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Mr. Piero A Bugoni, c/o
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1776 I St NW, 9th Floor
Washington DC 20006

IN THE THIRTEENTH JUDICIAL CIRCUIT COURT
IN AND FOR HILLSBOROUGH COUNTY FLORIDA

State of Florida)	CASE No.:
)	
PLAINTIFF)	13-CM-003214
vs)	
)	
Piero A. Bugoni)	MOTION FOR REVIEW AND
)	CERTIFICATION OF DISPOSITIVE
)	ISSUES PRESENTED TO DATE,
DEFENDANT)	AND HEARING ON ADDITIONAL
)	DISPOSITIVE CLAIMS
)	

The following Claims were made by Defendant before the Court on 7 August 2013 as Constitutional Grounds for dismissal of this case. Due to the circumstances of the trial court at the time, Defendant moves that this Court review these dispositive Constitutional Claims made to date, and certify the rulings thereupon, for preservation to appeal.

1) Cannabis itself is Property: It costs money, and it has value *in se* to its possessors. Property Rights are Fundamental Rights. The law criminalizes possession of property. State fails to show just cause. (Both of: Compelling Objective, Absence of Less Restrictive Alternatives).

Ruling: _____

2) Effects of Cannabis are Property: The cerebral and corporeal effects of Cannabis have value to its users. Use requires at least temporary possession. Prohibition thereof impedes or impugns the obtaining and enjoyment of these benefits.

Ruling: _____

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3) Law is Vague:

"Drug" not defined anywhere in FRS Chapter 893.

"Abuse" not defined anywhere in FRS Chapter 893.

"High Probability" not defined. Probability not evaluated nor stated mathematically is bogus on its face.

Ruling: _____

4) Overbreadth:

Industrial hemp, (no drug components), is included in prohibition of genus Cannabis. This is a natural product that grows despite Man, and a very useful and commercially valuable commodity. The law prohibits individuals, industry, and communities from enjoying these benefits.

Ruling: _____

5) Factually in Error: (No Accepted Medical Use), was presented as a Constitutional failure *in se* of the law in question. False factual claims stated by any law are severable on Constitutional grounds. Absent severability provisions, the entire law fails.

Ruling: _____

Issues not presented to date:

For the same reasons stated supra, Defendant did not present the following claims, and moves the Court for hearing on these Claims as additional Constitutional Grounds for dismissal on 19 August 2013 during the Motion Pending Hearing that is currently set.

6) Factually in Error: (No Accepted Medical Use). In addition to 5) supra, Erroneous Factual Claims by the law in question, implies at minimum the following Constitutional Challenges:

a) Substantive Due Process: Substance of the law must be such that a Reasonable Man can be expected to obey it. Conduct cannot be proscribed as a crime, nor property prohibited as contraband, if it does not exist. This amounts to a legal null entity. A Void. Any law that is unconstitutional is null and void. The reverse is true. In any equality the order in which the operators is evaluated is irrelevant. (A=B is the same as B=A, etc., regardless of the number of operators). Any law that is null or void, is unconstitutional.

Ruling: _____

b) Rational Basis failure: Legislation of non-existent entities is the essence of arbitus. Proscription of non-existent conduct is the essence of caprice.

Ruling: _____

c) The Fundamental Rights enjoyed by an Individual by the possession or use of Cannabis are impugned because the false factual claims in the law in question, are in the laws stated compelling objective.

Ruling: _____

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7) Interstate Comity: A Recent Intervening Change In Law, namely the "legalization" (or repeal of statutes proscribing use, or prohibiting possession), of Cannabis in Colorado, and Washington State, immediately emburdens the State of Florida to do Likewise, pursuant to Article IV, §§ 1 and 2 of The Constitution of The United States of America.

Ruling: _____

8) Privacy: Per *Lawrence v. Texas*, *Roe v. Wade*, and *Griswold v. Connecticut*, the penumbral protections of The Constitution, namely to the Right of Privacy within one's own body, apply. A person may put Cannabis, and its chemical compounds into their blood, brain, and lungs, or otherwise, and but for both a *clear* and *present* danger to others, created thereby, the state may not prohibit them doing so.

Ruling: _____

9) Liberty Interests, Pure Liberty In Se: Most important, but sadly overlooked, Users and Possessors of Cannabis have Pure Liberty Interests in both the use and possession of Cannabis. Liberty Interests are as unique and individual as the interested parties themselves, and may be pursued for any reason, including no reason at all.

Ruling: _____

Submitted This _____ Day _____, 20____.

Mr. Piero A. Bugoni, Defendant Pro - Se

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