HALT, RANDOM COMPUTER PLATE CHECKS ABSENT PROBABLE CAUSE ARE ILLEGAL FISHING EXPEDITIONS OF TWO SEPARATE ELECTRONIC DATA BASES DOL & WACIC AND COMMUNISTIC IN NATURE LIKE IN NAZI GERMANY AND COMPLETELY UN-AMERICAN.

RCW 46.20.349 Stopping vehicle of suspended or revoked driver

Any police officer **who has RECEIV[ED] notice** of the suspension or revocation of a driver's license **from the department of licensing**, may, during the reported period of such suspension or revocation, stop any motor vehicle identified by its vehicle license number as being registered to the person whose driver's license has been suspended or revoked. The driver of such vehicle shall display his driver's license upon request of the police officer. [1979 c 158 section 152; 1965 ex.s. c 170 section 47. **Formerly RCW 46.20.430.**] And; **(WHERE'S YOUR NOTICE?)**

"Ralph Martin

In early June 1999, Seattle police **received** information from a citizen regarding drug activity in his neighborhood." **State v. Martin, 106 Wn. App. 850 at 853 (June 26, 2001)**; **". . . Officer Ditzel was NOT running random computer checks** here, however; **THE ONLY PEOPLE ON THIS LIST WERE THOSE HE AND OFFICER MARSHALL HAD PERSONALLY CITED AND KNEW HAD SUSPENDED LICENSES**." **STATE v. HARLOW, 85 Wn. App. 557 at 561, 933 P.2d 1076 (April 3, 1997);** ". . . the public in general, as well as any particular individual, has a privacy interest in preventing "**FISHING EXPEDITIONS**" by governmental authorities." **In re Rosier, 105 Wn.2d 606, 612, 717 P.2d 1353, 1359 (1986);** "A general **FISHING EXPEDITION** would occur when law enforcement agents targeted a particular individual for investigation, without having a reasonable suspicion of criminal activity, and scoured utility district records for evidence of any crime." **State v. Maxfield, 125 Wn.2d 378, 393, 886 P.2d 123 [No. 61120-3. En Banc. December 8, 1994.]; ". . . MOTORIST DO HAVE AN EXPECTATION OF PRIVACY IN DOL DATABASES**. Thus under Wash. Const. art. 1, section 7, which proscribes "**GENERAL FISHING EXPEDITIONS**" by police into records and affairs even a "**minimal**" expectation of privacy, there must be "**authority of law**" before a police officer can access those databases." **Matter of Maxfield, 133 Wn.2d 332, 341, 945 P.2d 196 (1997)**; "No Statute authorizes detentions for brief warrant checks, and thus such detentions are illegal." **State v. Rife, 133 Wn.2d 140, 940 P.2d 266 (1997) (YOU DIDN'T KNOW ME, PREVIOUSLY CITE ME OR HAVE A LIST DID YOU OFFICER???)**

