Case No. SC-2008-CR-006252

STATE OF GEORGIA,	§	In The
	§	
Plaintiff,	§	MUSCOGEE COUNTY
	§	STATE COURT
v.	§	
	§	
WILLIAM A. ARNOLD,	§	
	§	
Respondent.	§	

ARNOLD'S SPECIAL DEMURRER

Assertion of Rights

William A. Arnold ("Arnold") asserts all his unalienable rights, privileges and immunities at Natural Law, Common Law and Maritime Law, and all his commercial rights relevant to this state.

Special Appearance

Arnold asserts his special appearance, objecting to the court's subject matter jurisdiction, personal jurisdiction, and venue.

Objection to Non-Judicial Decision-makers

Arnold objects to, does not consent to, and affirmatively withholds all consent regarding, the assignment of this case, in any part, to any decision-maker who is not a "judge" (1) who has been properly elected or appointed and (2) who has an active oath of office. *Cf. Gonzalez v. United States*, __ U.S. __ (12 May 2008) ("If the parties consent").

Special Demurrer

Arnold moves for dismissal of each and every "charge."

Discussion

General Demurrer is incorporated by reference.

Arnold continues his objections to this court's exercise of subject matter jurisdiction, personal jurisdiction, and venue, as discussed in his General Demurrer.

Due Process Affidavit and Brief is incorporated by reference.

Arnold continues his objections to the horrific Due Process problems inherent in this case, as discussed in his Due Process Affidavit and Brief.

Non-waiver of Arraignment document is incorporated by reference.

Arnold recognizes the court's good faith effort in trying to get an Arraignment into the Record, and for reasons beyond the court's control, Arnold still objects to Notice in this case, these cases. Moreover, should STATE opt against dismissal and in favor of amendment, the Arraignment sequence will start all over, again.

What is STATE OF GEORGIA?

Since STATE OF GEORGIA has an EIN No., it follows that STATE OF GEORGIA is a commercial entity.

If STATE OF GEORGIA were independently "sovereign," it would be beholden to nothing, and its "citizens" would not be paying "taxes" to anything except the state "sovereign" system acting as agent for those people. Where STATE OF GEORGIA does not "defend" its "citizens" from/against "tax" claims of another

commercial entity/system, it follows that STATE OF GEORGIA is a commercial subsidiary of that other commercial system.

Moreover, it's impossible to have a legitimate governmental system where there is no legitimate Money in general circulation. Thus, where there is no gold or silver Coin in general circulation, and where what passes as "legal tender" does so solely because it is so labeled, it follows that the system that tolerates that "funny money" scam, evidenced by the prosecution of no one who runs that "funny money" scam, is a commercial system. Still further, that "funny money"-based system operates not per the Law of the Land, but rather per the Law of the Sea. Only in this legal environment may the "funny money" scam remain unprosecuted. That legal environment is that of a "Constitution-free, maritime, commercial zone."

What is STATE OF GEORGIA? It's a commercial entity operating commercially, via a tax exemption certificate, in a Constitution-free, maritime, commercial zone called "this state."

How does a commercial entity end up with authority to *define* a crime, much less the authority to ***prosecute*** one? STATE OF GEORGIA has no standing, here.

What is "this state?"

Unless one has been down this path before, this will seem strange, at first. So, if this is the first time to study into "this state," just keep in mind that both the federal trial court and the federal appellate court considered the analysis Arnold argued in his "income tax" case to be strange. But, neither the Solicitor General of

the United States nor the Supreme Court of the United States considered it strange, at all. *See* Arnold's Due Process Affidavit and Brief. In fact, by the time Arnold's case arrived in Washington, the opinions in *Blakely* and *Booker* had been documented formally. It turned out that Arnold had argued the essence of that same policy a year and a year and half, respectively, before it was documented formally as federal policy.

With that firmly in mind, let's examine into the concept of "this state."

The "place" called "this state" is the "place" that provides the choice of law, if that choice is agreed to.

To run the "funny money" scam AND to justify the non-prosecution of that system's "creators," the fundamental choice of law can't be the Law of the Land. Under the Law of the Land, this "federal reserve note" system is fraud, at best. A bit more accurately, it's an act of war against that system and the people of that system that prefer an honest system of weights and measures. *Cf.* Lev. 19:35-36. That's called treason. So, where there is no prosecution of treason, and not even any prosecution for fraud, it follows that there can be one and only one fundamental choice of law that justifies/explains what we see (and don't see). That choice of law is the Law of the Sea. To "create" a system where scams in the name of "government" are not fraud, there first had to be a change in the fundamental choice of law. In order to implement that change, the "place" called "this state" was created. To give those people credit, this really is brilliant, insidious, but brilliant.

The "place" called "this state," then is theoretical, abstract, intangible. It has no borders or boundaries. The expanse of "this state" isn't measured geographically quite as clearly as it is measured by the existence of the "funny money." To put a geographic scope on the abstract concept of "this state," which is not Georgia state, State of Georgia, ***or*** STATE OF GEORGIA, here's the picture: 48 contiguous states, D.C., Alaska, Hawaii, American Samoa, Guam, Northern Mariana Islands, Puerto Rico, Virgin Islands, and all the rest of the territories and protectorates. Picture a clear acrylic sheet hovering 25 feet in the air above that geographic expanse. There's nothing significant about 25 feet. It's just that to look at something 25 feet in the air is to look up, i.e., away from the land, which is the entire point of this "choice of law" exercise. To see that clear acrylic sheet is to see "this state." Keep in mind that maritime law provides the rules of decision for all matters that accrue in the water or in the air; hence, the picture of a "place" in the air. That place in the air defaults to a choice of law of the Law of the Sea. In other words, it is a Constitution-free, maritime, commercial zone.

For perspective, STATE OF GEORGIA is a commercial player in that Constitution-free, maritime, commercial zone known as "this state."

Here's another way to picture "this state." GA is a "county" within "this state." The "capital" of "this state" is DC. FL, NY, CA, etc. are all "counties" within "this state." Here are some illustrations of this point.

Per *Pennoyer v. Neff*, 95 U.S. 714 (1877), Service of Process beyond the border

of the State is of no authority. But, we have today these statutes called "long arm statutes" that pretend to justify and authorize Service of Process *beyond* the border of the State. What changed? Asked another way, when and how did *Pennoyer v. Neff* ever get overruled?

In actuality, *Pennoyer v. Neff* has never been overruled. So, the focus is on "what's changed?" And what has changed has been the "money," hence also the fundamental choice of law. The current system has left the Law of the Land and has moved to "this state." By way of analogy, it's as if the people of Britain (Law of the Land, Pound Sterling) went to sleep one night in their own beds but woke up the next morning on the deck of a huge barge anchored in the middle of the Rhine River in Germany (Law of the Sea, worthless paper (Weimar Republic)).

To illustrate this further, let's apply *Pennoyer v. Neff* in a few different contexts to solidify the difference between the Law of the Land and the "law" of the "place" called "this state." If Calvin from California sues Ned from New York in California, how does Calvin serve Ned? Unless Ned shows up in California, or else has an authorized agent in California, Calvin doesn't serve Ned. Why not? *Pennoyer v. Neff*. (Calvin would have to sue Ned in New York.)

But now let's say that CALVIN (not Calvin, but CALVIN) from CA (not California, a State, but CA, a "federal zone") sues NED (not Ned, but NED) from NY (not New York, a State, but NY, a "federal zone") in a CA court. How does CALVIN serve NED? By mail.

Calvin and Ned operate under the Law of the Land. But CALVIN and NED are no longer on the Land; instead, they are in "this state." And, in "this state," CA and NY are just "counties." So, in "this state," there are no States; hence no State borders to cross. So, it's not really a question of whether *Pennoyer v. Neff* has been overruled, because it hasn't been. Instead, that analysis has simply been rendered irrelevant, in most circumstances. *W*here the Law of the Land is not applicable, then *Pennoyer v. Neff* is simply irrelevant.

Here's another illustration. Let's reflect momentarily on the trial location of the criminal cases arising from the Murrah Building bombing in Oklahoma City. On a first read, those criminal cases were transferred across the State line. Since Art. III, § 2, Art. IV, § 2, ***and*** the Sixth Amendment overtly **prohibit** "exporting" "criminal" cases, the "transfer" violated everything in sight regarding restrictions on jurisdiction, IF those courts were ***limited by*** the so-called Constitution.

