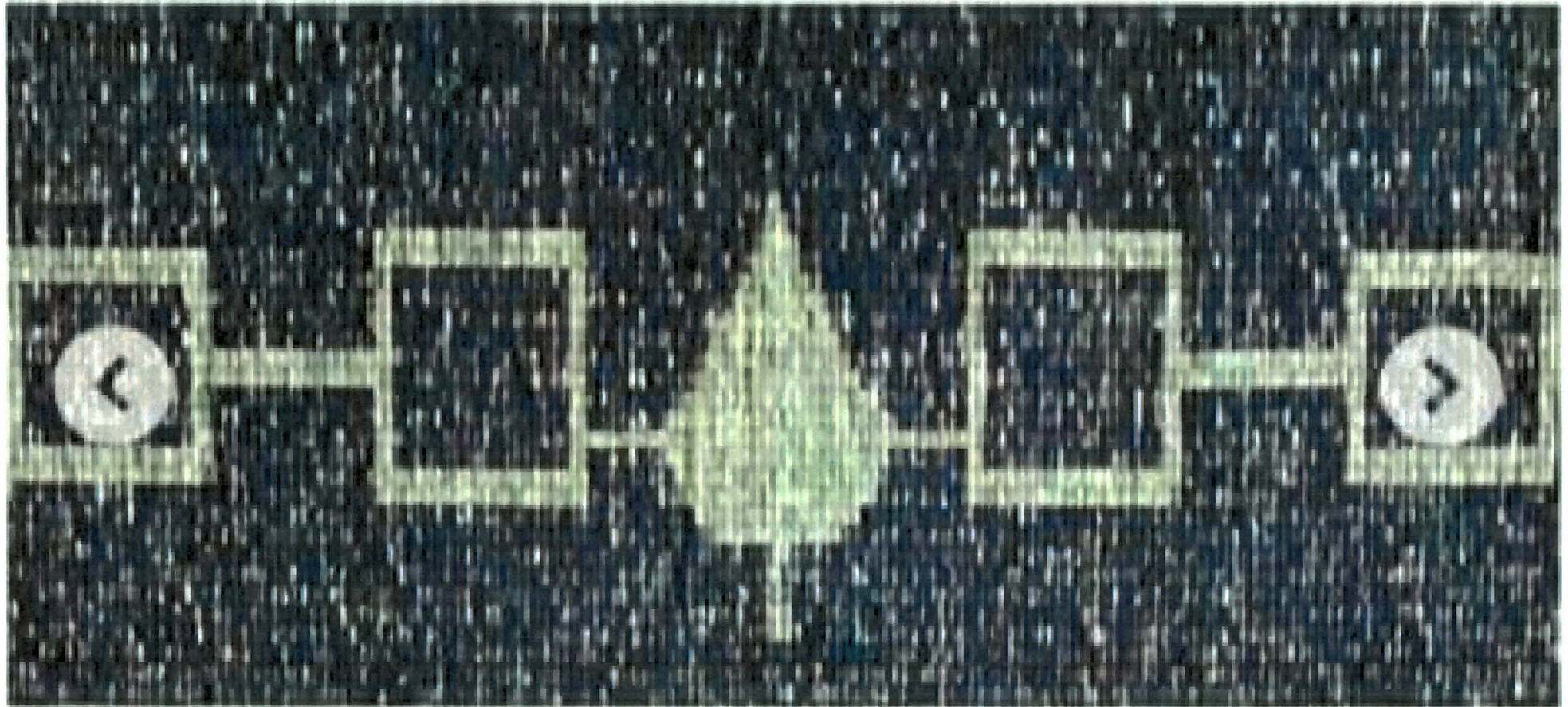
Brit-Moor Coat of Arms

Peace and Friendship

The Constitution For
The United States Of North America

1786 • 1787 • 1836

THE GREAT LAW OF PEACE



**YOU'RE LOOKING AT THE FIRST DRAFT
OF THE CONSTITUTION**

What nation are you a part of?



This flag (over 10,000 years old) represents the land.



This seal represents this nation.

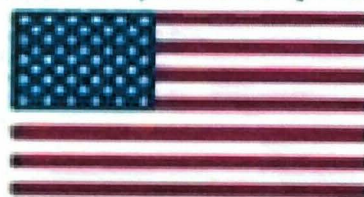


American National

- 1) known as a Moor
- 2) natural person in full life (physically and civilly alive)
- 3) in Propria Persona (proper person)
- 4) no social security number
- 5) free from all contracts with corporations
- 6) pay no taxes
- 7) driver's license not necessary
- 8) no vehicle registration or insurance required
- 9) your rights are protected by the Constitution and by international law



This banner represents a corporation.



This seal represents this nation.



Corporate Person

- 1) Known as negro, black, colored, or African American (ward of the state)
- 2) Civiliter Mortuus (dead in the eyes of the law)
- 3) you need a lawyer
- 4) social security number
- 5) obligated to contracts with corporations
- 6) pay property, school, income, and sales tax
- 7) driver's license needed
- 8) vehicle registration and insurance required
- 9) you have no rights, you have privileges which can be taken away



AMERICAN INDEPENDENT INSURANCE COMPANY
1400 UNION MEETING ROAD
SUITE 250
BLUE BELL, PA 19422

DECLARATIONS

INSURED NAME AND ADDRESS

RONNIER HENRY
9539 MEYER LN
SEAFORD, DE 19973

PRODUCER

SENTINEL INSURANCE LLC (780199001)
20254 DUPONT BLVD
GEORGETOWN, DE 19947

PRIVATE PASSENGER AUTO

POLICY NUMBER: 8455705
DECPAGE ID: 1

POLICY PERIOD: (Eastern Standard Time)

November 21, 2017 12:01 A.M. to November 21, 2018 12:01 A.M.

