

United States District Court
For the District of New Jersey

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AT 8:30 _____ M
WILLIAM T. WALSH CLERK

John E. Reardon

Plaintiff,

v

Magistrates Zonies and Lawrence Luongo,
Officers Dougherty and Smith

Defendants.

Case No. _____

Civil Case with Jury Trial Demand

Jurisdiction of this Court

1. Jurisdiction of this Court comes by way of 28 U.S.C. 1331, 1343, 2201 and 2202; 42 U.S.C. 1983, 1985(2) & (3), 1986 and 1988; N.J.S.A. 2C:41-1, et seq. N.J.S.A. 2C:20-3, -4 and -20; 2C:21-4 and 2C:28-7, 2C:29-1, 2C:30-2 and 2A:14-10 and various subsections of the N.J. Statutes for a total of 23 sections.

2. The Court's Pendent Jurisdiction over related State Tort Claims by way of N.J. R.C. 7:10-2 and 4:50 and the Frauds that deprived the Plaintiff of his Right to Trial by Jury And the Right to hear Constitutional Challenges of State Laws, Practices, etc.

3. Any other Jurisdiction not yet known or disclosed by the Court, the Defendants or which are presently unknown to the Plaintiff.

There are 4 theories of law that are relevant to this case. They all involve fraud.
Said theories are:

1. N.J.R.C. 7:10-2 allows for motions, without regard to Laches or time periods.

Since the issues raised in this case are fraud upon the court in that the defendants failed to proffer the Facts, Law or Evidence to the Court, then, and due to this Court's Pending Jurisdiction of related State Claims, the Time Period applies to N.J.R.C. 7:10-2 which allows unlimited time to file such a motion. This is so do in part to the Supreme Court's decision in *Wright v. Georgia*, 373 US 284, 291, 1963 and *NAACP v. Alabama ex rel. Patterson*, 357 US 449, 457, 1958 which hold that a change in the procedures of the court cannot bar a litigant of his right to be heard where the State has failed to show the litigant was in fact apprised of the changes in the Procedures and the State has failed to provide any such proof and the Plaintiff so states he was not so apprised of any changes that may have occurred and the law is well settled on this topic.

Rule 7:10-2 is the same as Rule 3:22-4 which allows for the setting aside of any matter if the conviction violates the Accused's Rights under the United States or New Jersey Constitutions. In this case the Plaintiff was denied of the following U.S. and State Constitutional rights. My 9th And 14th Amendments rights to the Common Law.

A. The Right to a Civil Trial by Jury.

B. The Right to Criminal Process and Right of a Jury Trial.

C. The Right to not be Discriminated against.

D. The Right to a Fair and Impartial Hearing, Trial and Tribunal. And

E. The Due Process Right to a Jury Trial where at Common Law said Right extends to Civil Cases if the Fine Exceeds 40 s or to Criminal Process where the fine Exceeds 20 £ British and thus the fraud of denying a Jury Trial.

The 2nd Prong to this position is N.J.R.C. 4:50-1 and 4:50-3 in which section -1 allows an indefinite amount of time to bring a motion to Court challenging the findings

of the Trial Court when Due Process to notice or a hearing was denied and was violated or which the Judge Lacked Subject Matter or Personal Jurisdiction and Municipal Court Judges have no Jurisdiction to sit on the trial of a person that requires a Jury Trial. Here the violation is the failure of the prosecutor to inform the plaintiff of his right to a Trial by Jury. This, thus, violates R 4:50-1(d) as to notice and Lack of Jurisdiction.

Further, R 4:50-3 is also applicable since the State's Prosecutor failed to inform either myself or the court of the law cited in this complaint that affirms the Plaintiff's Right to a Trial by Jury and thus is Fraud Upon the Court and again there is no statute of limitations and this Court has Jurisdiction over this Lawsuit.

Thus, this suit is within the Statute of Limitations since *fraud voids abinitio* the results and transactions engaged in.

2. This 2nd theory of the tolling time for such lawsuits as this is that *Laches* do not bar a Lawsuit in such condition. That is, that where a Fraud has occurred and the Injured Party is not aware of the Defect/Fraud, that the tolling time begins to run from the date the Fraud is uncovered. Thus, as to 1 aspect of the lawsuits being based upon 2 years, and where as some of the fraudulent acts were not discovered till January 15, 2015, this Lawsuit is within the 2 year period of time since the acts were ongoing.

The 2nd prong here is the Issue of Fraud Upon the Court. In New Jersey, Fraud has a 6 Year Statute of Limitations. See N.J.S.A. 2A:14-1. Since again, the Law in this Lawsuit was uncovered from 2009 to 2015 there again is *no limitations or laches* that can dismiss this lawsuit for such. See Bouvier's Law Dictionary, 3rd Revision, 8th Edition, 1984 Reprint, Page 1306, "Fraud". Since Fraud upon the court entails the failure of opposing counsel to bring to court all the relevant law, all the relevant facts and all

the relevant evidence and since this was not done, there is Fraud Upon the Court. The Plaintiff did not discover the issue of the controlling law that says Motor Vehicle Laws are in fact Common Law Actions of Debt till around June 2014 *and* is within time.

