

Case No. 1:13-cr-135 (and its variations and derivatives of syntax)
UNITED STATES OF AMERICA v JOHN FALL

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U.S. DISTRICT COURT
DISTRICT OF RHODE ISLAND

To: John J. McConnell, Jr. c/o 'Federal Court'
1 Exchange Terrace, Providence, Rhode-Island 02903
by way of Certified Mail 7014 1090 0000 9921 9386

To: John N. Kane, Jr. c/o U.S. Department of Justice, Tax Division, 601 D Street, N.W.
7th Floor, Washington, D.C. 20530 by Certified Mail 7014 1090 0000 9921 9379

From: John Joseph Fall, [a] man; c/o temporary address: 108 Princess Avenue,
Cranston, Rhode Island 02920 401-264-0556

Regarding: case 1:13-cr-135 (and its variations and derivatives of syntax) in regards to UNITED STATES OF AMERICA v JOHN J FALL

Date: January 19, 2015

**Declaration in the Nature of an Affidavit
regarding:
innocence or guilt of the accused;
and to report
Obstruction and Deprivation of Rights,
and Jury Tampering;**

Notice to Agent(s) is Notice to Principal(s), Notice to Principal(s) is Notice to Agent(s)

Preamble, in regards to said case 1:13-cr-135: i require all public servants with an oath to the United States of America and said John N. Kane, Jr. ("You", "Your") to protect My right to not be subject to involuntary servitude, My right to contract and not contract with whom i choose, My right to be presented with the nature and cause of accusation supported by oath or affirmation, My right to redress of grievances, My right to due process of law, My right to confront all accusers (e.g.: My accuser must appear with face to testify), My right to equal protection and My right to defend i and property by way of settling all matters of controversy which affect i and/or property, solely in 'court of record' in accord to 'common law', being independent of the magistrate and without affect by acts of legislature (statutes, codes, rules, & regulations); and where **both the facts and law** are judged solely and exclusively by a 'trial by jury' in a 'court of record'; and not otherwise; (see 7th and 9th Amendment to federal Constitution (a.k.a. Article 7 and 9 of Bill of Rights) of the United States); and see Article 6 Clause 2 therein; End of preamble.

See Exhibits 1 & 2, adjoined and incorporated to this document; both titled 'Notice of Obstruction of Justice supported by Declaration in the Nature of an Affidavit by the man, John Joseph Fall'

Table of Contents

Affirmation;

Statements of Facts;

Introductory Verifications

Innocence or Guilt

Obstruction and Deprivation of My God-given rights

Jury Tampering

Dispute

Conclusion

AFFIDAVIT/JURAT CERTIFICATE

Affirmation

i, [a] man, with appellation John Joseph Fall, being duly sworn and over eighteen (18) years of age do hereby make the following statements of facts in living voice before a notary witness, as My whole and complete truth without intent to mislead, on My unlimited liability; and i will verify all the following statements of fact in living-voice in court:

Statements of facts

Introductory verifications

1. i am a man, with name as John Joseph Fall;
2. At all times since inception of said case i intended to interact with the said court solely as a man; (see two scraps of paper i signed, one on January 13 and another on January 15, 2015 indicating i am entering the court "as a man, not a person"; which the man, John J, McConnell, Jr. on his own choice solely, entered as evidence into said case (as Exhibit A & B and/or as Exhibit 1 & 2);
3. That i read all documents and writings proffered by members of the legal profession (judiciary, attorneys, etc) as being in the common English way of speaking, which can possibly lead to misinterpretation since i do not comprehend the specialized language of the legal society/professionals/judiciary;

4. That, though i received help from others to write this document, who are much smarter than me, this document contains my truths about my beliefs;

My beliefs

5. That My beliefs are My Facts;
6. not only is that My belief but i also saw that i saw that the United States Supreme Court case known as 'West Virginia State Board of Education v. Barnette, 319 U.S. 624 (1943) shows the following:

Majority:

“If there is any fixed star in our constitutional constellation, it is that no official, high or petty, can prescribe what shall be orthodox in politics, nationalism, religion, **or other matters of opinion** or force citizens to confess by word or act **their faith** therein.”

