

Richard Glen Colter  
P.O. Box 11312  
Pleasanton, CA 94588  
925.202.7776 – rgcolter@yahoo.com

UNITED STATES DISTRICT COURT  
9<sup>TH</sup> CIRCUIT – WESTERN REGION  
RENO, NEVADA

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RICHARD GLEN COLTER, an unmarried man , ) **Federal Complaint, Suit-in-**  
Petitioner(s)/Plaintiff/Private Attorney General ) **Equity, Criminal Indictment for:**  
Ex Relatione United States of America; and, ) **Cause of Action #1: Writ of Mandamus**  
John/Jane Doe, as does 1 to 5 million ) **–Demand for Removal 28 U.S.C. § 1443;**  
 ) **Cause of Action #2: Civil RICO;**  
v. ) **Cause of Action #3: Violation of Civil**  
 ) **Rights under Color of State Law (1983);**  
Ray LaHood; Thomas Stephens and Jane Doe ) **Cause of Action #4: Constitutionality**  
Stephens, husband and wife; Susan ) **Challenge on Nevada NRS 484.361 et al;**  
Martinovich and John Doe Martinovich, ) **Cause of Action #5: Criminal**  
husband and wife; Officer John Doe and Jane ) **Indictment 18 U.S.C. § 241/242**  
Doe, husband and wife; Judge Jane Doe Colvin ) **Cause of Action #6: Writ of Mandamus**  
and John Doe Colvin, husband and wife; ) **5 U.S.C. § 706 - Demand for Specific**  
Catherine Masto and John Doe Masto, husband ) **Performance**  
and wife; Jeffrey Teece and Jane Doe Teece, ) **Cause of Action #7: (Under Seal of**  
husband and wife; John Doe and Jane Doe, as ) **Court)**  
does 1 – 1000; )  
 ) **Request for Injunctive and**  
Respondents/Defendants ) **Declaratory Relief; Petitioner(s)**  
 ) **Requests Trial by Jury**

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## JURISDICTION

1. Petitioner(s) swears and affirms to be a natural born citizen of the United States of America, and entitled to the rights, privileges, and guarantees afforded all citizens by the laws of the United States of America.
2. Petitioner demands removal under authority of 28 U.S.C. § 1443, and related authorities, as plead herein. The racketeering complaint comes under authority of 42 U.S.C. § 1983, and Title 18, Chapter 96, Section 1964; for Respondents conspiratorial actions to deny Petitioner(s)' constitutional rights, by operating a criminal enterprise on federally regulated enclaves, for illegitimate purposes. For all actions, this court has original jurisdiction under 28 U.S.C. section 1343(a)(3), given the charge of a civil rights violation under the color of State Law. This court has jurisdiction for Civil RICO pursuant to Title IX of the Organized Crime Control Act of 1970, as amended section 1961; or more specifically, 18 U.S.C. section 1964(c), 18 U.S.C. § 1965(a) and 28 U.S.C. § 1331. By Writ of Mandamus, demand is made for specific performance under authority of 5 U.S.C. § 706, to compel said agencies to adopt standards that comply with the US Constitution, federal safety regulations, and prescriptive engineering standards and protocols. This court has jurisdiction for the 706 action, and all related issues, pursuant to 28 U.S.C. § 1331.
3. The asserted rights and damages for this case exceed \$500,000,000, exclusive of costs. In addition, Petitioner(s) brings a criminal indictment against the Respondents named herein in his capacity as Private Attorney General for their violation of Title 18 – U.S.C. § 241/242; and claims additional authorities under 18 U.S.C. § 1951(b)(2), 18 U.S.C. § 1962(c), 18 U.S.C. § 1341, 18 U.S.C. ¶ 1343, and 18 U.S.C. § 1621, as plead

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against the Respondents named herein. Petitioner(s) seventh cause of action will be filed separately under seal of the court.

**VENUE**

4. Venue is proper under 18 U.S.C. section 1965(a) and 28 U.S.C. § 1391(b), as the violations occurred and each Respondent lives and/or had an employment relationship, within this district and/or the state of Nevada.

**PARTIES**

5. Petitioner/Plaintiff/Private Attorney General Richard Glen Colter is a natural born American Citizen of the United States of America, born in Anderson, Indiana 8/16/1968; and is a private citizen of the state of California, living in the San Francisco area since 2004.
6. Defendant Thomas Stephens (Stephens) is a citizen of the United States, a former Director of the Nevada Department of Transportation, and a resident of the state of Nevada. He is being sued/indicted in his official capacity as a state executive and in his individual capacity.
7. Upon belief, Defendant Jane Doe Stephens is a citizen of the United States, and a resident of the state of Nevada. She is being sued in her individual capacity as part of the marital estate with Thomas Stephens.

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8. Upon belief, Defendant Susan Martinovich (Martinovich) is a citizen of the United States, the current director of the Nevada Department of Transportation, and a resident of the state of Nevada. She is being sued/indicted in her official capacity as a state executive and in her individual capacity.
9. Upon belief, Defendant John Doe Martinovich is a citizen of the United States, and a resident of the state of Nevada. He is being sued in his individual capacity as part of the marital estate with Susan Martinovich.
10. Defendant Officer John Doe (Officer John Doe) is a citizen of the United States, a resident of the state of Nevada, and currently serves as a Nevada Highway Patrol Officer. He is being sued/indicted in his official capacity and in his individual capacity.
11. Upon belief, Defendant Jane Doe is a citizen of the United States, and a resident of the state of Nevada. She is being sued in her individual capacity as part of the marital estate with Officer John Doe.
12. Defendant Judge Jane Doe Colvin (Colvin) is a citizen of the United States, a resident of the state of Nevada, and upon information and belief she currently serves as a Judge in Esmeralda County Nevada. She is being sued/indicted in her official capacity and in her individual capacity.
13. Upon belief, Defendant John Doe Colvin is a citizen of the United States, and a resident of the state of Nevada. He is being sued in his individual capacity as part of the marital estate with Judge Jane Doe Colvin.
14. Defendant Catherine Masto (Masto) is a citizen of the United States, a resident of the state of Nevada, and was the Attorney General for the State of Nevada in 2010. She is being sued/indicted in her official capacity and in her individual capacity.

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15. Upon belief, Defendant John Doe Masto is a citizen of the United States, and a resident of the state of Nevada. He is being sued in his individual capacity as part of the marital estate with Catherine Masto.

16. Defendant Jeffrey Teece (Teece) is a citizen of the United States, a resident of the state of California, and currently serves as the Branch Manager for AMICA's northern California region. He is being sued/indicted in his official capacity and in his individual capacity.

17. Upon belief, Defendant Jane Doe Teece is a citizen of the United States, and a resident of the state of California. She is being sued in her individual capacity as part of the marital estate with Jeffrey Teece.

18. Defendant Ray LaHood (LaHood) is a citizen of the United States, believed to be a resident of Washington D.C., and is the current Secretary of the US Department of Transportation. Petitioner(s) seek specific performance from Secretary LaHood in his official capacity.

19. Defendants John Doe/Jane Doe 1 – 100 represent coconspirators that upon belief, acted jointly, individually, and in concert with all of the above Respondents, but whose names have not been discovered.

20. Petitioner(s) John/Jane Doe 1 – 10 million represent the class of similarly situated safe driving motorists who were wronged by Respondents, as plead herein, and are entitled to the same relief as Petitioner. The process for collecting these names is already in progress.

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**STATEMENT OF FACTS**

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- 13 21. Petitioner was arrested for an alleged safety violation, to wit: Nevada NRS 484.361(3);
- 14 22. While engaged in an act of Interstate Commerce on November 22, 2010 at
- 15 approximately 8:30 p.m., Petitioner was arrested by Nevada Highway Patrolman John
- 16 Doe. Officer John Doe cited NRS 484.361(3) as the substantive basis for the arrest.
- 17 Officer John Doe issued a citation to Petitioner based on evidence acquired with a radar
- 18 device, and Petitioner was released without bail.

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**PETITIONERS COMPLAINT**

- 20 23. Petitioner hereby reiterates, realleges, and fully incorporates by reference all arguments
- 21 and pleadings contained in his Motion to Dismiss/Notice of Intent to Remove, timely
- 22 presented to Respondent’s pursuant to 28 USC 1446 “Judiciary and Judicial
- 23 Procedure”, and attached to this complaint.

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**CAUSE OF ACTION #1: DEMAND FOR REMOVAL**

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**Notice of Pre-Emptive Constitutional Challenge to the Unlawful Discrimination of  
Separate Racial Classes via *Georgia v. Rachel***

- 26 24. Petitioner(s) respectfully provides this Honorable Court notice and statement regarding
- 27 Georgia v. Rachel, and/or any of its progeny, as to any undue consideration of that line
- 28 within this action filed to vindicate some of the most basic civil and due process rights
- 29 known and established amongst society, by stating and providing the following:

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**BASIS OF CONSTITUTIONAL CHALLENGE**

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25. Petitioner's allegation of federal jurisdiction under 28 U.S.C. § 1443 appeared in the original Notice of Removal served on Respondents. Petitioner reasserts 28 U.S.C. § 1443 as lawful authority for this court to take jurisdiction of this case as stated in Petitioner(s) original Notice of Removal.

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26. Federal statutes should say what they mean, and mean what they say. 28 U.S.C. § 1443 (2004) clearly states:

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**§ 1443. Civil rights cases**

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*Any of the following civil actions or criminal prosecutions, commenced in a State court may be removed by the defendant to the district court of the United States for the district and division embracing the place wherein it is pending:*

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*(1) Against any person who is denied or cannot enforce in the courts of such State a right under any law providing for the equal civil rights of citizens of the United States, or of all persons within the jurisdiction thereof;*

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*(2) For any act under color of authority derived from any law providing for equal rights, or for refusing to do any act on the ground that it would be inconsistent with such law.*

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The plain meaning of 28 U.S.C. § 1443 was changed by the Supreme Court of the United States in *State of Georgia v. Rachel*, 384 U.S. 780, 86 S. Ct. 1783, 16 L. Ed. 2d 925 (1966). A fair reading of the statute itself gives not the slightest hint that its availability to all United States citizens is limited as construed in *Georgia v. Rachel*.

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27. Prior to including 28 U.S.C. § 1443 in Petitioner's Notice of Removal, Petitioner conducted research into 28 U.S.C. § 1443, including ostensibly pertinent topical annotations and cases cited therein. Petitioner noted various citations referring to the racial discrimination component of 28 U.S.C. § 1443 cases; but it does not occur to Petitioner that violations of his basic civil rights, as against his well established Liberty

Interests, are not also plainly actionable under 28 U.S.C. § 1443: Simply because there is no racial discrimination component in this case.