This theory of the law is that there is a Trespass of the Property and Right where the property is the money of the Plaintiff required to be paid out do to the Frauds and Rights as they pertain to the issues of either Civil or Criminal Trials by Jury and Process and fines. Under this theory, N.J.S.A. 2A:14-1 allows for a 6 year period of Liability and Action.

3. The 3rd Theory of this lawsuit is that the Municipal Court lacked Subject Matter Jurisdiction and the well settled Law at all levels is that Jurisdiction can be challenged at any time and where such Jurisdictional Defects were not disclosed by the State, this is a Fraud which is a Trespass of the Property and Rights which is at least a 6 year Statute of Limitations under N.J.S.A. 2A:14-1. See *Thomspon v Whitman*, 18 Wall 457.

4. The Final Theory of this Lawsuit is that the Statutes, Customs and Practices in the State are Unconstitutional because they deprive the Citizens of their Common Law Rights to either a Civil Trial by Jury or a Criminal Trial by Jury when the Common Law so dictates such right and thus since the Laws are being challenged as being Unconstitutional that given this would open anew any prior conviction based upon Fraud, Due Process to Trial by Jury and the Equal Protections of the Laws and further proving that the Municipal Court Lacked Jurisdiction to Summarily try the Plaintiff then these injuries are thus present and immediate and would not bar a new Lawsuit based upon the claims of Unconstitutionality and Jurisdiction and is within the Statute of Limitations as to any such limitation be them at 2 years or longer and the Fraud of the Prosecutor to

fail to notify the accused of his Common Law Rights to Jury Trials.

Parties to the Complaint

- 1. The plaintiff resides as indicated above.**
- 2. The Defendants Daniel B. Zonies resides at 1011 East Evesham Road; Voorhees, N.J. 08043, 856-429-3999.**
- 3. Lawrence Luongo, Esq. Resides at 142 William Feather Drive; Voorhees, New Jersey 08043. 856-753-0033.**
- 4. Officer Daniel J. Dougherty resides at 311 S. Atlantic Ave.; Haddonfield, N.J. 08033. 795-7939.**
- 5, Officer Russell J. Smith resides at 610 Central Ave.; Runnemede, N.J. 08078. 939-4069 or 4188 or 5429 or 933-1190.**

Facts

- 1. On 6/15/88 I was convicted for Driving Without a License and Fined and had my License Suspended.**
- 2. On 6/24/88 I was stopped by Officer Smith and he gave the plaintiff tickets for (A) No Registration; (B) No Insurance; (C) Failure to use turn signals; (D) Driving While Suspended; and (E) Failure to produce items (A) & (B).**
- 3. On 10/14/88, Officer Smith did again stop me and ticket me for (A) Driving While suspended; (B) Driving without Insurance and (C) Using an Unregistered Vehicle.**
- 4. On 11/17/88 Officer Dougherty did stop and ticket the plaintiff, for (A) No Insurance ; (B) No Registration; (C) Driving while suspended; and (D) Fictitious License Plates. He did so knowing the plaintiff was challenging the laws and did not possess the items he sought. He did this so as to harass and retaliate against the plaintiff for challenging the State's Laws.**

5. On 4/24/89 the plaintiff was tried and convicted of many of the offenses listed in statements 2-4.

6. Magistrate Zonies and Prosecutor Luongo tried the Plaintiff Summarily and contrary to my Constitutional Right to a Civil or Criminal Right to Trial by Jury.

7. On the 6/24/88 offenses the Plaintiff was Fined as follows:

A. Unregistered Vehicle; \$10.00 Fine and \$15.00 Costs. 1st Offense.

B. 2nd Offense for having no Insurance, \$350.00 Fine and \$15.00 costs.

As a result of the above the Plaintiff was given \$3,000.00 in surcharges and had his license suspended for 6 months. Total Costs are \$3,390.00. The Defendant's did violate the New Jersey Statutes listed in statement 1 on page 1 above 5 times for these charges or a total of 115 Violations of rights on these offenses.

8. On the 10/14/88 offenses the Plaintiff was Tried Summarily, again, and was fined as follows.

A. Unregistered Vehicle; \$25.00 Fine and \$15.00 Costs.

B. 3rd Offense for having no Insurance; \$500.00 Fine and \$15.00 Costs and 2 years License suspension and was given \$3,000.00 in Surcharges. Total Costs are \$3,555.00. The defendant's did violate the New Jersey Statutes listed in statement 1 on page 1 above 5 times for these charges or a total of 115 Violations of Rights on these Offenses.

9. On the 11/17/88 offenses the Plaintiff was tried summarily, again, and was fined as Follows:

A. No registration: \$35.00 Fine, \$15.00 Costs.

B. Fictitious Tags: \$25.00 Fine and \$15.00 Costs.

C. 4th Offense for no Insurance: \$500.00 Fine, \$15.00 Costs.

D. 3rd Offense for Driving while suspended: \$750.00 Fine, \$15.00 Costs.

For these offenses the total costs are **\$1,370.00**. As a result of **Items [C] And [D]** I was given **\$6,000.00 in surcharges for a total out of pocket of \$7,370.00**. The defendant's did violate the **New Jersey Statutes** listed in **statement 1 on page 1 above 10 times for these charges for a total of 230 Violations of rights on these offenses**.

