

MOTION FOR DISMISSAL OF PROHIBITION CHARGE

THORNE PETERS · MONDAY, NOVEMBER 16, 2015

IN THE CRIMINAL COURT OF _____

FOR THE _____ JUDICIAL DISTRICT AT

STATE OF _____

Plaintiff,

VS.

DOCKET No. _____

DIV _____

.Defendant. _____

Comes now Defendant _____, with counsel, moves the Court for DISMISSAL in the "furtherance of justice" regarding the instant proceeding for the charge of _____ N.Y. Crim. Proc. Law § 210.40 grants the defendant (or the prosecutor or the court) the power to apply for relief: Defendant moves the court to find, under the general concept of the "furtherance of justice" stated in its provisions, that the "dismissal is required as a matter of judicial discretion by the existence of some compelling factor, consideration or circumstance clearly demonstrating that conviction or prosecution of the defendant upon such indictment or count would constitute or result in an injustice." As grounds for this motion, Defendant would show the Court as follows:

1. The unlawful Prohibition enforced by legislation imposes the fictional concept that a consensual act between consenting adults can be ruled *Malum Prohibitum* by decree based on ignorant concepts of “moral turpitude”, which denies the human rights of the individual. If an act cannot be declared *Malum in se*, by a victim, the act cannot be criminal (*Res ipsa loquitur*).
2. The unlawful Prohibition enforced by legislation seeks to engage the court in the criminal act of “Politically Motivated Judicial Bias” by denying the Defendant’s Sixth Amendment right to face an accuser in a court of law in order to enforce legislation that presupposes guilt by declaration without the support of evidence or testimony offered by an accuser that a crime has been committed, which denies the Defendant the remedies needed for defense.
3. The unlawful Prohibition enforced by legislation supplants the accuser with criminal codes based on political policies that cannot be answered by the Defendant with remedies, available to Defendants where an accuser has sworn a complaint detailing the alleged criminal act, such as, but not limited to, “No mens rea”; and/or “consent”. “Mens Rea” is evaluated for every degree of murder charges. “Consent” is offered as an absolute defense against rape charges. Victims of Prohibition charges are denied these lawful remedies.
4. The unlawful Prohibition enforced by legislation dehumanizes the nature of a “victim” by superimposing terms in place of the name of a “victim” such as but not limited to, “Public” “Society” “Peace & Dignity”. The Court must weigh third-party impact on survivors of criminal acts who are trivialized by a standard that demeans the suffering experienced by the victim with a contrived comparison to the petty societal angst over consenting behavior deemed offensive by some and exciting to others.
5. The unlawful Prohibition enforced by legislation is in conflict with the principles of American life which guarantees the protection of FREE citizens, with FREEWILL, in a FREE society, where FREE market enterprise is preserved to maintain the peace and prosperity of our country. By conscripting innocent citizens to answer to charges in Court that have been manufactured by legislation rather than generated by a victim, the Court is

knowingly engaged in committing the crime of “Perversion of Justice”, in complicit furtherance of the crime of “Restraint of Trade”.

6. The unlawful Prohibition enforced by legislation creates an unnecessary risk factor in society by guaranteeing an unregulated, underground, black market will develop to supply the demands of those who crave the consensual activity being denied by the enforcement of criminal codes over the respect for human rights.

7. The unlawful Prohibition enforced by legislation provides the motive, opportunity and means for Public Corruption, from the cops to the prosecution to the Court to the politicians, individually, jointly, severally and collectively to operate outside the law to seize property, assets and children, as well as commit robbery, vandalism, assaults and murder disproportionately to the apprehension of subjects of arrests of other misdemeanor or felony charges combined.

8. The unlawful Prohibition enforced by legislation targets minorities for arrest, prosecution and incarceration disproportionately, by ratio, to Caucasians, breeding a system of racist application of criminal codes, which is taught as a fundamental principle in law enforcement, prosecution and court.

9. The unlawful Prohibition enforced by legislation allows for defamation of character by labeling the Defendant as a criminal, when the lawful facts of the case do not offer any testimony or evidence of a crime being committed based on the act of the Defendant, which is always consensual in all cases where a condition of Prohibition is inflicted.

10. The unlawful Prohibition enforced by legislation is a crime against humanity on its face. In cases where there is an accuser, legislation is not needed to define the criminal act of the Defendant, as there is an accuser to detail the evidence of the alleged crime.

11. The unlawful Prohibition enforced by legislation has proven to be unjustly applied in cases where the only allegation made against a Defendant is that they committed a consensual act that is being prohibited by legislation---among the many who have suffered the unjust application of Prohibition by legislation over human rights have been Witches, Negroes, Quakers, Homosexuals, Irish, Transsexuals, Jews, Transvestites,

women, as well as consenting adults engaged in specific consensual acts forbidden by legislation supported by religious, racial, social and gender bigotry.

12. The unlawful Prohibition enforced by legislation prevents society from growing in peace; keeps schools from being built and being properly equipped; raises property taxes, ends urban renewal, while perverting the process of investigating, prosecuting and incarcerating perpetrators of crimes where victims cry out for justice.

13. The unlawful Prohibition enforced by legislation allows criminals to receive plea bargains on reduced sentences so that more than half of their time will be spent on parole or probation, which leads to recidivism that would be avoided if criminals were incarcerated.

14. The unlawful Prohibition enforced by legislation supports the growth and power of gangs and cartels, foreign and domestic, creating danger and instability on the streets and in the world.

