

U.S. DISTRICT COURT

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

2006 OCT 12 A 11: 53

UNITED STATES OF AMERICA )

)

v. )

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

)

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

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)

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)

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**NOTICE AND MOTION FOR ORDER TO AUDIO TAPE RECORD  
ALL PROCEEDINGS TO PRESERVE ACCURATE RECORD**

**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 For Order To Audio Tape Record All Court Proceedings To Preserve Accurate Record. 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 FOR ORDER TO AUDIO TAPE RECORD**

**ALL PROCEEDINGS**

Elaine A. Brown and Edward L. Brown, husband and wife, Defendants herein, move this court under authority of Local Rule of Court 80.1(b), to **ORDER** the clerk to provide an accurate audio tape recording in addition to the reporter's transcript of all proceedings held in this court in the above captioned case. The defendants now state:

1. The Defendants have been forced to purchase two "official" written transcripts from the court reporter.
2. One transcript was made during the sham arraignment held on May 24, 2006.
3. The second transcript was made during the hearing held on September 26, 2006.
4. Both transcripts are inaccurate and contain omissions, misstatements and other errors to render them essentially inaccurate as an official record.
- . 5. No memorandum is required to support this motion as it is procedural in nature as set out in Local Rule 80.1(b).

**CONCLUSION**

**Wherefore**, The Defendants request that this court issue an **ORDER** to Audio Tape Record the proceedings made in this case **1:06-cr-00071-SM** to insure that an accurate

record of the proceedings is made and preserved. The defendants shall be given permission to obtain an official copy of the recorded audio tapes of each proceeding in addition to the written transcripts. This court has a non-discretionary duty to grant this motion in the interest of justice.

**ORAL ARGUMENT DEMANDED**

Date Oct 9, 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 October 9, 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.

U.S. DISTRICT COURT  
DISTRICT OF NEW HAMPSHIRE  
CONCORD, NH  
2006 OCT 12 A 11:53

October 9, 2006


Via Certified Mail  
#7006 0810 0002 7165 6656

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