

ORIGINAL

No.

23-6507

IN THE
SUPREME COURT OF THE UNITED STATES

FILED
JAN 12 2024
OFFICE OF THE CLERK
SUPREME COURT, U.S.

In re: Peter-Alan: Hearn – PETITIONER

vs.

Richard G. Bevan Chief Justice Idaho Supreme Court et al, Regan C. Jameson Magistrate Judge Ada County Court, Jan Bennetts Ada County Prosecutor, Tatianna Herrera Deputy Prosecuting Attorney Ada County, Matt Clifford Ada County Sheriff, Kevin Truesdale Idaho State Police Officer -- RESPONDENT(S)

ON PETITION FOR A WRIT OF PROHIBITION TO

THE SUPREME COURT OF IDAHO

PETITION FOR WRIT OF PROHIBITION

Idaho Supreme Court Docket No.51048-2023, Ada County Case No. CR01-22-22577, Violation:

IC 18-705 & 49-316, Citation No. ISP4363000379

Peter-Alan: Hearn

2602 East Nahuatl Drive

Boise, Idaho [83716]

(208) 867-8856

petehearnlaw@proton.me

Sui Juris

Question(s) Presented

1. Does the State of Idaho et. al. have Personal Jurisdiction over man/inhabitant/People in the private, and require man/inhabitant/People of Idaho to seek permission (Driver's License) to exercise any Right?
2. Does the State of Idaho et. al. have Subject Matter Jurisdiction over personal/private property and require man/inhabitant/People of Idaho to Title and Register their Property as being used for Commercial purposes?
3. Does the State of Idaho et. al. have the Lawful and Constitutional authority to make Legislation, Regulations, or Rules of Procedure that authorize making an arrest without a warrant contrary to the Rules of the American common law?
4. Does the State of Idaho et. al. have the Lawful and Constitutional authority to alter the fundamental law, Law of Nations, Law of Nature, and the American common law and make any process "due process of law" to deprive any right?
5. Does the State of Idaho et. al. have the Lawful and Constitutional authority to prosecute man/inhabitant/People by Information?
6. Did Regan C. Jameson exceed her authority by failing to ensure the right of Justice by denying Defendants Verified Motion to Dismiss with Prejudice?

List of Parties and Related Cases

Parties

All parties do not appear in the caption of the case on the cover page. A list of parties known to the proceeding in the court whose judgment is the subject of this Prohibition Writ are as follows:

Peter-A: Hearn - Petitioner

vs.

Richard G. Bevan, Regan C. Jameson, Jan Bennetts, Tatianna Herrera, Matt Clifford, Kevin

Truesdale

Peter reserves the right to include others that may have contributed to the liability on him at any time during the proceeding.

Corporate Disclosure

Peter is not a stockholder, nor is he in any way affiliated with any Corporate activity.-Rule 29(6).

Related Cases

* *STATE OF IDAHO v. Peter-A: Hearn*, No. CR01-22-22577 Ada County

Court Case. Judgment entered December 12, 2022.

* *STATE OF IDAHO v. Peter-A: Hearn*, No. CR01-22-39008 Ada County

Court Case. Judgment entered January 10, 2023. (Infractions).

**STATE OF IDAHO v. Peter-A: Hearn*, No. CR01-22-22628 Ada County Court Case.

Judgment entered March 15, 2023. (Infractions)

* *Peter-A: Hearn v. ADA COUNTY DISTRICT COURT; HONORABLE REGAN C, JAMESON, Magistrate Judge*, Docket No. 51048-2023

Supreme Court of Idaho. Judgment entered September 22, 2023.

* *Peter-A: Hearn v. ADA COUNTY DISTRICT COURT; HONORABLE REGAN C, JAMESON, Magistrate Judge*, Docket No. 51048-2023.

Supreme Court of Idaho. Judgment entered April 6, 2023.

* *STATE OF IDAHO v. Peter-A: Hearn*, No. CR01-23-20949 Ada County Court Case, Pending.

