

Alphonso-Nicholas Faggiolo
700 Mockingbird Lane
Mockingbird, Pennsylvania 19000

In The Matter of Alphonso-Nicholas Faggiolo,

To:

Magisterial District Court 32-2-46, Media
Certified Mail #7019 2970 0001 5737 9210,

Before me, the undersigned authority, personally appeared Alphonso-Nicholas Faggiolo, who being by me duly sworn, deposed as follows: "I, Alphonso-Nicholas Faggiolo, a man and a creation of God-Almighty, am over the age of consent, am of sound mind, and have personal knowledge of the matters stated herein. I have created this Affidavit to establish the true facts of this matter, because this matter lacks the standard of regularity. I declare under the penalty of perjury by the laws of the united States of America, that I testify here, and will testify in open court, that the facts stated herein are the truth, the whole truth, and nothing but the truth, so help me God."

AFFIDAVIT OF FACT

1. I, Alphonso-Nicholas Faggiolo, am before this Court by "Special Appearance", without waiving any rights, remedies, or defenses. I am not waiving defects of service, nor am I submitting to jurisdiction of the Court or the alleged Plaintiff/Claimant/ Litigant, hereinafter moving party, in this Color of Law action; as there is no evidence of the Court or the alleged moving party, having personal and subject matter jurisdiction in this matter.

COLOR OF LAW. "The appearance or semblance, without the substance, of legal right." Black's Law Dictionary 4th edition

2. I reserve all of my God-given rights, waive no rights, EVER, which are secured by the Constitution of Pennsylvania and the Constitution of the united States of America, that bind both the Court and the alleged moving party.
3. I am a natural flesh and blood man - not a legal person, corporation, citizen, subject, resident, et al. "We the People", as secured parties, are now under hardship by the B.A.R. Associations as to legal disabilities due to discrimination

and violation under their color of law. I have been informed that this violation under their color of law violates criminal codes [“Title 18 U.S.C. Sections 241 - Conspiracy against rights, Title 18 U.S.C. 242 - Deprivation of rights under color of law”], is also actionable as a [Title 42 U.S.C. Section 1983 - Civil action for deprivation of rights”] and meets all of the elements of the Racketeer Influenced and Corrupt Organizations Act.

PERSON. “In law, man and person are not exactly-synonymous terms. Any human being is a man, whether he be a member of society or not, whatever may be the rank he holds, or whatever may be his age, sex, &c. A person is a man considered according to the rank he holds in society, with all the rights to which the place he holds entitles him, and the duties which it imposes.” Bouvier Law Dictionary 1856

4. The Constitutions do not grant me rights and privileges, they only secure my inherent God-given unalienable rights, which have been enumerated in the Constitutions, and *“excepted out of the general powers of government and shall forever remain inviolate.”*

*Constitution of Pennsylvania Article 1 § 25 - Reservation of powers in people.
To guard against transgressions of the high powers which we have delegated, we declare that everything in this article is excepted out of the general powers of government and shall forever remain inviolate.*

*Amendment 9- Other Rights Kept by the People.
The enumeration in the Constitution of certain rights shall not be construed to deny or disparage others retained by the people.*

5. My rights do not come from “written instruments” or municipal corporations, which were created by other men with rights equal to mine - but never greater. My rights come from God - my Creator and are unalienable and indefeasible. Any party claiming otherwise will have to make such a claim in an Affidavit and be prepared to support that Affidavit with testimony under oath and under the penalty of perjury because any such claims that written instruments and municipal corporations grant me rights and privileges, that I already possess upon my creation by the divine spark from God - my Creator.
6. Any claim that any written instrument or municipal corporation grants me rights and privileges, 1) violates my religious freedom protected under the 1st

Amendment; 2) constitutes a violation of my privacy and a seizure of my rights which are my property, protected under the 4th Amendment; 3) constitutes deprivation of my life, liberty, and property, without due process of law, protected under the 5th Amendment; 4) violates my right to confront my accuser and a trial by Jury in any criminal matter, protected under the 6th Amendment; 5) violates my right to live by the Common Law, to face my accuser, and a trial by jury in any civil matter, protected under the 7th Amendment; 6) violates my God-give retained right to freely travel, protected under the 9th Amendment; and 7) violates my right to freedom and imposes indenturement and slavery upon me, protected under the 13th Amendment to the united States Constitution for America.

