

Has Tom Hyland of New Mexico found the "Keys Actions and Words that lead to Success"?

On January 15, 2005 (see below in this true account)

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Read the Rest of the Story:

Newsletter, June 5th, 2007

For those of you unfamiliar with Tom, he is from Santa Fe, New Mexico, [study] group who was fed up with the unconstitutional machinery of government system operative in this state, and in ALL others, by which government, fraudulently, and deceptively, coerces, under threat, Sovereign American Citizens, against their will, into participating with the state Motor Vehicle Division, which regulates "driving", "drivers' licenses", [license] plates and insurance. Rights guaranteed in the Constitutions may not be controlled, legislated, manipulated, limited, restricted, denied or taxed, in any way. However, in this country, if the Citizens do not know, claim, demand and enforce their Rights, then they have none. Tom knew and knows his, and enforced them.

Tom won two cases in New Mexico courts brought by the State of New Mexico against him for "no driver's license, no plates, no registration, and no insurance". Both cases were dismissed, with prejudice, and have established precedents, whether recognized, or not. To expose this fraud and restore Constitutional governance to New Mexico, Tom filed a Complaint and case in the state's First Judicial District Court, in Santa Fe, against 34 individuals who work for the machinery of government of the State of New Mexico, including Governor Bill Richardson.

A LONG STRANGE TRIP...

One Citizen's Quest to Travel Free, Claim and Exercise Constitutional Rights, and Now, Alert His Fellow Citizens into Awareness

By Tom Hyland, 5 Bishop Lamy Road, Lamy, New Mexico; (505) 466-7525

I have lived in New Mexico for over 40 years, and 18 of those years in Santa Fe County. Most of my friends are self-created types who work for themselves, as this is also my lifestyle. Having made a living since the age of 17 as a sign maker and graphic designer, has enabled me to appreciate the freedoms my lonely schedule affords me, and I have attracted similar life-styled friends who are fiercely independent and curious as to the workings of our government and encroachments upon their rights. It is my impression that individuals who remain employed throughout their lives are less likely to have the time to study, question, or oppose authority. The true reality of the original intent of our nation is that We The People ARE the authority. All agents, officers, and officials of this nation are our servants, but because it is human nature that a government unchecked will grow into an abusive and dangerous entity, the servants of this nation must pledge an oath to defend and protect the Constitution, which is the foundation of all law and the guarantee that your Rights will remain inalienable.

In my studies I learned many years ago that the driving code is commercial in nature. I obtained my first drivers license at the age of 14 after completing a drivers training class at Roswell High and have been a licensed driver until July 26, 2004. On that day, I visited the New Mexico Motor Vehicle Division headquarters in Santa Fe and returned my license, registrations, license plates, Certificates of Title, and anything else that had the word MVD printed upon it. I requested the secretary to print out the latest summary of my "Client History" which defined me as a "Non-Driver" with one surrender and no violations.

By law, the only individuals who are required to license themselves and their vehicles are those who are involved in the commercial activity of transporting goods or paying passengers for a living. We The People have a Right to own the cars we have purchased and travel upon the public Right of Way. However, it has been written since the times of horse and buggy that the commercial activity of transportation shall be a regulated privilege. "The right of the citizen to travel upon the public highways and to transport his property thereon, either by carriage or by automobile, is not a mere privilege which a city may prohibit or permit at will, but a common law right which he has under the right to life, liberty, and the pursuit of happiness." Thomas v. Smith, 154 SE 579.

In my meeting with the directors of the MVD, I opened the books of laws defining these commercial activities and read aloud certain passages describing jurisdiction and intent. I asked the directors if they could prove anywhere, in written law, that the Citizen must relinquish his right to travel and subvert that freedom into a paid-for privilege. The directors were unable to interject any proof at all except to say I am welcome to my opinions. I was reading from a page titled "Definitions" and I pointed out that the title atop this page wasn't "Opinions." From New Mexico

Administrative Code Title 18, section 18.2.3.12, is the definition "Driving of Motor Vehicles": "The department of public safety hereby adopts Part 392 of Title 49 of the Federal Regulations with no amendments." I offered the page from 49 CFR 392 for them to peruse, which begins with the headline: "Driving of Commercial Motor Vehicles." At that point, the directors went silent and I told them I would return the following Monday and close my account.

