

controverted in the particular case before it.” See in the nature of Tyler v. Judges of the Court of Registration, 179 US 405.

2. To have standing, a plaintiff must allege the violation of a legal right. The plaintiff has not alleged the violation of a legal right in the Indictment of Janice Sue Taylor. Therefore, there is no standing to complain.

A. Standing also requires injury. Standing requires the violation of a legal right that causes injury:

“Like the prudential component, the constitutional component of standing doctrine incorporates concepts concededly not susceptible of precise definition. The injury alleged must be, for example, "distinct and palpable," Gladstone, Realtors v. Village of Bellwood, 441 U.S. 91, 100 (1979) (quoting Warth v. Seldin, supra, at 501), and not "abstract" or "conjectural" or "hypothetical," Los Angeles v. Lyons, 461 U.S. 95, 101-102 (1983); O’Shea v. Littleton, 414 U.S. 488, 494 (1974). The injury must be "fairly" traceable to the challenged action, and relief from the injury must be "likely" to follow from a favorable decision.” See in the nature of Allen v. Wright, 468 U.S. 737, 751 (1984).

“The plaintiff must show that he himself is injured by the challenged action of the defendant. The injury may be indirect, [See in the nature of] United States v. SCRAP, 412 U.S. 669, 688, 93 S.Ct. 2405, 2416, 37 L.Ed.2d 254 (1973), but the complaint must indicate that the injury is indeed fairly traceable to the defendant’s acts or omissions. [See in the nature of] Simon v. Eastern Ky. Welfare Rights Org., 426 U.S. 26, 41-42, 96 S.Ct. 1917, 1925-1926, 48 L.Ed.2d 450 (1976); O’Shea v. Littleton, 414 U.S. 488, 498, 94 S.Ct. 669, 677, 38 L.Ed.2d 674 (1974); Linda R. S. v. Richard D., 410 U.S. 614, 617, 93 S.Ct. 1146, 1148, 35 L.Ed.2d 536 (1973).” [See in the nature of] Vil. of Arlington Hts. v. Metro Housing Dev., 429 U.S. 252, 262.

3. The plaintiff has failed to allege both elements of standing in the indictment of Janice Sue Taylor. Therefore, there is no justiciable controversy and the plaintiff lacks standing to complain. Without standing for a case, a subpoena Duces Tecum of witnesses is moot. Therefore this Subpoena Duces Tecum needs to be quashed.

4. No corpus delicti. There is no corpus delicti. The corpus delicti is related to standing and must be proven in every prosecution and has two elements:

“Component parts of every crime are the occurrence of a specific kind of injury or loss, somebody’s criminality as source of the loss, and the accused’s identity as the doer of the crime; the first two elements are what constitutes the concept of “corpus delicti.” See in the nature of, U.S. v. Shunk, 881 F.2d 917, 919 C.A. 10 (Utah).

The corpus delicti of a crime consists of two elements: (1) the fact of the injury or loss or harm, and (2) the existence of a criminal agency as its cause [citations omitted] there must be sufficient proof of both elements of the corpus delicti beyond a reasonable doubt.” See in the nature of, 29A American Jurisprudence Second Ed., Evidence § 1476.

5. Without a corpus delicti there is no crime. Plaintiff has not established a corpus delicti in Janice Sue Taylor’s indictment. Without a corpus delicti the subpoena Duces Tecum for witnesses is moot.
6. Lack of jurisdiction. “Standing represents a jurisdictional requirement...” See in the nature of, National Organization for Women, Inc., v. Scheidler, 510 US 249. As with standing, the foundation of the court’s jurisdiction is article III § 2 of the United States constitution: “The judicial power shall extend to all cases, in law and equity, arising under this Constitution, the laws of the United States...”
7. There is no true adversary in this adversary proceeding:

“the duty of this court, as of every judicial tribunal, is limited to determining rights of persons or of property, which are actually controverted in the particular case before it.” See in the nature of, Tyler v. Judges of the Court of Registration, 179 US 405.

If the constitution applies to this court, then the court’s jurisdiction is limited to “cases”. A “case”, as shown above, requires an allegation of a legal right being violated and distinct injury caused thereby. The plaintiff has not alleged the violation of a legal right or injury in the indictment against Janice Sue Taylor. Therefore, there is no true adversaries or case before the court and the court lacks jurisdiction. Without any factual case before the court, the subpoena Duces Tecum of any witness is only a fishing expedition, and must be quashed in the favor of justice.

