Janice Sue Taylor
Appearing Specially, Not Generally
Legal Address. Commencing, in suf. det., at w 1/4 corner of section 26, T.2S.-R.6E., G & SRB & M, thence S. 0° 07' 22" W. to 332.12 ft. to SW corner of section 26, thence bearing 0° S. 7' 22" W. from SW. corner of section 26, 332.12 ft. distant therefrom, thence southerly of N. Section 26 – 858.78 ft to the True Point of the Beginning, continuing thence 164.91 ft. to SE corner, thence 164.91 ft. to SW corner, to True Point of the Beginning; organic city of Gilbert, organic county of Maricopa, organic State of Arizona; —not owned or possessed by the United States of America; —not a post Road; —not on a post Road; —not in a U.S. district.

(response information at certificate of service page)

IN THE [ALLEGED] UNITED STATES DISTRICT COURT FOR THE [ALLEGED] DISTRICT OF ARIZONA

[The alleged United States central government] /
The Internal Revenue Service
federal agency

ALLEGED AS PLAINTIFF,

v.

Janice Sue Taylor,

ALLEGED AS DEFENDANT
OR
THE ACCUSED

APPEARANCE
DE BENE ESSE

cc: National Ninth Tribunal Court

WARRANTED: FUNDAMENTAL ***ACTIO DE DOLO MALO*** - SETTING ASIDE AND VACATING OF ARRAIGNMENT FOR JUDICIAL FRAUD, MADE RETROACTIVE TO 04 / 14 / 10 NUNC PRO TUNC (*NOW AS THEN*): PROCEED WITH SIXTH AMENDMENT TRIAL, AND REENTER APPEARANCE OF RIGHTS AS SUPPRESSED AT UNLAWFUL ARRAIGNMENT

Challenge - Nunc Pro Tunc, For Constructive Subject Matter Jurisdiction;
DEMAND TO TAKE JUDICIAL *AND* CLERICAL NOTICE

Case # CR 10-400-PHX-MHM (ECV)

LIABLE NOTICE: Clerk Of Court

NOTICE: Lawrence O. Andersen

A PLEADING AT THE COMMON LAW

QUI TACET, CONSENTIRE VIDETUR, UBI TRACTATUR DE EJUS COMMODO

APPLYING ALL PROCEEDINGS HEREAFTER AS THE SUPERSEDING RULE OF RULES *UNDER* RULE NISI
("Becomes The Imperative and Final Rule *Unless* Cause Can Be Shown Against It")

COMES NOW Janice Sue Taylor, hereinafter as Demandant, alleged to be defendant, or the accused, in the above numbered case, comes forward before the Clerk of the Court, and contemporaneously before the court itself and alleges the following to be true correct as a matter of the proper administration of fundamental law.

I. The proceeding of arraignment being presented before Demandant does not exist as either a constitutional right or mandate; its existence, even in error, is objectively rendered as Moot by this Official and Instantly Binding Legal Challenge for both Procedural and Alleged as Properly Appointed Court Judicial Officer Subject Matter Jurisdiction by this filing. This filed document constitutes minimally an APPEARANCE DE BENE ESSE, hereby appearing, Nunc Pro Tunc (now as then), on the date and time of April 14, 2010 at or about 3:30 PM, or thereafter. The just, lawful and legal grounds for doing so are set forth herein, as well as by other subsequent pleadings so submitted.

II. The word "appearance" means in law the coming into court of the party summoned in an action, either by herself or by her attorney, and there are several different kinds and methods of appearance." In Re: Cool's Estate, 18 A.2d 714, 716, 19 N.J.Misc. 236.

III. It is well known that an appearance by pleading need not be made in Person. An appearance by counsel, or in writing, whether or not at bar, is just as valid as an appearance in Person, particularly where a prior appearance in a

proceeding suppressed or denied a right to make the same challenge for subject matter jurisdiction of the very proceeding being used to so suppress or deny same itself. In relation to a notice of appearance in writing, it has been found that:

> "Where a paper, which has been voluntarily executed by the defendant in an action pending and therein filed, contains a recital, 'I hereby make my appearance to said cause', such phrase signifies that the same has made an appearance for every necessary purpose of the cause." Mutual National Bank of New Orleans v. Moore, 24 S. 304, 306.
>
> "While every 'answer' constitutes an 'appearance', the converse is not true." Rio Del Mar Country Club v. Superior Court, Santa Cruz County, 190 P.2d 295, 300.