What *really* happened was this. Those cases were not brought in Oklahoma, but rather in OK (i.e., in the Constitution-free, maritime, commercial zone known as the Western District of Oklahoma). So, when the transfer of venue question came up, transfer from one "county" of "this state," namely W.D. Okla., to another "county" of "this state," namely D. Co., happened at the stroke of a pen. There was no violation of Art. III, § 2, Art. IV, § 2, ***or*** the Sixth Amendment, because the jurisdiction being exercised was the "special maritime and territorial jurisdiction" of 18 U.S.C. § 7. In other words, the jurisdiction was not that of the Law of the Land,

or of Oklahoma, or of Colorado, but rather that of the "place" called "this state." In "this state," which is a Constitution-free, maritime, commercial zone, the "federal districts" are "counties." [1] Thus, Art. III, Art. IV, and the Sixth Amendment were not violated, because all of that language is simply irrelevant to and in "this state." Thus, the "transfer" of those cases was simply an "in our face" slam on the idea that there's a Constitution that has any relevance to anything.

The "place" called "this state" is a legal fiction, in the exact same way that a corporation is a fiction. It's just that "this state" is a "place" rather than an entity. And, STATE's burden is impossible to satisfy. Arnold was not doing anything in "this state," and he declines to agree to any "choice of law" term that designates 'this state" as the "choice of law" provision. Arnold was at all times in Georgia. If Arnold did something or didn't do something, that something done or not done was conduct within Georgia, rather than within GA, a "county" in and of "this state."

What does "operate" mean?

To construe a statute, the preference is for an understanding that is lawful. Therefore, in light of *Gonzalez v. Carhart*, 550 U.S. 124 (2007) (*Carhart*), which

[1] In the same way that Pepsi and Coke will design different sales territories for the very same geography, and use different map overlays to illustrate those regions, the geography is divided into "counties" differently for different purposes. For some purposes, the map overlay shows what we'd ordinarily think of as States. For those purposes, the "states" are the "counties" that comprise "this state." For other purposes, the map overlay shows the "federal districts," which for those purposes, are the "counties" that comprise "this state."

addresses vagueness, "operate" means "engaging in the line of commerce called 'transportation.'" It can't and doesn't include "traveling." STATE ***may*** regulate "transportation." STATE ***may not*** regulate "traveling." To "operate" is to engage in transportation, which is subject to STATE' authority to regulate commerce. To "travel" is to exercise a right.

"Operate" is not a purely factual term. "Operate" does not mean "sitting behind the wheel." "Operate" is a legal conclusion. And, to prove of the legal conclusion of "operate," STATE must prove up commercial conduct, specifically conduct relevant to "transportation."

STATE's burden is facially impossible to satisfy. There was/is no manifest for passengers. There was/is no manifest for goods. There was/is no remote concept or intent on Arnold's part to remove goods or people from here to there for profit or hire, at all, much less within a choice of law of the place called "this state." Arnold was, at all relevant times, "traveling" in Georgia, not "operating" in GA, which is a "county" in and of "this state."

Moreover, to charge someone criminally for exercising a right is to commit a crime. *See*, e.g., 18 U.S.C. §§ 241, 242. And, to use the criminal prosecution process as the mechanism to coerce an agreement to engage in any line of commerce is called extortion. Commerce simply cannot be compelled. *Cf. Griswold v. Connecticut*, 381 U.S. 479 (1965). In *Griswold*, STATE's intent to criminalize the use of contraceptives was thwarted. The Court talks about privacy. Here, we'll talk

about commerce. To criminalize the use of contraceptives is to compel the "commercial" family (the couple married by "license" under the law of "this state") to engage in commerce, namely "making babies." *Cf*. UCC "specially manufactured goods." [2] Since it's illegal to compel anyone, ***even*** someone "licensed" for this or that line of commerce, to engage in commerce at any time for any reason, it follows that it's illegal to compel a "licensed" couple to "make babies." The "licensed" couples were being compelled not only to engage in the commerce of "making babies," but also under threat of criminal prosecution, exactly as we find here.

What is a "motor vehicle?"

We can read the statutory definition, but to read only that is to remain distracted and confused.

Here's the statutory definition: (33) "Motor vehicle" means every vehicle which is self-propelled other than an electric personal assistive mobility device (EPAMD). GA. CODE. ANN. § 40-1-1(33) (2008). Hidden is the algebraic inclusion of the term "vehicle," which definition overtly depends on the term "transportation." *See* GA. CODE ANN. § 40-1-1(75) (2008). That begs what may be the most fundamental question throughout this case:

[2] Yes, this entire system is insidious as all hell. It's all "commercial regulation." This is where STATE finds its greatest evidentiary problem, and the people hose themselves over via consent by silence. Arnold has no intention of consenting or in remaining silent in his objections to this systemic mentality and mendacity.

What does "transportation" mean?

It's interesting that throughout the entirety of Title 40, the term "transportation" is nowhere defined. Even more interesting, there's not one statutory definition of "transportation" throughout the entire Georgia Code.

The one place that even comes close to providing a definition is this case: *Fleshnar & Adar v. S. Ry. Co.*, 127 S.E. 768 (1925). And, this "definition" instantly gets into the context of "carriers," and "bills of landing," and "tariffs," and all of the rest of the typical, ***commercial*** context where people and/or goods are removed from one place to another for profit or hire, subject to STATE's regulatory authority

When STATE comes up with a better definition, STATE needs to serve it on Arnold, because as it presently stands, the only Notice Arnold has focuses exclusively on matters regarding commercial conduct, and STATE hasn't one shred of evidence of there being anything even ***remotely*** related to commercial activity.

Back to "motor vehicle."

If the cops were taught "the rest of the story," they'd stop being such willing pasties in this purely revenue-oriented scam.

Commerce cannot be compelled. Therefore, STATE cannot compel anyone at any time to place any car or truck into commerce. Thus, for someone to place a car or truck into commerce, or at least to render it "commerce ready," is for that someone to act fully voluntarily. So, how are the people seduced into making their cars and trucks "commerce ready?" How does that scam work? In short, a "motor

vehicle" is one that is owned in trust, and as a result of that split title ownership, is rendered "commerce ready."

When the car is manufactured, say, in Detroit, also printed is that car's "full title" document, which is called the Manufacturer's Statement of Origin ("MSO") or the Manufacturer's Certificate of Origin. Unbeknownst to the typical car buyer, that MSO is sent directly from the dealership to whichever STATE agency that has the job of creating the trusts (issuing the "certificates of title"). The typical car buyer doesn't even know that such a thing as an MSO exists, much less that the transfer of that MSO is a purely voluntary act. What goes on behind the scenes, then, with this "title" scam, is the MSO is clandestinely traded for a "certificate of title," which "certificate" is evidence only of "legal title," as in, the interest in a trust "owned" by the fiduciary. The "equitable title," which is what a beneficiary "owns," is held by the STATE agency. Thus, as a result of STATE's equitable ownership interest, the car is rendered "commerce ready," which character is typically communicated via the display of a license tag.

But, to prove any relevancy to ***any*** license tag, STATE must first prove up that trust. *See* GA. CODE ANN. § 53-12-20 (2008). That proof starts with proving up the relevant writing. *Id*. at § 53-12-20(a). Otherwise, STATE could just go around putting tags on cars and trucks willy nilly, or even switching them willy nilly, completely unbeknownst to anyone using that car for traveling purposes. So, until STATE can prove up the trust, STATE can't prove that the transaction even

purporting to render the car "commerce ready" was voluntarily entered into, which evidentiary failure could render STATE's assertion even of merely a character of "commerce ready" an act of fraud on the court.

Note that we **have** to be talking about an "express trust," because the "resulting trust" provisions, *see*, e.g., § 53-12-91, state that the beneficiary is the settlor. Where the fiduciary and the beneficiary are one in the same, the legal and equitable interests merge, and the trust terminates. Therefore, we've got to be talking about an "express trust," and STATE has to satisfy its threshold burden. Thus, IF STATE can prove up no trust, complete with proof of (A) the writing, (B) who is/are the beneficiaries, (C) identification of the purported fiduciary, and (D) a description of the trust *res*, THEN STATE can't prove any voluntary act giving rise to the car's even being "commerce ready;" HENCE, no "motor vehicle!"

