

IN THE DISTRICT COURT OF THE UNITED STATES  
FOR THE MIDDLE DISTRICT OF ALABAMA  
SOUTHERN DIVISION

UNITED STATES OF AMERICA

Criminal Action No. 1:12- CR-169 MHT  
Registered Mail # RE 351 890 794 US

Plaintiff

vs.

James Timothy Turner, Sui Juris  
Accused

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JUDICIAL NOTICE AND DEMAND FOR BILL OF PARTICULARS  
PURSUANT RULE 8(f) FEDERAL RULES OF CRIMINAL PROCEDURES AND  
VERIFIED NOTICE OF PROOF OF CLAIM

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COMES NOW; James Timothy, of the Turner family, a Secured Party Creditor, hereinafter referred to as the "Accused", a native-born American , One of We the People of the Alabama State Republic, a non-Fourteenth Amendment United States citizen, demanding a written "**Bill of Particulars**" pursuant to Rule 8 (f) of the Federal Rules of Criminal Procedure, setting out in specific detail the information required and **Verified Proof of Claim** to each and every specified question set forth in this Bill of Particulars to insure that James Timothy Turner is secure in his unalienable Constitutional and Civil rights that have not been violated prior to his indictment, arraignment, incarceration and his current status in being able to defend himself. This request is crucial in my right to subpoena and to be able to prepare a proper defense for a jury trial and receive Due Process of Law.

The purpose of a Bill of Particulars, "is to enable the accused to properly prepare his defense in a case where the indictment, although sufficient to advise the accused of the charges against him, is none the less so indefinite in its statement of a particular charge that it does not afford the accused a fair opportunity to procure witnesses and prepare for trial..." See: Kogan v. People, 756 P. 2d 945, 952 (Colo. 1988), also People v. District Court, 198 Colo. 501, 503, 603 P2d 127, 129 (1979) Woertman v. People, 804 P. 2d 188, 190 (Colo. 1991)

Bill of Particulars calls for exposition of facts that are needed to prove the facts of this case. See: *United States v. Murray*, 297 F. 2d 812 (2d Cir. 1962), *United States v. Neff*, 212 F. 2d, 297 (3d Cir. 1954). See 1. Wright, *Practice and Procedures* 129, at 285, (1969). Because an Accused is presumed innocent under our system of justice, he must also be presumed ignorant of the facts upon which the charges are based. *United States v. Smith*, 16 FRD 372 (D, Mo. 1954), Cf, *Kentucky v. Worton*. 441 US 786, 99 Sct 2088, 60 L Ed 2d 640 (1979), *Bell v Wolfish*, 441 US 520, 99 Sct 1861, 60 L Ed 2d 447 (1979).

Specifically, the Accused requests that the Plaintiff be ordered to provide me an original or true copy, with the following information in said "Bill of Particulars". This Court is responsible to enforce the "Bill of Particulars" that is presented. If there is any controversy or debate, then the Court has an obligation to assist in its correction. This Bill of Particulars is to be put forth into evidence and be submitted as an Affidavit of Truth and Fact to the jury, and states as follows:

1. Describe specifically and with clarity, how the Department of Justice can represent the Internal Revenue Service as an agency of the United States Government.
2. Describe specifically, the name of the IRS agent in this case that is a said employee of the United States Government.
3. Describe specifically, the name of the said employees union that said IRS employee is belonging to, or other government organizations.
4. Describe specifically what agency of the united States of America employs said employees of the IRS that the D.O.J. can represent in this court action.
5. Describe specifically which legislative act enacted by the Congress of the United States and the date it was enacted that endowed the Internal Revenue Service with the character or capacity of an agency of the united States Government that the Department of Justice can represent in a court action against the Accused.
6. Describe specifically and with clarity where the definition of the Revenue Agent is located in Title 26 of the USC and is listed as an employee of the united States Government.
7. Describe specifically and with clarity wherein Title 26 is constitutional law.
8. Describe specifically and with clarity where any employee or Revenue Agent of the Internal Revenue Service or description thereof can be found in Title 5 of the USC.
9. Describe specifically and with clarity where the Internal Revenue Service is located and listed as an agency of the united States Government in Title 5 of the United States Code Annotated, hereinafter USC.
10. Describe specifically and with clarity that Title 18 passed the quorum clause of the Constitution.
11. Describe specifically and with clarity by responding with an affidavit of fact and a request for a certified question of law related to the invalidity of Title 18.
12. Describe specifically and with clarity to provide the required original or true copy of the

mandatory documentation used to support an indictment for Title 18 U.S.C. Sec 152(2), Title 18 U.S.C. 371, Title 18 U.S.C. 514(a) (2), Title 18 U.S.C. (2).