(Justice Robert Jackson)

7. That i concluded and believe from reading that case, that no man or woman can be punished for their beliefs or opinions (unless it causes a sworn harm, injury and/or financial loss stated as true, due and owing);
8. That My freedom, reputation, dignity, innocence, peace, happiness, and earning ability has all been extorted from me against My will, by way of said case; and remains extorted;
9. That i believe truth must be stated in the format of an affidavit under oath or affirmation, otherwise it is merely an opinion without consequence; and i believe said that neither John J McConnell, Jr. nor the prosecutors will rebut any points in this document under oath or affirmation;
10. That i have stated the truth about My beliefs herein under affirmation; and i believe that failure of My accuser to also state accusations under affirmations, means i am innocent;

Innocence or guilt

11. That i believe i was wrongly arrested and falsely imprisoned over a year ago; and remain falsely prosecuted by way of false unsworn document titled "INDICTMENT";
12. i have therefore filed a valid claim for 'fraud' and a claim for 'vindictive and malicious prosecution', against the man, John N. Kane, Jr. who sometimes acts as prosecutor);
13. that both of said claims are sworn by affirmation;
14. That i believe that only i have a sworn claim in regards to said case;
15. That neither the 'UNITED STATES OF AMERICA' nor the man or woman accuser, has a sworn claim filed into the case!

16. That i have mailed **My many letters and sworn declaration(s)** to the prosecutor, Clerk of Court and the so-called "Judge" asking for, and exposing the absence of:

- A. who is the man or woman accuser against me (?);
- B. what is his/her postal address (?), and
- C. what is the accusation stated as firsthand knowledge, under oath or affirmation;

17. That all of said letters and My sworn declarations have been and remain **IGNORED (!)**; meaning there has been no proper response!

18. That i have asked questions in similar nature to those questions, in hearing at the court, and all i get is silence and/or threats by the so-called judge, "John J. McConnell, Jr;

19. That as a result of all said letters and sworn declarations being ignored, and because i believe i did no wrong, and i have not seen a sworn accusation that i did wrong, i believe:

- a) that said case is fictitious, meaning there is no claim or complaint that is sworn with firsthand knowledge; and
- b) that i am **not** defendant, Pro Se, nor Plaintiff in regards to said case nor in any court matter;

and i believe no man or woman will swear with firsthand knowledge to the contrary;

20. That, to make sure i am telling the truth accurately, i looked up the meaning the word "fictitious", and i saw on www.etymonline.com it showed:

fictitious (adj.)

1610s, "artificial, counterfeit;" 1620s, "existing only in imagination,"

To be more specific about My innocence . . .

21. i believe that, all i have heard is opinionated speculations;

22. i believe that none of the documents shown during the trial are presented by anyone who swears they saw the creation of those documents with their own eyes.

23. i believe that is NOT firsthand knowledge;

24. i believe no man or woman swore that said documents are accurate.

25. i believe that all amounts i heard quoted during the trial, as unpaid taxes, were not sworn by the man or woman who created the record of those amounts;

26. i believe therefore, that those amounts do not come from firsthand knowledge;

27. i believe that that those amounts were never sworn as being accurate.

[i believe this trial has been all smoke and mirrors, and theatrical tricks to create false appearance.]

28. i have never been presented with a claim or complaint, sworn as firsthand knowledge which accuses me of doing wrong;

isn't that fraud to conceal that from me?


how can i defend?

29. i have never been presented with facts or evidence sworn as firsthand knowledge, which proves that i believed i had criminal intent or intent to deceive, or to obstruct a duty or specific law known by me;

isn't that fraud to conceal that from me?

