

DEC 23 2021

OFFICE OF THE CLERK

No. 21-6778

---

In The  
Supreme Court of the United States of America

---

In re: Mark Thomas Garrett,  
One of the Sovereign People, Petitioner

---

**Petition for Extraordinary Writ of Mandamus/Prohibition**

---

Mark Thomas Garrett  
9641 Garfield Avenue S. Unit, 201743  
Bloomington, Minnesota 55420  
(651) 503-5768

**ORIGINAL**

## TABLE OF CONTENTS

	Page
Table of Contents .....	i
Appendix Table of Contents.....	ii
Table of Authorities.....	vi
Parties to the Proceedings.....	vii
Questions Presented.....	vii
How the Writ will be in Aid of the Courts Appellate Jurisdiction.....	x
What Exceptional Circumstances Warrant the Exercise of the Court's Discretionary Powers.....	x
Adequate Relief cannot be obtained in any other form or from any other Court.....	xi
Copies of the Judgments with Respect to Which the Writ is Sought.....	xi
Introduction.....	1
Statement of Jurisdiction.....	2
Statement of the Case.....	5
Statement of Facts.....	6
Discussion .....	15
Minnesota State Laws used by the Courts, Law Enforcement, and Prosecutors.....	17
Laws and Cases the Judge Claims to Supports the Charges.....	19
Reasons Why the Above are not Applicable to me or Others Similarly Situated? .....	19
Argument(s) .....	22
My Defenses.....	27
Conclusions .....	28
Relief.....	30

## APPENDIX TABLE OF CONTENTS

	Page
<b>Appendix A - Case No. 27-VB- 20-119203</b>	
<b>Exhibit 1:</b> Citation (July 4, 2020).....	1a
<b>Exhibit 2:</b> Petitioner's Request for Admissions (September 28, 2020).....	2a
<b>Exhibit 3:</b> Petitioner's Requests for Production and Identification Documents (September 28, 2020).....	5a
<b>Exhibit 4:</b> Petitioner's Motion to Abate/Dismiss/Discharge with Prejudice (November 20, 2020).....	7a
<b>Exhibit 5:</b> City of Eden Prairie v. Mark Garrett Complaint (February 26, 2021) .....	26a
<b>Exhibit 6:</b> Petitioner's Notice Regarding Fee Schedule for Participating in a Civil matter that you are moving Criminally that is being wagered upon (March 15, 2021).....	30a
<b>Exhibit 7:</b> Petitioner's Notice Regarding Failure of Court to conduct a Probable Cause Hearing; Vacate the Premature Arraignment; Abate/Dismiss Action with Prejudice to Failure to Follow Protocol and Due Process (May 13, 2021).....	46a
<b>Exhibit 8:</b> Petitioner's Notice and Order of Disqualification of Tory Robert Sailer, Eden Prairie Prosecuting Attorney (September 23, 2021).....	57a
<b>Exhibit 9:</b> Petitioner's Notice of Non-Consent to Proposed Hearing Dated for September 29, 2020 (September 23, 2021).....	60a

## **Appendix B - Case No. 27-VB-20-202546**

<b>Exhibit 10:</b> Citation (November 3, 2020).....	65a
<b>Exhibit 11:</b> Petitioner's Requests for Production and Identification Documents (May 10, 2021).....	66a

## APPENDIX TABLE OF CONTENTS (cont.)

<b>Exhibit 12:</b> Petitioner's Request for Admissions (May 10,2021).....	70a
<b>Exhibit 13:</b> Petitioner's Motion to Abate/Dismiss/Discharge with Prejudice (May 10, 2021).....	74a
<b>Exhibit 14:</b> Petitioner's Notice Regarding Fee Schedule for Participating in a Civil Matter that you are moving Criminally that is being wagered upon (May 10, 2021).....	94a
<b>Exhibit 15:</b> City of Bloomington v. Mark Garrett Complaint (May 24, 2021).....	100a
<b>Exhibit 16:</b> Petitioner's Notice Regarding Prosecutions Requirement to Answer Pretrial Questions Concerning Procedural Necessities (May 25, 2021).....	106a
<b>Exhibit 17:</b> City of Eden Prairie's Witness List (June 14, 2021).....	109a
<b>Exhibit 18:</b> Petitioner's Objection to the Proposed Witness list (June 24, 2021).....	110a
<b>Exhibit 19:</b> Petitioner's Motion for Stay Pending Appellate Court Review (July 1, 2021).....	116a
<b>Exhibit 20:</b> Petitioner's Legal Argument (July 12, 2021).....	119a
<b>Exhibit 21:</b> City of Bloomington's Memo in Support of Probable Cause (July 19, 2021).....	123a
<b>Exhibit 22:</b> Petitioner's Rebuttal to Bloomington's Erroneous Brief in Support of Probable Cause (July 30, 2021).....	128a
<b>Exhibit 23:</b> Judge Siegesmund's Order denying Petitioner's Motion to Dismiss (August 16, 2021).....	132a
<b>Appendix C - Case No. 27-VB-20- 217260</b>	
<b>Exhibit 24:</b> Citation (November 24, 2020).....	137a

## APPENDIX TABLE OF CONTENTS (cont.)

<b>Exhibit 25:</b> Petitioner's Notice of fulfillment of promise to appear and dismissal for want prosecution (December 3, 2021).....	138a
<b>Exhibit 26:</b> Petitioner's Notice Regarding Fee Schedule for Participating in a Civil Matter that you are moving Criminally that is being wagered upon (March 17, 2021).....	144a
<b>Exhibit 27:</b> City of Bloomington v. Mark Garrett Complaint (April 30, 2021).....	148a
<b>Exhibit 28:</b> Petitioner's Request for Admissions Joseph Leo Schwartz (May 07, 2021).....	154a
<b>Exhibit 29:</b> Petitioner's Requests for Production and Identification Documents Joseph Leo Schwartz (May 07, 2021).....	158a
<b>Exhibit 30:</b> Petitioner's Request for Admissions Daniel Mark Merseth (May 07, 2021).....	162a
<b>Exhibit 31:</b> Petitioner's Requests for Production and Identification Documents Daniel Mark Merseth (May 07, 2021).....	166a
<b>Exhibit 32:</b> Petitioner's Motion to Abate/Dismiss/Discharge with Prejudice (May 10, 2021).....	170a
<b>Exhibit 33:</b> Petitioner's Notice Regarding Prosecutions Requirement to Answer Pretrial Questions Concerning Procedural Necessities (May 25, 2021) .....	190a
<b>Exhibit 34:</b> Petitioner's Notice Regarding Prosecutions Requirement to Answer Pretrial Questions Concerning Procedural Necessities (May 25, 2021) .....	193a
<b>Exhibit 35:</b> City of Bloomington's Witness list (June 14, 2021).....	196a
<b>Exhibit 36:</b> Petitioner's Objection to the Proposed Witness List (June 24, 2021).....	197a
<b>Exhibit 37:</b> Petitioner's Motion for Stay Pending Appellate Court Review (July1, 2021).....	202a
<b>Exhibit 38:</b> Petitioner's Legal Argument (July 12, 2021).....	205a

## APPENDIX TABLE OF CONTENTS (cont.)

<b>Exhibit 39:</b> City of Bloomington's Brief in Support of Probable Cause (July 19, 2021).....	209a
<b>Exhibit 40:</b> Petitioner's Rebuttal to City of Bloomington's Erroneous Brief in Support of Probable Cause (July 30, 2021).....	213a
<b>Exhibit 41:</b> Judge Siegesmund's Order Denying Petitioner's Motion to Dismiss (August 16, 2021).....	217a
<b>Exhibit 42:</b> Petitioner's Notice of Non-consent and Non-Waiver of Sovereign Immunity (August 27, 2021).....	222a

### **Appendix D** - Case No. 27-VB-21-105862

<b>Exhibit 43:</b> Citation (June 10, 2021).....	227a
<b>Exhibit 44:</b> Petitioner's Motion to Abate/Dismiss/Discharge with Prejudice (August 10, 2021).....	228a

### **Appendix E** - Appellate Court - Case No. A21-800

<b>Exhibit 45:</b> Petitioner's Application for Writ of Prohibition for Failure of the Court to Address my Motion to Abate/Dismiss; and Failure to comply with Right to Speedy Trial (June 22, 2021).....	229a
<b>Exhibit 46:</b> Judge Susan Lee Segal's Order for Unconstitutional Fees (July 13, 2021).....	246a
<b>Exhibit 47:</b> Petitioner's Admonishment to Judge Segal's Request for Filing Fees (July 19, 2021).....	248a
<b>Exhibit 48:</b> Judge Grant Barry Anderson's Order for Dismissal (September 21, 2021).....	251a

**Exhibit 49: Judge Susan Lee Segal's Order for Dismissal**

(September 22, 2021)..... 252a

**TABLE OF AUTHORITIES**

**STATE CASES**

<u>State v. Hankos</u> , 847 N.W.2d 270 (Minn. Ct. App. 2014) .....	19
<u>State v. Harris</u> , 589 N.W.2d 782 (Minn. 1999) .....	19
<u>State v. Florence</u> , 239 N.W.2d 892 (Min. 1976) .....	19
<u>Wallace v. Woods</u> , 340 Mo. 452 .....	22
<u>Adams v. City of Pocatello</u> , 416 P. 2d. .....	22

