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| MAR 11 2011 | |
| CLERK U.S. DISTRICT COURT DISTRICT OF ARIZONA | |
| BY _____ | Z DEPUTY |

1 Janice Sue Taylor
 2 3341 Arianna Court
 3 Near Gilbert, Arizona
 4 Mailing address of convenience
 5 Not a claimed residence or domicile
 6 Without the United States,

UNITED STATES DISTRICT COURT FOR THE DISTRICT OF ARIZONA

| | |
|--|--|
| 7 UNITED STATES OF AMERICA , 8 9 Alleged Plaintiff 10 v. 11 Janice Sue Taylor, 12 Alleged Affiant 13 _____ |) Case Number: CR-10-400-PHX-DGC)) DEMAND TO QUASH GRAND JURY) INDICTMENT FOR ERROR, FRAUD) AND IMPROPER INFLUENCE OF) UNITED STATES ATTORNEYS) 28 U.S.C. 1867;) Rule 6(b)(2), Federal Rules) of Criminal Procedure) |
|--|--|

PRESENTED BY AFFIDAVIT OF Janice Sue Taylor

15 COMES NOW Janice Sue Taylor, Sui Juris, Citizen of Arizona, expressly not a citizen
 16 of the United States or United States of America ("federal citizen"), but rather as a free inhabitant
 17
 18 In this entitled matter, hereinafter "Affiant", to move this honorable Court to dismiss the instant
 19 case with prejudice, due to improper seating and improper conduct of the federal grand jury
 20 which issued the indictment on which the instant case is premised, and to provide formal Notice
 21 to all interested party(s) of same.

22 This honorable Court will please take formal judicial Notice of the fact that Affiant is not a
 23 bar-licensed attorney, and has not had the advantage(s) of formal education in an accredited law
 24 school. For this reason, Affiant must learn and digest the particulars of law and procedure
 25 independently, as time permits.
 26

27 Therefore, this Demand to Quash Grand Jury Indictment is timely because the proper
 28 Workings of the federal grand jury system have only recently been deciphered. The seven-day

1
2 time limit for filing motions related to improper grand jury procedure(s) does not apply in the
3 instant case, particularly when Due Process Rights guaranteed by the U.S. Constitution are at
4 issue. Even with the statutory time limit, this Motion is timely because it is being filed as
5 soon as possible after discovery of the rules according to which a federal grand jury is
6 required to proceed. Moreover, related statutory provisions have only recently been unraveled
7 to clarify the grounds and the precise manner in which this Demand is required to be
8 prepared and submitted to this honorable Court.
9

10 11 PREFACE

12 *“The United States Attorney is the representative not of an ordinary party to a*
13 *controversy, but of a sovereignty whose obligation to govern impartially is as compelling as its*
14 *obligation to govern at all; and whose interest, therefore, in a criminal prosecution is not that it*
15 *shall win a case, but that justice shall be done. As such, he is in a peculiar and very definite*
16 *sense the servant of the law, the twofold aim of which is that guilt shall not escape or innocence*
17 *suffer. He may prosecute with earnestness and vigor – indeed, he should do so. But, while he*
18 *may strike hard blows, he is not at liberty to strike foul ones. It is as much his duty to refrain*
19 *from improper methods calculated to produce a wrongful conviction as it is to use every*
20 *legitimate means to bring about a just one” Berger v. U.S., 295 U.S. 78, 88 (1935)*

21 *“As an Attorney, it was my mandate to fight against authority when it was overbearing,*
22 *abusive, or unjust, but also to respect and believe in the system. When I challenged the system it*
23 *was not from disrespect; rather, it was the ultimate form of respect. I understood then, as I do*
24 *today, that absent challenge, authority becomes totalitarian. Authority needs to be challenged if*
25 *we are to ensure the integrity of the process. It is one of the great truths of our system” by,*
26 Judge Harold J. Rothwax.

27 In this case foul blows have been struck, and absent challenge, authority becomes
28 totalitarian, wherefore being unrepresented in this case, I present my good faith DEMAND TO
QUASH THE GRAND JURY INDICTMENT FOR ERROR, FRAUD AND IMPROPER
INFLUENCE OF UNITED STATES ATTORNEY’S FRANK T. GALATI AND JAMES R.

1 KNAPP, HEREINAFTER U.S. ATTORNEYS, AND FOR FAILURE TO STATE A CRIME
2 AS A MATTER OF LAW.

3 **OFFER OF PROOF**

4 I have witnesses, evidence and testimony in an offer of proof that officers of this court, a)
5 lack jurisdiction, b) are knowingly and willfully prosecuting this alleged case against Affiant by
6 flagrant misapplication of law, c) are withholding exculpatory evidence, and misrepresenting
7 pertinent facts and law to facilitate said vexatious, malicious prosecution in bad faith, and with
8 unclean hands, for an unlawful purpose, specifically, with specific and deliberate intent to violate
9 my rights secured by the U.S. Constitution as a matter of law.

10 **The court cannot refuse an offer of proof.**

11 Upon evidencing the essential facts, and pertinent law, it will be plain and clear that the
12 indictment against me must be quashed and this case must be dismissed with prejudice.

