

To: Red Light Camera Agency Name 05/24/2013  
Red Light Camera Agency Address

From: Your Name  
Your Address

Re: Citation # 564676746756

CC'd: Municipal Police Agency Name  
Municipal Police Agency Address

### **Respondent's Special Appearance & Demand Letter**

To Whom it May Concern,

On or about 05/01/2013 I received a letter via the United States Postal Service claiming to be a "citation" and stating that, either by direct action or reason of ownership, I had allegedly committed some "violation" of a "red light camera enforcement" law within the City of Austin, Texas on the alleged date of 04/22/2013.

As per the instructions therein, I am writing to inform you of several points regarding my consent and participation in any matter relating to this allegation and "citation," and also to make specific reservation of all my fundamentally protected rights, at all times, and for all purposes, waiving none, ever.

1. I DO NOT CONSENT to ANY form of non-judicial decision making in the first instance relating to any type of matter where I am to be punished in/by any method or manner, including, but not limited to, any type of assessments, fines, or fees;
2. I do not consent to nor accept the application of any statutory or administrative punishment of any kind that could or would constitute a Bill of Attainder/Bill of Pains and Penalties, both of which have been outlawed by every constitution in every Republic of the union, and which "citations" such as this one surely are;
3. I will not enter a plea to, consent to, or participate in, any case or matter where such acts would tend to serve as a waiver of any of my fundamentally protected rights, including, but not limited to:
  - a. my right to have proper Notice of the charges being made against me by service of a valid written, sworn, and verified complaint, and a proper charging instrument signed and filed by the appropriate state officer in

their official capacity;

- b. my right to remain silent and/or to assistance of counsel;
- c. my right to trial by a jury of my peers and to have the facts of the charge(s) heard by that jury in the first instance of presentation of evidence and testimony, not only upon appeal;
- d. my right to be presumed innocent until proven guilty in a court of law by a jury of my peers;
- e. my right to have the Accuser bear the burden of proof rather than it being unlawfully reversed so that the burden is upon me, the Accused, to prove my innocence;
- f. my right to face my accuser in open court and examine into the facts of the allegations made by said accuser;
- g. my right to not be punished unless and until I am actually convicted by a jury of my peers based only upon factual evidence that I actually committed or participated in the alleged offense and not simply by the fact I happen to own property that was allegedly used to commit the alleged offense.

Although this option to challenge the “citation” is said to result in this matter going to court; it is my suggestion that the charges simply be dropped. This suggestion comes out of respect for tax payers, and my request that their hard earned money not be wasted in such proceedings.

Furthermore, how do you intend to provide me with a fair and impartial trial? How would it even be possible to conduct either direct or cross-examination when the only “witness” is an inanimate object whose “facts” and “testimony” are completely subject to the interpretations and conclusions of multiple third parties, all of whom have a vested financial interest in the way the “facts” and “testimony” are construed, especially when that financial interest is entirely dependent on a guilty verdict?

And, as there is no actual eye-witness testimony to corroborate any alleged evidence of my direct or knowing involvement or participation in this alleged “crime,” or whatever nature or type of offense or violation you claim that it may be, as well as the fact that I am to be denied in my 4<sup>th</sup> Amendment right to face my “Accuser” (i.e. an inanimate object construed to be a type of “camera),” I can see no way that any agency or governmental entity could factually prove me personally guilty beyond a reasonable doubt.

And, as I do not recall if I was even present or traveling in my car on the date and time alleged, and, as I do not recall who may or may not have actually been in possession of my car on the date and time alleged, I cannot with any level of certainty make any factual statements,

guesses, or presumptions regarding the matter.

Therefore, I can see no legal requirement for me to falsely implicate someone else in this process as it is the accuser's burden and responsibility to conduct an investigation, gather evidence, and prove the guilt of the accused, just as it is my 5<sup>th</sup> Amendment right to remain silent on the matter if it in any way could or would tend to incriminate or be used against me.

**If it is the government's decision to move forward in this matter, then, this letter is to be considered and construed as an open records/public information/FOIA request under all appropriate laws for copies of the following documents, records, and related information:**

- any and all evidence the prosecution may have in their possession, regardless of their intent to make use of such evidence, especially any evidence allegedly proving my direct or knowing involvement or participation in this alleged "crime," or whatever nature or type of "offense" or "violation" you claim that it may be;
- any and all maintenance records for the camera(s) involved;
- any and all training and certification records relating to the installation, use, maintenance, interpretation, programming, and computational algorithms for these cameras relating to the technician(s) responsible for that maintenance and/or electronic generation of the "citation";
- any and all training and certification records relating to the installation, use, maintenance, interpretation, programming, and computational algorithms for these cameras relating to the in-state officer(s) that will presumably testify as to any part or portion of the contents of the aforementioned "citation."

If any of this information cannot or will not be provided as requested, then, I expect and demand to be notified in writing as to what information you are refusing or unwilling to provide and the facts and law supporting your lack of such records or the denial for production, as appropriate.

Sincerely,

**Mr. Not Paying Jack-Shit**

**05/10/2013**

Attachments:

Copy of "Citation"