**FEDERAL CASES**

<u>County of Riverside v. McLaughlin</u> , 500 U.S. 44 (1991) .....	viii, 8
<u>Pp. 287 U.S. 245, 287 U.S. 248</u> .....	3
<u>U.S. Supreme Court Ex Parte United States</u> , 287 U.S. 241 (1932).....	3
<u>Miranda v. Arizona</u> , 384 U.S. 436 (1966).....	13
<u>Interstate Commerce Committee v. Brimson</u> , 154 U.S. 447 (1894) .....	16
<u>Gloucester Ferry Company v. Pennsylvania</u> , 114 U.S. 196 (1885) .....	16
<u>Railroad Company v. Pratt</u> , 89 U.S. 123, 22 Wall. 123, 22 L. Ed. 827 (1874).....	16
<u>Shuttleworth v. Birmingham</u> , 373 U.S. 262.....	22, 27
<u>Williams v. Fears</u> , 343 U.S., 270.....	22
<u>Murdock v. Pennsylvania</u> , 319 U.S. 105 .....	22, 27
<u>Miller v. U.S.</u> , 230 F. 486 .....	22
<u>Hertado v. California</u> , 110 U.S. 516 .....	22
<u>Sherar v. Cullen</u> , 481, F. 2d.....	22
<u>Schactman v. Dillas</u> , 96 App. DC 287, 225, F. 2d .....	22
<u>Shapiro v. Thompson</u> , 394 U.S. 618 (1969) .....	27
<u>U.S. v. Bishop</u> , 412 U.S. 346 (1973) .....	27

**FEDERAL STATUTES**

<u>62 Stat. 930</u> .....	3
<u>72 Stat. 415</u> .....	3

90 Stat. 2721 .....	3
94 Stat. 2369.....	3
U.S. Code § 1343.....	3
62 Stat. 932 .....	3
68 Stat. 1241 .....	3
68 Stat. § 121.....	3
71 Stat. 637 .....	3
93 Stat. 1284.....	3
18 U.S.C. 31(a)(6).....	13, 15
49 U.S.C. § 13102 Section 16.....	16
49 U.S.C. 13102(23)(a)(b).....	16

### **PARTIES TO THE PROCEEDING**

Petitioner (Alleged Defendant in the Fourth Judicial District Court of Minnesota, and mandamus Petitioner in the Court of Appeals) are Mark Thomas Garrett, in my inherent capacity as one of the Sovereign People (as defined at Article I, sub-sections 1 and 2).

Respondents in this application are The State of Minnesota, The State of Minnesota Fourth Judicial District, The Minnesota Appellate Court and Supreme Court.

Further, including Judges/Magistrates/Judicial Officers: Susan Lee Segal, Grant Barry Anderson, Marie Jacqueline Regis, Kristin A. Siegesmund; and, Police Agents/Peace Officers: Chad Lee Streiff, Dennis Joseph Koosmann, Joseph Leo Schwartz, Daniel Mark Merseth, Timothy Dennis Anderson, Respondents.

### **QUESTIONS PRESENTED**

1. By what specific Authority does the District Court of Minnesota cite as its discretion to disregard the Minnesota Constitution and Federal Constitution's Mandates for Due Process, of Law (examples: Right to Speedy Trial, Right to a Grand Jury Indictment, Right to be secure in our

persons, houses, papers, and effects, Private Liberty, Right to face ones accusers, and being informed of the nature and cause of the accusation, and the nature of the State Citizen in relation to Jurisdiction of all aspects of the prosecuting court, its judge and application of codes in violation of all Rights cited above.)?

2. By what Article of the State Constitution authorizes a Commercial Appointed Tax Collector/Police Agent to commence an alleged criminal action (Commercial Bills of Attainder that are contrary to the prohibition against them at Article I, Section 11, of the Minnesota Constitution and Article I, Section 10, First Clause of the United States Constitution) against a State Citizen, when the United States Constitution, at the Fifth Article in Amendment, reserved that Right solely to the Grand Jury of My Peers (as there are no exceptions written therein allowing one man to issue or commence any type of criminal actions against another man), which Minnesota is mandated to comply with under the Federal Supremacy Clause?

3. What American Common Law vested the Appellate Court with the power and authority to charge One of the People, "Citizens of the State of Minnesota", a Five Hundred Fifty Dollar foreign, Federal Reserve, currency as a filing fee in an alleged criminal matter which I am contesting Personam, Subject Matter, Judicial Authority, and Jurisdiction by applying "commercial codes" in derogation of My Private Unalienable Rights to Travel; and when not paid in said foreign alien paper, refuses to Prohibit or Mandate by American Common Law Writ, all matters brought before it, supported by Sworn Affidavit, as mandated by the State of Minnesota's Constitution at Article I, Section 8, which prohibits denial, delay, and without purchase?

4. Is it proper for the court to deny me and others within the state, seeking to obtain relief from the appellate courts in a criminal action, in the form of seeking a writ, when one does not pay a requested filing fee and therefore the matter is denied and delayed?

5. Is it proper for the District Court of Minnesota to ignore and bi-pass Constitutional mandates by having the first court hearing conducted as an arraignment rather than conducting a Probable Cause hearing (See: *County of Riverside v. McLaughlin*, 500 U.S. 44 (1991))?

6. Is it proper for a Judge at an alleged defendant's first court appearance to threaten the alleged defendant's exercise of his right to remain silent (as secured at Article I, Section 7 of the Minnesota Constitution : "...nor be compelled in any criminal case to be a witness against himself...") and, enumerated at the Fifth Article of the United States Constitution (in amendment), when the purpose of the first hearing/first court appearance IS TO ESTABLISH JURISDICTION AND; produce the injured party?

7. Is it proper for a de facto Judicial Officer/Magistrate/Judge to hold an ex parte hearing with the accusing party (on or off the record) with the second party not having been notified, and absent, when no exigent circumstance(s) may have arose?

8. Since, under the Federal Constitution, said constitution strictly reserves criminal accusatory actions to the Grand Jury, without exception to any other Person. Constitutionally speaking, are the State, County, City, Village, Townships, and/or other Political Subdivisions authorized under the United States Constitution to commence criminal actions though our founding fathers only authorized the initiation of criminal actions by the Grand Jury (without exceptions), as our founding father, James Madison expressed his contentions which are contrary to our current practices against allowing a single person to have such power as he expressed at Federalist Paper No. 47 (viz. "The accumulation of all powers, legislative, executive, and judiciary, in the same hands, whether of one, a few, or many, and whether hereditary, self-appointed, or elective, may justly be pronounced the very definition of tyranny.") ?

9. Is Article I, Section 10, Clause 1 of the Constitution for the United States of America (1788) still in full force and effect?? If so: This Court shall Cite the Specific Article, Section and Clause vesting the US Congress with power and authority to create the "FEDERAL RESERVE by ACT (1913) AND ENFORCE ITS TREASONOUS banking MANDATES UPON and THROUGHOUT THE SEVERAL STATES, OF America, AND Upon The "Citizens and Allodial Freeholders of each State" as identified and qualified in Article IV Sec. 2 Constitution for the United States of America (1788); all in violation of Statute I, .246, Section 19, Act of April 2, 1792; And; Article I, Section 8 Clause 5 mandating

congress to “coin [not PRINT] Money, regulate the Value thereof...”

**HOW THE WRIT WILL BE IN AID OF THE  
COURT'S APPELLATE JURISDICTION**

By showing the Lower Courts errant behaviors and deficiencies in what they are doing is unacceptable, and it will allow the Supreme Court to correct them and harmonize the law and the decision of the Courts with honor as our Founding Fathers had wished it to be.

**WHAT EXCEPTIONAL CIRCUMSTANCES WARRANT THE EXERCISE  
OF THE COURT'S DISCRETIONARY POWERS**

The District Court, Appellate Court, and the Supreme Court of Minnesota have failed and continue to fail to understand and execute the intent of what our Founding Fathers wished the mandates and prohibitions within the Federal and State's Constitution's to be. Instead, we have a Public Servants within each of Three Branches of Government who are entering office and in error exercising their duties ignoring their Constitutional, Due Process Mandates and Prohibitions which they took an oath to “support and defend.” This case, and many others throughout the nation including defendants in every State have suffered what I have personally suffered from and demonstrated herein. This warrants this Court's discretionary exercise of power to correct Minnesota Judicial Department's errors including its Police Agencies, including other States' same errant practices. Wherefore, it appears to me, they do not care about what “The Fundamental Law” is. It appears to me, that they only care about erroneously prosecuting People as easily as possible and extorting money out of them where there is no required Grand Jury Indictment, which is required to commence criminal actions within the State. The same lack of Grand Jury Indictments in other States present the same problems: erroneously allowing a single men to commence criminal prosecutions which the State's Constitution strictly reserved for the Grand Jury without any exceptions. Further, the

current custom of commencing Grand Juryless actions create false arrests, false testimony on part of State Officers, false imprisonments, false judgements, false fines, the creation of false criminal records, etc.

**ADEQUATE RELIEF CANNOT BE OBTAINED IN ANY OTHER  
FORM OR FROM ANY OTHER COURT**

I have already sought relief with the District Court, Appellate Court, and the Supreme Court of Minnesota, and they simply denied, delayed, and erroneously require me to pay a fee before addressing any of the issues which I have presented numerous times. These denials, delays, and payment of fees are prohibited under Minnesota Constitution's Article I, Section 8. These errors must be identified and corrected as each State has the same errant practices, and must be declared by this Court to be unconstitutional.

