

**SUPERIOR COURT
OF WAKE COUNTY
316 Fayetteville St, Raleigh, NC 27602**

**Rodney–Dale; Class
Private Attorney General
P.O. Box 435
HIGH SHOALS, NC [28077]**

Petitioner

CASE #11 CV 001559

Vs

**JUDICIAL REVIEW JUDGE
Judge Howard E. Manning Jr**

**STATE OF NORTH CAROLINA
ATTORNEY GENERAL'S OFFICE
WILLIAM P. HART, JR
N.C. DOJ
P.O. BOX 629
RALEIGH, NORTH CAROLINA 27602**

Defendant, et al.

**AFFIDAVIT UPON REQUEST BY
JUDGE Howard E. Manning, Jr**

AFFIDAVIT

I, Rodney-Dale; Class, being of age of over 21, set forth the facts as I understand and know them.

Judge Howard Manning, the issues include:

1. On or about July 14 , 2010, I, (Rodney-Dale; Class), sent into the Governor's Office and the Department of Transportation of North Carolina, a new contract, along with my NORTH CAROLINA CERTIFICATE TITLE to the Truck (Excursion), my CERTIFICATE OF BIRTH, the PURCHASE CONTRACT WITH A CASH RECEIPT for payment of the Truck, a COPY OF MY NORTH CAROLINA DRIVER'S LICENSE, my NORTH CAROLINA REGISTRATION CARD, the license plates for the Excursion, and a letter from the DEPARTMENT OF SECRETARY OF STATE of North Carolina stating that I am not a CORPORATION. I also included with the contract, the Federal statutes covering the issue on license plates, registrations and driver's licenses. (See exhibits)
2. Instead of the DOT sending the contract and the license plate back to me, they kept the tag until it expired. Then the Attorney General's Office responded with a letter telling me that I HAD to follow Federal statutes as well North Carolina Statutes.
3. My truck was unusable for over 4 month waiting for DOT to address this issue. From July to Oct.
4. I took the tag off of my Jeep and put it on my truck (Excursion) in order to take my truck over to get it inspected in order to finally get a "new" license plate for it so I could use it until the Attorney General's Office actually read the Federal statutes and complied.
5. In Oct. 2010, on or about 20th, the Dallas police were just sitting about 500 feet inside the city limits sign when I passed by them.
6. They followed me for about mile before pulling me over. At which point the Dallas

police officer informed me that my license plate (for the Jeep which was on the Excursion) was expired. I showed him the new tag I just received from the tag agency.

7. The Dallas police then charged me for driving on a fictitious tag. The police stated that the tag on my truck was register to my Jeep. However, the Jeep was in my name. They then took that tag off of my truck and turn it into the State because they said it is STATE property. The police saw the new license plate for the truck (Excursion) and I had to put it on before I was allowed to leave. One of the issues is: the Jeep tag was issued in my name, not somebody else's, but mine. The Dallas Police should have walked away and wished me a good day. The question is: where or what was the injury or damage to the STATE OF NORTH CAROLINA in their subsequent that claim it was injured ?

8. So, instead of walking away, the Dallas police wrote me out a ticket to appear in Gaston County Court in Dec. 2010, on or about the 8th, for an arraignment. Because Dallas police took the Jeep tag my Jeep was unusable from Oct. to Dec.

9. I showed up at the arraignment during which the judge stated the jurisdiction of the court as being administrative and he was an administrative law judge and the court was under maritime law. The judge called me to come before him and asked me to plea. I informed him I had already filed into Raleigh for a real administrative court before a real administrative law judge. Prior to my hearing I had file into the Gaston County Court a judicial notice for dismissal for lack of subject mater jurisdiction under 12(b)1, 2 and an 11th Amendment "no judicial power in law, equity or a controversies" created by the STATE OF NORTH CAROLINA. The judge then "withdrew" all charges.

10. The issue before this administrative Court (SUPERIOR COURT OF WAKE COUNTY) was and is on the Right to Travel. The Attorney General's Office forced the issue of Federal Statutes being the Ruling laws along with the N.C.G.S. on driver's licenses, tags and registration when they sent me the letter back sometime in July in response to my contract that I sent them along with my license plate.