30. i have never been presented with facts or evidence sworn as firsthand knowledge, which proves i believed in a duty or specific law (being broken in any way);

31. i have never been presented with facts or evidence sworn as firsthand knowledge, which proves i knew of a duty or specific law which i was breaking or broke in any way;

 32. i have never been presented with facts or evidence sworn as firsthand knowledge, which demonstrates i caused harm, injury and/or caused a financial loss stated as true, due and owing;

isn't that fraud to conceal that from me? what is going on here?

33. that i believe that swearing to what a record "shows" as a debt owing, is not firsthand knowledge;

34. to be firsthand knowledge, i believe that the man or woman who created and originated the amount on that record, must swear it is true, due and owing;

35. i have heard the hearsay opinions of persons who say "the records show" this debt or that debt, but i have not been presented with facts or evidence which proves the creator of the amount shown in the record has sworn, with firsthand knowledge, that such debt is true, due and owing; and i believe no such sworn statement will every come forth;

E.g.: is there any *man or woman accuser* who can swear, as firsthand knowledge, that i owe or caused an unpaid debt of \$50? or more?



isn't said case fraud if no such man or woman comes forward?

End of this section.

Obstruction and Deprivation of My God-given rights

1. That i believe all of My rights come from God, the creator of the Universe;
2. i have not and do not waive any of My said rights;
3. That the man, John J. McConnell, Jr. who sometimes acts as magistrate ("Judge") has obstructed and deprived Me of My rights to 'redress of grievances', due process of law, and equal protection under the law:
4. Said John J. McConnell, Jr. has obstructed and deprived me of My God-given right to defend Myself and My property by obstructing My right to have enough time to prepare for trial; please see and request the following documents which clearly required and rationalized for more time:
 - 1) '**notice: Abuse of due process**'; which i filed into court in December, 2014;
 - 2) My sworn document titled: '**Declaration in the Nature of an Affidavit in support of 'notice: Abuse of due process**'; filed into said case on or near December 19, 2014;
 - 3) '**Notice and Demand Regarding My Factual Testimony for the jury & My right to interview prospective jurors [Voir Dire]**'; filed into said case in January, 2015;
 - 4) '**Declaration in the Nature of an 'Affidavit in Support of 16 Declarations in the Nature of Affidavit**'; filed into said on or near January 12, 2015;
5. That i was not presented with notice of any kind of objection by My accuser and/or My accuser's representative(s) in said case, against My said requirement for more time to prepare for trial;
6. Thus, said "commence [of] the trial" is an overt act of deprivation of My right to due process of law;
7. That said deprivation of My right to due process of law has resulted in 'mental terror', extreme stress and lost life-hours unto myself as a man;
8. That, i believe, the accuser (though being concealed) has not been obstructed nor deprived from his or her choice of counsel; see 'Equal Protection under the law' in 14th Amendment;
9. i believe said John J. McConnell, Jr. has obstructed and deprived me of My God-given right and requirement to justice by way of the 'common law'; please see and request the following sworn document which is recorded into said case on or near Dec. 30, 2015:

'Declaration in the Nature of an Affidavit for 'Court of Record'

and

Declaration in the Nature of an Affidavit for My Claim: Trespass (Fraud)

10. That i have given said John J. McConnell, Jr. not less than 3 notices that i require **My choice** of 'assistance of counsel' **who specializes in aiding a man in 'common law'** ;

11. i believe that, against My will and over My objections stated on the record, and in tyrannical manner, said John J. McConnell, Jr. forced an 'officer of the court' upon me, as "counsel", who i believe: owes his first allegiance to the court (a fictional entity) and not to myself, a man; and who is NOT IMPARTIAL since he is a member of the same oath-sworn fraternity as John J. McConnell, Jr. (the BAR association) and works for the same corporation the "UNITED STATES OF AMERICA" ; thus both are working for the Plaintiff; see:

Corpus Juris Secundum Volume 7, section 4:

"Attorney and Client

His first duty is to the courts and the public, not the client, **and whenever the duties to his client conflict** with those he owes to the court, the former must yield to the latter." [Yikes !]

