

Janice Sue Taylor  
3341 Arianna Court  
Near Gilbert, Arizona  
County of Maricopa  
Pursuant to U.S.C. 28 §1746(1)

FILED \_\_\_\_\_ LODGED \_\_\_\_\_  
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NOV 09 2010  
CLERK U S DISTRICT COURT  
DISTRICT OF ARIZONA  
BY \_\_\_\_\_ M. DEPUTY

**DISTRICT COURT OF THE UNITED STATES  
FOR THE DISTRICT OF ARIZONA**

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4 **UNITED STATES OF AMERICA** ) **Case No: CR-10-0400-PHX-MHM**  
5 ) **REBUTTAL TO GOVERNMENTS**  
6 ) **MOTION FOR A FAIR TRIAL**  
7 )  
8 ) **REBUTTAL ON GOVERNMENTS**  
9 ) **MOTION FOR JUDICIAL NOTICE**  
10 ) **ON CERTIFIED SELF EXECUTING**  
11 ) **DOCUMENT TITLED**  
12 ) **"FIRM OFFER TO SETTLE"**  
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**NOTICE TO THE COURT, CLERK OF COURT and UNITED STATES ATTORNEY**

*This motion is filed for above caption hearing in the district court of the United States", and not the "United States District Court". If the recipient clerk is unable to process this pleading, please direct it to the proper official.*

**MOTION FOR A FAIR TRIAL**

Comes now Janice Sue Taylor, a living woman, not a corporation or other type of artificially created person, and not domiciled in the District of Columbia; hereinafter the MOVANT, by Special Visitation or Appearance, not granting jurisdiction nor recognizing this court's right to try her; but intervening in a foreign jurisdiction on behalf of the Alleged Defendant, Person JANICE SUE TAYLOR, hereinafter the Accused. Movant is not trained in the law, nor is She an attorney, nor is She appearing Pro Se; but rather of right in Sui Juris.

**Movant accepts Prosecutors response to the Motion for a Fair Trial (doc 128) stating that the motion submitted by Movant is NOT supported by any legal authority, upon proof of claim that the following is not justified, that the Constitution for the united States of America is NOT legal authority, and nothing herein would impact Movant negatively in any due process or fair trial proceedings.**

Movant requests this court to provide her A FAIR TRIAL in accordance with the source of the FRCrP at 28 §USC 2072(b) "Such rules shall not abridge, modify or enlarge any substantive right ", and to abide by the following proceedings:

1. To honor, uphold and abide by the oaths taken by the presiding judge and attending court officers, pursuant to the Constitution for the united States of America 1791 A.D., Article VI, Clauses 2 and 3 in this matter;

1  
2 2. To provide due process of law pursuant to the First, Fourth, Fifth, Sixth, Seventh, Eighth,  
3 Ninth, Tenth and Thirteenth Articles of Amendments of the Constitution for the united  
4 States of America 1791 A.D., and as required by the aforementioned oaths taken by the  
5 presiding judge and attending court officers, in this matter;

6  
7 3. To provide equal protection under the law, as required by the original National and  
8 state Constitutions and pursuant to the referenced oaths;

9  
10 4. To acknowledge the Separation of Powers Doctrine inherent in the Constitution of the  
11 united States of America 1791 A.D., and provide the Movant with a true judicial trial in  
12 accordance with Article III of the Constitution, supra. "United States District Court"  
13 appears to be a creature of the Administrative Branch of the U.S government. The  
14 Plaintiff / Prosecutor's office is the so called Department of Justice, which is also a part of  
15 the Administrative Branch of government, as is the "Internal Revenue Service".  
16 Perhaps we should rename the whole thing the Department of JUST US? Is the Plaintiff  
17 acting as a literal Persecutor? Such a cabal cannot grant Movant an impartial trial.

18  
19  
20 5. To respect, protect and uphold the Rights of the Movant in this matter, Rights which are  
21 secured by the National and state Constitutions, pursuant to referenced oaths;

22  
23 6. Movant demands that the Judge's and Prosecutor's Oaths of office be entered on the  
24 record as evidence sworn true and correct as to the Constitutionality involved in this case.

25  
26 7. There are essential elements to prove in any case or controversy, whether administrative  
27 or judicial, arising under Article III §2, (arising under) of the Constitution for the united  
28 States of America, ratified 1791 A.D., and the laws thereof. The following elements are  
29 essential:

30 A. When Challenged; standing, venue and all elements of subject matter  
31 jurisdiction, including compliance with substantive and procedural due process  
32 requirements, must be established in the record.

1 B. Facts of the case must be established in the record.

2 C. Unless stipulated by agreement, facts must be verified by competent  
3 witnesses via testimony, affidavit, deposition or direct oral examination  
4 with firsthand knowledge.

5 D. the LAW of the case must affirmatively appear in the record, which in the  
6 instance of a tax controversy necessarily includes taxing and liability statutes  
7 with attending regulations. See in the nature of United States of America v.  
8 Menk 260 F. Supp. 784 at 787; United States of America v. Community TV  
9 Inc. 327 F.2d 79 (10<sup>th</sup> Cir. 1964).

