

U.S. DISTRICT COURT
DISTRICT OF N.H.
FILED

**UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEW HAMPSHIRE**

2007 JAN -8 P 1:34

UNITED STATES OF AMERICA)

v.)

ELAINE A. BROWN, and)
EDWARD LEWIS BROWN,)
Defendants)

Criminal No. 1:06-cr-00071-SM

NOTICE AND MOTION IN LIMINE FOR THE COURT

TO PROHIBIT THE USE OF UNDEFINED WORDS

AND PHRASES UNTIL AFTER AN EVIDENTIARY FOUNDATION

IS ESTABLISHED

JUDICIAL AND ADMINISTRATIVE NOTICE

The Defendants in propria persona without representation by an attorney notice this court and all parties involved in the above captioned case, of this notice, their motion herein, and the included memorandum. Officers of the court are hereby noticed of their continuing duty under authority of the supremacy; equal protection and full faith and credit clauses of the United States Constitution and the common law authorities of Haines v Kerner, 404 U.S. 519-421, Platsky v. C.I.A. 953 F.2d. 25, and Anastasoff v. United

States, 223 F.3d 898 (8th Cir. 2000). In Haines: pro se litigants are held to less stringent pleading standards than bar licensed attorneys. Regardless of the deficiencies in their pleadings, pro se litigants are entitled to the opportunity to submit evidence in support of their claims. In Platsky: court errs if court dismisses the pro se litigant without instruction of how pleadings are deficient and instructions to repair pleadings. In Anastasoff: litigants' constitutional Rights are violated when courts depart from precedent where parties are similarly situated.

MOTION IN LIMINE FOR THE COURT TO PROHIBIT
THE USE OF UNDEFINED WORDS AND PHRASES
UNTIL AFTER AN EVIDENTIARY FOUNDATION IS
ESTABLISHED

Elaine A. Brown and Edward L. Brown, husband and wife, Defendants herein, move this court for an Order compelling the government to disclose and divulge to the defendants the precise legal definitions and meaning as applies to them for all words and phrases in the following list. The United States of America, plaintiff, has not defined the precise legal meaning or given the government's reference authority for each of the following words, terms, and phrases of art, indicating separately, the explanations used in presentations to influence the Grand Jury and secondly, as now being used at trial against the defendants. The defendants request that the court issue an order prohibiting the use of the following words and phrases by the plaintiff until there is a proper legal definition and evidentiary foundation established by the plaintiff in the record of the case for each word or phrase as follows:

Accomplished
Act
Agent(s)
Aggregate amount
Agree
Aiding and Abetting
All
Amount
Anti Government
Approximately
Ascertainment
Assessment
Assault

Bank account
Breaking up
Business

Calendar year
Calendar quarters
Caused
Character
Character assassination
Collect
Collecting taxes
Collection of revenue
Collusion
Color of authority
Color of law
Combine
Committed
Common law pure trust
Compensation
Computation
Concealing and attempting to conceal
Conducted
Confederate
Conspiracy
Conspiracy to structure
Conspire
Constitutional
Criminal
Criminal forfeiture
Criminal intent
Currency transaction

Deducting
Defeat
Defeating
Defendant(s)
Defraud
District
District of New Hampshire
Domestic financial institution
Due and owing

Each other
Earned
EDWARD LEWIS BROWN
ELAINE A. BROWN
Elsewhere
Employee(s)
Employer
Employment tax(es)
Evade
Evading
Executed
Extortion

Fact(s)
Failing
Failing to collect
Failure to collect
Failing to pay
Failure to pay
Falsely reporting
Federal
Federal district
Federal employment tax(es)
Federal income tax(es)
Federal income tax return
Federal Insurance Contributions Act
Federal law
File return(s)
Financial institution
Financial transaction(s)
Forfeit
Foreperson
Form of law
Fraud
Frivolous

Government
Grand Jury

Illusion
Impeding
Impairing
In
Included
Including
Income
Income tax
Income tax return
Indictment
In furtherance
Inlaw
Internal Revenue Service
Internal Revenue Service of the Treasury Department
Individual(s)
Information
Involved
Intent
IRS
IRS form 1040 (provide official OMB identification number)
IRS form 1099 (provide official OMB identification number)
IRS form W-2 (provide official OMB identification number)
IRS form W-4 (provide official OMB identification number)

Joint
Joint tax return
Judge
Jurisdiction
Jurisdiction of the court
Jury
Jury tampering

Kidnapping
Knowingly
Known and unknown

Law(s)
Law enforcement
Law enforcement officer
Lawful
Lawful government functions
Lawful government functions of the Internal Revenue Service
Legal

Legal obligation(s)
Liability
Liable for

Man
Make
Manner and means
Militia

New Hampshire
New Hampshire Department of Revenue Administration
Non-employee
Non resident(s)

Oath
Oath of office
Oath purgatory
Object(s)
Obstructing
Of
Offenses against the United States
Officer(s)
Officer(s) of the United States of America
Official
Official oppression
Omission
On
On or about
Oppression
Order(s)
Organized militia
Other(s)
Overt act(s)
Owing

Pay
Person(s)
Plainfield New Hampshire
Police
Policy
Postal money order(s)
Preventing
Privacy
Privilege

Properties, real and personal
Proper officer(s)
Purchased

Racketeering
Ranger(s)
Refusing to provide
Reporting requirements
Reporting threshold
Resident(s)
Resident of Plainfield, New Hampshire
Revenue(s)
Required by law