12. That i believe there is no law which requires me to interact with the legal society; nor comprehend it's specialized legal language; and i have not been presented with facts or evidence sworn to the contrary;

13. That i believe a court appointed attorney speaks and writes in said legal language which i do not comprehend;

14. Said John J. McConnell, Jr. has obstructed and deprived me of My God-given right to having **My choice** of 'assistance of counsel' who specializes in aiding a man in 'common law'; which i believe is secured by the 6th, 7th and 9th amendments to the federal Constitution of the United States of America: and ARTICLE I, SECTION 10, CLAUSE 1: please see:

Amendment VI to the federal constitution:

" . . . and to have the assistance of counsel for his defense."

Amendment VII to the federal constitution:

"In Suits at **common law**, where the value in controversy shall exceed twenty dollars, the right of trial by jury shall be preserved, and no fact tried by a jury, shall be otherwise re-examined in any Court of the United States, than according to the rules of the common law."

Cf. the word **suit**, includes not only a civil action, but **also a criminal prosecution**

"suit" in Bouvier's Law dictionary 1856

ARTICLE I, SECTION 10, CLAUSE 1

"No State shall...pass any...Law impairing the Obligation of Contracts...."

Thus, i believe no one has the right to force THEIR choice of counsel upon me. Not only do i believe that but apparently some authorities in law do to; see:

CHANDLER v. FRETAG, 348 U.S. 3 (1954) 348 U.S. 3
CERTIORARI TO THE SUPREME COURT OF TENNESSEE.
No. 39. Argued October 18, 1954. Decided November 8, 1954.

" (b) ... his right to be heard through his own counsel was unqualified. Betts v. Brady, 316 U.S. 455 , distinguished. Pp. 9-10."

The Tennessee Attorney General denies, however, that petitioner had any federal constitutional right to counsel. He relies on the doctrine enunciated in Betts v. Brady, 316 U.S. 455 . But that doctrine has no application here. Petitioner did not ask the trial judge to furnish him counsel; rather, he asked for a continuance so that he could obtain his own. The distinction is well established in this Court's decisions. Powell v. Alabama, 287 U.S. 45, 71 ; Betts v. Brady, 316 U.S. 455, 466 , 468; House v. Mayo, 324 U.S. 42, 46 Regardless of whether petitioner would have been entitled to the appointment of counsel, his right to be heard through his own counsel was unqualified. 10 See Palko v. Connecticut, 302 U.S. 319, 324 -325.

In regards to My right to My choice of 'assistance of counsel' please see and request the following documents sworn by me, which is recorded into said case:

'Declaration in the Nature of an Affidavit to object to "Text Orders" and the like':
filed on or near on or near Dec. 30, 2015; Jan, 7, 2015

'Declaration in the Nature of an Affidavit pertaining to 'Assistance of Counsel', and Accusations': *filed on or near on or near Jan, 5, 2015*

'Amended Declaration in the Nature of an Affidavit pertaining to 'Assistance of Counsel', and Accusations': *filed on or near on or near Jan, 7, 2015;*

15. Said John J. McConnell, Jr. has obstructed and deprived me of My God-given right to confront My accuser and to confront all witnesses against Me, which is secured by the 6th amendment to the federal Constitution of the United States of America; please see:

Amendment VI to the federal constitution:

" ... to be confronted with the witnesses against him;"

16. Said John J. McConnell, Jr. has obstructed and deprived me of My God-given right to justice by way of blocking My subpoenas to bring forth 41 witnesses in My favor; a right that is also secured by the 6th amendment to the federal Constitution of the United States of America;

Amendment VI to the federal constitution:

" . . . to have compulsory process for obtaining witnesses in his favor,..."