DECPAGE EFFECTIVE:

November 21, 2017 12:01 A.M.

VEHICLE	DRIVER	DISCOUNTS / SURCHARGES			
Vehicle: 1 Make: 2003 Cadillac Model: DEVILLE VIN#: XXXXXXXXXX Performance: Sports Premium Performance Use: Pleasure Use Less than 10,000 miles annually Symbol: 14 Territory: 3	RONNIER HENRY Birthdate: XXXXXX Marital Status: Divorced License: DE XXXX Class: SM46	Double Airbag Prior Coverage Discount (11 to 30 Day Lapse) Homeowner			
COVERAGE (Premiums for 12 months)	LIMIT	PREMIUM VEH 1	PREMIUM VEH 2	PREMIUM VEH 3	PREMIUM VEH 4
Premium is based on your selection of the following:					
Bodily Injury Liability	<u>15,000 per person</u> <u>30,000 per occurrence</u>	\$ 459.00			
Property Damage Liability	<u>\$10,000 per occurrence</u>	\$ 366.00			
Personal Injury Protection	<u>15,000 per person</u> <u>30,000 per occurrence</u> <u>\$ 2,000 PIP deductible</u>	\$ 281.00			
Named Insured Only					
Total Premium for each vehicle:		\$ 1,106.00			
Total Policy Premium					\$ 1,106.00
Policy Fee	\$30.00				
Only the insurance coverages indicated by a specific limit of liability and/or a premium amount are provided. The maximum amount of discounts for American Independent Insurance Company is 35% EXCLUDING discounts that the Delaware Insurance Department mandates.					
ACCIDENTS/VIOLATION POINTS					
Name	Date	Description	Surcharge Points		
RONNIER HENRY	04/07/2017	Not At Fault Accident	0		
• MED Paid \$14,414.00					
FORMS AND ENDORSEMENTS					
001-DE (3/99) - Policy Jacket A-100.1 (2/16) - Adverse Underwriting Decision Notice					

Corporate Ownership of Persons via Law

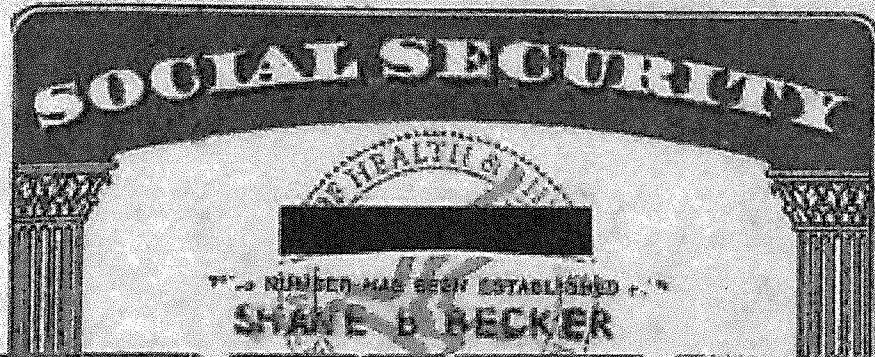


American Citizen Natural Person

- A flesh and blood human being
- Created by nature NOT legislature
- Entitled to ALL their personal privileges
- Has inalienable rights, secured by the Constitution
- Not subjected to unconstitutional corporate laws
- Protection from the "tyranny of the majority"

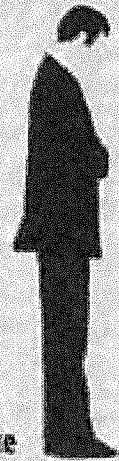
John Joseph Smith

(A natural person is written in lowercase letters)



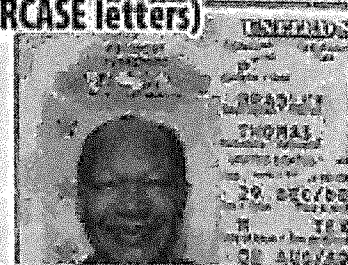
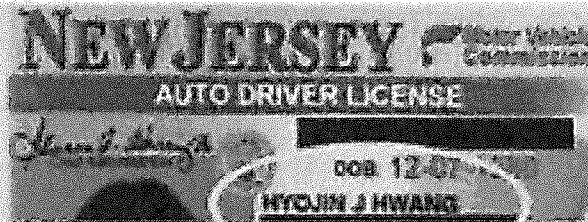
U.S. Citizen "legal fiction" Artificial Person

- Waives all inalienable rights
- Corporate Status and Income
- Not entitled to their personal privileges
- Created by the corporation "The United States"
- Acts as an agent for the purposes of collecting revenue
- A Corporate Citizen and a representative of a collective group
- Assumes the rights, duties, and privileges of the artificial entity or association of which they are agents or officers of and they are bound by its obligations.



