8 October 2008

HARMON L. TAYLOR
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SHARRI ROESSLER, Clerk
Tenth Court of Appeals
501 Washington Avenue, Suite 415
Waco, TX 76701

Via Certified Mail
7008 1140 0003 9146 1355

Re: The ***outrageous delay*** in submitting the PDR to the CCA regarding
TAYLOR v. STATE, No. 10-08-00208-CR, from
County Court at Law of Walker County, No. 07-1392, STATE v. TAYLOR

Dear Ms. Roessler:

This letter exists because I am compelled by higher law to avoid sandbagging this court. So, here are these cards, face up on the table.

It's a wicked paradigm shift, to be sure. But, the "driver's license" scam is now exposed; it's over. And I've experienced all the systemic harassment I'm able to tolerate for this matter.

The panel published its ruling as of 3 September. I served and filed my petition for discretionary review as of 5 September. It's now 8 October. I have no post card from the Court of Criminal Appeals (CCA), and I can find no case number assigned by them, yet. Therefore, all that I can conclude is that this court has not yet sent anything to Austin.

According to the new rules, this court now has ***60*** days to review the petition instead of 30. However, since we are all stuck by the TX Supreme Court's improvident 1980 ruling regarding the non-recognition of the collateral order doctrine, there's no realistic expectation of any ruling by this court in this case other than the one that has been entered.

Therefore, there are only two possible motives explaining why this court did not forward my petition the instant it came in: (1) there's a case before the TX Supreme Court or the Supreme Court of the United States which may reverse the TX Supreme Court's improvident 1980 decision, which ruling may come down in time for it to matter for ***this*** case, or (2) this court intends to entice and encourage the county court to exercise jurisdiction she doesn't have.

The fact that I know of no such case pending before the TX Supreme Court or before the Supreme Court of the United States is irrelevant. I don't expect to know of the full scope of their dockets. However, I remain comfortable in my assessment

that no such case exists, i.e., that there is no realistic expectation that the TX Supreme Court is going to reverse itself in time for such ruling to prevent the disaster that is presently looming regarding ***this*** matter. And, I remain confident in my assessment that there is no such case pending before the Supreme Court of the United States (certainly not one that will decide this issue in time for it to matter per the present trial court's schedule: 29 October / 17 November).

That leaves (2), i.e., this court's intent to entice the county court to proceed with trial, i.e., to exercise jurisdiction she doesn't have. This court *knows* of that setting, because this court denied my first motion for contempt filed directly in response to that continuing trial court activity.

This court is engaging in the same "stall" routine in process in the Fifth District at Dallas regarding the collateral order doctrine appeal in the Florance case out of Collin County. That appellate court hasn't seen fit to forward his collateral order doctrine to Austin, yet, either; however, there may still be an issue regarding the filing of the complete Transcript from the trial court. Yes, since that appellate court managed to enter its initial ruling on the collateral order doctrine without benefit of Record ***or*** Transcript, there's some question as to whether either is necessary for that one. Either way, each tub stands on its own bottom, and that case is not this case.

Another reason for even mentioning the Florance case is that ***if*** that case had progressed far enough along to be in a position to warrant expectation of a ruling that would be handed down in time for it to matter for ***this*** case, then, again, the reason for ***this*** court's delay would appear ***much*** different than it does. Thus, this systemic perspective of delay, delay, delay, is a wicked, self-made boomerang on the return leg of its journey.

Therefore, as regards this court's intent to entice the county court to exercise jurisdiction she doesn't have, one item we must address here is the active, systemic, appellate policy regarding submarining pre-trial challenges to trial court jurisdiction. Delay in review of a pre-trial jurisdictional challenge has value only for those matters that are both settled and arise in the normal course. To apply that same "thinking" to "new" positions is ludicrous on its face as a matter of policy. For cases such as this one, every "justification" imaginable by which an appellate court ***refuses*** to give a full and complete airing of those jurisdictional challenges ***in time for it to matter*** is simply one more mechanism by which that appellate system "sets up" the trial bench for the fall, including criminal charges and commercial claims. The trial bench members are sitting ducks, because the appellate courts ***refuse*** to allow a full and timely review of pre-trial jurisdictional challenges. Why are they sitting ducks? Because judges who act without jurisdiction have no immunity.

Al Capone thought he was "untouchable." Then he met Elliot Ness.