10 E. The advocate of a position must prove application of law to stipulated or  
11 otherwise provable facts.

12 F. The trial court, whether administrative or judicial, must render a written  
13 decision that includes findings of fact and conclusions of law. See in the  
14 nature of Federal Maritime Commission v. South Carolina Ports Authority,  
15 535 U.S. (2002)

16 **JUDICIAL NOTICE – FIRM OFFER TO SETTLE/PAY**

- 17 8. Movant herein claims She would be prejudiced and denied due process and a fair trial  
18 should the court fail to address the issues expressed in the “Notice of Firm Offer to  
19 Settle”, Which has been settled, by the principal of Estoppel, in the year 2005.
- 20 9. This “Firm offer to Settle” has been recorded in the Pinal County Recorder’s Office as  
21 evidenced by the heading on the first page, providing legal notice. This document was  
22 also sent to the IRS in April of 2005 and the agents involved within this case, with  
23 proof thru certified mail #7005-0390-0004-1464-0056. **Contrary** to the Prosecutors  
24 fraudulent response, this Document was submitted into this case with Certified filing  
25 requirements of October 22, 2010, attached from the County of Pinal. There are no  
26 adjudicative facts subject to reasonable dispute as the Prosecutor claims because the  
27 recipients of the IRS never responded, leaving now the principal of estoppel in effect.  
28 There being No rebuttals from anyone in government or the IRS at that time, there is  
29 certainly no claims or arguments that can be made today. **Movant demands this**  
30 **court take judicial notice of the fact Movant filed her returns and offered in good**  
31 **faith to settle/pay any disputes with the IRS in 2005.** This document stands alone as  
32 offer and refusal to accept and accordingly per law the dept, if any, is paid. **This**  
**renders this indictment null and void on its face ab initio. SEE CERTIFIED**

1 EXHIBIT "A". WITH PROOF OF CERTIFIED MAIL.

2 10. This request is a matter of law and equity in that all Officers of this Court have their  
3 Oaths of Office under; and that due process rights of the Movant are secured against  
4 trespass by this Court by the Constitution for the united States of America 1791 A.D.  
5

6 **WITHOUT PREJUDICE**

7 Pursuant to UCC 1-308: "I reserve my right not to be compelled to perform under any  
8 contract, commercial agreement or bankruptcy that I did not enter knowingly, voluntarily,  
9 and intentionally. And furthermore, I do not and will not accept the liability of the  
10 compelled benefit of any unrevealed contract or commercial agreement or bankruptcy". I  
11 have made a timely and explicit reservation of my rights and insist that any statutes used in  
12 my defense shall be construed to be in harmony with the Common Law.  
13

14 **RELIEF REQUESTED**

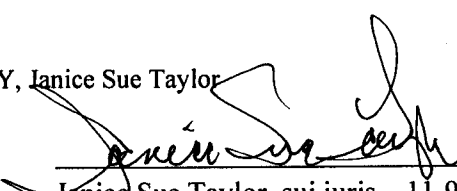
15 1. Should this matter go to trial, Movant demands this court to grant the attached ORDER  
16 provided with the motion of Doc 113 giving Movant a fair trial in accordance with the points  
17 therein and above.  
18

19 2. Movant demands this court to take judicial notice of the Certified copy from the County  
20 Recorders Office, of the Self executing document attached herewith named "Firm Offer to  
21 Settle/Pay", wherein any dept owed was offered for settlement and was refused by estoppel  
22 and therefore paid. Hereinafter being entered into evidence as EXHIBIT "A"

23 3. Movant demands this court to provide documentation sworn true, correct and complete of  
24 the Constitutionality of all issues herein. Findings of fact and conclusions of law are  
25 required on all documents in answer to any issues herein.

26 4. In the alternative Movant demands this court to dismiss this case with prejudice, or an  
27 immediate appeal is hereby requested.

28 NO INFORMED CONSENT HAS BEEN GIVEN BY, Janice Sue Taylor

29   
30 Janice Sue Taylor, sui juris - 11-9-2010

31 Of one's own right, possessing full social and  
32 Civil rights, sovereign character and capacity  
Pursuant to U.S.C. 28 1746 (1)  
Without the United States

**Certificate of Service**

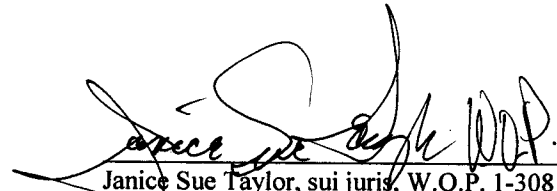
I, Janice Sue Taylor, hereby declare and state that I have filed a true and correct copy of the above document Rebuttal to Governments Motion for a fair trial and offer to Settle/Pay, Said Right Extended To Any Attorney, Whether Or Not At Bar, If Providing Or Proposing To Provide "Assistance - Not Force - Of Counsel" with the Clerk of the Court for the [Alleged] United States District Court For The [Alleged] District Of Arizona, said [Alleged] Court Appearing And Existing [Supposedly] As A Possession Of Its Own And NOT Lawfully Existing In The Legal or Organic County of Maricopa, Legal or Organic [Proposed] State of Arizona, and have mailed a copy hereof, postage prepaid thereon, to the Alleged U.S. Attorney's Office at the following addresses set forth below.

Frank T. Galati,  
James Richard Knapp,  
Office of the Alleged U.S. Attorney  
40 N. Central Ave. # 1200  
Phoenix, Arizona near 85004

Susan Anderson  
850 W. Adams Street, Suite 201  
Phoenix, Arizona near 85007

**RESPONSE TO THIS EXHIBITED NOTICE IS REQUIRED - *Qui Tacit, Consentire Videtur, Ubi Tractatur De Ejus Commodo* (He[She] who is silent is considered as assenting [to the matter in question] when his[her] interest is as stake.)**

Dated this 9<sup>th</sup> day of November, 2010 A.D



Janice Sue Taylor, sui juris, W.O.P. 1-308  
Pursuant to U.S.C. 28 1746 (1)  
Without the United States