

CV 15

4319

UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF NEW YORK



ANDRE MOORE

Plaintiffs,

COMPLAINT

-against-

AMON, CH.J.

MICHEAL DESPOSITO  
OFFICER MOOD  
CESAR A PERALES

BLOOM

Defendants,

U.S. DISTRICT COURT  
EASTERN DISTRICT  
OF NEW YORK

2015 JUL 23 PM 2:09

FILED  
CLERK

I. Parties:

Plaintiffs ANDRE MOORE resides at 580 Sutter Avenue <sup>Brooklyn</sup> New York (11207).

Defendant MICHEAL DESPOSITO resides at the 75 precinct located at 1000 sutter Avenue Brooklyn New York 11208

Defendant OFFICER MOOD resides at the 75 precinct located at 1000 sutter Avenue Brooklyn New York 11208

Defendant CESAR A PERALES who is the principal for the defendants resides at 1 Commerce Plaza 99 Washington Ave. Suite 1100 Albany, NY 12231

II. ALL PARTIES are hereby advised that the Federal District Court has original "subject matter" jurisdiction where Federal Questions and/or Diversity of Citizenship are at issue. The primary issue is the constitutional deprivation of the Sovereign's [Secured Party/Holder in Due Course] Rights, pursuant to 42 U.S.C. 1983 and 18 U.S.C. 241 & 242. The Respondents/Defendants are reminded of their Oaths of Performance of which are secured by their Official Bond/Surety; and therefore, government selected/appointed officials have a duty to take the appropriate action [42U.S.C. 1986]. This Complaint for Damages is enforceable.

III. Statement of Claim. I was arrested by the defendant MICHEAL DESPOSITO for improper or obstructed windshield or side window obstructing governmental administration in the second degree. Aggravated unlicensed operation of a motor vehicle in the third degree and unlicensed operator. The

defendant is confined to the language of 5 U.S.C. 3331 and the Taft Harley act. The defendant is extremely brainwashed to think that the operation of an auto-mobile is a privilege when the United States constitution is in contrast to this thought, whereas the Constitution is the supreme law of the land under article 6 of the Bill of Rights and any law that is repugnant to the constitution is null and void of law **MARBURY V MADISON (1803)**. Mr. DESPOSITO has an obligation to honor said oath of performance but he chose to neglect that task by imposing ex post facto laws in violation to article 1 section 9 of the constitution. The defendant failed to realize that "No state shall convert a liberty into a privilege, license it, and attach a fee to it."

**Murdock v Peon, 319 US 105 (1943)** whereas this is still valid law to this date.

"If the state converts a liberty into a privilege the citizen can engage in the right with impunity" **Shuttles worth v Birmingham, 373 US 262 (1963)** which is what the defendant does not know whilst he still insist on imposing the behavior he has been exhibiting.

The Defendant made an attempt to contract with me whereas I declined his offer in accordance to the truth and lending act (TILA) because I am the sole proprietor of the **ANDRE MOORE** estate and no one can infringe on my legal entity without the proper written authorization. There is no money in this country in accordance to **HJR 192, public law 78-10 and 48 stat 112**. I wonder how can this man disguised as a police officer describe traveling as a privilege. I also request a **REDRESS FOR DEPRIVATION OF RIGHTS UNDER COLOR OF LAW**, defendant subjected me to an unlawful arrest and a false imprisonment for 21 hours in violation to this said oath of performance. When I reminded him of his obligation as a peace officer he retorted whether I was stoned or just a clown because he is the law, which is probably why he stole my cell phone whereas the video surveillance in the precinct can verify this and he never returned or vouchered my phone after he allowed me to make a phone call to pick up my automobile.

United States Congressional Record March 17, 1993 Vol. #33, page H-1303 Speaker-Senator James Traficant, Jr. (Ohio) addressing the House:

"Mr. Speaker, we are here now in chapter 11. Members of Congress are official trustees presiding over the greatest reorganization of any Bankrupt entity in world history, the U.S. Government. We are setting forth hopefully, a blueprint for our future. There are some who say it is a coroner's report that will lead to our demise."

"The Constitution of these United States is the supreme law of the land. Any law that is repugnant to the constitution is null and void of law." **Marbury v Madison, 5 US 137 (1803) supra**,

"Qualified immunity defense fails if public officer violates clearly established right because a reasonably competent official should know the law governing his conduct"  
**Jones vs Counce 7-F3d-1359-8th Cir (1993); Benitez v Wolff 985-F3d 662 (2nd Cir 1993)** because the complaint clearly establishes I declined to participate in the fraud these officers were imposing upon me

under duress. See complaint (my phone had extra footage but unfortunately Defendant DESPOSITO intentionally stole it to avoid manifestations of these facts)

"Where an individual is detained, without a warrant and without having committed a crime, the detention is a false arrest and false imprisonment."