IV. "De Bene Esse . . . conditionally; provisionally; in anticipation of future need. A phrase applied to proceedings which are taken ex parte or provisionally and are allowed to stand as well done for the present." Black's Law Dictionary, 5th edition.

> "An 'appearance de bene esse' is designed to permit a party to a proceeding to refuse to submit *his person to the jurisdiction of the court unless it is finally determined that *he has forever waived that right." Farmers Trust Co. v. Alexander, 6 A.2d 262, 265. *or her .. or she

V. An "appearance de bene esse" is therefore a Special Appearance designed to allow the Accused to meet and discharge the contractual requirement of making an appearance, and at the same time, to **refuse** to submit Himself/Herself to the Jurisdiction of *any* alleged Plaintiff pending establishment of proper jurisdiction and under jurisprudence for doing so.

VI. The **Claim** for a Court's JURISDICTION (though Not Proven Right) ATTACHES itself at the moment that the prosecutor or prosecutorial agency filed or has filed this case with the above named court pursuant to the complaint, information, indictment, or any other matter of issue in controversy before the court entered by such said prosecution. The right of JURISDICTION so ATTACHED to this numbered case above shown, at this time, is derived through the principle of concurrent application, and is further derived from Article III, Section 2, Clause 3 and the Sixth Amendment of and to the Constitution for the United States. While this does not define or deny certain other rights on this matter as are yet to be revealed and disclosed to the court in this numbered case, the right of authority and power of these two requirements of the Constitution cannot be refuted or denied.

VII. Demandant Exposes and Reveals at this time the challenge for Standing and Procedural Jurisdiction and **Constructive** Subject Matter Jurisdiction, all, revealed in this Warranted-Contravenement, in that the construction of the arraignment itself in which this Contravenement is filed to take its place is the result of a historical fraud *committed* – **in the Factum** – as a **Judicial Fraud** for the sake of **Power Fraud**, not lawfully obtained 'beneath the Constitution for the United States itself, the supreme Law, said expose revealing this charge and challenge as truth set forth hereafter as follows.

VIII. A statement of guilt or "'guilty' of the crime alleged" (cf. "sin") by an accused, signed by the accused in the presence of law enforcement witnesses, being **in fact** nothing less than a **confession** by the same, is done ***properly*** **before** the proper representation of the actual **law enforcement** bringing the charges to begin with, which proper representation of actual law enforcement may then bring before the court, as evidence of guilt, such fact of confession, which fact of confession of Guilt the proper authority of the court, or impartial Jury, is to examine, and investigate, and discern (that there may be no fraud incorporated into the case) the said proposed confession of guilt before rendering any further verdict in the case. Since a claim for guilt, as any other form of confession, is a matter of fact and not a matter of law, it has long been an erroneous practice to provide for any judicial officer, such as a judge, to hear "confessions," or potential confessions, as though having lawful authority to determine where such confession of guilt was true or not true as a matter of **fact**.

IX. Considering that a petition that one be provided an opportunity to enter a "guilty" admission to a judge is, in essence, the same thing, as if that same petition were made by the more proper authority for such a petition for a "guilty" admission, or official **confession**, to **law enforcement** or prosecutorial representation, instead, .. the question must necessarily be raised, and answered, .. "Is it the purpose of having the potential for confession of guilt to be directed toward a judge so that the judge, as a particular representative of the court, be

enabled by such admission to better prosecute the case at hand instead of the prosecution itself (?), whose **first right** for prosecutorial **duty** for receiving a such said confession (if any) would **preempt** the necessity for a judge to deal in such a procedure as this?"

X.1 To which the logical conclusion must *invariably* be, "NO, it is not the judge's role to receive such a **confession** or admission (if any) for, or instead of, any claim for a **prosecutorial right** on behalf of the prosecution (or the judge has no right to prosecute); it is the **prosecution's right** and duty alone (a judge had no authority to ***become*** law enforcement as a matter of fact, **or** by fact of procedure, in order for a conclusion of trial to be reached), for it is law enforcement alone whose right, job, and duty it is, to obtain, by such honest methods as it can, by voluntary means and not by coercion, any potential for admission of guilt, which it would then submit to the court's trier of fact (impartial Jury) as a part of trial, and not otherwise, **not** a judge who, even as stated in the case decision's recognition, to wit:

> "It is not the judge's role to determine "the truth of the matter," Big Apple BMW, Inc. v. BMW of North America, Inc., 974 F.2d 1358, 1363 (3d Cir. 1992);" ...