\$ (the meaning of the symbol)
Self employed
Shall
Sole proprietorship
Specious
State
State tax authorities
Structure
Structuring financial transactions
Style
Subject
Subject to
Sum and substance

Taxable income
Taxable wages
Tax liability
Taxpayer (one word)
Taxpayer Identification Number
Tax return
Tax return preparer
Tax protestor
Tax year
Tenets of office
THOMAS P. COLANTUONO
Traceable
Trespass
Transactions
Transactor
Treasury Department
TRUE BILL
Trust

UNITED STATES
UNITED STATES ATTORNEY
UNITED STATES CODE
UNITED STATES DISTRICT COURT
UNITED STATES OF AMERICA
UNITED STATES POSTAL SERVICE
Unlawfully
Unknown
Unorganized militia
U.S.
U.S.C.
U.S. citizen(s)
U.S. Postal Inspector

Violation of Title ____
Voluntary

Wages
Well-knowing and believing
Willful conduct
Willful violation
Willful violation with foreknowledge
Willfully
Withholding agent
Withholding tax(es)
Woman

Zero 0

MEMORANDUM AND FACTS

(1) The requests herein are extremely important to the defense and are requested under the authority of Brady v. Maryland, 373 U.S. 83 (1963); United States v. Agurs, 427 U.S. 97 (1976); United States v. Giglio, 405 U.S. 150 (1972). This demand relates to any and all information in the possession, custody or control of the government, the existence of which is known, or by the exercise of due diligence may become known, to the attorney for the government.

(2) The purpose of this motion is to avoid injection into trial of matters which are irrelevant, inadmissible and prejudicial and granting of this motion is not a ruling on evidence and therefore cannot be error.

(3) The right of the defendants to disclosure of all potentially favorable or exculpatory evidence, including the words and phrases supra, exists whether such evidence is material to the defendants' guilt or to the mitigation of their punishment, and regardless of whether such exculpatory evidence would be admissible in the defendants' behalf at trial or in obtaining further evidence. The defendants are entitled to the pretrial discovery of the precise meaning and use of such words and phrases as being used in this proceeding regardless of whether or not the above words and phrases are considered to be competent evidence or admissible at trial.

(4) The disclosure of the definitions and usage requested here should be made without regard to whether the definition evidence to be disclosed and produced is deemed to be admissible at the trial of this action. In the case at bar, it is impossible to make a specific request for all words and phrases available as Brady material, particularly since much of that material may be totally unknown to the defense.

CONCLUSION

Wherefore, the Defendants request that this court issue an **ORDER** for the government to produce and deliver to the defense, the precise definition for all words and phrases to be used at trial as listed herein, and set forth in certified true detail how the above words and phrases are being used at trial in reference to each defendant as required by Brady – Agurs - Giglio. Should the plaintiff fail to establish a proper evidentiary foundation for

the words and phrases listed, then the defendants request that the court prohibit the use and reference of all such undefined words or phrases during all stages of the trial. Depending upon the Court's decision affecting the relief requested in this motion, the defendants respectfully reserve the right to make further and additional motions which may be required and advisable in light of the Court's rulings on relief sought herein and the response of the government. The specific requests contained in these motions are not meant to limit or preclude future requests by the defendants for further relief from this Court as deemed appropriate. It is further requested that the Court grant such other and further relief as it may deem just and proper under the circumstances of this case. This court has a non-discretionary duty to grant this motion or (1) Order the Dismissal of the fraudulent grand jury indictment and charges filed in this matter; (2) Enjoin the United States from any further harassment of Elaine Brown and Edward Brown; (3) Stay all further proceedings until such time as the United States complies with the organic law.

ORAL ARGUMENT DEMANDED

Date Jan. 8, 2007

Prepared and submitted by:

Elaine A. Brown
Elaine A. Brown
c/o 401 Center of Town Road
Plainfield, New Hampshire

Edward L. Brown
Edward L. Brown
c/o 401 Center of Town Road
Plainfield, New Hampshire

CERTIFICATE OF SERVICE

I, **Edward L. Brown**, certify that I delivered via hand delivery, a true and correct copy of the above and foregoing **NOTICE AND MOTION** to the office of the Clerk of Court U.S. District Court, District of New Hampshire, at 55 Pleasant St., Concord, NH 03301-0001 for entry into the record and to William E. Morse in the office of THOMAS P. COLANTUONO, the United States Attorney for the District of (NH) located at 53 Pleasant St. Concord, NH 03301-0001.

Date January 8, 2007

Edward L. Brown
Edward L. Brown

James R. Starr, Clerk
Clerk's Office
Warren B. Rudman U.S. Courthouse
55 Pleasant Street, Room 110
Concord, NH 03301-3941.

January 8, 2006

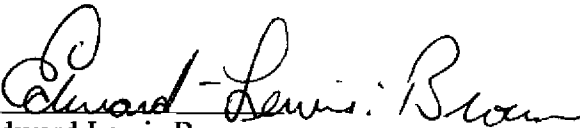
By Hand

Re: 01:06-cr-00071-SM UNITED STATES OF AMERICA v. Elaine Brown; Ed Brown

Dear Mr. Starr:

Please timely file the enclosed Defendants' motion into the above captioned case file and make a suitable docket entry. I have already mailed a true copy of the enclosed motion to the United States Attorneys office.

With all due respect,


Edward Lewis Brown
c/o 401 Center of Town Road
Plainfield, New Hampshire