8. Mr. Galati has not presented any facts that show Saunders is within the “Federal District of Arizona”. Although Mr. Galati’s opinion in Janice Sue Taylor’s indictment

indicates that Ms. Taylor is a resident of Gilbert or Florence, Arizona, residence has not been established. Mr. Galati has not presented any evidence that Gilbert, Florence or the State of Arizona is anything other than a fiction and how can Ms. Taylor or Ms. Saunders live within a fiction or the “Federal District of Arizona”. The State of Arizona is not geographic, as the State of Arizona did not exist before February 1912.

9. The Subpoena Duces Tecum served on Saunders did not have a **seal of the court** as required by the Federal Rules of Criminal Procedure rule 17(a), and is therefore invalid.

Federal Rules of Criminal Procedure, Rule 17.(a) Subpoena

(a) Content. A subpoena must state the court’s name and the title of the proceeding, include the seal of the court, and command the witness to attend and testify at the time and place the subpoena specifies. The clerk must issue a blank subpoena—signed and sealed—to the party requesting it, and that party must fill in the blanks before the subpoena is served.

Mr. Galati has not provided any new court trial date and Saunders has reason to believe the date has been changed to July 13, 2010.

10. Mr. Galati has made no offer of immunity from Saunders information being used against her in potential future actions. Mr. Galati’s actions by serving a invalid subpoena Duces Tecum upon Saunders indicate this is nothing but a fishing expedition upon Saunders personal private life. Mr. Galati has not presented any facts to indicate that Janice Sue Taylor’s indictment has any standing in order for this court to have a case or a subpoena Duces Tecum before it.
11. By Law and precedent and in accordance with the Supreme Court of the United States **pro se Pleadings MAY NOT be held to the same standard as a lawyer’s and/or attorney’s; and whose motions, pleadings and all papers may ONLY be judged by their function and never their form.** See in the nature of: Haines v. Kerner; Platsky v. CIA; Anastasoff v. United States; Litigants are to be held to less stringent pleading standards.

Conclusion

There is no true adversary in this adversary proceeding:

“the duty of this court, as of every judicial tribunal, is limited to determining rights of persons or of property, which are actually controverted in the particular case before it.” See in the nature of, Tyler v. Judges of the Court of Registration, 179 US 405.

Who, What, Where is the true adversary in this proceeding?

Because the plaintiff has failed to provide the above required elements to establish standing to complain, jurisdiction, and there is no corpus delicti, declared as facts in the indictment of Janice Sue Taylor, and the fact that there is no seal of the court on the Subpoena Duces Tecum as required by rule 17 (a) Federal rules of Criminal Procedure, this Court should quash the subpoena Duces Tecum filed against Saunders, or schedule a Show Cause Hearing on why it should not.

Submitted this 28th day of May, 2010.


Desiree E. Saunders

Certificate of service

TJM

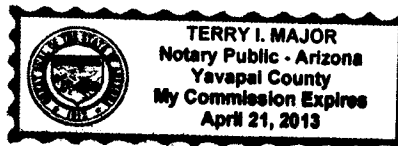
This is to certify that I, Terry Majors, delivered a true and correct copy of the foregoing MOTION TO QUASH SUBPOENA DUCES TECUM on this 28th day of May 2010, to the plaintiff at the following addresses:


Notary: Terry Majors

Clerk of the Court
401 W. Washington St
Phoenix, Arizona

Judge Mary H. Murguia
401 W. Washington St
Phoenix, Arizona

Frank T. Galati
40 N. Central #1200
Phoenix, Arizona





U.S. Department of Justice

"Exhibit A"

United States Attorney
District of Arizona

Two Renaissance Square
40 N. Central Avenue, Suite 1200
Phoenix, Arizona 85004-4408

(602) 514-7500
FAX: (602) 514-7693

May 3, 2010

Desiree Saunders
3341 E. Arianna Ct.
Gilbert, AZ 85298-9251

Re: United States v. Sue Taylor
CR-10-00400-PHX-MHM

Dear Ms. Saunders

You have been subpoenaed as a witness in the above-captioned case compelling your attendance at the trial of the above matter.

The trial will begin on June 1, 2010. You will be contacted at a later date closer to trial to confirm your attendance and to make additional arrangements.

Please be advised that your subpoena will remain in effect until you are excused from service by either this office or the U.S. District Court. It is therefore requested that you contact the Internal Revenue Service Special Agent David Votaw at (480) 503-7337 should you be absent from your place of residence for any period of time or should your address or telephone number change.

Sincerely yours,

DENNIS K. BURKE
United States Attorney
District of Arizona

FRANK T. GALATI
Assistant U.S. Attorney

FTG/mlc

UNITED STATES DISTRICT COURT

DISTRICT OF ARIZONA

United States of America

v.