To illustrate further STATE's impossible burden on this point, let's say that STATE produces the relevant documentation during discovery that proves up a relevant trust. "Motor vehicle" or not, it's not the *existence* of a "motor vehicle," but the ***use*** of it, that determines its "commercial" character for purposes of application of STATE's regulatory authority. **"Transportation"** is what must be proved, as in an intent to remove people and/or goods from here to there for profit or hire within the choice of law of the place called "this state!"

How do we know that it's the ***use*** that matters? As a place to start, we can look at § 40-2-20, reproduced in full starting on p.27, in particular § 40-2-20(b)(1),

(2), (2.1), (3), and (4). All of these exceptions specifically depend on the ***use.***

In addition to that overt reference, let's also reflect on a simple example from the area of "income tax." When may mileage be deducted? When it's "business mileage." "Non-business," or, to make the point all the more clear, "non-commercial," or, to make the point all the ***more*** clear, "personal" miles are not deductible. "Commercial" miles may be for any type of business, not just the "transportation" business. Only "commercial" miles may be deducted. So, where we're not even talking "commercial" miles, it's impossible to be talking about "transportation." Thus, "personal" miles can't possibly be "transportation" miles.

What does this deduction example tell us about "motor vehicle" ***use***? It tells us that for purposes of "income tax" analysis, there's a difference between "commercial" ***use*** and "personal" ***use***, no matter how we characterize the car (i.e., whether "commerce ready" or not, i.e., "motor vehicle" or not). Thus, IF all that mattered was trust ownership of that car (where STATE or one or more of its agencies is an alleged beneficial owner in that property), i.e., IF all that mattered was a cursory labeling of a car as a "motor vehicle," THEN even where someone ***travels*** in a "motor vehicle," ALL miles would be deductible. **ALL** of them. How so? Because they'd all be "commercial miles" based solely on the determination that the car was owned in trust (where some STATE agency or other is a/the beneficiary), i.e., "commercial ready" property, i.e., a "motor vehicle." In other words, ***use*** would be completely irrelevant to the tax deduction analysis. The mere

fact that the car is "commerce ready" would also mean, instantly and for all purposes, that ALL miles are "commercial" miles, for ALL ***use*** would be commercial, by definition.

But not ALL miles are deductible.

Therefore, we instantly distinguish ***use***. If ALL miles ***were*** "commercial" miles, then the "income tax" authorities have been committing fraud from the beginning by denying "personal" ***use*** mileage deductions. If all that mattered was the existence of trust ownership to satisfy the commercial character of the ***use*** of that car, i.e., if all that matter was the labeling as "motor vehicle," then there's be no such thing as "personal" ***use***, and denial of any mileage deduction would constitute fraud by the "tax collectors." [3] The ONLY other way to analyze this is to realize that both state *and* federal authorities look to the actual ***use*** of that car. If that car, "motor vehicle" or otherwise, is ***used*** commercially, then a mileage deduction is allowed. But, where that car, "motor vehicle" or otherwise, is ***used*** for personal, non-commercial purposes, then no mileage deduction is allowed.

To tie some of the pieces together, then, only where a mileage deduction *could* be taken does the issue of "commercial" ***use*** even come up in the legal analysis. And, even then, ONLY if the "line of business" or the "type of business" is

[3] To *decrease* the deductions is to *increase* "taxable income," which, in turn, is to *increase* the bottom line amount of "tax due." In short, to refuse in bad faith to allow a proper deduction is to commit extortion under color of law. Thus, either there's a galactic adjustment in the favor of all who have taken disallowed mileage deductions, or else the tax people properly decide the issue according to ***use***.

"transportation" does the term "operate" ever even come up. Thus, where the ***use*** is such that there is no mileage deduction allowable, we're not even talking commerce, generally, much less that specific type of commerce called "transportation." So, unless the miles traveled may justify a mileage deduction, we're not even talking about "commercial" ***use***, much less "operating." Unless the miles traveled may justify a mileage deduction, the concept of "motor vehicle" is irrelevant. In sum, the nature of ownership isn't the focus, but rather the ***use***.

Thus, in review, a "motor vehicle" is a car owned in trust, by which trust that car is voluntarily made "commerce ready." No car is even "commerce ready" by STATE edict, but only by purely "voluntary" conduct by the "owner." So far, STATE has yet to produce any agreement that proves up any trust that justifies calling anything relevant to this case a "motor vehicle." Those elements aren't even *alleged* in ***any*** of these Accusations.

But, let's say that STATE is just playing "hide the sausage" with Arnold. Should STATE ever prove up a trust that gives rise to the legal conclusion of "motor vehicle," STATE must ***still*** prove "commercial" ***use*** of that car, and not only "commercial" ***use***, but also "**transportation**" ***use*** under the choice of law of the "place" called "this state." "Personal" ***use*** of a car, and even "personal" ***use*** of a "motor vehicle" is ***still*** called "traveling." No commercial ***use***?—no issue of "transportation." No issue of "transportation?"—no commercial nexus. No commercial nexus?—no justification in STATE's ***use*** of its regulatory authority.

Since Arnold doesn't even agree to the choice of law of the place called "this state," and since he hasn't had the remotest of intent to remove people or goods from here to there for profit or hire, STATE has an increasingly impossible burden.

What is a "vehicle?"

> (75) "Vehicle" means every device in, upon, or by which any person or property is or may be transported or drawn upon a highway, excepting devices used exclusively upon stationary rails or tracks.

GA. CODE ANN. § 40-1-1(75) (2008).

Because this definition does not overtly limit the term to the commercial context, two possibilities arise. On the one hand, we apply the rule of construction that reads the term so that it has a lawful scope, which keeps "vehicle" limited to the commercial context. Or, on the other, we read it for what it says, which scope goes ***well*** beyond commerce and into non-commercial conduct, i.e., "traveling," which construction renders the term overbroad, *Carhart*, which effectively pulls the plug on the "entirety" of Title 40.

Key, obviously, is the term "transported." Thus, construing "vehicle" to be limited to its commercial context, so as not to render overbroad the entirety of Title 40, it follows that when STATE proves up its ownership interest, by proving up the alleged trust relevant to the alleged "vehicle," *THEN* STATE will lawfully be in a position to call this car/truck a "vehicle." Until then, STATE has no case and an impossible burden to satisfy.

Does § 40-2-5 even define an offense?

Here's the statute.

§ 40-2-5. Use of license plate for purpose of concealing or misrepresenting identity of vehicle; use of expired prestige license plate

(a) Except as otherwise provided in this chapter, it shall be unlawful:

(1) To remove or transfer a license plate from the motor vehicle for which such license plate was issued;

(2) To sell or otherwise transfer or dispose of a license plate upon or for use on any motor vehicle other than the vehicle for which such license plate was issued;

(3) To buy, receive, use, or possess for use on a motor vehicle any license plate not issued for use on such motor vehicle; or

(4) To operate a motor vehicle bearing a license plate which was improperly removed or transferred from another vehicle.

(b) Any person who shall knowingly violate any provision of subsection (a) of this Code section shall be guilty of a misdemeanor of a high and aggravated nature and, upon conviction thereof, shall be punished by a fine of not less than $500.00 or by confinement for not more than 12 months, or both.

(c) It shall not be unlawful for any person to place an expired prestige license plate on the front of a motor vehicle provided that such vehicle also bears a current valid license plate on the rear of such vehicle.

GA. CODE ANN. § 40-2-5 (2008).

If we look to § 40-1-4, or § 40-2-2, then there's a presumption that an "offence" not otherwise "defined" is a misdemeanor punishable by fine up to $100.

However, for there to be an offense, there must be both an actus reus and a mens rea. Therefore, only if (a) and (b) are read *in pari materia* does this section

define an offence. The reason that matters is detailed by the next issue, but, in short, (a), alone, defines no mens rea or punishment level. Even if § 40-1-4 or § 40-2-2 supplies a punishment level, there's still no mens rea.

Does STATE even allege a violation of § 40-2-5?

If the statute defines an offence, the definition is a combination of an actus reus from (a) and the mens rea from (b).

STATE alleges no mens rea.

STATE also alleges no actus reus.

Even if STATE wanted to amend this one, retriggering the Arraignment schedule, and etc., STATE has no charge to allege here, anyway. There is no "removing or transferring," and there can be no evidence of such. There is no "selling, transferring, or otherwise disposing" of anything, and there can be no evidence of such. There is no "buying, receiving, using, or possessing for use on a motor vehicle" of anything, and there can be no evidence of such.