28. Petitioner relied upon numerous decisions of the Supreme Court of the United States<sup>1</sup> which have explicitly and unambiguously classified Petitioner’s rights at stake as protected by the 4th Amendment (and 1st, 5th, 6th, 14th), as complained in the causes of action to follow herein. It is inconceivable to Petitioner that there is a skin color test (the very definition of racism) to exercise 28 U.S.C. § 1443 and protect his “basic civil rights” existing within his well established Liberty Interests. Such a race based litmus test is inconsistent with the color blind society which is the objective of equal protection of the laws under the Fourteenth Amendment of the United States Constitution.

29. Either all citizens of the United States of America (*including whites*) have **the same and equal right** to exercise 28 U.S.C. § 1443 and protect their “basic civil rights”, or the law fails for a contrary result that creates unequal classes of citizens in the exercise of “basic civil rights.” In the latter case, the law is facially unconstitutional in violation of the equal protection clause of the Fourteenth Amendment of the United States Constitution, particularly in light of the color blind nature of civil rights actions, the history and construction of the civil rights statutes and code sections applying - as to *all* United States citizens - “the same rights and opportunities that white people take for granted.” *University of California Regents v. Bakke*, 438 U.S. 265, 287 (1978) (from the swing vote opinion of Mr. Justice Powell).

30. This court should not decline jurisdiction under *Georgia v. Rachel*, but afford Petitioner the equal protection of 28 U.S.C. § 1443 and retain its **inherent** jurisdiction over basic

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<sup>1</sup> **Whren vs United States:** 517 U.S. 806, (1996)



1 federal questions of Liberty Interests, so that his basic civil rights be accorded the same  
2 weight as the basic civil rights to be treated without regard to one's race. To do  
3 otherwise is to elevate the basic civil rights in racial equality above the basic civil rights  
4 in Liberty Interests.

5 31. Upon considerable research, Petitioner(s) contend that the annotations related to a  
6 "racial" component of asserting civil rights remedies under 28 U.S.C. § 1443 were  
7 noted en passant; and otherwise largely ignored as inapplicable to the facts of this case,  
8 because there is no racial discrimination component in this case. In the face of the  
9 broad and powerful language of the statute itself, and the lack of racial discrimination  
10 facts in this case, there is simply no reason to delve into the racial discrimination cases,  
11 such as *Georgia v. Rachel* and its progeny.

12 32. Under these circumstances, no reasonable legal researcher would waste the time  
13 reading case annotations about racial discrimination when no such element is present in  
14 the case at bar. In light of the facts of this case, Petitioner has no reasonable basis to  
15 expect that 28 U.S.C. § 1443 is not a perfect basis for removal to federal court, and that  
16 his rights to equal protection of the law should not be upheld fair and square, simply  
17 because his skin color is white.

18 33. Petitioner further moves for declaratory relief pursuant to FRCP 57 and 28 U.S.C. §  
19 2201 to remove the instant case from Esmeralda County Court, and establish the right  
20 of all litigants to have the State of Nevada comply with Congress' Highway Safety Act  
21 of 1966 (sic traffic control, vehcile codes and laws), Federal Regulation 1988 MUTCD  
22 2B-10, UVC 11-801, and the incumbent field of science as it relates to traffic  
23 engineering: With all the attached basic rights to due process, equal protection,  
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1 freedom of expression, and right to privacy (etc) thus afforded. Federal Question  
2 Jurisdiction exists pursuant to 28 U.S.C. § 1331 and § 1367(a), with proper removal  
3 under 28 U.S.C. § 1441(a) and the Federal Declaratory Relief Act codified in 28 U.S.C.  
4 § 2201.

5 34. Jurisdiction exists under 28 U.S.C. § 1331 wherein the Federal Court may entertain the  
6 following basic Constitutional Questions implicating Declaratory Relief: A) Under the  
7 Supremacy Clause of the US Constitution, does the Esmeralda County Court have a  
8 duty to comply with Federal laws (sic Highway Safety Act 1966; traffic control, vehicle  
9 codes and laws), federal regulations (1988 MUTCD 2B-10; UVC § 11-801), and the  
10 incumbent field of science as it relates to the public-at-large interest in safety? B) Is it a  
11 violation of the Fourteenth Amendment to the US Constitution, and the Federal Code  
12 sections that require Due Process, for a State Court to ignore and deny basic matters-of-  
13 law in activities that affect INTERSTATE COMMERCE? C) Was the search/arrest  
14 WARRANT executed against Petitioner(s) based on legitimate probable cause, and if  
15 so, what was the particulars for the determination of the probable cause i.e. who, how,  
16 when, and where? (or was the search/arrest WARRANT based solely on an Artifice in  
17 violation of Petitioner(s) 4<sup>th</sup> Amendment rights, as alleged whenceforth?) D) Where  
18 additional Constitutional right violations are in progress, as alleged herein, does THIS  
19 Federal Court have an obligation to stay, remove, enjoin, and/or prevent those  
20 particular rights violations? (Absent removal by this court, Petitioner will be falsely  
21 convicted, and have his Liberty Interests subjected to the criminal activities of the  
22 Respondents named herein)  
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3 **Conclusion**

4 35. The federal questions set forth above are not all of the grounds upon which Petitioner  
5 challenges the constitutionality of the statutes and processes under attack in this case;  
6 the substantive grounds appear in the additional causes of action within this complaint,  
7 and are heretofore incorporated by reference. Petitioner(s) raises a multitude of Federal  
8 Questions in this complaint, and said Federal Questions support federal court  
9 jurisdiction under 28 U.S.C. § 1331, 1441(b), and 1443; and, independently, federal  
10 court declaratory relief under FRCP 57 and 28 U.S.C. § 2201.

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13 36. In view of the declaratory relief requested to address the substantial constitutional  
14 issues embodied in all causes of action appearing herein, notwithstanding the implicit  
15 Federal Questions for this case, removal from state court to federal court is proper; and  
16 jurisdiction in the federal court should be retained under 28 U.S.C. § 1331, 1441(b),  
17 1443, and 2201.  
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21 **Cause of Action #2: Racketeering**

22 37. Petitioner hereby reiterates, re-alleges, and wholly incorporates by reference items 23  
23 thru 36 as though fully incorporated herein.  
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25 38. All Respondents named in this complaint acted severally and individually while under  
26 the employ of, or in direct connection to an “association-in-fact enterprise” (AFE), as  
27 defined in 18 U.S.C. section 1961(4).  
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39. The AFE includes the State of Nevada, an “enterprise” engaged in activities that affect interstate commerce, to wit: a corporation under the laws of the State of Nevada.

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40. The AFE includes Esmeralda County, an “enterprise” engaged in activities that affect interstate commerce, to wit: a wholly incorporated entity under the laws of the State of Nevada.

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41. The AFE includes the Nevada Department of Transportation, an “enterprise” engaged in activities that affect interstate commerce, to wit: a department and/or political subdivision of the State of Nevada, operating under the laws of the State of Nevada.

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42. The AFE includes the Nevada Highway Patrol, an “enterprise” engaged in activities that affect interstate commerce, to wit: a department and/or political subdivision of the State of Nevada, operating under the laws of the State of Nevada.

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43. The AFE includes the US Department of Transportation, an “enterprise” engaged in activities that affect interstate commerce, to wit: A cabinet level department within the executive branch of the US Government.

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44. The AFE includes AMICA insurance, an “enterprise” engaged in activities that affect interstate commerce, to wit: An insurance company licensed for business within the state of California.

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45. As plead herein, Respondents committed specific predicate criminal acts related to the conspiratorial scheme devised within the AFE described herein, and are predominately composed of civil service employees working under the disguise of a legitimate government safety program: Nevada State Legislator(s), Director of the Nevada Department of Transportation, Nevada Highway Patrol Officers, Traffic Judges, Nevada Attorney General, USDOT Secretary, and an Insurance Manager. All

1 Respondents share a common nexus with, and are operating under, the color of Federal  
2 and Nevada State Law.

3 46. The AFE has detrimental effects on interstate commerce, including vehicle accidents,  
4 fatalities, abrogation of civil rights, and extortion; and operates under the guise of a  
5 legitimate safety program that is conducted under the color of Federal and Nevada State  
6 Law.

7 47. All Respondents named herein were directly involved in the management and/or  
8 supervision/operation of the AFE.

9 48. The AFE created, operated, and managed by Respondents was used to extort money  
10 from Petitioner(s), and similarly situated safe driving motorists, under the false and  
11 fraudulent pretenses of an Artifice.

12 49. Petitioner(s) alleges and can easily demonstrate that the racketeering activities  
13 committed by Respondents are intentional, consistent, predictable, and pervasive; thus  
14 proving a pattern of racketeering for the purposes of section 1962(c).

15 50. Petitioner(s) alleges and can prove that Respondents committed the following predicate  
16 criminal acts which support the cause of action herein of racketeering: A) Extortion  
17 pursuant to 18 U.S.C. § 1951(b)(2); B) Mail fraud pursuant to 18 U.S.C. § 1341; C)  
18 Wire Fraud pursuant to 18 U.S.C. § 1343; D) Perjury pursuant to 18 U.S.C. § 1621; E)  
19 Bank Fraud pursuant to 18 U.S.C. § 1344.

20 51. Plaintiff(s) was deprived of his constitutionally protected liberties, property, and  
21 interstate commerce business pursuits as a result of the racketeering activity. **All**  
22 **allegations asserted by Petitioner(s) herein also apply to a class of similarly**  
23 **situated safe driving motorists, which upon research and information, affects over**  
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1 **1 million motorists in Nevada every year. Therefore, all causes of action plead**  
2 **herein are made on behalf of the US Citizens who fell victim to the Artifice**  
3 **described in this complaint.**

4 52. Respondents Stephens, Martinovich, Masto, Colvin, LaHood, and Teece are complicit  
5 to the creation, maintenance, enforcement, adjudication, and unconstitutional results of  
6 an Artifice (racketeering scheme), a direct violation of Title 18, chapter 96, sections  
7 1951-1952: interference with activities which affect interstate commerce.  
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9 53. Respondents' use of an Artifice violates Due Process, both substantive and procedural;  
10 equal protection, privacy, and basic liberties such as freedom of expression. Although  
11 the constitutional issues cited herein bring this matter under federal jurisdiction, with  
12 additional conveyance of authority via The Highway Safety Act of 1966 and Congress'  
13 plenary powers in this field: The expressed, implied, and conflict preemption(s) within  
14 the Commerce Clause of the US Constitution brings this matter under exclusive federal  
15 jurisdiction.  
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17 54. **Skinner v Nevada** - US Ninth Circuit Court, held: Traffic control devices and  
18 interstate commerce are under federal jurisdiction; therefore, Nevada's police powers  
19 and use of speed limit signs were determined to be subordinate in this field. The  
20 National Maximum Speed Limit (NMSL) was subsequently repealed, but Federal  
21 Supremacy and the Constitutional Rights of the People were left intact. Therefore,  
22 Nevada's use, enforcement, and adjudication of traffic control devices are also wholly  
23 encompassed, and subordinate to, Federal oversight and jurisdiction.  
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26 55. For reasons to be explicated when this matter is fully briefed, NRS 484.361(3)(4) does  
27 not conform to: A) The condition precedents of the US Constitution; B) Congress'  
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1 intent by way of The Highway Safety Act of 1966 (P.L. 89-564, 80 Stat. 731); C) The  
2 Uniform Vehicle Code (UVC) section 11-801; D) The 1988 MUTCD Federal  
3 Regulation 2B-10; E) USDOT fiduciary authorities governing the field of traffic  
4 engineering subject to 5 U.S.C. § 706 et al; E) The field of science as it relates to  
5 traffic engineering, specifically the statistical calculus governing the proper application  
6 and use of R2-1 safety devices.