Damages Awarded: Trezevant v. City of Tampa, 241 F2d. 336 (11th CIR 1984)

Motorist illegally held for 23 minutes in a traffic charge was awarded \$25,000 in damages

The above case sets the foundation for \$75,000 dollars per hour, or \$1,800,000 dollars per day.

The Commissioner of Transportation adopts Part 390 of Title 49 of the Code of Federal Regulations (CFR) Driving is defined as driving commercial motor vehicles, a commercial activity, which does not pertain to the vast majority of New York Citizens who travel in their own automobiles and do not "drive" commercial motor vehicles or engage in commercial activities while traveling. In its customs and practices, the State of New York denies and ignores its own law and, with fraud, deceit and deception, positions the status of "driver" upon all its Citizens, well aware that the vast majority of Citizens do not fit the definition of "driver" since they are not engaged in commercial activities or "driving" a commercial vehicle.

Such deception and fraud is not authorized by the Constitution and is not a delegated power. I was traveling and not engaged in commercial activity when I was arrested, therefore, I had no obligation to have a "driver's" license, registration or insurance.

The United States Supreme Court and numerous federal courts have ruled that when jurisdiction is challenged, it must be proven, on the record, or the case must be dismissed. See: Melo v. U.S. 505 F 2d, 1026. "Once jurisdiction has been challenged, the court cannot proceed when it clearly appears that the court lacks jurisdiction. The court has no authority to reach merits, but, rather, should dismiss the case." and Joyce v. U.S. , 474 F2d 215. "There is no discretion to ignore lack of jurisdiction." I know and exercise my Constitutional Rights, the exercise of which cannot be converted into a crime, and any court which hears any case which denies or restricts Constitutional Rights is not a lawful court and has no jurisdiction. I was not "driving" a commercial vehicle or engaged in any commercial activity when DESPOSITO and MOOD arrested me.

Therefore, since "driving" is defined as a commercial activity and I was not engaged in any commercial activity when arrested, I was and is not a "driver" and has no need or requirement for a "driver's license" or registration. I was traveling, which is my Right, and a Right may not be legislated, restricted or controlled in any way. SEE: Miranda v. Arizona, 384 U.S., 436. "Where Rights secured by the Constitution are involved, there can be no rule making or legislation which would abrogate them.", and Shapiro V. Thompson, 394 U.S., 618. "The mere chilling of a Constitutional right by a penalty on its exercise is patently unconstitutional." Therefore, Officer DESPOSITO and MOOD violated their oath and my Rights, and by these unlawful actions, they denied the Constitutions of America and New York and the Rights guaranteed therein. For the criminal Court to hear a case against a Citizen for freely exercising his Constitutional Rights to travel is unconstitutional and devoid of due process.

I am not a commercial driver subject to rules controlling "drivers", and, further, I caused no accident and did not default on any judgment, therefore, I am not required to have insurance. Again, the State of New York, in its customs and practices, fraudulently requires, by law and by police and court enforcement policies, all those who travel in automobiles to have insurance, when only "drivers" who have caused an accident(s) or defaulted on a judgment are so required. As described herein, by its own actions, the State of New York openly flaunts its own laws, yet holds Citizens strictly to laws the State, itself, violates, and conspires and colludes with police, the courts and public officers to deceive and defraud the public into abiding by either non-existent financial responsibility "laws" or "laws" which do not apply to non-drivers and private Citizens. No such Constitutional authority or delegated power exists for such deceit and fraud, and public funds are prohibited from funding fraud and illegal activities conducted by the State, acting in collusion and conspiracy with police and the courts to defraud the Public.

