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STATE OF IDAHO
COUNTY OF KOOTENAI
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CLERK DISTRICT COURT

IN THE DISTRICT COURT OF THE FIRST JUDICIAL DISTRICT OF THE STATE OF IDAHO, IN
AND FOR THE COUNTY OF KOOTENAI

Margaret Baker Plaintiff V	CASE No. CV28-24-4007
Howard, Axtman, Trustee of the Kootenai Jail- Jeremy Hyle DEFENDANTS/RESPONDENTS	<i>Amended Complaint</i> AGGRAVATED VIOLENT ASSAULT, FALSE IMPRISONMENT, INTIMIDATION

COMES NOW, Margaret Baker (hereinafter “petitioner”), who reached the age of majority, competent to state the following facts, stating a claim wherein liability is created and relief shall be granted, does make this claim under the penalties of perjury.

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Express Powers

The express powers herein secured are by and through the Idaho Code, in succession with the State of Idaho Constitution, annexed with the Idaho Civil Rules of Procedure.

Article I-Declaration of Rights of the State of Idaho Constitution- Inalienable Rights of Man, Right to Bail-Cruel and Unusual Punishments Prohibited. Bills of Attainder Prohibited. Unreasonable Searches and Seizures Prohibited. Reserved Rights Not Impaired. Rights of Crime Victims.

Introduction

The petitioner was forced into association in act of commerce and was subjected to pain compliance from torturous conditions of the Kootenai Jail.

The respondents committed aggravated violent battery by breaking the petitioners window to the petitioner Toyota Sienna, forced the petitioner into confinement against the petitioner's free will in handcuffs, and falsely imprisoned the petitioner in negligent conditions causing torture in the sense of trauma that has caused irreparable harm to the petitioner.

Statement of Jurisdiction

The violations occurred within the geographical metes and bounds of the State of Idaho, under Title 5-514(b), gives the superior court jurisdiction of any commencement of action of the commission of a tortious act within the State of Idaho and remedy damages, sufficing territorial, personal and subject matter jurisdiction.

Statutory Claims

Idaho Code § 18-2901-False imprisonment is the unlawful violation of the personal liberty of another.

Idaho Code § 148-905- Aggravated Assault Defined

Idaho Code § 49-1406- WHEN PERSON MUST BE TAKEN IMMEDIATELY BEFORE A MAGISTRATE. Whenever any person is halted by a peace officer for any violation of the provisions of this title not amounting to a misdemeanor and demands an immediate appearance before a magistrate, he shall be taken without unnecessary delay before the proper magistrate as specified in section 49-1411, Idaho Code.

Idaho Case Law

Wrongful Imprisonment

In Griffin v. Clark, 55 Idaho 364 (42 P.2d 297) it was found that "Where one was restrained of her liberty by means of the removal of her baggage from the train on which she was traveling, and followed it to regain possession, and was thereby caused to remain after departure of the train, the circumstances constituted false imprisonment."

The wrong which is variously called "false imprisonment" and "unlawful restraint" may be committed by words alone or by merely operating adversely to the will of the party; physical contact of any kind is not required; there need be no malice or ill will, or even the slightest wrongful intent; nor need the act be under color of judicial proceedings — all that is necessary is that the individual be restrained of his freedom of locomotion without legal cause. (*Comer v. Knowles*, 17 Kan. 436; *Miller v. Turner*, 49

Cal.App. 653, 194 P. 66; *Turney v. Rhodes*, 42 Ga. App. 104, 155 S.E. 112; *Woodland v. Portneuf-Marsh Valley Irr. Co.*, 26 Idaho 789, 146 P. 1106; *Harkness v. Hyde*, 31 Idaho 784, 176 Pac. 885, and cases cited.)

"False imprisonment is the unlawful violation of the personal liberty of another." (*Ludwig v. Ellis*, 22 Idaho 475, 126 Pac. 769.)

The officer making the arrest must not subject the person arrested to any more force or restraint than is necessary for such arrest and detention; *State v. Wilson*, 41 Idaho 616, 243 P. 359; Secs. 19-602 and 19-610, I.C.; and he is guilty of assault and battery if he uses unnecessary and excessive force; 4 Am.Jur., secs. 73-74, pp. 52-53.

Where the facts are without dispute and clearly establish the illegality of the detention, the verdict should be directed allowing the jury to assess the damages for the false imprisonment, leaving for the court and not the jury the question of reasonable time for taking the person arrested before the magistrate; however, it is for the jury if the evidence is in conflict. *Madsen v. Hutchison*, 49 Idaho 358, 290 P. 208.