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8 56. Respondents have denied Petitioner instant relief in this matter, while Petitioner(s)  
9 constitutional rights have been violated. **When the Artifice put on by Respondents is**  
10 **measured against the US Constitution, the Highway Safety Act, UVC § 11-801,**  
11 **1988 MUTCD 2B-10, and the incumbent field of science as it relates to engineering**  
12 **R2-1 safety devices: The Artifice fails every probative legal test.**  
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16 **ELEMENTS OF FRAUD**

17 57. **Factual Representation/Misrepresentation:** Petitioner(s) alleges that Respondents  
18 made several factual representations in this case: 1) Respondents made a factual  
19 conclusion and representation that the sections of highway that Petitioner(s) was  
20 travelling had an accident problem; 2) The accident problem could only be cured by the  
21 use of a safety device(s); 3) That the specific use of an R2-1 safety device would be  
22 curative for the predetermined accident problem; 4) That the number posted by  
23 Respondents on the R2-1 safety device represented the maximum safe speed in  
24 consideration of the predetermined accident problem; 5) That police enforcement of the  
25 maximum safe speed was needed to cure the accident problem. Taking points 1 – 5  
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collectively, we can see that Respondents were operating under the premise of a legitimate government safety program. This government safety program was, and constitutes, the factual representation that was made by each Respondent acting severally and individually. Whereas Respondents misrepresented on all points, the primary factual misrepresentation occurred when Respondents substituted the genuine safety value that must be posted on an R2-1 safety device, with an arbitrary and capricious Artifice that was randomly chosen to meet their immediate policing and budgetary needs. Each Respondent played a role in the misrepresentation. For example, Stephens was responsible for the creation of the Artifice, giving it administrative authority under the guise of a legitimate safety program, and for giving it the force of law. And Stephens and Martinovich were responsible for ensuring that a de facto misrepresentation was made, i.e. that the Artifice was physically placed/maintained on R2-1 safety devices. Officer John Doe arrested Petitioner based solely on the factual representation that he was enforcing said safety program. Judge Colvin ignored Petitioner's Motion to Dismiss, and intends to convict Petitioner of a safety violation, based solely on the finding that Petitioner had violated the tenets of said safety program (R2-1 safety device). Masto supervised all prosecutorial aspects of the false and fraudulent safety program. Ray LaHood (LaHood) failed his duty to enforce federal safety regulations, and Congress' intent pursuant to the *Highway Safety Act of 1966* (sic traffic control, vehicle codes and laws), given the 23 U.S.C. condition precedents certification by *Nevada*<sup>2</sup> (sic States, U.S. Territories et al). And Teece plans

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<sup>2</sup> {And conversely, the USDOT certifies Nevada's compliance in exchange for federal highway fund disbursement; and is charged with fiduciary oversight compliance for the federal laws displacing Nevada's conflicting 10<sup>th</sup> Amendment powers, prior legal precedent, traffic control, vehicle codes, laws and practices in this entire field.}



1 to raise Petitioner(s) insurance rates, based solely on Petitioner(s) alleged violation of  
2 the false, fraudulent safety program.

3 58. **Materiality:** Respondents' material substitution of the genuine safety value that met  
4 all US constitutional requirements, federal regulations, and vetted engineering safety  
5 practices, with an arbitrary and capricious Artifice, was material because there would  
6 herein be no cause of action absent their scheme to make said substitution:

7 Respondents acted against Petitioner based solely on the Artifice they created, and the  
8 Artifice they created is the only material fact upon which they can defend their actions.  
9 For example, Officer John Doe would have no material basis to affect an arrest of  
10 Petitioner, absent the material substitution of the genuine safety value with an arbitrary  
11 and capricious Artifice. And Judge Colvin would have no material basis for convicting  
12 Petitioner. And Teece would have no material basis for raising Petitioner' insurance  
13 rates. And so on, and so forth.

14 59. **Falsity:** Respondents have no evidence that Petitioner committed an unsafe act, and  
15 Respondents will fail to produce any kind of evidence that Petitioner(s) committed a  
16 safety violation of any species. More importantly, Respondents cannot produce one  
17 shred of evidence that enforcement of the R2-1 safety device was needed, was lawfully  
18 authorized, or that it had any relationship to safety. Therefore, the R2-1 safety device  
19 used by Respondents constitutes a false, fraudulent, Artifice, whose purpose lies in the  
20 subjective policing of a class of citizen motorists, such motorists engaged in interstate  
21 commerce. And each Respondent acted under the falsity of a legitimate safety  
22 program: Stephens created the safety program, and Martinovich was responsible for its  
23 field maintenance, and Judge Colvin for the adjudication. Officer John Doe used the  
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1 Artifice as the basis for the arrest warrant executed against Petitioner. Masto and  
2 LaHood had oversight for maintaining the false safety program. And Teece seeks to  
3 profit on the falsity of the Artifice (i.e. 70 MPH violations) by raising Petitioner(s)  
4 insurance rates.

5 60. **Knowledge of Falsity:** As one of Nevada’s top transportation officials, Stephens had  
6 extensive knowledge of laws and regulations affecting commerce, and he knew (or had  
7 responsibility to know) that engineering studies were required for R2-1 safety devices.  
8 Stephens and Martinovich supervise traffic engineers, and are aware of (or had  
9 responsibility for) the general and specific processes that are required first for  
10 determining that if a speed limit is warranted per NRS § 484.369 et al, and if so that the  
11 engineering protocols to determine the safety value to post on R2-1 safety devices are  
12 met. Upon information and belief, Officer John Doe received training on safety  
13 enforcement, NRS 484.369 and the 4<sup>th</sup> amendment; thus, he too was aware that  
14 engineering studies are required for R2-1 safety devices. Judge Colvin adjudicates  
15 traffic offenses in the State of Nevada, under which the Nevada vehicle code NRS  
16 484.369 and 484.781 prescribes engineering studies for the use of R2-1 safety devices.  
17 Masto either knew, or had responsibility to know, that R2-1 safety devices required  
18 engineering studies for their use. LaHood failed his duty to enforce the engineering  
19 standards required for the proper use of R2-1 safety devices. And arguendo, the federal  
20 regulations and engineering requirements for R2-1 safety devices had been served upon  
21 Respondents by way of the “Notice of Intent to Remove”; and in all cases, they ignored  
22 the information provided by Petitioner. And because the Artifice has no relationship to  
23 safety, Teece had no legitimate actuarial basis to raise Petitioners insurance rates; thus,  
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1 a class of similarly situated safe driving motorists also had their insurance raised,  
2 without due regard to their true actuarial risk. In all cases, Respondents certainly had  
3 knowledge that their actions against Petitioner(s) lacked foundation, and contravened  
4 the covenants set forth in law: US Constitution, Highway Safety Act, federal  
5 regulations, MUTCD, UVC, the field of science related to traffic engineering, etc.

6 61. **Intent:** It is important to note that prior to the NMSL, Nevada had no speed limit on its  
7 interstates and rural highways. Whereas Nevada's extant law was no speed limits on  
8 these classifications of roadways, Respondents conspired to create an Artifice in  
9 defiance of the federal safety regulations promulgated by the USDOT and the  
10 conforming NRS § 484.369, which required Nevada to do engineering studies on all its  
11 highways and interstates to determine if a safety problem curable by an R2-1 safety  
12 device was present: Stephens and DOES 1-20 deliberately and with evil intent  
13 conspired to disobey the law, and exercised SUPER CONSTITUTIONAL POWERS by  
14 giving Nevada unchecked police powers to arrest motorists similar to the powers given  
15 the state of Nevada by Congress' NMSL (and the NMSL companion UVC § 11-802).  
16 For these reasons, his INTENT was to create an Artifice to serve three primary  
17 objectives: A) to allow Nevada to arrest motorists (Petitioner(s)) in the absence of  
18 probable cause, thereby abdicating the 4<sup>th</sup> amendment requirement of obtaining a  
19 proper arrest warrant; B) Taxing/extorting motorists (Petitioner(s)) in the absence of  
20 due authority (legitimate government interest); C) Alleviate Nevada of the fiduciary  
21 burden of properly engineering traffic control devices on its highways and interstates.  
22 Stephens' INTENT was to create Artifices of his own design on R2-1 safety devices so  
23 that his coconspirators could accomplish objectives A/B/C. Officer John Doe intended,  
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1 and was instrumental for objectives A and B. When Petitioner(s) requested dismissal  
2 of the case, Judge Colvin has shown INTENT for accomplishing objective B. By their  
3 supervision of the entire process, Masto and LaHood intended that objective A/B/C be  
4 accomplished. And Teece has full INTENT to profit from the false and fraudulent  
5 scheme of his coconspirators, by raising Petitioner's insurance rates, in the absence of  
6 any empirical foundation justifying such an increase (Teece has already raised  
7 Petitioner's insurance rates). Each in their way, Respondents intended that the false,  
8 fraudulent Artifice be used to injure and harm Petitioner(s), without any regard to truth  
9 or safety.  
10

11 62. **Petitioners Knowledge/Cognizance:** It is a generally accepted engineering principle  
12 that motorists drive safely for the conditions then present. Petitioner always drives  
13 safely for the conditions present. Petitioner has never been involved in an accident or  
14 incident of any consequence. There is no evidence in this case that Petitioner operated  
15 his vehicle in an unsafe manner, given the conditions present on the dates in question,  
16 as required by UVC § 11-801. As Petitioner always drives safely for the conditions  
17 present, he is ignorant of any schemes, frauds, or Artifices put on by Respondents in  
18 this case. **More importantly, Petitioner was not aware that safely operating your  
19 vehicle was a crime in the state of Nevada, punishable by: Abrogation and  
20 suspension of your constitutional rights, arrest, points on your license, license  
21 suspension, higher insurance rates, fines, and if caught driving with enough  
22 frequency - incarceration.**  
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26 63. **Petitioners Reliance:** Petitioner was stripped of essential rights by Respondents' false  
27 and fraudulent safety program. And because the scheme to defraud Petitioner(s) was  
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1 orchestrated under the color of state law, under official government right, Petitioner(s)  
2 was stripped of any choice in reliance: Petitioner(s) was entrapped by the fraudulent  
3 “dragnet” created by Respondents, irrespective of Petitioner(s) constitutional rights,  
4 objections, request for due process, equal protection, etc. Petitioner(s) only recourse  
5 was to bring this action against Respondents.