**STATE OF IDAHO v. Peter-A: Hearn*, No. CR16-23-06297 Cassia County Court Case, Pending.

**STATE OF IDAHO v. Peter-A: Hearn*, No. CR16-23-06296 (Infractions) Cassia County Court Case, Pending.

Table of Contents

<u>Title</u>	<u>Page</u>
Motion for Leave to proceed in Forma Pauperis	Attached
Affidavit or Declaration in Support of Motion for Leave to Proceed in Forma Pauperis..	Attached
Cover Page.....	a
Questions Presented.....	b
List of Parties.....	c
Table of Contents.....	e
Index of Appendices A, B, C, D, E, F, G, H, I, J, K, L, M.....	f
Table of Authorities.....	g
I. Opinions Below.....	1
II. Jurisdiction.....	1
III. Constitutional and Statutory Provisions Involved.....	3
IV. Statement of the Case.....	6
V. Reasons for Granting the Petition.....	9
VI. Conclusion.....	10

Index to Appendices

Documents essential to understand the fraud. The entire court of record is not included in order to keep from making this Petition over burdensome. Included are only the documents necessary to understand that the Respondent's are acting outside their Constitutional lawful restraints while violating We the People's rights.

Appendix (A) Order Denying Petition for Writ of Prohibition Filed September 22, 2023, from Chief Justice Richard G. Bevan, Idaho Supreme Court.

Appendix (B) Order Denying Petition for Writ of Prohibition Filed April 6, 2023, from Chief Justice Richard G. Bevan, Idaho Supreme Court.

Appendix (C) ORDER DENYING DEFENDANT'S MOTION TO DISMISS, from Magistrate Judge Regan C. Jameson Filed December 12, 2022, ADA COUNTY DISTRICT COURT.

Appendix (D): UNIFORM TRAFFIC CITATION-ISP4363000379 from Idaho State Trooper Kevin Truesdale - Issued July 23, 2022, Ada County Idaho

Appendix (E) Peter's, Notice of Special Appearance objecting to the personal jurisdiction - Filed August 4, 2022.

Appendix (F) Peter's, Verified Affidavit I am Not the Name - filed August 16, 2022

Appendix (G) Peter's, Motion to Dismiss with Prejudice - Filed October 13, 2022

Appendix (H) Peter's, Verified Affidavit in Support of Motion to Dismiss - Filed October 13, 2022

Appendix (I) STATE'S OBJECTION TO DEFENDANT'S MOTION TO DISMISS - Filed October 24, 2022.

Appendix (J) Peter's, Verified Brief Memorandum of Law in Support of Motion to Dismiss with Prejudice - Filed October 27, 2022

Appendix (K) Peter's, Response to State's Objection to Defendant's Motion to Dismiss - Filed December 1, 2022.

Appendix (L) Peter's, Verified Petition for Writ of Prohibition - filed March 8, 2023.

Appendix (M) Peter's, Petitioner's Verified Petition for Writ of Prohibition and Petitioner's Verified Brief in Support of Verified Petition for Writ of Prohibition - filed August 16, 2023.

Evidence: Total Case/Court of Record in Idaho CR01-22-22577 and Docket No. 51048-2023

Table of Authorities Cited

Constitution for the United States of America / Bill of Rights 1791

Article I, Section 8, Clause 3.....	3
Article I, Section 10, Clause 1.....	3
Article III, Section 1.....	3
Article IV, Section 3 Section 4.....	3
Article VI.....	3
Amendment IV.....	3
Amendment V.....	3
Amendment VI.....	4

Statutes, Codes and Rules

49 CFR § 390.5T.....	4
----------------------	---

49 CFR § 390.5T.....	4
18 U.S.Code -§ 31 (a)(6).....	4
18 U.S.Code -§ 31 (10).....	4
18 U.S.Code -§ 31(9).....	4
Idaho Code 49-123 (k).....	4
Idaho Code 49-428.....	5
Idaho Code 18-705.....	5
Idaho Code 49-316.....	5
Idaho Code 18-8001.....	5
Idaho Criminal Rule 48.....	5

In The
Supreme Court of the United States
Verified Petition for Writ of Prohibition

Petitioner respectfully prays that a writ of prohibition issue to review the judgment below.

I

Opinions Below

There have been no Opinions filed, entered or published in this case.

The Order Denying Petition for Writ of Prohibition Filed September 22, 2023, from Chief Justice Richard G. Bevan, Idaho Supreme Court appears in **Appendix A**.

The Order Denying Petition for Writ of Prohibition Filed April 6, 2023, from Chief Justice Richard G. Bevan, Idaho Supreme Court appears in **Appendix B**.