About two months later, I was detained in a traffic stop by a Santa Fe police officer whose probable cause for stopping me was her observation that there was no license plate on my pickup truck. I showed this officer an Affidavit, executed on the day of July 24th, attesting to the items returned to the MVD. I showed the officer the printout from the MVD database of my status as a non-driver. And, I produced the same definitions from Title 18 and the Code of Federal Regulations I mentioned in the previous paragraph. This officer was confused and unable to reach a decision without calling her commanding officer, and this other fellow arrived shortly thereafter. He read over the same facts, laws, and evidence, and ordered that my truck should be towed away, and held in ransom, until I became, once again, a participant within the commercial driving codes defined by Title 18. At the moment the front wheels of my truck were lifting off the ground, the original officer said, "So, tell me some more about your rights." I replied, "These are your rights, too, but you told me earlier that you didn't want to hear anything about the Constitution or my rights." She replied, "Yeah.... that's correct."

I immediately phoned Sheriff Greg Solano to inform him of this attack upon my rights and my property. The Sheriff in America is the only elected police officer, and he has the authority and duty to protect and defend his citizenry against all enemies, foreign and domestic. The Sheriff has the authority and power to eject any agent from any federal agency operating without court ordered warrant, be it FBI, CIA, IRS, BATF, ICE, or any other the problematic initialed agencies that are operating within the boundaries of his county jurisdiction. Every phone call to my sheriff went unanswered. Over the next two weeks, I wrote the sheriff two letters. In a written letter to me, Sheriff Solano replied, "... until such time as a court of law rules that citizens may declare themselves sovereign, I cannot act to assist you in this matter. As you well know, I am sworn to uphold the constitution and the laws of the federal, state, and local governments. As part of that responsibility, I must rely on court rulings on matters such as yours." [Ed Note: Please be aware that...] We The People created the Sheriff. We created the courts. We create the judges -- and there is no court that has the authority to determine if we are sovereign, or not. Sheriff Solano wrote that he must uphold ALL laws. The lawful definition of a law officer is the first paragraph to NMSA 29 (New Mexico Statutes Annotated), titled "Law Enforcement"; it reads,

"29-1-1. It is hereby declared to be the duty of every sheriff, deputy sheriff, constable and every other peace officer to investigate all violations of the criminal laws of the state which are called to the attention of any such officer or of which he is aware, and it is also declared the duty of every such officer to diligently file a complaint or information, if the circumstances are such as to indicate to a reasonably prudent person that

such action should be taken, and it is also declared to be his duty to cooperate with and assist the attorney general, district attorney or other prosecutor, if any, in all reasonable ways. Failure to perform his duty in any material way shall subject such officer to removal from office and payment of all costs of prosecution."

It was 30 days later when my truck was returned to me. The third letter I wrote to the tow truck operator apprising him of his criminal activity of accepting stolen property under the lawless orders of the Santa Fe Police Department, and their likely unwillingness to pay for his defense in an upcoming civil trial, convinced the man that it would be best to remove this truck from his possession. Not knowing when my property would be returned, I had to buy another truck, as I live almost 15 miles from Santa Fe, and I had no practical means to work, or buy food, or attend to my affairs. I need to work, to earn money, however, driving to work is not a commercial activity. If my only activity was transporting signs, then I would be involved in commercial transportation. Driving to work, the grocery store, or bringing a bowl of soup to your grandmother is your right.