**COPIES OF THE JUDGMENT WITH RESPECT  
TO WHICH THE WRIT IS SOUGHT**

Judge Grant Barry Anderson's Order for Dismissal (See: Appx. 251a).

Judge Susan Lee Segal's Order For Dismissal (See: Appx. 252a).

## INTRODUCTION

I, Mark Thomas, respectfully Petition for an Extraordinary Writ of Mandamus/Prohibition to the One Supreme Court of the United States of America (1789). This court is being petitioned En Banc, to decide important issues of law that may very well be issues of first impression. The failure of the Appeal court to address the issues raised will add to the ongoing intent of our present system to perpetuate the ongoing ignorance of the People, but could, if addressed in accordance with the principles of our Republican system, will most likely set the guidelines for the reestablishment of our Republican Form of Government, secured to the Petitioner by the 4th § of Article IV of the Constitution of the United States of America (1788). This dramatic development is based primarily on the assumption that this court still recognizes and abides by a Constitutional system based in whole on our organic laws and the decisions of the several Supreme Courts both State and Federal. More importantly the issues raised, will give light to the separations of power doctrine by showing on one hand, the distinction between the "People" in their Private capacity and secured under the protection of their constitutionally governed Judicial system, and on the other, that of the "PEOPLE" as a commercial class, who's names always appear in UPPER CASE, created by legislative act, (H. J. R. 192) and under the control of an administrative due process system imposed upon them by legislative and executive authority. H.J.R.192 states that use of the Federal Reserve currency represents a mortgage on all the homes and other property of all the people in the nation.

But as the Appeal Court failed to grant the Prohibition, or give any opinion on the original Petition, and thereafter refused a rehearing on the necessary points of law raised in this Petition, and applicable to the present action, in order for the Petitioner to establish the necessary criteria for a Petition for Review in this Supreme Court, the Petitioner respectfully submitted a Petition for Rehearing which was denied filing (See: Appx. 251a and 252a) and therefore now submits this Petition for review in the form of a Petition for Extraordinary Writ of Mandamus/Prohibition.

I received four erroneous and frivolous criminal citations without the benefit of a Grand Jury Indictment from the City of Eden Prairie's employee Mr. Chad Lee Streiff on July 4, 2020 (See: Appx. 1a); and, another from City of Bloomington's employee Mr. Dennis Joseph Koosmann on November 3, 2020 (See: Appx. 65a); and, another from City of Bloomington's employees Mr. Joseph Leo Schwartz and Mr. Daniel Mark Merseth on November 24, 2020 (See: Appx. 137a); and, another from the City of Bloomington's employee Mr. Timothy Dennis Anderson on June 6, 2021 (See: Appx. 227a). From these erroneous acts, conducted outside their authority, I am seeking an Extraordinary Writ or Mandamus/Prohibition on the basis as follows.

#### **STATEMENT OF JURISDICTION**

1. The Jurisdiction of this court is invoked under Article III of the Federal Constitution 1789 (Constitution for the United States of America 1789, Article III).
2. The Jurisdiction of this Court is invoked under 28 U.S. Code §103(4). The Fourth Division comprises the counties of Anoka, Carver, Chippewa, Hennepin, Isanti, Kandiyohi, McLeod, Meeker, Renville, Sherburne, Swift, and Wright. Court for the Fourth Division shall be held at Minneapolis.
3. The Jurisdiction of this Court is invoked under Common Law of the United States of America.
4. The Jurisdiction of this Court is invoked under 28 U.S. Code § 1361. The district courts shall have original jurisdiction of any action in the nature of mandamus to compel an officer or employee of the United States or any agency thereof to perform a duty owed to the plaintiff.
5. This Court has full power in its discretion to issue an Extraordinary Writ of Mandamus, Prohibition, Injunction to a State District Court, although the case be one in

respect of which direct appellate jurisdiction is vested in the lower court of appeals, this One Supreme Court having ultimate discretionary jurisdiction by prohibition/mandamus, but such power will be exercised only where a question of public importance is involved, or where the question is of such a nature that it is peculiarly appropriate that such action by this Court should be taken. Pp. 287 U.S. 245, 287 U.S. 248. See: U.S. Supreme Court Ex Parte United States, 287 U.S. 241 (1932).

6. The Jurisdiction of this Court is invoked under 28 U.S. Code § 1331 - Federal question (June 25, 1948, ch. 646, 62 Stat. 930; Pub. L. 85-554, § 1, July 25, 1958, 72 Stat. 415; Pub. L. 94-574, § 2, Oct. 21, 1976, 90 Stat. 2721; Pub. L. 96-486, § 2(a), Dec. 1, 1980, 94 Stat. 2369.). The district courts shall have original jurisdiction of all civil actions arising under the Constitution, laws, or treaties of the United States.

7. The Jurisdiction of this Court is invoked under 28 U.S. Code § 1343 - Civil rights and elective franchise (June 25, 1948, ch. 646, 62 Stat. 932; Sept. 3, 1954, ch. 1263, § 42, 68 Stat. 1241; Pub. L. 85-315, part III, § 121, Sept. 9, 1957, 71 Stat. 637; Pub. L. 96-170, § 2, Dec. 29, 1979, 93 Stat. 1284.).

(a) The district courts shall have original jurisdiction of any civil action authorized by law to be commenced by any person:

(1) To recover damages for injury to his person or property, or because of the deprivation of any right or privilege of a citizen of the United States, by any act done in furtherance of any conspiracy mentioned in section 1985 of Title 42;

(2) To recover damages from any person who fails to prevent or to aid in preventing any wrongs mentioned in section 1985 of Title 42 which he had knowledge were about to occur and power to prevent;

(3) To redress the deprivation, under color of any State law, statute, ordinance, regulation, custom or usage, of any right, privilege or immunity secured by the Constitution of the United States or by any Act of Congress providing for equal rights of citizens or of all persons within the jurisdiction of the United States;

(4) To recover damages or to secure equitable or other relief under any Act of Congress providing for the protection of civil rights, including the right to vote.

8. The Jurisdiction of this Court is invoked under 42 U.S. Code 1985(3) - Conspiracy to interfere with civil rights.

(3) Depriving persons of rights or privileges

If two or more persons in any State or Territory conspire or go in disguise on the highway or on the premises of another, for the purpose of depriving, either directly or indirectly, any person or class of persons of the equal protection of the laws, or of equal privileges and immunities under the laws; or for the purpose of preventing or hindering the constituted authorities of any State or Territory from giving or securing to all persons within such State or Territory the equal protection of the laws; or if two or more persons conspire to prevent by force, intimidation, or threat, any citizen who is lawfully entitled to vote, from giving his support or advocacy in a legal manner, toward or in favor of the election of any lawfully qualified person as an elector for President or Vice President, or as a Member of Congress of the United States; or to injure any citizen in person or property on account of such support or advocacy; in any case of conspiracy set forth in this section, if one or more persons engaged therein do, or cause to be done, any act in furtherance of the object of such conspiracy, whereby another is injured in his person or property, or deprived of having and exercising any right or privilege of a citizen of the United States, the party so injured or deprived may have an action for the recovery of damages occasioned by such injury or deprivation, against any one or more of the conspirators.

9. The Jurisdiction of this Court is invoked under the American Common Law and Minnesota's Common Law - The common law prevails and a driver is not parred from recovery simply because he is making a movement not specifically authorized, and not forbidden by the act, *Carson v. Peterson*, 284 NW 847 (1939).

#### STATEMENT OF THE CASE

The Public Servants have usurped their position and are acting as if they are Master over the People whom they serve under. See: Minnesota Constitution Article I, Section 1 and 2. They are the servants of the People and are not following the mandates that protect me and my property. Instead, they are attempting to enter into foreign intercourse without my consent, trying to extort me, falsely arrest me, falsely imprison me, and unconstitutionally search and seize protected property without a warrant issued by a judge.

In all matters within this state each Public Servant have taken on an Oath Office to serve the People, however, in this case and in millions of other cases every year these Peace Officers, Police Agents, etc. are out there harassing, extorting, falsely imprisoning and taking property without warrant and therefore, is inapposite to the requirement to support and defend me and my property. These acts need to be turned around for the benefit of the People.

My case is extremely prejudiced Judicially, thus I will be irreparably harmed and I will be erroneously sent to trial and jailed, have a fine extorted from me, and have a false criminal record created (which need not happen), which will essentially ruin my life, all because Peace Officers/Police Agents, someone called a prosecutor, and the Court, lack education/training as demonstrated above which has lead each to unknowingly or have conscientiously been directly violating the mandates and prohibitions as specified in the United States Constitution, Minnesota Constitution, the American Common Law, and the Due Process law, as well as millions of current and soon to be defendants, which would be based on same erroneous practices of Peace Officers, Police Agents, Prosecuting Agents, including the courts, which happens on a daily basis.

## **STATEMENT OF FACTS**

On, July 4, 2020, Police Agent, Mr. Streiff, without warrant seized the movement of my Person and Automobile on highway 494. Further, Streiff, without warrant, searched my Person and the State's computer in an attempt to verify certain information. Further, Streiff, being an employee of the City of Eden Prairie, as the city's Security Agent, without authority and being outside of any city property, improperly and unconstitutionally commenced a criminal accusation (See: Appx. 1a), which the United States Constitution reserve strictly for the Grand Jury.

