

MICHIGAN LAW PROVIDES THAT I CANNOT BE CHARGED WITH VIOLATING MCL 257.904 (3)(a) OPERATING - LICENSE SUSPENDED REVOKED, DENIED IF MY FORMER DRIVERS LICENSE IS LEGALLY EXPIRED PURSUANT TO MCL 257.314 WHICH PROVIDES THAT DRIVING ON AN EXPIRED DRIVERS LICENSE IS MERELY A CIVIL INFRACTION AND IS NOT AN ARRESTABLE OFFENSE!

The Michigan Appellate Court in People v. Acosta-Baustista, 296

Mich.App. 404, at 409 (May 1, 2012), specifically held that:

“MCL 257.904(1) and (4) apply to and penalize a person whose operator’s license “has been suspended or revoked,” a person “whose application for [a] license has been denied,” or a person “who has never applied for a license.” Defendant’s status as a person driving on a valid but recently expired license is not included in the plain statutory language.

...

The language in MCL 257.904(4) is instructive because it exempts from its penalties “a person whose operator’s or chauffeurs license was suspended because that person failed to answer a citation or comply with an order or judgement” This language limits the application of the statute to persons driving on licenses that were suspended because of unsafe or illegal driving, not merely those suffering suspensions for administrative reasons unrelated to their driving records. **For these reasons, we conclude that MCL 257.904(1) does not include licensed drivers whose licenses have merely expired, and accordingly, we conclude that the penalties of MCL 257.904(4) do NOT apply to persons driving with expired licenses.”** People v. Acosta-Baustista, 296 Mich.App. 404, at 409 (May 1, 2012). And;

In Adams v. Metiva, the court held that one cannot be arrested for a civil infraction and further held that when there is no reason to arrest a defendant, there is no probable cause to arrest for resisting arrest and reads:

“An arrest must be predicated on probable cause that a crime has been committed. Henry v. United States, 361 U.S. 98, 80 S.Ct. 168, 4 L.Ed.2d 134 (1959).

...

We believe that the district court’s reasoning is flawed, for if there was no probable cause to arrest defendant, there was no probable cause to arrest him for resisting arrest. Deputy Sheriff Bevier testified that under Michigan law, one cannot be arrested for a civil infraction, such as failure to wear a seat belt. *4

*4 Officer Bevier testified that a seat belt violation was a civil infraction and a person can’t be arrested and jailed for a civil infraction under Michigan law, there is no requirement that a passenger in a car carry identification.” Adams v. Metiva, 31 F.3d 375 (August 1, 1994).

All Michigan Courts are required to take MRE 201 Mandatory Judicial Notice and give Full Faith and Credit to the following cases that hold that you cannot be charged with **MCL 257.904 (3)(a) OPERATING - LICENSE SUSPENDED REVOKED, DENIED** if your former Drivers License is legally expired as required by **MCL 257.314**.

See *State v. Lawrence*, 36 Or App. 733, 736, 585 P.2d 727 (1978); ORS 487.560(1); *Hammerton/Whalmsley*, 320 Or at 462-63 (1994); *State v. Daniels*, 320 Or at 469-70 (1994); RCW 46.20.015; *Aberdeen v. Cole*, 13 Wn. App. 617, 537 P.2d 1073 (1975); *State v. Markley*, 34 Wn.2d 766, 210 P.2d 139 [No. 30968. Department One. September 27, 1949]; *Crossman v. Department of Licensing*, 42 Wn. App. 325-328, 711 P.2d 1053 (1985); *State v. Garrett Lee Danner*, 79 Wn. App. 144, 900 P.2d 1126 (1995); *State v. Haag*, 20 Wn.App. 868, 582 P.2d 910 (Aug. 1978) *People v. Higgins*, 87 Cal. App. 2d 938, 197 P.2d 417 (1948); *Ted Holloway v. State*, 237 S.W.2d 303 (March 7, 1951); *Goolsby v. State*, 312 S.W. 2d 654 (March 12, 1958); *George Gordon Rushing v. State*, 277 S.W. 2d 104 (Jan.26, 1955); *Drake v. Dept of Public Safety*, 393 S.W. 2d 320 (Jan. 24, 1965); *Cathy v. State*, 402 S.W. 2d 743 (April 13, 1966); *Demorise Smith, Jr., v. State*, 895 S.W. 2d 449 (Feb. 23, 1995); *Texas Department of Public Safety v. Preble*, 398 S.W. 2d 785 (Jan. 27, 1966); *Preble v. State*, 402 S.W. 2d 902 (Feb. 9, 1966); *Brickhouse v. State*, 294 S.W. 2d 819 (October 31, 1956); *Allen v. State*, 659 S.W. 2d 925 (Tex. App.2 Dist. 1983); *State v. Ted Jones*, 482 N.E.2d 747 (Ind. App. 2 Dist. 1985); *State v. Douglas A. Dyson*, 518 N.E.2d 812 (Ind.App. 2 Dist. 1988); *State v. Gasser*, 504 N.E. 2d 73 (Ohio App. 1985); *State v. Roberts*, 403 N.E. 2d 971 (April 23, 1980); *State v. Martin*, 484 N.E. 2d 1309 (Ind.App. 4 Dist. 1985) (Nov. 14, 1985); *Baldock v. State*, 379 N.E. 2d 539 (August 23, 1978); *State v. Joseph M. Brude*, 222 N.W. 2d 296 (October 10, 1974); *Boston v. Garrison*, 256 S.W. 2d 67 (March 11, 1953).

If you need help beating (DWLS) Driving While License Suspended, (DUI) Drunk Driving or Drug Possession, please call Luis Ewing at home office phone: 1 - (360) 335-1322 or cell phone: 1 - (253) 226-3741 or please send me an email to: <rcwcodebuster@aol.com> or <rcwcodebuster@yahoo.com> or <rcwcodebuster@gmail.com> or please visit my website: <http://www.ultimateusers.com>