6 **64. Petitioner(s) Right to Rely on the Misrepresentation:** Because the scheme to  
7 defraud Petitioner(s) was orchestrated under the color of state law, under official  
8 government right, Petitioner(s) right to rely is irrelevant in this context because the  
9 false/fraudulent safety program was forced upon him. In cases where a fraudulent  
10 program is used to entrap innocent citizens, the victims have no rights, so this  
11 requirement has no relevance in this context. Put another way, Petitioner(s) right to  
12 rely was abdicated by tyranny acting under the color of state law, and official  
13 government right.  
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16 **65. Damages:** Petitioner(s) suffered irreparable damages, including lost wages, economic  
17 opportunity costs as a technical book writer, defense costs (travel, postage, copying,  
18 etc), higher insurance rates, fines, compulsory safety programs, his liberty to travel  
19 freely, and privacy as a result of Respondents collective actions to defraud him.  
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23 **Count I - Violation of 18 U.S.C. § 1961; 18 U.S.C. § 1962(c) {RICO}: Fraudulent**  
24 **Scheme to Obtain Money by False Pretenses – Civil Conspiracy and Racketeering:**  
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26 **66.** Petitioner(s) hereby reiterates, re-alleges, and fully incorporates by reference items 31  
27 thru 65 as though fully set forth herein.  
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67. Congress repealed the National Maximum Speed Limit (NMSL) in 1995 by way of The National Highway System Designation Act of 1995 (Pub.L. 104-59, 109 Stat. 568), and this was signed into law by President Bill Clinton on November 28, 1995. Thus, Congress returned the setting of highway and interstate speed limits to the states, and each state had two years to bring their use of R2-1 safety devices into compliance with extant law, which was the 1988 MUTCD section 2B-10 (but also the US Constitution, Congress' intent in context of the Highway Safety Act 1966, US 23, Uniform Vehicle Code 11-801, the scientific precepts governing the field of traffic engineering, etc.) At no time did Nevada meet its responsibilities related to R2-1 safety devices affected by the Highway System Designation Act of 1995.

68. In defiance of the new federal standard for speed limits, Stephens conspired to author, endorse, recommend, and/or aid and abet the enactment of arbitrary and capricious speed limits and enforcement thresholds, and that was the genesis of the racket (Artifice) that operates under the color of state law. In this way Stephens instigated the racket, and thus committed the first act of conspiracy, by conspiring to enact an Artifice with coconspirators and Nevada legislative colleagues.

69. The December 1995 State Speed Limit Task Force (NDOT SSLTF) Artifice conclusion was the brainchild of Stephens, who acted individually and in his official role as Director of the Nevada DOT, such that NRS § 484.361 per the progeny of SB 133 be promulgated pursuant to his endorsement and recommendation by the Nevada Legislature in 1995 when the parliamentary rules were suspended during the last 3 days of the sessions: The legislative record gives indisputable confirmation that NRS § 484.361(3)(4) and the December 1995 certification of SSLTF report was later enacted

1 into law and promulgated as an arbitrary Artifice based on Stephens' advice,  
2 recommendation, stewardship, responsibility, and ultimate authority.

3 70. Stephens designed the racket to operate by, be uniquely viable, and to profit from: A)  
4 the color of Nevada State Law NRS 484.361(3)(4) et al; B) the power of a federally  
5 regulated R2-1 safety device (speed limit sign); C) the use of an artifice: The  
6 placement of a false, fraudulent, *invented numeric* (sic 70 MPH) on an otherwise  
7 official appearing R2-1 safety device – absent any prerequisite determination that the  
8 safety value posted on the R2-1 device, or its enforcement threshold, had any safety  
9 foundation, need, or merit; D) escheating, subjugating, and depriving the constitutional  
10 rights of citizen motorists; E) the illegal use of police powers; F) the use of mail, wire,  
11 and bank services to perfect, operate, and maintain the racket; G) the conspiratorial  
12 scheming, organization, complicity, and association of all respondents.  
13  
14

15 71. Absent Stephens' actions to create, recommend, and endorse the Artifice that is used  
16 under the color of state law, there would herein be no cause of action.

17 72. In addition, Stephens caused the artifice to be placed, or had responsibility for the  
18 maintenance and perpetuation of the Artifice, on all official appearing R2-1 safety  
19 devices as authorized under the color of state law.  
20

21 73. Absent Stephens' and Martinovich's complicity to install, maintain, and/or to allow the  
22 perpetuation of the artifice on all official appearing R2-1 safety devices, there would  
23 herein be no cause of action.  
24

25 74. NHP Officer John Doe used the Artifice as the sole basis for unlawfully arresting,  
26 citing, and extorting Petitioner(s) and a class of similarly situated safe driving  
27 motorists.  
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75. Absent the unlawful arrests, citation, and extortion by John Doe, there would herein be no cause of action.

76. Whether by general ignorance of the US Constitution or judicial malpractice, Colvin has disregarded Petitioner(s) objections, arguments, and pleadings: Colvin expects to convict and extort Petitioner(s) based solely on the Artifice per Nevada's limited jurisprudence authorities of Justices of the Peace.

77. As the chief law officer for the state of Nevada, such status granted under authority of the Nevada Constitution and Nevada Government Code, Masto has ultimate responsibility for the unlawful prosecution of Petitioner(s) by way of the Artifice schemed under the color of Nevada state law.

78. As the Chief Executive for the Nevada Department of Justice, such status granted under authority of the Nevada Constitution and Nevada Government Code, Masto has ultimate responsibility for acts, errors, and omissions committed by NHP officers: In this case, the unlawful arrest of Petitioner(s) based solely on an Artifice schemed under the color of Nevada state law.

79. As the Chief Counsel for the State of Nevada, Masto has ultimate responsibility for acts, errors, and omissions committed by District Attorney's: In this case, Masto is responsible for the unlawful prosecution of Petitioner(s) based solely on an Artifice schemed under the color of Nevada state law.

80. Teece participated in the racket by causing Petitioner(s) insurance rates to increase, based solely on the Artifice created by his coconspirators, subsequent to the convictions having been made a matter of public record.



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81. The racket that was created and used by Respondents, and all subsequent events i.e. arrest warrants, citations, trials, etc., was based solely on the Artifice; and served no legitimate governmental purpose.
  82. The Artifice created by Respondents violates all known engineering standards and protocols including: UVC § 11-801 (“Basic Speed Rule” standard), federal safety regulations for R2-1 safety devices, 1988 MUTCD 2B-10, Congress’ intent under the Highway Safety Act of 1966, the field of science as it relates to the proper application and use of R2-1 safety devices, etc.
  83. The Artifice violates superior federal law, including the Highway Safety Act of 1966, which requires that all *traffic control, vehicle codes, and laws be substantially uniform* in their application, expectation, jurisprudence and exercise of police powers thereof regardless of jurisdiction or state lines: And to exercise police powers to enforce an Artifice, in a clear absence of a factual safety foundation, will violate fundamental citizen rights (see 1<sup>st</sup> and 4<sup>th</sup> Amendment arguments) protected by the US Constitution.
  84. Whereas an Artifice is elsewhere specifically prohibited in Nevada NRS § 484.369, the Nevada legislature chose to deny due process on interstates and highways, by denying the protections of NRS § 484.361(1)(2) to motorists ensnared by the Artifice created under NRS 484.361(3)(4) et al.
  85. The property extorted by Respondents, under the color of state law NRS § 484.361(3)(4) et al, was divided among Respondents according to the premeditated terms of their conspiracy. The structure of the AFE can be determined by following the trail of extorted monies.

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86. For all of the above reasons, the racket operated by Respondents violates Title 18,  
chapter 96, sections 1951-1952; interference with interstate commerce, and other such  
sections that apply.

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**Count II: RICO Predicate Act #1 - Extortion 18 U.S.C. § 1951: Use of Fear and False  
Accusation, with Threat to Suspend Driver's License, for the Purpose of Extortion:**

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87. Petitioner(s) hereby reiterates, re-alleges, and fully incorporates by reference items 31  
thru 86 as though fully set forth herein.

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88. Respondents conspired to extort Petitioner(s) under the “color of official government  
right”, in the absence of a legitimate governmental purpose. Additional discovery is  
needed to determine the extent of conspiracy, details of the personal advantage(s)  
attained, and other facts related to the allegation of extortion.

17  
89. RICO prohibits extortion as defined under both federal and Nevada state statutes.

18  
90. *18 U.S.C. § 875(d):*

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Whoever, with intent to extort from any person, firm,  
association, or corporation, any money or other thing of value,  
transmits in interstate or foreign commerce any communication  
containing any threat to injure the property or reputation of the  
addressee or of another or the reputation of a deceased person or  
any threat to accuse the addressee or any other person of a crime,  
shall be fined under this title or imprisoned not more than two  
years, or both.

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91. Each in their own way, Respondents violated 18 U.S.C. § 875(d).

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92. Petitioner(s)' property was extorted by way of the citation written in the instant case:

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A) under the color of NRS § 848.361(3)(4), and under the representation and color of  
official government right; B) by use of an Artifice; C) over Petitioner(s)s objection that

1 his constitutional rights were escheated, subjugated, and denied; D) with the illegal use  
2 of police powers; E) with the conspiracy and complicity of all respondents; F) using  
3 mail, wire, and bank services to extort monies under false pretenses; G) by  
4 communicating via interstate commerce, by way of the Interstate Driver's Compact  
5 (IDC), a false safety violation meant to injure the property and reputation of  
6 Petitioner(s) (addressee) i.e. a threat to accuse Petitioner(s) (addressee)...of a crime  
7 (emphasis).  
8

9 93. Stephen's conspired to create the Artifice, to falsely accuse and impute Petitioner(s)  
10 with a false, illegitimate, fraudulent criminal conviction.

11 94. Stephen's placement (maintenance) of the Artifice, on otherwise official appearing R2-  
12 1 safety devices, was also responsible for imputing a false crime and causing unlawful  
13 injury to Petitioner(s).  
14

15 95. Officer John Doe falsely accused Petitioner(s) of a crime by issuing a citation based  
16 solely on the artifice.

17 96. By her failure to dismiss the false, fraudulent charges against Petitioner, Judge Colvin  
18 plans to falsely impute that Petitioner(s) was guilty of a crime; and threatened/caused  
19 unlawful injury to Petitioner(s) and his property, for her acts related to the pending  
20 adjudication of a false, invented crime (Artifice).  
21

22 97. Masto was responsible for the false criminal accusation and pending prosecution of  
23 Petitioner(s), and threatened/caused unlawful injury to Petitioner(s) and his property,  
24 based solely on an artifice created, operated, and managed by her coconspirators.  
25

26 98. LaHood was complicit to the end result of extortion for his failure to ensure Nevada's  
27 compliance with the Highway Safety Act of 1966, 1988 MUTCD 2B-10, the UVC §11-  
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801, and other such regulations and authorities governing the proper use of an R2-1 safety device.

