

1 Skyler J. Collins

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5 SALT LAKE CITY JUSTICE COURT

6 STATE OF UTAH

7 SALT LAKE CITY CORPORATION,

Case No.: 197405898

8 Plaintiff,

9 vs.

MOTION TO DISMISS COMPLAINT AND  
REQUEST FOR FULL FINDING OF FACT  
AND CONCLUSION OF LAW

10 SKYLER J COLLINS,

11 Defendant

12 Now comes Skyler Jeffrey Collins, alleged defendant, by special appearance, participating  
13 under threat, duress and coercion, not submitting to the court’s jurisdiction who hereby moves this  
14 court to dismiss the complaint filed by Arturo Garcia and Salt Lake City Corporation for failure to  
15 present a cause of action. Failure to present the court a case deprives the court of jurisdiction.  
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17 The assigned judge is also requested to provide a full-findings of fact and conclusions of law  
18 if this motion is denied. This includes the legal and factual citations to support any claims “This  
19 doesn’t apply here”.

20 1. No case, crime or cause of action. The foundation for the court’s jurisdiction is the  
21 purpose of American government itself, this is in the Declaration of Independence of 1776:

22 “We hold these truths to be self-evident, that all men are created equal, that they are  
23 endowed by their Creator with certain unalienable Rights, that among these are Life,  
24 Liberty and the pursuit of Happiness. — ***That to secure these rights, Governments***  
25 ***are instituted among Men***, deriving their just powers from the consent of the  
26 governed...” (emphasis added).  
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1 This is applicable to Utah governments through the Utah Enabling Act, 1894, Act of July 16,  
2 1894, ch. 138, 28 Statutes at Large 107 § 3. This is also shown in several other state constitutions  
3 regarding the establishment of all American governments: “governments...are established to  
4 protect and maintain individual rights.” See Arizona, Washington and Minnesota.  
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6 This is why to have a case or cause of action, a plaintiff must plead the violation of a legal  
7 right:

8 “the duty of this court, as of *every judicial tribunal*, is limited to *determining rights*  
9 of persons or of property, which are actually controverted in the particular case  
10 before it.” Tyler v. Judges of the Court of Registration, 179 U.S. 405, 21 SCt. 206,  
208.

11 The basic elements of a case or cause of action are the violation of a legal right and loss or  
12 harm. The alleged plaintiff, a legal fiction at best, ostensibly acting through Arturo Garcia under  
13 oath, **has not pled any violation of a legal right or harm.** Under Utah law, there is no cause of  
14 action:  
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16 “Mr. Justice Cooley, in Post v. Campau, 42 Mich. 96, 3 N.W. 272, said: “The  
17 elements of a cause of action are, first, a breach of duty owing by one person to  
18 another; and second, a damage resulting to the other from the breach.” In Foot v.  
19 Edwards, 3 Blatchf. 313, Fed. Cas. No. 4,908, Mr. Justice Ingersoll said: “The  
20 commission of an act by the defendant, and damage to the plaintiff in consequence  
21 thereof, must unite, to give a good cause of action. No one of these facts by itself is  
22 a cause of action against the defendant.” In City of North Vernon v. Vogler, 103 Ind.  
319, 2 N.E. 821, it is said: “*In every valid cause of action two elements must be*  
*present-the injury and the damage.* The one is the legal wrong which is to be  
redressed; the other, the scale or measure of the recovery.” Fields v. Daisy Gold  
Min. Co., 73 P. 521, 522, 26 Utah, 373 (emphasis added).

23 Standing is required because “courts only adjudicate justiciable controversies.” United States  
24 v. Interstate Commerce Commission, 337 US 426, 430. This includes proceedings like these in  
25 nature:  
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27 "Causation consists of two distinct sub elements. As legal scholars have recognized,  
28 before a defendant can be convicted of a crime that includes an element of causation,

1 the State must prove beyond a reasonable doubt that the defendant's conduct was (1)  
2 the "cause in fact" and (2) the "legal cause" (often called "proximate cause") of the  
3 relevant harm...In order to establish that a defendant's conduct was the "cause in fact"  
4 of a particular harm, the State usually must demonstrate that "but for" the defendant's  
5 conduct, the harm would not have occurred." Eversly v. State, 748 So.2d 963, 966-  
6 967 (Fla. 1999).