13 *“Allegations such as those asserted by petitioner, (a pro se litigant), however inartfully*
14 *pleaded, are sufficient to call for the opportunity to offer supporting evidence. Accordingly,*
15 *although we intimate no view on the merits of petitioner’s allegations, we conclude that he is*
16 *entitled to an opportunity to offer proof” Haines v. Kerner, 404 U.S. 519, 522*

17 **FACTS, LAW, AND REASONS FOR QUASHING THE INDICTMENT**
18 **AND DISMISSAL WITH PREJUDICE**

19 Affiant having duly given this court, and the United States Attorneys, actual and express
20 NOTICE OF ERROR, FRAUD, IMPROPER INFLUENCE OF THE GRAND JURY BY U.S.
21 ATTORNEYS, AND MISAPPLICATION OF LAW, hereby DEMAND the Grand Jury
22 indictment against Affiant in the above styled alleged cause be quashed pursuant to my rights to
23 freedom of speech, expression, and redress of grievances, and to appear and defend in person and
24 by counsel, guaranteed to me by the First, Fourth, Fifth, Sixth and Thirteenth Amendments to the
25 Constitution of the United States of America, and my antecedent, unalienable rights to both
26 substantive and procedural Due Process of law, and equal rights and protections of law.

27 The aforesaid indictment is worthless and not a legal document for the following reasons:

28 Affiant has the right, protected by the state and federal constitutions to appear and defend
in person and by counsel at EVERY STAGE of the criminal proceedings against her, which

1 necessarily included the array, impaneling, swearing and charging of the purported grand jury
2 which returned the aforesaid purported indictment.

3 The deprivation of my constitutionally protected right to appear and defend in person and
4 by counsel and be present and make any challenge I may have to the array or the polls of the
5 aforesaid grand jury which indicted Affiant was a fundamental error of constitutional
6 proportions, rendering said grand jury incompetent to sit on my alleged case.

7 The deprivation of my right to be present and appear and defend in person and by counsel
8 at the impaneling, swearing and charging of the aforesaid grand jury, vitiated the indictment not
9 only on account of its form, but for the more important controlling reason that it rendered said
10 grand jury incompetent to sit on my alleged case.

11 As a matter of prevailing constitutional law, my liberty cannot be taken away from me
12 except on an indictment preferred by a **duly constituted and organized grand jury**, and one
13 **competent** to inquire into my alleged offense.

14 As a matter of prevailing constitutional law, the same rights exist to one held to answer a
15 charge by a grand jury to be present to challenge the array or the polls as is vouchsafed to every
16 defendant to be present to challenge the array or the polls of a petit jury.

17 Notwithstanding general practice and custom in most state and federal criminal cases, as
18 a matter of prevailing constitutional law, the right to be present in all criminal prosecutions
19 includes the right to be present when the grand jury is impaneled, and cannot be confined "*...to*
20 *the hour and place of actual peril, when liberty and life shall be in greatest jeopardy, when the*
21 *accused shall stand before [a petit jury] a tribunal having power over either or both; but the*
22 *words [in criminal prosecutions] are broad enough to cover the initiate prosecution, whenever*
23 *and wherever it takes the matured form of a legal accusation of crime*" see in the nature of,
24 **State v. McO'Blenis, 24 Mo. 405, quoted from State v. Warner, 65 S.W. 584 , 588.**

25 "*Where rights secured by the Constitution are involved, there can be no rule making or*
26 *legislation which would abrogate them.*" **Miranda v. Arizona, 384 U.S. 436.**

27 The courts have ruled that a potential defendant may properly be subpoenaed to appear
28 before a grand jury that is investigating his activities: *It is in keeping with the grand jury's*
historic function as a shield against arbitrary accusations to call before it persons suspected of
criminal activity so that the investigation can be complete." **United States v. Mandujano, 425**
U.S. 564, 573 (1976).

1 However, now that the purported grand jury in this alleged case has returned an
 2 indictment against Affiant, it would be an abuse of process for said grand jury to now call me to
 3 testify, or use its subpoena powers on me, so said grand jury cannot possibly correct its error and
 4 the only way to correct the error is for this court to quash the indictment for the reasons stated
 5 herein.

6 Generally speaking, as a matter of law, an indictment may not be amended. See in the
 7 nature of Ex parte Bain, 121 U.S. 1, 7 S.Ct. 781, 30 L.Ed. and Rule 7 of Federal Rules of
 8 Criminal Procedure (2007).

9 **A STANDARD OF REVIEW PURSUANT TO THE FIFTH AMENDMENT,**
 10 **U.S. CONSTITUTION AND FEDERAL RULES OF CRIMINAL**
 11 **PROCEDURE, 6 AND 11**

12 *“If an indictment is found in willful disregard of the rights of the accused, the court*
 13 *should interfere and quash the indictment.”* U.S. v. Farrington, 5 F. 343, 348 D.C.N.Y. 1881).

14 *“No person shall be held to answer for a capital, or otherwise infamous crime, unless*
 15 *upon a presentment of indictment of a grand jury.”* 5th Amendment to the U.S. Constitution.

16 That does indeed confer a right not to be tried (in the pertinent sense) when there is no grand jury
 17 indictment. Undoubtedly, the common-law protections traditionally associated with the grand
 18 jury attach to the grand jury required by this provision – including the requisite secrecy of grand
 19 jury proceedings. Midland Asphalt Corp. v. U.S., 109 S.Ct. 1494, 1499-1500 (1989).

20 It is Affiant’s contention that Congress and the State Legislatures had no authority to
 21 change the meaning or the intent of the Fifth Amendment’s authors, rendering all grand jury
 22 proceedings since then unconstitutional. It is never to be forgotten that in the construction of the
 23 language of the Constitution here relied on... *we are to place ourselves as nearly as possible in*
 24 *the condition of the men who framed that instrument.* Ex Parte Bain, 7 S.Ct. 7081, 787
 25 (1887).

