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| **Motion to Dismiss/Strike** | Ian Freeman63 Emerald St. #610 Keene, New Hampshire |

**November 11, 2012**

Court Name: Palmer District

Case Name: State v. Ian Freeman

Case Number: 1243CR1902

Now comes Ian Freeman of the Shire Society, called defendant by this court, by special appearance, not submitting to the court’s jurisdiction, who hereby moves this court to strike/dismiss the complaint filed by Raymond L TENCZAR of the Palmer Police Department for a lack of standing and jurisdiction. Grounds are set forth below.

1. Plaintiff lacks standing. The foundation for standing is the preamble of the Massachusetts Constitution:

*“The end of the institution, maintenance, and administration of government, is to secure the existence of the body politic, to protect it, and furnish the individuals who compose it with the power of enjoying in safety and tranquility their natural rights, and the blessings of life”*

Standing is required because “courts only adjudicate justiciable controversies.” United States v. Interstate Commerce Commission, 337 US 426, 430.

“To have standing in any capacity, a litigant must show that the challenged action has caused litigant injury.”  Perella v. Massachusetts Turpike Auth., 772 N.E.2d 70.

To have standing, a plaintiff must allege the violation of a legal right. The plaintiff has not alleged the violation of a legal right. Therefore, there is no standing to complain.

1. Standing also requires damage. Standing requires the violation of a legal right that causes damage “A plaintiff must allege personal injury fairly traceable to the defendant's allegedly unlawful conduct and likely to be redressed by the requested relief.” Allen v. Wright, 468 U.S. 737, 751 (1984)

The plaintiff has failed to allege both elements of standing. Therefore the plaintiff lacks standing to complain.

1. No corpus delecti. There is no corpus delecti. The corpus delecti is related to standing and must be proven in every prosecution and has two elements:

“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.

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).

1. Lack of jurisdiction. “Standing represents a jurisdictional requirement…” National Organization for Women, Inc., v. Scheidler, 510 US 249. As with standing, the foundation of the court’s jurisdiction is the preamble of the Massachusetts Constitution referenced in point one above.

If the constitution applies to this court, then the court’s jurisdiction is described above. The plaintiff has not alleged the violation of a legal right therefore, the court lacks jurisdiction.

Conclusion

Because the plaintiff has failed to allege the required elements to establish standing to complain and jurisdiction, and there is no corpus delecti, the Court should dismiss or strike the complaint filed against me.

Mailed this \_\_\_\_ day of **November 2012**.

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Certificate of service

This is to certify that a true and correct copy of the foregoing has been mailed this

\_\_\_ day of **November 2012** to the alleged plaintiff.

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