"**[4] RESPONDENT IS, THEREFORE, ENTITLED TO THE FULL PROTECTION OF THE AUTOMATIC STANDING DOCTRINE. HE HAS THE RIGHT TO INVOKE ALL THE PRIVACY INTERESTS THAT AN INDIVIDUAL PROPERLY IN POSSESSION OF THE TRUCK COULD ASSERT. See Rakas v. Illinois, 439 U.S. 128, 135 n.4, 58 L.Ed. 2d 387, 99 S. Ct. 421 (1978).** . . . A defendant who has acquired automatic standing in effect stands in the shoes of an individual properly in possession of the property that was searched or seized. In. this case, therefore a person rightfully in possession of the truck would have a "'**legitimate' expectation of privacy**" in it. **Rakas, at 143 n.12.** . . . **[6] WE CONCLUDE THAT RESPONDENT SIMPSON, STANDING IN THE SHOES OF AN INDIVIDUAL WITH A LEGITIMATE EXPECTATION OF PRIVACY IN THE VIN UNDER THE FOURTH AMENDMENT AND CONST. ART. 1, SECTION 7.** A "'legitimate expectation of privacy'" is a privacy expectation which is both subjectively held and objectively . . . justifiably under the circumstances." ...Thus the impoundment in this case was not lawful, **AND THE WARRANTLESS SEARCH OF THE VIN CANNOT BE JUSTIFIED AS AN INVENTORY SEARCH INCIDENT TO A LAWFUL IMPOUNDMENT**. Moreover, even if one were to assume for the sake of argument that the impoundment was lawful, the search would still be improper because, as the trial court expressly found, the inventory in this case was a mere pretext for an investigative examination. The trial court expressly found that [a]lthough he [the officer] claims an intent to make an inventory search, **I AM SATISFIED THAT HIS MAIN PURPOSE WAS TO OBTAIN THE VIN IN ORDER TO RUN A CHECK ON WHETHER THE VEHICLE HAD BEEN REPORTED AS STOLEN**. The record fully supports the trial court's finding. The testimony shows that the officer's real purpose in checking the VIN was to follow up on his and his captain's suspicions that the truck was stolen. **SINCE THE INVENTORY WAS A MERE PRETEXT FOR AN INVESTIGATIVE EXAMINATION, THE WARRANTLESS SEARCH OF THE VIN CANNOT BE JUSTIFIED UNDER THE INVENTORY EXCEPTION**." **STATE v. SIMPSON, 95 Wn.2d 170, 182, 191, 622 P.2d 1199 [No. 45931. En Banc. December 31, 1980.]**; "**Proctor contends that the listing of the serial numbers constituted an unlawful "seizure" of property in his office, and that without the information gained from the use of those numbers, there was not probable cause for either seizure of the property or the issuance of a search warrant**. . . . **The court held that the officers entry into the truck and the copying down of the markings was "a step beyond that which was sanctioned by the circumstances."** ...**The court held that the serial number of an ordinary television set located in the living room of the apartment, although he had no reason to believe that there was anything unusual or suspect about it. The court held that the serial number was taken outside the scope of an unlawful search.** Murray is an illustration of what the United States Supreme Court meant in Coolidge v. New Hampshire, 403 U.S. 443, 466, 29 L. Ed.2d 564, 91 S.Ct. 2022 (1971), when it said: "Of course, the extension of the original justification is legitimate only where it is immediately apparent to the police that they have evidence before them; the "plain view" doctrine may not be used to extend a general exploratory search from one object to another until something incriminating at last emerges." **STATE v. PROCTOR, 12 Wn.App. 274, 276, 529 P.2d 472 (December 16, 1974)**; "**This is NOT a case where agents in the course of a lawful search came upon contraband, criminal activity, or criminal evidence in plain view. . . . For the record makes clear that the contents of the films could not be determined by mere inspection.** . . . the Court emphasized that **"exploratory searches . . . cannot be undertaken by officers with or without warrant.**" **STANLEY v. GEORGIA, 394 U.S. 557, 571, 572 (April 7, 1969);** "We, therefore, hold that the trial court erred in allowing the seizure of the television set under the plain view doctrine since the

officers did not possess the requisite immediate knowledge upon which they could reasonably conclude that they had incriminating evidence before them. ...United States v. Gray supports our holding that the taking of the serial numbers constituted a seizure." **STATE v. MURRAY, 84 Wn.2d 527 at 535, 527 P.2d 1303 [No. 42897. En Banc. November 7, 1974.]; "[4] The fourth amendment to the United States Constitution prohibits an officer who has neither probable cause nor articulable suspicion from randomly stopping a moving vehicle for the purpose of questioning the occupants about whether they have permits or similar papers required by the government**. . . . **Washington cannot require less than the Fourth Amendment**. . . . **In this case, the stop of Thorp's vehicle was a roving stop made without probable cause or articulable suspicion**. Thus , it violated both the Fourth Amendment and the Washington Constitution." **STATE v. THORP, 71 Wn.App. 175, 180, 181, 182, 856 P.2d 1123 (August 30, 1993)**; "If the seizure is merely based upon suspicion, and the facts are not sufficient to justify an arrest, the subsequent discovery by an examination of the evidence, secured by the seizure, that the suspicion was in fact well founded, it is not sufficient to make what was unlawful at its commencement a lawful search. . . ." **STATE v. KNUDSEN, 154 Wash. 87, 93 (September 28, 1929);** "[3] Because the initial stop was not lawful, the subsequent arrest was not lawful. The facts observed by the officer after the stop were the direct result of the illegal stop and therefore cannot serve as the basis for probable cause." **CAMPBELL v. DEPARTMENT OF LICENSING, 31 Wn.App. 833, 837, 644 P.2d 1219 (May 10, 1982).** "Accordingly, where an officer does not know of the commission of an offense in his immediate vicinity until after a search, the offense is not in his 'presence' so as to justify an arrest without a warrant." "**We have had frequent occasion to point out that a search is not to be made legal by what it turns up.** In law it is good or bad when it starts and does not change character from its success." **STATE v. MILES, 29 Wn.2d 921, 930, 931 (March 3, 1948);** "As the United States Supreme Court stated in Florida v. Royer, 460 U.S. 491, 499, 75 L.Ed. 2d 229, 103 S.Ct. 1319, 1325 (1983), "[n]or may the police seek to verify their suspicions by means that approach the conditions of arrest." **STATE v. GONZALES, 46 Wn.App. 388, 396, 731 P.2d 1101 (December 30, 1986)**; "Nor is the fact that contraband was discovered after the stop constitutionally sufficient. A seizure is not justified by what a subsequent search discloses." **STATE v. LESNICK, 84 Wn.2d 940, 944, 530 P.2d 243 [No. 43141. En Banc. January 7, 1975]; "Discovery of any evidence in the course of such a search is not "inadvertent" as is required for the plain view doctrine to apply**." **STATE v. DAUGHERTY, 94 Wn.2d 263, 272, 616 P.2d 649 [No. 46093. En Banc. September 11, 1980]** "The plain view doctrine does not apply to render lawful a seizure of evidence procured or brought into plaint view by invasion of an accused's constitutional rights." **State v. Dennis, 16 Wn.App. 417, 424, 558 P.2d 297 (1976);** "Search unlawful when made is not legalized by after acquired knowledge of officer." **Raniele v. U.S., 34 F.2d 877**; "Seizure on mere suspicion is not justified by confirmation of suspicion." **Gorske v. U.S., 1 F.2nd 620;** "...the right of the citizen to drive on a public street with freedom from police interference, unless he is engaged in suspicious conduct associated in some manner with criminality, is a fundamental constitutional right which must be protected by the courts. . . . **Having decided that Officer Winfrey did not have probable cause to stop appellant's vehicle in the first instance, it follows that the subsequent search was unlawful**, . . . **A search or seizure made pursuant to consent secured immediately following an illegal entry or arrest, however, is in-extricably bound up with the illegal conduct and cannot be segregated therefrom.**" . . . "**The stop having been illegal, the search, though by consent of the vehicle owner, does not breath legality into the resultant find by the officers**." **PEOPLE v. HORTON, 14 C.A.3d 930, 934, 92 Cal.Rptr. 666 (January 29, 1971)**; **"Concluding that Camera v. Municipal Court, 387 U.S. 523, 528-529 (1967), and See v. Seattle, 387 U.S. 541, 543 (1967), controlled this case**, . . . **AND THAT THE STATUTORY AUTHORIZATION FOR WARRANTLESS INSPECTIONS WAS UNCONSTITUTIONAL.**