17. That in early January, 2015 i did file the following document into said case, and i did mail to said John J McConnell, Jr:

"Notice and Demand Regarding My Factual Testimony for the jury & My right to interview prospective jurors [Voir Dire]'

18. That said document gave notice of 5 areas of justice, of which 2 are:

- a. the Indictment is fraudulent (it is not sworn by oath or affirmation by an accuser);
- b. that only i have sworn testimony in support of a sworn claim upon which relief can be granted supported by oath or affirmation, on the record and before the court;

19. That on January 13, 2015 i was in court room 3 at 1 Exchange Terrace, Providence, Rhode Island at or near 9:00AM i was present and did hear said John J. McConnell, Jr. who sometimes acts as "Judge"/Magistrate stating on the record that he granted numerous motions by the prosecutors of said case which result in deprivation of My rights as a man, to redress of grievances and to due process of law; and aids said extortion of My property, meaning: My time, freedom, locomotion, reputation, dignity, innocence, peace, earning ability and My relationship with My wife, the woman Carmen Dolores Sanchez; which remain extorted from me against My will, by way of said case;

20. That i had already placed on the record My document which was sworn testimony in living voice, under affirmation, with an Affidavit of Jurat, entitled 'Declaration in the Nature of an Affidavit to object to "Text Orders" and the like' to defend myself and My rights; and to which, i believe, said John J. McConnell, Jr. did, in a fraudulent manner, ignore and not acknowledge, in regards to My right to My choice of 'assistance of counsel' for i, a man appearing solely in 'common law';

21. That on January 13, 2015 i was in said court room 3 i told John J. McConnell, Jr.:

"Sir, FOR AND ON THE RECORD, i now raise My right hand and say by affirmation, with firsthand knowledge that the following facts are true and correct:

- that it is a fact that i require My right to now identify Myself and state My purpose for being here, by way of My right to redress of grievances and due process of law;
- it is a fact that My nature is man, and i am here solely by way of special appearance and only i have a claim being stated under oath or affirmation before the court in regards to the matter of UNITED STATES OF AMERICA v JOHN J FALL and i wish to move My verified claim against that man (and i pointed to the prosecutor, and said:) "John N. Kane Jr., posthaste";
- it is a fact that i am not now, nor have i ever been defendant, pro se and/or Plaintiff in any matters at this public court house"

22. Whereupon said John J McConnell, Jr. became angry and interrupted me (though i had several more sentences to say, to identify Myself and My the purpose of being there,) and he demanded (paraphrased) that i cease to speak, and he accused Me of being disruptive to the court;

23. Whereupon, i replied by stating that i was there ***"to assert My rights to redress of grievances and My right to due process of law"***; whereupon he became more angry and threatened to remove Me from the court:

24. Whereupon i stated, ***"Let the record show that My right to redress of grievances and My right to due process of law is being obstructed and trespassed upon and ... let the record show that i am now being subjected to involuntary servitude"***;

25. That i have provided more details of the foregoing happenings in two notices which i filed into the record of the court immediately afterwards at or near noon January 13, 2015, both bearing the same title and both being two pages (see Exhibits 1 & 2) entitled: 'Notice of Obstruction of Justice supported by Declaration in the Nature of an Affidavit by the man, John Joseph Fall'; both with time stamps from the clerk, showing: "U.S. DISTRICT COURT DISTRICT OF R.I.

26. That i believe, the FACTs i stated in (Exhibits 1 & 2) are true and correct and not misleading; and i have neither seen nor been presented with contrary verifiable evidence and likewise material facts; and i believe none exists;

27. That My intent was to finish reading My sworn testimony, living voice, which would have taken approximately 4 to 6 minutes, for the purpose of, i believe, placing foundational truths on the record, in regards to My identity and purpose for being at the trial, including but not limited to:

- i. to declare i was and will only appear specially and not generally,
- ii. to correct mistakes i believe, are in the record by indentifying Myself and My purpose for being present,
- iii. **to rebut adverse presumptions** that i believe, are made by both said John J.. McConnell and John N. Kane, Jr. in regards to the absence of subject matter jurisdiction of said case;
- iv. that i require to move My 'Claim: Trespass (Fraud)' against the man, John N. Kane, Jr; and

