

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

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

7/06 SEP -5 A 11:48

UNITED STATES OF AMERICA)

)

v.)

)

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

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

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NOTICE AND MOTION FOR COURT TO ORDER,

PRODUCTION OF THE GRAND JURY NAMES AND ADDRESSES

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 their motion to order production 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 TO ORDER PRODUCTION

Elaine A. Brown and Edward L. Brown, husband and wife, Defendants herein, move this court under authority of the Constitution for the United States, Amendments V; VI, and the Jury Selection and Service Act of 1968, 28 U.S.C. 1867 (f), to **order** the plaintiff, United States of America, to provide access to the grand jury lists and the contents of all records or papers used by the jury commission or clerk in relation to the jury selection process. The Defendants require this information for the preparation of a motion challenging compliance with jury selection procedures, and for the purpose of ensuring that the "grand and petit juries were selected at random from a fair cross section of the community," 28 U.S.C. 1861.

MEMORANDUM AND FACTS

1. On April 5, 2006, an alleged federal grand jury handed down an indictment charging both Defendants with one count of conspiracy to defraud the United States in violation of 18 U.S.C. § 371, one count of conspiracy to structure financial transactions also in violation of 18 U.S.C. § 371 and one substantive count of structuring financial transactions to avoid the currency transaction reporting requirements in violation of 31

U.S.C. §§ 5324 (a) (3) and 5325. The indictment further charges defendant Elaine Brown with five counts of tax evasion in violation of 26 U.S.C. § 7201, eight counts of failing to collect employment taxes in violation of 26 U.S.C. § 7202 and one additional substantive count of structuring in violation of 31 U.S.C. §§ 5324 (a) (3) and 5325.

2. Starting in July 2006, the Defendants made several written requests directly to the Clerk of Court, James R. Starr to provide information on the grand jury selection. See Docket # 35 and 37.

3. James R. Starr has unlawfully obstructed the Defendants and refused to provide any information to them concerning the grand jury. See Docket # 36 and 38.

4. The Defendants have the Right to obtain the following information on the grand jury to properly prepare their motion challenging the unlawful jury selection:

a. The names, social security numbers and physical residential addresses for each of the individuals selected to serve as grand jurors.

b. Copies of the master list showing the grand juror selection criteria evidencing that the grand jurors were selected at random from a fair cross section of the community.

c. A copy of the investigation and verification evidencing that each juror is a United States Citizen.

d. A copy of the investigation and verification that each juror is a New Hampshire Citizen.

e. A copy of the investigation and verification that each juror is qualified to be one of the seated grand jurors.

f. The names, social security numbers and physical residential addresses for each of the individuals eliminated from serving as a grand juror.

g. The names, social security numbers and physical residential addresses for each of the individuals who selected the individuals serving as a grand juror.

h. The precise geographical location referenced for the crime allegedly committed in case number 01:06-cr-00071-SM UNITED STATES OF AMERICA v. Elaine Brown and Ed Brown and used for grand juror selection.

i. Copies of all records that evidence the grand jurors were given any consideration, money, benefits, or privileges whatsoever by the plaintiff during their deliberations.

j. Copies of all records for each of the grand jurors that show they were not licensed or controlled by the plaintiff United States of America in any manner whatsoever.

k. Copies of all records for each of the grand jurors that show they were not under any liability or required to pay income or any other tax or penalty to the IRS or the plaintiff United States of America.

5. The Defendants also require the above information on the grand jury to properly prepare their complaint for criminal charges against the officers of this court involved in the unlawful jury selection.

CONCLUSION

Wherefore, this court would be absent subject matter jurisdiction ab initio by proceeding without a valid indictment from a lawful grand jury and thus this matter is of paramount importance to all involved in this case. The Defendants request that this court issue an **ORDER** to the plaintiff United States of America to produce and allow the defendants to inspect and copy the grand jury selection and evaluation information. This court has a non-discretionary duty to grant this motion and (1) Order the government to produce to

the Defendants all the grand jury information requested in paragraph 4 supra; (2) Enjoin the United States from any further harassment of Elaine Brown and Edward Brown; (3) Remand James R. Starr and his agents to other authority for indictment for confessed and of record (docket # 34; 36; 38; 43) deprivation of the Defendants' Rights in violation of federal statutes 18 USC 241 and 18 USC 242.

ORAL ARGUMENT DEMANDED

Date September 1, 2006

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 postage paid First Class U.S. Mail Return Receipt, 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 September 1, 2006

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.

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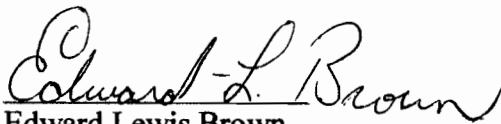
Via CMRR#7002 0850 0001 2711 5626

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