7 "It is a fundamental principle of law that no person be adjudged guilty of a crime  
8 until the state has shown that a crime has been committed. The state therefore must  
9 show that a harm has been suffered of the type contemplated by the charges (for  
10 example, a death in the case of a murder charge or a loss of property in the case of a  
11 theft charge), and that such harm was incurred due to the criminal agency of  
12 another. Thus, it is sufficient if the elements of the underlying crime are proven  
13 rather than those of the particular degree or variation of that crime which may be  
14 charged." State v. Allen, 335 So. 2d 823,825 (Fla. 1976).

15 Even if the absurd claim is made harm is not a necessary element of a real crime, the complaint  
16 is still fatally flawed as **there is no accusation alleged defendant violated anyone's legal rights.**

17 If there were a true adversary against alleged defendant, it would be laughable to even try to  
18 discuss causation because defendant is not accused of causing anything, real or *imagined*.

19 2. No corpus delicti. If this is determined to be a criminal, not civil, proceeding, then the  
20 complaint is still fatally flawed as there is no corpus delicti; the corpus delicti is the "body of the  
21 crime" itself. Every American jurisdiction, including Utah, agrees it's an essential element of any  
22 crime and is consistent with the stated purpose of American governments:

23 "Generally, "[t]o establish guilt' " in a criminal case, "the prosecution [must] show  
24 that [1] the injury or harm specified in the crime occurred, [2] this injury or harm  
25 was caused by someone's criminal activity, and [3] the defendant was the  
26 [perpetrator].' " State v. Talbot, 665 P.2d 1274, 1276 (Utah 1983) (citation  
27 omitted). The corpus delicti, or body of the crime, involves only the first two  
28 elements, however." State v. Mauchley, 67 P.3d 477, 482 (Utah 2003).

"In every criminal trial, the prosecution must prove the corpus delicti, or the body of  
the crime itself - i.e., the fact of injury, loss or harm, and the existence of a criminal  
agency as its cause." People v. Sapp, 73 P.3d 433, 467 (Cal. 2003) [quoting People  
v. Alvarez, (2002) 27 Cal.4th 1161, 1168-1169, 119 Cal.Rptr.2d 903, 46 P.3d 372.]  
(Calif).

1 "In defining 'corpus delicti' Wharton says: 'It is made up of two elements: (1) That a  
2 certain result has been produced...(2) That some one is criminally responsible for the  
3 result..." McVeigh v. State, 53 S.E.2d 462, 469 (Georgia).

4 "In order to prove that a crime occurred, the State must prove beyond a reasonable  
5 doubt: (1) the basic injury..., (2) the fact that the basic injury was the result of a  
6 criminal, rather than a natural or accidental cause..." State v. Libero, 83 P.3d 753,  
763 (2003), [quoting State v. Dudoit, 55 Haw. 1, 2, 514 P.2d 373, 374 (1973)]  
(Hawaii).

7 "Occurrence of injury or loss, and its causation by criminal conduct, are termed the  
8 "corpus delicti." People v. Assenato, 586 N.E.2d 445, 448, 166 Ill.Dec. 487, 490.  
(Illinois).

9 "While the corpus delicti must be proved beyond a reasonable doubt...it may be  
10 established by circumstantial evidence..." James v. State, 248 A.2d 910, 912.  
11 (Maryland)

12 "Criminal responsibility is imposed on the basis of the intentional doing of an act  
13 with awareness of the probability that the act will result in substantial damage,  
14 regardless of whether the injury turns out to be minor or insignificant." Com. v.  
Ruddock, 520 N.E.2d 501. (Massachusetts)

15 "The term "corpus delicti" embraces occurrence of loss or injury and criminal  
16 causation thereof." State v. Hill, 221 A.2d 725, 728, 47 N.J. 490. (New Jersey)

17 "It has long been fundamental to the criminal jurisprudence of this Commonwealth  
18 that a necessary predicate to any conviction is proof of the corpus delicti, i.e., the  
19 occurrence of any injury or loss and someone's criminality as the source of this injury  
20 or loss. See Commonwealth v. Burns, 490 Pa. 619, 627, 187 A.2d 552, 556-557  
(1963); Commonwealth v. Turza, 340 Pa. 128, 133, 16 A.2d 401, 404 (1940)."  
Commonwealth v. Maybee, 239 A.2d 332, 333. (Pennsylvania)

21 "The corpus delicti of a crime consists of two elements: (1) the fact of the injury or  
22 loss or harm, and (2) the existence of a criminal agency as its cause [citations  
23 omitted] there must be sufficient proof of both elements of the corpus delicti beyond  
24 a reasonable doubt." 29A American Jurisprudence Second Ed., Evidence § 1476.