On, September 28, 2020, I served my Request for Admissions (See: Appx. 2a), and the Respondent, Mr. Streiff, had not filed and served a response, nor requested an extension of time.

On, September 28, 2020, I served my Request for Production and Identification Documents (See: Appx. 5a), and the Respondent, Mr Streiff, had not filed and served a response, nor requested an extension of time.

On, November 3, 2020, Police Agent, Mr. Koosmann, an employee of the City of Bloomington, as the city's Security Agent, without authority and being outside of any city property, and without personal or firsthand knowledge, and without Federal authorization to act as security agent on Federal property, improperly and unconstitutionally commenced a criminal accusation (See: Appx. 65a), which the United States Constitution reserve strictly for the Grand Jury.

On, November 20, 2020, I filed and served my Motion to Abate/Dismiss/ Discharge with Prejudice (See: Appx.7a), upon the Court Clerk, and the District Attorney/Prosecutor's Office, and the City of Eden Prairie's City Manager and or Risk Management, and have not been served a response, nor took any action on the motion.

On, November 24, 2020, Police Agent, Mr. Merseth and Schwartz, without warrant seized the movement of my Person and Automobile on highway 494. Further, Merseth and Schwartz, without warrant, searched my Person and the State's computer in an attempt to verify certain information. Further, Merseth and Schwartz, being employees of the City of Bloomington, as a city Security Agents, without authority and being outside of any city owned property, improperly and unconstitutionally issued and commenced a criminal accusation (See: Appx. 137a), which the United States Constitution strictly reserve for the Grand Jury.

On December 3, 2021, I filed and served my Notice of Fulfillment of Promise to Appear and Dismissal for Want Prosecution (See: Appx. 138a), upon the State of Minnesota, Hennepin Criminal Court, and have not been served a response, nor took any action on my fulfillment.

On February 26, 2021, I was served an erroneous complaint (See: Appx. 26a), from the City of Eden Prairie, without the benefit of the protected right to a Grand Jury Indictment or Informational hearing.

On March 15, 2021, I filed and served my Notice Regarding Fee Schedule for Participating in a Civil Matter that You are moving Criminally that is being wagered upon (See: Appx. 30a), upon the Court, the District Attorney/Prosecutor's Office, and the City of Eden Prairie's City Manager and or Risk Management, and have not been served an answer, nor have I been paid for services.

On March 17, 2021, I filed and served my Notice Regarding Fee Schedule for Participating in a Civil Matter that you are moving Criminally that is being wagered upon (See: Appx. 144a), upon the Court, the City of Bloomington's prosecutor, Mr. Schwarz and Mr. Merseth, and have not been served an answer, nor have I been paid for services.

On, April 28, 2021, and May 27, 2021, the District Court improperly and without authority scheduled and held or attempted to hold arraignment hearings, entirely skipping the required

Probable Cause hearings in warrantless arrests, required by United State's Supreme Court case, County of *Riverside v. McLaughlin*, 500 U.S. 44 (1991), which required Probable Cause hearings to be conducted within 48 hours. These hearings never happened, nor did a speedy trial ever happen. The District Court conducted a proposed trial date of August 4, 2021.

On April 30, 2021, I was served an erroneous complaint (See: Appx. 148a), from the City of Bloomington, without the benefit of the protected right to a Grand Jury Indictment or Informational hearing.

On May 10, 2021, I filed and served my Requests for Production and Identification Documents (See: Appx. 66a), upon the Court Clerk, the Bloomington City Attorney's Office and Mr. Koosmann, and the Respondent, Mr. Koosmann, have not filed and served a response, nor requested an extension of time.

On May 7, 2021, I filed and served my Request for Admissions (See: Appx. 154a), upon the Court Clerk, the Bloomington City Attorney's Office and Mr. Schwartz, and the Respondent, Mr. Schwartz, had not filed and served a response, nor requested an extension of time.

On May 7, 2021, I filed and served my Requests for Production and Identification Documents (See: Appx. 158a), upon the Court Clerk, the Bloomington City Attorney's Office and Mr. Schwartz, and the Respondent, Mr. Schwartz, had not filed and served a response, nor requested an extension of time.

On May 7, 2021, I filed and served my Request for Admissions (See: Appx. 162a), upon the Court Clerk, the Bloomington City Attorney's Office and Mr. Merseth, and the Respondent, Mr. Merseth, had not filed and served a response, nor requested an extension of time.

On May 7, 2021, I filed and served my Requests for Production and Identification Documents (See: Appx. 166a) upon the Court Clerk, the Bloomington City Attorney's Office and Mr. Merseth, and the Respondent, Mr Merseth, had not filed and served a response, nor requested an

extension of time.

On May 10, 2021, I filed and served my Motion to Abate/Dismiss/Discharge with Prejudice (See: Appx. 170a), upon the Court Clerk, the Bloomington City Attorney's Office and Mr. Schwartz and Mr. Merseth, and have not been served a response, nor took any action on the motion.

On May 10, 2021, I filed and served my Requests for Production and Identification Documents (See: Appx. 66a), upon the Court Clerk, the Bloomington City Attorney's Office and Mr. Koosmann, the Respondent, and the Respondent, Mr. Koosmann, had not filed and served a response, nor requested an extension of time.

On May 10, 2021, I filed and served my Request for Admissions (See: Appx. 70a), upon the Court Clerk, the Bloomington City Attorney's Office and Mr. Koosmann, the Respondent, and the Respondent, Mr. Koosmann, had not filed and served a response, nor requested an extension of time.

On May 10, 2021, I filed and served my Motion to Abate/Dismiss/Discharge with Prejudice (See: Appx. 74a), upon the Court Clerk, the Bloomington Attorney/Prosecutor's Office and Mr. Koosmann, and have not been served a response, nor took any action on the motion.

On May 10, 2021, I filed and served my Notice Regarding Fee Schedule for Participating in a Civil Matter that You are moving Criminally that is being wagered upon (See: Appx. 94a), upon the Court Clerk, the Bloomington Attorney/Prosecutor's Office and the City of Bloomington's City Mayor, and have not been served a response, nor took any action on the motion.

On May 13, 2021, I filed and served my Notice Regarding Failure of the Court to conduct a Probable Cause Hearing (See: Appx. 46a), upon the Court Clerk, the Prosecutor's Office, the City of Eden Prairie's Mayor and Mr. Chad Lee Streiff to vacate the premature arraignment

and abate/dismiss action with prejudice for failure to follow protocol and due process, and have not been served a response, nor took any action on the motion.

On May 24, 2021, I was served an erroneous complaint (See: Appx. 100a) from the City of Bloomington, without the benefit of the protected right to a Grand Jury Indictment or Informational hearing.

On May 25, 2021, I filed and served my Notice Regarding Prosecutions Requirement to Answer Pretrial Questions Concerning Procedural Necessities (See: Appx. 106a) upon the Court Clerk, the Bloomington Attorney/Prosecutor's Office, and Mr. Koosmann, and have not been served a response, nor took any action on the motion.

On May 25, 2021, I filed and served my Notice Regarding Prosecutions Requirement to Answer Pretrial Questions Concerning Procedural Necessities (See: Appx. 190a) upon the Court Clerk, the Bloomington Attorney/Prosecutor's Office, and Mr. Merseth, and have not been served an answer, nor took any action on the motion.

On May 25, 2021, I filed and served my Notice Regarding Prosecutions Requirement to Answer Pretrial Questions Concerning Procedural Necessities (See: Appx. 193a) upon the Court Clerk, the Bloomington Attorney/Prosecutor's Office, and Mr. Schwartz, and have not been served an answer, nor took any action on the motion.

On, June 10, 2021, Police Agent, Mr. Anderson, without warrant seized the movement of my Person and Automobile on highway 494. Further, Anderson, without warrant, searched my Person and the State's computer in an attempt to verify certain information. Further, Anderson, being an employee of the City of Bloomington, as the city's Security Agent, without authority and being outside of any city property, improperly issued and commenced a criminal accusation (See: Appx. 227a), which the United States Constitution reserve strictly for the Grand Jury.

On June 14, 2021, I was served and erroneous Witness List (See: Appx. 109a) from the City of Bloomington.

On June 14, 2021, I was served and erroneous Witness List (See: Appx. 196a) from the City of Bloomington.

On June 22, 2021 I filed and served my Application for Writ of Prohibition for Failure of the Court to Address my Motion to Abate/Dismiss; and Failure to comply with Right to Speedy Trial (See: Appx. 229a), upon the Appellate Court Clerk, District Court Clerk, State Prosecutors, Peace Officers Mr. Chad Lee Streiff, Dennis Joseph Koosmann, Joseph Leo Schwartz, and Daniel Mark Merseth, and have not been served a response, nor took any action on the motion.

On June 24, 2021, I filed and served my Objection to the Proposed Witness List (See: Appx. 110a) upon the Court Clerk, and the Bloomington Attorney/Prosecutor's Office, and have not been served an answer, nor took any action on the motion.

On June 24, 2021, I filed and served my Objection to the Proposed Witness List (See: Appx. 197a) upon the STATE Prosecutors Office in Bloomington, Minnesota and the District Court Fourth Judicial Division, and have not been served an answer, nor took any action on the motion.

On July 1, 2021, I filed and served my Motion for Stay Pending Appellate Court Review (See: Appx. 116a.) upon the Bloomington City Attorney's Office, Peace Officers Mr. Schwartz, Mr. Merseth, Mr. Koosmann, and the Hennepin County Fourth Judicial Clerk, and have not been served an answer, nor took any action on the motion.

