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**SECOND AMENDED COMPLAINT**

UNITED STATES DISTRICT COURT  
9<sup>TH</sup> CIRCUIT – WESTERN REGION  
OAKLAND, CALIFORNIA

RICHARD GLEN COLTER, an unmarried man , ) **No. C 10-05759 CW**  
Petitioner(s)/Plaintiff/Private Attorney General )  
Ex Relatione United States of America; and, ) **Complaint and Suit-in-Equity for:**  
John/Jane Doe, as does 1 to 30 million ) **Cause of Action #1: Civil RICO;**  
 ) **Cause of Action #2: Violation of Civil**  
v. ) **Rights under Color of State Law (1983);**  
 ) **Cause of Action #3: Constitutionality**  
 ) **Challenge on California VC 22349 &**  
Quentin Kopp and Jane Doe Kopp, husband and ) **22356;**  
wife; Will Kempton and Jane Doe Kempton, ) **Cause of Action #4: Criminal**  
husband and wife; Kevin Platt and Jane Doe ) **Indictment 18 USC 241/242**  
Platt, husband and wife; Jonathan Pierce and ) **Cause of Action #5: Writ of Mandamus**  
Jane Doe Pierce, husband and wife; Greg Moser ) **5 USC 706; Demand for Specific**  
and Jane Doe Moser, husband and wife; ) **Performance**  
William Carroll and Jane Doe Carroll, husband ) **Cause of Action #6: (Under Seal of**  
and wife; David Bills, and Jane Doe Bills, ) **Court)**  
husband and wife; Jerry Brown and Jane Doe ) **Request for Injunctive and**  
Brown, husband and wife; Jeffrey Teece and ) **Declaratory Relief; Petitioner(s)**  
Jane Doe Teece, husband and wife; Ray ) **Requests Trial by Jury**  
LaHood; Mary Peters; John Doe and Jane Doe, )  
as does 1 – 1000; )

Respondents/Defendants

## JURISDICTION

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2 1. Petitioner(s) swears and affirms to be a natural born citizen of the United States of America, and  
3 entitled to the rights, privileges, and guarantees afforded all citizens by the laws of the United  
4 States of America.
- 5 2. Petitioner(s) brings this complaint under authority of 42 USC 1983, and Title 18, Chapter 96,  
6 Section 1964; for Respondents conspiratorial actions to deny Petitioner(s)' constitutional rights,  
7 by operating a criminal enterprise on federally regulated enclaves, for illegitimate purposes. This  
8 court has original jurisdiction under 28 USC section 1343(a)(3), given the charge of a civil rights  
9 violation under the color of State Law. This court has jurisdiction for Civil RICO pursuant to  
10 Title IX of the Organized Crime Control Act of 1970, as amended section 1961; or more  
11 specifically, 18 USC section 1964(c), 18 USC 1965(a) and 28 USC 1331. By Writ of Mandamus,  
12 demand is made for specific performance under authority of 5 USC 706, to compel said agencies  
13 to adopt standards which comply with the US Constitution, federal safety regulations, and  
14 prescriptive engineering standards and protocols. This court has jurisdiction for the 706 action,  
15 and all related issues, pursuant to 28 USC 1331.
- 16 3. The asserted rights and damages for this case exceed \$10,000,000,000, exclusive of costs. In  
17 addition, Petitioner(s) brings a criminal indictment against the Respondents named herein in his  
18 capacity as Private Attorney General for their violation of Title 18 – CFR 241/242; and claims  
19 additional authorities under 18 USC 1951(b)(2), 18 USC 1962(c), 18 USC 1341, 18 USC 1343,  
20 and 18 USC 1621, as plead against the Respondents named herein. Petitioner(s) sixth cause of  
21 action will be filed separately under seal of the court.  
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**VENUE**

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

**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 Quentin Kopp is a citizen of the United States, a former member of the California State Legislature, and a resident of the state of California. He is being sued/indicted in his official capacity as a member of the body politic and in his individual capacity.
7. Upon belief, Defendant Jane Doe Kopp 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 Quentin Kopp.
8. Defendant Will Kempton is a citizen of the United States, a resident of the state of California, and was the Director of the California Department of Transportation in 2008. He is being sued/indicted in his official capacity and in his individual capacity.
9. Upon belief, Defendant Jane Doe Kempton 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 Will Kempton.
10. Defendant Kevin Platt is a citizen of the United States, a resident of the state of California, and currently serves as a California Highway Patrol Officer. He is being sued/indicted in his official capacity and in his individual capacity.

11. Upon belief, Defendant Jane Doe Platt 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 John Doe Platt.
12. Defendant Jonathan Pierce is a citizen of the United States, a resident of the state of California, and currently serves as a California Highway Patrol Officer. He is being sued/indicted in his official capacity and in his individual capacity.
13. Upon belief, Defendant Jane Doe Pierce 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 Jonathan Pierce.
14. Defendant Greg Moser is a citizen of the United States, a resident of the state of California, and currently serves as a California Highway Patrol Officer. He is being sued/indicted in his official capacity and in his individual capacity.
15. Upon belief, Defendant Jane Doe Moser 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 Greg Moser.
16. Defendant William Carroll is a citizen of the United States, a resident of the state of California, and upon information and belief he currently serves as a Legal Researcher for Yreka County. He is being sued/indicted in his official capacity and in his individual capacity.
17. Upon belief, Defendant Jane Doe Carroll 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 William Carroll.
18. Defendant David Bills is a citizen of the United States, a resident of the state of California, and upon information and belief he currently serves as a Referee for Placer County. He is being sued/indicted in his official capacity and in his individual capacity.

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19. Upon belief, Defendant “Jane Doe” Bills 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 David Bills.

20. Defendant Jerry Brown is a citizen of the United States, a resident of the state of California, and was the Attorney General for the State of California in 2008. Jerry Brown is the Governor for the State of California. He is being sued/indicted in his official capacity and in his individual capacity.

21. Upon belief, Defendant “Jane Doe” Brown 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 Jerry Brown.

22. Defendant Jeffrey 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.

23. 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.

24. Defendant Mary Peters is a citizen of the United States, a resident of the state of Arizona, and was the Secretary of the US Department of Transportation in 2008. She is being sued/indicted in her official capacity and in her individual capacity.

25. Defendant Ray 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 Ray LaHood in his official capacity.

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

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27. Petitioner(s) John/Jane Doe 1 – 30 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.

**STATEMENT OF FACTS**

28. Petitioner was arrested, cited, and convicted for violation of California VC 22349, as shown in the following table:

DATE	TIME	VIOLATION	LOCATION	Held At Trial:	Held On Appeal:
8/4/08	18:50	VC 22349(a)	Weed, CA	Conviction	Affirmed June 2009
9/27/08	16:30	VC 22349(a)	Placer County, CA	Conviction	Affirmed Dec 2009

Table 1

29. While engaged in an act of Interstate Commerce on August 4, 2008 at 6:50 p.m., Petitioner was arrested by California Highway Patrolman Kevin Platt. Kevin Platt cited VC22349 as the sole basis for the arrest. Kevin Platt issued a citation to Petitioner based on evidence acquired with a radar device, and Petitioner was released without bail. Petitioner was convicted at trial by Judge Pro Tem William Carroll. Before, during, and after trial, Petitioner submitted Motions and Appeals requesting dismissal for failure to show compliance with the US Constitution, Federal Regulations, and for Civil RICO violations. The conviction was affirmed on appeal. Petitioner paid his fine and related fees based on the representations made by the Respondents named in this complaint.

30. While engaged in an act of Interstate Commerce on September 27, 2008 at 4:30 p.m., Petitioner was arrested by California Highway Patrolman Greg Moser. Greg Moser cited VC22349 as the sole basis for the arrest. He issued a citation to Petitioner, based on evidence acquired by

1 collaborating Officer Jonathan Pierce, and Petitioner was released without bail. Petitioner was  
2 convicted at trial by Referee David Bills. Before, during, and after trial, Petitioner submitted  
3 written Motions and Appeals requesting dismissal for failure to show compliance with the US  
4 Constitution, Federal Regulations, and for Civil RICO violations. The conviction was affirmed  
5 on appeal. Petitioner paid his fine and related fees based on the representations made by the  
6 Respondents named in this complaint.