26 *No act of State Legislature or Congress can authorize a violation of the Constitution.*
 27 See in the nature of, United States v. Brigoni-Ponce, 95 S.Ct. 2574, 2578 (1975). *The*
 28 *Constitution cannot be interpreted safely except by reference to common law and to British*
institutions as they were when the instrument was framed and adopted. Ex Parte Grossman,
 267 U.S. 87, 108-109 (1925).

1 Affiant contends that if the State Legislatures or Congress did have such authority, the
2 courts were obliged to follow the rules and statutes enacted by that body, failure to do so
3 rendering the court without jurisdiction.

4 Constitutional restraints prohibit prosecutors from engaging in conduct that undercuts the
5 independence of the grand jury. **United States v. Zielinski, 740 F2d 727, 730 (9th Cir. 1994).**
6 At least, that's is the rhetoric. "*The grand jury usually degenerates into a rubber stamp wielded*
7 *by the prosecuting officer according to the dictates of his own sense of propriety and justice.*"
8 **United States v. Kleen Laundry & Cleaners, Inc., 381 F.Supp. 519, 521 (E.D.N.Y. 1974).**

9 Any experienced prosecutor will admit that he can indict anybody at any time for almost
10 anything before any grand jury. **Delays in Criminal Cases, Campbell, 55 F.R.D. 229, 253**
11 **(1972).** That reality is easily proven statistically. In 1976, for example, federal grand juries
12 returned 23,000 indictments and 123 "no bills." **Hearings on H.R. 94, 95th Congress, 1st**
13 **session, Congressional Record, pg. 739 (1977).**

14 The grand jury was intentionally designed as a safeguard to protect defendants against
15 oppressive government practices, such as what has happened to Affiant. **Butterworth v. Smith,**
16 **110 S.Ct. 1376, 1380 (1990); U.S. ex rel Toth v. Quarles, 76 S.Ct. 1 (1955).** Under common
17 law it was understood that the grand jury was to stand between the prosecutor and the accused.
18 **Hale v. Henkel, 26 S.Ct. 370, 373 (1905).** It appears to some that the grand jury is obsolete.
19 **Delays in Criminal Cases, Campbell, supra.**

20 Under the common law the grand jury was instructed by a charge from the Judge who sat
21 upon the bench. Indictments were then preferred to them in the name of the king, but at the suit
22 of any private prosecutor. **Blackston's Commentaries, Vol. 5, pg 302 (Tucker Edition 1803).**
23 That this was the practice in United States courts for generations after the **Fifth Amendment**
24 was enacted is also easily seen. The court is the only proper source from which a grand jury may
25 obtain advice as to questions of law. No other person has a right to give a grand jury an opinion
26 on questions of law which affect the rights of individuals or of society. **United States v.**
27 **Kilpatrick, 16 F. 765, 770 (D.C.W.D.N.C. 1883).** **Blackstone's Commentaries are a**
28 **satisfactory exposition of the common law. Bloom v. Illinois, 394, U.S. 194, 88 S.Ct 1477**
(1968).

The very fact of the presence of the prosecutor in the grand jury room contradicts the
historically defined role of that body. Affiant asks, how can the grand jury protect the accused

1 (me) from the accuser if the accuser is alone with the grand jury and can effectively control the
2 course of its investigation? **Schwartz, Demythologizing The Grand Jury, 10 American**
3 **Criminal Law Review 701, 759 (1972). See also page 758, note 291.**

4 The U.S. District Attorneys while claiming to be “officer of the court” are not **Judicial**
5 **Officers**. He cannot properly administer an oath, notwithstanding De Facto Statutory grant of
6 authority to do so. He cannot declare law! He cannot lawfully instruct the Grand Jury in the
7 Law, notwithstanding De Facto Statutory grant of authority to do so. That function historically
8 and Constitutionally belongs to the Judge Alone. Thus if the grand jury desires to be informed of
9 the law or of their duties they must go into court and ask instructions from the judge on the bench,
10 and not allow themselves to be bamboozled by conviction orientated prosecutors as was
11 apparently done to Affiant, and as a matter of prevailing Constitutional law, the U.S. Attorneys
12 had no business in the grand jury room of the grand jury that purportedly indicted me, because
13 they were not a competent part of that body, and the grand jury, while being a component part of
14 the court, is an independent and self-acting body, clothed with the very highest functions, and as
15 such, is directly responsible to the law, to me, and to society, and no one can counsel them but
16 the judicial officer of the court, and then only on their request. They are Constitutionally
17 prohibited from allowing a government prosecuting attorney to communicate with them directly,
18 and are to act solely upon their own knowledge or observation in making presentments. They
19 are to act upon bills sent from the court, with witnesses, not from kpolitically motivated,
20 conviction orientated government prosecutors, and the examination of witnessed sent by the
21 court is to be conducted solely by them. Their findings must be solely their own, uninfluenced
22 by the promptings or wrongful prejudicial suggestions of government prosecutors. See **Lewis v.**
23 **The Board of Commissioners of Wake Co., 74 N.C., 194, 197-199 (Superior Court of Wake**
24 **County, 1876), quoted with approval in United States v. Virginia-Carolina Chemical**
25 **Co.,163 F. 66, 75 (C.Ct.M.D. Tennn. 1908), and United States v. Kilpatrick, supra.**