X.2 ... **Is not**, as a matter of long established principle and rule, sufficiently **qualified** to know and **try fact**, [f]actual fact, which **unlawful crossing** of trier of law to trier of fact is, ***precisely*** what a pleading or admission or **confession** of guilt **IS**; a "confession" **NOT** being a **Matter Of Law** — [*At All*] — upon

which **confession** ***FACT*** a judge may lawfully impose a "Trier of **Law**" decision. The legal conclusion of this legal fact is **IRONCLAD**.

XI. Even if it were so that a judge held the powers of a notary within that office, such power of notary does not extend itself to a confession of guilt unless the same is signed by the accused confessing it, which act is, and was historically, done appropriately before the proper representation of law enforcement, not before a court of any jurisdiction.

XII. Consequently, **the practice is errant**, and **the judge has NO Standing**, denying all possibility for a claim for procedural jurisdiction thereby, to sit before the court *and* petition an "accused" for a "confession" to **any** alleged crime when the accused has not offered, *voluntarily*, such a "confession" before the proper representation of actual law enforcement, before that time, in the first place. This Statement / Clause Constitutes a Challenge and Charge for **Lack of Standing**, which may not be overcome by the judge himself/herself, for a Judge to Sit in the Court **for** the purpose of accepting **ANY** form of plea **for guilt or innocence**.

XIII. Since all proceedings in a court of law hinge upon two primary components, Standing and Jurisdiction, this matter cannot be overcome by attempting to ignore the challenge, except it be an open admission by each and every relevant party to a case in question, participating in such denial or failure to prove both Standing and Jurisdiction, when so challenged, of **Jurisdiction Fraud**

and **Standing Fraud**, prosecutable in another court of more competent, fundamentally exigent, jurisdiction than the court who unlawfully denied it.

XIV. There being the possibility for a voluntary confession, signed in front of witnesses, or else a notary, before the proper representation of actual law enforcement bringing the charges, not only considering the issue of the necessity for brevity for bringing a trial action before a proper court of jurisdiction as well as the fact that a judge is not a trier of fact, **a confession being fact and *not* law**, there can be no true and proper purpose for an allowance or a demand for a Duplication of the same fact of statement or **confession** of guilt (or "sin") - as in a "guilty" plea - *just to satisfy a scheme of historically conjured unlawfulness* to provide a **judicial officer** - not an impartial Jury alone - the UnLawful = Illegal "authority" to command the courtroom and courthouse for trial purposes.

XV. Where a failure or refusal of an accused to not ***voluntarily*** appear before the prosecutorial representation of actual law enforcement in order to, as said, ***voluntarily*** give a **confession** of guilt to the same - **Is** the **decision of** such an **accused**, it is *prima facie* evidence in such a case, that it is sufficient on its face to acknowledge, for all procedural purposes at law, that the accused has **Not intended** (by such failure or refusal to appear) to **tender** a [factual] **confession** of "guilt," and so may not be required of the same - as a matter of *any* law, as any

alleged pleading at any time prior to the scheduled or docketed trial itself. The legal conclusion of this legal fact, a conclusive presumption, is **IRONCLAD**.

XVI. Holding the above Discerning Contravenement forward, it is further found that there exists within the very alleged arraignment system itself, as currently *practiced*, such evidence as to establish its *unlawfulness*, and therefore its unlawful purpose as to its creation and existence, *ab initio*, from the date of its first historical inception, which UnLawful practices for procedures of the alleged arraignment *continue* being exposed - not inclusive of further Clarifying Contravenements to be filed officially into the record hereafter - as follows.

XVII. Point One. The court may not ***require*** Demandant to enter a pleading of "Guilty" without violating Demandant's Fifth Amendment rights. Therefore, no purpose of a requirement of "Guilty" pleading exists under the Constitution. Since no *requirement* of "Guilty" exists, no such pleading can be, is or has been, hereby made. **Any** alleged **right** by the court **to enter** a "Guilty" plea on Demandant's behalf **is** hereby forthwith **DENIED** by Demandant's own unalienable and Demandant's Fifth Amendment rights to do so. **GUILTY PLEADING DENIED**. This is not to be regarded by the court as concluding that any "Guilty" plea was ever thought to be entered by the Demandant, but deals, as a controlling standard of a legal point, that the court has No/Had Right to Enter such a pleading on an accused's behalf. The Clerk of the Court is hereby

called upon to note, for the record, the accused's official statement on this point in the instant case before the court.