On July 1, 2021, I filed and served my Motion for Stay Pending Appellate Court Review (See: Appx. 202a.) upon the City of Bloomington City Attorney's Office, Peace Officers Mr. Schwartz, Mr. Merseth, Mr. Koosmann, and the Hennepin County Fourth Judicial Clerk, and have not been served an answer, nor took any action on the motion.

On July 12, 2021, I filed and served my Legal Argument (See: Appx. 119a) upon the Court Clerk, the Bloomington City Attorney's Office, Mr. Koosmann and Minnesota Attorney General, and have not been served an answer, nor took any action on the motion.

On July 12, 2021, I filed and served my Legal Argument (See: Appx. 205a) upon the Court Clerk, the Bloomington City Attorney's Office, Mr. Schwartz, Mr. Merseth and Minnesota Attorney General, and have not been served an answer, nor took any action on the motion.

On July 13, 2021, I was erroneously served the Judge Susan Lee Segal's Order for Unconstitutional Fees (See: Appx. 246a).

On July 19, 2021, I was erroneously served the City of Bloomington's Memo in Support of Probable Cause (See: Appx. 123a).

On July 19, 2021, I was erroneously served the City of Bloomington's Memo in Support of Probable Cause (See: Appx. 209a).

On July 19, 2021, I filed and served my Admonishment to Judges Segal's Request for Filing Fees (See: Appx. 248a) upon the Appellate Court Clerk, and the Minnesota Attorney General, and have not been served a response, nor took any action.

On July 30, 2021, I filed and served my Rebuttal to the City of Bloomington's Erroneous Brief in Support of Probable Cause (See: Appx 128a) upon the Court Clerk, the Bloomington City Attorney's Office, Mr. Merseth, Mr. Schwartz and the Minnesota Attorney General, and have not been served an answer, nor took any action on the motion.

On July 30, 2021, I filed and served my Rebuttal to the City of Bloomington's Erroneous Brief in Support of Probable Cause (See: Appx 213a) upon the Court Clerk, the Bloomington City Attorney's Office, Mr. Merseth, Mr Schwartz and the Minnesota Attorney General, and have not been served an answer, nor took any action on the motion.

On August 2, 2021, I sent the Fourth Judicial District Court of Minnesota, the Minnesota Appellate Court Clerk, State Prosecutors, Minnesota Attorney General, Peace Officers Mr. Chad Lee Streiff, Dennis Joseph Koosmann, Joseph Leo Schwartz, and Daniel Mark Merseth, the following notice: "I SHALL NOT BE ATTENDING THE NON-CONSENTED TO TRIAL UNTIL THE APPELLATE COURT HAS MADE A PROPER RULING IN CONFORMITY WITH THE CONSTITUTION, AS THE APPELLATE COURT HAS FAILED TO PROMPTLY MAKE A RULING ON MY "APPLICATION FOR WRIT OF PROHIBITION." IT IS MY ASSUMPTION FOR THEM NOT DOING SO, IS BECAUSE THEY REQUIRE A FEE FOR COURT SERVICES WHICH VIOLATE ARTICLE I, SECTION 8, OF THE MINNESOTA CONSTITUTION, WHICH SAYS: '...to obtain justice freely and without purchase, completely and without denial, promptly and without delay...'", in a document called NOTICE OF NON APPEARANCE AT PROPOSED TRIAL SCHEDULED FOR AUGUST 4, 2021 IN DISTRICT COURT BECAUSE OF FAILURE OF APPELLATE COURT TO MAKE A RULING ON APPLICATION FOR WRIT OF PROHIBITION.", have not been served an answer, nor took any action on the motion.

*"Where rights secured by the Constitution are involved, there can be no rule making or legislation which would abrogate them." — *Miranda v. Arizona*, 384 U.S. 436 (1966).*

Please note that the rules for commercial driving when misapplied/wrongfully applied to non-commercial vehicle usage abrogate rights secured by the Federal and State's Constitutions. See: *Miranda v. Arizona*, *supra*; See also, 18 U.S.C. 31(a)(6), including subsection (a)(10).

On August 10, 2021, I filed and served my Motion to Abate/Dismiss/Discharge with Prejudice (See: Appx. 228a) upon the Court Clerk, the Bloomington City Attorney's Office and Mr. Anderson, and have not been served a response, nor took any action on the motion.

On August 16, 2021, I was erroneously served Judges Siegesmund's Order denying my Motion to Dismiss (See: Appx. 132a).

On August 16, 2021, I was erroneously served Judges Siegesmund's Order denying my Motion to Dismiss (See: Appx. 217a).

On September 21, 2021 Grant Berry Anderson erroneously dismissed my accelerated review of my Petition for Writ of Mandamus/Prohibition for failure to pay in direct violation of State of Minnesota's Constitution Article 1, Section 8.(See: Appx. 251a).

On September 22, 2021 Susan Lee Segal erroneously dismissed my Petition for Writ of Mandamus/Prohibition for failure to pay in direct violation of State of Minnesota's Constitution Article 1, Section 8. (See: Appx. 252a).

On September 23, 2021, I filed and served my Notice and Order of Disqualification of Tory Robert Sailer (See: Appx. 57a), upon the District Court, Prosecutor Chad Lee Streiff, Tory Robert Sailer and Gregerson, Rosow, Johnson and Nilan, Ltd. City of Eden Prairie's Attorney, and have not been served a response, nor took any action on the motion.

On September 23, 2021, I filed and served my Notice of Non-Consent to the Proposed Hearing (See: Appx. 60a) upon the Fourth Judicial District Court Clerk, Gregerson, Rosow, Johnson & Nilan, Ltd. and Tory Robert Sailer, and have not been served an answer, nor took any action on the motion.

On August 27, 2021, I filed and served my Notice of Non-Consent and Non-Waiver of Sovereign Immunity (See: Appx. 222a) upon the Court Clerk, the Bloomington City Attorney's Office, Peace Officer(s) Mr. Merseth, Mr. Schwartz. and the Minnesota Supreme Court and have not been served an answer, nor took any action on the motion.

## DISCUSSION

1. This Application is sought because of the several failures of Minnesota's Fourth Judicial District Court to schedule and hold the required Probable Cause hearings, and never have done so. These were asked for after the erroneous issuance of four (commercial) traffic citations, which do not apply to me. Further, the District Court has failed to ensure that the burden of proof by the accusers remain on the accusers without substituting the placement of the burden on the defense, which they are doing regularly. The District Court would not move on any hearings unless I confessed my name in violation of the Federal and State Constitution's. Further, the only proper way for the court to maintain jurisdiction is for the accuser(s) to justify their actions for the arrest(s) before a Magistrate, at a Probable Cause hearing prior to any arraignments. Further, failure of the accusers to testify at a probable cause hearing(s) is fatal to their case(s), requiring dismissals with prejudice. Further, placing the burden of proof on the defense to call the accuser(s) to the stand to testify defeats the purpose of the probable cause hearing(s) and is as such fatal to the case, which the Judge based the denial of my motion to abate, as indicated in the District Court's order page 2, paragraph 6, lines 20-22. Further, at the time of the incident, the accusers must prove at a Probable Cause hearing that I was engaged in any type of commercial driving ventures, or was a Federal or State employee required to obtain and maintain a Drivers License, Registration, Insurance, as the term Motor Vehicle is intended to be used for commercial operation. See: 18 U.S.C. 31(a)(6)<sup>1</sup>, including subsection (a)(10)<sup>2</sup>, and Minnesota Statute 169.02, Applicability.

2. Furthermore, on Tuesday January 24, 1933 the 16<sup>th</sup> day of the Senate Session, Mr. Roepke introduced "*A bill for regulating the licensing of persons operating motor vehicles upon the public highways of this state.*" Which was read the first time and referred to the Committee on

---

<sup>1</sup> The term "motor vehicle" means every description of carriage or other contrivance propelled or drawn by mechanical power and used for commercial purposes on the highways in the transportation of passengers, passengers and property, or property or cargo.

<sup>2</sup> The term "used for commercial purposes" means the carriage of persons or property for any fare, fee, rate, charge or other consideration, or directly or indirectly in connection with any business, or other undertaking intended for profit.

Motor Vehicles and Motor Tax Laws. Further, this Bill approved on April 21, 1933, in the first section concerning definitions reads as such: ““Motor Vehicle,” “Farm Tractor,” “Owner,” “Operator,” “Chauffeur,” “Non-resident and “Public Highway,” as used in this Act shall be interpreted to have the meanings usually ascribed to them, except in those instances where the context clearly indicates a different meaning.” Further, the meaning usually ascribed to “Motor Vehicle” appears to indicate a different meaning, where Federal Preemption is the doctrine in this matter, thus 49 U.S.C. § 13102 Section 16 - Definitions, defines “Motor Vehicle” as *“a vehicle, machine, tractor, trailer, or semitrailer propelled or drawn by mechanical power and used on a highway in transportation”* and 18 U.S.C. 31(a)(6) defines a “Motor Vehicle” as *“every description of carriage or other contrivance propelled or drawn by mechanical power and used for commercial purposes on the highways in the transportation of passengers, passengers and property, or property or cargo.”* Further, both sections refer to “transportation” which is further defined in 49 U.S.C. 13102(23)(a)(b) as *“equipment of any kind related to the movement of passengers or property, or both, regardless of ownership or an agreement concerning use; and (B) services related to that movement, including arranging for, receipt, delivery, elevation, transfer in transit, refrigeration, icing, ventilation, storage, handling, packing, unpacking, and interchange of passengers and property.”* Further, the U.S. Supreme Court defines “Transportation” as *“the movement of goods or persons from one place to another, by a carrier.”* See: *Interstate Commerce Comm. v. Brimson*, 154 U.S. 447 (1894); *Gloucester Ferry Co. v. Pennsylvania*, 114 U.S. 196 (1885); *Railroad Co. v. Pratt*, 89 U.S. 123, 22 Wall. 123, 22 L. Ed. 827 (1874).