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9 **PETITIONERS (AMENDED) COMPLAINT**

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11 **Cause of Action #1: Racketeering**

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13 31. All Respondents named in this complaint acted severally and individually while under the employ  
14 of, or in direct connection to an “association-in-fact enterprise” (AFE), as defined in 18 USC  
15 section 1961(4).
- 16 32. The AFE includes the State of California, an “enterprise” engaged in activities that affect  
17 interstate commerce, to wit: a corporation under the laws of the State of California.
- 18 33. The AFE includes Yreka County, an “enterprise” engaged in activities that affect interstate  
19 commerce, to wit: a wholly incorporated entity under the laws of the State of California.
- 20 34. The AFE includes Placer County, an “enterprise” engaged in activities that affect interstate  
21 commerce, to wit: a wholly incorporated entity under the laws of the State of California.
- 22 35. The AFE includes the California Department of Transportation, an “enterprise” engaged in  
23 activities that affect interstate commerce, to wit: a department and/or political subdivision of the  
24 State of California, operating under the laws of the State of California.
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36. The AFE includes the California Highway Patrol, an “enterprise” engaged in activities that affect interstate commerce, to wit: a department and/or political subdivision of the State of California, operating under the laws of the State of California.
  37. 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.
  38. 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.
  39. 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 guise of a legitimate government safety program: California State Legislator(s), Director of the California Department of Transportation, California Highway Patrol Officers, Traffic Judges, California Attorney General, USDOT Secretary, and an Insurance Manager. All Respondents share a common nexus with, and are operating under, the color of Federal and California State Law.
  40. The AFE has detrimental effects on interstate commerce, including vehicle accidents, fatalities, abrogation of civil rights, and extortion; and operates under the guise of a legitimate safety program that is conducted under the color of Federal and California State Law.
  41. All Respondents named herein were directly involved in the management and/or supervision/operation of the AFE.
  42. The AFE created, operated, and managed by Respondents was used to extort money from Petitioner(s), and similarly situated safe driving motorists, under the false and fraudulent pretenses of an Artifice.
  43. Petitioner(s) alleges and can easily demonstrate that the racketeering activities committed by Respondents are intentional, consistent, predictable, and pervasive; thus proving a pattern of racketeering for the purposes of section 1962(c).



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

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45. Plaintiff(s) was deprived of his constitutionally protected liberties, property, and interstate commerce business pursuits as a result of the racketeering activity. **All allegations asserted by Petitioner(s) herein also apply to a class of similarly situated safe driving motorists, which upon research and information, affects over 8.5 million motorists in California every year. Therefore, all causes of action plead herein are made on behalf of the US Citizens who fell victim to the Artifice described in this complaint.**

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46. Respondents Quentin Kopp, Will Kempton, Kevin Platt, Jonathan Pierce, Greg Moser, William Carroll, David Bills, Jerry Brown, Mary Peters, Ray LaHood, and Jeffrey Teece are complicit to the creation, maintenance, enforcement, adjudication, and unconstitutional results of an Artifice (racketeering scheme), a direct violation of Title 18, chapter 96, sections 1951-1952: interference with activities which affect interstate commerce.

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47. Respondents' use of an Artifice violates Due Process, both substantive and procedural; equal protection, privacy, and basic liberties such as freedom of expression. Although the constitutional issues cited herein bring this matter under federal jurisdiction, with additional conveyance of authority via The Highway Safety Act of 1966 and Congress' plenary powers in this field: The expressed, implied, and conflict preemption(s) within the Commerce Clause of the US Constitution brings this matter under exclusive federal jurisdiction.

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48. **Skinner v Nevada** - US Ninth Circuit Court, held: Traffic control devices and interstate commerce are under federal jurisdiction; therefore, Nevada's police powers and use of speed limit signs were determined to be subordinate in this field. The National Maximum Speed Limit (NMSL) was subsequently repealed, but Federal Supremacy and the Constitutional Rights of the People were left intact. Therefore, California's use, enforcement, and adjudication of traffic

control devices are also wholly encompassed, and subordinate to, Federal oversight and jurisdiction.

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49. For reasons to be explicated when this matter is fully briefed, California vehicle codes 22349 & 22356 do not conform to: A) The condition precedents of the US Constitution; B) Congress' intent by way of The Highway Safety Act of 1966 (P.L. 89-564, 80 Stat. 731); C) The Uniform Vehicle Code (UVC) section 11-801; D) The 1988 MUTCD Federal Regulation 2B-10; E) USDOT fiduciary authorities governing the field of traffic engineering subject to 5 USC 706 et al; E) The field of science as it relates to traffic engineering, specifically the statistical calculus governing the proper application and use of R2-1 safety devices.
50. At no time did Respondents answer the important constitutional issues cited by Petitioner, or give Petitioner(s) relief, equity, equal protection, due process, constitutionally protected liberties, or a direct answer to his pleadings. **When the Artifice is measured against the US Constitution, the Highway Safety Act, UVC 11-801, 1988 MUTCD 2B-10, and the incumbent field of science as it relates to engineering R2-1 safety devices: The Artifice fails every probative legal test.**

#### ELEMENTS OF FRAUD

51. **Factual Representation/Misrepresentation:** Petitioner(s) alleges that Respondents made several factual representations in this case: 1) Respondents made a factual conclusion and representation that the sections of highway that Petitioner(s) was travelling had an accident problem; 2) The accident problem could only be cured by the use of a safety device(s); 3) That the specific use of an R2-1 safety device would be curative for the predetermined accident problem; 4) That the number posted by Respondents on the R2-1 safety device represented the maximum safe speed in consideration of the predetermined accident problem; 5) That police

1 enforcement of the maximum safe speed was needed to cure the accident problem. Taking points  
2 1 – 5 collectively, we can see that Respondents were operating under the premise of a legitimate  
3 government safety program. This government safety program was, and constitutes, the factual  
4 representation that was made by each Respondent acting severally and individually. Whereas  
5 Respondents misrepresented on all points, the primary factual misrepresentation occurred when  
6 Respondents substituted the genuine safety value that must be posted on an R2-1 safety device,  
7 with an arbitrary and capricious Artifice that was randomly chosen to meet their immediate  
8 policing and budgetary needs. Each Respondent played a role in the misrepresentation. For  
9 example, Quentin Kopp was responsible for the creation of the Artifice, giving it administrative  
10 authority under the guise of a legitimate safety program, and for giving it the force of law. Will  
11 Kempton was responsible for ensuring that a de facto misrepresentation was made, i.e. that the  
12 Artifice was physically placed/maintained on R2-1 safety devices. Kevin Platt, Jonathan Pierce,  
13 and Greg Moser arrested Petitioner, or caused an arrest to be made, based solely on the factual  
14 representation that they were enforcing said safety program. William Carroll and David Bills  
15 convicted Petitioner of a safety violation, based solely on the finding that Petitioner had violated  
16 the tenets of said safety program (R2-1 safety device). Jerry Brown supervised the prosecutorial  
17 aspects of the false and fraudulent safety program. Mary Peters failed her duty to enforce federal  
18 safety regulations, and Congress' intent pursuant to the *Highway Safety Act of 1966* (sic traffic  
19 control, vehicle codes and laws), given the 23 USC condition precedents certification by  
20 *California*<sup>1</sup> (sic States, U.S. Territories et al). And Jeffrey Teece raised Petitioner's insurance  
21 rates, based solely on Petitioner's alleged violation of the false, fraudulent safety program.  
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24 52. **Materiality:** Respondents' material substitution of the genuine safety value that met all US  
25 constitutional requirements, federal regulations, and vetted engineering safety practices, with an  
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27 <sup>1</sup> {And conversely, the USDOT certifies California's compliance in exchange for federal highway  
28 fund disbursement; and is charged with fiduciary oversight compliance for the federal laws  
29 displacing California's conflicting 10<sup>th</sup> Amendment powers, prior legal precedent, traffic control,  
30 vehicle codes, laws and practices in this entire field.}

1 arbitrary and capricious Artifice, was material because there would herein be no cause of action  
2 absent their scheme to make said substitution: Respondents acted against Petitioner based solely  
3 on the Artifice they created, and the Artifice they created is the only material fact upon which  
4 they can defend their actions. For example, Kevin Platt, Jonathan Pierce and Greg Moser would  
5 have no material basis to affect an arrest of Petitioner, absent the material substitution of the  
6 genuine safety value with an arbitrary and capricious Artifice. And William Carroll and David  
7 Bills would have no material basis for convicting Petitioner. And Jeffrey Teece would have no  
8 material basis for raising Petitioner' insurance rates. And so on, and so forth.