DUCES TECUM
SUBPOENA IN A
CRIMINAL CASE

Sue Taylor

Defendant.

Case Number:

CR-10-00400-PHX-MHM

TO:

Desiree Saunders
3341 E. Arianna Ct.
Gilbert, AZ 85298-9251

YOU ARE COMMANDED to appear in the United States District Court at the place, date, and time specified below, or any subsequent place, date and time set by the court, to testify in the above referenced case. This subpoena shall remain in effect until you are granted leave to depart by the court or by an officer acting on behalf of the court.

PLACE

United States Courthouse
401 West Washington Street
Phoenix, Arizona 85003

COURTROOM

Room 505

DATE AND TIME

June 1, 2010 at 9 a.m.

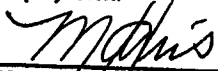
YOU ARE ALSO COMMANDED to bring with you the following document(s) or object(s):

See attached.

U.S. MAGISTRATE JUDGE OR CLERK OF COURT

RICHARD H. WEARE

(By) Deputy Clerk



DATE

April 30, 2010

ATTORNEY'S NAME, ADDRESS AND PHONE NUMBER:

FRANK T. GALATI, Assistant U.S. Attorney
Two Renaissance Square - 40 N. Central Avenue, Suite 1200
Phoenix, Arizona 85004-4408
(602) 514-7500 or 1-800-800-2570

1. A list of all entities for which you are named, or have been named, as:
 - (a) a trustee;
 - (b) a member of an L.L.C. or purported L.L.C.; and or
 - (c) an officer, director or incorporator of a corporation or purported corporation.

2. Any and all records of any sort whatsoever, including but not limited to, documents, notes, receipts, bank statements, bank records, checks, check stubs, sales contracts, ledgers, closing statements, escrow documents that pertain in any way whatsoever to any of the entities:
 - (a) Listed in response to #1 above; and/or
 - (b) Listed on the attached list.

DBA's

A J 438 Land Trust
A J 525 Land Trust
Boseck Fairly Trust
Burning Bush Ministries Land Trust
CG Hilltop 40 Land Trust
Circle R Investments
Copa Cabana Land Trust
Healing 194 Land Trust
Healing Hands 194 Land Trust
Helmcircle Trust
Herbal Land Trust
Herbal Research Institute
Herbal Trust
Higley Citrus Trust #D2
Hilltop LLC
Hilltop Trust
Ideal Investments LLC
Kachinaplx Trust
Land Capital International
LM03 Land Trust
LMSIXTY Land Trust
Lovalley Irrevocable Trust
LP 20 Land Trust
McBride Ministries
McBride Musical Ministries
Meadowbrook Trust
Miroyal, LLC
Myland LLC
Myracine Land Trust
National Land Bank Broker
National Land Bank, LLC
National Land Brokerage
Nature's Herb & Tea Garden
Noble & Master LLC
P & H 3 Irrevocable Trust
P & H Irrevocable Trust
P & H L.L.C
11 Mile Corner Land Trust
LP 20 Land Trust
Picacho Land Trust

DBA's

P & H Trust
Peace Pipe LLC
Peacepipe 20 LLC
Peacepipe LLC
Peacepipe Twenty LLC
Pecley Land Trust
Pepperplx Trust
Piece Pipe LLC
Pierce Family Trust
Property Resources Internet, Inc.
Property Resources, Inc.
Pure Trust
Q.C. Research Land Trust
R.J. McBride Family Trust
Rideal Investments LLC
Riggs 194 Trust
Riggs 196 Trust
Riggs 3.7 Irrevocable Pure Trust
Riggs 3.7 Land Holding Trust
Riggs 3.7 Trust
Royce LLC
Speck Trust
Speck Trust International
Spring I Trust
Spring Irrevocable Trust
Spring Linda Land Trust
Spring Trust
Sue J Taylor Trust
Sue Taylor Inc., Employees Profit Sharing Plan
Sumac Irrevocable Trust
Summer Irrevocable Trust
Summer Trust
Susan McBride Family Trust
The Barstow Land Trust
The Cambridge Land Trust
Trumanco LLC
Wrkplace Trust
Barstool Land Trust
CG Hilltop 40 Trust
LMO3 Land Trust

LM6 Land Trust	Burning Bush Ministries
McBride Musical Ministries Land T. Speck Trust	
Pierce Family Trust	Higley Citrus Trust
Weeltka Holding Trust	Myracine Land Trust
Boseck Family Trust	Cambridge Land Trust
Copa Cabana Land Trust	