The government of New York and its officers are Constitutionally required, affirmed by oaths taken, to uphold the Constitutions and to serve the Citizens, who are the Sovereign, and not to defraud those Citizens. When the DMV requires Citizens to register their automobiles, the DMV demands the original title to the auto from the actual owner and issues the "owner" a "certificate of title", which is not the title that determines ownership of the automobile. The original title determines ownership, and the State confiscates that title from the rightful owner, therefore, the State deceptively takes ownership of the "registered" automobile, a circumstance which the State then perverts under color of law by imposing upon the unaware Citizen "required" laws and fees. This is a unilateral contract, imposing duress, pains and penalties, required by state "statutes" and codes, without full disclosure. This means that this "contract" is a one-party contract with rules imposed by one party only, namely, the State of New York, requiring participation from another, the Citizens of New York, requiring those Citizens, under duress and threat of pains and penalties, to participate in a contract with rules imposed by one party only, the State, but binding the Citizens, under duress and threat if the Citizens do not comply. A valid contract is one entered into by both parties, with both parties participating in commonly accepted terms, with full disclosure by both parties, and no fraud. A unilateral contract lacking full disclosure, imbued with fraud, deceit, threat, pains and penalties and imposing obligations under duress is unlawful, illegal, unconstitutional, invalid, fraudulent, unenforceable and null and void, without force or effect, whatsoever. The State cannot impair the obligations of contract (SEE: federal Constitution, Article One, Section 10) and cannot impose the obligations of contract, under duress, against a Citizen's free will, with threat of pains and penalties. I revoked and rescinded all contracts with the DMV because they were unconscionable in totality, because, an American Citizen is not required to unwittingly or knowingly participate in fraud by its government, yet the New York government unconstitutionally acts against those Citizens who refuse to participate in fraud, thus, New York government, by its own unconstitutional actions, commits insurrection, sedition, and, in most cases, treason.

It is the sole discretion of the defendant to monitor and abide by their constitutional obligation and to know the difference of each jurisdictional capacity that is allotted to him as a public servant by the Constitution.

IV. Remedy.

**42 U.S.C. 1983 [AGAINST STATE, COUNTY, OR MUNICIPAL DEFENDANTS]**

Against Defendants in their official capacity as . . .

Provides that every person who, under color of any statute, ordinance, Regulation, custom, or usage, of any State or Territory or the District of Columbia, subjects, or causes to be subjected, any citizen of the United States or other person within the jurisdiction thereof to the deprivation of any rights, privileges, or immunities secured by the Constitution and laws, shall be liable to the party injured in an action at law, suit in equity, or other proper proceeding for redress.

**42 U.S.C.1985 [CONSPIRACY TO INTERFERE WITH CIVIL RIGHTS]**

(2) Obstructing justice; intimidating party . . .

If two or more persons in any State . . . conspire to deter, by force, intimidation, or threat, any party . . . or to injure such party . . . in his person or property . . . for the purpose of impeding, hindering, obstructing, or defeating, in any manner, the due course of justice in any State equal protection of the laws, or to injure him or his property for . . . attempting to enforce, the right of any person, or class of persons, to the equal protection of the laws;

(3) Depriving persons of rights or privileges

If two or more persons in any State . . . conspire . . . for the purpose of depriving, either directly or indirectly, any person or class of persons of the equal protection of the laws, or of equal privileges and immunities under the laws; or for the purpose of preventing or hindering the constituted authorities of any State . . . from giving or securing to all persons within such State . . . the equal protection of the laws; . . . in any case of conspiracy set forth in this section, if one or more persons engaged therein do, or cause to be done, any act in furtherance of the object of such conspiracy, whereby another is injured in his person or property, or deprived of having and exercising any right or privilege of a citizen of the United States, the party so injured or deprived may have an action for the recovery of damages occasioned by such injury or deprivation, against any one or more of the conspirators.

**42 U.S.C. 1988(a)(b)(c) [PROCEEDINGS IN VINDICATION OF CIVIL RIGHTS]**

**18 U.S.C. 241 [AGAINST STATE, COUNTY, OR MUNICIPAL DEFENDANTS]**

Against Defendants in their official capacity as . . .

Provides that whoever, under color of any law, statute, ordinance, regulation, or custom, willfully subjects any person in any State, Territory, Commonwealth, Possession, or District to the deprivation of any rights, privileges, or immunities secured or protected by the Constitution or laws of the United States . . . shall be fined under this title or imprisoned not more than one year, or both.

Trezevant v. City of Tampa, supra (11th CIR 1984) sets precedence for the damages that has been incurred by both defendants and compensation is equivalent to the days each defendant has been unlawfully incarcerated suffice to say one million, five hundred thousand dollars (1,500,000) in functional currency per each Defendant totaling to three million five hundred thousand dollars (3,500,000.)

DATED: July, 23. 2015,

*Andre-Troy Moore*  
Andre-Troy: Moore  
Secure party creditor  
631-647-4810

\_\_\_\_\_<sup>x</sup>  
PEOPLE OF THE STATE OF NEW YORK  
Plaintiffs/Respondents

CASE NO.