JOHN JOSEPH SMITH

(A corporation is written in ALL UPPERCASE letters)



Indiana State Board of Health
Division of Vital Records
MEDICAL CERTIFICATE OF DEATH

71-001545

Local No. 49

DECEASED NAME: MARY
SEX: Female
DATE OF BIRTH: Jan. 16 1971
PLACE OF BIRTH: Chicago, Ill.
PLACE OF DEATH: St. Catherine Hospital
U.S.A.

MISSOURI
BIRTH CERTIFICATION

DATE OF BIRTH: OCTOBER 25, 1951
STATE FILE NUMBER: 124-51-071148
COUNTY OF BIRTH: ST. FRANCOIS
FEMALE: OCTOBER 1, 1951
WWW.THETROLLZ.COM

CHILD'S NAME: BARBARA SUSAN THOMAS

Article 23-27

Economic, Social and Cultural Rights

- Right to social security
- Right to work
- Right to equal pay for equal work
- Right to rest and leisure
- Right to a standard of living adequate for health and well-being
- Right to education
- Right to participate in the cultural life of the community



1450 S. DuPont Hwy
Dover, DE 19901
Phone: (302) 674-0100
Fax: (302) 674-8131
Toll Free: (800) 323-0828

RO: 213800-OPEN

Cashier:

Date Returned: 07/27/2017

Time-In: 10:19 Out: 10:37

Miles-In: 123030 Out: 123030

Customer: 36729

VIN: [REDACTED] 2003 CADI DEVILLE

RONNIER HENRY

9539 MYERS LANE, LOT M-1

SEAFORD 19973

Home: 3 [REDACTED] Work: N/A

Advisor: 000050-DAVID P RAZZANO

Hat:

Date In: 07/27/2017

OP	Acct	Tech	Hours	Complaint/Cause/Correction	Per Unit	Extended Price
----	------	------	-------	----------------------------	----------	----------------

[WARRANTY]

A SFW 000019W

#14299D: PRODUCT SAFETY - UNINTENDED IGNITION KEY ROTATION

PERFORMED RECALL

Parts:	4	23279477	COVER	2.187
	4	23232599	RING	2.187

Customer Total Due: 0.00

I hereby authorize the repair work herein set forth to be done along with the necessary material and agree that you are not responsible for loss or damage to vehicle or articles left in vehicle in case of fire, theft, or any other cause beyond your control or for any delays caused by the unavailability of parts or delays in parts shipments by the supplier or transporter. I hereby grant you and/or your employees permission to operate the vehicle herein described on streets, highways, or elsewhere for the purpose of testing and/or inspection. An express mechanic's lien is hereby acknowledged on the vehicle to secure the amount of repairs thereto.

ALL REPAIRS SUBJECT TO A MINIMUM OF .5 HOUR DIAGNOSTIC TIME.

DISCLAIMER OF WARRANTIES: All warranties on this product are the manufacturer's. CHEVROLET OF DOVER hereby expressly disclaims all warranties, either expressed or implied, including any implied warranty of merchantability or fitness for a particular purpose and CHEVROLET OF DOVER neither assumes nor authorizes any other person to assume for it any liability in connection with the sale of the product. This disclaimer by CHEVROLET OF DOVER in no way affects the terms of the manufacturer's warranty.

"All parts installed are new/salvaged or reconditioned parts."

TERMS: STRICTLY CASH unless arrangements made.

Signature: _____

Thank you for allowing us to serve you!

Printed: 07/27/2017 10:37:32 AM

Page 1 of 1

RECEIVED AND
FILED

Application for Access to Court Records

2018 MAY 22 PM 1:11

Notice to Applicant

KENT COUNTY
PROTHONOTARY

This application will be processed and evaluated in accordance with the Court's Policy for Public Access to Judicial Records of the State of Delaware. The applicant agrees to indemnify and hold harmless the court and its officers and employees from any claim for damages that may arise from the applicant's use or distribution of the information provided pursuant to this application.

The applicant shall be responsible for the costs incurred in responding to this request.

Applicant Data (Please Print)

Name: Ronnier Henry Daytime Phone: [REDACTED]
Address: 9539 Meyer's Lane Lot 1
City: Seaford State: DE Zip:

Describe Information Requested:

- **For Civil Case Information**, please provide litigants' names and the approximate date of the case, if possible.
- **For Criminal Case Information**, please provide as much of the following as possible: Defendant's full name, date of birth, charge(s), case number(s), approximate date of arrest.

Ronnier Henry's 2003 Cadillac Deville was
illegally towed from the residence of
218 N. Kirkwood, Dover, DE 19904.
Code Enforcement Officer Inspector
Velvet Brown ordered State Line Salvage to
illegal tow private property. (Attach Additional Pages as Required) Fraud enforcement.

Check One: Disposition Certified Copy Other

Requested Delivery Date:

Applicant Signature Ronnier Henry Date 5-18-18

Court of Common Pleas
Dover, DE. Kent County
Judge Charles Welch III

Case #
1708018680
5/17/18

I, Rumier James Henry
File this complaint against
the city of Dover Division of Code
Enforcement. Velvet L. Brown
Code Enforcement Officer Inspector
P.O. Box 475 Dover DE 19903
phone 302-736-7195. Velvet L.
Brown was operating in her
private capacity when she had
my 2003 Cadillac Deville towed
from the residence of 28 North
Larkwood, Dover DE 19904. She is
has violated my sovereign, constitutional
rights. My Cadillac is my property.
Velvet L. Brown has violated Title 1
And Title 42 U.S.C. chapter 1983.
U.S.C. Title 18 code 241 chapter 13 and
code 242. When two or more
persons or a group conspire
against one human sovereign it
or they are in clear violation.
FRAUD.
State Line Salvage is also
in violation for illegally towing
my Cadillac Deville. I want
State Line Salvage 302-653-2
Brought up on grand auto theft
Their number is 302-653-2500

Kent County Court of Common Pleas. ^{CASE # 1708015680}
Dover, DE
Charles Welch.