The ORDER DENYING DEFENDANT'S MOTION TO DISMISS, from Magistrate Judge Regan C. Jameson Filed December 12, 2022, ADA COUNTY DISTRICT COURT appears in **Appendix C**.

II

Jurisdiction

The date on which the highest state court decided my case was April 6, 2023. A copy of that decision appears at **Appendix B**.

A second petition with brief was denied on the following date:

September 22, 2023, and a copy of the order denying rehearing appears at **Appendix A**.

The jurisdiction of this Court is invoked under the Rules of the Common Law, Article III, Section 1, Clause 1, Article VII of the Bill of Rights, 28 U.S.C. § 1257(a), and/or 28 U.S.C. 1651 (a).

Petitioner pursuant to Supreme Court Rule 20.1 states the following:

1. The Petitioner seeks to evoke the original jurisdiction of the Supreme Court of the United States of America pursuant to the Rules of the Common Law in order to save time and costs of the Courts and parties of litigation through Trial and the ordinary course of appellate procedure where the government of Idaho intends to proceed to Trial without jurisdiction.
2. Petitioner has exhausted the remedy to dismiss a case for lack of jurisdiction and the writ of prohibition is the remedy from the common law where a judge has acted without lawful authority/jurisdiction providing a speedy remedy, whereas justice or right is to be without sale, denial or delay and any further delay in justice causes more mental anguish, stress and hardship of the Petitioner.
3. It is a delay of justice if the Petitioner were to wait until after Trial by Jury to file an appeal in the ordinary course of law in the State appellate jurisdiction which would take any amount of time exceeding the time for this Court to grant relief pursuant to a writ of prohibition in both the Trial Court and the Idaho Supreme Court. Therefore Petitioner believes that there is no other adequate relief that can be obtained from any other form or from any other court.

III

Constitutional and Statutory Provisions Involved

- 1. Article I, Section 8, Clause 3** To regulate commerce with foreign nations, and among the several states,
- 2. Article I, Section 10, Clause 1**, No state shall --; pass any bill of attainder, ex post facto law, or law impairing the obligation of contracts, or grant any title of nobility.
- 3. Article III, Section 1.** The judicial power of the United States, shall be vested in one Supreme Court.
- 4. Article IV, Section 3**, New states may be admitted by the Congress into this union; Section 4, The United States shall guarantee to every state in this union a republican form of government
- 5. Article VI**, This Constitution, and the laws of the United States which shall be made in pursuance thereof; and all treaties made, or which shall be made, under the authority of the United States, shall be the supreme law of the land; and the judges in every state shall be bound thereby, anything in the Constitution or laws of any State to the contrary notwithstanding.
- 6. Amendment IV**, The right of the people to be secure in their persons, houses, papers, and effects, against unreasonable searches and seizures, shall not be violated.
- 7. Amendment V**, No person shall be held to answer for a capital, or otherwise infamous crime, unless on a presentment or indictment of a grand jury, --- nor shall be compelled in any criminal case to be a witness against himself, nor be deprived of life, liberty, or property, without due process of law; nor shall private property be taken for public use, without just compensation.

8. Amendment VI, In all criminal prosecutions, the accused shall enjoy the right to a speedy and public trial, by an impartial jury of the state and district wherein the crime shall have been committed, which district shall have been previously ascertained by law, and to be informed of the nature and cause of the accusation; to be confronted with the witnesses against him;—and to have the assistance of counsel for his defense.

9. 49 CFR § 390.5T **Driver**: Driver means any person who operates any **commercial motor vehicle**.

10. 49 CFR § 390.5T **Commercial motor vehicle**: Commercial motor vehicle means any self-propelled or towed motor vehicle used on a highway in interstate **commerce to transport passengers or property** when the vehicle-...

11. 18 U.S.Code -§ 31 Definitions (a)(6) MOTOR VEHICLE.— 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 highway in the transportation of passengers, passengers and property, or property and cargo.

(10) USED FOR COMMERCIAL PURPOSES.— The term “used for commercial purposes: means the carriage of persons or property for any far, fee, rate, charge or other consideration, or directly or indirectly in connection with any business, or other undertaking intended for profit.

(9) STATE— The term “State” means a State of the United States, the District of Columbia, and any commonwealth, territory, or possession of the United States.

12. Idaho Code 49-123 (k) “Noncommercial vehicle., a **noncommercial vehicle shall not include those vehicles required to be registered**—“.

