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**IN THE SOVEREIGN LAND OF SEARCY COUNTY, ARKANSAS THE STATE,
THE UNITED STATES OF AMERICA, THE REPUBLIC, NON-FEDERAL AND NON-
CORPORATE AND NON-COMMERCIAL; AND UNDER ONLY THE "AMERICAN
FREE FLAG OF PEACE AND NOT THE MARITIME-ADMIRALTY FLAG OR
JURISDICTION**

Styled as:



**IN THE CIRCUIT COURT OF SEARCY COUNTY, ARKANSAS
FIRST DIVISION**

STATE OF ARKANSAS

PLAINTIFF

VS.

NO. CR 98-9

Jerry F. Kirk

CITIZEN

MOTION FOR PROBABLE CAUSE HEARING

Under threat, duress, coercion, of injury, loss of life, threat of and in fact a loss of right to pursue happiness and being forced to damage or break the 'LAW OF YAWH,' comes Jerry F. Kirk, a.k.a. Jerry Francis Kirk, not and non 'pro-se,' being a 'free-born' native, Florida, the State, Republic-citizen-white-adult-male,' and thus a 'Citizen-of-the-United States-of-America-the-Republic' with inhabitance and not 'residence' in Searcy County, Sovereign, Arkansas-the-State-Republic' and with the non-comparable, non-adequate, un-even 'playing field,' in violation of my 'United States of America- The Republic Constitutional Right(s)' the assistance of counsel, Stephen D. Ralph.

1. Citizen was stopped and detained by a law officer employed by the City of Marshall, Arkansas on or about October 22, 1997. The officer initiated a stop without probable cause to stop and detain Citizen, upon allegation that Citizen did not have proper Arkansas registration. The officer was shown valid Florida registration for the vehicle. Said registration was properly shown and displayed.

2. During the month of November 1997, Citizen was again stopped and detained by the same law enforcement officer. At the time, Citizen was outside the city limits of Marshall, Arkansas, and the officer was outside the city limits, being an officer of the City of Marshall.

3. Citizen was in all respects conveying in an appropriate manner and had violated no laws of the State of Arkansas or other ordinances pertaining to the City of Marshall or Searcy County, Arkansas; furthermore, Citizen has a right to convey upon the roadways free of interference by police when conveying in an appropriate manner. Chicago Motor Coach Co. v. City of Chicago, 169 N.E. 27 (1929); State v. City of Spokane, 186 F.2d 486 (5th Cir. 1956); Ex Parte Dickey, 85 S.E. 781 (1915); State ex. rel. Schafer v. City of Spokane, 186 P. 864 (1920)¹ See also: Kent v. Dulles, 357 U.S. 116, 2 L.Ed.2d 1204, 78 S.Ct. 1113 (1958) (“The right to travel is a part of the “liberty” of which a citizen cannot be deprived without due process of law of the Fifth Amendment.”); further, Citizen cannot be compelled to testify against himself where the burden is upon the State to prove the offense, (as in showing proof of insurance); See Flora v. United States, 362 U.S. 145; United States v. Dickerson, 413 F.2d 1111 (1969).

4. Citizen was stopped and detained without probable cause to believe that any offense had been committed. Willett v. State, 298 Ark. 588, 769 S.W.2d 744 (1989); Bohanon v. State, 324 Ark. 158, 919 S.W.2d 198 (1996).

5. Citizen requests a probable cause hearing at which time the burden should be upon the State to prove that the officer had sufficient probable cause to stop and detain Citizen, and further, that the officer properly acted within the jurisdictional scope of his authority to make warrantless stops.

WHEREFORE, Citizen requires that all actions and indictments against him be dismissed for lack of probable cause, and for all other relief.

Jerry F. Kirk 5/20/98
 Jerry F. Kirk, Sui Juris T.D.C.
 Calf Creek Township
 Section 19, Township 14N, Range 17W
 Searcy County, Arkansas
 Non-Resident, Non-Domestic Delivery
 'under protest'

¹Citing State v. City of Spokane: “The right of a citizen to travel upon the highway and transport his property thereon in the ordinary course of life and business differs radically and obviously from that of one who makes the highway his place of business and uses it for private gain....The former is the usual ordinary right of a citizen, a common right, a right common to all; while the latter is special, unusual, and extraordinary.”

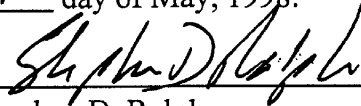
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c/o HC 75, Box 267
Witts Springs, Arkansas Republic
United States of America

Stephen D. Ralph #91138
Assistance of Counsel
835 Faulkner
Conway, AR 72032
501 327-7404

Certificate of Service

Stephen D. Ralph, Assistance of Counsel, hereby certifies that a true and correct copy of the foregoing pleading has been deposited with the Office of the Prosecutor, Doug Daniel, Prosecutor, Searcy County Courthouse, Marshall, AR on this 20th day of May, 1998.



Stephen D. Ralph