26 It is clear that Congress, nor the State Legislatures have any power to enact laws which
27 defeat the original intent and kpurpose of our grand jury system and the **Fifth Amendment**. As
28 a federal judge of that era of the 19th Century remarked, “*The moment the executive is allowed*
to control the action of the courts in the administration of criminal justice, their independence
is gone”. **In re Miller, Fed. Cas. No. 9,552 (C.Ct.D.Ind. 1878).**

1 Earlier courts held that the government prosecuting attorney had no right to give an
 2 opinion as to whether there should be a bill of indictment or not, unless his opinion was
 3 requested as a matter of law by the grand jury. Ex Parte Crittenden, Fed Cas. No. 3,393a
 4 (S.Ct.D.Ark 1832), United States v. Kilpatrick, supra. That prosecutors were not allowed in
 5 the grand jury room, under the indictment by grand jury clause of the **Fifth Amendment**, was
 6 well understood in this country for over 100 years. See United States v. Rosenthal, 121 Fed.
 7 862, 874 (S.D.N.Y. 1903) and the cases cited therein. The only exception was an invitation
 8 from a grand jury foreman, but even then, the prosecutor was not allowed to give opinions of
 9 law or give any advice as to the weight and sufficiency of the evidence. United States v.
 10 Kilpatrick, supra.

11 In order to overcome the Rosenthal decision and the plain intention of the Framers of
 12 the **Fifth Amendment**, Congress then enacted, on June 30, 1906, the statute that has come down
 13 to us as 28 U.S.C. §515, and the Rule that has come down to us as F.R.Cr.P. 6(d), permitting
 14 government attorneys to “attend the grand jury in their room,” and the State Legislatures
 15 have followed suit. See the **Congressional Record for June 6, 1906, pages 7913-7914**. The
 16 question Affiant asks is from what source or by what authority did Congress, or the State
 17 Legislatures arrogate to themselves the right to change the meaning and mode of grand jury
 18 procedure as it was understood in 1791 when the **Fifth amendment** to the Constitution was
 19 enacted? Careful study shows there was no such authority and still is no such authority.
 20 As Cooley said in his Constitutional Limitations, 5th Edition, (Little, Brown & Co. 1883)
 21 pages 67-68 (emphasis in the original): “*The meaning of the Constitution is fixed when it was*
 22 *adopted, and it is not different at any subsequent time when a court has occasion to pass upon*
 23 *it. The object of construction, as applied to the written Constitution, is to give effect to the*
 24 *intent of the people who authored it.” If in fact Congress or the State Legislatures possess
 25 such arbitrary power to change the meaning of indictment by grand jury and the intent of its
 26 framers, then Affiant’s position in this regard is lost. The **U.S. Constitution**, if it is such a
 27 document in which meanings can change at the whim of the legislature, is simply worthless.*

28 On the other hand, if “**indictment by grand jury**” (as opposed to prosecutors leading the
 incompetent, woefully ignorant, deceived, uninformed and uninstructed around by the nose)
 means the same today as it did in 1791, the problem for the presiding Judge in this case is an
 acute one, because he, like every State or Federal Judge, must take a solemn oath to judge

1 impartially and to uphld the Constitution, pursuant to the **supremacy clause, article VI**, and **28**
2 **U.S.C. §453**, which included the **Fifth Amendment**, and denying Affiant, or any other
3 American citizen his rights under the Constitution violates that oath of office. **Adamson v.**
4 **C.I.R., 745 F..2d 541, 546 (9th Cir. 1984)**. Violation of that oath is grounds for impeachment or
5 removal from office, and if done knowingly and willfully, criminal prosecution. **U.S. code Cong.**
6 **& Admin, News, page 6896 (1990)**.

7 This court has the power to quash the purported indictment against Affiant to remedy
8 Constitutional or statutory violations. **U.S. v. Barrera-Moreno, 951 f2d. 1089, 1091 (9th cir.**
9 **1991)**. There is of course, a distinction between Constitutional or Jurisdictional errors on the one
10 hand, amd mere errors of law on the other. **U.S. v. Pierce, 959 f2d. 1297, 1300-1301 (5th Cir.**
11 **1992)**. It is the ultimate responsibility of this court to decide if the Arizona Legislature or
12 Congress violated the Constitution. **Information Providers kCoalition v. F.C.C., 928 F.2d**
13 **866, 869 (9th Cir. 1991)**. Arizona Legislature or Congress possesses no power not derived from
14 the Constitution. An act of Arizona Legislature or Congress is void if not resting on authority
15 conferred by that instrument. **U.S. v. Germaine, 99 U.S. 508 (1878)**. A state or federal court
16 should abstain from determining the Constitutionality of a statute only in exceptional
17 circumstances. **Lind v. Grimmer, 30 F.3rd 1115, 1121 (9th Cir. 1994)**.

18 Arizona State Legislature or Congress cannot---merely by legislating---amend the
19 Constitution. **United Transp, union v. I.C.C., 891 F.2d 908, 915-916 (D.C.App. 1989)**. The
20 State or Federal legislatures cannot enact laws for the accomplishment of objects not entrusted to
21 the State or Federal government. **Linder v. U.S., 45 S.Ct. 446 (1925)**. No one in 1791
22 entrusted the State or Federal government with the authority to enact laws intended to turn the
23 grand jury into a rubber stamp for State and Federal prosecutors. Ironically, Federal prosecutors
24 employed by the Department of Justice did not even **exist**, until late into the following century.
25 The Department of Justice is wholly a creation of Congress, June 22, 1870.