15. The unlawful Prohibition enforced by legislation against the use, sales and cultivation of CANNABIS has unlawfully included HEMP, which has been known to the world for thousands of years as a natural, renewable, biodegradable source of fuel, medicine, nutrition, textiles, and clothing that does not pollute the environment with non biodegradable toxic waste that is a danger to citizens and an ecological disaster to the planet, its people and wildlife . . . crimes against nature.

16. The unlawful Prohibition enforced by legislation sponsors juvenile delinquency by tempting them with an opportunity to make quick cash, in amounts that will be unavailable to them by going through the process of schooling, training, or apprenticeship to take their place as working members of society.

17. The unlawful Prohibition enforced by legislation denies the individual right to declare what is lawful and unlawful in favor of accepting an unenforceable criminal code of legal and illegal. Arguendo, as Sodomy has been declared “legal” how could someone declare that it was “illegal” when done to them? The act is only as lawful or as unlawful as the individual sees fit; not as far as the Court seeks to control our consenting behavior.

18. The unlawful Prohibition enforced by legislation has led to institutions of oppression against people, supported by the Court, such as, but not limited to, Slavery, Women's Suffrage, Jim Crow, Anti-Miscegenation, Antisemitism, and Gay-Bashing.

19. The unlawful Prohibition enforced by legislation must cease & desist as it frustrates the administration of justice and hinders the search for truth, as the entire case is based on the fallacy of legality that a person who does nothing to no one can still be branded and labeled as a criminal by the Court, even a "violent offender" or "felon in commission of a crime" despite the lack of a criminal act, criminal intent or a victim outcry.

20. The unlawful Prohibition enforced by legislation creates an unequal balance in application, as two people engaged in the same act (actus reus) with the same intent (mens rea) and the same outcome, are divided by the system into customers and criminals based on their compliance with legislation and not whether they committed an overt act with the intent to do harm. For instance, two people take the exact same pill for the exact same reason . . . one has a prescription from the system and is protected while the other is branded a criminal for non compliance. Two people sit at the front of the bus for the exact same reason . . . one is a considered a customer while the other is branded a "Nigger".

21. The unlawful Prohibition enforced by legislation is the greatest crime against humanity ever committed for profit and gain, as the Court conspires with politicians to create a system to criminalize innocent citizens and conscript them into court as "de facto Defendants in essence" who stand in a court of law as alleged criminals accused of a crime by a victim, but as customers charged by a bill from the criminal court seeking to stay in business by expanding the list of artificial criminal codes and manufactured political policies to be potentially violated in order to manipulate FREE people into a system to pay fees and fines and taxes and penalties to justify the existence of THE ENTITY.

22. The unlawful prohibition enforced violates the right of the defendant to evaluate, dissect and question the body of evidence (corpus delicti); as only dogmatic

legislation that offers no remedy is offered in lieu of evidence or testimony of a crime.

23. The unlawful prohibition enforced by legislation prevents law enforcement officers from being able to respond to cries for help, as they are under orders to investigate consensual behavior, such as but not limited to: the sales, cultivation and use of CANNABIS, the sales, manufacturing of drugs, gambling, prostitution and lap dancing at a rate of 2 to 1 over criminal activity involving a victim. This is why Law Enforcement Against Prohibition (L.E.A.P.) has formed in protest against the unlawful violation of legislated prohibition; as have politicians, prosecutors and judges.

24. The unlawful prohibition enforced by legislation has been proven to be a human rights violation in the landmark cases sighted below (a fortiori).

Blackstone's Ratio, "Commentaries on the Laws of England", (1765) "It is better that ten guilty persons escape than that one innocent suffer."

* *Dred Scott v. Sanford*, 60 U.S. 393 (1857)

* *Pace v. Alabama* 106 U.S. 583 (1883)

* *Alford v. United States*, 282 U.S. 687 (1931)

* *Brown v Board of Education of Topeka, KS*, 347 U.S. 483 (1954)

* *Browder v. Gayle*, 142 F. Supp. 707 (1956)

* *Pointer v. Texas*, 380 U.S. 400 (1965)

* *Griswold v. Connecticut*, U.S. 479 (1965)

* *Loving v. Virginia*, 388 U.S. 1 (1967)

* *Timothy Leary v. United States*, 395 U.S. 6 (1969)

* *Stanley v. Georgia*, 395 U.S. 557 (1969)

* *People v. Clayton*, 41 A.D.2d 204, 208 (1973)

* *Davis v. Alaska*, 415 U.S. 308 (1974)

* *Olden v. Kentucky*, 488 U.S. 227 (1988)

* *Idaho v. Wright*, 497 U.S. 805 (1990)

* *Lawrence v. Texas*, 539 U.S. 558 (2003)

* *Obergefell v. Hodges*, 576 U.S. (2015)

* “The law is a two-party arrangement between consenting adults. I do not answer to THE ENTITY; I answer to the individual, as does THE ENTITY! I am FREE at birth not Slave to legislation, therefore ‘I AM THE LAW’ . . . [#NOMENSREA](#)” ~THE KINGPIN THORNE PETERS, *Tennessee v. Peters* (2018)

* "It is not the function of our Government to keep the citizen from falling into error; it is the function of the citizen to keep the Government from falling into error." U.S. Supreme Court, in: *American Communications Association v. Douds* 339 U.S. 382 (1950)

In reliance on the above-delineated constitutional statutory guarantees, Defendant hereby moves the instant case be immediately dismissed, expunged, with all associated costs assessed against the State of _____.

<http://www.thornepeters.com/prohibition.html>