In every crime (public offense) there must exist a unity of act and intent. The argument that Biden cannot be prosecuted because he lacks capacity goes straight to the question of mens rea. If Biden lacks the capacity for mens rea it means he is incapable of forming a guilty mind. In other words, he does not have the intellectual capacity to distinguish right from wrong. If Biden lacks the intellectual capacity to distinguish right from wrong he lacks the intellectual capacity to be president. Harris apparently lacks the same intellectual capacity to distinguish right from wrong.

Every wrong is a **trespass** against a right. There are two categories of offense; Public and private. We call public offenses crimes (criminal offense) and we call private offenses civil (a private trespass is a tort). We also have subdivision s of each as well as a third category called "in rem". In action in rem it is "the thing itself" (the res) that is seized and impugned as the defendant and all claims are rights asserted against the thing. In rem actually comes from admiralty, the law of the sea. However, probate in an action in rem and all claims are against the property (estate) you left behind (abandoned at death). Guardianship of the person and estate of an incompetent is also considered an action in rem. I gather from this that when one is deemed non compost mentis their corpus (body) is considered abandoned property but because your spirit still occupies the body it has to be maintained, or should I say processed through the county owned care home,the county owned hospital and the county owned hospice and all of this is financed by Medicare and the looting of your life's estate.

Control has a variety of names including law and license. Two of the scary ones are "regulation" and "policy". Who and what are the objects and subjects of regulation? Let me give you an example: Although it does contain certain penal statutes, the California Vehicle Code is primarily "civil regulatory". It does not regulate **the rights of way belonging to the traveling public**. The California Vehicle Code regulates the arteries of commerce and guess what? It's the same roadway. The question is whether you are using the public domain as a matter of right or as a matter of privilege.

Section 260 - "Commercial vehicle" defined

(a) **A "commercial vehicle" is a motor vehicle of a type required to be registered** under this code **used or maintained for the transportation of persons for hire, compensation, or profit** or designed, used, or maintained primarily for the transportation of property. (b) Passenger vehicles and house cars that are not used for the transportation of persons for hire, compensation, or profit are not commercial vehicles. This subdivision shall not apply to Chapter 4 (commencing with Section 6700) of Division 3. (c) Any vanpool vehicle is not a commercial vehicle. (d) The definition of a commercial vehicle in this section does not apply to Chapter 7 (commencing with Section 15200) of Division 6

The old family car is not a vehicle of a type required to be registered. However, if you try to part it on the street without plates you will get a sticker glues to the front windshield by the local police threatening to impound it if you do not move it off the street. You will need a razor blade to scrape that off and you will need to scrape it off to see out the front windshield. That's an example of the difference between law and policy, or should I say, the difference between theory and applied science.

This conversation is going to get really fun because I am going to tell you what no one else will. We will begin with legislative delegations of authority. I can assure you that 99.9% of the Police Officers that stop you and issue you a "ticket" do not know the law.

I think it was Thales of Miletus [Ancient Greek philosopher (c. 624 – c. 545 BC)] that became the father of empirical science when he said "**Get the names right**"

What the cop issues you is NOT A TICKET

It's a "notice to appear" a/k/a a civil summons. When the police activate those lights commanding you to pull over he is also warning you that he has invoked "***the use of force continuum***" he will continue to escalate the degree of force until you either submit or succumb.

Not being a crim on the lam you pull to the shoulder of the road. Cop runs your plate & walks up to your window asking for "**Your Papers Please?**".

Let's take a step back: Infractions are not crimes. If they were you would get assistance of counsel at public expense and a jury trial but you do not get either. **Infractions of the California Vehicle Code are not crimes**. Thus, what we have here is a civil infraction of a regulatory code. However, a routine traffic stop is a seizure within the meaning of the 4th Amendment.

At the point in which you submit to the display of the police power of the state you have been seized and while that is not a formal arrest it is none the less a detention. (a limited arrest for the purpose of investigating for crime) The only way you secure your release from police custody is by signing the "Promise to Appear" portion of the "Notice to Appear" (improperly referred to as a ticket).

HERE'S THE FUN!

If you refuse to sign the "Promise to Appear" portion of the "Notice to Appear" they have to take you before a magistrate. Hand cuffed, transported and booked for conduct not rising to the level of crime.

The legislative delegation of authority granted to a peace officer is at CVC §40300.5 which refers you to Penal Code § 836(a)(1)