

Motion to Claim and Exercise Constitutional Rights

NAME OF COURT

COUNTY OF XXXXXXXX

STATE OF XXXXXXXX

NAME OF PLAINTIFF

Plaintiff

v.

Case No. **XXX_XXXX**

"Name of Defendent",

Defendant

MOTION

**TO CLAIM AND EXERCISE CONSTITUTIONAL RIGHTS and REQUIRE THE
PRESIDING JUDGE TO RULE UPON THIS MOTION, and ALL PUBLIC OFFICERS
OF THIS COURT TO UPHOLD SAID RIGHTS**

COMES NOW Defendant “**Name of Defendent**”, and moves the court, without accepting the jurisdiction of the court, pursuant to oaths sworn by the presiding judge and the attending public officers:

1. To acknowledge and act in accordance with a United States Federal Court

ruling, to wit: “The claim and exercise of a Constitutional Right cannot be converted into a crime.”

[Miller v. U.S. 230 F, 2d 286, 489;](#)

2. To honor, uphold and abide by the oaths taken by the presiding judge and attending court officers, pursuant to the [Constitution of the United States of America, Article VI, Clauses 2 and 3](#), and the Constitution of the Republic of New Mexico, [Article 20, Section One](#), (**Replace New Mexico constitutional reference with correct one for your state**) in this matter;

3. To provide due process of law, pursuant to the [First, Fourth, Fifth, Sixth, Seventh, Ninth and Fourteenth](#) Amendments of the Constitution of the United States of America, and pursuant to [Article II, Sections 2, 4, 12 and 18](#) of the Constitution of the Republic of New Mexico ([Replace New Mexico constitutional reference with correct one for your state](#)), and as required by the aforementioned oaths taken by the presiding judge and attending court officers, in this matter;

4. To provide equal protection under the law, as required by the National and state Constitutions and pursuant to the referenced oaths;

5. To respect, protect and uphold the Rights of [“Last Name of Defendent”](#), an American Citizen, in this matter, which Rights are guaranteed in the National and state Constitutions, pursuant to referenced oaths;

6. To acknowledge and uphold the Constitution of the United States of America as the Supreme Law of this court, in this matter, pursuant to the mandate, in Article II, Section One, of the Constitution of the Republic of New Mexico (Replace New Mexico constitutional reference with correct one for your state), that the National Constitution is the Supreme Law of New Mexico;

7. To acknowledge and so rule that any court and/or judge which denies a Citizen to present evidence in any hearing or trial in total support of her position, which evidence had previously been sent to Plaintiff and is unrebutted by Plaintiff and counsel, is perjury of oath and denial of due process of law. Since neither Plaintiff nor counsel rebut this evidence, then, there is no dispute, and since there is no dispute, there is no controversy, and since there is no controversy, charges must be dismissed;

8. To acknowledge and so rule that this court and no other court and no judge in New Mexico (Replace New Mexico constitutional reference with correct one for your state) has jurisdiction over or can issue a court order against an American Citizen if that court and/or judge: (a) do not provide due process of law; (b) do not provide equal protection under the law; (c) do not respect and uphold the Constitutional Rights of American Citizens, and in the instant action, the Rights of "Name of Defendent", an American Citizen, pursuant to the Rights guaranteed in the Constitutions of the United States of

America and the Republic of New Mexico (Replace New Mexico constitutional reference with correct one for your state); (d) act with sufficient force so as to deny the powers of the National and state Constitutions.

Wherefore Defendant “Last Name of Defendent”

respectfully moves this court to grant this Motion for the aforesaid reasons.

Respectfully submitted,

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