XVIII. There are a number of unenumerated rights under the Constitution's Ninth Amendment. One of those Clear, Evident, and **Predominant** Rights is the ***RIGHT NOT* TO LIE**. Demandant's **Right** Not To Lie is incontestable and fundamental. And **ONLY Demandant**, *as a matter of law*, **KNOWS** as to whether or not Demandant would be lying in the event Demandant stated "Not Guilty" before the court. Therefore, not only does Demandant have the **right NOT** to lie, but additionally lying to the court may be seen generally as a form of perjury, which compounds and advances forward Demandant's **Right** NOT to a lie as to any condition that she knows to be in fact true. The foregoing may not be construed to mean or indicate that Demandant is guilty, but is simply using the fundamental **Right Not To Lie** as a means of deny an alleged judicial officer of a court to proceed regardless of the pleading made before it at any alleged right for arraignment.

XIX. Continuing from the foregoing: ONLY Demandant, alleged as defendant, knows for sure as a matter of law whether or not the same is telling the truth as a matter of her own personal and private conscience, or not. ONLY Demandant knows for sure *within herself* as to whether or not she is lying, except there be an unconstitutional prejudice, or prejudgment, by the court, otherwise.

XX. Since **Demandant** has the **Right**, not the privilege, **NOT to lie**, and the court's position has NO RIGHT to override this unalienable right, the court cannot ask, demand or require of Demandant to enter a pleading of "Not Guilty" either, anymore than the "Guilty" pleading may be required or demanded for record entry purposes. Therefore, no purpose of a requirement of "Not Guilty" pleading exists under the Constitution. Since **no requirement** of "Not Guilty" **exists**, no such pleading can be, HAS BEEN, OR IS, made. And in keeping with the Rights accorded Demandant under the First Amendment, the right to sustain one's own lawful religious beliefs and to Not Betray one's own Conscience and Right to Conscience relative thereto accordingly, ***Any*** **Alleged Right** by the court to enter a "Not Guilty" plea on Demandant's behalf is hereby forthwith DENIED by Demandant's own unalienable rights to do so.

XXI. "NOT GUILTY" PLEADING, HOWEVER ALLEGEDLY ENTERED, RETROACTIVELY DENIED FOR JUDICIAL FRAUD.

The Clerk of the Court is hereby called upon to note, for the record, the accused's official statement on this point in the instant case before the [alleged] court.

XXII. Furthermore, in the event Demandant were to simply plead the Fifth Amendment directly as to *imply* that Demandant's pleading was "Not Guilty," it would further violate Demandant's rights incorporated by the Fifth Amendment by making it appear that Demandant was, in fact, guilty by such a pleading,

thereby providing Demandant's accuser with a factual, if not legal, basis to conclude that Demandant was guilty of some offense in question even though Demandant may have *tried* to so insist from Demandant's Fifth Amendment pleading that Demandant was not. Under the unenumerated rights contained under the **Ninth Amendment** to the Constitution, Demandant has the right to NOT make Demandant's self APPEAR to be guilty by either verbally or in writing making a statement or pleading of the "Fifth Amendment" as a pleading before the court. Any alleged right by the court to enter or require a "Fifth Amendment" plea, or any other plea, on Demandant's behalf is hereby forthwith **DENIED** by Demandant's own UnAlienable, or Fundamental, rights to do so.

XXIII. FIFTH AMENDMENT PLEADING AS TO **ANY LAWFUL PROCEDURE** THEREFOR - **DENIED**. **NINTH AMENDMENT POSITION ENTERED**. The Clerk of the Court is hereby called upon to note, for the record, the accused's official statement on this point in the instant case before the court.

XXIV. Demandant, as a matter of conscience and Personal Belief, holds that in the event that any judicial actor should as a matter of fact or by attempt of fact so enter a pleading of "Not Guilty" allegedly on Demandant's behalf, and thereby promoting the possible existence of a lie not specifically known by the court but which may be realized by Demandant alone, thus violates Demandant's **First Amendment** rights of Personal belief, *whether or not religious*, and therefore

may not be so entered on behalf of or in the interest of Demandant, alleged as defendant. The court may **not** proclaim or enter on Demandant's behalf that matter of pleading which may be a lie in violation of Demandant's constitutional rights of *Freedom of Conscience* in violation of Demandant's **First**, **Fifth**, **Fourteenth** and **Ninth Amendment Rights.**

XXV. Therefore, NO purpose of a RIGHT of an entry of a "Not Guilty" pleading exists under the Constitution on behalf of the court itself, of the court's clerk so empowered as the official keeper of the records and proceedings of the court. Since NO Right of "Not Guilty" exists as to the court entering such pleading in spite or in violation of Demandant's rights, no such pleading can be OR IS hereby allowed to be made by the court. Any alleged right by the court to enter a "Not Guilty" plea on ITS own behalf is hereby forthwith DENIED by DEMANDANT by Demandant's own unalienable and constitutional rights to do so. ALLEGED RIGHT OF COURT TO ENTER PLEADING OF "NOT GUILTY" ON DEMANDANT'S BEHALF DENIED. The Clerk of the Court is hereby called upon to note, for the record, the accused's official statement on this point in the instant case before the court.