If the arresting officer unnecessarily prolongs the custody of the person arrested beyond the period within which he could by the exercise of due diligence bring him before the magistrate, he is liable for only so much of the confinement as is unnecessarily occasioned by his failure to use due diligence and is not liable for so much of the confinement as could not have been prevented had he exercised due diligence in bringing her before the magistrate. Restatement of the Law of Torts, Vol. 1, sec. 136, p. 318; this principle was recognized by this Court recently in the case of *Smith v. Lott*, 73 Idaho 205, 249 P.2d 803, where the court held that after the person arrested is taken before the magistrate, the responsibility as to further and future proceedings in connection therewith is that of the magistrate and not the arresting officer. See also *Keefe v. Hart*, 213 Mass. 476, 100 N.E. 558, Ann.Cas. 1914A, 716; 79 A.L.R. 17.

Madsen V. Hutchinson Nos. 543, 5454. Idaho APPEAL from the District Court of the Ninth Judicial District, for Teton County. Hon. C.J. Taylor, Judge. It was the duty of the sheriff to act in strict compliance with the law and the direction given him by the warrant and to bring his prisoners before the magistrate forthwith, which means within a reasonable time and without unnecessary delay. A warrant does not protect an officer from liability for wrongful and unauthorized acts committed by him in connection with its execution, and where, after making an arrest, he delays for an unreasonable length of time in bringing his prisoner before the magistrate by reason of indifference to duty, or through wilfulness, he will be liable in damages for false imprisonment. (*Schreiner v. Hutter*, 104 Neb. 539, 177 N.W. 826; *Blocker v. Clark*, 126 Ga. 484, 8 Ann. Cas. 31, 54 S.E. 1022, 7 L.R.A., N.S., 268; *Smith v. Weeks*, 60 Wis. 94, 18 N.W. 778; *Von Arx v. Shafer*, 241 Fed. 649, 154 C.C.A. 407, L.R.A. 1917F, 427, 428; *Keefe v. Hart*, 213 Mass. 746, Ann. Cas. 1914A, 716, 100 N.E. 558; *Wood v. Graves*, 144 Mass. 365, 59 Am. Rep. 95, 11 N.E. 567; 32 Cyc. 542; 11 R. C. L. 798; *Oxford v. Berry*, 204 Mich. 197, 170 N.W. 83; *United States v. Janus*, 30 Fed. (2d) 530.)

Aggravated Assault

In *State v. Blacksten*, 86 Idaho 401, 387 P.2d 467 (1963), the court determined that aggravated assault, charged under the particular information, was an offense included in the charge of aggravated battery, in that the assault was alleged as the manner and means of the commission of the battery and therefore

was an included offense.

In creating an offense which was not a crime at common law, a statute must be sufficiently certain to show what the legislature intended to prohibit and punish; otherwise, it is void for uncertainty. *State v. Campbell*, 70 Idaho 408, 219 P.2d 956; *State v. Pigge*, 79 Idaho 529, 322 P.2d 703; *City of Lewiston v. Matthewson*, 78 Idaho 347, 303 P.2d 680; *State v. Mead*, 61 Idaho 449, 102 P.2d 915.

Where language is plain, unambiguous, and conveys a clear and definite meaning, there is no occasion for resorting to rules of statutory interpretation. 50 Am.Jur. Statutes Sec. 225, pp. 204, 205; *Blair Co. v. Jensen*, 49 Idaho 118, 286 P. 366; *Curoe v. Spokane Etc. R.R. Co.*, 32 Idaho 643, 186 P. 1101, 37 A.L.R. 923.