That leaves "operating," which takes us back down the path to "transportation," of which type commercial activity none exists, here. Moreover, it's legally impossible ever to prove that Arnold was "knowingly" "operating," since the term "transportation," if defined at all, means and refers to removing people or goods from here to there ***for profit or hire under a choice of law of a place called "this state."*** There being no commercial activity, at all, much less "transportation" activity, at all, much less in "this state," STATE has no case, here.

Does STATE even allege a violation of § 40-2-6?

STATE wholly fails to allege an offence. Here's the statute.

> **§ 40-2-6. Alteration of license plates; operation of vehicle with altered or improperly transferred plate**
>
> Except as otherwise provided in this chapter, any person who shall willfully mutilate, obliterate, deface, alter, change, or conceal any numeral, letter, character, county designation, or other marking of any license plate issued under the motor vehicle registration laws of this state; who shall knowingly operate a vehicle bearing a license plate on which any numeral, letter, character, county designation, or other marking has been willfully mutilated, obliterated, defaced, altered, changed, or concealed; or who shall knowingly operate a vehicle bearing a license plate issued for another vehicle and not properly transferred as provided by law shall be guilty of a misdemeanor.

GA. CODE ANN. § 40-2-6 (2008).

Arnold's best effort at trying to figure out what is at issue here produces the following, which focuses on the actus reus of "operating," which is impossible for STATE to prove, anyway:

> Except as otherwise provided in this chapter, any person who shall ~~willfully mutilate, obliterate, deface, alter, change, or conceal any numeral, letter, character, county designation, or other marking of any license plate issued under the motor vehicle registration laws of this state; who shall knowingly operate a vehicle bearing a license plate on which any numeral, letter, character, county designation, or other marking has been willfully mutilated, obliterated, defaced, altered [or] changed, or concealed; or who shall~~ knowingly operate a vehicle bearing a license plate issued for another vehicle **and not properly transferred as provided by law** shall be guilty of a misdemeanor.

GA. CODE ANN. § 40-2-6 (2008) (emphasis added).

STATE completely leaves out the identified conjunctive actus reus.

Also conspicuously absent in the Accusation is any mens rea element.

Again, even if STATE wanted to retrigger the Arraignment process by amending this one, STATE still can't prove "operate" or "vehicle," both of which take us to the impossible-to-prove concept of "transportation." Moreover, given the purely commercial nature of "transportation," it's legally impossible to prove Arnold ***"knowingly"*** "operated" a "vehicle." Arnold knowingly, even intentionally, exercised his right to "travel."

Can STATE prove any alleged violation of § 40-2-7?

Here's the statute.

> **§ 40-2-7. Removing or affixing license plate with intent to conceal or misrepresent**
>
> A person who removes a license plate from a vehicle or affixes to a vehicle a license plate not authorized by law for use on it, in either case with intent to conceal or misrepresent the identity of the vehicle or its owner, is guilty of a misdemeanor. As used in this Code section, "remove" includes deface or destroy.

GA. CODE ANN. § 40-2-7 (2008).

The actus reus and mens rea alleged here are impossible to prove. STATE can't prove "vehicle," because STATE can't prove "transportation."

As regards "owner," the term is vague. Does this statute mean "legal interest" "owner" or "equitable interest" owner? Even if this means "legal interest" "owner," STATE is still going to have to prove up a (valid) trust.

Not stated, thus presumed, is the "location" element of "this state." Nothing Arnold did or didn't do occurred in "this state."

Does § 40-2-8 define an offence?

Here's the statute.

§ 40-2-8. Operation of unregistered vehicle or vehicle without current license plate, revalidation decal, or county decal; storage of unlicensed vehicle; jurisdiction; display of temporary plate; revision and extension of temporary plate; holographic security images; disposition of fines

(a) Any person owning or operating any vehicle described in Code Section 40-2-20 on any public highway or street without complying with that Code section shall be guilty of a misdemeanor, provided that a person shall register his or her motor vehicle within 30 days after becoming a resident of this state. Any person renting, leasing, or loaning any vehicle described in Code Section 40-2-20 which is being used on any public highway or street without complying with that Code section shall be guilty of a misdemeanor and, upon conviction thereof, shall be punished by a fine of $100.00 for each violation; and each day that such vehicle is operated in violation of Code Section 40-2-20 shall be deemed to be a separate and distinct offense.

(b) (1) Any vehicle operated in the State of Georgia which is required to be registered and which does not have attached to the rear thereof a numbered license plate and current revalidation decal affixed to a corner or corners of the license plate as designated by the commissioner, if required, shall be stored at the owner's risk and expense by any law enforcement officer of the State of Georgia, unless such operation is otherwise permitted by this chapter.

(2) (A) It shall be a misdemeanor to operate any vehicle required to be registered in the State of Georgia without a valid numbered license plate properly validated, unless such operation is otherwise permitted under this chapter; and provided, further, that the purchaser of a new vehicle or a used vehicle may operate such vehicle on the public highways and streets of this state without a current valid license plate during the period within which the purchaser is required by Code Section 40-2-20 to register such vehicle; but the purchaser of any vehicle from a dealer of new or used motor vehicles shall display a temporary plate issued as provided by subparagraph (B) of this paragraph on the rear of such vehicle in the space provided for a license plate when such vehicle is operated on the public highways and streets of this state during such period prior to registration, unless such purchaser has made application to transfer to such vehicle in accordance with this chapter a valid license plate issued to him or her, in which event the license plate to be

transferred shall be displayed on the vehicle during the period prior to registration, or unless such vehicle is to be registered under the International Registration Plan.

(B) (i) Any dealer of new or used motor vehicles shall issue to the purchaser of a vehicle at the time of sale thereof, unless at such time the purchaser makes application to transfer to such vehicle in accordance with this chapter a valid license plate issued to him or her or unless such vehicle is to be registered under the International Registration Plan, a temporary plate which may bear the dealer's name and location and shall bear, in characters not less than one-quarter of an inch wide and one and one-half inches high, the expiration date of the period within which the purchaser is required by Code Section 40-2-20 to register such vehicle. Such temporary plates shall be made of heavy stock paper, inscribed with indelible ink, and designed to resist deterioration or fading due to exposure to the elements during the period for which display is required. The expiration date, the vehicle identification number, and the year, make, and model of the vehicle shall be handprinted on the plate at the time of issuance by use of an indelible ink marker, with contrasting ink, provided that the month of expiration shall be indicated by complete word or by three-letter abbreviation thereof. The expiration date of such a temporary plate may be revised and extended by the county tag agent only if an extension of the purchaser's initial registration period has been granted as provided by Code Section 40-2-20. Such temporary plate shall not resemble a license plate issued by this state and shall be issued without charge or fee therefor. Such temporary plate shall be surrendered to the tag agent at the time the vehicle is registered, and the tag agent shall destroy such temporary plate. The requirements of this subparagraph do not apply to a dealer whose primary business is the sale of salvage motor vehicles and other vehicles on which total loss claims have been paid by insurers.

(ii) All temporary plates issued by dealers to purchasers of vehicles shall be of a standard design prescribed by regulation promulgated by the department in accordance with the requirements of this subparagraph. All temporary plates shall be required to have a holographic security image and a write-resistant overlay with security features such that any attempt to change or modify the expiration date on the temporary plate will show immediate signs of tampering. All holographic security images required under this division and manufactured on or after July 1, 2005, shall be numbered with a separate and distinct number at the point of manufacture. All holographic security images affixed to temporary plates on or after January 1, 2006, shall be numbered as required by this division.

(3) All sellers and distributors of holographic strips must register with the department and shall be assigned a distinct identifier by the department. Such identifier shall precede the numbers required under division (b)(2)(B)(ii) of this Code section. All sellers and distributors of holographic security images must maintain an inventory record of holographic security images by number and purchaser.

(4) The purchaser and operator of a vehicle shall not be subject to the penalties set forth in this Code section during the period allowed for the registration. If the owner of such vehicle presents evidence that such owner has properly applied for the registration of such vehicle, but that the license plate or revalidation decal has not been delivered to such owner, then the owner shall not be subject to the above penalties.

(c) It shall be unlawful and punishable as for a misdemeanor to operate any vehicle required to be registered in the State of Georgia without a valid county decal designating the county where the vehicle was last registered, unless such operation is otherwise permitted under this chapter. Any person convicted of such offense shall be punished by a fine of $25.00 for a first offense and $100.00 for a second or subsequent such offense. However, a county name decal shall not be required if there is no space provided for a county name decal on the current license plate.