13. Idaho Code 49-428. DISPLAY OF PLATE AND STICKERS. (1) License plates assigned to a motor vehicle shall be attached, one (1) in the front and the other in the rear

14. Idaho Code 18-705. RESISTING AND OBSTRUCTING OFFICERS. Every person who willfully resists, delays or obstructs any public officer, in the discharge, or attempt to discharge, of any duty of his office or who knowingly gives a false report to any peace officer, when no other punishment is prescribed, is punishable by a fine not exceeding one thousand dollars (\$1,000), and imprisonment in the county jail not exceeding one (1) year.

15. Idaho Code 49-316. DRIVER'S LICENSE TO BE CARRIED AND EXHIBITED ON DEMAND. Every licensee shall have his driver's license in his immediate possession at all times when operating a motor vehicle and shall, upon demand, surrender the driver's license into the hands of a peace officer for his inspection.

16. Idaho Code 18-8001. DRIVING WITHOUT PRIVILEGES. (1)(a) Except as provided in paragraph (b) of this subsection, any person who drives or is in actual physical control of any motor vehicle upon the highways of this state with knowledge or who has received legal notice pursuant to section 49-320, Idaho Code, that his driver's license, driving privileges or permit to drive is revoked, disqualified or suspended in this state or any other jurisdiction is guilty of a misdemeanor.

17. Idaho Criminal Rule 48. Dismissal by the Court (a) Dismissal on Motion and Notice. The Court, on notice to all Parties, may dismiss a criminal action on its own motion or on motion of any party on either of the following grounds: (1) for unnecessary delay in presenting the charge to the grand jury or if an information is not filed within the time period prescribed by Rule 7 (f), or for unnecessary delay in bringing the defendant to trial, or (2) for any other reason if the court

concludes that dismissal will serve the ends of justice and the effective administration of the court's business.

IV **Statement of the Case**

1. On July 23, 2022, at or around 9:25pm at night, Peter-Alan: Hearn, exercising his right of personal liberty and was traveling Eastbound on I-84 in his private property, an automobile, with his two friends Keri-Ann: Sengsourinho and Julie Bicksfeldt, Peter was unlawfully arrested and taken to Ada County Jail that night by Kevin Truesdale (Officer ID: 4363), acting as Idaho State Police Officer. Truesdale issued a so called Summons and Complaint in the form of a **UNIFORM TRAFFIC CITATION-ISP4363000379 - Bills of Attainder (Appendix D)**.

2. On July 25, 2022 Peter payed Mac Transportation LLC, under TDC **\$400.40** to retrieve his private property Toyota 4runner which was stolen by Officer Truesdale.

3. On August 4, 2022 Peter filed **Notice of Special Appearance (Appendix E) objecting to personal jurisdiction**, at the Ada County Court and Prosecutor's office.

4. On August 16, 2022 Peter filed **Verified Affidavit I am Not the Name (Appendix F)**.

5. On October 13, 2022 Peter filed, **Motion to Dismiss with Prejudice (Appendix G)** and **Verified Affidavit in Support of Motion to Dismiss (Appendix H)** and challenging/ objecting to jurisdiction. In the Motion to Dismiss Peter stated he intends to file a brief within 14 days after service of this motion.

6. On October 24, 2022 Jan M. Bennetts Ada County Prosecutor and Tatianna Herrera Deputy Prosecuting Attorney jumped the gun and filed (before the 14 day mark for Peter to file his Brief); **STATE'S OBJECTION TO DEFENDANT'S MOTION TO DISMISS** (**Appendix I**) / see p.7 L.1 section III)

7. On October 27, 2022 Peter filed **Verified Brief, Memorandum of Law in Support of Motion to Dismiss with Prejudice, (Appendix J)** at the Ada County Court and Ada County Prosecutor's office.

8. On December 1, 2022 Peter filed, **Response to State's Objection to Defendant's Motion to Dismiss (Appendix K)**, at the Ada County Court and Prosecutor's office.

9. On December 12, 2022, with no proof of jurisdiction and no Affidavit for Damages entered on the record by Herrera, Jameson denied Peter's Motion to Dismiss in her "ORDER DENYING DEFENDANT'S MOTION TO DISMISS"(Appendix L),

(This appears to be when one of the federal question(s) were raised.)