7. Neither the Commonwealth of Pennsylvania - a Fiction of Law, not a real entity; the Officer who initiated this matter; or the Attorney who created and filed the paperwork for this matter, have standing to proceed with the court system's dispute resolution process; therefore depriving the Court of subject matter jurisdiction. Pursuant to the Constitution for the united States of America, Article IV, Section 1 - The Full Faith and Credit Clause: *"In general, the question of standing is distinguishable from that of subject matter jurisdiction. However, when a statute creates a cause of action and designates who may sue, the issue of standing becomes interwoven with that of subject matter jurisdiction"*, *Hill v. Divecchio*, 425 Pa. Super. 355, 625 A.2d 642 (1993), *alloc, denied*, 538 Pa. 613, 645 A.2d 1316 (1994). *"Standing then becomes a jurisdictional prerequisite to an action"*, *Id.* at 361, 625 A.2d at 645. *"It is well-settled that the question of subject matter jurisdiction may be raised at any time, by any party, or by the court sua sponte"*, *Id.* at 361 n. 3, 625 A.2d at 645 n. 3. *"Prior to judicial resolution of a dispute, an individual must as a threshold matter show that he has standing to bring the action"*, *Bergdoll v. Kane*, 557 Pa. 72, 731 A.2d 1261, 1268 (1999). *"The traditional concept of standing focuses on the idea that a person who is not adversely impacted by the matter he seeks to challenge does not have standing to proceed with the court system's dispute resolution process"*, See *William Penn Parking Garage v. City of Pittsburgh*, 464 Pa. 168, 346 A.2d
8. The citation/summons is filed in the name of a Fictitious moving party doing business as the Commonwealth of Pennsylvania, Dun & Bradstreet Number 003027539, by some unknown party to me, as no one claiming to be the moving party has provided me an Affidavit or testified to anything in this Matter.
9. I'm told that filing an action against I, - a man, in the name of a Fictitious moving party is a sanctionable offense, and I'm certain that it constitutes criminal fraud,

as no party can enforce the rights or claims of another party, especially when the other party is a Fiction of Law that exists only on paper.

10. I received a document from Magisterial District Court 32-2-46, Media stating the following: 1) "The court has received your plea of NOT GUILTY to the above summary violation(s)", 2) "Your Role: Defendant", 3) "Failure to appear for your trial shall constitute consent to trial in your absence...".
11. I never plead in this matter as the information provided to me is insufficient and lacks regularity, for me to offer an informed plea, nor have I granted any Agent the power of attorney to issue a plea on my behalf. No law, statute, code, et al., grants power of attorney to another "person" to act for me and claim I plead. Any such claim made by any person, is hearsay, and the party claiming I submitted a plea, committed criminal fraud against me.
12. I am not, and cannot, be the Defendant in this matter, as there is no real Adversary opposing me, because the alleged moving party, the Commonwealth of Pennsylvania, is a Fictitious moving party. No one has authority to arbitrarily change my Status to a Defendant, without a verified complaint, first, being filed against me by a moving party with standing in the matter, and proper Service of Process provided to me; especially when the alleged moving party is a Fiction of Law, existing only on paper.
13. Under force, threat, and duress, I arrived Thursday June 4, 2020, at about 8:15 am, to make a Special Appearance, to reserve all of my rights, to challenge the jurisdiction of the moving party, to challenge the jurisdiction of the Court, with the intention of presenting a notarized Affidavit to the alleged moving party and to the Court. The scheduled hearing was for 8:45am that same day;; but I had to be told by an Officer parked in the lot, that the "Magisterial District Court 32-2-46, Media", was CLOSED. I was never informed beforehand by the alleged moving party, or by the persons operating as the Court, that the Court would be closed that day; which deprived me of due process of law, as I never had proper notice and opportunity to challenge this matter.
14. Having never heard anything more regarding the matter I had presumed the alleged moving party was in default and had abandoned the claim; until a document sent via the USPS arrived, offering me legal advice, containing threats to damage me, with the potential of putting my safety at risk and my life in danger, by suspending my "driver's license"; even though I was not engaged in

commerce and was not driving on March 3rd, 2020, I was only exercising my constitutionally secured right to freely travel.