99. Teece extorted Petitioner(s) by raising his insurance rates, under threat that his insurance would be revoked for nonpayment, based solely on violations of an Artifice.

100. Each Respondent was complicit to the (pending) extortion of Petitioner(s)' property, based solely on the artifice and racket organized, operated, and managed as an AFE; and under threat that Petitioners' license would be suspended or revoked if he did not pay.

101. Most importantly, Respondents conspiratorial organization to defraud Petitioner(s) (and a class of similarly situated safe driving motorists) constitutes a violation of 18 U.S.C. section 1951; given that the property was taken under the threat and fear induced by an armed police officer acting in bad faith, without regard to safety, and in the absence of a legitimate governmental purpose.

**Count III: RICO Predicate Act #2 – Mail Fraud 18 U.S.C. § 1962(c) - 18 U.S.C. § 1341:**

**Use of mail services to obtain money or property under false pretenses or ARTIFICE:**

102. Petitioner(s) hereby reiterates, re-alleges, and fully incorporates by reference items 23 thru 101 as though fully set forth herein.

103. The AFE operates a fraudulent scheme or Artifice under the color of state law, for the purpose of extortion, by using the US Postal Service to mail: 1) Bail notices; 2) Court scheduling notices; 3) Violation notices; 4) Other documentation related to the adjudication, collection, and administration of traffic fines.

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104. Upon information and belief, Stephens conspired with his colleagues to create the Artifice, by using the mails for coordinating, instigating, and affirming the use of an Artifice by way of NRS § 848.361(3)(4) et al.
  105. Under the direction and supervision of Stephens, the Nevada DOT uses US postal mails to orchestrate, manage, and perfect the use of an Artifice on otherwise official appearing R2-1 safety devices.
  106. The issuance of a citation by Officer John Doe set in motion the delivery of US Postal mails whose sole purpose was the solicitation of fines, penalties, and/or forfeitures based on an Artifice and/or scheme to defraud Petitioner(s). These mails are the product of the AFE, including the incorporated entity of Esmeralda County.
  107. The administration of the process to impute Petitioner(s) with a conviction under the false pretenses of an Artifice, including the pending notice(s) required to adjudicate the alleged safety violation (and appeal) by Judge Colvin, was executed by the placement of mails with the US Postal Service.
  108. As Attorney General, Masto supervised the use of US Postal mail services to orchestrate, manage, and perpetuate the use of an Artifice whose primary purpose was to extort Petitioner(s).
  109. As USDOT Secretary, LaHood used mail services to aid and abet the use of an Artifice that was used to extort Petitioner(s).
  110. Teece operates a business enterprise that is part of the AFE, and he used the US Postal mail service to extort monies from Petitioner(s), based solely on the Artifice created, operated, and managed by his coconspirators.

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2 **Count IV: RICO Predicate Act #3 – Wire Fraud 18 U.S.C. § 1343: Use of wire and/or**  
3 **radio services to obtain money under false/fraudulent pretenses or ARTIFICE:**  
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5 111. Petitioner(s) hereby reiterates, re-alleges, and fully incorporates by reference items 23  
6 thru 110 as though fully set forth herein.

7  
8 112. Stephens purposely designed a fraudulent scheme and Artifice that uses radio and wire  
9 transmissions to orchestrate, operate, and manage the extortion of money from  
10 Petitioner(s) and a class of similarly situated safe driving motorists. Radio services  
11 facilitate the communications between Police Officers and their commanders, aids,  
12 operators, and base stations via FCC regulated radios and telephonic equipment.  
13 Respondents' use of radar devices is also federally regulated by the FCC.  
14

15 113. Officer John Doe used and relied upon radio and wire transmissions to enforce an  
16 Artifice whose sole purpose is the extortion of monies from Petitioner(s). This includes  
17 FCC regulated radio transmissions made for the explicit purpose of profiting from the  
18 Artifice created by their coconspirators. Radio services are used to aid the  
19 communications between Police Officers and their commanders, aids, operators, and  
20 base stations via FCC regulated radios and telephonic equipment; and for acquiring the  
21 speed of innocent safe driving motorists.  
22

23 114. Judge Colvin has used, or will use, wire transmissions to operate, manage, and  
24 perpetuate a scheme for obtaining money and property under the false pretense of an  
25 Artifice. This includes sending and receiving data and files related to the  
26 administration, enforcement, and adjudication of the Artifice, to other agencies and  
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1 coconspirators within the AFE, over wire for the primary purpose of obtaining money  
2 under false/fraudulent pretenses from Petitioner(s).

3 115. Masto supervised, aided, and/or abetted the use of radio and wire services to  
4 orchestrate, manage, and perpetuate the use of an Artifice whose primary purpose was  
5 to extort Petitioner(s) and a class of similarly situated safe driving motorists.

6 116. LaHood aided and/or abetted the use of radio and wire services to orchestrate, manage,  
7 and perpetuate the use of an Artifice whose primary purpose was to extort Petitioner(s)  
8 and a class of similarly situated safe driving motorists.

9 117. Teece transmitted or caused to be transmitted, information over wire that was used for  
10 the purpose of obtaining monies from Petitioner(s), under the false/fraudulent pretenses  
11 of an Artifice. This information includes, but is not limited to, a request for Petitioners  
12 driving record which contains details of the Artifice scheme.  
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17 **Count V: RICO Predicate Act #4 – Bank Fraud 18 U.S.C. § 1344: Whoever**

18 **knowingly...obtains any of the moneys...under the custody or control of a financial**

19 **institution by means of false or fraudulent pretenses, representations, or promises**

20 **(ARTIFICE):**

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23 118. Petitioner(s) hereby reiterates, re-alleges, and fully incorporates by reference items 23  
24 thru 116 as though fully set forth herein.

25 119. The AFE operates as a governmental concern, under the disguise of a legitimate safety  
26 program that extorted traffic fines and related fees from Petitioner(s). Upon conviction,  
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Petitioner(s) WILL pay the traffic fines, related fees, and increased insurance premiums by way of a financial institution account.

120. The moneys collected by Respondents were obtained under the “false and fraudulent pretenses, representations, and promises” of an Artifice.

121. All Respondents within this complaint were complicit to the creation, organization, operation, management, or perpetuation of the Artifice (racket) operating under the AFE described herein.

**Prayer for Relief**

Petitioner(s) has no adequate and sufficient post-deprivation remedy available at law with which to address the wrongs alleged herein, and will continue to suffer irreparable injury from the conduct of Respondents, unless he is granted equitable relief prayed for herein.

WHEREFORE, Petitioner(s) requests judgment against Respondents, and each of them for joint and several liability, for:

1. Compensatory damages as proven at trial; to be paid in U.S. Dollars, a U.S. Dollar defined as one ounce silver coin of .999 fine silver, pursuant to the Coinage Act of 1792, or the equivalent par value in gold coins.
2. Punitive damages based on a percentage of each Respondents wealth, as determined by a jury; to be paid in U.S. Dollars, a U.S. Dollar defined as one ounce silver coin of .999 fine silver, pursuant to the Coinage Act of 1792, or the equivalent par value in gold coins.



3. A triple damage award based on the sum value collected by Respondents for citations written under NRS § 848.361(3)(4) et al since 1995; such AWARD to be paid first from each Respondents' wealth, and the remainder to be paid by the AFE.
4. Demand for jury trial on all issues so triable. Each Respondent to be deposed under a sworn oath, and to submit to examination before a common law jury for each and every charge alleged herein.
5. Pursuant to 42 U.S.C. section 1988, Plaintiff is entitled to a reasonable allowance for attorney fees as part of his costs if applicable, for any fees incurred for advisory counsel. And that Respondents pay all reasonable attorneys fees required to bring this case to trial, with just and necessary apportionment of any AWARD to all legal counsel involved; and,
6. Costs of suit; and
7. That Respondents clear Petitioner(s)' driving record; and
8. That Respondents be enjoined from any further activities concerning Petitioner(s)' driving record; and
9. That Respondents be enjoined from any further activities related to their participation in the fraudulent scheme alleged herein; including the enforcement and adjudication of the Artifice under NRS § 848.361(3)(4) and related statutes with artifices.
10. That Respondents be ordered to indemnify, and give restitution to all similarly situated safe driving motorists (Petitioner(s)) who were wronged by the illegal scheme to defraud, i.e. to repay all fines collected since NRS § 848.361(3)(4) became a matter of law, towing charges incurred, legal defense costs, etc; and,
11. Such other and further relief as the court deems just and proper.

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2 **Cause of Action #2: Civil Rights Violations**  
3

4 **COUNT I: 1<sup>st</sup> Amendment – CONSPIRACY TO DEPRIVE FREEDOM OF**  
5 **EXPRESSION UNDER THE COLOR OF STATE LAW:**  
6

7 122. Petitioner(s) hereby reiterates, re-alleges, and fully incorporates by reference items 23  
8 thru 121 as though fully set forth herein.

9 123. The 1<sup>st</sup> Amendment of the US Constitution is well established law. The 1<sup>st</sup> Amendment  
10 of the US Constitution guarantees the freedom of expression; and one mode of personal  
11 expression is in our location, which is determined by our ability to travel. Travel is an  
12 inextricable part of expression and an inalienable right, as well is the right to petition an  
13 abridgement of these rights, because one cannot freely express anything without  
14 freedom to travel.  
15

16 124. Stephens and Does 1-20 instigated a racket designed to abridge, interfere, and obstruct  
17 the freedom of travel of others. Stephens intends that Petitioner(s) suffer an  
18 abridgement of his freedom of expression by causing (potential) points to be placed on  
19 his driver's license which will lead to probation, possible license suspension, extortion,  
20 and deprivation of property; all of which affect Petitioner(s) ability to travel i.e. his  
21 freedom of expression.  
22

23 125. Stephens conspired with his coconspirators to place an Artifice on an otherwise official  
24 appearing R2-1 safety device, causing an abridgement of Petitioner(s) freedom of  
25 expression by causing (potential) points to be placed on his driver's license, probation,  
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possible license suspension, extortion, and deprivation of property; all of which affect  
Petitioner(s) ability to travel i.e. his freedom of expression.

126. Officer John Doe acted to enforce an Artifice against Petitioner(s), which caused an  
abridgement of Petitioner(s) freedom of expression by mandating that (potential) points  
be placed on his driver's license, probation, possible license suspension, extortion, and  
deprivation of property, all of which affect Petitioner(s) ability to travel i.e. his freedom  
of expression.

127. Judge Colvin has shown intent to use an Artifice to wrongly convict Petitioner(s), thus  
causing an abridgement of Petitioner(s) freedom of expression by mandating that  
(potential) points be placed on his driver's license, probation, possible license  
suspension, extortion, and deprivation of property, all of which affect Petitioner(s)  
ability to travel i.e. his freedom of expression.

128. Masto supervised and is responsible for the illegal Prosecution of Petitioner(s) by way  
of an Artifice, thus causing an abridgement of Petitioner(s) freedom of expression by  
mandating that (potential) points be placed on his driver's license, probation, possible  
license suspension, extortion, and deprivation of property; all of which affect  
Petitioner(s) ability to travel i.e. his freedom of expression.