10. The total out of Pocket costs, for these 3 sets of offenses, is \$14,315.00.

11. The Plaintiff was never informed of his Right to a Civil Trial by Jury or Criminal Trial by Jury by the Defendants and the Plaintiff never waived his Rights to such.

12. All the Offenses listed above exceed the Common Law limits for a Civil Trial by jury which is 40 s under the New Jersey Constitution and by way of the Due Process clause of the 14th Amendment by way of *Leeper v Texas*, 11 S.Ct. 577-579. On the above offense, 4 exceeded the Common Law level for crimes which is 20 £ British and all were outside the limits of 40 s at Civil Trials at Common Law and the 9th & 14th Amendments.

13. The U.S. Supreme Court and State Courts have held that those classes of cases that required Civil Jury Trials as of 1776 are still in effect and available today. The Magistrates of New Jersey have a Civil Trial Penalty Limit of 40 s or a Criminal Limit of 20 £ British and the Defendants Lacked Jurisdiction over all charges since (A) one is entitled to one trial for all related offenses and all offenses on 6/24/88 to 11/17/88 exceeded the Common Law Offense Limits for Civil Summary Proceedings and (B) the offenses In statements 7(B), 8 (B) and 9 (C) And (D) exceed all known and admitted limits on Summary proceedings of criminal or Civil Matters. See Blackstone's Commentaries, Book IV, Chapter 10, Page 136-138 and Related Memorandum of law.

14. The Municipal Magistrate does not have Jurisdiction to Summarily Hear and

Try Offenses that are over **40 s for Civil Juries** and over **20 £ British** for **Criminal Proceedings** and the **defendants** knew this. See accompanying memorandum of law. Further, the **Statute Law cannot Replace or Supersede the Common Law**. **Blackstone's Commentaries**, Introduction to the law of England, Chapter 1, Pages 67, 71, 86 and 89. See *State v. Federico*, 998 A. 2d 517, 522 - NJ: Appellate Div. 2010 which confirms that the total charges cannot exceed the amounts of the fines or jail time and *U.S. v Jepson Supra*.

15. The **U.S. Supreme Court** and **New Jersey Supreme Court** have both held that a suit by the government to recover a **statutory penalty for violation of the statute** is one of the forms of cases in **Debt** commonly **Tried by Civil Juries** under the **Common Law** even if the **Complaint is Criminal in Nature**. See **Joseph Story's Constitutional Commentaries**, Volume 3, Chapter 38, Page 646 and **Memorandum of Law**.

16. All **Motor Vehicle offenses** are **prosecutions** by the **State Government** to recover a **statutory penalty for violation of the statute**. See **Accompanying Memorandum of Law**. See *Tull v U.S.*, 107 S.Ct. 1836-1837, 1987 and *Reiner v. State of NJ*, 732 F. Supp. 530 - Dist. Court, D. New Jersey 1990. I discovered this around June 2014.

17. The **Plaintiff** is, and indeed all citizens are, entitled to the **Common Law of England** and related rights that cannot be taken away and the **State** has done that. See *In re Civil Commitment of DY*, 95 A. 3d 157, 165-167 - NJ: Supreme Court 2014 and *ALLSTATE NEW JERSEY INSURANCE COMPANY v. Lajara*, NJ: Supreme Court 2015.

18. The **Defendants** did in fact **Prosecute the Plaintiff Summarily** when they **Lacked Subject Matter and Personal Jurisdiction** to try the **Plaintiff Summarily** and are not **Immune from suit and damages**. They did **usurp their jurisdiction**. See *State use of Little v U.S. Fidelity & Gauss Co.*, 217 Miss. 576, 64 So.2d 697.

19. The Plaintiff invokes this Court's Pendent Jurisdiction over related and intertwined State Torts and N.J.R.C. 7:10-2, As well as Rule 4:50, which allows for the reopening of old matters without regard to time and that the statute of limitations for this type of lawsuit is such that this court's jurisdiction is present and concurrent with that of the state as well as its original Jurisdiction over this type of case when the Issue of Fraud has Occurred or is plead and based on Lack of Jurisdiction. See Also *Thompson v Whitman*, 18 Wall 457, 467-469. This Court's Jurisdiction, as it deals with Frauds under New Jersey 2A codes, says that the actions of the Defendants are premised upon Frauds to Summarily Try the Plaintiff and, thus, since this fraud was only discovered in 6/14 and 1/15 and given either the 2 year or 6 year limitation for such frauds this case is timely.

20. The Defendants have denied the plaintiff's Constitutional Right to a Jury Trial without any authority to do so. The Right to the Common Law under the 9th Amendment.

21. The Defendants have acted Under Color of Law, the State's Motor Vehicle laws, Title 39, and N.J.S.A. 2B:12-17, as the means by which they denied the Plaintiff's Jury Trial Rights. This interpretation of the Laws saying that the Courts have Summary Jurisdiction over Title 39 charges is either direct knowledge and fact or is carried out through the Policies, Customs, Practices or Usages to so handle such Matters, in a Summary Fashion, as these titles cannot confer power on the Local Officials to deny the people of the Rights to Trials by Jury. See *Skinner v. Switzer*, 131 S. Ct. 1289, 2011. The well settled law in New Jersey is that the Legislature cannot deny rights through its enactments nor deny them through their silence and thus the defendants have knowingly acted contrary to the well settled law. See *King v. So. Jersey Nat. Bank*, 66 N.J. 161, 177-178 - NJ: Supreme Court 1974.