XXVI. In an appearance before the court on the charges or matters alleged by the prosecution as per the alleged as properly obtained indictment, the only proper, appropriate and allowable form of question that may be posed by the court, and

follows directly before the Clerk of the Court as a matter of jurisdiction, is to ask simply the question historically, originally and rightfully by the courts, What say ye (you) to the charges brought? A Clerk of the Court has sufficient authority for trial docketing or scheduling purposes to pose this question. All other considerations would be and are therefore *moot*.

XXVII. The right of response to the question so made is open solely to the interpretation and rendering of the alleged as defendant, thereto. The alleged as defendant may elect to maintain silence, allowing the court to assert, if it so chooses, to bring forward the charges proposed against the alleged as defendant by future trial, duly docketed by the Clerk of the Court and none other. If the alleged as defendant should state otherwise, the court may proceed to note the same and schedule the results of such information so gained by such actions as are appropriate in pursuance of any such information so provided.

XXVIII. It is to be noted here that the same proceedings as are set forth above could be, where no external procedure was found necessary or exigent, handled exclusively by the Clerk of the Court alone, with no necessity of the court itself to be involved in such procedure to any degree or whit. This Point is reserved for other pleadings, to be joined in the same as a justifiable support for challenge of **Constructive** Subject Matter Jurisdiction, for both the questions involving possible existence for Judicial Jurisdiction Fraud, or fraud upon a lawful court of

the United States, and for **Jurisdiction Fraud** in accompaniment thereto. Other matters not mentioned here are likewise preserved for other pleadings, to which this pleading may likewise be tied to Trial By Jury for Trial Jurisdiction purposes.

XXIX. To the only question which may be lawfully asked of Demandant by the court, What Say Ye (you) to the charges brought? Demandant's answer is presented for the record **to the Clerk** of the Court and is set forth as follows:

XXX. Inasmuch as the prosecution has thought fit, by whatever means derived, to bring this matter before the court, the entry of either "Guilty" or "Not Guilty" in any form as pleadings entered on Demandant's behalf now being MOOT, Demandant says, Let the prosecution bring the charges forward, and let the trial by **impartial** Jury alone be scheduled according to Demandant's - alleged as Defendant's - rights as contained specifically under Article III, Section 2 Clause 3 of the United States Constitution and to the Sixth Amendment thereof as set forth below accordingly, and in accordance to those merits Discovered on the part of the Constitution's Framers, which shall Prove the True Nature and Character of a Lawful United States court for any proper use thereof. Only the Clerk of the Court has the duty and jurisdictional authority to schedule a Trial **By** impartial Jury according to the requirements of Article III, Section 2, Clause 3, the Sixth Amendment of the United States Constitution, and by the Right of the People for **Writ of Ponendis in Assisis**, the same being issuable by the Clerk or

Recorder or other municipality officer holding a Magistrate's equivalent Power to do so. **This duty extends to no other officer of the court than this.**

XXXI. As to the issue of a claim *of* practice, not right, of pretrial, under the Sixth Amendment to the Constitution of the United States, **Demandant has a right** to a speedy *and* public trial, - not to a pretrial, and not to an arraignment. Demandant can waive those indicated rights if Demandant should so choose- (*except that neither* an "arraignment' or a pretrial has a right to exist *ab initio*) - one or both parts of the foregoing parenthetical phrase or clause ("speedy" or "public"). *Or* Demandant can choose not to waive any right whatsoever.

XXXII. The ***vile*** practice of "plea bargaining" is a system that allows for the negotiation of charges (purposely make 'em high; drop 'em down) between the prosecution and the defendant alleged thereby, in *defiance* of the rights accorded to the people of the United States and the Several States by the Fifth Amendment and Ninth Amendment of the Constitution, the Right of the Public **to be protected** in full **from *any* person who shall break the public law. Plea bargaining**, because it denies and disparages the public's right to be fully protected under the law, **is *UNCONSTITUTIONAL*** and may not be made an issue as an element upon which the right of "Trial **By** impartial Jury" must hang.

