

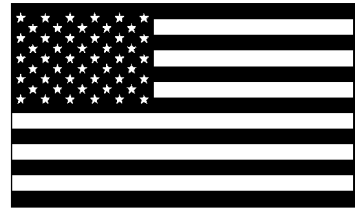
## ***From the Desk of:***

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Chief J. Stidham  
Bosque Farms Police Dept.  
Village of Bosque Farms  
1455 West Bosque Loop  
Bosque Farms, NM 87068

February 20, 2010

Chief Stidham:

Please post the attached in an area of the BFPD office where ALL police officers can conveniently read it. Since you are in charge, make it a point to read all of both documents yourself.

Sincerely,

[Signature]

# **To The Bosque Farms, NM Police Department**

**Do You Realize the Number of Traffic Accidents You Are Causing?**

**Do You Realize the Amount of Property Damage You Are Causing?**

**Do You Realize the Number of Traffic Injuries You Are Causing?**

**Do You Realize the Number of Traffic Deaths You Are Causing?**

**The beginning of the answer is in the following four pages, and the remainder is located on the Internet at:**

**<http://www.screweddrivers.org>**

Is Bosque Farms, NM a “Speed Trap?”  
A Spot Speed Study Report  
by William A. Muckerheide, BS, MS  
January 24, 2010

This paper has been written as a public service to those  
who drive in Valencia County, New Mexico,  
and is dedicated to Speed Trap victims everywhere.

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Posting on other web sites is politely suggested.

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Keywords: Bosque Farms, speed trap, spot speed study, traffic safety, traffic research, speed limit, arbitrary speed limit, low speed limit, , speed variance, speed distribution, skewed speed distribution, Solomon curve, legal aspects

## ABSTRACT

Using the CA Vehicle Code (40802) definition, simplified to, “an artificially low speed limit combined with excessively high enforcement”, the answer to the question, ‘Is Bosque Farms, NM a “Speed Trap?”’ is a definite “YES”.

Because driving tends to be the greatest risk to ourselves on a daily basis, plus the fact that there are many misconceptions about traffic safety, this Report was written for the public and includes considerable discussion in non-technical “lingo”, plus references for the layperson.

Two hundred speed measurements of free-flowing northbound traffic were taken near Sopa’s restaurant in November, 2009, in accordance with accepted Spot Speed Study criteria. These data were analyzed using a spreadsheet. The average speed is 48 mph, 3 mph above the posted speed limit. Where speed limits are normally based on the 85th Percentile (here, 52 mph), average speed occurs here at the 24th Percentile. The 10-mph pace speed is 43-53 mph and speed limits are recommended to be set at the upper limit of this pace speed. The Frequency Distribution is both broad and heavily skewed positive, where several references show it should be more narrow (lower speed variance) and either symmetrical or slightly skewed negative. Using six U-shaped curves from government sources and the lowest measured speed of 38 mph, the “equally-safe” speed under free-flow conditions is shown to be approximately 64-65 mph, indicating that actual “un-safe” speeds are greater than 65 mph under ideal conditions, a speed not excessively high if the posted speed is 10 mph too low.

Based on this data and its analysis, the current posted speed limit cannot be described as safety based, i.e., it is not set for the purpose of maximizing traffic safety, the claimed intent of such speed limits. Assuming that the data is reasonably representative of the free-flow speeds, the current posted speed limit - particularly with the excessively high level of speed enforcement - can be described as DETRIMENTAL to traffic safety.

Although much additional research would be required, it appears that substantially skewed speed distributions may define speed traps and their unnecessarily high crash rates. Such research may provide a simple method to identify speed traps, the elimination of which could quickly and substantially decrease the existing, nationwide number of crashes and their resulting injuries and deaths.

# The Bosque Farms, NM Speed Trap: Some Basic Legal Aspects

## **SUPPLEMENT TO:**

Is Bosque Farms, NM a “Speed Trap?”  
A Spot Speed Study Report  
by William A. Muckerheide, BS, MS  
January 24, 2010

This paper has been written as a public service to those  
who drive in Valencia County, New Mexico,  
AND the United States of America,  
and is dedicated to Speed Trap victims everywhere.

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Keywords: Bosque Farms, speed trap, spot speed study, Inalienable Rights, Fundamental Rights, due process, speed limit, arbitrary law, arbitrary speed limit, artificial speed limit, low speed limit, legal aspects, corrupt public officials, criminal public officials, arbitrary court, speed trap court, arbitrary judge, arbitrary cop, crooked cop, corrupt politician

## ABSTRACT

This article applies to all speed traps that meet the definition, and is a “basic legal aspects” Supplement to the technical Report, *“Is Bosque Farms, NM a “Speed Trap?”: A Spot Speed Study Report”* (“SSS Report”), which focused on traffic safety only, and concluded that the posted speed limit is not based on safety, and INCREASES the accident rate and the resulting injuries and deaths.