GA. CODE ANN. § 40-2-8 (2008).

Here's the statute pruned down to approximate the Accusation language.

§ 40-2-8. Operation of unregistered vehicle or vehicle without current license plate, revalidation decal, or county decal; ~~storage of unlicensed vehicle; jurisdiction; display of temporary plate; revision and extension of temporary plate; holographic security images; disposition of fines~~

(a) Any person ~~owning or~~ operating any vehicle described in Code Section 40-2-20 on any public highway or street without complying with that Code section shall be guilty of a misdemeanor, provided that a person shall register his or her motor vehicle within 30 days after becoming a resident of this state. ~~Any person renting, leasing, or loaning any vehicle described in Code Section 40-2-20 which is being used on any public highway or street without complying with that Code section shall be guilty of a misdemeanor and, upon conviction thereof, shall be punished by a fine of $100.00 for each violation;~~

~~and each day that such vehicle is operated in violation of Code Section 40-2-20 shall be deemed to be a separate and distinct offense.~~

(b) ~~(1) Any vehicle operated in the State of Georgia which is required to be registered and which does not have attached to the rear thereof a numbered license plate and current revalidation decal affixed to a corner or corners of the license plate as designated by the commissioner, if required, shall be stored at the owner's risk and expense by any law enforcement officer of the State of Georgia, unless such operation is otherwise permitted by this chapter.~~

(2) (A) It shall be a misdemeanor to operate any vehicle required to be registered in the State of Georgia without a valid numbered license plate properly validated, unless such operation is otherwise permitted under this chapter; and provided, further, that the purchaser of a new vehicle or a used vehicle may operate such vehicle on the public highways and streets of this state without a current valid license plate during the period within which the purchaser is required by Code Section 40-2-20 to register such vehicle; but the purchaser of any vehicle from a dealer of new or used motor vehicles shall display a temporary plate issued as provided by subparagraph (B) of this paragraph on the rear of such vehicle in the space provided for a license plate when such vehicle is operated on the public highways and streets of this state during such period prior to registration, unless such purchaser has made application to transfer to such vehicle in accordance with this chapter a valid license plate issued to him or her, in which event the license plate to be transferred shall be displayed on the vehicle during the period prior to registration, or unless such vehicle is to be registered under the International Registration Plan.

~~(B) (i) Any dealer of new or used motor vehicles shall issue to the purchaser of a vehicle at the time of sale thereof, unless at such time the purchaser makes application to transfer to such vehicle in accordance with this chapter a valid license plate issued to him or her or unless such vehicle is to be registered under the International Registration Plan, a temporary plate which may bear the dealer's name and location and shall bear, in characters not less than one-quarter of an inch wide and one and one-half inches high, the expiration date of the period within which the purchaser is required by Code Section 40-2-20 to register such vehicle. Such temporary plates shall be made of heavy stock paper, inscribed with indelible ink, and designed to resist deterioration or fading due to exposure to the elements during the period for which display is required. The expiration date, the vehicle identification number, and the year, make, and model of the vehicle shall be~~

handprinted on the plate at the time of issuance by use of an indelible ink marker, with contrasting ink, provided that the month of expiration shall be indicated by complete word or by three-letter abbreviation thereof. The expiration date of such a temporary plate may be revised and extended by the county tag agent only if an extension of the purchaser's initial registration period has been granted as provided by Code Section 40-2-20. Such temporary plate shall not resemble a license plate issued by this state and shall be issued without charge or fee therefor. Such temporary plate shall be surrendered to the tag agent at the time the vehicle is registered, and the tag agent shall destroy such temporary plate. The requirements of this subparagraph do not apply to a dealer whose primary business is the sale of salvage motor vehicles and other vehicles on which total loss claims have been paid by insurers.

(ii) All temporary plates issued by dealers to purchasers of vehicles shall be of a standard design prescribed by regulation promulgated by the department in accordance with the requirements of this subparagraph. All temporary plates shall be required to have a holographic security image and a write-resistant overlay with security features such that any attempt to change or modify the expiration date on the temporary plate will show immediate signs of tampering. All holographic security images required under this division and manufactured on or after July 1, 2005, shall be numbered with a separate and distinct number at the point of manufacture. All holographic security images affixed to temporary plates on or after January 1, 2006, shall be numbered as required by this division.

(3) All sellers and distributors of holographic strips must register with the department and shall be assigned a distinct identifier by the department. Such identifier shall precede the numbers required under division (b)(2)(B)(ii) of this Code section. All sellers and distributors of holographic security images must maintain an inventory record of holographic security images by number and purchaser.

(4) The purchaser and operator of a vehicle shall not be subject to the penalties set forth in this Code section during the period allowed for the registration. If the owner of such vehicle presents evidence that such owner has properly applied for the registration of such vehicle, but that the license plate or revalidation decal has not been delivered to such owner, then the owner shall not be subject to the above penalties.

(c) It shall be unlawful and punishable as for a misdemeanor to operate any vehicle required to be registered in the State of Georgia without a valid

~~county decal designating the county where the vehicle was last registered, unless such operation is otherwise permitted under this chapter. Any person convicted of such offense shall be punished by a fine of $25.00 for a first offense and $100.00 for a second or subsequent such offense. However, a county name decal shall not be required if there is no space provided for a county name decal on the current license plate.~~

GA. CODE ANN. § 40-2-8 (2008).

§ 40-2-20. Registration and license requirements; extension of registration period; penalties

(a) (1) (A) Except as provided in subsection (b) of this Code section, every owner of a motor vehicle, including a tractor or motorcycle, and every owner of a trailer shall, during the owner's registration period in each year, register such vehicle as provided in this chapter and obtain a license to operate it for the 12 month period until such person's next registration period.

(B) (i) The purchaser or other transferee owner of every new or used motor vehicle, including tractors and motorcycles, or trailer shall, within the initial registration period of such vehicle, register such vehicle as provided in this chapter and obtain or transfer as provided in this chapter a license to operate it for the period remaining until such person's next registration period which immediately follows such initial registration period, without regard to whether such next registration period occurs in the same calendar year as the initial registration period or how soon such next registration period follows the initial registration period; provided, however, that this registration and licensing requirement does not apply to a dealer which acquires a new or used motor vehicle and holds it for resale. The commissioner may provide by rule or regulation for one 30 day extension of such initial registration period which may be granted by the county tag agent to a purchaser or other transferee owner if the transferor has not provided such purchaser or other transferee owner with a title to the motor vehicle more than five business days prior to the expiration of such initial registration period.

~~(ii) No person, company, or corporation, including, but not limited to, used motor vehicle dealers and auto auctions, shall sell or transfer a motor vehicle without providing to the purchaser or transferee of such motor vehicle the last certificate of registration on such vehicle at the time of such sale or transfer; provided, however, that in the case of a salvage motor~~

~~vehicle or a motor vehicle which is stolen but subsequently recovered by the insurance company after payment of a total loss claim, the salvage dealer or insurer, respectively, shall not be required to provide the certificate of registration for such vehicle; and provided, further, that in the case of a repossessed motor vehicle or a court ordered sale or other involuntary transfer, the lienholder or the transferor shall not be required to provide the certificate of registration for such vehicle but shall, prior to the sale of such vehicle, surrender the license plate of such vehicle to the commissioner or the county tag agent by personal delivery or by certified mail or statutory overnight delivery for cancellation.~~

~~(2) An application for the registration of a motor vehicle may not be submitted separately from the application for a certificate of title for such motor vehicle, unless a certificate of title has been issued in the owner's name, has been applied for in the owner's name, or the motor vehicle is not required to be titled. An application for a certificate of title for a motor vehicle may be submitted separately from the application for the registration of such motor vehicle.~~

(b) Subsection (a) of this Code section shall not apply:

(1) To any motor vehicle or trailer owned by the state or any municipality or other political subdivision of this state and ***used*** exclusively for governmental functions except to the extent provided by Code Section 40-2-37;

(2) To any tractor or three-wheeled motorcycle ***used*** only for agricultural purposes;

(2.1) To any vehicle or equipment ***used*** for transporting cargo or containers between and within wharves, storage areas, or terminals within the facilities of any port under the jurisdiction of the Georgia Ports Authority when such vehicle or equipment is being operated upon any public road not part of The Dwight D. Eisenhower System of Interstate and Defense Highways by the owner thereof or his or her agent within a radius of ten miles of the port facility of origin and accompanied by an escort vehicle equipped with one or more operating amber flashing lights that are visible from a distance of 500 feet;

(3) To any trailer which has no springs and which is ***being employed*** in hauling unprocessed farm products to their first market destination;

(4) To any trailer which has no springs, which is pulled from a tongue, and which is ***used*** primarily to transport fertilizer to a farm;

(5) To any motorized cart [N.B. regardless of ***use***]; or

(6) To any moped [N.B. regardless of ***use***].