11. The Attorney General's office set the guidelines and standards when I was informed by them that Federal Statutes had to be followed. So I agreed to these Standards after having read them. Those standards are in Title 49 USC and CFR, and Title 23 USC and CFR. Let's address the agreement the STATE OF NORTH CAROLINA made with the Federal government in order to give out Driver's licenses, AND also receive Federal Funding under the Highway Safety Act. Let's also bring in Supreme Court Rulings on the Right to Travel that show that a CDL and CMV licenses DO NOT apply to non commercial entities or activities.

12. This is the issue. I have a driver license issued by North Carolina and tags issued by North Carolina and, yes, also insurance. The issue is people like me ("similarly situated") who also DO NOT meet the Federal or State Statutes for the need of a CDL or a CMV license. Should they, and I, be forced to "break the Federal and State laws," as written, when driving with a driver's license that I, and the other people ("similarly situated") of North Carolina are not qualified for ? If you'll read the Supreme Court rulings you will see they reflect this.

13. If I was to drive a Semi-Truck and Trailer a CDL is needed ! If I was to driver a City, County or State vehicle or a taxi cab or drive a company vehicle then. yes. I would need a CMV license. These are the Laws and rulings create by people like yourself in order to operate under these condition. Joe Citizen did not created these rules.

14. If the State of North Carolina wants to make the issue of the 1933 Bank Act under Public Law 1, 48 stat, C1, and Public Law 73-10, 40 stat 411, and Public Law 10, ch 48, 48 stat 112 where they want to claim ownership of my vehicle and my property because it is State property under the Bankruptcy of 1933, then fine, Pay the bills for it and pay me a wage for driving a State owned vehicle and the upkeep on all property. By the way I do understand the implications of the 1933 Bank Act / State of Emergency issue.

15. One of the issues before you, Judge Manning, is the laws and how they are written, and how the Supreme Court has ruled on this issue. Judge Manning, as a Judicial Review

Judge in a Judicial Review Court, you are required to rule on "administrative issues" and violations of laws and policies of any agency or administration in violation of its own set of laws. Let me point out Title 28, sec 1361:

TITLE 28 > PART IV > CHAPTER 85 > § 1361

§ 1361. Action to compel an officer of the United States to perform his duty
"The district courts shall have original jurisdiction of any action in the nature of mandamus to compel an officer or employee of the United States or any agency thereof to perform a duty owed to the plaintiff."

CONCLUSION

Let me make this clear, yes, I believe that a 16 year old needs driver's ed and some kind of license is needed to show that one can drive. Yes, I believe in insurance. Yes, I believe that a car or a truck needs a tag of some kind to identify it in case of hit and run, property or personal damage, robbery, theft, etc. I do have two personal tags made up, one for my truck. and one for my Jeep. Just read the Contract that I put before N.C. DOT that can be registered with the **Motor Vehicle Record (MVR)** and with **National Driver Register (NDR)** upon on your Court Order. You have the power to direct the North Carolina State Department of Transportation to have my distinct tags placed into the National register system.

Now, the other two issues, my damages, and the issue of the State abusing the Highway Safety Act Fund.

First, my damage that needs to be remedied. This case has been dragged out for over One year because of the STATE OF NORTH CAROLINA has refused to follow the Federal and State statutes, and forced this into a showdown in "This Court." My truck, first, and then my Jeep, were unusable because of no tags for about 7 months. Also, my time spent in research, and in Court filings into Gaston County Court. My Appearance before that Judge waiting for "over 6 hours to be called." My research time to bring a Federal and State Statutes "error "against the Defendants over the last year as they collect taxpayer money for a job they themselves are in violation of.

I first had to go into the Administrative Hearing Court and Now before this Court when all the Defendants had to do was to follow the laws as they are written and come into compliance with Supreme Court Decisions and settled law. \$1.5 million a day is what the case (Trezevant v. The City of Tampa (1984)) from the United States Court of Appeals, Eleventh Circuit, set for a guideline for abuse. I am prepared to settle for just \$10 Million, and have my personal tags and my new Contract with the STATE OF NORTH CAROLINA honored, and my tags registered with the **Motor Vehicle Record (MVR)** and with **National Driver Register (NDR)** by the N.C. DOT.

"James C. TREZEVANT, Plaintiff-Appellant, VS. CITY OF TAMPA, a municipal corporation, *et al.*, Nos. 83-3370, 83-3038. United States Court of Appeals, Eleventh Circuit. Sept. 6, 1984. The Court awarded for Unlawful Detainment, \$25,000 for 23 minutes, \$65,217 an hour or \$1.565 million dollars per day for a Title 42 - 1983 Civil Rights violation."

