

**IN THE CIRCUIT COURT OF
THE TWENTIETH JUDICIAL CIRCUIT
ST. CLAIR COUNTY, ILLINOIS**

PEOPLE OF THE STATE OF ILLINOIS,)
Plaintiff,)
) NO. 06TR0058724
v.) Ticket No. 3109076
)
Mark McCoy)
Accused.)

MOTION TO DISMISS FOR LACK OF JURISDICTION

NOW COMES the Accused, Mark McCoy, a free and independent man in full possession of his unalienable natural rights having surrendered nothing to the State in exchange for any privilege, Sui Juris and in Propria Persona, by limited and special appearance, maintaining his challenge to the jurisdiction of the State for crimes, offenses, and misdemeanors not cognizable to the Common Law, and moves this Court to dismiss the above captioned case for lack of jurisdiction.

1. The Accused received an Illinois Citation and Complaint (Ticket No. 90009) from the Collinsville Police Department on June 24, 2006, pursuant to a traffic stop, which was signed by the arresting officer (name indiscernible) with I.D. No. 226, on June 24, 2006.
2. Pursuant to ticket number 90009, the Accused appeared, as requested, in Collinsville Municipal Court in the City of Collinsville, for the Third Judicial Circuit, County of Madison, Illinois on July 25, 2006.
3. Pursuant to that appearance, the City of Collinsville filed a Motion to dismiss said Complaint, the Order for which was filed September 26, 2006 by the Clerk of the Court of the Third Judicial Circuit, Madison County, Illinois.
4. Between the time of June 24, 2006 and September 26, 2006, the Accused had not received, nor been notified of, any other appearance required of him pursuant to said Complaint, nor had any knowledge or been presented with any other document bearing any other ticket number.
5. The Accused was notified by The Circuit Court of the Twentieth Judicial Circuit of St. Clair County, Illinois by way of a "SHOW CAUSE" for his having failed to appear for an action arising from said Complaint and referencing ticket number "3109076".
6. The Accused inquired with the Clerk of the Court at the St. Clair County Courthouse located at #10 Public Square, Belleville, Illinois, in person, to inquire about the nature of the "Show Cause".
7. The Clerk could only produce a photocopy of the Illinois Citation and Complaint bearing ticket number 3109076, and offered no other information or explanation as to the existence of that ticket or on when or how the Accused was ever made aware of, or personally received, said Complaint.

8. Upon examining the photocopy bearing the number 3109076, the Accused raised the issue with the Clerk that he had not been served with, nor received, any Complaint other than the one previously dismissed by the City of Collinsville on September 26, 2006.
9. The Accused also raised the issue that ticket number 3109076 bore the same date for the alleged offense, June 24, 2006, as ticket number 90009, but which is signed (name indiscernible) with I.D. 226, and dated by the arresting officer on October 4, 2006.
10. The Accused informed the Clerk that the Citation is void because it was not signed by the officer until after over 90 days had elapsed from the date of the alleged occurrence.
11. Illinois Supreme Court Rule 504, "Appearance Date", specified that, "The date set by the arresting officer or the clerk of the circuit court for an accused's first appearance in court shall be not less than 14 days but within 60 days after the date of the arrest, whenever practicable."
12. The Clerk of the Court stated that The City of Collinsville occupies two Illinois counties, St. Clair and Madison, and that the alleged offense was filed simultaneously in each county, thereby giving rise to two jurisdictions for one offense, yet there being two Citations bearing different ticket numbers and which were filed with each respective county more than 90 days apart.
13. The Accused was unable to reason with, or persuade the Clerk of the Court that an obvious error had occurred, having been confronted with two identical Citations, save for the date of the arresting officer's signature, as well as the ticket bearing number 3109076 being in violation of Illinois Supreme Court Rule 504 for being well outside the recommended 60 days appearance date from date of arrest, and decided to stand upon his rights and disregard the Citation bearing ticket number 3109076, as well as any actions arising from same.
14. The Accused appeared, in good faith, in Collinsville Municipal Court, as well as the Clerk of the Circuit Court in St. Clair County to address issues arising from this issue.
15. The Accused refused to participate in what amounted to a situation arising from error, chicanery, mischief, or misfeasance which would submit him to unjust jurisdiction for an offense already satisfied, and thereby be a willing participant in the violation of his own rights and possible injury.
16. As a result of the Accused's position, a BENCH WARRANT bearing Warrant # 302150165 was issued for the Accused, which was contributory to issues giving rise to his arrest on February 17, 2009.
17. The Accused appeared in Courtroom 109 of the Circuit Court of the Twentieth Judicial Circuit of St. Clair County, Illinois on July 24, 2009 before the Honorable Randall Kelley, wherein the Accused raised the issues found in this Motion on the record, and offered his evidence to Judge Kelley consisting of the original Complaint bearing ticket number 90009, the photocopy of the Citation bearing ticket number 3109076, and the Order from the Third Judicial Circuit, Madison County, Illinois filed on September 26, 2006.
18. Upon reviewing the information presented by the Accused Judge Kelley confirmed that both Citations bore the same date for the alleged offense but were filed in different counties on different dates.

19. The Accused asserts that proper jurisdiction for the alleged offense was the Third Judicial Circuit, Madison County, Illinois of which the Accused did appear as requested.
20. The Accused asserts that the Citation bearing ticket number 3109076 is invalid for reasons stated above, and thereby affords no jurisdiction to the Circuit Court of the Twentieth Judicial Circuit, St. Clair County, Illinois.
21. Therefore, the Accused believes that the Citation, as well as all ensuing orders and warrants, are without merit, defective, and lack proper jurisdiction.

WHEREFORE, the Accused respectfully requests that this Honorable Court enter an Order dismissing charges alleged in Illinois Citation and Complaint bearing ticket number 3109076 (Case number 06TR0058724) for lack of jurisdiction.

Respectfully submitted,

Mark McCoy, in Propria Persona
41 Grandview Drive
Collinsville, Illinois 62234

CERTIFICATE OF SERVICE

I hereby certify that on Tuesday, September 9, 2009, a true and correct copy of the foregoing document or pleading entitled:

MOTION TO DISMISS FOR LACK OF JURISDICTION

Was mailed via U.S. Post, First Class, by leaving same with counter personnel at the U.S. Postal Office in Collinsville, Illinois and addressed to the:

Circuit Court of the Twentieth Judicial District, St. Clair County, Illinois

#10 Public Square

Belleville, Illinois 62220

Mark McCoy

Collinsville, Illinois USA