But... is it really MY truck? When you go to a car dealership, and if you pay the entire amount, no financing through a bank or loan company, you are given the "Title of Origin" or "Manufacturer's Statement of Origin" (MSO) This is the true title to the car. The car manufacturer builds the car and owns this property until it is delivered to the car dealership. The car and "MSO" is handed over, for the wholesale payment, and now, the dealership owns the car. If the customer purchases the car with full payment, he is given possession of the car and the perfect title, the MSO. Unwittingly, that individual seeks out the nearest MVD office, hands over the perfect title in exchange for the MVD fabricated "Certificate of Title", it says "MVD" right on it, and now THE STATE OWNS YOUR CAR in a commercial privilege defined as "driving. " Your full compliance is met when you attach a 'license plate' with registration sticker, to the bumper, and you carry the drivers license on your person. This is what gives the cops the authority to have your car towed away, because, in reality, the state owns your car. If somebody shoves a gun in your face and demands your wallet, that is called "robbery." If your property or your money has been stolen away without your knowledge or consent, that is called "conversion." To have been duped into a situation where you unwittingly waive your rights and ownership of property and convert those precious belongings into paid-for privilege, is "fraud." To be held before a judge, or by armed police, and to be forced to pay fines or suffer imprisonment, is "coercion", "racketeering", and "extortion." I have brought charges against 34 individuals, working within the machinery of government of the State of New Mexico, and I will say more about that later.

On January 15, 2005, I appeared at the Santa Fe Municipal Court for a pre-trial hearing to review the charges brought against me during that traffic stop in September. The prosecuting attorney for the City of Santa Fe, Art Michael, was stunned when I described to him that there was no nexus connecting me to the New Mexico MVD. Mr. Michael asked me if he may shake my hand. I allowed this and he said, "You are the first person, ever, to come in here and tell me this." All

charges against me, no license, no registration, no insurance, were dismissed, with prejudice.

On June 23, 2005, I was detained late one evening when a New Mexico State Police officer observed that one of my headlights was defective. Only minutes earlier, I became aware of the headlight, and was turning my 'brights' on, and off, when other cars neared, and was intent on returning home and fixing this light immediately. This traffic stop resulted in three citations, once again, for the identical charges listed above. However, considering me walking home several miles in the dark, the officer waived the truck being towed. In the ensuing months leading to a trial by jury, I mailed the state cop so much information regarding the fraudulent nature of the MVD, and his own upcoming performance at my trial to testify against me, that this individual quit the police and became a security guard.

I requested specifically that my rights to a trial by jury be secured, and this was granted by the presiding judge, Sandra Miera. However, as the trial approached, I asked the judge to certify a subpoena that called for Santa Fe Prosecuting Attorney Art Michael to appear and testify on my behalf. I wanted Mr. Michael to describe to the jury how he dismissed the identical charges now brought against me once again, in my previous appearance at the Santa Fe Municipal Court. When Judge Miera was presented with the subpoena to certify, she recused herself from the case. And within minutes, the case was reassigned to Judge George Anaya, but right to trial by jury was subverted to a "hearing." A hearing is a judicial venue in which your fate is decided by only one person, a judge. The word "hearing" does not appear in the Constitution, because of its biased and unfair nature, and the framers of our Constitution underlined that only true and fair due process of law could be met within a trial by jury.

On October 12, 2005, the hearing regarding arraignment for my second incident was conducted at the Santa Fe County Magistrate Court. The entire affair ended in less than 30 seconds when Judge Anaya dismissed all charges, with prejudice. "Dismissed with prejudice" means that the matter has been put to rest, forever, with no grounds to ever open or re-examine again. Dismissed "without" prejudice leaves the case vulnerable for further controversy.

On the afternoon of September 22, 2006, I was near the plaza in Santa Fe and had just locked my truck and was walking away when a Santa Fe police officer drove up and announced, "Hey... you were not wearing a seat belt." I asked him, "Isn't it a bit late to be discussing whether I was wearing a seat belt or not?" He didn't answer that question but asked to see all of my credentials. When I told him where my credentials went, and how long ago, the officer retreated to his police cruiser to confer with headquarters on the radio. Whoever he was speaking with told him to not issue any tickets, only warnings. The "warning" section of the traffic citation states that you are admitting that laws have been violated, but there will be no fines issued or court dates to meet. I refused to admit that I had broken any laws and signed "All Rights Reserved" just before my signature.