15. The only reason I carry the “driver’s license” is because of force, threat, and duress, and fear for my safety and my life, and fear for the safety and lives of my family; as not having the driver’s license would subject me to continuous harassment and threats by men posing as Officers, employed by for profit municipal corporations, who will forcibly stop me without a warrant or probable cause for exercising my right to freely travel, and by force of arms, will impose their statutes and codes, upon myself and my family, with the intent to extort money from me for their benefit and their employer's benefit.
16. The Court being CLOSED was not, and is not, my problem, and I have no duty, obligation, or responsibility, to move the other party’s claim against me; I was there, they were not.
17. Before any actions can be taken against I - a man, or my Private Property, I have a right to due process of law and an inviolate right to a trial by jury, in an Article III, judicial court of law; not in an inferior court or an administrative courts that lack a verified complaint stating a valid “cause of action” for which the Court can grant relief, and in Courts possessing no evidence of personal and subject matter jurisdiction, beyond their “say so”, involving any matter regarding myself or my Private Property.

Constitution of Pennsylvania Article 1 § 6. Trial by jury.

“Trial by jury shall be as heretofore, and the right thereof remain inviolate.”

18. The only court authorized by the referenced Constitution to hear matters of the People is a court that conforms to and functions in accordance with Article III Section 2 of the referenced Constitution in which all Officers of the court abide by their sworn and subscribed oaths of office and support and defend the Rights of the People, and are heard only in “Trial by jury”, in accordance with all aspects of due process of law.
19. I have a firm, good faith reliance that the man who identified himself as an Officer, responsible for issuing the citation/summons, has executed an oath to support both State and Federal Constitutions, and to uphold the law. I have a firm, good faith reliance that the officer is educated, trained, paid, and sworn to uphold the law. I have been defrauded by this man, facts set forth in this Affidavit, with specific intent, since he has no excuse such as ignorance of the law.

20. I have not been provided evidence, nor has any been cited on the citation, proving that a private employee of a municipal corporation doing business as the City of Media, who identified himself to me as being an Officer, possesses the authority to force me off of the road, approach my car by force of arms, and impose the extreme tactics of force, threat, and duress, to impose commercial statutes upon me, which willfully and factually violates my Constitutionally secured rights.

21. On 3/3/2020, I was exercising my God-given, substantive, constitutionally secured, right to freely Travel, I was not acting as a Driver engaged in Commerce. My right to Travel is a substantive right, essential to live, work, and to survive. To deprive me of my right to Travel is a deprivation of my life, my liberty, and my pursuit of happiness.

SUBSTANTIVE. "An essential part or constituent or relating to what is essential." Stewart-Warner Corporation v. Le Vally, D.C.Ill., 15 F.Supp. 571, 576.

Constitution of Pennsylvania by Article 1 § 1. Inherent rights of mankind. All men are born equally free and independent, and have certain inherent and indefeasible rights, among which are those of enjoying and defending life and liberty, of acquiring, possessing and protecting property and reputation, and of pursuing their own happiness.

22. On 3/3/2020, Joe Smith forced me off of the road, endangered my safety, approached my car by force of arms, posed as an Officer, and I believe he acted in violation of 18 U.S. Code § 912 and 18 U.S. Code § 913, and proceeded to impose the tactics of force, threat, and duress, upon me, so that he may impose corporate statutes upon me, in order to benefit himself and to collect revenue for his employer, the municipal corporation of the City of Media; while willfully and factually violating my Constitutionally secured rights.

18 U.S. Code § 912. Officer or employee of the United States: Whoever falsely assumes or pretends to be an officer or employee acting under the authority of the United States or any department, agency or officer thereof, and acts as such, or in such pretended character demands or obtains any money, paper, document, or thing of value, shall be fined under this title or imprisoned not more than three years, or both.