9 53. **Falsity:** Despite motions filed by Petitioner, Respondents failed to produce any evidence that  
10 Petitioner committed an unsafe act, and Respondents failed to produce any kind of evidence that  
11 Respondent committed a safety violation of any species. More importantly, Respondents could  
12 not produce one shred of evidence that the 65 MPH R2-1 safety device was needed, was lawfully  
13 authorized, or that it had any relationship to safety. Therefore, the 65 MPH number used by  
14 Respondents constitutes a false, fraudulent, Artifice, whose purpose lies in the subjective policing  
15 of a class of citizen motorists, such motorists engaged in interstate commerce. And each  
16 Respondent acted under the falsity of a legitimate safety program: Quentin Kopp created the  
17 safety program; Will Kempton was responsible for its field maintenance, and William Carroll and  
18 David Bills for the adjudication. Kevin Platt, Jonathan Pierce, and Greg Moser used the Artifice  
19 as the basis for the arrest warrant executed against Petitioner. Jerry Brown, Ray LaHood and  
20 Mary Peters had oversight for maintaining the false safety program. And Jeffrey Teece sought to  
21 profit on the falsity of the Artifice (i.e. 65 MPH violations) by raising Petitioners insurance rates.  
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23 54. **Knowledge of Falsity:** As one of California's top transportation officials, Quentin Kopp had  
24 extensive knowledge of laws and regulations affecting commerce, and he knew (or had  
25 responsibility to know) that engineering studies were required for R2-1 safety devices. Will  
26 Kempton supervises traffic engineers, and was aware of (or had responsibility for) the general  
27 and specific processes that are required for determining the safety value to post on R2-1 safety  
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1 devices. Upon information and belief, Kevin Platt, Jonathan Pierce, and Greg Moser received  
2 training on safety enforcement, including California's prima facie speed limit standard; thus, they  
3 too are aware that engineering studies are required for R2-1 safety devices. William Carroll<sup>2</sup> and  
4 David Bills adjudicate traffic offenses in the State of California, under which the California  
5 vehicle code prescribes engineering studies for the use of R2-1 safety devices. Jerry Brown either  
6 knew, or had responsibility to know, that R2-1 safety devices required engineering studies for  
7 their use. Mary Peters failed her duty to enforce the engineering standards required for the proper  
8 use of R2-1 safety devices. More importantly, Petitioner did serve the federal regulations and  
9 engineering requirements for R2-1 safety devices upon Kevin Platt, Jonathan Pierce, Greg Moser,  
10 William Carroll, and David Bills, and in all cases, they ignored the information provided by  
11 Petitioner. And because the Artifice has no relationship to safety, Jeffrey Teece had no legitimate  
12 actuarial basis to raise Petitioners insurance rates; thus, Jeffrey Teece raised Petitioners insurance  
13 rates, and that of a class of similarly situated safe driving motorists, without due regard to their  
14 true actuarial risk. In all cases, Respondents certainly had knowledge that their actions against  
15 Petitioner(s) lacked foundation, and contravened the covenants set forth in law: US Constitution,  
16 Highway Safety Act, federal regulations, UVC, MUTCD, the field of science related to traffic  
17 engineering, etc.

19 55. **Intent:** Whereas safety regulations promulgated by the USDOT required California to do  
20 engineering studies on all its highways and interstates, Quentin Kopp knew that California would  
21 not meet this requirement; but he also knew that California did not want to lose its police powers  
22 to arrest motorists based on extant law, which displaced the National Maximum Speed Limit  
23 (NMSL) passed by Congress in response to the fuel crisis of the 1970's (and the NMSL  
24 companion UVC § 11-802). For these reasons, his INTENT was to create an Artifice to serve  
25 three primary objectives: A) to allow California to arrest motorists (Petitioner(s)) in the absence  
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28 <sup>2</sup> Carroll wrote in his conviction verdict against Petitioner(s) that federal regulations are "heresy" in his  
29 court.

1 of probable cause, thereby abdicating the 4<sup>th</sup> amendment requirement of obtaining a proper arrest  
2 warrant; B) Taxing/extorting motorists (Petitioner(s)) in the absence of due authority (legitimate  
3 government interest); C) Alleviate California of the fiduciary burden of properly engineering  
4 traffic control devices on its highways and interstates. Will Kempton's INTENT was to maintain  
5 the Artifice on R2-1 safety devices so that his coconspirators could accomplish objectives A/B/C.  
6 Kevin Platt, Jonathan Pierce, and Greg Moser intended, and were instrumental for objectives A  
7 and B. When Petitioner(s) requested a trial, William Carroll and David Bills showed INTENT  
8 for accomplishing objective B. By their supervision of the entire process, Jerry Brown, Mary  
9 Peters, and Ray LaHood intended that objective A/B/C be accomplished. And Jeffrey Teece had  
10 full INTENT to profit from the false and fraudulent scheme of his coconspirators, by raising  
11 Petitioner's insurance rates, in the absence of any empirical foundation justifying such an  
12 increase. Each in their way, Respondents intended that the false, fraudulent Artifice be used to  
13 injure and harm Petitioner(s), without any regard to truth or safety.  
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15 56. **Petitioners Knowledge/Cognizance:** It is a generally accepted engineering principle that  
16 motorists drive safely for the conditions then present. Petitioner always drives safely for the  
17 conditions present. Petitioner has never been involved in an accident or incident of any  
18 consequence. There is no evidence in this case that Petitioner operated his vehicle in an unsafe  
19 manner, given the conditions present on the dates in question, as required by UVC 11-801. As  
20 Petitioner always drives safely for the conditions present, he is ignorant of any schemes, frauds,  
21 or Artifices put on by Respondents in this case. **More importantly, Petitioner was not aware**  
22 **that safely operating your vehicle was a crime in the state of California, punishable by:**  
23 **Abrogation and suspension of your constitutional rights, arrest, points on your license,**  
24 **license suspension, higher insurance rates, fines, and if caught driving with enough**  
25 **frequency - incarceration.**  
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27 57. **Petitioners Reliance:** Petitioner was stripped of essential rights by Respondents' false and  
28 fraudulent safety program. And because the scheme to defraud Petitioner(s) was orchestrated  
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1 under the color of state law, under official government right, Petitioner(s) was stripped of any  
2 choice in reliance: Petitioner(s) was entrapped by the fraudulent “dragnet” created by  
3 Respondents, irrespective of Petitioner(s) constitutional rights, objections, request for due  
4 process, equal protection, etc. Petitioner(s) only recourse was to bring this action against  
5 Respondents.

6 58. **Petitioner(s) Right to Rely on the Misrepresentation:** Because the scheme to defraud  
7 Petitioner(s) was orchestrated under the color of state law, under official government right,  
8 Petitioner(s) right to rely is irrelevant in this context because the false/fraudulent safety program  
9 was forced upon him. In cases where a fraudulent program is used to entrap innocent citizens, the  
10 victims have no rights, so this requirement has no relevance in this context. Put another way,  
11 Petitioner(s) right to rely was abdicated by tyranny acting under the color of state law, and  
12 official government right.

13 59. **Damages:** Petitioner(s) suffered irreparable damages, including lost wages, economic  
14 opportunity costs as a technical book writer, defense costs (travel, postage, copying, etc), higher  
15 insurance rates, fines, compulsory safety programs, his liberty to travel freely, and privacy as a  
16 result of Respondents collective actions to defraud him.  
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21 **Count I - Violation of 18 USC 1961; 18 USC 1962(c) {RICO}: Fraudulent Scheme to Obtain**  
22 **Money by False Pretenses – Civil Conspiracy and Racketeering:**

23 60. Petitioner(s) hereby reiterates, re-alleges, and fully incorporates by reference items 31 thru 59 as  
24 though fully set forth herein.

25 61. Congress repealed the National Maximum Speed Limit (NMSL) in 1995 by way of The National  
26 Highway System Designation Act of 1995 (Pub.L. 104-59, 109 Stat. 568), and this was signed  
27 into law by President Bill Clinton on November 28, 1995. Thus, Congress returned the setting of  
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1 highway and interstate speed limits to the states, and each state had two years to bring their use of  
2 R2-1 safety devices into compliance with extant law, which was the 1988 MUTCD section 2B-10  
3 (but also the US Constitution, Congress' intent in context of the Highway Safety Act 1966, US  
4 23, Uniform Vehicle Code 11-801, the scientific precepts governing the field of traffic  
5 engineering, etc.) At no time did California meet its responsibilities related to R2-1 safety  
6 devices affected by the Highway System Designation Act of 1995.