26 The test of a statute is by the Constitution, regardless of Supreme Court decision. **R.C.**
27 **Tway Coal Co. v. Glenn, 12 F.Supp. 570, 587 (W.D.Ky. 1935)**. Regardless, all the recent U.S.
28 Supreme Court decisions concedrn mere Rule violations, such as **Rule 6(d)** that Congress simply
did not have the authority to enact in the first place. It cannot be presumed that any clause in the
Constitution is intended to be without effect. **Marbury v. Madison, 5 U.S. (1Cranch) 137**
(1803). It appears that the **Fifth Amendment**, like the **Fourth Amendment** in the lower courts,

1 has been reduced to a “mere form of words.” Bivens v. Six Unknown Named Agents of the
2 Fed. Bur. of Narc., 91 S.Ct. 1999, 2006 (1971).

3 Affiant is not even attempting to show prejudice or bias. The issue is that, without a
4 valid grand jury indictment “indictment by grand jury” as understood by those who wrote the
5 **Fifth Amendment, when** they wrote it, the purported grand jury indictment against Affiant is
6 worthless, and this court is without jurisdiction to proceed in a criminal prosecution against
7 Affiant.

8 The consequences of a return to the original meaning and mode of procedure envisioned
9 by the authors of the Fifth Amendment could conceivably result in the release of perhaps
10 100,000 or more men and women from State and Federal prisons. That is not, and cannot be the
11 concern of this presiding Judge and this court. The Constitution does not allow reason of State to
12 influence our judgment. Almighty God forbid it should. We must not regard political
13 consequences, however formidable they might be.

14 The questions that arise are these: Do any of the aforesaid deprivations of my rights and
15 violations of Rule 6 deprive the trial court of jurisdiction for Constitutional violations? Or, as
16 the general practice seems to be lately, are all violations of my rights secured by the Constitution
17 and Rule 6 reduced to the equivalent of “pretend-rules”.

18 The provisions of Federal Rule 6 are addressed as follows: Rule 6(a). Were there in fact
19 16 to 23 members of the grand jury present at the session that purportedly indicted Affiant? If so
20 was a record kept of the names of those individuals? How can Affiant challenge the legal
21 qualifications of a single grand juror if the names of those purportedly voted to indict me were
22 not recorded? Does this Federal court follow a standard form supplied by the Administrative
23 Officer (form DC53) identifying the Court, the Date, the Location, the Number of grand jurors
24 concurring to indict Affiant, and the signature of the grand jury foreperson. U.S. v Deffenbaugh
25 industries, inc., 957 F2d. 749, 757 (10th Cir. 1992). Otherwise, if only the number of grand
26 jurors allegedly voting to indict Affiant is recorded and not their names, Rule 6(b)(2) is rendered
27 mere surplusage. Courts may not construe a statute so as to make **any part** of it mere
28 surplusage. U.S. v. Monroe, 943 F.2d 1007, 1015 n. 8 (9th Cir. 1991). Once Rule 6(b)(2) and
its intent have been ignored there is no way to verify whether 12 or more **legally qualified** jurors
voted to indict Affiant or the grand jury foreman simply scribbled a number her thought
appropriate over his signature. No investigation can ever be made as to how a grand juror voted.

1 **United States v. Kirkpatrick, supra.** The failure to record the names of the 12 or more grand
2 jurors who purportedly voted to indict Affiant renders the indictment **VOID.**

3 Affiant hereby request that the concurrence forms **signed** by the minimum of twelve
4 jurors be **provided** to me pursuant to FRCr.P 6(e)(3)(C)(i). FRCrP 6(f) requires an
5 ***“indictment may be found only upon the concurrence of 12 or more jurors.”*** Failure to return
6 an indictment against Affiant by all such procedures renders the indictment **VOID.** **Gaither v.**
7 **United States, 413 F2d 1061 (D.C.Cir. 1969; United States of America v. Michael G.**
8 **Kuball, U.S. District Court for the District of Alaska, Case No. A-91-059CR.**

9 A formal vote was required for a grand jury indictment against Affiant and Affiant is
10 entitled to the disclosure of such names. **The Federal Grand Jury, 22 F.R.D. 343, 393 n. 350,**
11 and Affiant has raised more than reasonable doubt such vote was actually taken. **Rule 6(f)**
12 provides that an indictment may be found **only** upon the concurrence of 12 or more jurors, and
13 said indictment shall be returned by the grand jury to a federal magistrate in open court. In the
14 19th Century the names of the grand jurors were called out and asked what their finding was.
15 **U.S. v. Butler, Fed. Cas. No. 14,700 (C.Ct.D.S.C. 1877); U.S. v. Hammond, Fed Cas. No.**
16 **15,294 (C.Ct.D.La 1875) (Two grand jurors, named, by who the indictment found were**
17 **found unqualified to act).**

18 If this in fact was the way the purported indictment against Affiant was returned in open
19 court there should be a record kept of the proceeding pursuant to **28 U.S.C. §753, the Court**
20 **Reporter’s Act.** Affiant hereby demands the Transcript for the Grand Jury Indictment which
21 cannot summarily be denied Affiant, which denial is highly prejudicial, prohibiting Affiant from
22 establishing an effective defense against this false accusation.