- v. to verify that i believe the truthfulness and correctness of My 17 un rebutted 'Declarations in the Nature of Affidavits' which include an Affidavit of Jurat demonstrating **i swore in living-voice** to the truthfulness of said Declarations before a notary, and which have filed into the record of the 'Federal Court' and properly served upon John N. Kane, Jr. and many upon said John J. McConnell, Jr.;
- vi. that i believe, the prosecutor for said case has repeatedly and tacitly admitted that there is no valid 5th amendment presentment or indictment before the court; and there is no claim and/or complaint supported by oath or affirmation in support of their case;

28. That i believe i was not disruptive; and i believe no man or woman has presented me with contrary sworn evidence of facts;

29. That, i believe, while i was trying to place My testimony on the record to identify Myself and My purpose for being present, said **John J. McConnell, Jr. did threaten me** and did cause me to be subjected to threat by causing multiple U.S. Marshalls to remove me from the courtroom ON THREE SEPARATE OCCASIONS AGAINST MY WILL whereupon, i clearly stated (paraphrased) "***Let the record show My right to redress of grievances and My right to due process of law are being obstructed and trespassed upon and i am now being subjected to involuntary servitude;***" and that on one occasion i was subject to assault and battery (handled with force) caused by said John J. McConnell, Jr. without just cause;

NOTICE: ***Cf.*** TITLE 18 - CRIMES AND CRIMINAL PROCEDURE

PART I - CRIMES; CHAPTER 73 - OBSTRUCTION OF JUSTICE § 1512.

(a)(2) Whoever uses physical force or the threat of physical force against any person, or attempts to do so, with intent to—

(A) influence, delay, or prevent the testimony of any person in an official proceeding;

(b) Whoever knowingly uses intimidation, threatens, or corruptly persuades another person, or attempts to do so, or engages in misleading conduct toward another person, with intent to—

(1) influence, delay, or prevent the testimony of any person in an official proceeding;

30. That i believe, that removing Me while i was merely trying to assert My rights is obstruction of Justice and deprivation of rights;

31. That, in the wake of me simply and repeatedly stating "***i require to assert My rights***", said John J. McConnell, Jr. demanded i obey his rules or i would not be allowed in the court room;

32. Whereupon i responded by saying "***i do not wish to subordinate or subjugate My rights to rules ...***"

NOTICE: Cf. "All laws which are repugnant to the Constitution are null and void. "

Marbury vs Madison, 5 U.S. (2 Cranch) 137, 174, 176, (1803)

NOTICE: Cf. "Where rights secured by the Constitution are involved, there can be no rule making or legislation which would abrogate them ...";

Miranda vs Arizona, 384 U.S. 436 p. 491.

NOTICE: Cf. "An unconstitutional act is not law; it confers no right; it imposes no duties; affords no protection; it creates no office; it is in legal contemplation, as inoperative as though it had never been passed."

Norton vs Shelby County, 118 U.S. 425 p.442

NOTICE: Cf. "The general rule is that an unconstitutional statute, though having the form and the name of law, in reality is no law, but is wholly void, and ineffective for any purpose; since unconstitutionality dates from the time of its enactment, and not merely from the date of the decision so branding it.

NOTICE: Cf. "No one is bound to obey an unconstitutional law and no courts are bound to enforce it."

16th American Jurisprudence 2d, Section 177 late 2nd, Section 256

33. That, i believe, that in front of two witnesses and Myself, federal defender Kevin Fitzgerald repeated John J. McConnell's requirement that i obey John J. McConnell's rules; whereupon i asked said Kevin Fitzgerald where is the law or rule specifically located, that requires i, a man to subordinate My rights to the rules of John J McConnell, Jr. and he responded with "i don't know";

34. That i believe, the prosecutors made no request for the foregoing events; and it was John J. McConnell, Jr.s choice to act with tyranny to obstruct and deprive My rights as said;