7 62. In defiance of the new federal standard for speed limits, California State Senator Quentin Kopp  
8 conspired to author, endorse, recommend, and/or aid and abet the enactment of SB848, and that  
9 was the genesis of the racket (Artifice) that operates under the color of state law. In this way  
10 Quentin Kopp instigated the racket, and thus committed the first act of conspiracy, by conspiring  
11 to enact an Artifice with his legislative colleagues.

12 63. SB848 was the brainchild of Quentin Kopp, who acted individually and in his official role as  
13 Chairman of the Transportation Committee, such that SB848 be enacted pursuant to his  
14 endorsement and recommendation before the California Transportation Committee at noon on  
15 April 12, 1995: The legislative record gives indisputable confirmation that SB848 was later  
16 enacted into law as VC 22349 based on Quentin Kopp's advice, recommendation, stewardship,  
17 and responsibility.

18 64. Quentin Kopp designed the racket to operate by, be uniquely viable, and to profit from: A) the  
19 color of California State Law CVC22349; B) the power of a federally regulated R2-1 safety  
20 device (speed limit sign); C) the use of an artifice: The placement of a false, fraudulent, *invented*  
21 *numeric* (sic 65 MPH) on an otherwise official appearing R2-1 safety device – absent any  
22 prerequisite determination that the safety value posted on the R2-1 device, or its enforcement  
23 threshold, had any safety foundation, need, or merit; D) escheating, subjugating, and depriving  
24 the constitutional rights of citizen motorists; E) the illegal use of police powers; F) the use of  
25 mail, wire, and bank services to perfect, operate, and maintain the racket; G) the conspiratorial  
26 scheming, organization, complicity, and association of all respondents.  
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65. Absent Quentin Kopp's actions to create, recommend, and endorse the Artifice that is used under the color of state law, there would herein be no cause of action.
  66. California Department of Transportation Secretary Will Kempton caused the artifice to be placed, or had responsibility for the maintenance and perpetuation of the Artifice, on all official appearing R2-1 safety devices as authorized under the color of state law.
  67. Absent Will Kempton's complicity to install, maintain, and/or to allow the perpetuation of the artifice on all official appearing R2-1 safety devices, there would herein be no cause of action.
  68. CHP Officers Kevin Platt, Jonathan Pierce, and Greg Moser used the Artifice as the sole basis for unlawfully arresting, citing, and extorting Petitioner(s) and a class of similarly situated safe driving motorists.
  69. Absent the unlawful arrests, citation, and extortion by Kevin Platt, Jonathan Pierce, and Greg Moser, there would herein be no cause of action.
  70. Whether by general ignorance of the US Constitution or judicial malpractice, Judge's William Carroll and David Bills disregarded Petitioner(s) objections, arguments, and pleadings: William Carroll and David Bills' conviction and extortion of Petitioner(s) was based solely on the Artifice.
  71. Absent the unlawful convictions and extortion rendered by William Carroll and David Bills, there would herein be no cause of action against them.
  72. As the chief law officer for the state of California, such status granted under authority of the California Constitution and California Government Code, California Attorney General Jerry Brown had ultimate responsibility for the unlawful prosecution of Petitioner(s) by way of the Artifice schemed under the color of California state law.
  73. As the Chief Executive for the California Department of Justice, such status granted under authority of the California Constitution and California Government Code, Jerry Brown has ultimate responsibility for acts, errors, and omissions committed by CHP officers: In this case,

1 the unlawful arrest of Petitioner(s) based solely on an Artifice schemed under the color of  
2 California state law.

3 74. As the Chief Counsel for the State of California, Jerry Brown has ultimate responsibility for acts,  
4 errors, and omissions committed by District Attorney's: In this case, Jerry Brown is responsible  
5 for the unlawful prosecution of Petitioner(s) based solely on an Artifice schemed under the color  
6 of California state law.

7 75. AMICA Insurance Manager Jeffrey Teece participated in the racket by causing Petitioner(s)  
8 insurance rates to increase, based solely on the Artifice created by his coconspirators, subsequent  
9 to the convictions having been made a matter of public record.

10 76. The racket that was created and used by Respondents, and all subsequent events i.e. arrest  
11 warrants, citations, trials, etc., was based solely on the Artifice; and served no legitimate  
12 governmental purpose.

13 77. The Artifice created by Respondents violates all known engineering standards and protocols  
14 including: UVC 11-801 ("Basic Speed Rule" standard), the "prima facie speed limit" standard in  
15 the California Vehicle Code (CVC), federal safety regulations for R2-1 safety devices, 1988  
16 MUTCD 2B-10, Congress' intent under the Highway Safety Act of 1966, and the field of science  
17 as it relates to the proper application and use of R2-1 safety devices, etc.

18 78. The Artifice violates superior federal law, including the Highway Safety Act of 1966, which  
19 requires that all traffic control devices have a factual safety foundation: And to exercise police  
20 powers to enforce an Artifice, in a clear absence of a factual safety foundation, will violate  
21 fundamental citizen rights protected by the US Constitution.

22 79. Whereas an Artifice is elsewhere specifically prohibited in California state law e.g. CVC 40801 –  
23 40805, the California legislature chose to deny due process on interstates and highways, by  
24 denying the protections of CVC 40801-40805 to motorists ensnared by the Artifice created under  
25 CVC 22349/22356.  
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80. The property extorted by Respondents, under the color of state law SB848/CVC22349, 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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81. 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 USC 1951: Use of Fear and False Accusation, with Threat to Suspend Driver's License, for the Purpose of Extortion:**

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82. Petitioner(s) hereby reiterates, re-alleges, and fully incorporates by reference items 31 thru 81 as though fully set forth herein.

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83. 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.

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84. RICO prohibits extortion as defined under both federal and California state statutes.

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85. *California Penal Code 519: Fear, such as will constitute **extortion**, may be induced by a threat, either:*

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*1. To do an unlawful injury to the person or property of the individual threatened or of a third person; or,*  
*2. To accuse the individual threatened, or any relative of his, or member of his family, of any crime; or,*  
*3. To expose, or to impute to him or them any deformity, disgrace or crime; or,*  
*4. To expose any secret affecting him or them.*

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86. Each Respondent violated sections 1 - 3 of California Penal Code 519.

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87. Petitioner(s)' property was extorted by way of the citations written on 8/4/08 and 9/27/08: A) under the color of State Law SB848/CVC22349, and under the representation and color of official government right; B) by use of an Artifice; C) over Petitioner(s) objection that his

1 constitutional rights were escheated, subjugated, and denied; D) with the illegal use of police  
2 powers; E) with the conspiracy and complicity of all respondents; F) using mail, wire, and bank  
3 services to extort monies under false pretenses; G) Perjury by Jonathan Pierce.

4 88. Quentin Kopp conspired to create the Artifice, to falsely accuse and impute Petitioner(s) with a  
5 misplaced criminal conviction.

6 89. Will Kempton's placement (maintenance) of the Artifice, on otherwise official appearing R2-1  
7 safety devices, was also responsible for imputing a false crime and causing unlawful injury to  
8 Petitioner(s).

9 90. Kevin Platt, Jonathan Pierce, and Greg Moser falsely accused Petitioner(s) of a crime by issuing a  
10 citation, or having been complicit to a citation that was issued, based solely on the artifice.

11 91. William Carroll and David Bills falsely imputed that Petitioner(s) was guilty of a crime, and  
12 threatened/caused unlawful injury to Petitioner(s) and his property, for an unlawful conviction  
13 based solely on an artifice.

14 92. Jerry Brown was responsible for the false criminal accusation and prosecution of Petitioner(s),  
15 and threatened/caused unlawful injury to Petitioner(s) and his property, based solely on an artifice  
16 created, operated, and managed by his coconspirators.

17 93. Mary Peters was complicit to the end result of extortion for her failure to ensure California's  
18 compliance with the Highway Safety Act of 1966, 1988 MUTCD 2B-10, the UVC 11-801, and  
19 other such regulations and authorities governing the proper use of an R2-1 safety device.

20 94. Jeffrey Teece extorted Petitioner(s) by raising his insurance rates, under threat that his insurance  
21 would be revoked for nonpayment, based solely on the artifice.

