

District Court of Maryland for Hartford County

STATE OF MARYLAND

Plaintiff

Case #5R0008074

Vs.

RONALD HOWARD BRODT JR.

Defendant

"A motion to dismiss for lack of subject matter jurisdiction may be made at any time." Mortensen v First Fed. Sav. And Loan Ass'n 549 F.2d 884,891 (3rd cir. 1977):

"Subject matter jurisdiction cannot be waived by parties, conferred by consent, or ignored by court." Babcock & Wilcox Co. V. Parsons Corp. 430 F.2d 531 (1970)

Motion to strike/set aside criminal information based on fraud

1. Criminal information allegedly drafted and served upon defendant on/or about 7/20/2011 (see exhibit A attached)
2. Defendant was never afforded due process notification by being served personally, with plaintiff not having standing and the court not having jurisdiction see Mullane v. Central Hanover TR. Co., 339 U.S. 306 (1950).
3. Municipality moving against defendant cannot exert an act of ownership and control over disputed property, as they do not own property (see exhibit B attached).
4. Defendant is not a black man, being identified in the warrant issued by the STATE OF MARYLAND (see exhibit C attached).

Wherefore, defendant in the interest of justice, moves this honorable court to dismiss the above stated action with prejudice in the interest of justice.

Date: _____ /s/ _____

Proof of Service

Copy of motion served upon below named party as marked, via mail

Robert McCord
Designated States Attorney
109 N. Main Street Suite E
Bel Air MD, 21014

Date: _____ /s/ _____

Conclusion

Plaintiff through their counsel came into court with dirty hands and preyed on the ignorance of the court by:

1. Criminal information never served on defendant (exhibit A).
2. Plaintiff representing municipality, did not own property (exhibit B).
3. Warrant issued by STATE OF MARYLAND was against a black man, and not a white man (exhibit C).

Date: _____

/s/ _____

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Brief in support of Motion

Defendant in above captioned case was never afforded due process notification, in violation of Mullane V. Central Hanover TR. Co. 339 U.S. 306 (1950), which stipulated no notification makes the proceeding null and void thereafter.

Furthermore the defendant identified as a black man in warrant makes the warrant a false claim under 18 USC @ 80 criminal code section 35(a) with penalties of a fine of not more than 10,000.00 or imprisonment not more than ten years, or both.

The Supreme Court ruled that municipalities cannot exert any acts of ownership and control over property that is not OWNED by them see Palazzolo v. Rhode Island 533 U.S. 606, 150 L.Ed 2d 592, 121 s. ct. with no expiration date on the taking clause for city's illegal enforcement of its code on the man's private property and restricting the man's business affirming Lucas v. South Carolina coastal council, 505 U.S. 1003, 120 L. Ed. 2d 798 (1992) butterfly activists and code enforcement cannot restrict enforcement of the man's private swampland under then lawfully acquired the land. Monterey v. Del Monte dues 526 US 687, (1999), 143 L Ed. 2d 882 5 ct. (1998).

Federal law also prohibits cities and counties from issuing citations against businesses see title 18 USC @ 891, 896 quoting section 891 "An extortionate means is any means which involves the use, or an express or implicit threat of use, of violence or other criminal means to cause harm to the person, reputation, or property."