In sum, there's a time to balance the preference to avoiding piece-meal appeals with the need to make ***damn*** good and sure that the trial court actually has jurisdiction to reach the merits. The Supreme Court have already engaged that analysis, one end result of which is called the collateral order doctrine.

Where the matters at issue are "new" enough to the system to justify a ***published*** opinion, those matters are also "new" enough to justify taking a good, long, hard look at the matter. And, where this court is so cock and bull sure that it has the proper analysis in mind that it ***published*** its opinion, then there's no reason to delay getting confirmation from the high courts. No reason whatsoever. Only where doubt exists does the delay game being played here arise. Since delay exists, this court's doubt exists, and it's precisely because that doubt ***exists*** that all the more compels the pre-trial appellate review of these jurisdictional issues ***in time for it to matter***.

We should rename the First Amendment. Instead of calling it the right to free speech and press, we should call it the right to document what we don't know or understand. That part of the judicial position documented to date would support the concept that the judges think I'm crazier than hell. That may or may not *still* be the case for the municipal court, given that in the recent *Rothgery* case (23 Jun 2008), the Supreme Court have fully confirmed that an "arraignment" is a proceeding. To apply that reasserted teaching in Due Process, Art. 45.018(b) says and means that STATE must serve Notice, consisting of the "complaint," properly, at least one day before that "arraignment," or whatever other proceeding happens to be engaged first. Obviously, that never happened, here. The related *federal* court may or may not have thought I was crazier than hell at the beginning, but even before the *Gonzalez* ruling (12 May 2008), by which the Supreme Court confirmed that magistrate participation is triggered solely by unanimous consent of the parties, that federal trial judge had entered the next ruling, communicating that the concept of magistrate participation had, in fact, been shelved.

This court has gone to a lot of trouble to document what it doesn't know or understand about this case. That's fine. This court is fully entitled to its view that I'm crazier than hell. One in my position gets used to that after a while, and I crossed that threshold a long time ago! I was telling people in high school that bullets just don't do what the Warren Commission wants us to think that they can do. Physics is physics. For additional perspective, in the eyes of the authorities at that time, Galileo was crazier than hell. In the eyes of the authorities at that time, Moses was crazier than hell. In the eyes of the authorities at that time, the Apostle Paul, not only a brilliant lawyer, but also the Chief Judge of the circuit he rode, lost his mind one day, got some dust in his eyes, and became crazier than hell. In the eyes of the authorities at that time, Martin Luther was crazier than hell. In the eyes of the authorities at *this* time, Rep. Charles Key, the members of the Oklahoma Bombing Investigation Committee, Hoppy Heidelberg, Jesse Trentadue,

investigative reporter Pat Shannan, and millions of people across the globe, who know that there were at least ***two*** bomb blasts that morning, are crazier than hell. And, you know what's really, out of this world, crazier than hell? I still find ***no evidence*** that there was any truck that exploded, at all! We see the difference with the 1970 truck bomb (ANFO) used in the bombing of Sterling Hall (the Army Math Research Center) in Madison, Wisconsin. First, there were magic bullets; than came magic truck-bombs; *then* magic plane-bombs! In the eyes of the authorities at this time, William Rodriguez (the last man out alive), the Naudet brothers, Dr. Stephen Jones, Dr. Judy Wood, Alex Jones, Willie Nelson, Charlie Sheen, the NYFD (whose cheap radios didn't work), the NYPD, the leadership and members of 911Truth.Org, the leadership and membership of numerous similar organizations, the authors and editors of voluminous numbers of video and documentary exposés on what really happened, and tens of millions of people across the globe, are all crazier than hell. And, in the eyes of the authorities at *that* time, MESSIAH, GOD ALMIGHTY incarnate in the flesh, was crazier than hell. So, I'm in good company. The question on the table, then, is whether this court still thinks it can afford to find out the hard way that my position is the position that documents the ultimately prevailing legal theories for this case? For this court to find out the hard way is to sink forever the careers of the municipal and county court judges and the career of this particular DA. They're already in serious, ***serious*** trouble, and this court's delay purposefully and intentionally encourages them to proceed with their wrongdoing. The federal law has a term for that intentional encouragement. It's called "aiding and abetting." Thus, and to foreshadow where this letter of Notice is headed, for this court to find out the hard way, as in ***after*** the time for prevention has passed, that I'm "right," here, is for this court to become personally involved as conspirators, in the criminal law meaning of the term, in the federal and state felony crimes being committed against me under color of law and office.