OFFICER MOOD  
1000 SUTTER AVENUE  
BROOKLYN NEW YORK

CESAR A. PERALES  
1 COMMERCE PLAZA  
99 WASHINGTON AVENUE

KEN THOMPSON  
350 JAY STREET  
BROOKLYN NEW YORK

MICHEAL DEPOSITO,  
1000 Sutter Avenue  
Brooklyn, New York

UNNAMED JUSTICE of THE  
CRIMINAL COURT KINGS COUNTY  
120 Schermerhorn Street  
Brooklyn, New York 11201  
vs.

TITLE 28 U.S.C. SECTION  
1343(3)  
TO REDRESS THE DEPRIVATION  
OF RIGHTS GUARANTEED BY  
THE UNITED STATES  
CONSTITUTION

ANDRE TROY MOORE 060-58-  
Defendant/Petitioner

PETITION FOR REMOVAL FROM THE  
STATE  
PURSUANT TO 28 USCA 1441(a)(b)(d)

\_\_\_\_\_<sup>x</sup>

The Undersigned, In Propria Persona [non-attorney], enters the Petition for Want of Jurisdiction

The Petitioner/Defendant: Indigenous American National of the New York Republic ALL

PARTIES are hereby advised that the Federal District Court has original "subject matter"

jurisdiction where Federal Questions and/or Diversity of Citizenship are at issue. The primary issue is the constitutional deprivation of the Sovereign's [Secured Party/Holder in Due Course] Rights, pursuant to 42 U.S.C. 1983 and 18 U.S.C. 241 & 242. The Respondents/Defendants are reminded of their Oaths of Performance of which are secured by their Official Bond/Surety; and therefore, government selected/appointed officials have a duty to take the appropriate action [42 U.S.C. 1986].The Complaint for Damages is enforceable.

NOW COMES the Petitioner/Defendant, Andre-Troy: Moore, as himself appearing by Special Visitation [Not general appearance], in his "proper person" [In Propria persona] and his alien jurisdiction [alieni jura] on the soil [sui juris], respectfully shows this Court, relating to the above-styled case, indicating an action issuing against the legal fiction: ANDRE TROY MOORE©.

*Andre-Troy: Moore*

Andre-Troy: Moore, American National  
REGISTERED NON-RESIDENT ALIEN,  
Secretary of State, New York ucc filing# 20130612033140



**NOTICE OF COMPLAINT UNDER THE CIVIL RIGHTS ACT:**

**THE PETITIONER/DEFENDANT SAYS:** The Constitution for the united states of America [1789] and the Constitution of the Union state of New York [1776-1777] secures Unalienable Rights, pursuant to 28 U.S.C. 1343(3), to an Indigenous American National [54 Stat 1137, Section 101(a) and 8 U.S.C. Section 1101(21);

U.C.C. 1-207 and U.C.C. 1-103.6; all in accordance with 28 C.F.R. 16.41(d) and 28 U.S.C. 1746(1):31 U.S.C. 5118, through 22 U.S.C. 2281; Sovereign Citizen: 8 USC 1408; 15 Stat. 223–224], who is a citizen of another state than that in which charges are brought, has an absolute right to remove that case into the Federal District Court of original jurisdiction, pursuant to 28 USCA 1441(d) and the Foreign Sovereign Immunities Act of 1976. Diversity of Citizenship and Political Questions provide the ground for Removal of Causes to the Federal District Court.

**TO THE PLAINTIFFS HERETO AND THE LOCAL PROSECUTOR, THE STATES ATTORNEY OF KINGS COUNTY**

**NOTICE IS HEREBY GIVEN** that Petitioner/Defendant Andre-Troy: Moore hereby removes this action from the **KINGS COUNTY SUPREME COURT, CRIMINAL TERM** to the United States District Court for Northern District of New York, Brooklyn.

The above named Respondents/Plaintiffs in the Commercial Affidavits [Civil and Criminal Complaints] have engaged in criminal and Civil actions by willfully and knowingly violated the “unalienable rights” of an Indigenous American National. The Respondents/Plaintiffs are hereby accused of the following crimes against a Sovereign non-resident alien, real live human being. Such rights are defined, preserved and secured by the United States Constitution to prevent such abuses of government officials by their Oaths to support said Constitution [67 C.J.S., Officers, Section 46, Oaths]. The Civil Rights Act of 1871 and, as amended at 42 U.S.C. 1983, provides the mechanism for persons to seek relief from Constitutional deprivations. Grounded in the Fifth Amendment of the Bill of Rights [1 Stat. 97-98], states and their agents [government officials] are prohibited from “depriving any person of life, liberty, or property without due process of law.” Charges may be brought against both state and federal officials. [See Bivens v Sex Unknown Agents of the Federal Bureau of Narcotics 403 U.S.388, 1971]

