

RESPONDING TO A CRIMINAL TAX INDICTMENT



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1 The following information is intended to show what happens on ones first appearance before the magistrate or judge
2 concerning a criminal indictment for an alleged violation of an income tax statute.

3 The author of this information is not aware of anyone in the patriot community who has published the specifics and
4 importance of what should be done **before** the accused makes **any plea**, i.e. guilty or not guilty to any alleged charge.

5 **1 THE SCENARIO**

- 6 1. Grand Jury Indicts an accused based upon information supplied by the United States Attorney or his assistant. The
7 Attorney is not required to submit exculpatory evidence about the accused to the grand jury.
- 8 2. An arrest warrant is issued for the accused by the court clerk.
- 9 3. The Accused is arrested by Federal Marshalls, fingerprinted and mugged, and, then brought, before a federal Magistrate
10 or Judge for a Bond Hearing. Object to being fingerprinted, signing your name to the fingerprint card and being
11 photographed. Both constitute a taking of property without due process or consent. Do not freely give consent.
- 12 4. The Court sets an arraignment Date, time and place certain.
- 13 5. At arraignment:
 - 14 5.1. Judge must join the case by eliciting a plea from the accused.
 - 15 5.2. Before asking for a plea, like guilty or not guilty from the accused, the Judge may question the accused as to whether
16 he has a lawyer and can afford one, if not, that the accused is entitled to an attorney and that the court will appoint
17 the accused an attorney, if requested, and before the accused answers any of the judges questions. The accused has
18 the right to have an attorney at all phases of the court procedure. However, the court may decide to proceed anyway,
19 and ask the accused as to whether he is a citizen of the United States, understands the nature and cause of the alleged
20 charges in the indictment, and will inform the accused of his right to a jury trial.

21 **LET THE SHOW BEGIN: [and you can believe it, the Judge and attorneys are very good actors], ...** So the U.S.
22 Attorney has indicted you by using the federal grand jury, for an alleged violation of the IR Code, 26 U.S.C. §7201 (tax
23 evasion - a felony (infamous crime), or section 7203 (willful failure to file a 1040 tax return - a misdemeanor), or for
24 something else.

25 What do you do now?:

- 26 1. Hire a lawyer?
- 27 2. Let the judge protect you and your rights?
- 28 3. Plea bargain?
- 29 4. Throw in the towel?
- 30 5. Call a local tax group?
- 31 6. Confide in a friend?
- 32 7. Handle it yourself?
- 33 8. Pray?

34 A very serious decision to make.

35 If one will take the time to look up the definitions of "joinder," "plea," "controversy," "mandamus," and "prohibition," in one
36 of the leading law dictionaries, or in the Criminal and civil rules of procedure, one can see how important and significant the
37 words are regarding one who has been indicted or charged by information.

38 Remember, one has to identify one's self in court, otherwise, the court is required to bring in witnesses' who can identify the
39 accused. Use your own discretion.

40 The bond hearing. In order to compel one to give up his property in the nature of money to secure a bond for an alleged
41 indictment requires a hearing before an independent judicial officer (See the Fourth Amendment right to be secure in your
42 person, papers, and effects (property rights). Demand an independent judicial officer even at the BOND HEARING.

43 One must **belligerently claim** his rights, or he has none.

1 *"The privilege against self-incrimination [Fifth Amendment] is neither accorded to the passive resistant, nor the*
2 *person who is ignorant of their rights, nor to one who is indifferent thereto. It is a fighting clause. Its benefits*
3 *can be retained only by sustained combat. It cannot be claimed by an attorney or solicitor. It is only valid*
4 *when insisted upon by a belligerent claimant in person."*
5 *[U.S. v. Johnson, 76 F.Supp. 538 (1947), Emphasis added]*

6 **2 TYPICAL SEQUENCE OF A FEDERAL CRIMINAL CASE**

7 The table below describes the typical sequence of a criminal tax case. It was derived by examining the federal criminal rules
8 and the U.S. code.