13. Describe specifically and with clarity your answer in detail to the Ratification of Commencement and Real Party in Interest of the Rule 17 (1) (a) of both the Federal and State Rules of Civil Procedure. Who is the real party of interest you are representing? And who is the injured party?
14. Describe specifically and with clarity that you state on the record that you and this court will follow the United States Supreme Court rulings where rights secured by the Constitutions and the Bill of Rights are involved.
15. Specifically and with clarity, state on the record under oath from D.O.J. Prosecutor Sandra J. Stewart, Acting United States Attorney, who has filed these charges against the Accused that, the IRS is a lawful Agency of the United States Government and that she with her assistance of representation can represent the IRS in this court action against James Timothy Turner.
16. Specifically and with clarity, state on the record under oath from D.O.J. Trial Attorney Justin Gelfand, United States Department of Justice, who has filed these charges against the Accused that, the IRS is a lawful Agency of the United States Government and that he with his assistance of representation can represent the IRS in this court action against James Timothy Turner.
17. Specifically and with clarity, state on the record under oath from D.O.J. Gray M. Borden , Assistant United States Attorney, who has filed these charges against the Accused that, the IRS is a lawful Agency of the United States Government and that he with his assistance of representation can represent the IRS in this court action against James Timothy Turner.
18. Describe specifically and with clarity that the above named Attorneys under penalty of perjury affirm that Title 18 (Public Law 80-772) is constitutional law.
19. Describe specifically and with clarity that the above named Attorneys affirm under the penalty of perjury that the United States District Court, the Court Administrator's Office, and Department of Justice have not used James Timothy Turner's name or social security # as surety on any Prisoner bonds such as the Penal Sum, or the Miller Act reinsurance Bond, Payment Bond as a surety SF 24, 25, 25A, 28, 273, 274, 275, or any other bonds that this court has used in this case. The Accused is asking for this information to be answered specifically and with clarity. Include all forensic accounting, judgments and fees that contribute to the penal sum. Provide a full disclosure regarding this case and include any bonds that have already been introduced into commerce, and the amounts.
20. I am demanding Sandra J. Stewart, Acting US Attorney, Justin Gelfand, US Attorney and Gray M. Borden, Assistant US Attorney, all from the DOJ to place their oaths of office on the record.
21. I am demanding the Judge Myron H. Thompson place his oath of Office on the record.
22. Describe specifically and with clarity what authority the DOJ has to defend anyone that is not a government agency of the UNITED STATES OF AMERICA.