When you receive a traffic ticket, there is a headline atop the page that reads, "Uniform Traffic Citation." Uniform means this is the same procedure, the same

laws, the same jurisdiction from state to state. It is the same company doing business over every square inch of this country. This isn't only a New Mexico fraud, but a fraud that we suffer in every state in the union. An unpaid parking ticket in Oregon, from five years ago, will prevent you from renewing a driver's license in Rhode Island tomorrow afternoon. With a driver's license, you have no right to be on the road, you have no right to park your car on the street. [Note: Whether by error or on purpose, the newspaper omitted this paragraph, but we feel Tom's words should be reprinted as he wrote them.]

After these three incidents had passed, I considered the state of affairs which is my life. Having read and absorbed the Constitution and a great many driving codes, plus, other laws regarding income taxes, building codes, and further studies too numerous to mention in this article, I came to the conclusion that I am very much like a human yo-yo. My public servants will continue forever to yank my up and down like a toy on a string, unless I devise a civil suit that will expose the treachery and deceit of this fraud that has been robbing the American people for over 90 years. "The claim and exercise of a constitutional right cannot be converted into a crime." Miller v. U.S., 230 F 486, 489.

In preparing a body of evidence that could be used in a court of law to prove my case, I began issuing a series of letters addressed to my public servants. The First Amendment to the Constitution states, in part, ... "Congress shall make no law prohibiting the right of the people to petition the Government for a redress of grievances." I wrote several letters, and finally, affidavits, explaining the jurisdiction of commercial traffic code, and how I had ended all contracts with the MVD, and the ensuing events that unfolded. These letters and affidavits were addressed to the Governor, the entire Supreme Court, the Attorney General, Secretary of State, Speaker of the House, Senate Pro Tem, Director of MVD, Secretary of Taxation & Revenue, Mayor of Santa Fe, all city counselors, Chief of Police, arresting officers, and several other individuals working within their personal and private capacities within the government agencies of New Mexico.

Not one individual replied or answered any of my letters. Nobody replied to the affidavits, though they were warned that you cannot rebut an unanswered, unchallenged affidavit by the time it is presented as evidence in a court of law. It was a peculiar and unsettling feeling to me that not one of the 34 individuals I wrote felt any compulsion or duty to respond or inquire regarding the injustice of this wide ranging malady nor did anyone express any thoughts regarding my well being or concerns.

The civil case titled "Thomas Hyland v. the machinery of government of the State of New Mexico" was filed at the New Mexico First Judicial District Court on December 27, 2006. From the paragraph "Relief Demanded" is this: "Plaintiff Hyland demands that the rule of valid and Constitutional law be reinstated in this instant case, to accomplish the following: (a) Defendants be penalized for their fraud, collusion, and conspiracy to commit fraud, conversion, extortion, racketeering, and conspiracy to deny and deprive Plaintiff of his Constitutional Rights, and the Court direct the Defendants to use their authorities to correct, forever, these crimes

upon Plaintiff and all other constituents of Defendants. (b) Stop, permanently, the unwarranted detainment of motorists, upon the alleged probable cause that they do not display Motor Vehicle Division license plates, registration stickers, or seat belt compliance, as these codes only pertain to the "licensed driver", that individual who is involved in the commerce of transporting goods or paying passengers upon the streets and highways of America as an occupation. (c) Restore Constitutional governance to the State of New Mexico, as intended by the Constitutions, and to restore a Constitutional Republic, as required by Article IV, Section 4, of the Constitution of the United States of America." (d) Award plaintiff damages for pain, suffering, mental anguish, and emotional distress arising from the unlawful deprivation of his Constitutionally guaranteed Rights, which are priceless....."