129. LaHood is complicit to the wrongful prosecution of Petitioner(s), by way of his failure  
to properly enforce the Highway Safety Act of 1966, 1988 MUTCD 2B-10, UVC § 11-  
801, and other regulations and protocols affecting Nevada's proper use of R2-1 safety  
devices: Thus causing an abridgement of Petitioner(s) freedom of expression by  
mandating that (potential) points be placed on his driver's license, probation, possible

1 license suspension, extortion, and deprivation of property; all of which affect  
2 Petitioner(s) ability to travel i.e. his freedom of expression.

3 130. Teece has shown intent to illegally deprive Petitioner(s) of property, based solely on the  
4 Artifice; thus causing an abridgement of Petitioner(s) freedom of expression by  
5 depriving him of his property, which directly affects Petitioner(s) ability to travel i.e.  
6 his freedom of expression.  
7

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10 **COUNT II: 4<sup>st</sup> Amendment – ARREST MADE IN THE ABSENCE OF PROBABLE**  
11 **CAUSE – ILLEGAL SEIZURE AND DEPRIVATION OF RIGHT TO PRIVACY:**  
12

13 131. Petitioner(s) hereby reiterates, re-alleges, and fully incorporates by reference items 23  
14 thru 130 as though fully set forth herein.

15 132. The 4<sup>th</sup> amendment is well established law, and states: "...no warrant shall issue, but  
16 on probable cause, supported by oath and affirmation".  
17

18 133. A traffic stop constitutes an arrest, within the meaning of the 4<sup>th</sup> Amendment, as held  
19 by the U.S. Supreme Court decision of Whren vs. United States<sup>3</sup>.  
20

21 134. Thus, a traffic stop for speeding requires probable cause, i.e. evidence that a crime was  
22 committed.

23 135. The probable cause for a speeding arrest requires: 1) That the speed limit was  
24 determined necessary by a comprehensive engineering study, and was curative for an  
25 unsafe condition existing at the time of the arrest; 2) That the speed limit was  
26 established by sound engineering principles, applying nationally vetted standards; 3)  
27

28 <sup>3</sup> Whren vs United States, 517 U.S. 806, (1996)  
29

1 The numeric value displayed on the R2-1 safety device is supported by the  
2 documentation of a licensed traffic engineer, applying nationally vetted standards; 4)  
3 That the motorist was exceeding the safe speed range for the section of roadway in  
4 question; 5) An unsafe act by the motorist collateral to speed per UVC § 11-801 or  
5 NRS § 484.361(1)(2).

6 136. Stephens substituted the 4<sup>th</sup> Amendment requirement of a Warrant based on probable  
7 cause, with a Warrant based on the Artifice he created; by instigating a racket which  
8 substitutes the prerequisite engineering study, genuine engineering documentation, and  
9 validated numeric safety value, with an Artifice of his own design: Thus, Stephens  
10 circumvented the purchase of proper arrest Warrants for an entire class of safe driving  
11 motorists (sic). Therefore, Stephens must be held accountable to explain to a common  
12 law jury how the Artifice he created constitutes “probable cause”, i.e. valid arrest  
13 Warrants, to arrest millions of innocent safe driving motorists (see criminal indictment -  
14 cause of action under 18 U.S.C. § 241-242).

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16  
17 137. LaHood was complicit to the unlawful substitution of the genuine safety value  
18 displayed on the R2-1 safety devices, by his failure to properly supervise and compel  
19 Nevada to use the proper standards i.e. Highway Safety Act, 1988 MUTCD 2B-10,  
20 UVC § 11-801, et.al.

21  
22 138. If the probable cause for an arrest is based on an Artifice, then the Warrant for that  
23 arrest is also an Artifice. In this case, the arrest made by Officer John Doe was based  
24 solely on an Artifice; therefore, the Warrants for Petitioner(s)’ arrest (sic) constitutes,  
25 and is the product of, an Artifice schemed by Respondents.  
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139. By her failure to properly dismiss the case at Bar, Judge Colvin ignored Petitioner(s)' 4<sup>th</sup> Amendment arguments. These arguments were made by Motion to Dismiss before trial. Absent the malfeasance, misfeasance, or judicial misconduct of Judge Colvin, the cause of action herein would be limited in scope. Judge Colvin must be held accountable to articulate to a common law jury how NRS § 484.361 constitutes "probable cause" for arresting, trying, and convicting Petitioner.

**140. Using an Artifice as an arrest Warrant constitutes a blatant violation of Petitioner(s)' 4<sup>th</sup> Amendment right to privacy, where "...no warrant shall issue, but on probable cause, supported by oath and affirmation".**

141. The 4<sup>th</sup> Amendment violations alleged herein against Stephens, Martinovich, Colvin, Masto, and LaHood required them to act severally, individually, and in conspiracy.

**COUNT III: Fifth & Fourteenth Amendment – CONSPIRACY TO USE AN ARTIFICE FOR THE ILLEGAL SEIZURE OF PROPERTY WITHOUT DUE PROCESS OF**

**LAW:**

142. Petitioner(s) hereby reiterates, re-alleges, and fully incorporates by reference items 23 thru 141 as though fully set forth herein.

143. The 5th Amendment is well established law, which mandates that no person "...be deprived of life, liberty, or property, without due process of law..."

144. The 14th Amendment is well established law, and also requires that every citizen receive due process of law: "nor shall any State deprive any person of life, liberty, or property, without due process of law".

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145. Where an Artifice is substituted in place of a genuine numerical value determined in the context of safety, engineering, and statistical analysis, there can be no due process of law. Due process in the context of speed limits is briefly discussed throughout this complaint - and will be fully explicated in Petitioner(s) opening brief.

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146. Stephens, Martinovich, Officer John Doe, Colvin, Masto, LaHood, and Teece acted severally, individually, and jointly in conspiracy, to use an Artifice for the explicit purpose of seizing Petitioner(s) property without due process of law as described herein; while they acted in their official capacities under the color of law.

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**COUNT IV: 6th Amendment – CONSPIRACY TO USE AN ARTIFICE FOR THE  
ILLEGAL SEIZURE OF PROPERTY WITHOUT OPPORTUNITY TO CONFRONT**

15  
**THE ACCUSER:**

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147. Petitioner(s) hereby reiterates, re-alleges, and fully incorporates by reference items 23 thru 146 as though fully set forth herein.

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148. The 6<sup>th</sup> Amendment is well established law, and mandates that any accused citizen has the right to be "...confronted with the witnesses against him...". For a violation of an R2-1 safety device (speed limit), the accuser would be the traffic engineer who set the speed limit, and the traffic officer who observed a safety violation.

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149. A valid speed limit is set by a licensed civil engineer; applying nationally vetted standards, with complying comprehensive study and documentation of the salient facts, conditions, and remedies for each particular segment of roadway proving that the speed limit was warranted and properly set.

150. As alleged herein, Stephens substituted the genuine safety value with an Artifice of his own choosing, thereby setting in motion a cascade of constitutional violations which includes depriving Petitioner(s) of his right to confront his accuser.

151. As alleged herein, Stephens, Martinovich, Colvin, Masto, and LaHood conspired to create, install, perpetuate, enforce, and adjudicate an Artifice for the primary purpose of seizing Petitioner(s) property under false pretenses, absent any opportunity to confront his accuser i.e. the traffic engineer.

152. Stephens, Martinovich, Colvin, Masto, LaHood, and Teece acted severally, individually, and jointly in conspiracy to use an Artifice for the explicit purpose of seizing Petitioner(s) property without acknowledging Petitioner(s) 6th Amendment right to confront his accuser.

**COUNT V: 14th Amendment – CONSPIRACY TO USE AN ARTIFICE FOR THE  
ILLEGAL SEIZURE OF PROPERTY WITHOUT EQUAL PROTECTION UNDER  
THE LAW:**

153. Petitioner(s) hereby reiterates, re-alleges, and fully incorporates by reference items 23 thru 152 as though fully set forth herein.

154. The 14<sup>th</sup> Amendment is well established law, and requires states to provide equal protection to all citizens within its jurisdiction.

155. In the context of speed limits, equal protection requires uniformity, but also compliance with superior federal laws such as the Highway Safety Act of 1966, federal safety regulations such as the 1988 MUTCD 2B-10, UVC § 11-801, etc.; and prescriptive



1 engineering standards and protocols derivative to the incumbent field of science known  
2 as “Traffic Engineering”.

3 156. Contrary to the 14<sup>th</sup> Amendment requirement that laws be applied equally, and in  
4 consideration that Nevada’s 10th Amendment powers were displaced in this field  
5 pursuant to their acceptance of the condition precedents of federal highway funding  
6 under Title 23, Nevada’s disparate treatment of motorists violates the Void for  
7 Vagueness Doctrine, the 1st Amendment to Petition, 5th Amendment Due Process, 6th  
8 Amendment, and the Equal Protection Clause of the 14th Amendment.

9  
10 157. Stephens instituted an Artifice under the color of state law, such an Artifice constituting  
11 State sanctioned enforcement traps (thus voiding substantive and procedural due  
12 process), for the purpose of extorting otherwise safe driving motorists: Absent any  
13 regard to due process or the confrontation clause, because the documentation supplied  
14 by the NDOT to support the Artifices (sic exhibit 1 Motion to Dismiss) in itself is a  
15 fraud on the People and the Courts, thus depriving Petitioner(s) of equal protection  
16 under the law.  
17

18  
19 158. Stephens ordered, directed, and/or maintained the placement of the Artifice on  
20 otherwise official appearing R2-1 safety devices throughout the state of Nevada, absent  
21 any regard to due process or the confrontation clause, thus depriving Petitioner(s) of  
22 equal protection under the law.

23  
24 159. Officer John Doe enforced the Artifice for the purpose of extorting Petitioner(s), absent  
25 any regard to due process or the confrontation clause, thus depriving Petitioner(s) of  
26 equal protection under the law.  
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1 160. Judge Colvin has shown intent to adjudicate a violation of the Artifice, without regard  
2 to due process or the confrontation clause, and over the objection of Petitioner(s); thus  
3 depriving Petitioner(s) of equal protection under the law.

4 161. Masto supervised the arrest, pending prosecution and adjudication of Petitioner(s),  
5 based solely on a violation of the Artifice, absent any regard to due process or the  
6 confrontation clause; thus depriving Petitioner(s) of equal protection under the law.

7 162. In his failure to provide proper oversight, LaHood was complicit to the arrest,  
8 prosecution, and adjudication of Petitioner(s), based solely on a violation of the  
9 Artifice, absent any regard to due process or the confrontation clause; thus depriving  
10 Petitioner(s) of equal protection under the law.

11 163. Teece has shown intent to profit from the Artifice which denied Petitioner(s) his 14<sup>th</sup>  
12 Amendment rights, thus causing additional (potential) injury to Petitioner(s).