23 The key provision which demonstrates that Affiant should have been notified of an
24 investigation and proceedings, premised upon allegations of complaint prior to the grand jury
25 having been convened, is found at Rule 6(b)(1) of the Federal Rules of Criminal Procedure
26 to wit:

27 (1) Challenges. The attorney for the government or a defendant who has been held to
28 answer in district court may challenge the array of jurors on the ground that the grand
jury was not selected, drawn or summoned in accordance with law, and may challenge
an individual juror on the ground that the juror is not legally qualified. Challenges
shall be made before the administration of the oath to the jurors and shall be tried by the
court. [emphasis added]

1 By failing properly to notify the Affiant of allegations of complaint and intent to
2 present matters to a grand jury for consideration, the United States Attorneys

3 effectively deprived Affiant of:

- 4 (1) the Fourth Amendment Right to have access to affidavits of complaint;
- 5 (2) the Sixth Amendment Right to interview witnesses against her;
- 6 (3) the Sixth Amendment Right to Motion to Dismiss for Illegal Grand Jury
7 Proceedings; to have the assistance of Counsel during the proceedings; and
- 8 (4) the Right to challenge the jury selection process and/or the qualifications of
9 individual jury candidates.

10 In the grand jury forum, prospective defendants enjoy Rights articulated in Rule 5.1(a),
11 Federal Rules of Criminal Procedure, pertaining to preliminary examinations, to wit:

12 The Affiant may cross-examine adverse witnesses and may introduce evidence.
13 [Rule 5.1(a), Federal Rules of Criminal Procedure]

14 This Court will also please take formal Notice that the Federal Rules of Evidence which
15 are otherwise restrictive, do not apply to preliminary hearings or to grand jury proceedings. See
16 **Rule 1101(d)(2) and (3), Federal Rules of Evidence.** Accordingly, the applicable elements
17 of the common law and constitutionally guaranteed Rights are both preserved in these two
18 forums. According to the U.S. Supreme Court's decision in *Blair v. United States*, 250 U.S.
19 273, 282 (1919), the grand jury retains common law powers and authority vested by common
20 law of English-American lineage prior to the ratification of the U.S. Constitution. The reason
21 for the preservation of the grand jury's traditional authority, with the exclusion provision at
22 **Rule 1101(d)(2)**, is found at 28 U.S.C. 2072, which conveys authority for the U.S. Supreme
23 Court to promulgate rules for statutory courts of the United States, to wit:

24 **(b) Such rules shall not abridge, enlarge or modify any substantive right. All
25 laws in conflict with such rules shall be of no further force or effect after such rules
26 have taken effect.**

27 Therefore, convening a grand jury in secret, without affording Affiant an opportunity to
28 challenge the jury selection process or the qualifications of the individual jurors, and to
exercise Fourth and Sixth Amendment Rights to have access to the substance of, to interview
adverse witnesses, and either stand in Affiant's own stead or be represented by counsel,
defaults the alleged indictment into an action ultra vires ab initio (without authority from the

1 beginning). The entire grand jury array must be defaulted, therefore, and the indictment
2 dismissed, pursuant to 28 U.S.C. 1867(d), to wit:

3 (d) Upon motion filed under subsection (a), (b), or (c) of this section, containing a
4 sworn statement of facts which, if true, would constitute a substantial failure to comply
5 with provisions of this title If the court determines that there has been a substantial
6 failure to comply with the provisions of this title in selecting the grand jury, the court
7 shall **stay the proceedings** pending the selection of a **grand jury in conformity** with
8 this title or *dismiss the indictment*, whichever is applicable. [emphasis added]

9 Where the instant case is concerned, the alleged indictment must be dismissed because
10 the entire selection and seating process was conducted under the exclusive control of the
11 United States Attorneys, without the Affiant having had the opportunity to participate in the
12 selection and qualification process, as prescribed by Rule 6(b)(1) of the Federal Rules of
13 Criminal Procedure.

14 This, of necessity, defaults all members of the grand jury responsible for the alleged
15 indictment, because an *posteriori* position does not afford the opportunity to correct an error
16 which abridges the provisions of Rule 6(b)(1) of the Federal Rules of Criminal Procedure.

17 In short, based on the forgoing, and following, either the purported indictment against me
18 must be quashed or dismissed with prejudice for either **First and Fifth Amendment** or **Rule 6**
19 violations, or the indictment by grand jury clause of the Fifth Amendment and my rights secured
20 by the First Amendment mean **nothing** and/or **Rule 6** is merely a **pretend rule** and your
21 provisions of law imposed against Affiant undermine the Constitution in the nature of sedition
22 and treason and represent impermissible, arbitrary, prosecutorial usurpation and official
23 oppression.

24 The Jury Selection and Service Act, **28 U.S.C., Sections 1861 to 1875** must be
25 **STRICTLY FOLLOWED** as the standard for grand jury selection and service. Affiant has
26 presented to this court several motions and evidence that conclusively show that **Title 28 U.S.C.**
27 was enacted into positive law and proves without a doubt that **28 U.S.C. chapter 5, §81-131,**
28 **show the Territorial Composition** of the States by Counties or Districts to be **ONLY** the
Federal Territory in each state. The Federal government **does not** have jurisdiction over any
land in the several States that is not ceded and sold to them. Therefore **28 U.S.C. §1865 (b) (1)**
would **disqualify any juror** that **does not reside** in or on **Federal Territory**.