(c) Any person who fails to register a new or used motor vehicle as required in subsection (a) of this Code section shall be guilty of a misdemeanor and, upon conviction thereof, shall be punished by a fine not exceeding $100.00. [4]

GA. CODE ANN. § 40-2-20 (2008) (emphasis on "use" added).

Presume "operating," *arguendo*. for this paragraph. The language of § 40-2-8(a) clearly incorporates § 40-2-20, the relevant portions of which talk to an "owner," not to an "operator." Thus, § 40-2-8(a) purports to allow STATE to charge an "*operator*" for a problem that is the "***owner's***," even presuming "owner" to mean and refer to the purported "fiduciary." To blame party B for party A's problem is outrageous! Thus, § 40-2-8(a) fails to define an offence.

If STATE's charge arises from § 40-2-8(b)(2), then we're looking at a statute that defines no mens rea, meaning that there is no crime defined.

Should a crime be defined by either provision, it's still the case that the

[4] ***<u>This</u>*** is the very type of provision by which STATE purports to have the authority to compel a party to turn his private property into "commerce ready" property. Moreover, since the mechanism for that scam sounds in trust, STATE also purports to have the authority to compel a trust into existence. To criminalize the exercise of the prerogative to keep one's private property private is about as flagrant a violation of 18 U.S.C. §§ 241 and 242 as exists anywhere. It's also called extortion. Arnold doesn't yet see how this particular provision has been activated directly in this case, but this clearly demonstrates STATE's systemic intent to compel commerce by hook or by crook.

Accusation on this one alleges no mens rea, as well.

Should the statutes be considered valid, STATE still fails to negate the obvious exceptions, and STATE still can't prove "this state," "operate," or "motor vehicle." And, even if STATE were to amend so as to clarify its charge, the specific references to § 40-2-20 strongly suggest that this one applies for "owners." STATE is going to have an impossible burden trying to prove that Arnold is an "owner."

Does STATE charge a crime under § 40-5-121?

For this one, we look first at the Accusation rather than the statute, which is different from the sequence in the foregoing.

By adding the term "cancelled," STATE wants to rewrite the statute, here. STATE "cancelled" Arnold's license (renewal application?) in 2004. Thus, there is no "suspended" or "revoked" license at issue, here. It expired and was never renewed. STATE wanted an SSN for a renewal, and Arnold declined the opportunity to provide any SSN. Thus, STATE kept his fee and "cancelled" the license (or, more likely, the renewal application). In short, by operation of law, the license expired, terminating of its own terms in the normal course.

Thus, as of December, 2008, there is no active time period relevant to any license. Thus, there is neither any "suspended" license nor any "revoked" license at issue. It expired, and that's not within this statue. However, since "cancelled" is written into the Accusation, it follows that STATE is trying to rewrite the statute.

The statute mentions no mens rea, and the Accusation alleges no mens rea.

In addition to those problems, § 40-5-121 doesn't purport to proscribe "operating" without a license, as charged. It purports to proscribe "driving" without a "license."

What does "driving" mean?

Helpful in understanding "driving" is recognizing the change in "choice of law" "immediately" after the Kennedy assassination. Kennedy opposed the new world order insanity that is presently engulfing this nation, as demonstrated by his opposing the circulation of "federal reserve notes." Kennedy preferred circulating "United States notes." Just as significantly, Kennedy demonstrated his opposition to that America-destroying international plan by his having ordered more silver quarters to be placed into circulation. Because he opposed the "funny money" scam and its proponents, he was assassinated. Very promptly thereafter, LBJ cancelled the order for the silver quarters, and the "sandwich" tokens called quarters came out very soon thereafter. We also see "federal reserve notes" in general circulation, not "United States notes."

Note, though, that even before the change in choice of law, "driving" still had a very commercial understanding. "A person has actual physical control of a **vehicle** which is unable to move under its own power while guiding it down a road as it operates under the force of gravity." (emphasis added). *See Harris v. State*, 103 S.E.2d 443 (**1958**), overruled on other grounds. Note that some of the newer opinions look to pre-change-in-choice-of-law statutes. *New v. State*, 319 S.E.2d 542 (**1984**); *Luke v. State*, 340 S.E.2d 30 (**1986**) (decided under **Ga. L. 1953**, Nov.-Dec.

Sess., p. 556, §§ 10-13). Thus, key to understanding this scam is understanding that with the change in choice of law, as best evidenced by the change from Money to "funny money," as also evidenced by the adoption of this thing called the "Uniform Commercial Code," came a change in the understanding of "everything." Thus, where "driving" was directly connected to "transportation" before the change in choice of law, it's all the more so now. The typical analytical focus has been on "physical control." But, "physical control," or "being behind the wheel," is the deliberately distracting part of the definition. Key is the term "vehicle," which term instantly ties the matter to commerce. Thus, "driving" depends on "vehicle" which depends on "transportation." This multi-level algebraic substitution game intends to hide the commercial nature of the legal mechanism.

If "driving" were ***ever*** understood to be so broad as mere "physical control," then "driving" is so broad as to infringe upon the right to travel. STATE has no regulatory authority to infringe upon the right to travel. Thus, again, either "driving" is construed to keep it within its commercial context, or else the "entirety" of Title 40 falls.

The rules of construction, then, provide those two lines of analysis; hence, two opposing results, of which one must be selected. We can read "driving" to be the commercial term it ***has*** to be, thereby allowing that part of Title 40 that is affected by this term to remain "valid," or we can read this to include "traveling," which instantly renders the term overbroad, *Carhart*, thereby jeopardizing the "entirety"

of Title 40. It follows, then, that to construe this term to give it a lawful meeting, "driving" has to mean something relevant to "transportation;" hence something that in no way intends to restrict or infringe, in any way, the right to travel.

What does "driver" mean?

(14) "Driver" means every person who drives or is in actual physical control of a **vehicle**.

GA. CODE ANN. § 40-1-1(14) (2008) (emphasis added).

Again, the clandestine, algebraic substitutions expose the commercial nature of this scam. "Vehicle" means and refers to something involved in "transportation." *Cf.* § 40-5-142(12) (commercial DL's) ("Driver" means any person who drives, operates, or is in actual physical control of a commercial motor vehicle in any place open to the general public for purposes of vehicular traffic or who is required to hold a commercial driver's license.)

Back to whether STATE has even charged an offence.

If STATE's exercise in creative writing does charge a crime, STATE is still not going to be able to satisfy its burden regarding "this state," "operate," or "motor vehicle," and, as before and throughout, STATE still can't satisfy its burden regarding "transportation."

To continue his fulfilling his duty to mitigate STATE's damages, Arnold also gives Notice of some additional problems with this one. The "driver's license" isn't

merely a commercial document. It's a political/religious affiliation document. The "driver's license" is far more readily utilized as an "ID card" than as something that allows the person to engage, knowingly, in the line of commerce called "transportation." To charge someone criminally for exercising his prerogative not to be a member of "church of STATE OF GEORGIA" is to use the STATE's criminal prosecutorial authority to compel someone into that political/religious affiliation. Again, STATE is running head-on into 18 U.S.C. §§ 241 and 242, among other criminal provisions, state and federal.

Commerce cannot be compelled.

Choice of law cannot be compelled.

Political/religious affiliation cannot be compelled.

Significantly, since it's through the "driver's license" scam that this nation is being seduced into voluntary political/religious affiliation with the "north american union," and the "united nations," and this insane "new world order" concept, [5] and since Arnold has no intention of trading his loyalty to America for "security" under any "new world order," he has no interest in acquiring any "driver's license."

[5] The so-called "Real ID" legislation in the congress is largely distraction. The actual implementation will be through the "driver's license" scam.

Does § 40-5-121 define an offence?

Here's the statute.