XXXIII. Additionally, pre-trials are often used by the prosecution to gain more insight, information and advantage than it already had to materialize its case

before the court which might not otherwise succeed if no discovery on its part were possible. A defendant, or an alleged defendant, has every right under the Fifth Amendment **not** to be made a **victim** of the prosecution's **probes** of **discovery** (or "fishing trips") in order that the same may use such discovery against the said alleged defendant.

XXXIV. Demandant, alleged by the prosecution as defendant, hereby DENIES the prosecution in this case all rights for discovery with Demandant's cooperation in this case; the prosecution has no subsequent right to seek a meeting for this purpose, as the purpose and basis for such a pretrial meeting would be moot. Moot points are not considered to be issues of law that are enforceable as to the law. **PLEA BARGAINING** as a purpose of pretrial or for discovery position as to Demandant's position on the matter is hereby **DENIED**. No purpose for a judge is required in an event not required by fundamental law. Fundamental law, inclusive of the Powers of the Constitution for the United States, does not require or set forth a requirement of a judge.

XXXV. As to Demandant's rights accorded to Demandant by the Sixth Amendment to the Constitution. Under the Sixth Amendment of and to the Constitution for the United States, Demandant has the right to a SPEEDY and PUBLIC **TRIAL**. As a matter of rights, any right that Demandant has,

Demandant can waive those rights and receive in the alternative an OPPOSITE CONDITION that may result by such waiver.

XXXVI. SPEEDY TRIAL. As to Demandant's RIGHT to a SPEEDY TRIAL as set forth in the Sixth Amendment to the Constitution for the United States, Demandant hereby chooses to waive Demandant's Right to Speedy Trial, and direct the court by and through its Court Clerk that the same proceed to schedule upon the court docket thereof this matter in the bringing forth of Demandant's, alleged as Defendant's, Non Speedy Trial in accordance to that which Demandant has stipulated to herein.

XXXVII. PUBLIC TRIAL. As to Demandant's RIGHT to a PUBLIC TRIAL as set forth in the Sixth Amendment to the Constitution of the United States, Demandant, alleged as Defendant, hereby chooses to **not waive** Demandant's Right to Public Trial, and directs the court - by and through its Court Clerk only - that the same proceed to schedule upon the court docket thereof this matter in the bringing forth of Demandant's Public Trial as per Demandant's full rights thereto as accorded the same by the Sixth Amendment of the proposed United States Constitution.

XXXVIII. Accordingly, the undersigned Demandant, being regarded by the above numbered case as a defendant thereof, and being hereby DEPOSED of all these matters brought before the court alleged, to subsequently move and direct

the Clerk of the Court, being a separate and unique officer of the court from all other officers thereof, the Clerk of the Court having total and appropriate jurisdiction over these matters set forth, to disregard the Moot Issue of arraignment *or* pretrial as represented by this proper demand upheld by Demandant's Constitutional rights contained in both the Sixth, Fifth, Ninth and First Amendments of the Constitution of the United States, and to give Demandant proper and timely notice of the same thereof, at Demandant's Legal Address in association with the popular address thereof, upon the same being so docketed, accordingly.

XXXIX. IN THE EVENT that the court and/or the Clerk of the Court to whom this demand is directed shall find cause by way of truth in law as a matter of fundamental law as to why this position by Demandant may *not* be taken and entered as set forth above, the aforesaid same must provide Demandant with the warranted reasons, not claims, opinions, policies, or beliefs, for demanding of same otherwise within ten (10) days, excluding weekends and national holidays, plus three (3) days for mailing, such failure to provide a true and complete response setting forth such reasons shall be construed as a constructive intent by the court and/or the Clerk of the Court to enter a legal and binding acknowledgement on Demandant's behalf and in Demandant's favor as to the issue of either claim for arraignment or pretrial as a constitutional right by tacit adjudication.

XXXX. Having considered the foregoing to be Warranted as True, For It Is So, it leaves, and holds, that the further Truth as to the Only kind of court hearing procedure that has ever been, in any sense as provided for by the proposed Constitution for the nation of the United States, is an Eighth Amendment hearing for the purpose of setting the Bail, if any, or Bail conditions, for the accused, and nothing more than this.