. . . PROBABLE CAUSE HAS NOT BEEN ABANDONED AS A REQUIREMENT FOR STOPPING AND SEARCHING AN AUTOMOBILE." **MARSHALL v. BARLOW'S, INC., 436 U.S. 307, 310, 315 (May 23, 1978); "THE OFFICER MUST HAVE PROBABLE CAUSE TO ARREST BEFORE COMMENCING THE SEARCH**, . . . which is also to say that the arrest cannot be justified by the fruits of the search. . . . ("'justify[ing] the arrest by the search and at the same time . . **. the search by the arrest,' just 'will not do.**'") . . . ("It does not matter that a defendant is not formally placed under arrest until after a search, **so long as the fruits of the search are not necessary to support the cause to arrest**."); ...[5] Although an officer may search incident to a lawful custodial arrest, **he or she may not search incident to a lawful non-custodial arrest.** ... ("**[w]here a custodial arrest is not justified, no warrantless search pursuant to that arrest may be upheld**"); ... (**as matter of Washington's public policy, search improper where law required that arrest be noncustodial**)." **STATE v. McKENNA, 91 Wn. App. 554, 560, 561 (July 10, 1998); ". . . THE OFFICERS HAD NO KNOWLEDGE OF OUTSTANDING WARRANTS BEFORE THE SEARCH." STATE v. REYES, 98 Wn. App. 923, 932, 993 P.2d 921 (January 21, 2000). (LIKEWISE, OFFICER, YOU HAD NO PROBABLE CAUSE, YOU DID NOT KNOW ME PERSONALLY, NOR DID YOU EVER CITE ME PREVIOUSLY PRIOR TO YOUR ILLEGAL ELECTRONIC FISHING EXPEDITION DID YOU???)**

"THIS OPINION CONCLUDES THAT POLICE OFFICERS DO NOT HAVE STATUTORY AUTHORITY TO STOP MOTORISTS SOLELY FOR THE PURPOSE OF EXAMINING THEIR DRIVER'S LICENSES. And the WASHINGTON STATE SUPREME COURT HELD THAT: Under the rationale of the holding in Seattle v. Mesiani, 110 Wn.2d 454, 755 P.2d 775 (1988), AGO 88 (1959) IS STILL VALID AND CORRECT." STATE v. SMITS, 58 Wn.App. 333, 340, 341, 792 P.2d 565 (June 25, 1990). And;

Officer, I want to inform you that my Tribal Lawyer Luis Anthony Ewing will be helping me beat all of your Tickets that exceeded the scope of your authority in a CIVIL TRAFFIC STOP!!!

Sincerely, ______________________ Signed this ____ day of __________, A.D. 20011

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