Gregory-Justin; house of Parker

C/o 270 McCarty Rd.

Chickamauga, GA

STATE OF TENNESSEE

County of Hamilton

|  |  |  |
| --- | --- | --- |
|  “State of TENNESSEE” aka John Andrew Doub  plaintiff,  vs. GREGORY PARKER  defendant  | ) ) ) ) )) ))  |   Case #308454     **Motion to strike/dismiss complaint and request for full finding of fact and conclusions of law**  |

Now Comes Gregory-Justin; house of Parker, alleged defendant, by special appearance, not submitting to the court’s jurisdiction, who hereby moves this court to strike/dismiss the complaint filed by John Andrew Doub, for failure to present a cause of action or crime. Failure to present the court a case deprives the court of jurisdiction. Grounds are further set forth below. The court is further requested to provide a full findings of fact and conclusions of law if the court denies this motion. Just saying “it doesn’t apply” is not sufficient grounds to deny this motion.

 Because some courts refuse to disclose the nature of the proceedings, this motion covers both civil and criminal. If deemed to be civil, the criminal parts may be ignored and vice-versa.

 1. No case, crime or cause of action.

 This is why to have a case or cause of action; a plaintiff must plead the violation of a legal right:

“the duty of this court, as of ***every judicial tribunal***, is limited to ***determining rights*** of persons or of property, which are actually controverted in the particular case before it.” Tyler v. Judges of the Court of Registration, 179 U.S. 405, 21 SCt. 206, 208.

 The basic elements of a case or cause of action is the violation of a legal right and loss or harm. The alleged plaintiff, a legal fiction at best, ostensibly acting through John Andrew Doub has not pled any violation of a legal right or harm. Legally there is no cause of action:

“A Cause of action is some particular legal right of plaintiff against defendant, together with some definite violation thereof which occasions loss or damage.” Luckie v. McCall Manufacturing Co., 152 So.2d 311, 314…” Soowal v. Marden, 452 So.2d 625, 626.

 This includes proceedings like these allegedly criminal in nature:

"Causation consists of two distinct sub-elements. As legal scholars have recognized, before a defendant can be convicted of a crime that includes an element of causation, the State must prove beyond a reasonable doubt that the defendant's conduct was (1) the "cause in fact" and (2) the "legal cause" (often called "proximate cause") of the relevant harm...In order to establish that a defendant's conduct was the "cause in fact" of a particular harm, the State usually must demonstrate that "but for" the defendant's conduct, the harm would not have occurred." Eversly v. State, 748 So.2d 963, 966-967 (Fla. 1999).

“It is a fundamental principle of law that no person be adjudged guilty of a crime until the state has shown that a crime has been committed. The state therefore must show that a harm has been suffered of the type contemplated by the charges (for example, a death in the case of a murder charge or a loss of property in the case of a theft charge), and that such harm was incurred due to the criminal agency of another. Thus, it is sufficient if the elements of the underlying crime are proven rather than those of the particular degree or variation of that crime which may be charged.” State v. Allen, 335 So. 2d 823,825 (Fla. 1976).

 Even if the absurd claim is made harm is not a necessary element of a real crime, the complaint is still fatally flawed as there is no accusation alleged defendant violated any one’s legal rights.

 If there were a true adversary against alleged defendant, it would be laughable to even try to discuss causation because defendant is not accused of causing anything, real or *imagined*.

 2. No corpus delecti. The corpus delecti is the “body of the crime” itself. Virtually every American jurisdiction agrees it’s an absolutely essential element of any crime and is consistent with the stated purpose of American governments:

“Corpus delecti is usually proven by following two elements: injury or loss, and someone’s criminal act as cause thereof…” State v. Smith, 801 P.2d 975, 115 Wash.2d 775.

““Corpus delecti” consists of injury or loss and someone’s criminal act which caused it.” State v. Espinoza, 774 P.2d 1177, 1182, 112 Wash.2d 819.

"In every criminal trial, the prosecution must prove the corpus delecti, or the body of the crime itself - i.e., the fact of injury, loss or harm, and the existence of a criminal agency as its cause." People v. Sapp, 73 P.3d 433, 467 (Cal. 2003) [quoting People v. Alvarez, (2002) 27 Cal.4th 1161, 1168-1169, 119 Cal.Rptr.2d 903, 46 P.3d 372.] (Calif).

"In defining 'corpus delecti' Wharton says: 'It is made up of two elements: (1) That a certain result has been produced...(2) That someone is criminally responsible for the result..." McVeigh v. State, 53 S.E.2d 462, 469 (Georgia).

"In order to prove that a crime occurred, the State must prove beyond a reasonable doubt: (1) the basic injury..., (2) the fact that the basic injury was the result of a criminal, rather than a natural or accidental cause..." State v. Libero, 83 P.3d 753, 763 (2003), [quoting State v. Dudoit, 55 Haw. 1, 2, 514 P.2d 373, 374 (1973)] (Hawaii).