1 The judicial districts and divisions are comprised of the **Federal Territory** located
2 within the counties, which comprise those districts and divisions. Sections 81-131 represent
3 four classes of Territory: 48 States, 2 Territories, (Hawaii and Alaska) 1 Possession, (Puerto
4 Rico), and a District, (the District of Columbia). The three smallest Territorial classes
5 conclusively establish that the **Territorial Composition** of the districts and divisions located
6 within the States will be **Federal Territory** subject to the exclusive jurisdiction of the United
7 States of America. The only Territory that has a common denomonater between the States
8 listed is the 3 Territories that are under the exclusive jurisdictional control of the government.
9 In 1789 when the Judiciary Act was implemented there was no **mention of Territorial**
10 **Composition** because there was **no Federal Territory owned** by the United States of America
11 in any of the eleven States, but by January 1, 1945 the United States of America had purchased
12 some Territory in each of the original eleven States and retained substantial Territory in each of
13 the remaining 35 States. Affiant has been denied the right to inspect the juror list, which is a
14 unqualified right by law to have access to, which invokes loss of all jurisdiction by this court, by
15 violating Affiants Due Process, which has prejudiced Affiant, compelling this court to quash the
16 purported indictment.

16 Affiant hereby alleges and shows that the grand jury selection in the alleged case against
17 Affiant violated the policies and objectives set forth in your Title 28, U.S.C., and the court has
18 failed and refused to ensure that the summoning and qualification procedures conducted did not
19 violate said policies and objectives, prejudicing me, and requiring this court to quash the
20 indictment. See **Title 28, U.S.C., Section 1878.**

21 Affiant hereby shows the purported indictment in the above-styled alleged case is
22 facially, fatally defective in both substance and form, in that it fails to state plainly, concisely,
23 and definitely the requisite facts constituting each and every essential element of the alleged
24 offense, fully apprising me of the nature and cause of the accusation as required by law, as in
25 what is the nature and cause of this charge and how is this law applicable against me. Acting in
26 breach of fiduciary duty, the U.S. Attorneys have acted in a criminal conspiracy to take my
27 private property, without just compensation, violating by specific intent the First, Fourth, Fifth,
28 Sixth, Seventh, Ninth, Tenth and Thirteenth Amendments to the Constitution. Affiant has listed
herein probably cause for quashing the indictment and the court has failed and refused to ensure
that the indictment and qualification procedures conducted did not violate said Statutes and laws,

1 prejudicing Affiant, and requiring this court to quash the indictment, with prejudice. See **Title**
2 **28, U.S.C. section 1878I**

3
4 Affiant's Affidavit of Facts, as required by 28 U.S.C. 1867(d), follows the PROOF OF
5 SERVICE attending to this Motion.

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REMEDY REQUESTED

Premises considered, Affiant moves this honorable Court to dismiss the indictment with
prejudice, said dismissal being mandated by the operation of law.

VERIFICATION

Affiant states; I am not an expert in the law however I do know right from wrong. If
there is any human being damaged by any statements herein, if he will inform me by
facts I will sincerely make every effort to amend my ways. I hereby and herein reserve the
right to amend and make amendment to this document as necessary in order that the truth
may be ascertained and proceedings justly determined. If the parties given notice by
means of this document have information that would controvert and overcome this
Affidavit, please advise me IN WRITTEN AFFIDAVIT FORM within ten (10 days
from receipt hereof providing me with your counter affidavit, proving with particularity by
stating all requisite actual evidentiary fact and all requisite actual law, and not merely the ultimate
facts or conclusions of law, that this Affidavit Statement is substantially and materially false
sufficiently to change materially my status and factual declarations. Your silence stands as consent
to, and tacit approval of, the factual declarations herein being established as fact as a matter of law
of all facts herein, in perpetuity, the said confession being *res judicata* and *stare decisis*.

May the will of our Heavenly Father, through the power and authority of the blood of his son be
done on Earth as it is in Heaven.

Dated this March 10th, 2011


Janice Sue Taylor, Sui Juris

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Pursuant to U.S.C. 28 §1746 (1)
Without the United States

Certificate of Service

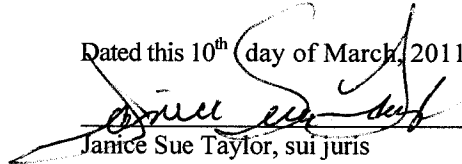
I, Janice Sue Taylor, hereby declare and state that I have filed a true and correct copy of the above document Demand to quash by Affidavit. Said Right Extended To Any Attorney, Whether Or Not At Bar, If Providing Or Proposing To Provide "Assistance – Not Force – Of Counsel" with the Clerk of the Court 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 Eius Commodo* (He[She] who is silent is considered as assenting [to the matter in question] when his[her] interest is as stake.)

Dated this 10th day of March, 2011 A.D



Janice Sue Taylor, sui juris
Of one's own right, possessing full social
Civil rights, sovereign character and capacity
Pursuant to U.S.C. 28 §1746 (1)
Without the United States,

1 Janice Sue Taylor, Sui Juris
2 Citizen of Arizona
3 [3341 Arriana Court]
4 Near Gilbert, Arizona

5 All Rights Reserved without Prejudice

6 AFFIDAVIT OF FACTS:

7 Comes now, Janice Sue Taylor, a living woman, not a corporation or other type of
8 artificially created person, and expressly not a federal citizen of, nor domiciled or residing in the
9 district of Columbia or any other Federal Territory owned by the United States of America;
10 "hereinafter the Affiant", by Special Visitation or Appearance, not Granting jurisdiction nor
11 recognizing this court's right to try her; but intervening in a foreign jurisdiction on behalf of the
12 Alleged Defendant, Fictional JANICE SUE TAYLOR, "hereinafter the Accused". The Affiant
13 submits this, AFFIDAVIT OF FACTS.