**42 U.S.C. 1983 [AGAINST STATE, COUNTY, OR MUNICIPAL DEFENDANTS]**

**Against Defendants in their official capacity as . . .**

Provides that every person who, under color of any statute, ordinance, Regulation, custom, or usage, of any State or Territory or the District of Columbia, subjects, or causes to be subjected, any citizen of the United States or other person within the jurisdiction thereof to the deprivation of any rights, privileges, or immunities secured by the Constitution and laws, shall be liable to the party injured in an action at law, suit in equity, or other proper proceeding for redress.

42 U.S.C.1985 [CONSPIRACY TO INTERFERE WITH CIVIL RIGHTS]

(2) Obstructing justice; intimidating party, . . .

If two or more persons in any State . . . conspire to deter, by force, intimidation, or threat, any party . . . or to injure such party . . . in his person or property . . . for the purpose of impeding, hindering, obstructing, or defeating, in any manner, the due course of justice in any State equal protection of the laws, or to injure him or his property for . . . attempting to enforce, the right of any person, or class of persons, to the equal protection of the laws;

(3) Depriving persons of rights or privileges

If two or more persons in any State . . . conspire . . . for the purpose of depriving, either directly or indirectly, any person or class of persons of the equal protection of the laws, or of equal privileges and immunities under the laws; or for the purpose of preventing or hindering the constituted authorities of any State . . . from giving or securing to all persons within such State . . . the equal protection of the laws; . . . in any case of conspiracy set forth in this section, if one or more persons engaged therein do, or cause to be done, any act in furtherance of the object of such conspiracy, whereby another is injured in his person or property, or deprived of having and exercising any right or privilege of a citizen of the United States, the party so injured or deprived may have an action for the recovery of damages occasioned by such injury or deprivation, against any one or more of the conspirators.

42 U.S.C. 1988(a)(b)(c) [PROCEEDINGS IN VINDICATION OF CIVIL RIGHTS]

18 U.S.C. 241 [AGAINST STATE, COUNTY, OR MUNICIPAL DEFENDANTS]

Against Defendants in their official capacity as . . .

Provides that whoever, under color of any law, statute, ordinance, regulation, or custom, willfully subjects any person in any State, Territory, Commonwealth, Possession, or District to the deprivation of any rights, privileges, or immunities secured or protected by the

Constitution or laws of the United States . . . shall be fined under this title or imprisoned not more than one year, or both.

**Authority of Damages:**

<b>Damage Penalty: Felony</b>	<b>\$250,000.00</b>	<b>18 U.S.C. 3571</b>	
<b>Damage Penalty: Misdemeanor</b>	<b>\$100,000.00</b>	<b>18 U.S.C. 3571</b>	
<b>Conspiracy</b>	<b>\$ 10,000.00</b>	<b>18 U.S.C. 371</b>	
<b>Racketeering: Criminal</b>	<b>\$ 25,000.00</b>	<b>18 U.S.C. 1963</b>	
<b>Civil [3x]</b>	<b>\$ 25,000.00</b>	<b>18 U.S.C. 1964</b>	<b>\$ 75,000.00</b>

\_\_\_\_\_  
ANDRE TROYMOORE©  
Petitioner/Plaintiff

CASE NO. .

Vs.

SUMMONS IN A CRIMINAL CASE  
PURSUANT TO TITLE 18 U.S.C. 241 & 242

UNNAMEED, UNIDENTIFIED  
STATES ATTORNEY, KINGS COUNTY  
Cadman Plaza East  
Brooklyn, New York 1201

THE HEREIN NAMED RESPONDENTS/DEFENDANTS  
ARE HEREBY SUMMONED and required to answer  
the complaint, which is herewith served upon you, 21  
days after service of this summons upon you. IF you fail  
to do so, judgment by default will be taken against you  
for the relief demanded in the complaint.

MICHEAL DESPOSITO  
1000 Sutter Avenue  
New York 11208

YOU must also file your answer with Brooklyn  
the Clerk of this Court within the same time.