By his first assignment the defendant urges that the statute, I.C. § 18-912, is void for uncertainty. In particular it is urged that the word "grievous," "means nothing more than causing grief, pain or sorrow," and that an injury causing pain or sorrow would follow from the use of "force or violence upon the person of another," within the definition of simple battery, and that the use of the qualifying phrase "without justifiable or excusable cause" and "with a premeditated design and by the use of means calculated to inflict great bodily injury," render the statute ambiguous and indefinite. However, the word "grievous" is not properly so mildly defined. In Webster's Third New International Dictionary it is defined as "causing, characterized by, or indicative of severe physical pain or suffering; hurtful, distressing, injurious (a would) * * * Intense, severe (— pain)," also, "serious, deplorable, * * * atrocious, heinous." The use of the word, "grievous" indicates a legislative intent to describe an injury more serious than would result from a simple battery, and the court properly so instructed the jury. *State v. Laughlin*, 105 Mont. 490, 73 P.2d 718; *State v. Davis*, 72 Wn. 261, 130 P. 95; 18A words and Phrases pp. 450, 452, 467. We do not find the statute uncertain for the reasons urged. *State v. Aims*, 80 Idaho 146, 326 P.2d 998; *City of Lewiston v. Mathewson*, 78 Idaho 347, 303 P.2d 680; *State v. Evans*, 73 Idaho 50, 245 P.2d 788; *State v. Campbell*, 70 Idaho 408, 219 P.2d 956; *State v. Mead*, 61 Idaho 449, 102 P.2d 915; *People v. Green*, 368 Ill. 242, 13 N.E.2d 278, 115 A.L.R. 348; *United States v. National Dairy Products Corp.* (Feb. 18, 1963) 372 U.S. 29, 9 L.Ed.2d 561, 83 S.Ct. 594; Cf. *State v. Pigge*, 79 Idaho 529, 322 P.2d 703; Const. Art. 1, § 13.

Liability

The actions in violations taken against the petitioner by the respondents have violated the petitioner's human rights, that are defined in the Universal Declaration of Human Rights, that of life, liberty security of persons, treated inhumanely and degradedly, subjected to cruel treatment and punishment, equal protection of the law, arbitrary arrest and detention. Arbitrarily deprived of property, and compelled to be forced into an association by an action in commerce.

Charging Instrument

On about Thursday May 9th, 2024 at approximately 1:30pm, the petitioner was driving north on Hwy N 95, where two patrol cars surrounded the petitioner. Mr. Howard and Mr. Axtman. Both employees of the Kootenai Sheriff's office. The reason for pulling over the petitioner, the respondents claim, was for a crack in the petitioner's windshield. Which does not suffice any existing exigent circumstance that establishes probable cause.

The respondents demanded a driver's license and auto registration and insurance as to which the petitioner handed the respondents legal documentation on the claim that the petitioner had no contract with the state's Department of Motor Vehicle and cannot be compelled to perform by being forced into

association. The respondents argues that driving is a privilege and that the roads are private owned which the respondents were consciously and knowingly lying to the petitioner, as the petitioner's vehicle is private property and the the petitioner pay for the roads through paying a sales tax in which the roads are public property, owned by every human being legally allowed to be in The United States of America.

The petitioner has every standing right of the use of private property and public property given no harm and damage is being done to any other human being. To claim the use of private property is a privilege is a violation of freedom and liberty of non-derogable rights, as to which the respondents do not have the standing to circumvent the law.

The respondents then came back with the petitioner's paperwork and ordered without the standing, for the petitioner to exit out of the petitioner's private conveyance or the respondents were going to break the petitioner's window to the petitioner Toyota Sienna and will violently detain the petitioner, which is cruel and unusual to do for the petitioner being peaceful just wishing not do business with contracts that are not disclosed and without a binding social compact agreement, defining legislative powers by the consent of the governed.

At what time is it okay for any person to be violent towards a peaceful person, where the excuse of the aggressor is that the peaceful person simply didn't want to do business with people forcing actions in commerce for private investments, completely outside the delegation of public service?

The respondents were noticed of the law that the petitioner was in standing to delegate in rights that were being demonstrated, and that if the respondents forced and action in commerce, the respondents agreed to be sued in both of the respondents' private capacity, as to which the contract and obligations stands as the respondents performed, thus consideration for suit is remedy for enforcement in such heinous and penal actions committed by the respondents.

The respondent broke two windows of the petitioner's Toyota Sienna, and forcefully removed the petitioner, and elderly grandma, and forcefully hauled off to incarceration as pain compliance, to be tortured for not doing business with in commerce, in an action in the securities market tied to the Court Registry Investment System, as in evidence reference in Title 28 United States Code § 2045.

The respondent then placed the petitioner in torturous conditions in jail, where the petitioner was falsely arrested on a Thursday, and held without seeing a Magistrate on Friday and Monday, causing to prolong a false imprisonment on the petitioner for 5 days. The Magistrate saw the liabilities in the matter against the petitioner and immediately released the petitioner from forced detention.