Why are the municipal and county court judges and the DA already in serious, ***serious*** trouble? Ok. Let's go over that, one more time. First, the trial courts have ***never*** had jurisdiction. Key to keep in mind is that it is legally impossible for this "case" ever in a million years to be a ***criminal*** case. I've been charged criminally for exercising my prerogatives (1) not to engage in a particular line of commerce, namely "transportation," (2) not to adopt a particular "choice of law," namely the law of "this state," which, when the new "funny money" comes out, will be the "law" of the so-called "north american union," and (3) not to associate politically or religiously with "church of STATE OF TEXAS." The very act of charging me ***criminally*** for my exercise of my prerogatives in this direction ***is*** a federal, felony, criminal act, and there may also be specific state criminal provisions regarding compelled political / religious affiliation. Among the host of systemic problems manifest in this case, there is no Notice (service was both untimely and improper), no statute, no competent "complaint," ***and no commercial nexus*** (STATE has no standing, not even for a *commercial* case). Raised in the recently filed pre-trial habeas applications, simultaneously filed in the county *and* district

courts, given that the county court is ***disqualified*** from ruling on the habeas application, is also the Due Process problem inherent in a municipal court's refusal to document its orders. It's impossible for a party to be "heard" later on in the process where the issues raised and ruled on are simply never documented. For a municipal court (of no Record) to refuse to document its rulings is for that court to engage in another version of the "secret order" activity to which the tax court is so addicted. *See Ballard v. comm'r*, 544 U.S. 40 (2005). Secondly, and as applies directly to the county court, this collateral order doctrine appeal is still quite active, in even larger part now, given this court's specific and intentional delay in these very proceedings.

It's clear that state courts *must* have authority to rule on federal issues. There's absolutely no practical way around that. But, it's the state judiciary who are crazier than hell if they think they can assume authority over federal issues and then turn right around and strip those federal issues of the federal protection that comes with them. One of the federal protections that comes with the federal issues is called the collateral order doctrine.

As regards the entire point of the collateral order doctrine, it's exactly this court's intent to cause, via this delay, the mooting-out of these pre-trial issues that ***compels*** the recognition of the collateral order doctrine! It's this ***very*** type of non-judicial, non-law-based, political shenanigans that has already proved why the collateral order doctrine is part of Due Process applicable to and binding up the states via the "14th Amendment." It's precisely this ***very*** type of delay game that proves up ***why*** the Supreme Court recognize this exception to the "no piece-meal appeal" doctrine. In light of that reality, it's a blindness of an incurable level not also to see that trial court jurisdiction ***must*** terminate during the pendency of a collateral order doctrine appeal. Otherwise, mootness "wins," and the entire point of the collateral order doctrine is obliterated.

It's been a month since I filed the petition for discretionary review. I am more than sick of being jacked around by this judicial system. About the only thing that will satisfy me as to why this court intends to exhaust the 60-day period, changing ***nothing*** about its position in the interim, and doing ***nothing*** other than passing the matter up the line to Austin 60 days after receipt, is the imminent expectation of a ruling from the TX Supreme Court or the Supreme Court of the United States that would effectively put the 1980 TX Supreme Court decision to bed, in time for it to matter for ***this*** case. There are very few other legitimate reasons for this outrageous delay. There may be discretion, but any amount of discretion allowed is subject to abuse. Without expectation of an imminent ruling by the TX Supreme Court or the Supreme Court of the United States that is fully expected to overrule the TX Supreme Court's 1980 ruling declining to recognize and apply Due Process via the process of the collateral order doctrine, this court has no reason for its delay except that of intending to aid and abet the trial court's and

STATE's perpetuation of its state and federal felony criminal acts against me.

In sum, this court is deliberately interfering with my ability to mitigate the damages of the municipal court, county court, DA, city, county, and STATE. This court, therefore, not only is not helping those parties, but also is angering the hell out of me. To document further and very, very clearly just exactly what is in this court's near future, I'm not just calling this court crazier than hell. I'm calling this court criminal, as I'm calling the municipal court criminal, the county court criminal, and the DA criminal. If this court doesn't have an ***extraordinarily*** good reason for delaying the review of this collateral order doctrine matter, and if this court doesn't send my petition for discretionary review to Austin immediately, then in due course and time, the members of this court will be added to the list of defendants in my federal court lawsuit. I will amend also to demand $25,000,000 instead of the present demand for $10,000,000. This court is knowingly and intentionally participating in active retaliation and witness-tampering, regarding which I am both a state witness and a federal witness, in my whistle-blower's case exposing the scam known generically as the "driver's license" "program."