*18 U.S. Code § 913. Impersonator making arrest or search:
Whoever falsely represents himself to be an officer, agent, or employee of the United States, and in such assumed character arrests or detains any person or in any manner searches the person, buildings, or other property of any person, shall be fined under this title or imprisoned not more than three years, or both.*

23. I have a firm, good faith reliance that Officers of the Court have executed oaths to support both State and Federal Constitutions, and to uphold the law. I have a firm, good faith reliance that Officers of the court are educated, trained, paid, and sworn to uphold the law. Officers of the court are required to report criminal activity as promptly as they become aware of it. I am officially notifying this Court and making this Court aware that I have been defrauded in this matter, evidence and facts are set forth in this Affidavit.
24. I'm not a subject or citizen, owing duties and obligations to the persons operating as the municipal corporation doing business as the "Commonwealth of Pennsylvania" -Dun & Bradstreet Number 003027539 or to any other municipal corporation; nor does my physical location on the geographic region referenced as Pennsylvania, make me a subject or citizen, owing duties and obligations, to the municipal corporation known as the Commonwealth of Pennsylvania, or to any other municipal corporation.
25. As an issue of fact, I see no verified evidence on the citation/summons proving that I was physically located inside of the municipal corporation, a Fiction of Law, doing business as the Commonwealth of Pennsylvania on March 3rd, 2020, nor is there any evidence that my physical location on the geographic region referenced as Pennsylvania, makes me a subject with duties and obligations owed to the municipal corporation, a Fiction of Law, doing business as the Commonwealth of Pennsylvania, or to any other municipal corporation.
26. If the man posing as an Officer is a member of the Executive branch, and is claiming to be a witness in the alleged matter, he can't act as a Process Server and has no authority to Summons I - a man, to Court. Process of Service must be served by a party not involved in the matter. That is not only non-compliant with the Pennsylvania Rules of Civil Procedure, it violates due process of law and violates several State and Federal Constitutionally secured rights.
27. Void evidence of testimony to the contrary, made by a real party with personal knowledge, under oath, subject to the penalties of perjury, who I've had the

opportunity to cross examine, every document issued to me and every statement made about me in this matter is complete hearsay. I'm the only party that has submitted an Affidavit addressing this matter and has pledged to support my Affidavit in open court, should there ever be a valid cause of action filed against me.

28. Further, the citation/summons Fails to State a Cause of Action. There's no evidence of me owing a duty to anyone, no evidence that I breached this unstated duty, and no evidence that my alleged breach was a direct causation to anyone having a right violated or being damaged by me. There's no real victim in this matter with Standing to make any claim.
29. Absent evidence of possessing a warrant or probable cause to the contrary, the stop by the unknown officer, constituted an unreasonable search and seizure against me.

Constitution of Pennsylvania Article 1 § 8 - Security from searches and seizures. "The people shall be secure in their persons, houses, papers and possessions from unreasonable searches and seizures, and no warrant to search any place or to seize any person or things shall issue without describing them as nearly as may be, nor without probable cause, supported by oath or affirmation subscribed to by the affiant."

30. A man, posing as an Officer, whose rights can only be equal to mine - never greater (Article 1 Section 1, Constitution of Pennsylvania), who is a private employee of a municipal corporation, that has NO authority over me, by force of arms, forced me off of the road, with no warrant and no probable cause, and halted my substantive right to travel; acting in non-compliance of the Constitutions, and violated my peace, safety, and happiness.

Constitution of Pennsylvania Article 1 § 2. Political powers. All power is inherent in the people, and all free governments are founded on their authority and instituted for their peace, safety and happiness. For the advancement of these ends they have at all times an inalienable and indefeasible right to alter, reform or abolish their government in such manner as they may think proper.

31. The persons in this matter, acting on behalf of municipal corporations, attempting to extort and steal money from me in the name of a Fictitious moving party, for financial gain, is not only non-compliant with the Constitutions, it violates my

religious right of conscience, and is an abomination to God - my Creator as
"Thou shalt not defraud thy neighbour, or neither rob him." LEVITICUS 19:13

Constitution of Pennsylvania Article 1 § 3. Religious freedom. "...no human authority can, in any case whatever, control or interfere with the rights of conscience..."