22. If N.J.R.C. 7:10-2 was changed on 2/1/10, the plaintiff was not apprised of the same and the U.S. Supreme Court has held that if the State cannot provide proof that the Plaintiff was apprised of the changes, the Plaintiff is entitled to relief under the Older Rules. See *Wright v. Georgia*, 373 US 284, 291, 1963 and *NAACP v. Alabama ex rel. Patterson*, 357 US 449, 457, 1958.

23. Four of the charges the Plaintiff was tried on exceeded the 20 £ British Fine Level under the Common Law of England for which I was denied my Right to Criminal Process. Based upon the exchange rate as of 1776 for £ to U.S. Dollars of 1 to 2.70

24. Blackstone and the Summary Jurisdiction acts did set Criminal Case Penalties for such violations at 20 £ British or 3 months in prison and four of the fines levied in all 3 of the above sets of cases exceeded 20 £ British. 6th & 14th Amendments.

25. The Summary Jurisdiction of Justices of the Peace, now Municipal Magistrates, is, at Common Law, 40 s, and all the offenses listed above had fines and costs above this amount. See *Wolff v. McDonnell*, 418 US 539, 555-560, 1974.

26. The Plaintiff was not apprised of his right to Criminal Process to a Jury Trial and the Plaintiff never Waived Such Right.

27. The State has Laws/Statutes in effect, that the Defendants claim, gives the Local Police, Prosecutors and Judges the right to deny the people of their right to a Civil or Criminal Trial by Jury contrary to the Common Law and ones Constitutional Rights and with no proof. Titles 39 and 2B apparently confers such jurisdiction upon them.

28. The law has been settled for more than 259 years that Lawsuits by the Government to recover a statutory penalty for violation of the Statute is a Common Law Action

of Debt on a Statute which requires a Civil Trial by Jury and Motor Vehicle Laws are such actions and the Plaintiff was found guilty on 8 such violations of the law.

29. The well settled law, of over 259 years, is that if the offense has a fine of 20 £ British or more or the jail sentence is more than 3 months that at Common Law one is entitled to Criminal Process and 4 of the offenses exceeded these Fine amounts. See Blackstone's Commentaries, Book IV, Chapter 10, Page 137 and Summary Jurisdiction Act of 1879 in the Memorandum of Law. 6th and 14th Amendments.

30. The New Jersey Motor Vehicle Laws are Lawsuits by the State against a citizen to recover a Statutory Penalty for violation of said laws. See *Tull v U.S.*, 107 S.Ct. @1836 -1837, 1987 and *Reiner v. State of NJ*, 732 F. Supp. 530 - Dist. Court, D. New Jersey 1990.

31. The Plaintiff discovered the Law on Civil Trials by Jury and the New Jersey Court Rules on how to open up old cases for Constitutional Violations of Rights in and around June and July, 2014.

32. Officers Smith and Dougherty, and indeed all police officers, were and are allowed to issue summons' for the purpose of denying the Citizens of their Right to Civil or Criminal Trial by Jury by the fact that the Police and Prosecutor failed to instruct the accused of his right to request and receive his Rights to Trial by Jury at Common Law.

33. The Motor Vehicle Statutes are in fact a form of Common Law Actions of a Debt that requires a Civil Trial by Jury or are Criminal Matters since the fines exceed the limits for a Right of Criminal Process and Trial by Jury and as such, all fines, court costs and surcharges are in fact fraudulent entries in the Court records and proceedings contrary to N.J.S.A. 2C:21-4 and 2C:28-7; are in fact obstructions of Justice contrary to N.J.S.A. 2C:29-1, official misconduct contrary to N.J.S.A. 2C:30-2 and are also thefts

contrary to N.J.S.A. 2C:20-3 and 2C:20-4.

34. The Plaintiff was never asked, and never waived, if he wanted his **Right to Trial by Jury by either Civil or Criminal Process.**

35. Given that said Traffic Offenses are Civil in Nature as per *Tull v U.S. Supra* then N.J.R.C. 4:50-1(d) which is that all orders are void for violation of Due Process to notice where the lack of notice is the failure of the Defendants to inform the Plaintiff of his Right to Trial by Jury or because the court lacked jurisdiction to try said cases summarily or by the fact that Prosecutor Luongo and Judge Zonies failed to put before the court, and in the record, the Right to a Civil or Criminal Trial by Jury, there was thus Fraud and Fraud upon the court under Rule 4:50-3 and again the orders are void and the plaintiff was injured unconstitutionally and illegally. See *Thompson v Whitman, 18 Wall (U.S.) 457, 467-469 and the case of Freytag v. Comm. Of Internal Revenue, 501 U.S. 868, 896 (1991)* which requires the judge to sua sponte admit to a lack of jurisdiction and Judge Zonies failed to do that.