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

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

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5 **Count III: RICO Predicate Act #2 – Mail Fraud 18 USC 1962(c) - 18 USC 1341: Use of mail**  
6 **services to obtain money or property under false pretenses or ARTIFICE:**

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8 97. Petitioner(s) hereby reiterates, re-alleges, and fully incorporates by reference items 31 thru 96 as  
9 though fully set forth herein.

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

14 99. Upon information and belief, Quentin Kopp conspired with his colleagues to create the Artifice,  
15 by using the mails for coordinating, instigating, and affirming the use of an Artifice by way of  
16 SB848.

17  
18 100. Under the direction and supervision of Will Kempton, the California DOT uses US postal mails  
19 to orchestrate, manage, and perfect the use of an Artifice on otherwise official appearing R2-1  
20 safety devices.

21 101. The issuance of citations by Kevin Platt, Jonathan Pierce, and Greg Moser set in motion the  
22 delivery of US Postal mails whose sole purpose was the solicitation of fines, penalties, and  
23 forfeitures based on an Artifice and/or scheme to defraud Petitioner(s). These mails are the  
24 product of the AFE, including the incorporated entities of Yreka and Placer County.

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26 102. The administration of the process to impute Petitioner(s) with a conviction under the false  
27 pretenses of an Artifice, including notice of convictions and the appeals process by Judge  
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1 William Carroll and David Bills, was executed by the placement of mails with the US Postal  
2 Service.

3 103. As Attorney General, Jerry Brown supervised the use of US Postal mail services to orchestrate,  
4 manage, and perpetuate the use of an Artifice whose primary purpose was to extort Petitioner(s).

5 104. As USDOT Secretary, Mary Peters used mail services to aid and abet the use of an Artifice that  
6 was used to extort Petitioner(s).

7 105. Jeffrey Teece operates a business enterprise that is part of the AFE, and he used the US Postal  
8 mail service to extort monies from Petitioner(s), based solely on the Artifice created, operated,  
9 and managed by his coconspirators.

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13 **Count IV: RICO Predicate Act #3 – Wire Fraud 18 USC 1343: Use of wire and/or radio services to**  
14 **obtain money under false/fraudulent pretenses or ARTIFICE:**

15 106. Petitioner(s) hereby reiterates, re-alleges, and fully incorporates by reference items 31 thru 105 as  
16 though fully set forth herein.

17 107. Quentin Kopp purposely designed a fraudulent scheme and Artifice that uses radio and wire  
18 transmissions to orchestrate, operate, and manage the extortion of money from Petitioner(s) and a  
19 class of similarly situated safe driving motorists. Radio services facilitate the communications  
20 between Police Officers and their commanders, aids, operators, and base stations via FCC  
21 regulated radios and telephonic equipment.

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23 108. Kevin Platt, Jonathan Pierce, and Greg Moser used and relied upon radio and wire transmissions  
24 to enforce an Artifice whose sole purpose is the extortion of monies from Petitioner(s). This  
25 includes the use of FCC regulated radio devices, and FCC regulated radar devices, for the explicit  
26 purpose of profiting from the Artifice created by their coconspirators. Radio services are used to  
27 aid the communications between Police Officers and their commanders, aids, operators, and base  
28

stations via FCC regulated radios and telephonic equipment; and radar devices are used to estimate speed.

109. William Carroll and David Bills rely upon and use wire transmissions to operate, manage, and perpetuate a scheme for obtaining money and property under the false pretense of an Artifice.

This includes sending and receiving data and files related to the administration, enforcement, and adjudication of the Artifice, to other agencies and coconspirators within the AFE, over wire for the primary purpose of obtaining money under false/fraudulent pretenses from Petitioner(s).

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

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

112. Jeffrey Teece transmitted, or caused to be transmitted, information over wire that was used for the purpose of obtaining monies from Petitioner(s) under the false/fraudulent pretenses of an Artifice. This information includes, but is not limited to, a request for Petitioners driving record that contains details of the Artifice scheme.

**Count V – RICO Predicate Act #4; Violation of 18 USC 1621 - PERJURY: FALSE TESTIMONY**

**CONTRARY TO A SWORN OATH AS PART OF A FRAUDULENT SCHEME TO OBTAIN**

**MONEY BY FALSE PRETENSES, PUNISHABLE BY UP TO 5 YEARS PRISON AND/OR FINE:**

113. Petitioner(s) hereby reiterates, re-alleges, and fully incorporates by reference items 31 thru 112 as though fully set forth herein.

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114. CVC 40802(a)(1) specifies that a speed trap exists when: *“A particular section of a highway measured as to distance and with boundaries marked, designated, or otherwise determined in order that the speed of a vehicle may be calculated by securing the time it takes the vehicle to travel the known distance.”*

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115. Will Kempton conspired with his coconspirators to order, maintain, and/or perpetuate the placement of markings on the pavement for the explicit purpose of enforcing an Artifice, contrary to CVC 40802(a)(1).

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116. Jonathan Pierce and Greg Moser conspired to use the pavement markings put in place by coconspirator Will Kempton, for the explicit purpose of calculating the speed of Petitioners’ vehicle, contrary to and in direct violation of CVC 40802(a)(1).

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117. As documented in Petitioners’ “Proposed Statement on Appeal”, Jonathan Pierce gave the following false testimony at trial, thus committing “perjury for profit” under the color of law and official government right: 1) That he did not use the pavement markings to time the speed of Petitioners vehicle. 2) That he used the pavement markings to time the speed of his aircraft. 3) That he calculated Petitioners vehicle speed by flying a path that was perfectly parallel to the roadway, irrespective of hills and curves in the roadway, such a feat he verified and accomplished using only his normal eyesight. 4) That the path of the aircraft was perfectly perpendicular to the path of the roadway at the beginning and ending points marked on pavement, such a feat verified and accomplished using his normal eyesight. 5) That the aircraft flew between points marked in pavement in precisely the same manner as Petitioners vehicle, such a feat verified and accomplished using his normal eyesight.

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118. David Bills abrogated Petitioners cross examination of Jonathan Pierce, and denied Petitioners discovery for the un-redacted documentation that was essential to proving: 1) That Jonathan Pierce committed perjury; 2) That Jonathan Pierce and Greg Moser were operating in violation of CVC 40802(a)(1).



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119. Even in the absence of truthful testimony by Jonathan Pierce, Petitioner was able to prove mathematically in his Appeal that the enforcement scheme violated CVC 40802(a)(1), notwithstanding that Jonathan Pierce committed perjury so that he could obtain a false conviction. The Placer County Appeals Court purposely ignored Petitioners Appeal arguments.
120. Jerry Brown supervised, aided, and/or allowed the perjury committed by Jonathan Pierce pursuant to his responsibility for acts, errors, and omissions committed by CHP Officers; and the proper prosecution of criminal cases in the state of California.
121. For the above reasons, it is clear that Jerry Brown, Jonathan Pierce, Greg Moser, David Bills, and Will Kempton perjured themselves, or supervised, aided, and abetted the perjury of their coconspirators; and more importantly, they jointly conspired that perjury be committed, for the purposes of obtaining a false criminal conviction against Petitioner(s).

**Count V: RICO Predicate Act #5 – Bank Fraud 18 USC 1344: Whoever knowingly...obtains any of the moneys...under the custody or control of a financial institution by means of false or fraudulent pretenses, representations, or promises (ARTIFICE):**

122. Petitioner(s) hereby reiterates, re-alleges, and fully incorporates by reference items 31 thru 121 as though fully set forth herein.
123. The AFE operates as a governmental concern, under the disguise of a legitimate safety program that extorted traffic fines and related fees from Petitioner(s). Petitioner(s) paid the traffic fines, related fees, and increased insurance premiums by way of a financial institution account.
124. The moneys collected by Respondents were obtained under the “false and fraudulent pretenses, representations, and promises” of an Artifice.
125. 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.