13 164. Stephens, Martinovich, Colvin, Masto, LaHood, and Teece all conspired to use an  
14 Artifice, absent any regard to Petitioner(s) 14<sup>th</sup> Amendment protections et al, and thus  
15 violated Petitioner(s) 14<sup>th</sup> Amendment rights.  
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23 **Prayer for Relief**

24 Petitioner(s) has no adequate and sufficient post-deprivation remedy available at law with  
25 which to address the wrongs alleged herein, and will continue to suffer irreparable injury from  
26 the conduct of Respondents, unless he is granted equitable relief prayed for herein.  
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1 WHEREFORE, Petitioner(s) requests judgment against Respondents and each of them for joint  
2 and several liabilities, for:

3 12. Compensatory damages as proven at trial; to be paid in U.S. Dollars, a U.S. Dollar  
4 defined as one ounce silver coin of .999 fine silver, pursuant to the Coinage Act of  
5 1792, or the equivalent par value in gold coins.  
6

7 13. Punitive damages based on a percentage of each Respondents wealth, as determined by  
8 a jury; to be paid in U.S. Dollars, a U.S. Dollar defined as one ounce silver coin of .999  
9 fine silver, pursuant to the Coinage Act of 1792, or the equivalent par value in gold  
10 coins.  
11

12 14. A triple damage award based on the sum value collected by Respondents for citations  
13 written under NRS § 848.361(3)(4) et al since 1995; such AWARD to be paid first  
14 from each Respondents' wealth, and the remainder to be paid by the AFE.  
15

16 15. Demand for jury trial on all issues so triable. Each Respondent to be deposed under a  
17 sworn oath and to submit to examination before a common law jury for each and every  
18 charge alleged herein.

19 16. Pursuant to 42 U.S.C. section 1988, Plaintiff is entitled to a reasonable allowance for  
20 attorney fees as part of his costs if applicable, for any fees incurred for advisory  
21 counsel. And that Respondents pay all reasonable attorneys fees required to bring this  
22 case to trial, with just and necessary apportionment of any AWARD to all legal counsel  
23 involved; and,  
24

25 17. Costs of suit; and

26 18. That Respondents clear Petitioner(s)' driving record; and  
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19. That Respondents be enjoined from any further activities concerning Petitioner(s)' driving record; and

20. That Respondents be enjoined from any further activities related to their participation in the fraudulent scheme alleged herein; including the enforcement and adjudication of the Artifice under NRS § 848.361(3)(4) et al.

21. That Respondents be ordered to indemnify, and give restitution to all similarly situated safe driving motorists (Petitioner(s)) who were wronged by the illegal scheme to defraud, i.e. to repay all fines collected since NRS § 848.361(3)(4) became a matter of law, towing charges incurred, legal defense costs, etc; and,

22. Such other and further relief as the court deems just and proper.

**Cause of Action #3: Constitutional Challenge to – NRS § 848.361(3)(4)**

**COUNT I: Constitutional Challenge – NRS § 848.361(3)(4)**

165. Petitioner(s) hereby reiterates, re-alleges, and fully incorporates by reference items 23 thru 164 as though fully set forth herein.

166. **Locus standi - Injury:** Petitioner(s) has already suffered irreparable harm in lost wages, increased insurance rates, opportunity costs as a book writer, fines, court costs, travel expenses, and other related defense costs. Not to mention his right to privacy (4<sup>th</sup>), to travel freely and petition (1<sup>st</sup>), to confront his accusers (6<sup>th</sup>), enjoy due process (5<sup>th</sup> & 14<sup>th</sup>), and equal protection under the law (14<sup>th</sup>). Because Petitioner(s) must

1 continue to travel, it is guaranteed that additional injuries will be imposed, including  
2 license suspension/revocation in addition to all the aforementioned injuries.

3 167. **Locus Standi - Causation:** Respondents charged and intend to convict Petitioner(s)  
4 solely on the basis of – NRS § 848.361(3)(4), in the absence of any evidence that he  
5 committed an unsafe act, so it is unquestionable that NRS § 848.361(3)(4), was the  
6 direct cause of Petitioner(s) injuries.

7 168. **Locus Standi - Redressability:** A favorable Court decision will prevent Petitioner(s)  
8 from losing his license, return to his vocation of book writing, and prevent his suffering  
9 additional constitutional violations as well as economic harm.

10 169. NRS § 848.361(3)(4), has companion laws that operate in the same manner i.e. as an  
11 Artifice. ON THE BASIS OF redressability, Petitioner(s) has standing to challenge the  
12 constitutionality of the companion NEVADA STATUTES, even absent his conviction  
13 under those particular codes.

14 170. NRS § 848.361(3)(4) is unconstitutional on its face because it violates the constitutional  
15 protections guaranteed under the 1<sup>st</sup>, 4<sup>th</sup>, 5<sup>th</sup>, 6<sup>th</sup>, and 14<sup>th</sup> amendments, for the reasons  
16 complained of herein.

17 171. NRS § 848.361(3)(4) is unconstitutional on its face, because the amount of the fine is  
18 not commensurate with the crime alleged; more specifically, the fine violates UVC §  
19 11-801. But also the dormant as promulgated UVC § 11-802: Whose authorities were  
20 superseded by the 1988 MUTCD on non NMSL roadways, and wholly repealed in  
21 1995 (Pub.L. 104-59, 109 Stat. 568).

22 172. The Federal Courts are the “Guardians of the US Constitution”, and the Federal District  
23 Court of Reno has a duty to ensure that all government employees who are engaged in  
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1 activities that affect interstate commerce are in compliance with the US Constitution,  
2 the Highway Safety Act, federal regulations, UVC § 11-801, etc; and this court has a  
3 duty to adjudicate in matters where violations thereof occur.  
4

5  
6 **Prayer for Relief**  
7

- 8 1. Petitioner(s) requests this Court to declare NRS § 848.361(3)(4) et al unconstitutional;  
9 and  
10  
11 2. To enjoin the State of Nevada from any further enforcement under NRS §  
12 848.361(3)(4); and  
13  
14 3. To command the State of Nevada to indemnify any motorist {Petitioner(s)} so charged  
15 under NRS § 848.361(3)(4) since 1995; and  
16  
17 4. To command both the USDOT and the State of Nevada to bring use of R2-1 safety  
18 devices into compliance with the US Constitution, Federal Laws, Federal Safety  
19 Regulations, Congress' intent with the Highway Safety Act, UVC § 11-801 or its  
20 conforming NRS 484.361(1)(2), nationally vetted engineering practices, etc; thus,  
21 requiring the following:  
22  
23 5. Performance of an engineering study on all its highways and interstates, in accordance  
24 with the extant regulations for which it never complied i.e. 1988 MUTCD 2B-10 or its  
25 conforming NRS § 484.369, to determine if a speed limit is WARRANTED for each  
26 segment of highway and interstate throughout Nevada. AND,  
27  
28 6. IF a speed limit is determined to be WARRANTED in accordance with the prerequisite  
29 engineering study, Petitioner(s) asks this court to command the USDOT and the State  
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31

1 of Nevada to comply with extant Federal Safety Regulation 1988 MUTCD 2B-10 and  
2 the Highway Safety Act of 1966, which requires: A) That R2-1 safety devices be used  
3 on public roads only for the purpose of safety; B) That R2-1 safety devices have a  
4 factual foundation conforming to MUTCD § 1A.02 i.e. the numeric value posted cannot  
5 be based on an Artifice; C) the safety value posted shall be the recommended optimum  
6 maximum operating speed for that particular segment of roadway, based on vetted  
7 nationally recognized engineering practices, and documented in an engineering report  
8 D) Since 1941, and as described in Federal Regulation 1988 MUTCD 2B-10, an  
9 engineering survey report that documents the safe operating speeds; based on a  
10 statistically valid sample of the motorist publics consensus for each particular section of  
11 roadway, delineated by time of day, day of week, direction of travel, lane, etc. E) The  
12 1988 MUTCD 2B-10 required (sic prerequisite comprehensive study; FHWA  
13 guidelines) the speed limit to be posted based on the 85<sup>th</sup> percentile speed of traffic; F)  
14 According to the Federal Highway Administration (FHWA) and American Association  
15 of State Highway Transportation Officials (AASHTO), the lowest point on the  
16 parabolic risk curve is the 90<sup>th</sup> percentile in cases where the 85<sup>th</sup> percentile exceeds 50  
17 MPH, and the 95<sup>th</sup> percentile for interstate highways. In all instances, the standard to  
18 be adopted must meet the same test: i.e. the speed limit should not be set less than the  
19 safest speed for the corresponding parabolic risk curve. G) That Nevada use valid  
20 samples for the purpose of its statistical calculations, and make proper statistical  
21 inferences from those samples, because the “probable cause threshold” is based on said  
22 statistical calculus (emphasis). H) That samples be taken by a licensed Traffic  
23 Engineer, or someone under their direct supervision, using standard protocols which do  
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not interfere with the sample data (the collection of data is clandestine, controls for cosine angles, using calibrated equipment, etc).

7. And to command the USDOT and the State of Nevada to bring its speed limit use, enforcement, and adjudication within compliance of the US Constitution, which requires all of the following: A) Due Process and Equal protection requires a uniform standard of enforcement and adjudication be adopted. Because the basic speed rule (UVC § 11-801 “No person shall drive a vehicle greater than is reasonable and prudent under the conditions, and having regard to the actual and potential hazards then existing.”) has been the law of the land since 1926, Nevada must bring the relevant parts of its vehicle code into compliance with that standard; B) That an arrest for speeding be based on probable cause, as required by the US Supreme Court, and as specified herein; C) That Nevada maintain records for all engineering studies where there is enforcement activity, to preserve and protect a motorists 6<sup>th</sup> Amendment right to cross examine the foundations (engineer) of any allegation(s) against him; D) That speed limits meet the Constitutional test of Due Process, substantive and procedural, for all speed limit prosecutions. This requires that Nevada be in conformance with all safety regulations, laws, and the field of science as it relates to speed limit engineering.

Petitioner(s) prays for the above relief, so that he and similarly situated safe driving motorists, can freely enjoy their life, liberties, and travel pursuits.

**Cause of Action #4: 18 U.S.C. § 241/242 – Conspiracy to Deprive Constitutional Rights of**

**US Citizens**



173. Petitioner(s) hereby reiterates, re-alleges, and fully incorporates by reference items 23 thru 172 as though fully set forth herein.

174. Petitioner(s) brings this action in his capacity as Private Attorney General, ex relatione United States of America, with all authorities thereof pertaining.

175. “Ignorance of the law is no excuse for breaking the law”. The US Constitution is well established law. This is not a case of misfeasance, malfeasance, or nonfeasance: This is a case of conspiracy, a conspiracy to further an illegitimate subjective agenda, costing the rights of those so affected (Petitioner(s)).

176. All Respondents named in this complaint were complicit to the conspiracy to deny the constitutional rights of (Petitioner(s)) innocent American citizens en masse.