35. That the prospective jurors were not present during the foregoing events;

36. That after one even of John J. McConnell, Jr. demanding that i obey his rules, i asked (paraphrased) "**what are your findings of fact and conclusions of law for obstructing My rights ...**" and i believe he provided no responsive reply;
37. That, i believe, i clearly objected to all of the sayings, doings and actions of John J. McConnell, Jr. as described above, especially, My requirement to state My sworn foundational facts; and to not be threatened and subjected to involuntary servitude as a result thereto;
38. That i believe said John J. McConnell demonstrated a conduct of tyranny, extreme judicial prejudice and loathing towards My efforts to assert My rights as sworn testimony on the record; (especially considering i only spoke a mere 3 sentences (see above); and i have neither seen nor been presented with contrary and verifiable evidence and likewise material fact; and i believe none exists;
39. That i believe said John J. McConnell, Jr.'s intent is to block me from putting the truth about My beliefs on the record since:
 - a) it would show absence of subject matter jurisdiction in this matter (of said case);
 - b) i will move My sworn Claim: Trespass (Fraud) against the man, John N. Kane, Jr, who sometimes acts as prosecutor;
 - c) i will move My sworn claim for 'vindictive and malicious prosecution' against the man, John N. Kane, Jr, who sometimes acts as prosecutor;
 - d) the harm, injury and loss caused by said claims has been aided by said John J. McConnell, Jr.'s willful silence on the matter of said claims; in disregard of many documents i have mailed to him, which include but are not limited to a sworn complaint i filed with the Providence police and with the U.S. postal inspector for mail fraud, both against the man, John N. Kane, Jr. who acts as prosecutor;

and i have neither seen nor been presented with contrary and verifiable evidence and likewise material fact; and i believe none exists;

40. That while i was restricted to hearing what was going on in courtroom 3 from courtroom 4, there were frequent occasions, during the proceedings of in courtroom 3, where there was no volume and other times when the volume was so low it was inaudible resulting in more deprivation of My rights to due process of law and obstruction of justice;
41. That i gave sworn notice of the foregoing audio issues to John J. McConnell, Jr and therein i required transcripts for my right to due process of law; whereupon he refused based on UNSWORN testimony of a U.S. Marshall;

Jury Tampering:

42. That i have retained all of My rights and waived none;
43. That it is My right to interview prospective jurors to qualify and disqualify in regards to partiality, competence in the subject matter and whether they are My peers (equals) or not;
44. That i believe said John J. McConnell, Jr.'s actions overtly obstructed justice and deprived me of My right to interview prospective jurors to qualify and disqualify in regards to partiality, competence in the subject matter, and whether they were My peers or not; and as a result deprived me of My right to due process of law;
45. That i object to said John J. McConnell, Jr.'s said actions;
46. That as a result of said "obstructed My right", i believe John J. McConnell, Jr. deprived me of My rights and did obstruct justice;
47. That, posthaste, i require the opportunity to interview all prospective jurors and explain foundational issues pertaining to My interview questions, in regards to obtaining justice for i and My property;
48. That i have repeatedly given John J . McConnell, Jr. notices and 'Declarations in the Nature of Affidavits' that i require a 'court of record' in accord to 'common law', independent of the Magistrate and without affect by the legislature (Statutes, codes, rules) for all matters of controversy affecting i and/or My property, as i believe, are secured by the 7th and 9th Amendment;
49. That, in that regard, i believe said John J. McConnell, Jr. deprived Me of My rights and obstructed justice by way of making false and misleading statements to the selected jurors which include but are not limited to (paraphrased):

that they ***are not to research the case;***

that they ***are not to allow their religious beliefs or sympathy to affect their views;***

that they are ***not to discuss the case with others;***

that i (John J. McConnell, Jr.) decides the law;

THEREFORE, please take notice:

"You have a right to take upon yourselves **to judge of both**, and **to determine the law as well as the fact** in controversy." (State of Georgia vs. Brailsford, et al, 3 Dall 1)

"The JURY has an unreviewable and unreversible power...to acquit in disregard of the instructions on the law given by the trial judge..." (emphasis added) U.S. vs Dougherty, 473 F 2nd 1113, 1139, (1972) (emphasis added)

"The jury gets its understanding as to the arrangements in the legal system from more than one voice. There is the formal communication from the 'judge'. There is the informal communication from the total culture - literature, current comment, conversation; and, of course, history and tradition."