I filed a motion for dismissal. I Ronnier James Henry would like to appeal the decision. I filed a motion for subrogation rights. This court and subsidiaries are committing Racketeering. The Assistant prosecutor Duff, Trooper Osgood, and Judge Welch are committing fraud. Any government member or official who conceals the fraud becomes an act of fraud. Vern. 270. Bouvier's maxims of Law 1856. FRAUD is inexcusable and unpardonable. Franks et al vs Cunningham. I charge the City of Dover with grand theft of a motor vehicle. I charge the Delaware Motor Vehicle with fraud and non disclosure of a contract. I have been denied a speedy trial. Habeas Corpus. I file this motion of reconsideration.

This court is using extortion, obstruction of justice. RICO Act became U.S. law in 1970 permitting law enforcement to charge individuals or groups with racketeering. Title 18 U.S. Code 241 chapter 13. 18 U.S. Code 242. 42 U.S. Code 1983 Civil Actions for deprivation of rights.

RECEIVED

MAY 24 2018

OFFICE OF THE CITY CLERK

UCC FINANCING STATEMENT

FOLLOW INSTRUCTIONS

A. NAME & PHONE OF CONTACT AT FILER (optional) Ronner James Henry
B. E-MAIL CONTACT AT FILER (optional) skybone38@yahoo.com
C. SEND ACKNOWLEDGMENT TO: (Name and Address) 9539 Meyer's Lane Lot M-1 Seaford, DE 19773

THE ABOVE SPACE IS FOR FILING OFFICE USE ONLY

1. DEBTOR'S NAME: Provide only one Debtor name (1a or 1b) (use exact, full name; do not omit, modify, or abbreviate any part of the Debtor's name); if any part of the Individual Debtor's name will not fit in line 1b, leave all of item 1 blank, check here ☐ and provide the Individual Debtor Information in Item 10 of the Financing Statement Addendum (Form UCC1Ad)

1a. ORGANIZATION'S NAME BONNIER JAMES HENRY				
OR 1b. INDIVIDUAL'S SURNAME HENRY	FIRST PERSONAL NAME BONNIER	ADDITIONAL NAME(S)/INITIAL(S) JAMES	SUFFIX	
1c. MAILING ADDRESS 9539 Meyer's Lane Lot M-1	CITY Seaford	STATE DE	POSTAL CODE 19973	COUNTRY USA

2. DEBTOR'S NAME: Provide only one Debtor name (2a or 2b) (use exact, full name; do not omit, modify, or abbreviate any part of the Debtor's name); if any part of the Individual Debtor's name will not fit in line 2b, leave all of item 2 blank, check here ☐ and provide the Individual Debtor Information in Item 10 of the Financing Statement Addendum (Form UCC1Ad)

2a. ORGANIZATION'S NAME HENRY'S Medical Transportation				
OR 2b. INDIVIDUAL'S SURNAME Henry	FIRST PERSONAL NAME Ronner	ADDITIONAL NAME(S)/INITIAL(S) JAMES	SUFFIX	
2c. MAILING ADDRESS 9539 Meyer's Lane Lot M-1	CITY Seaford	STATE DE	POSTAL CODE 19973	COUNTRY

3. SECURED PARTY'S NAME (or NAME of ASSIGNEE of ASSIGNOR SECURED PARTY): Provide only one Secured Party name (3a or 3b)

3a. ORGANIZATION'S NAME				
OR 3b. INDIVIDUAL'S SURNAME	FIRST PERSONAL NAME	ADDITIONAL NAME(S)/INITIAL(S)	SUFFIX	
3c. MAILING ADDRESS	CITY	STATE	POSTAL CODE	COUNTRY

4. COLLATERAL: This financing statement covers the following collateral:

1.) Certification of Birth # [REDACTED]
State File number 107-71-002643

3. Chrysler 300c
2005 4 door

2.) Certificate of Title
Cadillac 2003 Deville 4 Door
Vehicle identification number [REDACTED]

Tag, Title, Registration Number [REDACTED]

5. Check only if applicable and check only one box: Collateral is ☒ held in a Trust (see UCC1Ad, Item 17 and instructions) ☐ being administered by a Decedent's Personal Representative

6a. Check only if applicable and check only one box:

☐ Public-Finance Transaction ☐ Manufactured-Home Transaction ☐ A Debtor is a Transmitting Utility

6b. Check only if applicable and check only one box:

☐ Agricultural Lien ☐ Non-UCC Filing

7. ALTERNATIVE DESIGNATION (if applicable): ☐ Lessee/Lessor ☐ Consignee/Consignor ☐ Seller/Buyer ☐ Bailee/Bailor ☐ Licensee/Licensor

8. OPTIONAL FILER REFERENCE DATA:

I, Ronnier James Henry, Special Consul,
American Moorish National has natural
God given rights. Those rights are
protected by the Treaty of Peace
and the Constitution of the United States
of America

1. "If you relied on prior decisions of the
Supreme Court you have a perfect
defense for willfulness." U.S. v Bishop,
412 U.S. 346

2. "Federal Law and Supreme Court cases
apply to state court cases."
Howlett v Rose, 496 U.S. 356 (1990)

3. "Jurisdiction, once challenged, cannot
be assumed and must be decided."
Maine v Thiboutot, 100 S.Ct. 250.