§ 40-5-121. Driving while license suspended or revoked

(a) Except when a license has been revoked under Code Section 40-5-58 as a habitual violator, any person who drives a motor vehicle on any public highway of this state without being licensed as required by subsection (a) of Code Section 40-5-20 or at a time when his or her privilege to so drive is suspended, disqualified, or revoked shall be guilty of a misdemeanor for a first conviction thereof and, upon a first conviction thereof or plea of nolo contendere within five years, as measured from the dates of previous arrests for which convictions were obtained to the date of the current arrest for which a conviction is obtained or a plea of nolo contendere is accepted, shall be fingerprinted and shall be punished by imprisonment for not less than two days nor more than 12 months, and there may be imposed in addition thereto a fine of not less than $500.00 nor more than $1,000.00; provided, however, that at the time of the hearing such person shall not be guilty of such offense if he or she presents the court with proof of a valid driver's license issued by this state. Such fingerprints, taken upon conviction, shall be forwarded to the Georgia Crime Information Center where an identification number shall be assigned to the individual for the purpose of tracking any future violations by the same offender. For the second and third conviction within five years, as measured from the dates of previous arrests for which convictions were obtained or pleas of nolo contendere were accepted to the date of the current arrest for which a conviction is obtained or a plea of nolo contendere is accepted, such person shall be guilty of a high and aggravated misdemeanor and shall be punished by imprisonment for not less than ten days nor more than 12 months, and there may be imposed in addition thereto a fine of not less than $1,000.00 nor more than $2,500.00. For the fourth or subsequent conviction within five years, as measured from the dates of previous arrests for which convictions were obtained or pleas of nolo contendere were accepted to the date of the current arrest for which a conviction is obtained or a plea of nolo contendere is accepted, such person shall be guilty of a felony and shall be punished by imprisonment for not less than one year nor more than five years, and there may be imposed in addition thereto a fine of not less than $2,500.00 nor more than $5,000.00.

(b) The department, upon receiving a record of the conviction of any person under this Code section upon a charge of driving a vehicle while the license of such person was suspended, disqualified, or revoked, including suspensions under subsection (f) of Code Section 40-5-75, shall extend the period of

suspension or disqualification for six months. The court shall be required to confiscate the license, if applicable, and attach it to the uniform citation and forward it to the department within ten days of conviction. The period of suspension or disqualification provided for in this Code section shall begin on the date the person is convicted of violating this Code section.

(c) For purposes of pleading nolo contendere, only one nolo contendere plea will be accepted to a charge of driving without being licensed or with a suspended or disqualified license within a five-year period as measured from date of arrest to date of arrest. All other nolo contendere pleas in this period will be considered convictions. For the purpose of imposing a sentence under this subsection, a plea of nolo contendere shall constitute a conviction. There shall be no limited driving permit available for a suspension or disqualification under this Code section.

(d) Notwithstanding the limits set forth in Code Section 40-5-124 and in any municipal charter, any municipal court of any municipality shall be authorized to impose the punishment for a misdemeanor or misdemeanor of a high and aggravated nature as applicable and provided for in this Code section upon a conviction of a nonfelony charge of violating this Code section or upon conviction of violating any ordinance adopting the provisions of this Code section.

GA CODE ANN. § 40-5-121 (2008).

§ 40-5-20. (For effective date, see note.) License required; surrender of prior licenses; local licenses prohibited

(a) No person, except those expressly exempted in this chapter, shall drive any motor vehicle upon a highway in this state unless such person has a valid driver's license under this chapter for the type or class of vehicle being driven. Any person who is a resident of this state for 30 days shall obtain a Georgia driver's license before operating a motor vehicle in this state. Any violation of this subsection, except the violation of driving with an expired license, or a violation of Code Section 40-5-29 if such person produces in court a license issued to such person and valid at the time of such person's arrest, shall be punished as provided in Code Section 40-5-121. Any court having jurisdiction over traffic offenses in this state shall report to the department the name and other identifying information of any individual convicted of driving without a license.

(b) No person, except those expressly exempted in this chapter, shall steer or, while within the passenger compartment of such vehicle, exercise any degree of physical control of a vehicle being towed by a motor vehicle upon a highway in this state unless such person has a valid driver's license under this chapter for the type or class of vehicle being towed.

(c) (1) (For effective date, see note.) Except as provided in paragraph (2) of this subsection and in Code Section 40-5-32, no person shall receive a driver's license unless and until such person surrenders to the department all valid licenses in such person's possession issued to him or her by this or any other jurisdiction. All surrendered licenses issued by another jurisdiction shall be destroyed. The license information shall be forwarded to the previous jurisdiction. No person shall be permitted to have more than one valid driver's license at any time.

(2) (For effective date, see note.) Any noncitizen who is eligible for issuance of a driver's license pursuant to the requirements of this chapter may be issued a driver's license without surrendering any driver's license previously issued to him or her by any foreign jurisdiction. This exemption shall not apply to a person who is applying for a commercial driver's license or who is required to terminate any previously issued driver's license pursuant to federal law. The department shall make a notation on the driving record of any person who retains a foreign driver's license, and this information shall be made available to law enforcement officers and agencies on such person's driving record through the Georgia Crime Information Center.

(d) Any person licensed as a driver under this chapter may exercise the privilege thereby granted upon all streets and highways in this state and shall not be required to obtain any other license to exercise such privilege by any county, municipality, or local board or body having authority to adopt local police regulations.

GA. CODE ANN. § 40-5-20 (2008).

The ***only*** way this language may come anywhere near defining an offence is where we understand "driving" to be limited to its commercial context, specifically its context within that line of commerce called "transportation," which limiting concept is found in the definition of the term "vehicle."

Without that commercial nexus, STATE has nothing to regulate. Thus, the instant "driving" is construed to be ***so broad*** as to include traveling, as in "being behind the wheel of a car not being used for any purpose relevant to transportation," this "entire" Title falls. *Carhart*.

Does § 40-6-10(b) define an offence?

Here's the statute.

§ 40-6-10. Insurance requirements for operation of motor vehicles generally

(a) (1) Until December 31, 2003, the owner or operator of a motor vehicle for which minimum motor vehicle liability insurance coverage is required under Chapter 34 of Title 33 shall keep proof or evidence of required minimum insurance coverage in the vehicle at all times during the operation of the vehicle. The owner of a motor vehicle shall provide to any operator of such vehicle proof or evidence of required minimum insurance coverage for the purposes of compliance with this subsection.

(2) The following shall be acceptable proof of insurance on a temporary basis:

(A) If the policy providing such coverage was applied for within the last 30 days, a current written binder for such coverage for a period not exceeding 30 days from the date such binder was issued shall be considered satisfactory proof or evidence of required minimum insurance coverage;

(B) If the vehicle is operated under a rental agreement, a duly executed vehicle rental agreement shall be considered satisfactory proof or

evidence of required minimum insurance coverage; and

(C) If the owner acquired ownership of the vehicle within the past 30 days, if the type of proof described in subparagraph (A) of this paragraph is not applicable but the vehicle is currently effectively provided with required minimum insurance coverage under the terms of a policy providing required minimum insurance coverage for another motor vehicle, then a copy of the insurer's declaration of coverage under the policy providing such required minimum insurance coverage for such other vehicle shall be considered satisfactory proof or evidence of required minimum insurance coverage for the vehicle, but only if accompanied by proof or evidence that the owner acquired ownership of the vehicle within the past 30 days.

(2.1) If the vehicle is insured under a fleet policy as defined in Code Section 40-2-137 providing the required minimum insurance coverage or if the vehicle is engaged in interstate commerce and registered under the provisions of Article 3A of Chapter 2 of this title, the insurance information card issued by the insurer shall be considered satisfactory proof of required minimum insurance coverage for the vehicle.

(2.2) If the vehicle is insured under a certificate of self-insurance issued by the Commissioner of Insurance providing the required minimum insurance coverage under which the vehicle owner did not report the vehicle identification number to the Commissioner of Insurance, the insurance information card issued by the Commissioner of Insurance shall be considered satisfactory proof of required minimum insurance coverage for the vehicle, but only if accompanied by a copy of the certificate issued by the Commissioner of Insurance.

(3) On and after July 1, 2005, the requirement under this Code section that proof or evidence of minimum liability insurance be maintained in a motor vehicle at all times during the operation of the vehicle shall not apply to the owner or operator of any vehicle for which the records or data base of the Department of Revenue indicates that required minimum insurance coverage is currently effective.