177. 18 U.S.C. § 241/242 does not allow immunity for government employees, especially police officers, judges, district attorneys, attorneys general, executive branch appointees, etc: Therefore, this criminal indictment applies to all Respondents named herein.

178. Petitioner(s) will prove the elements of conspiracy for each Respondent, that constitutional rights were denied, and that Respondents intended for constitutional rights to be denied. Each Respondent will be deposed, and must be given opportunity to assert their innocence of these capital (felony) charges before a common law jury.

179. It is alarming that Respondents also conspired so that American citizens would have no ex tempore remedy upon the denial of their constitutional rights, notwithstanding a 5 U.S.C. § 706 action.

180. Most egregious is that the Artifice is known to be a safety hazard which causes accidents, many of which are fatalities; because FHWA accident research clearly

1 indicates that an artificially low (Artifice) numerical value posted on an R2-1 safety  
2 device will cause an increase in accidents (fatalities). Respondents acted recklessly,  
3 deliberately, and with intent to deny constitutional rights; without regard to truth,  
4 safety, or the lives of innocent American motorists engaged in interstate commerce.  
5 And upon proof to be presented at trial, and the decision of a common law jury, the  
6 maximum punishment is requested for the capital crimes (felony) alleged herein.  
7

8 181. In the furtherance and perpetuation of their conspiracy to deny constitutional rights,  
9 each Respondent acted recklessly, with deliberation, and intent, to deny (Petitioner(s))  
10 the constitutional rights of safe driving American motorists. For example, Colvin  
11 denied Petitioner(s) motion for dismissal at trial, despite having been briefed of her  
12 wrongdoing in this case. Colvin denied Petitioner(s) motions, and has every intention  
13 of causing further injury and damages against Petitioner(s)! And so on, and so forth.  
14

15 182. Petitioner(s) requests a trial by jury for each of the Respondents named herein for their  
16 individual roles in violating the constitutional rights of innocent American Citizens, as  
17 alleged under authority of 18 U.S.C. § 241/242.  
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21 **Cause of Action #5: 5 U.S.C. § 706: Action to Compel the USDOT and the State of**

22 **Nevada:**

23  
24 183. Petitioner(s) hereby reiterates, re-alleges, and fully incorporates by reference items 23  
25 thru 182 as though fully set forth herein.

26  
27 184. This 706 action is necessary, because without intervention by this District Court,  
28 Petitioner(s) will not enjoy full relief, indemnity, equity, and protection of his  
29

1 constitutional rights. Therefore, Petitioner(s) demands that the USDOT be compelled  
2 to adopt and enforce new standards, with an eye toward mandatory compliance by all  
3 states, for the demands made herein. Petitioner(s) hereby reiterates and requests the  
4 aforementioned demand for relief under cause of action #3 (items 1 -7). And because  
5 said relief is not substantially adequate, Petitioner(s) demands the following:

6 185. Petitioner(s) demands that the USDOT be commanded to adopt standards for the  
7 enforcement of R2-1 safety devices, such that there is no infringement on the  
8 constitutionally protected rights of motorists. Regardless of the standard adopted,  
9 Respondents must not be allowed to adopt a standard which circumvents UVC § 11-  
10 801, which provides that motorists must operate vehicles in a manner which is  
11 “reasonable and prudent” for existing conditions. This means that the standard must  
12 hold the governmental agencies prosecuting speeding infractions accountable to  
13 “prove” that a legitimate safety violation occurred by presenting: 1) the factual  
14 foundation that the R2-1 safety device was warranted, and necessary to cure an accident  
15 problem for the given section of roadway; 2) The engineering report which details the  
16 sample data, delineated with specificity e.g. by lane, time, day of week, location of data  
17 collection, direction of travel, etc; 3) The statistical calculations made by the engineer,  
18 including choice of frequency distribution, confidence level chosen, strength of sample  
19 statistics, mean, safest speed based on the corresponding parabolic risk curve, etc; 4)  
20 That the statistical inferences taken from the engineering report support the threshold  
21 for “probable cause”, a rebuttable presumption of exceeding the prima facie range of  
22 safe speeds as documented for that particular segment of roadway, applying a  
23 confidence level consistent with “proof beyond a reasonable doubt”; 5) That the  
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numerical value posted on an R2-1 safety device be based on the relative risk curve for the roadway classification in question; 6) Evidence of an unsafe act occurring at the time of an alleged violation per UVC § 11-801; 7) Equal Protection in standards of access, expectation, application, vehicle codes, laws, adjudication, and a reasonable fine schedule as prescribed within UVC § 11-801; and per § 17-101(a) 1<sup>st</sup> Offense – not more than \$200, 2<sup>nd</sup> offence (within 1 year) – not more than \$300, etc.

186. **An Inconvenient Truth:** In addition to #185, Petitioner(s) demand that the USDOT be commanded to adopt a standard for the use and enforcement of R2-1 safety devices that is compliant with the US Constitution. Per the US Supreme Courts determination in **Whren vs. United States**, all traffic stops constitute a “seizure” (arrest) within the meaning of the 4<sup>th</sup> Amendment, thus requiring probable cause to arrest a motorist. Therefore, the standard adopted by the USDOT must ensure that no arrests of US citizen motorists are made in the absence of probable cause. Here, Petitioner(s) will again cite the 1988 MUTCD 2B-10, but only as a starting point because 2B-10 and its progeny does not go far enough, in that it fails to establish a proper foundation for probable cause. What may pass as an engineering standard, such as the 1988 MUTCD 2B-10, does not automatically pass as “probable cause” and “proof beyond a reasonable doubt”. And that brings us to the salient point in this case: The empirical evidence does demonstrate a parabolic risk curve for accidents vs speed, but this demonstrates only a correlative relationship, from which we cannot infer a causative relationship (emphasis). Because a causative empirical relationship between “speed” and accident risk has never been established, “speed” fails any probative legal test for establishing probable cause to affect an arrest, an assertion underscored by the indisputable fact that

1 the USDOT has never commissioned a root cause analysis for the proper determination  
2 of all accident causes. A root cause analysis study, controlling for all possible accident  
3 causes, would be necessary to test and establish a causative relationship between speed  
4 and accident risk. But until such a study is commissioned by the USDOT, and absent  
5 an empirical foundation that speed causes accidents, there can be no probable cause to  
6 affect an arrest of a motorist using speed as the only pretext for the arrest. It does not  
7 matter the hyperbole, lies, and propaganda put on by Respondents: What matters is  
8 whether the empirical evidence supports their contention. In this instance, the  
9 empirical evidence does not support the contention that speed is a causative factor for  
10 accidents. For these reasons Petitioner(s) demands that Respondents be enjoined from  
11 enforcing all R2-1 safety devices, where a violation of the numerical value displayed on  
12 the R2-1 safety device is the only pretext for the arrest, absent the empirical evidence  
13 demonstrating a causal relationship between “speed” and “accident risk” on all road  
14 classifications (emphasis).  
15  
16

17 187. Petitioner(s) demands that the USDOT be commanded to cease and desist the  
18 expenditure of public monies on any campaign or program that involves the  
19 enforcement of an Artifice in connection with R2-1 safety devices.  
20

21 188. Petitioner(s) demands that the USDOT be commanded to compel all states to comply  
22 with the standards and relief sought in this 5 U.S.C. § 706 cause of action.  
23

24 189. Petitioner(s) demands that the USDOT adopt a standard that precludes the enforcement  
25 of an R2-1 safety device, regardless of the entity involved, which does not meet the  
26 tests demanded herein.  
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Petitioner(s) prays for the above relief, for him and similarly situated safe driving motorists, so that ALL might enjoy their life, liberties, and vocational pursuits.

**DEMAND FOR INJUNCTIVE & DECLARATORY RELIEF**

190. Petitioner(s) reiterates his prayers for relief in the five causes of action, and hereby demands injunctive and declaratory relief, based on the wrongdoing complained of herein; and,

191. That all Respondents be enjoined from the enforcement of NRS § 848.361(3)(4) et al, and to provide a refund of all fines and penalties collected by way of NRS § 848.361(3)(4) since the repeal of the NMSL for Petitioner(s), plus interest and related costs such as mandatory traffic court. And any other costs this court may deem just and reasonable.

192. That Respondents delete all public records related to NRS § 848.361(3)(4) et al violations.

193. Because the USDOT has failed its duty to enforce standards that par with the US Constitution, federal safety regulations, the UVC, and the field of science as it relates to traffic engineering: Petitioner(s) demand that the several states be enjoined from police power actions per the Interstate Driver Compact (IDC) until the USDOT certifies substantial conformance with the controlling federal laws; and all predicate actions comply, so that each and every citizen motorist has full due process. And enjoin all states from using IDC information collected from foreign countries, because such information does not meet the legal tests prescribed by the USDOT, the US

1 Constitution, the Highway Safety Act 1966, federal safety regulations, and the field of  
2 science as it relates to traffic engineering.

3 194. That AMICA Insurance refunds all premium increases that were collected as a result of  
4 NRS § 848.361(3)(4) et al, regardless of the policyholders' state of residence, plus  
5 interest and related costs. And any other costs this court may deem just and reasonable.

6 195. That Respondents pay all reasonable attorneys fees required to bring this case to trial,  
7 with just and necessary apportionment to any and all legal counsel involved; and,

8 196. Petitioner(s) demands that the front end of any AWARD for damages be paid directly  
9 from Respondents PERSONAL wealth, with residual amounts to be paid from the  
10 coffers whence the illegally obtained monies was placed.  
11

12  
13 Petitioner(s) complains of the arbitrary and capricious abuse of power, which has resulted in  
14 the prostitution of police powers against the people, under the false pretenses of a legitimate  
15 government safety program. This case is unprecedented in gravity and scope, notwithstanding  
16 the denial of constitutional rights of so many people, causing greater economic harm, and  
17 killing more innocent lives. As a Pro Se Litigant, Petitioner prays this court will liberally  
18 construe the arguments presented herein, and will provide Petitioner reasonable allowance to  
19 cure or mend any defects in this presentation, before and during trial proceedings. Petitioner(s)  
20 requests aggressive court scheduling, so that the trial can begin without delay.  
21

22  
23 Petitioner(s) prays for the above relief, for him and similarly situated safe driving motorists, so  
24 that ALL might enjoy their life, liberties, and vocational pursuits.  
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**Attestation**

1  
2 I, Richard Glen Colter, am the Petitioner in this action, and I hereby attest and solemnly affirm  
3 that the facts stated within this complaint are based partly upon information and belief, and  
4 partly based on personal knowledge; and those facts are true, correct, and accurate, to the best  
5 of my knowledge and ability at this time.  
6

7  
8 Dated this \_\_\_\_\_ day of \_\_\_\_\_ 2010,  
9

10 \_\_\_\_\_  
11 Richard Glen Colter

12 PO Box 11312

13 Pleasanton, CA 94588

14 (925) 202-7776

15 rgcolter@yahoo.com  
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