4. Marbury v Madison, 5 US 137
Any law that is repugnant to the Constitution
is null and void of law.

5. ~~Murdock~~ v Penn 319 U.S. 105

"No State shall convert a liberty into a privilege, license it, and attach a fee to it."

6. Shuttleworth v Birmingham 373 U.S. 227

If a State converts a liberty into a privilege the citizen can engage in the right with impunity."

7. Scheuer vs ~~Rod~~ Rhodes 416 U.S. 232, 1974.

Expounds upon Owen Byers vs U.S., 273 U.S. 28

Unlawful search and seizure. Your right from liability. For they are deemed to know the law." Your rights must be interpreted in favor of the citizen."

8. Owens vs Independence, 100 S.C.T. 1398, 445 U.S. 622. "Officers of the Court have no immunity, when violating a constitutional right, from liability. For they are deemed to know the law."

9. Boyd v U.S., 116 U.S. 616 The court is to protect against any encroachment of constitutionally secured liberties.

Miranda v Arizona 384 U.S. 436

where rights secured by the Constitution are involved, there can be no rule making or legislation, which would abrogate them."

Cohens v Virginia, 19 U.S. (6 Wheat) 264, 404, 5 L. Ed. 257 (1821): When a judge acts where he has jurisdiction, he does not have jurisdiction.

Norton v Shelby County, 118 U.S. 425

"An unconstitutional Act is not law; it confers no rights; it imposes no duties; affords no protection; it creates no office; it is in legal contemplation as inoperative as though it has never been passed."

Miller v U.S., 230 F.2d. 486, 489:

The claim and exercise of a constitutional right cannot be converted into a crime.

Brady v U.S., 397 U.S. 742, 748

U.S. vs Sanford, Fed Case No. 16, 221 (C.C.T.D.C. 1806). In the early days of our Republic, prosecutor was simply anyone who voluntarily went before the grand jury with a complaint.

Sec. 106-130. - Wrecked, nonoperating, or improperly parked or equipped vehicles.

- (a) *Prohibited.* It shall be unlawful for any person to park any vehicle or permit any vehicle to remain parked on the streets of the city when that vehicle is wrecked, nonoperating or improperly equipped to such an extent that it would be unlawful to drive the vehicle upon the streets of the city in its condition.
- (b) *Leaving vehicles on property.* It shall be unlawful for any person in charge or in control of any property within the city, whether as owner, tenant, occupant, lessee or otherwise, to allow any vehicle partially dismantled, stripped, nonoperating or in such disrepair as to render it unable to operate legally on a public street, or a wrecked, junked or discarded vehicle to remain on the property longer than five days or, in the case of operating unregistered or uninspected vehicles, to remain on the property for more than 90 days. No person shall leave such vehicle on any property within the city for a time longer than five days or 90 days in the case of operating unregistered or uninspected vehicles. This subsection shall not apply with regard to a vehicle in an enclosed building or enclosed area designed and approved for such purposes, a vehicle on the premises of a business enterprise or a vehicle in an appropriate storage place or depository maintained in a lawful place and manner by the city. Unregistered or uninspected vehicles whose owners have properly parked and locked them and have notified the department of planning and inspections may be granted extensions of the 90-day limit on the keeping of unregistered or uninspected vehicles by the department of planning and inspections for reasons including but not limited to out-of-state military service, illness, extended travel or other reasons acceptable to the department of planning and inspections. - No call was made
- (c) *Parking in grass.* Vehicles shall not be permitted to be parked in front, side, or rear yards required by appendix B pertaining to zoning, except in approved driveways, garages, carports, or parking pads.

(Code 1968, § 31-81; Code 1981, § 13-37; Ord. of 11-12-1996)

State Law reference— Driving of hazardous vehicles prohibited, 21 Del. C. § 4335.

Memorandum

Date: August 24, 2017

To: Property Maintenance Inspectors

From: Timothy M. Taraila, Inspector III

Subject: Updated Procedures for Towing Vehicles

Ron ✓

Velvet WB

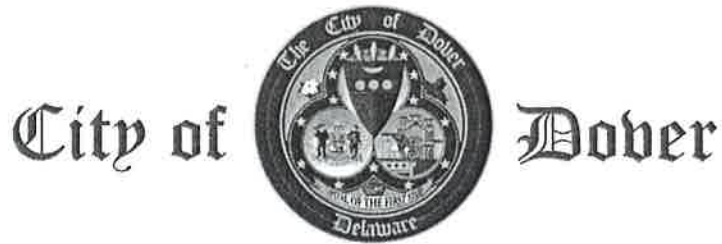
Jake ✓

Phillip ✓

The following will be the new guidelines for tagging and removing junked, disabled, abandoned and/or unregistered vehicles from private property.