3. Furthermore, the State of Minnesota driving Statutes/Codes only applies to:

*“...the drivers of all vehicles owned or operated by the United States, this state or any county, city, town, district, or any other political subdivision of the state...”*. See: (*Sessions Laws on Minnesota for 1937* chapter 464 section 5(a); *1940 Supplement to Mason’s Minnesota Statutes*, 1927 (2720-155)).

Sessions Laws on Minnesota for 1937 -

“Sec. 5. Application of act.—(a) The provisions of this act applicable to the drivers of vehicles upon the highways shall apply to the drivers of all vehicles owned or operated by the United States, this state or any county, city, town, district, or any other political subdivision of the state, subject to such specific exceptions as

are set forth in this act with reference to authorized emergency vehicles.”

1940 Supplement to Mason's Minnesota Statutes 1927 -

“2720-155. Application of act.— (a) The provisions of this act applicable to the drivers of vehicles upon the highways shall apply to the drivers of all vehicles owned or operated by the United States, this state or any county, city, town, district, or any other political subdivision of the state, subject to such specific exceptions as are set forth in this act with reference to authorized emergency vehicles.”

4. This statute has not been repealed or amended. Wherefore, it is still in effect. Clearly the application of the Act does not include the People of Minnesota (me) who use their conveyances in non-commercial capacities. Wherefore, the cases against me are frivolous and erroneous and must be abated/dismissed/discharged with prejudice.

5. The Court, did nothing until I filed my Application for Writ of Mandate/Prohibition with the United States Supreme Court. Within a day of that filing the Judge, Ms. Siegesmund, actually reviewed my MOTION TO ABATE/DISMISS/DISCHARGE WITH PREJUDICE and then wrote an order denying it.

**MINNESOTA STATE LAWS USED BY THE COURTS, LAW ENFORCEMENT, AND PROSECUTORS.**

168.09.1 - REGISTRATION; REREGISTRATION. § Subdivision 1. Registration required. No trailer or motor vehicle, except as is exempted by section 168.012, may be used or operated upon the public streets or highways of the state in any calendar year until it is registered as provided in this section, the motor vehicle tax and fees as provided in this chapter are paid, and the number plates issued for the trailer or motor vehicle are displayed on it. No trailer or motor vehicle, except as provided by section 168.012, which for any reason is not subject to taxation as provided in this chapter, may be used or operated upon the public streets or highways of this state until it is registered as provided in this section and displays number plates as required by this chapter, except that the purchaser of a new trailer or motor vehicle may operate it without plates if the permit

authorized by section 168.091 or 168.092 is displayed.

168.09.4 - REGISTRATION; RE-REGISTRATION. § Subd. 4. Display. A vehicle registered under the monthly series system of registration shall display the plates and insignia issued within ten days of the first day of the month which commences the registration period.

169.686.1(a) - SEAT BELT USE REQUIRED; PENALTY. § Subdivision 1. Seat belt requirement. (a) Except as provided in section 169.685, a properly adjusted and fastened seat belt, including both the shoulder and lap belt when the vehicle is so equipped, shall be worn by the driver and passengers of a passenger vehicle, commercial motor vehicle, type III vehicle, and type III Head Start vehicle. Notwithstanding the equipment exemption in section 169.685, subdivision 1, this paragraph applies to the driver and passengers of an autocycle equipped with seat belts.

169.79.1 - VEHICLE REGISTRATION; DISPLAYING LICENSE PLATES. § Subd. 1. Registration required. No person shall operate, drive, or park a motor vehicle on any highway unless the vehicle is registered in accordance with the laws of this state and has the number plates or permit confirming that valid registration or operating authority has been obtained, except as provided in sections 168.10 and 168.12, subdivision 2f, as assigned to it by the commissioner of public safety, conspicuously displayed thereon in a manner that the view of any plate or permit is not obstructed. A plate issued under section 168.27 or a permit issued under chapter 168 may be displayed on a vehicle in conjunction with expired registration whether or not it displays the license plate to which the last registration was issued.

169.797.2 - PENALTIES FOR FAILURE TO PROVIDE VEHICLE INSURANCE. § Subd. 2. Violation by owner. Any owner of a vehicle with respect to which security is required under sections 65B.41 to 65B.71 who operates the vehicle or permits it to be operated upon a public highway, street, or road in this state and who knows or has reason to know that the vehicle does not have security complying with the terms of section 65B.48 is guilty of a crime and shall be sentenced as provided in subdivision 4.

171.24.2 -VIOLATIONS; DRIVING WITHOUT VALID LICENSE. § Subd. 2. Driving after revocation; misdemeanor. A person is guilty of a misdemeanor if: (1) the person's driver's license or driving privilege has been revoked; (2) the person has been given notice of or reasonably should know of the revocation; and (3) the person disobeys the order by operating in this state any motor vehicle, the operation of which requires a driver's license, while the person's license or privilege is revoked.

**LAWS AND CASES THE JUDGE CLAIMS  
TO SUPPORTS THE CHARGES.**

"...The State establishes probable cause when the "facts would lead a person of ordinary care and prudence to entertain an honest and strong suspicion that the person under consideration is guilty of a crime." *State v. Hankos*, 847 N.W.2d 270, 274 (Minn. Ct. App. 2014) (citing *State v. Harris*, 589 N.W.2d 782, 790 (Minn.1999)

If the reviewing judge determines the facts "appearing in the record, including reliable hearsay, would preclude the granting of a motion for a directed verdict of acquittal if proved at trial" then the State has established probable cause. *State v. Florence*, 239 N.W.2d 892, 903 (Min. 1976)

**REASONS WHY THE ABOVE ARE NOT APPLICABLE  
TO ME OR OTHERS SIMILARLY SITUATED.**

1. In all these so called criminal cases each were commenced/initiated by a Corporate City Police Agent, which do not have any power as the alleged incidents never took place on city property. In fact, this long standing practice is unconstitutional as the United States Constitution solely gave that power to the Grand Jury (see: United States Constitution Fifth Article in Amendment).
2. In fact, none of the above statutes apply to me because the applicability of the driving statutes solely apply to those identified within. See: Sessions Laws on Minnesota for 1937 chapter 464

section 5(a); 1940 Supplement to Mason's Minnesota Statutes 1927 (2720-155).

Sessions Laws on Minnesota for 1937 -

"Sec. 5. Application of act.— (a) The provisions of this act applicable to the drivers of vehicles upon the highways shall apply to the drivers of all vehicles owned or operated by the United States, this state or any county, city, town, district, or any other political subdivision of the state, subject to such specific exceptions as are set forth in this act with reference to authorized emergency vehicles."

1940 Supplement to Mason's Minnesota Statutes 1927 -

"2720-155. Application of act.— (a) The provisions of this act applicable to the drivers of vehicles upon the highways shall apply to the drivers of all vehicles owned or operated by the United States, this state or any county, city, town, district, or any other political subdivision of the state, subject to such specific exceptions as are set forth in this act with reference to authorized emergency vehicles."

3. In fact, none of the above statutes apply to me because the applicability of the driving statutes solely apply to those identified within 169.02, under Scope which references its historical origins from the 1940 Supplement to Mason's Minnesota Statutes 1927: viz. 169.02 SCOPE.

§Subdivision 1. Application to persons, places, and vehicles. The provisions of this chapter relating to the operation of vehicles refer exclusively to the operation of vehicles upon highways, and upon highways, streets, private roads, and roadways situated on property owned, leased, or occupied by the regents of the University of Minnesota, or the University of Minnesota, except:

(1) where a different place is specifically referred to in a given section;

(2) the provisions of sections 169.09 to 169.13 apply to any person who drives, operates, or is in physical control of a motor vehicle within this state or upon the ice of any boundary water of this state, and to any person who drives, operates, or is in physical control of a snowmobile on a snowmobile trail within this state.

4. Furthermore, in the 1940 supplement to Mason's Minnesota Statutes, it appears the intent of the legislature is that the applicability to the "Obedience to and Effect of Traffic Laws" is exclusively applicable to persons employed by the United States, the State of Minnesota, or any county, city, town, district, or any other political subdivision of the state as identified within 2720-155, under Application of act. viz. 2720-155(a). Application of act.

2720-155(a) The provisions of this act applicable to the drivers of vehicles upon the highways shall apply to the drivers of all vehicles owned or operated by the United States, this state or any county, city, town, district, or any other political subdivision of the state, subject to such specific exceptions as are set forth in this act with reference to authorized emergency vehicles.

5. Furthermore, The State of Minnesota Revisor's Office, founded in 1939 as the compiler of Minnesota Statutes, provides "confidential" drafting services of legislative and administrative documents. However, it does not appear this office has any authority to arrange or shift the language of the Minnesota Session Laws to make the current statutes look like the applicability applies to the People of the State.