14 VERIFICATION

15 Affiant hereby verifies, under penalty of perjury, under the laws of the United States of
16 America, without the "United States", that the following statement of facts is true and
17 correct, and all matters of law addressed herein are accurate and true, to the best of Affiant's
18 current information, knowledge, and belief, so help Me God, pursuant to 28 U.S.C. 1746(1).

19 Affiant is of age of maturity, and a Citizen of Arizona, which is one of the several union
20 States party to the Constitution for the United States of America 1787, as lawfully amended
21 (hereinafter "U.S. Constitution"). I inhabit and live in Arizona, on privately owned land
22 which is not within any federal enclave or federal area, nor ceded to the United States of
23 America or the United States (federal government) in compliance with 40 U.S.C. 255. See also
24 18 U.S.C. 7(3).

25 As such, I am endowed by My Creator with certain unalienable Rights, and I am entitled
26 to all Rights secured by the U.S. Constitution, particularly with respect to the due process of
27 law provisions articulated in the Fourth, Fifth, Sixth, and Seventh Amendments to said U.S.
28 Constitution.

1. I attest that I was never served with actual notice of any grand jury investigation concerning allegations made in the alleged indictment(s) filed in the instant case.

2. I attest that I was never present, nor was I represented by counsel, when the grand jury was drawn and seated and, therefore, I did not have the opportunity to challenge the grand jury qualification or seating process before the fact, as prescribed by Rule 6(b)(1) of the Federal Rules of Criminal Procedure.

3. I attest that I was never provided with copies of any valid affidavits of complaint, as required by the Fourth Amendment, nor did I have an opportunity to confront witnesses against me, as assured by the Sixth Amendment.

4. I attest that I was never provided the opportunity to present evidence to the grand jury once convened, nor to call witnesses on My behalf.

5. I attest that I sent in at least two requests to the prosecutors in my prior contempt case before this indictment, to be notified and be able to go before the Grand Jury, should there be one convened.

6. I attest that the United States Attorney, Frank T. Galati, hereinafter "Galati", sent me a letter, stating that he had received my request to go before the Grand Jury, should there be one convened.

7. I attest I asked Galati if there was an ongoing Grand Jury investigation on me.

8. I attest that Galati, would not admit that there was a Grand Jury convening.

9. I attest that Galati said if I had any exculpatory evidence, I was to turn it over to him and not the Grand Jury, should there be a Grand Jury convened.

10. I attest I repeated to Galati, that it was my wish to go before the Grand Jury if there was one being convened on my behalf.

11. I attest the first knowledge I had of any such proceedings was conveyed to me by means of a summons which was served on my daughter and boyfriend to come in as witnesses against me.

12. I attest that I sent letters to Galati, requesting I be permitted to go before the Grand Jury, once I found out there was an investigation ongoing.

13. I attest Galati denied my due process right to access to the Grand Jurors, by telling me I could not go before them or send the Grand Jury anything on my behalf.

1 14. I attest I sent in by certified mail and special carriers letters to the Foreman of the Jury to
2 come before them with my exculpatory evidence and answer any questions they might have
3 about the indictment.

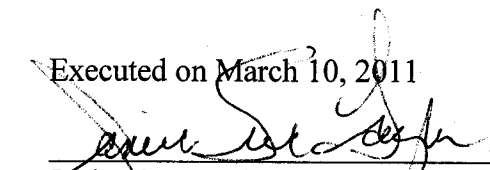
4 15. I attest I believe the letters and information I sent the Foreman was intercepted by Galati,
5 and never given to the Grand Jurors, as I never received any response from the Grand Jurors.

6 16. I attest that Galati told me the Grand Jurors did not want to talk to me, after he
7 intercepted the letters addressed for the Foreman's eyes only.

8 17. I attest that I was never allowed to present any evidence or state any answers to the Grand
9 Jury of my peers, which I went out of my way to make sure that every officer of the government
10 that was involved with my case was aware of. This violates my Fifth and Sixth Amendment to
11 the Constitution to the United States of America, which these officers have sworn an oath to
12 support and uphold.

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17 Further Affiant Sayeth Naught.

18
19 Executed on March 10, 2011

20
21 
22 Janice Sue Taylor, Sui Juris

23 Of one's own right, possessing full social
24 Civil rights, sovereign character and capacity.
25 Without the United States, U.S.C. 28, §1746 (1)
26 All Rights Reserved Without Prejudice
27
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Certificate of Service

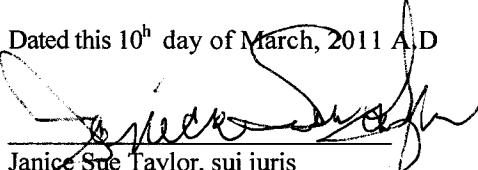
I, Janice Sue Taylor, hereby declare and state that I have filed a true and correct copy of the above document Affidavit on Quash indictment Said Right Extended To Any Attorney, Whether Or Not At Bar, If Providing Or Proposing To Provide "Assistance - Not Force - Of Counsel" with the Clerk of the Court 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.

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Dated this 10th day of March, 2011 A.D


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