1. A red abandoned vehicle sticker will be placed on the vehicles window. ✓
2. Pictures will be taken and placed in the Code Enforcement folder under Tagged Vehicles. (Photos will be taken of the vehicle, tag and completed sticker.) ✓
3. The property owner and the owner of the vehicle will be given notice. ✓
4. This notice will include the code violation letter and the vehicle owner notice form. Within the code violation notice, the owner must be advised of the reason why the vehicle is considered junked, wrecked, dismantled, or non-operational. ✓
5. If the vehicle is tagged for a 5 day tow, a minimum re-inspection date will be 7 days later to allow for postal delivery. ✓
6. If the vehicle registration has been expired for over 1 year, the vehicle will be considered junked and tagged for a 5 day tow. ✓
7. Upon re-inspection, if the vehicle has not been removed, repaired or registered, then a time and date will be set up with McGinnis Towing to have the vehicle removed. ✓
8. Once the vehicle is removed, notice will be faxed to the Dover Police Department and mailed to the registered owner of the vehicle. ✓
9. The notice to the owner shall be in writing and shall state the violation for which the vehicle was impounded and the place where the vehicle has been removed. This notice can be hand delivered to the owner at the time of the tow. Or, if the owner is not present, the notice will be mailed to the last known address of the owner. ✓

**Division of
Code Enforcement**
15 Loockerman Plaza
Dover, DE 19901



Phone: (302) 736-7011
Fax: (302) 736-4217

May 10, 2018

HENRY RONNIER JAMES
9539 MEYER LN LOT M1
SEAFORD SUSSEX DE 19973

RE: Property address: 218 N KIRKWOOD ST
Tax Parcel Number: ED-05-076.08-02-100.001-000
Case Number: 18-00001475

Dear Sir/Madam:

On May 10, 2018, Code Enforcement Officer Velvet Bowen from the City of Dover, Department of Inspections conducted an inspection at 218 N KIRKWOOD ST.

Attached is the Code violation found during the inspection.

A follow up inspection must be conducted by May 17, 2018, to ensure compliance.

Please contact this office with a date and time convenient for you to conduct the re-inspection. You are not required to contact this office if the re-inspection is for an exterior violation. If you have any questions or would like to schedule your inspection or appeal this notice, please contact me at (302) 736-7011.

If a Citation is enclosed it must be paid for within 14 days of issued date or it automatically doubles.

Sincerely,

A handwritten signature in blue ink that reads "Velvet L. Bowen".

VELVET BOWEN
Code Enforcement Officer

no cm

cc: File

CASE NUMBER 18-00001475
PROPERTY ADDRESS 218 N KIRKWOOD ST

VIOLATION: 724 QUANTITY: 1
DESCRIPTION: 724 REMOVE ABD/UNREG VEHICLE DATE: 5/10/18
LOCATION: DRIVEWAY

NARRATIVE :

Remove or properly register with the DMV the bronze Cadillac Deville in the driveway. Failure to comply by 5/17/18 will result in the City of Dover using its own resources to abate the violation via Stateline Salvage.

Tag # - None visible [REDACTED]
[REDACTED]

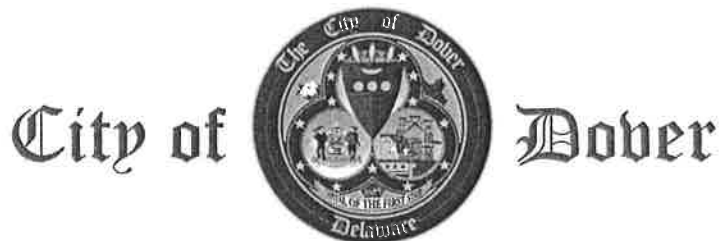
ORDINANCE DESCRIPTION :

SECTION DCO 106-130(b) ABANDONED/UNREGISTERED/DISABLED VEHICLES

CORRECTIVE ACTION REQUIRED :

REMOVE, PROPERLY REGISTER VEHICLE OR REPAIR DISABLED VEHICLE

**Division of
Code Enforcement**
15 Loockerman Plaza
Dover, DE 19901



Phone: (302) 736-7011
Fax: (302) 736-4217

May 10, 2018

CURRENT TENANT
218 N KIRKWOOD ST
DOVER DE 19904

RE: Property address: 218 N KIRKWOOD ST
Tax Parcel Number: ED-05-076.08-02-100.001-000
Case Number: 18-00001475

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If a Citation is enclosed it must be paid for within 14 days of issued date or it automatically doubles.

Sincerely,

A handwritten signature in black ink that reads "Velvet L. Bowen". The signature is written in a cursive, flowing style.

VELVET BOWEN
Code Enforcement Officer

cc: File

CASE NUMBER 18-00001475
PROPERTY ADDRESS 218 N KIRKWOOD ST

VIOLATION: 724 QUANTITY: 1
DESCRIPTION: 724 REMOVE ABD/UNREG VEHICLE DATE: 5/10/18
LOCATION: DRIVEWAY

NARRATIVE :

Remove or properly register with the DMV the bronze Cadillac Deville in the driveway. Failure to comply by 5/17/18 will result in the City of Dover using its own resources to abate the violation via Stateline Salvage.