XXXXI. Nor is it positioned for such "Bail Setting hearing" to be determined, as a matter of "calling it," to be based upon whether or not the accused has "**confessed**" to the crime alleged (the judge is NOT any priest, preacher, or other such minister to whom "**confessions** are known to be made to) *as though* that same would create a *necessity* for the "arraignment" in order to allow the judge to have an opportunity to become involved in any criminal trial proceeding by doing so. "**Necessity for arraignment**" by way of Eighth Amendment requirement to call and hold a hearing for the setting of Bail, if any, for any accused, **DENIED**.

CONCLUSION RELATING TO FUNDAMENTAL REQUIREMENTS AS REQUISITE TO VACATE ARRAIGNMENT:

I. Upon the basis of the overwhelming prevalence of the evidence for fundamental rights as set forth above, there exists the necessary determination that the existence of the arraignment proceeding is a long established error in fundamental procedures in violation of the rights preserved against color of law, and against color of power, and authority therefrom, preserved by the United

States Constitution itself, violates the rights of confession, and violates the rights of to whom such confession is made, if at all, and arises as a long errant Judicial Fraud in the factum, which arises as a challenge for a Constructive Challenge for Standing **of the existence** *of both the arraignment itself* **as well as *any* participation of any judge whatsoever therein**, going back too far for *any* judicial officer of this current court's time to either have particular knowledge of or to be held accountable for the same to any extent as a willful violation of Constitutional duty or oath, being the matter of fact, and not law.

II. To this foregoing extent, based upon the requirement of the fundamental rights of an accused to not so plead by any judicial requirement, either way, a clerk of the court having all necessary authority to take and record any plea of an accused voluntarily asserted, even where a requirement of notary seal should be called for, for official averment purposes, the only evident purpose of an arraignment surfaces as an advisory time in order to advise an accused of the proposal that such accused has "the right to a trial **by** jury" in such criminal case, which proposal is to be shown as likewise being in judicial error as per the next or subsequent pleading to this pleading in this above numbered case.

III. Based upon facts, law and fundamental law, movant as Demandant hereby moves the court and/or the Clerk of the Court to enact and act upon and be demeaned to the foregoing lawful demand, or, in the event that the same does not

grant the said demand, in the alternative, Demandant wants a 10 day **fundamental** rights extension of time to proceed at the National Ninth Tribunal Court level (*AKA* "United States Circuit Court of Appeals") for an Extraordinary Writ for Extraordinary Remedy under Rule 21 (c) of the Federal Rules of Appellate Procedures, or else directly under the Constitution's own Article III, Section 2, Clause 1, Phrases 1 and 4, whichever procedure shall be determinable as the most Constitutional, for a rendering of complete, exigent, civil and Constitutional justice in this matter.

[(1)] DEMANDANT, CONTINUING THIS FILING BY WAY OF OFFICIAL AND SEPARATE **PRESENTMENT**, ATTACHED HERETO, TO THE CLERK OF THE [ALLEGED] COURT, AND BY AND THROUGH THAT SAME CLERK OF COURT, UNTO THE IMPANELED [IMPARTIAL] TRIAL JURY BY PROCEDURAL AND CONSTITUTION[AL] RIGHT, WHOSE OWN JURY RIGHT FOR TRIAL, ABSOLUTE, IT, IMPARTIAL TRIAL JURY, IS TO REVIEW ANY AND EVERY CLAIM FOR CHALLENGE OF **CONSTRUCTIVE** SUBJECT MATTER JURISDICTION *AND* JUDICIAL OFFICER STANDING, AS IS TO BE PROVEN TO BE THE TRUTH OF THE CASE **BY A PREPONDERANCE OF THE EVIDENCE** IN THIS AND OTHER ASSOCIATED PLEADINGS HERETO;

[(2)] PROVIDES BY WAY OF ATTACHED **PRESENTMENT** OF SAID CHALLENGE, SUFFICIENT EVIDENCE AND SUBJECT MATTER, ALONG WITH ITS OWN EXHIBITS, TO REQUIRE THAT THE OPPOSING COUNSEL MEET THE REQUIRED TESTS TO OVERCOME SUCH SAID CHALLENGES, OR BE FOREVER BARRED FROM HOLDING THE ABOVE NUMBERED CASE AS EITHER FULLY AND FINALLY PROSECUTED OR PROSECUTABLE, TO BE ABANDONED AND WITHDRAWN FORTHWITH, ALONG WITH ALL PROCEDURES INVOLVING SENTENCING, IN WHATEVER STAGE IT MAY HAVE EVOLVED TO, WITHOUT CHOICE OR RIGHT FOR FAILURE TO DO SO, WHICH SAID **PRESENTMENT**, INCORPORATED INTO THIS FILING BY REFERENCE, IS STATED THEREIN TO ALL PURPOSES AND EXTENTS AND EFFECTS, AS FOLLOWS, INCLUSIVELY, THEREON.