“Occurrence of injury or loss, and its causation by criminal conduct, are termed the “corpus delecti.” People v. Assenato, 586 N.E.2d 445, 448, 166 Ill.Dec. 487, 490. (Illinois).

"While the corpus delecti must be proved beyond a reasonable doubt...it may be established by circumstantial evidence..." James v. State, 248 A.2d 910, 912. (Maryland)

“Criminal responsibility is imposed on the basis of the intentional doing of an act with awareness of the probability that the act will result in substantial damage, regardless of whether the injury turns out to be minor or insignificant.” Com. v. Ruddock, 520 N.E.2d 501. (Massachusetts)

“The term “corpus delecti” embraces occurrence of loss or injury and criminal causation thereof.” State v. Hill, 221 A.2d 725, 728, 47 N.J. 490. (New Jersey)

“It has long been fundamental to the criminal jurisprudence of this Commonwealth that a necessary predicate to any conviction if proof of the corpus delecti, i.e., the occurrence of any injury or loss and someone's criminality as the source of this injury or loss. See Commonwealth v. Burns, 490 Pa. 619, 627, 187 A.2d 552, 556-557 (1963); Commonwealth v. Turza, 340 Pa. 128, 133, 16 A.2d 401, 404 (1940)." Commonwealth v. Maybee, 239 A.2d 332, 333. (Pennsylvania)

“The corpus delecti of a crime consists of two elements: (1) the fact of the injury or loss or harm, and (2) the existence of a criminal agency as its cause [citations omitted] there must be sufficient proof of both elements of the corpus delecti beyond a reasonable doubt.” 29A American Jurisprudence Second Ed., Evidence § 1476.

 This is not the same as the “corpus delecti rule” which is not an element of the alleged crime, but a procedural rule.

There is no corpus delecti pled in the complaint. Without a corpus delecti there is no crime:

“Component parts of every crime are the occurrence of a specific kind of injury or loss, somebody’s criminality as source of the loss, and the accused’s identity as the doer of the crime; the first two elements are what constitutes the concept of “corpus delecti.” U.S. v. Shunk, 881 F.2d 917, 919 C.A. 10 (Utah).

 3. Lack of jurisdiction. “Standing represents a jurisdictional requirement which remains open to review at all stages of the litigation.” National Organization for Women, Inc., v. Scheidler, 510 US 249.

Because there is no corpus delecti, there is no crime. The allegation fails to meet every legal standard of what a crime is. Also, because American governments are established for the sole purpose of protecting rights, a true crime requires the violation of a legal right. Alleged defendant is not accused of violating anyone’s legal rights, therefore, there is no crime/case or cause of action pled and the court has no jurisdiction.

4. The complaint is “unfit for adjudication”. Because American courts are adversary systems, the complaint is “unfit for adjudication”:

“The [Supreme] Court has found unfit for adjudication any cause that "is not in any real sense adversary," that "does not assume the `honest and actual antagonistic assertion of rights' to be adjudicated…” Poe v. Ullman, 367 U.S. 497, 505 (1961).

Even if the phrase corpus delecti is not used, there is no doubt this is not an adversary proceeding as there are no allegations I violated any legal rights.

5. No evidence of presence within State and laws applicable. There are no facts pled to prove my presence within the plaintiff State of TENNESSEE and the laws of the state are applicable to me. Such evidence is essential to prove jurisdiction.

 Mere geographic location is not evidence of presence within the alleged plaintiff, State of TENNESSEE. It’s impossible to prove my presence within the alleged plaintiff beyond a reasonable doubt or a preponderance of evidence. The State of TENNESSEE, while obviously not geographic, is at best political as it did not exist prior to January 2, 1788

 The phrase State of TENNESSEE appears to be not much more than a dba or pseudonym for lawyers and police officers. This will be shown if a state lawyer responds to this motion.

As the laws of the state only apply within the state, there is no evidence, and nothing alleged, the law of the state apply to me.

If this is a criminal proceeding, then the assigned judge is obligated to presume my innocence until it is proven beyond a reasonable doubt. The judge may not assume the law is applicable now because it is an essential element of the alleged crime.

 6. Court’s jurisdiction not enlarged by police authority. The jurisdiction of the court is limited to protecting rights; this is not enlarged by alleging the police have authority to issue tickets. Such authority does not work to trump fundamental limitations on the courts.

 No amount of police authority may enlarge the limits of the adversary system. Adversary systems require true adversaries, this requires the allegation and proof of injury. The plaintiff has failed to make such allegations. Yes, police may have authority to issue traffic tickets, they must still allege injury for the court to proceed with jurisdiction.

Conclusion

Because the plaintiff has failed to allege the required elements of a cause of action/crime and there is no corpus delecti, the Court has no jurisdiction. As such, the court should either strike the complaint filed against alleged defendant or dismiss it.

Submitted this \_\_\_ day of \_\_\_\_\_\_\_\_\_\_\_ 2019

\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_ Sui Juris

Gregory-Justin; house of Parker

Sovereign American, holder of office of "the people".