36. Where Legal Rights are concerned, it does not matter what form the proceedings are as the accused is entitled to a Civil Trial by Jury at Common Law and Motor Vehicle Offenses involve legal rights. See Joseph Story's Constitutional Commentaries, Book 3, Chapter 38, Page 646. and Pages 1-5 of the Memorandum of Law. 9th Amendment.

37. The Plaintiff discovered the Law on Criminal Process Rights as follows.

A. If the fine exceeds \$500.00 the right to criminal process is guaranteed. I discovered this right around January 15, 2014. and

B. If the fine exceeds 20 £ British or 3 months in jail at common Law one is entitled to criminal rights and processes. I discovered this around January 15, 2015.

38. The **Defendants Dougherty and Smith** did in fact imply their intent to injure the **Plaintiff** in that they did sit in waiting for the **Plaintiff** to come home from work and did make stops of the **Plaintiff** every time he was observed by the purposeful acts of these **Defendants** to lie in wait for him and for which when the **Plaintiff** brought this to the **Court's** attention, these **Defendants** did stop lying in wait for the **Plaintiff**.

39. By the Constitution of 1776 and Art. 1, Clause 19 of the 1844 Constitution and Art. 1, Clause 21 of the 1947 Constitution the people retained the right to the Common Law of England. *U.S. v Jepson, 90 F.Supp. 983, 988,989, U.S. Dist. Ct. Of New Jersey and at Common Law* the maximum fine would be 20 £ **British** or 40 s and is Protected by the 9th Amendment. See also case law cited in Statement 17 above.

40. That by way of the U.S. Supreme Court decision in *Leeper v Texas, 139 U.S. 462, 467, 468, 1891*, which states that the rights of process secured by the laws of the States is in fact *Due Process of law* by way of the 14th Amendment, and I was denied of Due Process to a Jury Trial based upon the **SUPREME LAW** of New Jersey that is the rights of All such Citizens and is to act on all Citizens alike, that is to the Common Law.

41. All **Defendants** are entitled to be **treated the same under the law** and if they are not they are **discriminated against** and **Mr. Reardon** was denied his rights to either **Trial by Jury** or a **Fine** that is confined to the **limits** placed upon the **Municipal Court** which is a **maximum fine of 20 £ British or 40 s [2 £]** at the Common Law of England. *National Life Insurance Co. v United States, 277 U.S. 508, 530, 1928*.

42. The total **Penalties** inflicted on **Mr. Reardon** exceeds the total amount of permissible **Penalties** in accordance with the **Law**. See *Summary Act of 1879, 42 & 43 Vict. C 49, Sections 12 and State v. Federico, 998 A. 2d 517, 522 - NJ: Appellate Div.*

not to exceed 40 s at Common Law or the Due Process clause of the 14th Amendment or to a maximum fine of \$16.00. See Courts and Lawyers of New Jersey, Courts of New Jersey, Pages 15, 79, 94, 118-119, 126 & 184 along with Blackstone's Commentaries, Book 1, Chapter 1, Page 331; Book 3, Chapter 3, Pages 24-25, Chapter 4, Page 35; Book 4, Chapter 10, Pages 137-138.

44. The People have the right to criminal process if the fine exceeds 20 £ British as per the Common Law or fines and penalties not to exceed 20 £ British. See Summary Act of 1879, 42 & 43 Vict. C 49, Sections 12; Blackstone's Commentaries, Book 4, Chapter 10, Pages 136-137 and Joseph Story's Constitutional Commentaries, Book 1, Page 140, 1833 and we are being denied of our Constitutional Rights.

45. The Fine levels the Plaintiff is stating at Common Law for Criminal Process is clearly and legally to Criminal Process if the fine level exceeds 20 £ British as so stated. [The Founding Fathers did set the threshold for Civil Jury Trials at \$20.00. It is hard for this Plaintiff to imagine that our Founding Fathers would allow the Criminal Penalty to be above the 20 £ British fine level or 3 months jail time not to be the Law and the Rights of the people. How could man's liberty be so taken away and be of less importance than the Citizens Civil Jury Rights? The Defendants did violate the Plaintiff's Rights to Jury Trial without any basis to so deny said Common Law Rights.]

46. The Plaintiff is suing under the Due Process and Equal Protections Clauses of 14th Amendment in that the people's guaranteed Due Process and Equal Protections Rights is the Right to not be treated differently and contrary to the Common Law and the Right of a Civil or Criminal Trial by Jury.

47. The Legal Rights in question are: (A) The Right of Liberty; (B) The Right of

Right of a Civil or Criminal Trial by Jury.

47. The Legal Rights in question are: (A) The Right of Liberty; (B) The Right of Property; (C) Due Process to trials by Jury; (D) To the Equal Protections of the law; (E) the rights to travel the highways that belong to the people and for which were built for that purpose, (F) to carry out one's personal business on the highways and to so do so as not to Trespass upon the Rights, Person or Property of another or (G) to not open ones doors to the public or to engage in any kind of action that requires the people to obtain a license, registration or No Fault Insurance (H) The state cannot prove that the private citizen is a Driver at Common Law and (I) The State has failed to inform the public what the illegal act is that requires the people to take the State's Drivers License since the state has not proven that the people are in any way causing a threat to the Health, Safety or Welfare of the Public at large for not having its Driver's License.