Now, we need to talk of the Highway Safety Act Federal funding abuse. Every car, truck, semi-truck, motorcycle, etc., on the road that gets stopped generates a ticket and a controversy in the Federal funding to the STATE OF NORTH CAROLINA, but Not to North Carolina the State. 40 % of these matching Federal funds was supposed to come to my town and other towns of North Carolina the State. This is to help in the funding of schools, Fire Departments, etc. and Should be going to the communities. The STATE, however, seems to have placed these funds in CAFR (Consolidated Annual Financial Reports) Accounts. And, the Courts have used monies collected (fees, fines, etc.) on cases and placed them into CRIS (Court Registry Investment System) Accounts in order to collect off the Stock Market. Over 80% of people ("similarly situated") stopped and cited are people like me who are Not qualified OR required to meet the Federal or State guidelines for a license for a CDL or a CMV license. In the Law that I placed before you, it takes the Secretary of Transportation (of the U.S.) to pull a Driver's License, secondly it take a trained (U.S.) DOT officer to file a complaint BEFORE such a citation. This is an issue of abuse and misuse of Federal funds by local police officers, Sheriff's deputies, State Highway Patrol and the Courts, AND, it is not their job,

according to the Law, as I mentioned above. These officials, however, seem to have a vested interest through the Highway Safety Fund Act. This now makes law enforcement, and the Court, biased and prejudicial, not to mentioned conflicted of interest, toward those who operate that car or truck, etc. It takes a Judicial Review Judge like yourself to reinstate and overrule the Secretary of Transportation's (of NORTH CAROLINA) Ruling. Why ? Because a driver's license is an administrative issue because the (U.S.) DOT is the only office that can issue a license, not the Judicial Branch. Judicial review is an administrative function to see if an error has been made in the removal (or issuance) of a driver's license or tags. As you know, that is one of the reasons I am here before you.

The State can only issue a commercial tag or driver's license for those that are in commerce, whether CDL or CMV. This is set in place by the Laws I have referred to previously. Now what about noncommercial tags for those who are not in commerce and not subject to the Laws and regulations ? It would seem that Law enforcement now has to be educated in the difference between commercial and noncommercial. The Supreme Court has ruled that property damage, personal damages or reckless endangerment are the criteria and just cause to stop a private citizen, Not just because they have a license plate light out. That comes under a public courtesy of the officer to let the citizen know something so they "Serve and Protect", and that they can not not write a ticket for such an "infraction." Now we get to the question of reckless endangerment...6 or 10 miles over the (posted...posted, by law for commercial drivers !) speed limit, was there an "injured party" or "property damage" ? Explain that to me, or, better yet, have the Attorney General's Office explain it as it is their job to to prove all charges as to how the STATE OF NORTH CAROLINA is damaged when a license plate light is out or if you go 10 miles over the speed limit. How has the State suffered ? Explain, please ! Where is the "corpus delicti" ? DWI or DUI, now that is endangerment, but, Judge Manning, you and I both know the STATE OF NORTH CAROLINA never brings a corpus delicti into a court even on a DWI or DUI. It is always the STATE OF as the injured party. Where or Who is the actual corpus delicti ? Judge Manning there has to be a middle ground here. Accountability on both side of these issues. Meet me on middle ground, please. The State has no more Right to abuse the laws and misuse them in the name of Federal

funding than the citizen in taking Federal funding under fraud. What I have explained needs to be addressed which is why I am raising the issues with my action in the court.

Rodney-Dale; Class

The living man _____ has come before this

Notary on this date of _____ month of _____ 2011 AD

Notary public of North Carolina _____

My commission expires _____

Date _____

SEAL

PROOF OF SERVICE

NOW, COMES, The Petitioner Rodney-Dale; Class with AFFIDAVIT UPON
REQUEST BY JUDGE Howard E. Manning Jr in to the Clerk of Courts of the
SUPERIOR COURT OF WAKE COUNTY PER JUDGE MAY'S COURT ORDER on
this day of _____ month of _____ in the year of our Lord 2011 AD. The
Defendant's copies of this document will be by U.S. MAIL

Rodney-Dale; Class
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C/o P.O. Box 435
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Cc:
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