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

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

- 10  
11 1. Compensatory damages as proven at trial; to be paid in U.S. Dollars, a U.S. Dollar defined as one  
12 ounce silver coin of .999 fine silver, pursuant to the Coinage Act of 1792, or the equivalent par  
13 value in gold coins.
- 14 2. Punitive damages based on a percentage of each Respondents wealth, as determined by a jury; to  
15 be paid in U.S. Dollars, a U.S. Dollar defined as one ounce silver coin of .999 fine silver,  
16 pursuant to the Coinage Act of 1792, or the equivalent par value in gold coins.
- 17 3. A triple damage award based on the sum value collected by Respondents for citations written  
18 under CVC 22349 since 1995; such AWARD to be paid first from each Respondents' wealth, and  
19 the remainder to be paid from the coffers whence the monies were placed.
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21 4. Demand for jury trial on all issues so triable.
- 22 5. Pursuant to 42 USC section 1988, Plaintiff is entitled to a reasonable allowance for attorney fees  
23 as part of his costs if applicable, for any fees incurred for advisory counsel. And that  
24 Respondents pay all reasonable attorneys fees required to bring this case to trial, with just and  
25 necessary apportionment of any AWARD to all legal counsel involved; and,
- 26 6. Costs of suit; and
- 27 7. That Respondents clear Petitioner(s)' driving record; and  
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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 CVC 22349 and CVC 22356.
  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 CVC 22349 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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**Cause of Action #2: Civil Rights Violations**

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**COUNT I: 1<sup>st</sup> Amendment – CONSPIRACY TO DEPRIVE FREEDOM OF EXPRESSION**

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**UNDER THE COLOR OF STATE LAW:**

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126. Petitioner(s) hereby reiterates, re-alleges, and fully incorporates by reference items 31 thru 125 as though fully set forth herein.
  127. The 1<sup>st</sup> Amendment of the US Constitution is well established law. The 1<sup>st</sup> Amendment of the US Constitution guarantees the freedom of expression; and one mode of personal expression is in our location, which is determined by our ability to travel. Travel is an inextricable part of expression and an inalienable right, as well is the right to petition an abridgement of these rights, because without freedom to travel one cannot freely express anything.
  128. Quentin Kopp instigated a racket designed to abridge, interfere, and obstruct the freedom of travel of others. Quentin Kopp accomplished an abridgement of Petitioner(s) freedom of expression by causing points to be placed on his driver's license, which caused 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. Will Kempton conspired with his coconspirators to place an Artifice on an otherwise official appearing R2-1 safety device, causing an abridgement of Petitioner(s) freedom of expression by causing points to 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.

130. Kevin Platt, Jonathan Pierce, and Greg Moser acted to enforce an Artifice against Petitioner(s), which caused an abridgement of Petitioner(s) freedom of expression by mandating that 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.

131. William Carroll and David Bills used the Artifice to wrongly convict Petitioner(s), thus causing an abridgement of Petitioner(s) freedom of expression by mandating that 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.

132. Jerry Brown 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 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.

133. Mary Peters is complicit to the wrongful prosecution of Petitioner(s), by way of her failure to properly enforce the Highway Safety Act of 1966, 1988 MUTCD 2B-10, UVC 11-801, and other regulations and protocols affecting California's proper use of R2-1 safety devices: Thus causing an abridgement of Petitioner(s) freedom of expression by mandating that 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.

134. Jeffrey Teece illegally deprived Petitioner(s) of property, based solely on the Artifice, thus causing an abridgement of Petitioner(s) freedom of expression by depriving him of his property, which directly affects Petitioner(s) ability to travel i.e. his freedom of expression.

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

135. Petitioner(s) hereby reiterates, re-alleges, and fully incorporates by reference items 31 thru 134 as though fully set forth herein.

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

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

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

139. The probable cause for a speeding arrest requires: 1) That the speed limit was determined necessary by a comprehensive engineering study, and was curative for an unsafe condition existing at the time of the arrest; 2) That the speed limit is documented by sound engineering principles, applying nationally vetted standards; 3) The numeric value displayed on the R2-1 safety device is supported by the documentation of a licensed traffic engineer, applying nationally vetted standards; 4) That the motorist was exceeding the safe speed range for the section of roadway in question; 5) An unsafe act by the motorist collateral to speed per UVC § 11-801.

140. Quentin Kopp substituted the 4<sup>th</sup> Amendment requirement of a Warrant based on probable cause, with a Warrant based on the Artifice he created; by instigating a racket which substitutes the

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

prerequisite engineering study, genuine engineering documentation, and validated numeric safety value, with an Artifice of his own design: Thus, Quentin Kopp circumvented the purchase of proper arrest Warrants for an entire class of safe driving motorists (sic).

141. Will Kempton had responsibility for substituting the genuine safety value displayed on the R2-1 safety devices, with the Artifice schemed by his coconspirators, thereby circumventing the process for obtaining legal and proper arrest Warrants (sic) for an entire class of safe driving motorists. Mary Peters and Ray LaHood were complicit to the unlawful substitution of the genuine safety value displayed on the R2-1 safety devices, by their failure to properly supervise and compel California to use the proper standards i.e. Highway Safety Act, 1988 MUTCD 2B-10, UVC 11-801, et.al.

142. If the probable cause for an arrest is based on an Artifice, then the Warrant for that arrest is also an Artifice. In this case, the arrests made by Kevin Platt, Jonathan Pierce, and Greg Moser were based solely on an Artifice; therefore, the Warrants for Petitioner(s)' arrest (sic) constitutes, and is the product of, an Artifice schemed by Respondents.

143. William Carroll and David Bills ignored Petitioner(s)' 4<sup>th</sup> Amendment arguments. These arguments were made before, during, and after trial. Absent the malfeasance, misfeasance, or judicial misconduct of William Carroll and David Bills, the cause of action herein would be limited in scope.

**144. 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".**

145. The 4<sup>th</sup> Amendment violations alleged herein against Quentin Kopp, Will Kempton, Kevin Platt, Jonathan Pierce, Greg Moser, William Carroll, David Bills, and Jerry Brown, Mary Peters and Ray 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:**

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3 146. Petitioner(s) hereby reiterates, re-alleges, and fully incorporates by reference items 31 thru 145 as  
4 though fully set forth herein.

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

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

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

14 150. Quentin Kopp, Will Kempton, Kevin Platt, Jonathan Pierce, Greg Moser, William Carroll, David  
15 Bills, Jerry Brown, Mary Peters, Ray LaHood and Jeffrey Teece acted severally, individually, and  
16 jointly in conspiracy, to use an Artifice for the explicit purpose of seizing Petitioner(s) property  
17 without due process of law as described herein; while they acted in their official capacities under  
18 the color of law.  
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23 **COUNT IV: 6th Amendment – CONSPIRACY TO USE AN ARTIFICE FOR THE ILLEGAL**

24 **SEIZURE OF PROPERTY WITHOUT OPPORTUNITY TO CONFRONT THE ACCUSER:**

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26 151. Petitioner(s) hereby reiterates, re-alleges, and fully incorporates by reference items 31 thru 150 as  
27 though fully set forth herein.  
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1 152. The 6<sup>th</sup> Amendment is well established law, and mandates that any accused citizen has the right to  
2 be "...confronted with the witnesses against him...". For a violation of an R2-1 safety device  
3 (speed limit), the accuser would be the traffic engineer who set the speed limit, and the traffic  
4 officer who observed a safety violation.

5 153. A valid speed limit is set by a licensed civil engineer, applying nationally vetted standards, with  
6 documentation proving that the speed limit was warranted and properly set.

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

10 155. As alleged herein, Quentin Kopp, Will Kempton, Kevin Platt, Jonathan Pierce, Greg Moser,  
11 William Carroll, David Bills, Jerry Brown, and Mary Peters conspired to create, install,  
12 perpetuate, enforce, and adjudicate an Artifice for the primary purpose of seizing Petitioner(s)  
13 property, absent any opportunity to confront his accuser i.e. the traffic engineer.  
14

15 156. Quentin Kopp, Will Kempton, Kevin Platt, Jonathan Pierce, Greg Moser, William Carroll, David  
16 Bills, Jerry Brown, Mary Peters, Ray LaHood and Jeffrey Teece acted severally, individually, and  
17 jointly in conspiracy to use an Artifice for the explicit purpose of seizing Petitioner(s) property  
18 without acknowledging Petitioner(s) 6th Amendment right to confront his accuser.  
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22 **COUNT V: 14th Amendment – CONSPIRACY TO USE AN ARTIFICE FOR THE ILLEGAL**  
23 **SEIZURE OF PROPERTY WITHOUT EQUAL PROTECTION UNDER THE LAW:**

24 157. Petitioner(s) hereby reiterates, re-alleges, and fully incorporates by reference items 31 thru 156 as  
25 though fully set forth herein.

26 158. The 14<sup>th</sup> Amendment is well established law, and requires states to provide equal protection to all  
27 citizens within its jurisdiction.  
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159. 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; and federal safety regulations such as the 1988 MUTCD 2B-10, UVC 11-801, etc.