[(3)] THIS FILING PART SUBMITTED RESPECTIVELY, OBJECTIVELY, IN CONJUNCTION WITH THE SAID **PRESENTMENT** ATTACHED HERETO;

[(4)] Submitted Respectfully and Objectively Pursuant to Demand For Avoidance of Mistrial Against Trial By Judicial Error, or Else by **Judicial** and/or **Jurisdiction Fraud**, Sufficient To Compel New Trial From Mistrial;

IV. CONCLUSION. The procedure known as the "arraignment" has always and forever been **Fraud upon the People**, it has no Lawful Basis in Law or in Fact, and as with all Frauds of this kind, is not subject to any form of time constraints, claims for immunities, claims for "governmental ignorance," being "no excuse" or defense for such UnLawful Conduct or Practice. Accordingly, the Arraignment held on April 14, 2010, as though for the accused, Janice Sue Taylor, is hereby **WARRANTED** as **VOID**, Excepted and Set Aside for **JUDICIAL** *AND* **UNLAWFUL PRACTICE FRAUD**, **Altogether**, Forever.

V. This above titled Contravenement incorporated into the "Warranted: Demand For Trial By Impartial Jury" Contravenement by this reference.

Submitted Respectfully and Objectively,

DONE: On the _____ day of the month, _____, A. D. 2010.

VERIFICATION

State of Arizona)
: **SS**
County of Maricopa)

The Demandant / alleged defendant, Janice Sue Taylor, having read the foregoing document, and fully understanding the contents thereof, and after being duly affirmed hereby, deposes and declares that the allegations contained therein she knows to be true of her own knowledge.

SUBSCRIBED and AFFIRMED on the 03 day of the month, August, 2010 A.D.

UNDER PENALTY OF PERJURY

Janice Sue Taylor

Janice Sue Taylor

NOTARY PUBLIC'S VERIFICATION

Personally appeared before me, a Notary Public, was **Janice Sue Taylor**, who stated that she had read the foregoing Affidavit, and stated that the foregoing is true as to her own knowledge, and that she voluntarily affixed her signature above.

Dated this 3rd day of August, 2010

Official Seal
NOTARY PUBLIC
STATE OF ARIZONA
County of Pinal
ISELA C. TOVAR
My Commission Expires June 15, 2014

Notary Public

CERTIFICATE OF SERVICE

I, Janice Sue Taylor, hereby declare and state that I have filed a true and correct copy of the above document 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 and the Maricopa County Sheriff'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

Joe Arpaio, Sheriff
Maricopa County Sheriff's Department
100 West Washington
Phoenix, Arizona 85003

RESPONSE TO THIS EXHIBITED COMPLAINT IS REQUIRED - *Qui Tacet, 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.)**

Popular Address,
For Use For Postal Service Mailing:
Janice Sue Taylor
3341 Arianna Court
Gilbert, AZ 85298

JUST CUT AND GLUE > To Envelope

Legal Address. Commencing, in suf. det., at w 1/4 corner of section 26, T.2S.-R.6E., G & SRB & M, thence S. 0° 07' 22" W. to 332.12 ft. to SW corner of section 26, thence bearing 0° S. 7' 22" W. from SW. corner of section 26, 332.12 ft. distant therefrom, thence southerly of N. Section 26 – 858.78 ft to the True Point of the Beginning, continuing thence 164.91 ft. to SE corner, thence 164.91 ft. to SW corner, to True Point of the Beginning; organic city of Gilbert, organic county of Maricopa, organic State of Arizona; —not owned or possessed by the United States of America; —not a post Road; —not on a post Road; —not in a U.S. district.

Legal Notice. Do not mind the small letters size for the Legal Address that you see. All Articles – Sent By U.S. Mail – Are To be **Opened** And Read **Only** When Accompanied By Label Size (small size) "**Legal Address**" From First Page (Shown Above) Displayed On Envelope - **Below** Popular Address. Otherwise, Where Legal Address Is Not Present, Article Sent Will Be Returned **Unopened**.

No need to waste gasoline and time by not using the U.S. mail, or postal service.

Dated this 23rd day of August, 2010 A.D

Janice Sue Taylor