Redress of Grievance

The petitioner has right of tort under the Idaho Statutes Title 6, Chapter 9, § 6-901- to § 6-929, in the Superior Court for civil address in damages: general, presumed, special, and punitive.

Claim Where Relief Shall Be Granted

The petitioner requests the court to put in an injunction awarding the petitioner with the following:

The petitioner requests for the court to award the petitioner under **TREZEVANT v. CITY OF TAMPA, 741 F2d 336 (11th Cir. 1984)**

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

Establishing a precedence for 1.8 million per day, 75,000.00 per hour and 1,111.00 per minute.

The petitioner requests for the court to award the petitioner under the same premise of **TREZEVANT v. CITY OF TAMPA, 741 F2d 336 (11th Cir. 1984)** in all general, presumed, special and punitive damages. General for all damages and injuries generally existing, presumed for any ailments or hardships, and inconveniences that may have accumulated from the respondents' actions, special for any income loss in result for any libel created in the petitioner's record by that made from the respondents, and punitive damages for the trauma, emotional distress and ailments created for the petitioner by the respondents. The petitioner was held illegally for five (5) consecutive days.

Summary in Conclusion

In the law, you have peremptory norms, which are international in the sense universal law, for those laws apply to every human being on planet earth, such as the right to be free from torture and involuntary servitude, which are non-derogable rights, that do not allow infringement.

Then you have natural agreements that create customs through bilateral social compact agreements, which establishes the consent of the governed. Mr. Howard and Mr. Axtman forced an action, without consent, and committed acts of violence, outside of any natural agreement in violation of peremptory norms for injuring the defendant by torturing the defendant by pain compliance. Where the respondents were committed to a non-standing action.

The Respondents placed the petitioner in a legal impossibility of entrapment where mediation in civil suit to claim where relief shall be granted in any general, presumed, special, and punitive damages.

Jurat

By Ma, date 07/05/2024
Margaret Baker

Title:

Tort;
AGGRAVATED VIOLENT ASSAULT,
FALSE IMPRISONMENT, INTIMIDATION

CERTIFICATE OF ACKNOWLEDGMENT OF NOTARY PUBLIC

} SS: Kootenai County

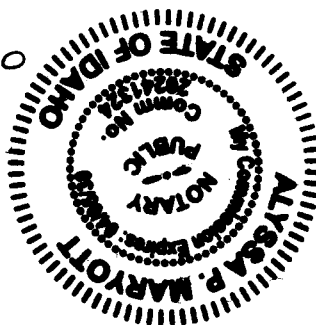
State of Idaho)

On this July 5, 2024, the Petitioner named above, personally appeared before me and acknowledged to me on the basis of satisfactory evidence that he or she executed the same in his or hers stated capacity, and that by his or hers signature on this trust is the person or entity upon behalf of which the person signed is a free and voluntary act and deed for the purposes and upon the terms and conditions hereinafter set forth.

Date: July 5, 2024
By Alyssa P. Maryott
_____, Notary

Public

My Commission Expires: 4/5/2030



CERTIFICATE OF SERVICE

I certify that on the 5th day of July, 2024, I served true and accurate copies of the foregoing document on the following persons, either by deposit in the U.S. Mail, addressed as follows and with the correct first-class postage affixed thereto, or by deposit in the designated courthouse mailbox, or by hand-delivery, as indicated below:

Name: Mr. Richard Axtman

Served by: Margaret Baker

- ☐ Hand-delivery
☐ Deposit in the designated courthouse mailbox
☒ By deposit in the U.S. Mail addressed as follows:
125 South 10th Street, Plummer, ID 83851

Name: Mr. Colton Howard

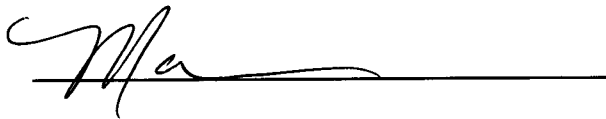
Served by: Margaret Baker

- ☐ Hand-delivery
☐ Deposit in the designated courthouse mailbox
☒ By deposit in the U.S. Mail addressed as follows:
125 South 10th Street, Plummer, ID 83851

Name: Jeremy Hyle

Served by: Margaret Baker

- ☐ Hand-delivery
☐ Deposit in the designated courthouse mailbox
☒ By deposit in the U.S. Mail addressed as follows:
5500 N Government Way, Coeur d'Alene, ID 83815

A handwritten signature in black ink, appearing to be 'Ma', is written over a horizontal line.