48. The States Statutes, Customs, Policies and Practices deprive the people of their Rights to Jury Trial be it Civil or Criminal and to the Common Law.

49. The Plaintiff has not knowingly consented to the Laws of the State as to Driver's Licenses, Registrations and No Fault Insurance Laws but has complied out of fear and threat of prosecution and injury if I do not comply with the said laws.

50. On all 3 sets of charges between June and November 1988 the court could only issue maximum penalties between \$5.40 to \$54.00 and said charges did end up costing the plaintiff \$14,081.00- \$14,129.60 more than what the State could levy against the plaintiff.

51. This court also has concurrent and immediate jurisdiction with no statute of limitations in that the Constitutional Challenge to the State's Statutes and practices is

immediate and now and thus there is no 2 or 6 year statute of limitations.

52. The State Supreme Court has held that the right of Trial by Jury, is that which existed in the Common Law as of 1776 and the U.S. Supreme Court's Decision is in fact a decision and finding of the Common law as of 1776. See for example *Rodriguez v. ROSENBLATT ET AL.*, 58 N.J. 281, 284, 1971; *Falcone v Branker*, 135 N.J. Super. 137, 1975; *Peterson v Albano*, 158 N.J. Super. 503, N.J. App. 1978; *Quinchia v Waddington*, 166 N.J. Super. 247, 1979; *Chiacchio v Chiacchio*, 198 N.J. Super. 1, N.J. App. 1984; *Weinisch v Sawyer*, 123 N.J. 333, 1991 and *Tull v U.S.*, 107 S.Ct. 1836-1837, 1987.

Claims-Statements as to Abuse of Process and Retaliation.

1. For the purpose of harassing the Plaintiff and to subject him to Multiple Prosecutions for Traffic Offenses the Defendants did go out of their way to track down the Plaintiff while merely exercising his rights for the sole purpose to use process to get him to stop challenging the State's Motor Vehicle Laws as being Unconstitutional since the Laws Trespass upon the Rights of the People to carry on their Private Business by Traveling their Highways in their cars as per the Maxim of Law that says unless the people carry out some act that Trespasses upon the Person, Right or Property of another there is absolutely no right of the State to regulate the thing it wishes to so regulate and the Defendants have shown this Abuse of Process by going out of their way to catch and ticket the Plaintiff in the exercise of his Private Rights without proof and contrary to this Common Law Maxim and to try and get him to stop suing in court and they got that.

2. The Defendants also came to an agreement to injure the Plaintiff in His Person, Rights and Property by continuing to go out of their way to stop and Ticket the Plaintiff for the purpose of trying to stop the Plaintiff from challenging the State's Motor Vehicle Laws

as being **Unconstitutional**. In fact, **1 officer** said to the **plaintiff**, to the effect, “**why don't you attack or challenge the income tax laws, why do you want to challenge the State's Motor Vehicle Laws?**”

3. The Defendants have failed to show some compelling and overriding State concern to institute laws against the people in the mere exercise of purely private rights. This is that Commerce is, more than mere traffic, what the state may regulate.

4. The Defendants have failed to show how the People Trespass upon the Person , Property or Rights of another in the mere Traveling the Highways by any of the standard means of conveyances of the times for which they were built for. They have failed to do this because they know they have no legal basis to so regulate the Private Citizen in the mere Exercise of His Private Rights and they Abused Process to get the Plaintiff to stop filing Lawsuits in the hope that their continued conduct would dissuade me from filing any more Lawsuits which they got for 27+ years.

5. The Defendants and the Municipalities of Clementon, N.J. 08021; Bellmawr, N.J. 08031; and Audubon Park did all Threaten the Plaintiff with continued Prosecutions for alleged violations of the State's Motor Vehicle Laws and to do so in violation of Plaintiff's Constitutional Rights to either a Civil Trial by Jury or Criminal Process and Trial by Jury which all these Municipalities did all try the Plaintiff Summarily when they had no right to so do.

Retaliation for trying to exercise my 1st Amendment Rights to petition for redress of grievance and to be heard.

1. The defendants Zonies, Luongo, Smith and Dougherty did all carry out acts in the furtherance of their intent to injure the Plaintiff in His Person, Property or his Rights by

continuing to seek out the **Plaintiff** who was doing nothing wrong so as to **retaliate against the Plaintiff for merely asserting and protecting his rights** as he sees them under the **U.S. and State Constitutions. See Accompanying Memorandum of Law.**

2. The defendants had no Rights to do any of the following things.

A. They had no right to try me without proof of at least 2 witnesses to the overt Act(s) and they did so prosecute me without such proof.

B. They had no right to summarily try me and they so did for 3 sets of offenses between June 1988 and November 1988.

C. They had no right to prosecute me for merely exercising my private rights to travel the highways for their intended purposes which is to travel and conduct one's private and personal business and daily life and routine on and to not be Punished or in any other way harmed for the mere assertion and exercise of one's Rights. See Accompanying Memorandum of Law.