160. Within every jurisdiction in the State of California, there is a class of motorists who drive primarily local, low speed, surface streets, for which California provides anti-speed trap protections by way of CVC 40801 – 40805. In essence, the California anti-speed trap law requires that speed limits have a factual engineering foundation, and a prima facie adjudication standard that is rebuttable; and prohibits the use of an Artifice on R2-1 safety devices, thus protecting motorists who drive surface streets from abuse of police powers (sic) and racketeering activities.

161. Contrary to the 14<sup>th</sup> Amendment requirement that laws be applied equally, and in consideration that California's 10th Amendment powers were displaced in this field pursuant to their acceptance of the condition precedents of federal highway funding under Title 23, the state of California has decreed that those motorists who drive between jurisdictions (e.g. on its highways and interstates) will be denied due process by statute i.e. they cannot challenge the Artifice created and maintained by Respondents, nor challenge the probable cause to arrest, nor can they present exculpatory evidence. R2-1 devices in California (same device) have at least 4 disparate standards of enforcement and expectation, 1) invented prima facie, and 2) invented absolute, and 3) conditional engineering based prima facie that may or may not be rebuttable, and 4) special exceptions that allow local authorities to ignore all condition precedents for their use, double the amount of fines, and deny due process by legislative fiat. California's disparate treatment of motorists violates the Void for Vagueness Doctrine (5th amendment), the 1st Amendment to Petition (rebut), 5th Amendment Due Process (rebut), 6th Amendment to Discovery, and the Equal Protection Clause of the 14th Amendment. And perhaps the most egregious case on point is that Respondents have exempted themselves (and their friends and family) from the arbitrary and capricious abuse of power they have created: The conspiracy of Respondents includes an

unwritten, but well respected pact, that each will exempt the others from prosecution under CVC 22349/22356. When the driving records for all CHP officers are subpoenaed, there will be an absence of CVC 22349/22356 violations listed, excepting periods where the officer was not employed (protected) by the AFE. The same will be found for traffic judges, legislators, and so on, and so forth.

162. Quentin Kopp instituted an Artifice under the color of state law, such an Artifice constituting a “speed trap” (thus voiding substantive and procedural due process), for the purpose of extorting safe driving motorists: Absent any regard to due process or the confrontation clause, thus depriving Petitioner(s) of equal protection under the law.
163. Will Kempton ordered, directed, and/or maintained the placement of the Artifice on otherwise official appearing R2-1 safety devices throughout the state of California, absent any regard to due process or the confrontation clause, thus depriving Petitioner(s) of equal protection under the law.
164. Kevin Platt, Jonathan Pierce, and Greg Moser enforced the Artifice for the purpose of extorting Petitioner(s), absent any regard to due process or the confrontation clause, thus depriving Petitioner(s) of equal protection under the law.
165. William Carroll and David Bills adjudicated a violation of the Artifice, without regard to due process or the confrontation clause, and over the objection of Petitioner(s); thus depriving Petitioner(s) of equal protection under the law.
166. Jerry Brown supervised the arrest, prosecution, and adjudication of Petitioner(s), based solely on a violation of the Artifice, absent any regard to due process or the confrontation clause; thus depriving Petitioner(s) of equal protection under the law.
167. In their failure to provide proper oversight, Mary Peters and Ray LaHood were complicit to the arrest, prosecution, and adjudication of Petitioner(s), based solely on a violation of the Artifice, absent any regard to due process or the confrontation clause; thus depriving Petitioner(s) of equal protection under the law.

1 168. Jeffrey Teece sought to profit from the Artifice which denied Petitioner(s) his 14<sup>th</sup> Amendment  
2 rights, thus causing additional injury to Petitioner(s).

3 169. Quentin Kopp, Will Kempton, Kevin Platt, Jonathan Pierce, Greg Moser, William Carroll, David  
4 Bills, Jerry Brown, Mary Peters, Ray LaHood and Jeffrey Teece all conspired to use an Artifice,  
5 absent any regard to Petitioner(s) 14<sup>th</sup> Amendment protections et al, and thus violated  
6 Petitioner(s) 14<sup>th</sup> Amendment rights.

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9 **Prayer for Relief**

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

14  
15 WHEREFORE, Petitioner(s) requests judgment against Respondents, and each of them for joint and  
16 several liability, for:

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

22  
23 13. Punitive damages based on a percentage of each Respondents wealth, as determined by a jury; to  
24 be paid in U.S. Dollars, a U.S. Dollar defined as one ounce silver coin of .999 fine silver,  
25 pursuant to the Coinage Act of 1792, or the equivalent par value in gold coins.



170. Petitioner(s) hereby reiterates, re-alleges, and fully incorporates by reference items 31 thru 169 as though fully set forth herein.

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

172. **Locus Standi - Causation:** Respondents charged and convicted Petitioner(s) solely on the basis of CVC 22349, in the absence of any evidence that he committed an unsafe act, so it is unquestionable that CVC 22349 was the direct cause of Petitioner(s) injuries.

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

174. CVC 22349 has a companion in law that operates in the same manner i.e. as an Artifice. ON THE BASIS OF redressability, Petitioner(s) has standing to challenge the constitutionality of the companion CVC 22356, even absent his conviction under that particular code.

175. CVC 22349/22356 are unconstitutional on their face because they violate the constitutional 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 complained of herein.

176. CVC 22349/22356 are unconstitutional on their face, because the amount of the fine is not commensurate with the crime alleged; more specifically, the fine violates UVC § 11-801. But also the dormant as promulgated UVC § 11-802: Whose authorities were superseded by the 1988 MUTCD on non NMSL roadways, and wholly repealed in 1995 (Pub.L. 104-59, 109 Stat. 568).

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

**Prayer for Relief**

1. Petitioner(s) requests this Court to declare CVC 22349 and 22356 unconstitutional; and
2. To enjoin the State of California from any further enforcement under CVC 22349 and 22356; and
3. To command the State of California to indemnify any motorist {Petitioner(s)} so charged under CVC 22349 and 22356 since 1995; and
4. To command both the USDOT and the State of California to bring use of R2-1 safety devices into compliance with the US Constitution, Federal Laws, Federal Safety Regulations, Congress’ intent with the Highway Safety Act, UVC 11-801, nationally vetted engineering practices, etc; thus, requiring the following:
  5. Performance of an engineering study on all its highways and interstates, in accordance with the extant regulations for which it never complied i.e. 1988 MUTCD 2B-10, to determine if a speed limit is WARRANTED for each segment of highway and interstate throughout California. AND,
  6. IF a speed limit is determined to be WARRANTED in accordance with the prerequisite engineering study, Petitioner(s) asks this court to command the USDOT and the State of California to comply with extant Federal Safety Regulation 1988 MUTCD 2B-10 and the Highway Safety Act of 1966, which requires: A) That R2-1 safety devices be used on public roads only for the purpose of safety; B) That R2-1 safety devices have a factual foundation conforming to MUTCD § 1A.02 i.e. the numeric value posted cannot be based on an Artifice;

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

- 19  
20 7. And to command the USDOT and the State of California to bring its speed limit use,  
21 enforcement, and adjudication within compliance of the US Constitution, which requires all of  
22 the following: A) Due Process and Equal protection requires a uniform standard of enforcement  
23 and adjudication be adopted. Because the basic speed rule (UVC § 11-801 "No person shall drive  
24 a vehicle greater than is reasonable and prudent under the conditions, and having regard to the  
25 actual and potential hazards then existing.") has been the law of the land since 1926, California  
26 must bring the relevant parts of its vehicle code into compliance with that standard; B) Equal  
27 Protection requires that California extend the equivalent of the anti-speed trap protections of CVC  
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1 40801-40805 to all roadway classifications; C) That an arrest for speeding be based on probable  
2 cause, as required by the US Supreme Court, and as specified herein (see #139); D) That  
3 California maintain records for all engineering studies where there is enforcement activity, to  
4 preserve and protect a motorists 6<sup>th</sup> Amendment right to cross examine the foundations (engineer)  
5 of any allegation(s) against him; E) That speed limits meet the Constitutional test of Due Process,  
6 substantive and procedural, for all speed limit prosecutions. This requires that California be in  
7 conformance with all safety regulations, laws, and the field of science as it relates to speed limit  
8 engineering.

9  
10 Petitioner(s) prays for the above relief, so that he and similarly situated safe driving motorists, can freely  
11 enjoy their life, liberties, and travel pursuits.