Where the SSS Report was founded on basic data and the Scientific Method, and because the Author is not a lawyer, this Supplement is based on the founding documents of the USA: the Declaration of Independence of 1776, the Constitution of the United States, ratified in 1788, and the Bill of Rights, ratified in 1791, combined with definitions from Black’s Law Dictionary, Seventh Edition (“Black’s”).

Probably the most difficult hurdle to surmount is the presumption that arbitrary speed limits are “laws”. They are NOT, because they have no factual safety basis and therefore violate the Due Process requirements of both the US and state constitutions. This “hurdle” is the crux of the matter - as long as drivers are conned into believing that these arbitrary non-laws are laws, the corruption and theft described in this paper will continue.

The “flow of logic” can be seen in the Table of Contents, each showing that:

1. Because the speed limit is not based on safety, it is “arbitrary”, thus unconstitutional and no law at all;
2. The real purpose of speed traps is unlawful revenue, as is long, well and correctly known;
3. It presents a list of the Inalienable and Fundamental Rights, plus federal laws violated by speed trap participants, and in turn shows these participants to be criminals;
4. In order for speed traps to be successful these participants must exist in ALL THREE branches of government, and that ALL THREE share in the “booty” (conflict of interest);
5. Speed traps have existed for more than a CENTURY and the corruption was known a hundred years ago and through to today;
6. A speed trap victim has no practical redress in a speed trap’s arbitrary court, i.e., that there is no redress when the law is the criminal and the criminal is the law;
7. It discusses possible solutions to the problem, and that speed traps are a small part of a much larger problem.

The major conclusion of the legal aspects of this and all other speed traps is that they are so unlawful that ALL THREE of our Inalienable Rights are violated by criminal public officials in ALL THREE branches of government. It shows that such participation by all three branches satisfies Black’s definition of the word, “tyranny”. Because the law is the criminal and the criminal is the law, the law is not going to fix the problem. Who’s left? “We, the People”.

The foundation upon which the SSS Report was based was data taken in accordance with established principles, and the Scientific Method. The foundation upon which this Supplement is based is our Founding documents plus Black’s legal definitions. The foundation upon which speed traps are based is that arbitrary non-laws are laws.

## APPENDIX G

# **SPEED TRAPS: A CENTURY OF GOVERNMENT CORRUPTION It's an OLD Story**

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## INTRODUCTION

This Section presents century-old reference material on highways and our rights to use them, that the use of the automobile resulted in no new principles of highway law, the rights of others as the basis for ALL lawful regulation, and several century-old examples of “speed traps”.

This Section concludes that:

- Highways are PROPERTY owned by the public (Inalienable Right);
- Their free and unobstructed use is a RIGHT, including use by motor vehicle, lawfully limited ONLY by infringement of the Inalienable Rights of others, which translates to the SAFETY of others;
- The invention of the automobile introduced no new principles of existing highway law;
- The “correlative right of transit” provides an ADDITIONAL basis for the above Rights;
- Police power of the state to regulate is lawful IF reasonable/constitutional, for public SAFETY;
- Speed limits existed long before the automobile, and “immoderate speed is a question for the jury”;
- Traffic safety laws cannot “unduly restrict the rights of the careful driver”, must satisfy their INTENT;
- “Thus, the Legislature cannot, under the guise of protecting public interests, impose unusual and unnecessary restrictions upon individual liberty, lawful occupation, or the use of property”;
- “Illegal police methods - there is no excuse for illegal deprivations upon personal security and private property on the part of police officials who arrest persons for violating speed limits”;
- “Fairness of laws - oppressive execution of the laws by unscrupulous officers rather than against the regulations themselves”;
- 1902-1915 Speed Trap examples: “arbitrary methods”, “unscrupulous speed trap operators”, “reap a golden harvest from the pockets of motorists”, “legalized plunder”.
- That generally, a CENTURY AGO, corrupt public officials were misusing the “law” to steal from the public, violating many of their Rights in the process, JUST AS THEY DO TODAY.
- That, based on more than a century of history and practice, TODAY, these deprivations are NOT the result of good intentions, but result from long-established, planned CORRUPTION.
- The originators, supporters and operators of speed traps are criminals that occupy ALL THREE branches of government;
- Today, with speed traps, the above Rights no longer exist, where corruption DOES.