D. In order to so injure the Plaintiff the Defendants did in fact interpret the New Jersey laws in such a way that they deprived the people of their U.S. and State Constitutional Rights to Trial by Jury either Civilly or Criminally at Common Law.

E. The Defendants did Knowingly, Fraudulently and Illegally Enforce the State's Laws so as to teach the Plaintiff a Lesson for daring to challenge the State's Laws.

F. The Defendants did respond in kind to my challenges to the State's Motor Vehicle Laws by charging the Plaintiff on Numerous occasions in various Municipalities during and after the pendency of Lawsuits I filed in the Federal Courts. and

G. That based upon Statement 2 on Page 16 above it is clear that the Defendant's conduct was motivated by retaliation for having dared to sue to challenge the State's Motor

Vehicle Laws.

3. The Plaintiff was engaging in His 1st, 9th and 14th Amendment Rights to petition for redress of grievance and to be heard thereon as to the claim of the state's right to require the private citizen to take the State's Driver's License, the State's Registration and State's No Fault insurance Laws, when he was in fact retaliated against by the Defendants, and the Defendants knew this and but for the fact the Plaintiff lacked the knowledge that he could petition this court for an injunction to bar said prosecutions and the Defendant's took advantage of this lack of knowledge of the Plaintiff.

Count 1

The Plaintiff incorporates the above facts into this count as though recited herein and asks for the following things to be collected jointly and severally against all the Defendants. Trespass of Case, Person, Property or Right and Due Process of Law.

1. Nominal, Compensatory, Punitive and Exemplary Damages, each, in the amount of \$14,315.00 per type of damages for a total of \$57,260.00.

2. Treble this amount for thefts as per the Document Crime and its treatment in New Jersey, 1668 to 1934 and N.J.S.A. 2C:20-20 for a new total of \$171,780.00.

3. Treble this amount under the State's RICO Laws for thefts for a new total of \$515,340.00.

4. The total at #3 above is multiplied by 4 for the number of Defendants making a new total of \$2,061,360.00. and

5. Then 20 times this amount for the total number of times the Plaintiff was denied the right to a Jury Trial for a total of \$41,227,200.00.

Any other relief deemed appropriate by the Court or Jury.

Count 2

The Plaintiff incorporates the above facts into this count as though recited herein and asks for the following things to be collected jointly and severally against the Defendants, all of them. Trespass of the Case, Property or Right. As per N.J.S.A. 2C:20-3(a), -4(a)-(c).

1. Nominal, Compensatory, Punitive and Exemplary Damages, each, in the amount of \$1000.00 per rights violations which are 80 [4 * 20] then 4 times this amount for the Defendants and then 4 times this amount for the classes of damages for a total of \$1000.00 X 80 X 4 X 4 = \$1,280,000.00 Then 3 times this amount for RICO violations for a total of \$3,840,000.00 then 3 times this amount for violation of 2C:20-20 or a total of \$11,520,000.00. [Denial of trial by jury 12 times X Criminal statutes violations.] The \$1000.00 is set by the fact that these crimes are 4th Degree offenses with a maximum fine of \$10,000.00 so I am seeking 10% of this amount since the Defendants, are trained professionals and should have been aware of their duty to the law and the Plaintiff.

Any other relief deemed appropriate by the Court or Jury.

Count 3

The Plaintiff incorporates the above facts into this count as though recited herein and asks for the following things to be collected jointly and severally against the Defendants, all of them. Trespass of the Case, Property or Right. See N.J.S.A. 2C:21-4(a) and 2C:28-7(1) and (2). These are 3rd Degree Crimes with a maximum fine of \$15,000.00 so I seek \$1500.00 for the violations of these laws as just compensation.

Nominal, Compensatory, Punitive and Exemplary Damages, each, in the amount of \$1500.00 for the 3 * 20 [60] criminal tort, then 4 times this amount for the 4

classes of damages and then 4 times this amount for each of the Defendants then 3 times this amount for State RICO Violations for a total of \$4,320,000.00 or \$1,440,000.00 if the RICO claims are denied.

Any other relief the court or jury deems appropriate.

Count 4

The Plaintiff incorporates the above facts into this count as though recited herein and asks for the following things to be collected jointly and severally against the Defendants, all of them. Trespass of the Case, Property or Right. See N.J.S.A. 2C:29-1; -3(a)(2), (4), (5), (7) and (b) (1) all are 4th Degree Crimes with a maximum fine of \$10,000.

Nominal, Compensatory, Punitive and Exemplary Damages, each, in the amount of \$1000.00 for each criminal tort, 20 * 6 [120], then 4 times this amount for the 4 classes of damages then 4 times this amount for the 4 Defendants, for a total of \$1,920,000.00. [Jury trial denials X criminal acts violations.] The same logic/rationale is applied here since these are 4th Degree Crimes.

Any other relief the court or jury deems appropriate.

Count 5

The Plaintiff incorporates the above facts into this count as though recited herein and asks for the following things to be collected jointly and severally against the Defendants, all of them. Trespass of the Case, Property or Right. See N.J.S.A. 2C:30-2(a) & -2(b).

Nominal, Compensatory, Punitive and Exemplary Damages, each, in the amount of \$15000.00 for each criminal tort, 20 * 2 [40], then 4 times this amount for the 4 classes of damages then 4 times this amount for the 4 Defendants, for a total of

\$960,000.00.