6. Furthermore, the State of Minnesota's Legislature passed "An Act (Chapter 365) defining motor vehicles; providing for the registration of the same...", for the 1913 printing of the General Statutes of Minnesota, Section 2620. Here it is found in paragraph (2) that the owner of the motor vehicle shall swear before a notary public, on a blank, the "name, residence and business address of the owner...the name of the county he resides;...provided that if such motor-vehicle is used solely for 'commercial purposes,' the application shall so certify and also state the business in connection with which such vehicle is so used, or to be used.' Further, the State of Minnesota's Legislature convened in 1915 to pass an act to amending the statute to better define "motor vehicle" of section 2619. Further, in the 1917 Statutes of Minnesota Supplement, it appears the revisors, without any authority to do so, removed section 2620 all together, not to reappear in the Laws of Minnesota until 1921, whereby, section 2620 was unlawfully repealed without the consent of the legislation.

7. If Mason wrote it differently and left certain words out then that is unconstitutional because the legislature did not approve such change, and just because they move the words around does not make it constitutional.

8. The laws as they are currently enforcing for the last 100 years are unconstitutional on its face because the laws are not in conformity with the state's constitution. See: *Wallace v. Woods*, 340 Mo. 452, 102 SW 2d. 91, 97; *Shuttlesworth v. Birmingham*, 373 U.S. 262, See also: *Williams v. Fears*, 343 U.S., 270, 274; *Murdock v. Pennsylvania*, 319 U.S. 105; *Miller v. U.S.*, 230 F. 486, 489; *Hertado v. California*, 110 U.S. 516; *Adams v. City of Pocatello*, 416 P. 2d. 46, 48; *Sherar v. Cullen*, 481, F. 2d. 945; *Schactman v. Dullas*, 96 App. DC 287, 225, F. 2d. 938, 941.

9. Further, motor vehicle registration does not apply to me because it applies to Government drivers of all vehicles owned or operated by the United States, this state or any county, city, town, district, or any other political subdivision of the state, as the State rule 2674, Rate of Tax from the Minnesota Legislature only requires registration and payment of taxes for persons using "motor vehicles for commercial purposes.

10. Minnesota Police Agents/Peace Officers have been misapplying licensing/registration of vehicles which have lead to false arrests, false criminal charges, jail time, fines which are improper according to Minnesota's statutes.

### Argument(s)

In the above enumerated accounts, the Minnesota Court Appeals, have failed in its duty to conduct, review, and make any rulings, on my first Application for Writ of Prohibition which I filed on June 22, 2021, and were and remain emergencies requiring direct supervision by the Courts but have failed to conduct and make rulings, which are necessary to preserve and protect Rights under the Federal and State's Constitutions concerning my Application for a Writ of Prohibition/Mandate which were filed respectively on June 24,

2021 and August 4, 2021 before the Court. It is unbecoming of Servants of its People to deny the Rights secured to the People: "...to obtain justice freely and without purchase, completely and without denial, promptly and without delay..." see: (State of Minnesota Constitution Article I, Section 8).

As identified above in the 1940 Supplement to Mason's Minnesota Statutes 1927 the alleged driving accusation does not apply to me. Wherefore, the Extraordinary Writ of Prohibition must be granted.

I am petitioning the United States Supreme Court because the District Court, the Court of Appeals, including the Minnesota Supreme Court have become "so far departed from the accepted and usual course of justice as to call for an exercise of the United States Supreme Court's supervisory powers." see: Minn. Rule 117 Subd. 2, et seq.

**Reason:** Whereas the current affairs within the District Courts and the Appeal Courts, including the Supreme Court of the State of Minnesota have what appears to be not enough proper training or instruction in the field of a man's secured Right "...to be informed of the nature and cause of the accusation, to be confronted with the witnesses against him..." see: (State of Minnesota Constitution, Article I, Section 6), also see: (United States Constitution, Article 8 Bill of Rights amended). Being informed of the "nature and cause" of accusations are entirely skipped by Judges, Prosecutors, and Attorneys. For example, the "Nature of the Accusation" for criminal accusations 'is that the Defendant is performing "commercial activity" and is required to be Licensed, Registered, and Insured while carrying any of the following: (a) passenger(s); (b) freight; (c) a Bill of Lading or Passenger List; (d) operator receives a fee, fare, rate, or other compensation for the transportation.' Where the "Cause of the Accusation" is that 'the Defendant violated the Act, e.g., Code, Statute, etc.' The District Court and the Appellate Courts including the Minnesota Supreme Court's inability to redress their actions when notified by its Sovereign People (State of Minnesota Constitution Article I, Section 1) is unbecoming of the Sworn Servants to the

People in their inability to uphold and defend the service and protections afforded by the Federal and State Constitutions.

Further, I am petitioning for an Extraordinary Writ of Prohibition/Mandamus to the United States Supreme Court because “a decision by the United States Supreme Court will help develop, clarify, or harmonize the law”, throughout the United States regarding the Right to have Probable Cause hearing immediately after a Public Servant issues a “Notice to Appear,” instead of what’s become erroneous practices which needlessly tie up the courts, when there is no need to.

**Reason:** A United States Supreme Court decision shall bring clarity to the phrase concerning the Federal and State Constitution’s defining the meaning of “the nature and cause of the accusation” and therefore, this Court must instruct and set policy for the lower courts including Peace Officers and Prosecutors to avoid erroneous prosecutions brought about by bad training of Peace Officers, Prosecutors, and Judges which will essentially reinforce with strict conformity, allowing “...the People to be secure in their persons, houses, papers, and effects, against unreasonable searches and seizures, shall not be violated, and no Warrants shall issue, but upon probable cause, supported by Oath or affirmation”. Wherefore, my said proposed request for Supreme Court guidance in setting strict policy and procedure will reduce ineffective policing and use of precious judicial resources.

**Proposed guidance(s) to the One Supreme Court to consider :**

- A. Give instruction and guidance by setting up rules of court and policy requiring judicial officers to instruct Prosecutors to disqualify Peace Officers accusations if said Agent does not understand what the nature of the law they are enforcing.
- B. Give instruction and guidance by setting up rules of court and policy concerning constitutional mandates and prohibitions violating a defendants secured rights. Wherein

Judges, Prosecutors, and Peace Officers must be retrained into knowing that constitutional rights always overrule any of the State's unconstitutional laws, and these sworn Officers/Agents must be retrained to know the difference in how to compare and make their own determinations 'whether the State Policy/Statute/Code is constitutional or not' and 'enforce the constitutional prohibitions and restrictions' they are sworn to "Serve and Protect" as their Oaths of Office reads to "uphold and defend."

C. Give instruction and guidance by setting up rules of court and policy on how to conduct proper probable cause hearings because they are entirely skipped.

D. Give instruction and guidance by setting up rules of court and policy to instruct Judges, Prosecutors, and Peace Officers into analyzing the state law(s) they propose to enforce and compare to the State's Constitution to make sure the proposed law(s) they are going to enforce are constitutional, and also, to give guidance to new Peace Officers who will be, or have been hired, including instructing the same for all future generations.

Further, "the case calls for the application of a new principle or policy";

**Reason:** Judges, Prosecutors, and Peace Officers within the State and the United States must be retrained into comparing and analyzing whether the statutes they are about to enforce are constitutional and if they are unconstitutional, they are to disregard the law(s) entirely. The application of a new principle or policy needs to be entered in the Rules of Court and Rules of Evidence, regarding Probable Cause hearings; as an example: a notice to appear in a Ticket/Citation/Summons indicates the next step would be to conduct a probable cause hearing within 48 hours; not going directly to arraignment, which abrogates the Right to be informed of the nature of the action.

Further, “the resolution of the question presented has possible statewide impact”;

**Reason:** There must be clear set guidance after a notice to appear where the first hearing in the matter must be a Probable Cause hearing with the Peace Officer present to identify the Defendant without the Defendant having to disclose information protected by the right of silence in the Federal and State Constitutions, as this is unconstitutional, and takes the burden off the Prosecution and erroneously places the burden on the Defendant while completely disregarding the burden of proof clause secured by the Federal and State’s Constitutions. A United States Supreme Court ruling/opinion will reduce ineffective policing and wasteful spending on these types of frivolous cases. It will also bring about renewed citizen trust in “Law Enforcement,” and the courts. The police with their ineffective training has essentially turned a Public Servant of the People into their masters.

Further, “the question is likely to recur unless resolved by the United States Supreme Court”.

**Reason:** All of society’s ills, like distrust of Law Enforcement, Prosecutors, and Judges will keep reoccurring if the Judicial system does not get back to the fundamental laws of the Federal and State Constitution’s. These perpetuated problems are reoccurring which makes the People actually stop believing in this system in its current path as it appears society will go to guns if these problems are not corrected soon.

Further, Mason’s 1940 Supplement 2674, Rate of Tax----Minnesota Legislature only requires registration and payment of taxes for persons using motor vehicles for commercial purposes. See: Mason’s Minnesota Statutes 1927 (1940 supplement).

Moreover, Minnesota Police Agents/Peace Officers have been misapplying licensing/registration of vehicles which have lead to false arrests, false criminal charges, jail time, fines which are improper according to Minnesota’s statutes. Their schemes are inapplicable at/in law, and

Contrary to being "secure in my person, houses, papers and affects."