OFFICER MOOD  
1000 Sutter Avenue  
Brooklyn, New York 11208

CESAR A. PERALES  
1 Commerce Plaza  
99 Washington Avenue  
Albany, New York 12231

\_\_\_\_\_  
**Respondents/Defendants**

CERTIFICATION AND SIGNATURE, IN PROPRIA PERSONA (NON-ATTORNEY), ENTERS THE U.S. DISTRICT PETITION DECLARATION: Pursuant to  
28 U.S.C. 1746; 28 C.F.R. 16.41; 8 U.S.C. 1501, 1502; PL 103-416;108 Stat. 4305; 8 U.S.C.1481(a)(5); PL 95-432

**TO THE ABOVE NAMED DEBTORS/RESPONDENTS:**

By this action Complainant seeks to recover damages against Respondent(s) as surety, for injuries resulting from acts by the Respondent(s) alleged as cause, pursuant to Title 18 U.S.C. 241 and 242 [against United States Citizens respondents], in The Republic of New York, against the rights of American Nationals/Sovereigns in violation of Title 18, sections 241 and 242, the U.S. Criminal Code. A petition under Title 18 is hereby filed against the Debtor/Respondent(s) in this U.S. District Court, requesting an order for relief under Title 18 U.S.C. 241 and 242. A copy of the Complaint/Statement of Claim is attached. All of which criminal acts were done in violation of the Fourth, Fifth, Sixth, Seventh, Ninth, and Tenth Amendments to the Constitution for the United States of America and against the protections of American Nationals/Sovereigns.

BEING FIRST DULY AFFIRMED I depose and say: Declaring under penalty of perjury that the foregoing is true and correct according to the best of my belief and informed knowledge. I further say that: I certify that on the day of , 2015, I mailed by certified returned receipt a true copy of the foregoing document to all parties of record herein pursuant to the provision of the Rules of the U.S. District Court for the Northern District of New York, Brooklyn Eastern Division. And further the affiant says not. I now affix my signature, and seal of a sentient being from America, to the above affirmations with explicit reservation and without prejudice pursuant to U.C.C. 1-207, U.C.C. 1-308 and U.C.C. 1-103.6.

Andre-Troy: Moore  
In Propria Persona,  
"sui juris" and "alieni jura"  
Secured Party and Holder-In-Due-Course  
ucc filing #201306120331401

In-Care-Of: 580 Sutter Avenue 6B  
Brooklyn New York republic  
PRO PER, Signature, Without Recourse: UCC 1-207, UCC 1-308  
In Accordance With 28CFR 16.41(d);

The use of notary below is for identification only, and such use does NOT grant any jurisdiction to anyone.

WITNESS THE HAND AND SEAL

NOTARY

Signed before me  
On this 23 Day of July, 2015

*All Rights reserved  
Andre-Troy Moore*

BROOKLYN NY  
APPEARED BEFORE ME  
ANDRE T MOORE

**SERGIO BUFFALINO**  
Notary Public, State of New York  
No. 01BU5035923  
Qualified in Queens County  
Certificate filed in Richmond County  
Commission Expires Nov 14, 2016

\_\_\_\_\_  
ANDRE MOORE©  
Petitioner/Plaintiff

CASE NO. \_

Vs.

SUMMONS IN A CIVIL CASE  
PURSUANT TO TITLE 42 U.S.C. 1983

THE HEREIN NAMED RESPONDENTS/DEFENDANTS  
ARE HEREBY SUMMONED and required to answer  
the complaint, which is herewith served upon you, thirty  
days after service of this summons upon you. IF you fail  
to do so, judgment by default will be taken against you  
for the relief demanded in the complaint.

MICHEAL DESPOSITO  
1000 Sutter Avenue  
Brooklyn, New York 11208

YOU must also file your answer with  
the Clerk of this Court within the same time.

OFFICER MOOD  
75 precinct  
1000 Sutter Avenue  
Brooklyn, New York 11208

CESAR A PERALES  
1 Commerce plaza  
99 Washington Avenue  
Albany, New York 12231

\_\_\_\_\_  
Respondents/Defendants

CERTIFICATION AND SIGNATURE, IN PROPRIA PERSONA [NON-ATTORNEY], ENTERS U.S. DISTRICT PETITION DECLARATION:

Pursuant to 28 U.S.C. 1746; 28 C.F.R. 16.41; 8 U.S.C. 1501, 1502; PL 103-416; 108 Stat. 4305; 8 U.S.C. 1481(a)(5); PL 95-432

TO THE ABOVE NAMED DEBTORS/RESPONDENTS:

By this action Complainant seeks to recover damages against Respondents as surety, for injuries resulting from acts by the Respondents alleged as cause, pursuant to Title 42 U.S.C. 1983 [against state, county, or municipal respondents], in The Republic of New York, . A petition under Title 42 is hereby filed against the Debtor/Respondents in this U.S. District Court, requesting an order for relief under Title 42 U.S.C. 1983. A copy of the Complaint/Statement of Claim is attached.