32. 16th Am Juris 2nd, section 97 states that it (Constitution) shall be interpreted in my favor, because I am the clearly intended and expressly designated beneficiary, ...for the protection of my rights and property, see Byars v. United States 273 U.S. 28.

The Constitution is the Supreme Law of the Land, Article 6 Section 2 - Supremacy Clause, and is echoed in "Marbury v. Madison, 5 U.S. 137."

I believe the Supreme Court decision in "Shapiro v. Thompson, 394 U.S. 618", states that the right to travel is such a basic right that it doesn't need to be mentioned.

I believe the Supreme Court decision in "Murdoch v. Pennsylvania, 319 U.S. 105", states that no state may convert a secured liberty into a privilege and issue a license and a fee for it.

I believe the Supreme Court decision in "Shuttlesworth v. City of Birmingham, 394 U.S. 147", states that if a right is licensed, that you can ignore the license and engage in the right with impunity.

I believe the Supreme Court decision in "United States v. Bishop, 412 U.S. 346", defines willfulness as an evil motive or intent to avoid a known duty or task under the law with immoral certainty.

Since I have relied on previous decisions of the Supreme Court, and relied on Constitutional defenses, I have a perfect defense for willfulness and am immune to the claim.

33. I only deal with men, persons, corporations, and municipal corporations in Affidavit form. If someone can't, or won't, be truthful and provide me their claims and statements in the form of a sworn Affidavit, aren't willing to testify in a court of law to support their affidavit, and won't allow me to cross examine them under

the penalty of perjury, then anything that person claims about me or states about me, is hearsay, a lie, and criminal fraud.

34. I am not an expert in the law however I do know right from wrong. If there is any human being damaged by any statements herein, if he will inform me by facts I will sincerely make every effort to amend my ways. I hereby and herein reserve the right to amend and make amendment to this document as necessary in order that the truth may be ascertained and proceedings justly determined. If the parties given notice by means of this document have information that would controvert and overcome this Affidavit, please advise me IN WRITTEN AFFIDAVIT FORM within three (3) days from receipt hereof, providing me with your counter affidavit, proving with particularity by stating all requisite actual evidentiary fact and all requisite actual law, and not merely the ultimate facts or conclusions of law, that this Affidavit Statement is substantially and materially false sufficiently to change materially my status and factual declarations. Your silence stands as consent to, and tacit approval of, the factual declarations herein being established as fact as a matter of law. May the will of our Heavenly Father, through the power and authority of the blood of his son be done on Earth as it is in Heaven.

Conclusion

Given the facts provided within this Affidavit, I move that this matter be immediately Abated, the moving party be sanctioned for bringing a frivolous and fraudulent case before this Court, and my Status be restored to whole.

Pursuant to 28 USC § 1746(1)

“...any matter is required or permitted to be supported, evidenced, established, or proved by the sworn declaration, verification, certificate, statement, oath, or affidavit, in writing of the person making the same, such matter may, with like force and effect, be supported, evidenced, established, or proved by the unsworn declaration, certificate, verification, or statement, in writing of such person which is subscribed by him, as true under penalty of perjury, and dated, in substantially the following form:”

I declare under penalty of perjury under the laws of the United States of America that the foregoing is true and correct. Executed on this the 20th day, of the 10th month, in the year of our Lord and Savior, two thousand twenty.

Alphonso-Nicholas Faggiolo, Affiant

Notary used without prejudice to my rights:

BE IT REMEMBERED, That on this _____ day of _____ in the year of our LORD, two thousand and twenty, personally appeared before me, the Subscriber, a Notary Public for the State of Pennsylvania, Alphonso-Nicholas Faggiolo, party to this Document, known to me personally to be such, and he acknowledged this Document to be his act and deed. Given under my hand and seal of office, the day and year aforesaid.

Notary Public Sitting in, and for, The State of Pennsylvania