Tag # - None visible. [REDACTED]

VIN # [REDACTED]

ORDINANCE DESCRIPTION :

SECTION DCO 106-130(b) ABANDONED/UNREGISTERED/DISABLED VEHICLES

CORRECTIVE ACTION REQUIRED :

REMOVE, PROPERLY REGISTER VEHICLE OR REPAIR DISABLED VEHICLE

**Division of
Code Enforcement**
15 Loockerman Plaza
Dover, DE 19901



Phone: (302) 736-7011
Fax: (302) 736-4217

May 10, 2018

KAREN D MARBLE
4495 N DUPONT HWY
DOVER DE 19901

RE: Property address: 218 N KIRKWOOD ST
Tax Parcel Number: ED-05-076.08-02-100.001-000
Case Number: 18-00001475

Dear Sir/Madam:

On May 10, 2018, Code Enforcement Officer Velvet Bowen from the City of Dover, Department of Inspections conducted an inspection at 218 N KIRKWOOD ST.

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If a Citation is enclosed it must be paid for within 14 days of issued date or it automatically doubles.

Sincerely,

A handwritten signature in cursive script that reads "Velvet L. Bowen".

VELVET BOWEN
Code Enforcement Officer

cc: File

CASE NUMBER 18-00001475
PROPERTY ADDRESS 218 N KIRKWOOD ST

VIOLATION: 724 QUANTITY: 1
DESCRIPTION: 724 REMOVE ABD/UNREG VEHICLE DATE: 5/10/18
LOCATION: DRIVEWAY

NARRATIVE :

Remove or properly register with the DMV the bronze Cadillac Deville in the driveway. Failure to comply by 5/17/18 will result in the City of Dover using its own resources to abate the violation via Stateline Salvage.

Tag # - None visible. [REDACTED]

VIN # [REDACTED]

ORDINANCE DESCRIPTION :

SECTION DCO 106-130(b) ABANDONED/UNREGISTERED/DISABLED VEHICLES

CORRECTIVE ACTION REQUIRED :

REMOVE, PROPERLY REGISTER VEHICLE OR REPAIR DISABLED VEHICLE



THE CITY OF DOVER
DIVISION OF CODE ENFORCEMENT

NOTICE

NOTICE IS HEREBY GIVEN

THE VEHICLE DESCRIBED BELOW IS CONSIDERED TO BE IN ONE OR MORE OF THE FOLLOWING CONDITIONS: ABANDONED, DISMANTLED, WRECKED, JUNKED, NON-OPERATING, OR IN DISCARDED CONDITION.

THE CITY OF DOVER CODE OF ORDINANCES, SECTION 106-130 REQUIRES THAT THIS VEHICLE BE REMOVED OR REPAIRED WITHIN FIVE (5) DAYS FROM THE DATE OF THIS NOTICE.

IN THE CASE OF AN UNREGISTERED, BUT OPERATIONAL VEHICLE; THE VEHICLE MUST BE REGISTERED OR REMOVED FROM THE PROPERTY WITHIN NINETY (90) DAYS.

THE OWNERS OF VEHICLE THAT HAVE NOT REMOVED, REPAIRED OR REGISTERED THEIR VEHICLE WITHIN THE POSTED TIME PERIOD, THE VEHICLE WILL BE REMOVED BY THE CITY AT THE OWNERS EXPENSE. THE VEHICLE WILL BE TOWED AND IMPOUNDED BY STATE LINE SALVAGE. PHONE (302) 653-2500.

THIS NOTICE IS NOT INTENDED TO CREATE A HARDSHIP, BUT TO HELP MAKE THE CITY OF DOVER A CLEAN, PRESENTABLE AND BETTER PLACE IN WHICH TO LIVE. THANK YOU IN ADVANCE FOR YOUR COOPERATION.

VEHICLE DESCRIPTION: Bronze Cadillac Deville

LICENSE # No Tag visible VIN # [REDACTED]

LOCATION: 218 N Kirkwood St Dover DE

DATE OF NOTICE: 5/10/18 INSPECTOR: VUB

PHONE (302) 736-4457 / FAX (302) 736-4217



DOVER, DE CODE OF ORDINANCES

CHAPTER 22 – BUILDINGS AND BUILDING REGULATIONS

ARTICLE I. - IN GENERAL

Sec. 22-1. - Construction and property maintenance code board of appeals.

- (a) *Established; composition; appointment.* There shall be a committee to be referred to as the "construction and property maintenance code board of appeals," consisting of five members. The council president shall appoint three elected city officials and the mayor shall appoint one city resident generally selected as a representative of homeowners and one representative of the local real estate industry association. Members shall serve one-year terms unless sooner removed. All appointments are subject to confirmation by the city council at its second regular meeting in May. The construction and property maintenance code board of appeals shall elect one of its members as chairperson.
- (b) *Appeals.* Whenever any person is aggrieved by a decision of the building inspector with respect to the provision of this chapter, it is the right of that person to appeal to the construction and property maintenance code board of appeals. Such appeal must be filed, in writing, within 30 days after the determination by the building inspector.
- (c) *Notice; hearing.* Upon receipt of such an appeal, the construction and property maintenance code board of appeals shall set a time and place in not less than ten, nor more than 30 days for the purpose of hearing the appeal. Notice of the time and place of the hearing of the appeal shall be given to all parties, at which time they may appear and be heard. The determination by the construction and property maintenance code board of appeals shall be final in all cases.

(Code 1981, § 5-3; Ord. of 4-25-1994; Ord. No. [2016-19](#), 8-22-2016)

Sec. 22-2. - Housing authority created; purpose.