23. Describe specifically and with clarity that the IRS is registered according to Title 31 USC 1321(a) (62) in the Federal Registry or National Archives as required by law.
24. Describe specifically and with clarity and explain that the Federal Rules of Civil Procedure states that there is no jurisdiction inside the States: *Act of Congress "includes any act of Congress locally applicable to and in force in the District of Columbia, in Puerto Rico, in a territory or in an insular possession." See 18 USC, Rule 54 of the Federal Rules of Criminal Procedure. Note: There is NO reference to the 50 "states."*
25. Describe specifically and with clarity that the Federal courts cannot make one a taxpayer. **28 U.S.C. § 2201** removes the authority of federal courts to declare the status of "taxpayer" on a sovereign American!
26. Following is an actual quote from an affidavit of fact: "Harley G. Lappin, who was the head of the Department of Prisons sent an internal memorandum to Department Heads of the Bureau of Prisons on July 27<sup>th</sup> 2009, in which he states that "In order for any bill to be valid the Journals of both Houses must show that it was passed in the presence of a Quorum, See: United States vs. Balin, Joseph & Co , 144 U.S. 1,3 (1892) The Clerk of the House states that May 12, 1947 vote was a voice vote but the Parliamentarian of the House states that a voice vote is only valid when the Journal shows that a quorum is present and that it's unlawful for the Speaker of the House to sign any enrolled bill in the absence of a quorum. On May 12, 1947, a presence of 218 Members in the hall of the House was required to be entered on the Journal in order for the 44 member 38 to 6 voice votes to be legal." Describe specifically and with clarity how I can be charged with violating Title 18 which was not lawfully enacted according to the quorum clause of the United States Constitution.
27. Describe specifically and with clarity concerning the following letter presented by the Clerk of the House, Karen L. Haas, dated September 11, 2008, in which she stated: "after conducting a thorough examination of the journal, I found no entry in the journal of the House of any May 12, 1947 vote on the H.R. 3190 Bill..." how the DOJ can file a false indictment using Title 18.
28. Describe specifically and with clarity concerning the following letter presented by Nancy Erickson to Mr. Wayne E. Matthews dated March 9, 2009 in which she stated that "I asked the Senate Historians office to review the correspondence you enclosed, and they were able to verify that no action was taken by the Senate on H.R.3190 prior to the December 19, 1947 sine die adjournment" how the DOJ can file a false indictment using Title 18.
29. Describe specifically and with clarity how the DOJ can file a false indictment using Title 18 from the following letter that was sent and presented August 24, 2010 from the office of the Clerk of the House of Representatives which stated "Our Office has conducted research of the House Journal and the Congressional Record in regards to H.R. 3190 and the voice vote that was taken on May 12, 1947. After researching these official proceedings of the United States House of Representatives we have been unable to find the names of the 44 Members who responded to the voice vote."
30. Describe specifically and with clarity how the DOJ can file a false indictment using Title 18 from the following letter that was presented by the Clerk of the House Jeff Trandahl to

Mr. Charles R. Degan dated June 28, 2000, in which he states: "Congress was in session on June 1, 3, 4, 7-12 and 14-19, 1948, however Title 18 was not voted on at this time."

31. Describe specifically and with clarity that this Court or the D.O.J. can charge the Accused with a law that did not pass the quorum clause. Title 18 and Title 26 and 21. This exceeds Congress' enumerated powers and violates the 10<sup>th</sup> Amendment. "An offence created by [an unconstitutional law]," the Court has held, "is not a crime." *Ex parte Siebold*, 100 U.S. 371, 376 (1880). "A conviction under [such a law] is not merely erroneous, but is illegal and void, and cannot be a legal cause of imprisonment." *Id.*, at 376-377. If a law is invalid as applied to the criminal defendant's conduct, the defendant is entitled to go free.

The indictment contains the very form of generalized charge against which a Bill of Particulars is designed to protect. Without further particularization, the Accused will not be able to exercise his unalienable rights secured by the United States Constitution of 1787 and the Bill of Rights 1791. These are the rules and regulations that this court and the Department of Justice are bound to by their oaths of Office.

I, James Timothy Turner demand that this document be answered by a Certified Affidavit of Fact under the penalty of perjury by the Department of Justice Agents within 14 days due to the time element of the jury trial. The questions and facts have been directed to a system that has used the American People as chattel and a Warehouse Commodity to reap profit from the misery and suffering of hundreds of thousands of American prisoners by a law that was never passed.

All matters that are judicially noticed to the court will be communicated to the jury with instructions as exhibits or truths of fact. The jury is to consider each and every matter. The jury will be called upon to decide the facts and the evidence either orally or by Judicial Notice. The Jury acting upon the presentment by Judicial Notice has no discretion to disagree with a matter that has been judicially noticed as fact regardless of whether the Plaintiff answers or fails to answer the Bill of Particulars.

Dated December 31, 2012  
Respectfully Submitted

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James Timothy Turner  
Secured Party Creditor  
UCC 1-308

Cc: House and Senate Judiciary Committee  
United States Supreme Court  
Honorable Chief Justice John Roberts  
United States District Court Administrator  
Department of Justice Sandra J. Stewart and Agents