Any other relief the court or jury deems appropriate.

Count 6

The Plaintiff incorporates the above facts into this count as though recited herein and asks for the following things to be collected jointly and severally against the Defendants. Trespass of the Case, Property or Right.

Nominal, Compensatory, Punitive and Exemplary Damages, each, in the amount of \$1000.00, 4 times this amount for the 4 classes of damages then 4 times this amount for the number of Defendants and then 6 times this amount for the following rights violations; Due Process to fair and impartial hearings, trial, to trial by jury [civil or criminal,] and to the equal protections of the law and the requiring of 2 witnesses, for a total of \$96,000.00.

Count 7

The Plaintiff incorporates the allegations of this complaint into this count as though recited herein and asks for Double Costs as per the common law and Blackstone's Commentaries at Book 1, Chapter 1, Page 342 to be collected Jointly and Severally against the Defendants if the RICO claims, and thus treble costs under RICO, are dismissed.

Count 8

The Plaintiff incorporates the above facts into this count as though recited herein and asks for the court to issue an injunction against the state from trying any offenses summarily in which the fines exceed 20 £ **British or the jail sentence could exceed 3**

months and that are criminal in nature from trying said offenders without a jury trial and criminal process. The Plaintiff seeks an order from the court directing all Municipalities to so notify all accused whose fines exceed 20 £ **British** or jail of more than 3 months they are entitled to criminal process or fines and jail times not in excess of these limits.

Plaintiff further asks that the court issue an injunction immediately barring the Municipal Courts from summarily trying offenders where the fines exceed 40 s under the State Constitution which would be the offender's Due Process rights under the 9th & 14th Amendments by way of the cases of *Leeper v Texas*, 139 U.S. 462, 467-468 1891 and *Skinner v Switzer*, 131 U.S. 1289, 2011 or that the fines shall not exceed this limit.

The Plaintiff further asks this court to issue an order that the Municipal courts be ordered to advise all offenders that come before the court in which there is either (a) a suit to recover a statutorily impossible penalty for violation of the statute to be notified of their right to civil trial by jury whether they are civil or criminal in nature and so long as a mandatory jail term is not immediately impossible and for which the amount in question is 40 s as per the 14th Amendment and State Constitution or (b) where the offense is criminal in nature, and the offense carries jail time of more than 3 months or the fine exceeds more than 20 £ **British**, that the accused is entitled to Criminal Process and if the State kicks the matter back down to the Municipal Court that the Court is barred from levying a fine of more than 20 £ **British** which is the limit of a Municipal Court or a Jail term of 3 months or less if it is criminal in nature or a maximum of 40 s if the offense is Civil in Nature; or (c) that all Common Law Actions such as Detinue, Replevin, Debt, Assumpsit, Special Assumpsit, Trespass of the Case, Trespass of the Person, Trespass of the Right or Trespass of Property that the accused be informed

of their right to a Civil Jury Trial that comes before a Municipal Court.

The plaintiff further asks for injunctive relief in that the court order the State to do the following things immediately.

A. They are required to place in the record how the health, safety or welfare of the people at large is protected by a competent person who is licensed to drive as opposed to a competent person who is not Licensed to drive.

B. What the people are doing that requires them to open their doors to the public for the purely private rights and requiring the people to take the State's Driver's License, Registration, Inspection or No Fault Insurance Laws.

C. The State is required to immediately prove how the taking of a Driver's License, Registration, Inspection and No Fault Insurance is commerce or Trespasses upon the Person, Property or Rights of another requiring them to be complied with.

D. How the State's Motor Vehicle Laws are Constitutionally sound as per the People's Private Rights when they do not engage in commerce, they do not open their doors to the public, they are not Trespassing on the Person, Rights or Property of another or they are not engaging in Trade or Commerce. The laws being that of Driver's Licenses, Registrations, No Fault Insurance and Inspection laws.

E. To require the State to provide its legal and factual basis that they can classify or establish law that holds that the People are Driver's at common Law when they are not engaged in commerce.

F. To require the State to provide its legal and factual basis that requires the taking of a license when they have failed to establish or indicate in the law what the illegal act(s) is/are that the people do requiring the taking of a license to use ones car

on the Peoples Roads for the very purpose they were built for and in accord with the people's Constitutional Rights.

G. The State is to provide the factual and legal basis that insurance laws that in effect protect the individual from the rest of society as opposed to protecting Society from the Individual is somehow legal and is designed to protect the Public at Large from the individual.

H. The State must prove how a registration somehow protects the Public from the individual and thus effects the Health, Safety or Welfare of the Public at large. and

I. The State must provide proof that since "Inspection Laws" are for the regulation of Trade or Commerce, [Gibbons v Ogden Supra] how they can require the private Citizen who is not engaged in trade or commerce in the use of his private property for purely private reasons can be forced to put their cars through inspections.

Wherefore, the Plaintiff hereby states, attests and affirms before Almighty God as his witness that the forgoing facts are true and correct and that he may be punished under the law if any are materially and willfully false.

Dated: December 10, 2015


John E. Reardon, Plaintiff
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