BEING FIRST DULY AFFIRMED I deposes and say: Declaring under penalty of perjury that the foregoing is true and correct according to the best of my belief and informed knowledge. I further say that: I certify that on the day of \_\_\_\_\_, 2015, I mailed by certified

returned receipt a true copy of the foregoing document to all parties of record herein pursuant to the provision of the Rules of the U.S. District Court for the Northern District of New York, Brooklyn Eastern Division. And further the affiant says not. I now affix my signature, and seal of the united states of America, to the above affirmations with explicit reservation and without prejudice pursuant to U.C.C. 1-207, U.C.C. 1-308 and U.C.C. 1-103.6.

Andre-Troy: Moore, In Propria Persona, "sui juris" and "alieni jura"  
Secured Party and Holder-In-Due-Course  
ucc filing# 201306120331401

In-Care-Of: 580 Sutter Avenue  
Brooklyn New York republic  
PRO PER, Signature, Without Recourse: UCC 1-207,UCC 1-103.6  
Accordance With 28CFR 16.41(d); 28USC1746(1)

The use of notary below is for identification only, and such use does NOT grant any jurisdiction to anyone.

WITNESS THE HAND AND SEAL

NOTARY

*[Handwritten signature]*

Signed before me  
On this 23 Day of July, 2015

Brooklyn NY

APPEARED BEFORE ME

ANDREW T MOORE

All rights reserved  
Andre-Troy Moore

**SERGIO BUFFALINO**  
Notary Public, State of New York  
No. 01BU5035923  
Qualified in Queens County  
Certificate filed in Richmond County  
Commission Expires Nov 14, 2018

Fax:917188273652

Jul 22 2015 12:05am P002/003

CRIMINAL COURT OF THE CITY OF NEW YORK  
PART APAR COUNTY OF KINGS

THE PEOPLE OF THE STATE OF NEW YORK

STATE OF NEW YORK  
COUNTY OF KINGS

v

ANDRE MOORE

POLICE OFFICER MICHAEL DESPOSITO SHIELD NO. 7001, OF 165 COMMAND SAYS THAT ON OR ABOUT JULY 21, 2015 AT APPROXIMATELY 04:00 PM AT BRADFORD STREET AND LINDEN BLVD COUNTY OF KINGS, STATE OF NEW YORK.

THE DEFENDANT COMMITTED THE OFFENSE(S) OF:

- VTL 375 (12-A) (A) IMPROPER OR OBSTRUCTED WINDSHIELD OR SIDE WINDOW
- PL 195.05 OBSTRUCTING GOVERNMENTAL ADMINISTRATION IN THE SECOND DEGREE
- VTL 511 (1) (A) AGGRAVATED UNLICENSED OPERATION OF A MOTOR VEHICLE IN THE THIRD DEGREE
- VTL 509 (1) UNLICENSED OPERATOR

IN THAT THE DEFENDANT DID:

INTENTIONALLY OBSTRUCT, IMPAIR OR PERVERT THE ADMINISTRATION OF LAW OR OTHER GOVERNMENTAL FUNCTION OR PREVENT OR ATTEMPT TO PREVENT A PUBLIC SERVANT FROM PERFORMING AN OFFICIAL FUNCTION, BY MEANS OF INTIMIDATION, PHYSICAL FORCE OR INTERFERENCE, OR BY MEANS OF ANY INDEPENDENTLY UNLAWFUL ACT, OR BY MEANS OF INTERFERING, WHETHER OR NOT PHYSICAL FORCE IS INVOLVED, WITH RADIO, TELEPHONE, TELEVISION OR OTHER TELECOMMUNICATIONS SYSTEMS OWNED OR OPERATED BY THE STATE, OR A COUNTY, CITY, TOWN, VILLAGE, FIRE DISTRICT OR EMERGENCY MEDICAL SERVICE OR BY MEANS OF RELEASING A DANGEROUS ANIMAL UNDER CIRCUMSTANCES EVINCING THE DEFENDANT'S INTENT THAT THE ANIMAL OBSTRUCT GOVERNMENTAL ADMINISTRATION; OPERATE UPON A PUBLIC HIGHWAY, ROAD OR STREET A MOTOR VEHICLE, OTHER THAN A MOTORCYCLE, THAT WAS NOT EQUIPPED WITH A FRONT WINDSHIELD IN A FIXED AND MORE OR LESS UPRIGHT POSITION CONSTRUCTED OF SAFETY GLASS; OR THAT HAD ANY SIGN OR OTHER NONTRANSPARENT MATERIAL, OTHER THAN A CERTIFICATE OR PAPER REQUIRED TO BE DISPLAYED BY LAW, UPON THE FRONT WINDSHIELD OR THE SIDEWINGS OR SIDE WINDOWS ON EITHER SIDE FORWARD OF OR ADJACENT TO THE OPERATOR'S SEAT; OPERATE OR DRIVE A MOTOR VEHICLE UPON A PUBLIC HIGHWAY OF THIS STATE OR UPON ANY SIDEWALK OR TO OR FROM ANY LOT ADJACENT TO A PUBLIC GARAGE, SUPERMARKET, SHOPPING CENTER OR CAR WASHING ESTABLISHMENT OR TO OR FROM OR INTO A PUBLIC GARAGE OR CAR WASHING ESTABLISHMENT WITHOUT BEING DULY LICENSED PURSUANT TO THE PROVISIONS OF THIS CHAPTER; OPERATE A MOTOR VEHICLE UPON A PUBLIC HIGHWAY WHILE KNOWING OR HAVING REASON TO KNOW THAT SUCH PERSON'S LICENSE OR PRIVILEGE OF OPERATING SUCH MOTOR VEHICLE IN THIS STATE OR PRIVILEGE OF OBTAINING A LICENSE TO OPERATE SUCH MOTOR VEHICLE ISSUED BY THE COMMISSIONER WAS SUSPENDED, REVOKED OR OTHERWISE WITHDRAWN BY THE COMMISSIONER.

THE SOURCE OF DEPONENT'S INFORMATION AND THE GROUNDS FOR DEPONENT'S BELIEF ARE AS FOLLOWS:

DEPONENT STATES, THAT AT THE ABOVE TIME AND PLACE, WHICH IS A PUBLIC HIGHWAY, DEPONENT OBSERVED DEFENDANT DRIVING A 2006 CADILLAC MD STATE LICENSE NO. 3BP4104 AND THAT DEPONENT OBSERVED THE WINDOWS OF SAID VEHICLE TO BE EXCESSIVELY TINTED.

DEPONENT FURTHER STATES THAT DEFENDANT REFUSED TO GIVE DEPONENT IDENTIFICATION RELATING TO THE LEGAL TRAFFIC STOP AND FURTHER THAT DEPONENT CONDUCTED A CHECK OF THE OFFICIAL, COMPUTERIZED DEPARTMENT OF MOTOR VEHICLES DRIVING RECORDS RELATING TO THE DEFENDANT AND DEPONENT OBSERVED SAID RECORD TO INDICATE THAT, AT THE ABOVE TIME, DEFENDANT WAS DRIVING WITH HIS/HER PRIVILEGE TO DO SO HAVING BEEN SUSPENDED.

DEPONENT FURTHER OBSERVED THE OFFICIAL DEPARTMENT OF MOTOR VEHICLES RECORDS TO INDICATE THAT, AT THE ABOVE TIME, DEFENDANT HAD 3 SUSPENSIONS ON 2 DATES.

DEPONENT FURTHER STATES THAT DEPONENT'S BASIS FOR BELIEVING THAT THE DEFENDANT HAD REASON TO KNOW THAT HIS/HER LICENSE WAS SUSPENDED IS AS FOLLOWS: THE ABOVE-

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DESCRIBED NEW YORK STATE DEPARTMENT OF MOTOR VEHICLES COMPUTER CHECK REVEALED THAT DEFENDANT'S LICENSE WAS SUSPENDED FOR FAILURE TO ANSWER OR APPEAR IN RESPONSE TO A TRAFFIC SUMMONS, AND ALL SUCH SUMMONS HAVE PRINTED ON THEM THE WARNING "IF YOU DON'T ANSWER THIS TICKET BY MAIL WITHIN 15 DAYS YOUR LICENSE WILL BE SUSPENDED".

DEPONENT FURTHER STATES THAT THE NEW YORK STATE DEPARTMENT OF MOTOR VEHICLES MAELS A NOTICE OF SUSPENSION TO ANY SUCH PERSON AT THEIR LAST KNOWN ADDRESS.

FALSE STATEMENTS MADE IN THIS DOCUMENT ARE PUNISHABLE AS A CLASS A MISDEMEANOR PURSUANT TO SECTION 210.43 OF THE PENAL LAW.

07/21/15  
DATE

PC [Signature]  
SIGNATURE