25 This is not the same as the "corpus delicti rule" which is not an element of the alleged crime,  
26 but a procedural rule. There is no corpus delicti pled in the complaint. Without a corpus delicti  
27 there is no crime:

1 “Component parts of every crime are the occurrence of a specific kind of injury or  
2 loss, somebody’s criminality as source of the loss, and the accused’s identity as the  
3 doer of the crime; the first two elements are what constitutes the concept of “corpus  
delecti.” U.S. v. Shunk, 881 F.2d 917, 919 C.A. 10 (Utah).

4 3. Lack of jurisdiction. Because there is no case, cause of action or corpus delecti, there  
5 is no crime: “Standing represents a jurisdictional requirement which remains open to review at all  
6 stages of the litigation.” National Organization for Women, Inc., v. Scheidler, 510 US 249.

7 Yes, there may be a so-called “crime” or violation may be alleged on paper, but the allegation  
8 fails to meet every legal standard of what a crime is. Also, because American governments are  
9 established for the sole purpose of protecting rights, a true crime requires the violation of a legal  
10 right. Alleged defendant is not accused of violating anyone’s legal rights, therefore, there is no  
11 crime/case or cause of action pled and the court has no jurisdiction.  
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13 Jurisdiction is NOT a burden for the assigned judge to assume on behalf of the alleged  
14 plaintiff, the judge’s obligation is to presume the matter is outside the jurisdiction of the court until  
15 proven otherwise by competent evidence by the alleged plaintiff, Thomson v. Gaskill, 315 U.S.  
16 442, 446. Assuming jurisdiction is evidence of bias so strong in favor of the alleged plaintiff as to  
17 make a fair disposition impossible.  
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19 4. The complaint is “unfit for adjudication”. Because American courts are adversary  
20 systems, the complaint is “unfit for adjudication”:  
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22 “The [Supreme] Court has found unfit for adjudication any cause that "is not in any  
23 real sense adversary," that "does not assume the `honest and actual antagonistic  
assertion of rights' to be adjudicated...” Poe v. Ullman, 367 U.S. 497, 505 (1961).

24 Even if the phrase corpus delecti is not used, there is no doubt this is not an adversary  
25 proceeding as there are no allegations that I violated any legal rights.  
26

1           5. No evidence of presence within plaintiff and laws apply to me. Jurisdiction is limited  
2 to the plaintiff Salt Lake City Corporation, not outside or without the Corporation. Salt Lake City  
3 Corporation and the State of Utah is not a geographic area, it's a fiction that didn't exist prior to  
4 January 4, 1896.

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6           These proceedings are regarding an alleged violation of a law of the plaintiff Salt Lake City  
7 Corporation, i.e., 21A.33.020. Without proving presence within the plaintiff, there is no evidence  
8 the laws of the plaintiff are applicable.

9           Without facts proving the laws of the plaintiff corporation are applicable, then jurisdiction  
10 cannot be proven. If this matter is considered criminal, then the assigned judge must presume me  
11 innocent of this alleged statutory violation, which includes presuming the statute does not apply.

12  
13           All the assigned judge has at this point is a complaint that contains only an allegation I violated  
14 the law of the plaintiff corporation. That is not evidence the constitution and laws apply though.

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16           6. Court's jurisdiction not enlarged by civil enforcement authority. The jurisdiction of the  
17 court is limited to protecting rights; this is not enlarged by alleging that civil enforcement have  
18 authority to issue citations. Such authority does not work to trump fundamental limitations on the  
19 courts.

20           No amount of civil enforcement authority may enlarge the limits of the adversary  
21 system. Adversary systems require true adversaries, this requires the allegation and proof of  
22 injury. The plaintiff has failed to make such allegations. Yes, civil enforcement may have  
23 authority to issue citations, they must still allege injury for the court to proceed with jurisdiction.  
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1 Conclusion

2 Because the plaintiff has failed to allege the required elements of a cause of action/crime and  
3 there is no corpus delecti, the Court has no jurisdiction, and the matter is unfit for adjudication.  
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5 Submitted this 21<sup>st</sup> of August, 2019.

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