Created; purpose. There shall be a housing authority as provided in 31 Del. C.

(Ord. of 4-10-2006(1))

Secs. 22-3—22-30. - Reserved.

DOVER, DE CODE OF ORDINANCES

CHAPTER 106 – TRAFFIC AND VEHICLES

ARTICLE III. – STOPPING, STANDING AND PARKING

DIVISION 1. - GENERALLY

Sec. 106-130. - Wrecked, nonoperating, or improperly parked or equipped vehicles.

- (a) *Prohibited.* It shall be unlawful for any person to park any vehicle or permit any vehicle to remain parked on the streets of the city when that vehicle is wrecked, nonoperating or improperly equipped to such an extent that it would be unlawful to drive the vehicle upon the streets of the city in its condition.
- (b) *Leaving vehicles on property.* It shall be unlawful for any person in charge or in control of any property within the city, whether as owner, tenant, occupant, lessee or otherwise, to allow any vehicle partially dismantled, stripped, nonoperating or in such disrepair as to render it unable to operate legally on a public street, or a wrecked, junked or discarded vehicle to remain on the property longer than five days or, in the case of operating unregistered or uninspected vehicles, to remain on the property for more than 90 days. No person shall leave such vehicle on any property within the city for a time longer than five days or 90 days in the case of operating unregistered or uninspected vehicles. This subsection shall not apply with regard to a vehicle in an enclosed building or enclosed area designed and approved for such purposes, a vehicle on the premises of a business enterprise or a vehicle in an appropriate storage place or depository maintained in a lawful place and manner by the city. Unregistered or uninspected vehicles whose owners have properly parked and locked them and have notified the department of planning and inspections may be granted extensions of the 90-day limit on the keeping of unregistered or uninspected vehicles by the department of planning and inspections for reasons including but not limited to out-of-state military service, illness, extended travel or other reasons acceptable to the department of planning and inspections.
- (c) *Parking in grass.* Vehicles shall not be permitted to be parked in front, side, or rear yards required by appendix B pertaining to zoning, except in approved driveways, garages, carports, or parking pads.

(Code 1968, § 31-81; Code 1981, § 13-37; Ord. of 11-12-1996)

State Law reference— Driving of hazardous vehicles prohibited, 21 Del. C. § 4335.

DOVER, DE CODE OF ORDINANCES

CHAPTER 106 – TRAFFIC AND VEHICLES

ARTICLE III. – STOPPING, STANDING AND PARKING

DIVISION 3. - REMOVAL AND DISPOSITION OF ILLEGALLY PARKED OR ABANDONED VEHICLES

Sec. 106-181. - Definitions.

The following words, terms and phrases, when used in this division, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

Enforcement officer means the health inspector or any member of the police department.

(Code 1981, § 13-56)

Sec. 106-182. - Removal authorized.

The enforcement officer is hereby authorized to remove from public or private property any illegally parked or abandoned vehicle, or to cause the same to be done.

(Code 1968, § 31-85(a); Code 1981, § 13-57)

Sec. 106-183. - Storage.

Any vehicle removed pursuant to this division shall be taken to a storage area selected by the enforcement officer and shall there be impounded until the time when a release is obtained from the enforcement officer or the unclaimed vehicle is sold as authorized in this division.

(Code 1968, § 31-85; Code 1981, § 13-58)

Sec. 106-184. - Notice of impoundment.

- (a) *Notice.* When a vehicle has been impounded pursuant to this division, the enforcement officer, using reasonable diligence, immediately shall notify the registered owner of the vehicle that his vehicle has been impounded. The notice shall be in writing and shall state the violation for which the vehicle was impounded and the place to which the vehicle has been removed.
- (b) *Owner's identity.* If the identity of the registered owner of a vehicle impounded pursuant to this division cannot be ascertained, the enforcement officer shall inquire of the state division of motor vehicles as to the identity of the registered owner. If such inquiry reveals the name of such owner, the enforcement officer shall give such person the required notice of impoundment. If such inquiry does not reveal the name of such owner, then no such notice is necessary.

(Code 1968, § 31-87; Code 1981, § 13-59)

Sec. 106-185. - Redemption of impounded vehicles.

In order to obtain the release of any vehicle impounded pursuant to this division, the registered owner of that vehicle shall pay all charges which have accrued as a result of the impoundment, in addition to any penalty assessed for violation of any of the provisions of this chapter.

(Code 1968, § 31-86; Code 1981, § 13-60)

Sec. 106-186. - Sale of unredeemed vehicles.

- (a) *Failure to claim.* If the registered owner or any other person legally entitled to any vehicle impounded pursuant to this division fails to claim the vehicle or pay any charges or penalties which have accrued against the vehicle within 30 days from the date the vehicle was impounded or 14 days from the date notice was sent, whichever is longer, the city shall have the right to sell the vehicle.
- (b) *Proceeds from sale.* The proceeds from the sale of an impounded vehicle shall be used to defray the costs of the vehicle's impoundment and sale, and any monies left over shall be used to satisfy the lien outstanding against the vehicle. If any monies remain after the defrayment of the cost of impoundment and sale, and the satisfaction of liens, such monies shall be paid to the person entitled thereto.

(Code 1968, §§ 31-88, 31-89; Code 1981, § 13-61)

Secs. 106-187—106-210. - Reserved.