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14 **Cause of Action #4: 18 USC 241/242 – Conspiracy to Deprive Constitutional Rights of US Citizens**

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16 178. Petitioner(s) hereby reiterates, re-alleges, and fully incorporates by reference items 31 thru 177 as  
17 though fully set forth herein.

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

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

24 181. All Respondents named in this complaint were complicit to the conspiracy to deny the  
25 constitutional rights of (Petitioner(s)) American citizens en masse.  
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182. 18 USC 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.

183. 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.

184. More alarming, Respondents also conspired so that American citizens would have no ex tempore remedy upon the denial of their constitutional rights, notwithstanding a 5 USC 706 action.

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

186. In the furtherance and perpetuation of their conspiracy to deny constitutional rights, each Respondent acted recklessly, with deliberation, and intent, to deny (Petitioner(s)) the constitutional rights of safe driving American motorists. For example, William Carroll denied Petitioner(s) motion for dismissal at trial, and wrote in his trial verdict that “federal regulations are hearsay” in his court. David Bills denied Petitioner(s) motions, and denied Petitioner(s) a full cross examination of the witnesses used against him! Petitioner(s) will prove that Jonathan Pierce committed perjury, to ensure that no common citizen would escape the teeth of the conspiracy to deny constitutional rights. And so on, and so forth.

187. Petitioner(s) requests a trial by jury for each of the Respondents named herein for violation of 18 USC 241/242.

**Cause of Action #5: 5 USC 706: Action to Compel the USDOT and the State of California:**

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2 188. Petitioner(s) hereby reiterates, re-alleges, and fully incorporates by reference items 31 thru 187 as  
3 though fully set forth herein.

4 189. This 706 action is necessary, because without intervention by this District Court, Petitioner(s)  
5 will not enjoy full relief, indemnity, equity, and protection of his constitutional rights. Therefore,  
6 Petitioner(s) demands that the USDOT be compelled to adopt and enforce new standards, with an  
7 eye toward mandatory compliance by all states, for the demands made herein. Petitioner(s)  
8 hereby reiterates and requests the aforementioned demand for relief under cause of action #3  
9 (items 1 -7). And because said relief is not substantially adequate, Petitioner(s) demands the  
10 following:  
11

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

6 191. **An Inconvenient Truth:** In addition to #190, Petitioner(s) demand that the USDOT be  
7 commanded to adopt a standard for the use and enforcement of R2-1 safety devices that is  
8 compliant with the US Constitution. Per the US Supreme Courts determination in **Whren vs.**  
9 **United States**, all traffic stops constitute a “seizure” (arrest) within the meaning of the 4<sup>th</sup>  
10 Amendment, thus requiring probable cause to arrest a motorist. Therefore, the standard adopted  
11 by the USDOT must ensure that no arrests of US citizen motorists are made in the absence of  
12 probable cause. Here, Petitioner(s) will again cite the 1988 MUTCD 2B-10, but only as a starting  
13 point because 2B-10 and its progeny does not go far enough, in that it fails to establish a proper  
14 foundation for probable cause. What may pass as an engineering standard, such as the 1988  
15 MUTCD 2B-10, does not automatically pass as “probable cause” and “proof beyond a reasonable  
16 doubt”. And that brings us to the salient point in this case: The empirical evidence does  
17 demonstrate a parabolic risk curve for accidents vs speed, but this demonstrates only a correlative  
18 relationship, from which we cannot infer a causative relationship (emphasis). Because a  
19 causative empirical relationship between “speed” and accident risk has never been established,  
20 “speed” fails any probative legal test for establishing probable cause to affect an arrest, an  
21 assertion underscored by the indisputable fact that the USDOT has never commissioned a root  
22 cause analysis for the proper determination of all accident causes. A root cause analysis study,  
23 controlling for all possible accident causes, would be necessary to test and establish a causative  
24 relationship between speed and accident risk. But until such a study is commissioned by the  
25 USDOT, and absent an empirical foundation that speed **causes** accidents, there can be no  
26 probable cause to affect an arrest of a motorist using speed as the only pretext for the arrest. It  
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1 does not matter the hyperbole, lies, and propaganda put on by Respondents: What matters is  
2 whether the empirical evidence supports their contention. In this instance, the empirical evidence  
3 does not support the contention that speed is a **causative** factor for accidents. For these reasons  
4 Petitioner(s) demands that Respondents be enjoined from enforcing all R2-1 safety devices,  
5 where a violation of the numerical value displayed on the R2-1 safety device is the only pretext  
6 for the arrest, absent the empirical evidence demonstrating a causal relationship between “speed”  
7 and “accident risk” on all road classifications (emphasis).

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

11 193. Petitioner(s) demands that the USDOT be commanded to compel all states to comply with the  
12 standards and relief sought in this 5 USC 706 cause of action.

13 194. Petitioner(s) demands that the USDOT adopt a standard that precludes the enforcement of an R2-  
14 1 safety device, regardless of the entity involved, which does not meet the tests demanded herein.

15  
16 Petitioner(s) prays for the above relief, for him and similarly situated safe driving motorists, so that ALL  
17 might enjoy their life, liberties, and vocational pursuits.  
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21 **DEMAND FOR INJUNCTIVE & DECLARATORY RELIEF**  
22

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

25 196. That all Respondents be enjoined from the enforcement of CVC 22349/22356, and to provide a  
26 refund of all fines and penalties collected by way of CVC 22349/22356 since the repeal of the  
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1 NMSL for Petitioner(s), plus interest and related costs such as mandatory traffic court. And any  
2 other costs this court may deem just and reasonable.

3 197. That Respondents delete all public records related to CVC 22349/22356 violations.

4 198. Because the USDOT has failed its duty to enforce standards that par with the US Constitution,  
5 federal safety regulations, the UVC, and the field of science as it relates to traffic engineering:  
6 Petitioner(s) demand that the several states be enjoined from police power actions per the  
7 Interstate Driver Compact (IDC) until the USDOT certifies substantial conformance with the  
8 controlling federal laws; and all predicate actions comply, so that each and every citizen motorist  
9 has full due process. And enjoin all states from using IDC information collected from foreign  
10 countries, because such information does not meet the legal tests prescribed by the USDOT, the  
11 US Constitution, the Highway Safety Act 1966, federal safety regulations, and the field of science  
12 as it relates to traffic engineering.

13 199. That AMICA Insurance refund all premium increases that were collected as a result of CVC  
14 22349/22356, regardless of the policyholders' state of residence, plus interest and related costs.  
15 And any other costs this court may deem just and reasonable.

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

18 201. Because Petitioner(s) is an employee of the State of California, and Respondents have  
19 demonstrated a propensity for abuse of power, Petitioner(s) demands that Respondents be  
20 enjoined from taking any adverse or retaliatory action against his employment status before,  
21 during, or after trial.

22 202. Petitioner(s) demands that the front end of any AWARD for damages be paid directly from  
23 Respondents wealth, with residual amounts to be paid from the coffers whence the illegally  
24 obtained monies were placed.  
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1 Petitioner(s) complains of the arbitrary and capricious abuse of power, which has resulted in the  
2 prostitution of police powers against the people, under the false pretenses of a legitimate government  
3 safety program. This case is unprecedented in gravity and scope, notwithstanding the denial of  
4 constitutional rights of so many people, causing greater economic harm, and killing more innocent lives.

5 As a Pro Se Litigant, Petitioner prays this court will liberally construe the arguments presented herein,  
6 and will provide Petitioner reasonable allowance to cure or mend any defects in this presentation, before  
7 and during trial proceedings. Petitioner(s) requests aggressive court scheduling, so that the trial can begin  
8 without delay.

9  
10 Petitioner(s) prays for the above relief, for him and similarly situated safe driving motorists, so that ALL  
11 might enjoy their life, liberties, and vocational pursuits.

12  
13  
14 **Attestation**

15  
16 I, Richard Glen Colter, am the Petitioner in this action, and I hereby attest and solemnly affirm that the  
17 facts stated within this complaint are based partly upon information and belief, and partly based on  
18 personal knowledge; and those facts are true, correct, and accurate, to the best of my knowledge and  
19 ability at this time.

20  
21 Dated this \_\_\_\_\_ day of \_\_\_\_\_ 2010,

22  
23 \_\_\_\_\_  
24  
25 Richard Glen Colter  
26 P.O. Box 11312  
27 Pleasanton, CA 94588  
28 925.202.7776  
29 rgcolter@yahoo.com