U.S. vs Dougherty, 473 F 2nd at 1135.

"Jury lawlessness is the greatest corrective of law in its actual administration. The will of the state at large imposed on a reluctant community, the will of a majority imposed on a vigorous and determined minority, find the same obstacle in the local JURY that formerly confronted kings and ministers." (emphasis added)


U.S. vs Dougherty, 473 F 2nd note 32 at 1130

- 50. That, i believe, in response to My stated requirement to appear only in 'common law', Kevin Fitzgerald, federal defender did say, in front of two witnesses and Myself that he has no competence counseling a man in 'common law';
- 51. That i believe, a potential juror, who indicated she worked at the state court in Rhode Island, did say on the record, that she would not make a good juror since she presumes everyone (defendant) to be guilty if they are in court;
- 52. i have neither seen nor been presented with evidence and likewise material fact which contradicts the substance of any of the foregoing statements 1-51; and i believe none exists';

FOR THE RECORD, i, [A] MAN, REQUIRE A PROPER RESPONSE TO ALL POINTS ABOVE, IN THIS
"Declaration in the Nature of an Affidavit regarding: innocence or guilt of the accused; and to report: Obstruction and Deprivation of Rights, and Jury Tampering"; IN REGARDS TO 1:13-CR-135 (AND ITS VARIATIONS AND DERIVATIVES OF SYNTAX) "UNITED STATES OF AMERICA V JOHN J FALL'; SINCE NO PUBLIC SERVANT, MAN AND/OR WOMAN HAS AUTHORITY TO HINDER AND/OR OBSTRUCT MY RIGHTS, AS STATED ABOVE, THROUGHOUT THIS AFFIDAVIT, containing pages 1-16.

There are *FIFTY (52)* statements of facts numbered within in the foregoing pages of this 17 page document titled 'Declaration in the Nature of an Affidavit regarding: innocence or guilt of the accused; and to report: Obstruction and Deprivation of Rights, and Jury Tampering'; thus i require said John. J. McConnell, Jr., John N. Kane, Jr. and 'UNITED STATES OF AMERICA' must rebut *all 52 statements* point-by-point under oath or affirmation, and send to i, the man, John Joseph Fall, within three (3) days from the delivery-receipt and/or tracking indicating your receipt of this document, plus one day to send said rebut[tal] by overnight mail to i (4 days total); Failure to provide to i, said rebut[tal] as said, indicates Your full-knowing, unreserved and unconditional agreement to such point(s) and that said points stand as uncontroverted evidence;

i, [a] man now affix my signature to these affirmations.

By: John Joseph Fall  (SEAL)
 John Joseph Fall, [a] man

This verifiable certificate is part of 16-page document (including this page), dated January 19, 2015, titled:

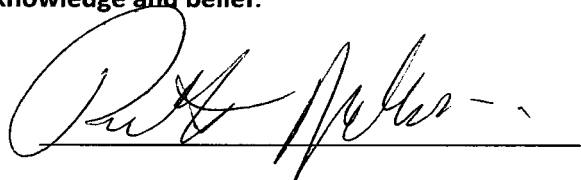
'Declaration in the Nature of an Affidavit regarding: innocence or guilt of the accused; and to report: Obstruction and Deprivation of Rights, and Jury Tampering'

AFFIDAVIT/JURAT CERTIFICATE

County of Providence } ss.

State of Rhode Island }

On this 19th day of JANUARY, 2015, before me, the undersigned notary public, personally appeared the man, John Joseph Fall, who i verify proved to me through satisfactory evidence of identification, which were driver's license with his photograph, to be the man who signed the preceding or attached document in my presence, **and who swore or affirmed in living-voice to me that the contents of the document are truthful, accurate and without intent to mislead to the best of his knowledge and belief.**



Printed Name: PATRICK WELCH, Notary Public

Patrick J. Welch
Notary Public - Rhode Island
My Commission Expires
October 05, 2017