This Class C misdemeanor "non-case" has been on-going since January, 2007. So, at this stage, where's the fire? If this court is correct, i.e., if the 1980 ruling is correct, then, had this court forwarded my petition upon receipt, it's realistically conceivable that this matter could very likely be en route to the Supreme Court at this very time, or else very close to it. Thus, had this court preferred (A) the study of the law, especially where a pre-trial jurisdictional challenge arises that is so "new" as to warrant a ***published*** opinion, thus the certainty of trial court jurisdiction, over (B) petty political shenanigans and manifestly false presumptions of having the first clue what's at issue, here, then, in a couple of months from right now, if that 1980 ruling is correct, the collateral order doctrine matter would be "forever" put to bed, and we could return to the focus on the commercial nature of ***any*** "licensing" program.

Even more to the point, where this court's ruling is necessarily ***wrong***, because it necessarily follows the improvident 1980 ruling, which is ***wrong***, then this court's intent to move this "non-case" through trial at ***this*** late stage in the process, is mindless, absolutely mindless. This line of activity will not only ***not*** moot out anything, but also will forever seal the fate of the defendants in the present federal lawsuit. This very same trial court delayed and delayed ***and delayed*** that trial setting, including, in particular, deliberately rejecting several months ago my request for the "special setting," via its political retaliation mode. How dare a defendant refuse to kiss jackboots! How dare a defendant assert not only his rights but also the commercial and criminal claims associated with those rights, where all the courts want to do is run over such rights and the legal positions that protect such rights. Defendants who assert their rights and defenses and claims get pre-trial sentences of probation for life with a bi-monthly check-in.

At this stage, then, the jurisdictional analysis no longer is limited to the basic issues I've presented from the outset. It now also includes the issue of whether any trial court has jurisdiction for any purpose during the pendency of a collateral order doctrine appeal. Since the entire point of the collateral order doctrine is preservation of "at risk" federal issues, it follows that the filing of the Notice of Appeal under the collateral order doctrine operates as an automatic stay pending mandate from the appellate court. Thus, I expect it to be likened to Removal of a civil matter to federal court. The reason I don't expect it to operate similarly to Removal of a *criminal* matter is the exact problem addressed in the *Ritchie* case. Certain pre-trial issues have to be addressed pre-trial. Period. Thus, what this court is doing, by deliberately delaying this review, thus by intentionally encouraging the county court to exercise jurisdiction she flat out doesn't have, is trading what may be another three to six months (or whatever time necessary for Supreme Court analysis) for the entire rest of the lifetimes of the defendants in my federal court lawsuit, which may very well include the members of this court. Even having that "trade" ***on the table*** is extraordinarily stupid, utterly mindless.

There's ***nothing*** that this court can do, in the normal course, to change its current ruling. There's ***nothing*** that the CCA can do, in the normal course, to change the ruling they're going to be constrained to enter, either. No one realistically expects anything different. But this court has (1) refused to tell the trial court to stop, both in its published opinion ***and*** in denying my first motion for contempt, and (2) outrageously delayed further review of this collateral order doctrine matter. That takes this out of "good faith" and instantly puts it into "bad faith." There are the two options already mentioned as to why any delay should exist at all, and I know of no such cases imminently pending for ruling in either of the only two courts with authority to address these issues. This court was in such a hurry to ***publish*** its ruling that it didn't even wait for STATE to submit a brief in response. Therefore, there is no legitimate reason for this outrageous delay. The ***only*** purpose is to encourage the county court to exercise jurisdiction she doesn't have, i.e., to "aid and abet" the on-going federal, felony crimes against me, which delay intent also self-proves why the collateral order doctrine exists!

Al Capone thought he was "untouchable." Then he met Elliot Ness.

Where this court doesn't give a damn about my effort at mitigation of STATE's damages, I'm finding less and less reason to try. I can assure you, for this case, that this is the last effort I'll be making. I don't know how to give Notice any more clearly than already exists. The exception is that if this conspiracy should grow still wider, then, I'll probably feel duty-bound to give more Notice.

Submitted by,

/s/ Harmon Taylor
Harmon L. Taylor

P.S. The longer the debate, the larger the audience. So, go ahead and send me the form regarding certificate of compliance for the electronic form of my Brief. Since this court so blatantly doesn't give a damn about good faith, prevention, or mitigation of damages, I've changed my mind, and I would now like to have that Brief electronically available to the world through this court's website.

cc:

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