(4) Except as otherwise provided in paragraph (7) of this subsection, any person who fails to comply with the requirements of this subsection shall be guilty of a misdemeanor and, upon conviction thereof, shall be subject to a fine of not less than $200.00 nor more than $1,000.00 or imprisonment for not more than 12 months, or both.

(5) Every law enforcement officer in this state shall determine if the operator of a motor vehicle subject to the provisions of this Code section has the required minimum insurance coverage every time the law enforcement officer stops the vehicle or requests the presentation of the driver's license of the operator of the vehicle.

(6) If a law enforcement officer of this state determines that the owner or operator of a motor vehicle subject to the provisions of this Code section does not have proof or evidence of required minimum insurance coverage, the arresting officer shall issue a uniform traffic citation for operating a motor vehicle without proof of insurance. If the court or arresting officer determines that the operator is not the owner, then a uniform traffic citation may be issued to the owner for authorizing the operation of a motor vehicle without proof of insurance.

(7) If the person receiving a citation under this subsection shows to the court having jurisdiction of the case that required minimum insurance coverage was in effect at the time the citation was issued, the court may impose a fine not to exceed $25.00. The court shall not in this case forward a record of the disposition of the case to the department and the driver's license of such person shall not be suspended.

(8) (A) For purposes of this Code section up to and including December 31, 2003, a valid insurance card shall be sufficient proof of insurance for any vehicle.

(B) For purposes of this Code section on and after January 1, 2004, a valid insurance card shall be sufficient proof of insurance only for any vehicle covered under a fleet policy as defined in Code Section 40-5-71. The insurance card for a fleet policy shall contain at least the name of the insurer, policy number, policy issue or effective date, policy expiration date, and the name of the insured and may, but shall not be required to, include the year, make, model, and vehicle identification number of the vehicle insured. If the operator of any vehicle covered under a fleet policy as defined in Code Section 40-5-71 presents a valid insurance card for a fleet policy to any law enforcement officer or agency, and the officer or agency does not recognize the insurance card as valid proof of insurance and impounds or tows such vehicle for lack of proof of insurance, the law enforcement agency or political subdivision shall be liable for and limited to the fees of the wrongful impoundment or towing of the vehicle, which in no way waives or diminishes any sovereign immunity of such governmental entity.

(C) For any vehicle covered under a policy of motor vehicle liability insurance that is not a fleet policy as defined in Code Section 40-5-71, the insurer shall issue a policy information card which shall contain at least the name of the insurer, policy number, policy issue or effective date, policy expiration date, name of the insured, and year, make, model, and vehicle identification number of each vehicle insured; and on and after January 1, 2004, the owner or operator of the motor vehicle shall keep such policy information card in the vehicle at all times during operation of the vehicle for purposes of Code Section 40-6-273.1, but any such policy information card shall not be sufficient proof of insurance for any purposes of this Code section except as otherwise provided in this Code section.

(b) An owner or any other person who knowingly operates or knowingly authorizes another to operate a motor vehicle without effective insurance on such vehicle or without an approved plan of self-insurance shall be guilty of a misdemeanor and, upon conviction thereof, shall be subject to a fine of not less than $200.00 nor more than $1,000.00 or imprisonment for not more than 12 months, or both. An operator of a motor vehicle shall not be guilty of a violation of this Code section if such operator maintains a policy of motor vehicle insurance which extends coverage to any vehicle the operator may drive. An owner or operator of a motor vehicle shall not be issued a citation by a law enforcement officer for a violation of this Code section if the sole basis for issuance of such a citation is that the law enforcement officer is unable to obtain insurance coverage information from the records of the department.

(c) Any person who knowingly makes a false statement or certification under Code Section 40-5-71 or this Code section shall be guilty of a misdemeanor and, upon conviction thereof, shall be subject to a fine of not less than $200.00 nor more than $1,000.00 or imprisonment for not more than 12 months, or both.

(d) Except for vehicles insured under a fleet policy as defined in Code Section 40-2-137 or under a plan of self-insurance approved by the Commissioner of Insurance, insurance coverage information from records of the department shall be prima-facie evidence of the facts stated therein and shall be admissible as evidence in accordance with Code Section 24-3-17 for the purposes of this Code section.

(e) The minimum liability insurance data base of the department shall be operational for the purposes of testing, evaluation, verification of data, and

> validation of accuracy not later than November 1, 2002, and shall be fully operational not later than January 1, 2004.

GA. CODE ANN. § 40-6-10(b) (2008) (emphasis added).

It may very well be a good idea to carry insurance, even if one is a "traveler." But, the notion of compelled commerce screams from the page with this one, unless and until we understand that "operating" is commercial conduct within that line of commerce called "transportation." **IF** one is going to engage in "transportation" activity, **THEN** STATE, via its regulatory authority over "transportation," may disallow commercial ***use*** of commercial "vehicles" until that insurance requirement is satisfied. But, then, that's the rub. Unless and until STATE can prove "transportation" activity, STATE has nothing to regulate.

Again, if any part of this statue intends to apply to a mere "traveler," then this statute is overbroad. *Carhart*. And, the only way this statute may be construed so that it says something lawful is to read it ***within*** the necessarily limited context of "transportation."

Does STATE allege a violation of § 40-6-10(b)?

We find both actus reus and mens rea alleged.

However, STATE can't prove "this state," "knowingly," "operate," "motor vehicle," or "vehicle." Key, STATE can't prove "transportation," which is at the base of everything relevant to Title 40.

Summary

STATE may have alleged charges under at most two of these six Accusations. And, under none of these Accusations has STATE alleged the facts that justify STATE's exercise of STATE's regulatory authority in that line of commerce called "transportation."

Thus, Arnold needs a Bill of Particulars on those facts that purport to justify STATE's exercise of STATE's "transportation" regulation authority, including the necessary trust agreement by which this car/truck was voluntarily made "commerce ready," or else STATE needs to take this opportunity to dismiss on its own.

Where the court already sees the impossibility of STATE's ever satisfying its evidentiary burden regarding any and all of "transportation," "vehicle," "motor vehicle," "driving," "operating," and "this state," the court will want to order each and every single one of these Accusations dismissed.

Request for Relief

Therefore, Arnold requests that this court grant this special demurrer, recognizing the impossibility of STATE's ever overcoming not only the non-commercial nature of Arnold's conduct, which occurred outside of "this state," but also the fact that the prosecutor is also the clerk, and dismiss each and every single one of these Accusations.

Additionally, which the dismissal ruling is in contemplation, Arnold requests that STATE be ordered to supply the particulars by which STATE intends to prove

"transportation," "vehicle," "motor vehicle," "driving," "operating," and "this state." Arnold also repeats his request for discovery, including STATE's production of that necessary trust agreement showing that this car/truck was voluntarily made "commerce ready."

Respectfully submitted,

/s/ William A. Arnold
William A. Arnold
I reserve all my rights
[address redacted]
[City, State, Zip redacted]

VERIFICATION

Under the penalty of perjury of the laws of the State of Georgia, I, WILLIAM A. ARNOLD, depose, declare, certify, verify, and state, that I am at least 21 years of age, that I am competent to make this Verification, and that the statements of fact are within my personal knowledge, and that the statements of law are within my best efforts and to the best of my understanding and belief.

The statements in this document are true and correct. Key, for all times relevant to this matter, these matters, I have never acted or intended to act within any concept of "transportation." I am not in the "transportation" business, and I have had, and still have, no desire to be in the "transportation" business.

For all times relevant to this matter, I have never remotely had any intent to remove people and/or goods from here to there for profit or hire under any choice of law, much less the choice of law of the place called "this state."

For all times relevant to this matter, I was intentionally and knowingly "traveling," and that under a choice of law of the Law of the Land.

Further, Declarant sayeth not.

Executed on 19 March 2009 /s/ William A. Arnold
William A. Arnold, Declarant

Certificate of Service

By my signature below, I certify that on this the 19th day of March, 2009, I have served a true and correct copy of this document by hand or by certified mail as follows:

Ben Richardson
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100 10th Street
Columbus, GA 31901

P.O. Box 1340
Columbus, GA 31902

Hon. ANDREW PRATHER
C.J., Muscogee County State Court
P.O. Box 1340
Columbus, GA 31902

/s/ William A. Arnold
William A. Arnold