On Friday afternoon, May 11, 2007, I was compelled to appear at the unconstitutional venue of a hearing, presided by Judge James A. Hall. Purpose of the hearing was to rule on Motions to Claim and Exercise Constitutional Rights, Motions for Default Judgment against 17 Defendants who failed to answer the case, motion to proceed towards Trial by Jury against the one individual who did answer, that being Sheriff Greg Solano, and Right to Trial by Jury, which is granted in the federal and state Constitutions. Counsel for the defendants filed motions to dismiss and motions denying proper service for all defendants. Judge Hall committed sedition, insurrection and treason when he: (a) denied the Constitutional Rights Motion, which means he denied my right to claim rights, the Constitutions, all Rights guaranteed therein, his oath, and due process of law; (b) denied the Right of trial by jury without fee. Both the federal and state constitutions protect the Right to trial by jury. If you've read this entire article this far, then you probably know what I'm getting at. You cannot be made to pay for a right. The New Mexico Constitution, Article II, Section 12 states: "The right of trial by jury as it has heretofore existed shall be secured to all and remain inviolate." The efforts of Hall extracting fees from the Citizenry to exercise basic Rights guaranteed in the Constitutions could be compared to the moneychangers who set up business in the temple.

Hall stated he wanted the case determined on its merits, which is this story I am telling, yet, he dismissed Sheriff Solano from the case without any consideration, fact, or law, whatsoever, for the merits of the case concerning Solano. Hall ignored the Certificate as to the State of the Record, attested to by the court clerk, stating that 17 defendants were in default, and in contradiction to court rules, denied my Motion for Default Judgment. Hall stated that the Supreme court can modify, restrict or overturn the Constitution, and can "interpret" the Constitution, which again, is sedition, insurrection, and treason. Hall disobeyed the code of Judicial conduct, including the requirements to be unbiased, fair, just and impartial in the conduct of his duties before the court.

There has been a second hearing slated for June 8, to determine if the case shall move towards trial concerning 33 remaining defendants, though 17 of those defendants were certified "defaulted" by the court clerk, and thus, lawfully, there would be no further controversy regarding those individuals, except that Hall has

revived their status as defendants in cause, in an attempt to erase their record of default, which places a fraud upon the court, and further exemplifies Hall's behavior as a traitor to his oath and the people he swore to serve and protect. Diligent work has been accomplished by myself and several Citizen witnesses who attended this hearing and we have filed charges against James Hall for treason. "Crime is contagious. If the government becomes a lawbreaker, it breeds contempt for law; it invites every man to become a law unto himself; it invites anarchy." Olmstead v. United States, 227 U.S. 438.

The actions of "Affidavits of Observation of Treason, Active in the First Judicial District Court by James Hall, Acting as Judge, Pursuant to his Oath", delivered to state and federal officers, should bring this man down and remove him from any claim to position or retirement benefit. However, the performance of Mr. Hall, and his dismissal, might be only the beginning of the results of corruption that has been festering within our Judicial District Courts. If you visit the public records of Dun & Bradstreet, the corporate financial data base, you will learn that the First Judicial District Court has incorporated itself as a "Private Company" since the year 2002. Its chief executive officer is one Patricio Serna, who may be the same Patricio Serna who sits as a member of the New Mexico Supreme Court. It appears that every District Court in New Mexico has incorporated and is open for business, privately. This might explain how the case I presented, based solely on facts, evidence and Constitutional law, has been attacked by "opinions" and statutes inferior to the Constitutions. Also, a "conflict of interest" would be an enormous understatement to describe a "court" where the "CEO" is one of the defendants in my case. There is a growing interest among the supportive parties to this case to reveal the putrid rot that is being flaunted on public record as a court that displays total indifference and arrogance regarding its original duties and purpose, which are to uphold the Constitutions, the People's Rights guaranteed therein, and to serve justice. I thought the courts were for the people, but alas, we have had these stolen away and now they belong to small and private groups. The major goal of any company is to reap profits for its officers and shareholders. In view of this diversion from the original intent of our Constitutional justice system, it is perhaps inevitable that Mr. Hall would develop a clouded view as to where his allegiance lies.

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