The federal questions sought to be reviewed were raised when Peter filed:

Notice of Special Appearance, Verified Affidavit I am Not the Name, Motion to Dismiss with Prejudice, Verified Affidavit in Support of Motion to Dismiss, Verified Brief Memorandum of Law in Support of Motion to Dismiss with Prejudice and Response to State's Objection to Defendant's Motion to Dismiss challenging jurisdiction, and laying down the law which explains clearly why Respondent's do not have Personal jurisdiction, Subject Matter jurisdiction or lawful authority to deprive Peter of his God given Unalienable, Natural rights.

Honorable Regan C. Jameson passed on the raising of federal question by Peter when she unlawfully signed and filed "ORDER DENYING DEFENDANT'S MOTION TO

DISMISS" and set case for de facto jury trial. No expressed Constitutional enactment, or affidavit, was ever evidenced from record in the de facto judicial proceedings verifying jurisdiction. Hence, Jameson's "ORDER" was based on her taking jurisdiction where she has none, acting as the legislative, executive, and judicial branch, practicing law from the bench, usurping her power, thus exceeding her authority and depriving Peter's rights. Furthermore, her ORDER bares no seal which makes it void for any effect. Jameson's actions are another glaring example of violations of Peter's right to due process of law, but not limited to.

10. On March 8, 2023 Peter filed, the first of two, **Petition for Writ of Prohibition-50573-2023** in the Idaho Supreme Court (**Appendix M**).

11. On April 6, 2023, absent due process of law, **Order Denying Petition for Writ of Prohibition-50573-2023**, was filed by Richard G. Bevan, Chief Justice, Idaho Supreme Court (**Appendix B**). Bevan's Order bared no seal, which makes it void for any effect.

12. On September 22, 2023 Richard G. Bevan, Chief Justice, Idaho Supreme Court filed **Order Denying Petition for Writ of Prohibition-51048-2023** (**Appendix A**). No opinion was published.

(This appears to be when the federal question(s) were raised.)

The federal questions sought to be reviewed were raised in Peter's Verified Petition for Writ of Prohibition and Verified Brief in Support of Verified Petition for Writ of Prohibition, filed in the Idaho Supreme Court on March 8, and September 22, 2023. It is clearly raised in these Petitions that the Federal Constitution is a guarantee We the People gave ourselves to stop our own government from violating our Rights and Respondent's do not have proven jurisdiction.

**Richard G. Bevan, Chief Justice, passed on the raising of federal question by denying
Peter's Petition for Writ of Prohibition's.**

V

Reasons for Granting the Petition

- 1. Lack of Personal Jurisdiction:** The State of Idaho being a Corporation lacks personal jurisdiction over man, the inhabitants and the People of the Territory of Idaho fundamentally and principally. The man Peter did not have a contract of employment acting as Driver with any Corporation acting in Commerce.
- 2. Lack of Subject Matter Jurisdiction:** The man Peter did not have a contract of employment acting as Driver with any corporation, to operate a motor vehicle being used for commercial purposes on the streets and highways or have a contract with the Department of Transportation to provide services to transport goods or services for any fare, fee or other compensation.
- 3. Defects in the prior proceedings:** The Idaho State Police acted without just cause to make an arrest of the Personal Liberty of the man Peter and failed to follow due process of law in accordance with the American Common Law and the Supreme Law of the Land.
- 4. Choice of Law is in error:** The choice of Law that all Public servants in the matter that have taken action against the Petitioner is under color of law and color of official right/authority.

Conclusion

In conclusion the Magistrate in the Trial Court denied the right of Justice by failing to grant relief to Petitioner when it was demanded and exceeded her authority. A liability has been created here as "due process of law", the fundamental law has been usurped, subverted and blatantly denied, revealing further evidence of usurpation of office and violation of our Unalienable Natural God given rights.

It is absolutely imperative that We the People can access our Supreme Court to stop these unlawful, unconstitutional actions in order that justice may be appropriately served, and integrity of our divine Republic restored. Lacking this there is no means to even know what the law is so we can abide. When the people can't understand the law, it is void for vagueness.

The petition for a writ of Prohibition should be granted.

Respectfully submitted,

By: Pete - A : Hearn
Peter-Alan: Hearn

State of Idaho
County of Ada

Sworn to (affirmed) and subscribed before me this 12th day of January 2024,

by Peter A Hearn.

Will Hunter
Signature of Notary Public

Will Hunter
Printed name of Notary Public

01/16/2024
Commission Expiration Date

Seal