### My Defenses

I'm unenfranchised common law freeman. I am not participant in any tontine schemes of limited liability in a joint venture or profit with an insurable interest requiring me to participate in these corporate ponzi schemes.

I travel at the common Law. I have a right to travel freely unencumbered pursuant to Shapiro v. Thompson, 394 U.S. 618 (1969), a right so basic it need not be mentioned.

The State of Minnesota arbitrarily and erroneously converted my right into a privilege and issued a license plate and a fee for it.

Murdock v. Pennsylvania, 319 U.S. 105 (1943), says no state may convert a secured liberty into a privilege and issue a license and a fee for it, and if they do, Shuttlesworth v. Birmingham, 373 U.S. 262 (1969), says I can ignore the license and engage in a right with in impunity means the court can not punish me.

Since I rely on previous decisions of the United States Supreme Court and on constitutional defenses, I have a prefect defense for willfulness. U.S. v. Bishop, 412 U.S. 346 (1973).

Wherefore, I'm immune to the prosecutions. Wherefore, my accusers have no standing, capacity, or jurisdiction in this matter.

Wherefore, prosecution does not have any causes of action for which relief can be granted.

## CONCLUSIONS

1. The seizure of my non-commercially used automobile at the time of the incidents were unconstitutional, as the Police Agents did not have, nor did any Magistrate issue any warrants prior to, or during the incidents.
2. The searches of my person, papers, and information, at the time of the incidents were unconstitutional, as the Police Agents did not have, nor did any Magistrate issue any warrants prior to, or during the incidents.
3. The searches of the Minnesota Driving Database by Police Agents regarding my personal information/property were unconstitutional, as the Police Agents did not have, nor did any Magistrate issue any warrants prior to, or during the incidents.
4. The commencements of criminal charges by Police Agents against me were unconstitutional, as the Police Agents were not granted the authority to commence criminal actions individually as Police agents as the right to commence criminal actions against another man were strictly reserved to the Grand Jury.
5. The Prosecutors, including Judicial Officers in the court wholly ignored the next step after the commencement of criminal charges by Police Agents by entirely skipping the required Probable Cause hearing, and instead attempted to improperly and untimely conduct arraignments.
6. The Judicial Officers in the court refused to hear my motions to abate/dismiss at every hearing since November 20,2020.
7. The Prosecution and Judicial Officers in the court have wholly ignored the Speedy Trial mandates required by the Federal and State's Constitutions, as the first action was commenced July 4, 2020.

8. The Courts, the Court of Appeals and the Minnesota Supreme Court, at all times after I have filed my two applications for Writs of Mandates/Prohibitions, have denied and delayed and required payments of fees in violation of Minnesota's Constitution, Article I, Section 8 which prohibits the courts from denying, delaying, and charging fees. Further, the courts have refused to give me justice at every instance.

9. The Minnesota Appellate Court, at all times, after I have filed my Writs of Mandates/Prohibitions, have denied and delayed and required payments of fees in violation of Minnesota's Constitution, Article I, Section 8 which the One Supreme Court of the United States of America is obligated to hear without payment of any fees, especially in criminal matters. Further, the courts have refused to give me justice at every instance.

10. Each of the Courts in Minnesota and the United States of America have ignored and refused service contrary to their obligations, in breach of your obligations to support and defend the Federal and State's Constitutions, acting as if they did not exist.

11. Mason's Minnesota Statutes 1927 (1940 supplement) Section 2674, interprets Minnesota Legislature to only require registration and payment of taxes for persons using motor vehicles for commercial purposes, not pleasure vehicles.

“(a) Motor vehicles, except as set forth in Section 2 hereof, using the public streets or highways in the State of Minnesota shall be taxed in lieu of all other taxes thereon, except wheelbase taxes, so-called, which may be imposed by any borough, city or village, as provided by law, and shall be privileged to use the public streets and highways, on the basis and at the rates for each calendar year as follows:”

“Two-wheel trailers of less than 1,000 pounds capacity, used only with pleasure vehicles, and not employed in the transportation of passengers or goods for hire, shall not be subject to taxation as motor vehicles.”

12. Minnesota Police Agents/Peace Officers have been misapplying licensing/registration of vehicles which have lead to false arrests, false criminal charges, jail time, fines which are

improper according to Minnesota's statutes.

**RELIEF**

I require that the Extraordinary Writs of Prohibitions and Mandamus, prohibit and mandate all of the following:

1. Prohibit the District Court of Minnesota and any other courts therein or through out the United States from hearing the matters discussed herein, as, the courts have failed to conduct any Probable Cause hearings; and;
2. Prohibit the District Courts of Minnesota, and any other courts through out the United States from hearing or taking the matters to trial, as they have failed to comply with Speedy Trial as mandated by the State's Constitution; and,
3. Prohibit the State of Minnesota including its Political Subdivisions and the Judicial Branch of its Government, including Police Agents/Peace Officers from allowing warrantless stops of automobiles (that are used non-commercially) on the highways of the state, and require all Magistrates/Judges to enforce the same; and,
4. Prohibit the State of Minnesota including its Political Subdivisions and the Judicial Branch of its Government, including Police Agents/Peace Officers from commencing criminal actions against the People of the State in all forms, as there are no exceptions under the Constitution for a single man to commence criminal actions against another man, as the power to commence criminal actions is reserved strictly to the Grand Juries; and,

5. Prohibit the State of Minnesota including its Political Subdivisions and the Judicial Branch of its Government, including Police Agents/Peace Officers from performing searches on State Computer Databases of any persons name, birth date, address, drivers licenses, automobile registrations, unless said State Police Agents/Peace Officers, including any public Prosecutors, unless a Magistrate has issued a warrant allowing such activities, in advance of any search thereof; and,

6. Prohibit the State of Minnesota including its Political Subdivisions and the Judicial Branch of its Government, including Police Agents/Peace Officers from making any arrests, unless at least two witnesses can verify by personal observation criminal activity has been committed by an offender; and,

7. Prohibit the District, Appellate, and the Minnesota Supreme Court from requesting a fee for an accelerated review which requires all defendants to pay a fee for request of accelerated review, as that burden is on the prosecution and Judicial Officers - not the Defendant; and,

8. Prohibit every State in the Union, including each of their Political Subdivisions the same conditions as above paragraphs 1-7.

9. Mandate that the trial court issue an order for dismissal with prejudice for failure to state a cause of action upon which relief can be granted; and,

10. Mandate that the Appellate Court is to give instruction and guidance by setting up rules of court and policy requiring judicial officers to instruct Prosecutors to disqualify Peace Officers accusations if said officer/agent does not understand after receiving and testing what the nature of the law they are enforcing is. See: Magna Carta, number 45; and,

11. Mandate that the District Court and all Courts in the State give instruction and guidance by setting up rules of court and policy concerning constitutional mandates and prohibitions which may violate a defendants secured rights. Wherein Judges, Prosecutors, and Peace Officers must be

records were disseminated to, pertaining to these matters; and,

16. Mandate that the Minnesota Department of Vehicle Services cancel and terminate all outdated records concerning any drivers licenses including applications and historical records pertaining to Mark Thomas Garrett; and,

17. Mandate that the District Court issue a restraining order prohibiting all Police Agents/Peace Officers from all future harassments, including my guests while I am traveling in any of my non-commercial conveyances that I may use from time to time on any street/highway within or without the State; and,

18. Mandate the Minnesota Supreme Court or any other court of competent jurisdiction must issue an Order to each of the Agencies and Public Servants identified herein to take and pass a two year course in the State and Federal Constitution's, requiring all personnel taking the class to pass with no less than a grade of 95% rate. Anyone in Public Servant Offices whether appointed or elected that do not meet a 95% passing rate, each non-passer must be diverted to a non-governmental position of employment; and,

19. Mandate the Minnesota Supreme Court or any other court of competent jurisdiction must supervise each of the agencies and personnel identified herein for a period no less than five years to ensure One-hundred percent compliance; and,

20. Mandate the Minnesota Supreme Court or any other court of competent jurisdiction shall keep me apprised of the progress or failures of the each of the agencies personal every quarter year in a detailed report; and,

21. Mandate the Minnesota Supreme Court or any other court of competent jurisdiction to order the Secretary of State to issue me a State Citizen/Militia Identification, forthwith; and,

22. Mandate the Minnesota Supreme Court or any other court of competent jurisdiction to order the Minnesota Department of Vehicle Services to issue without application or fees, a non-expiring exempt plate and registration for any vehicle that I may require an exemption for, forthwith; and,

23. Mandate every State in the Union, including each of their Political Subdivisions the same conditions as above paragraphs 9-22.

24. Mandate that the trial court issue an order granting me Compensation for loss of economic opportunities (all work lost including time spent defending suits) the sum Two Hundred Fifty Thousand Dollars (\$250,000.00).

25. Mandate that the trial court issue an order granting me Costs the sum Seventy-five Thousand Dollars (\$75,000.00).

26. Mandate that the trial court issue an order granting me Attorney Fees/Like Attorney Fees the sum One Hundred Thousand Dollars (\$100,000.00).

27. Mandate that the trial court issue an order granting me Punitive Damages the sum Five Hundred Thousand Dollars (\$500,000.00).

29. Any other further supplemental relief as this One Supreme Court deem proper.  
The petition for extraordinary writ of mandamus/prohibition should be granted.

This 23th day of December , in the Year of Our Lord, Two Thousand Twenty one.

Dated: 12-23-2021

By: 