

STATE OF NEW HAMPSHIRE

CHESHIRE, SS

SUPERIOR COURT

Case No. 213-2011-CR-00216

State v.
Jason Talley

MOTION TO RECONSIDER ORDER OF 04/10/12

Jason Talley respectfully requests this Honorable Court reconsider it's "ORDER" issued on 04/10/12. In support of this, Mr. Talley states the following:

1. The third paragraph of the Court's order, the first three sentences read: "*The State's motion to strike Mueller's testimony is GRANTED. The events about which Mueller intends to testify occurred on a different date and at a different court than the matters underpinning the present charges. Talley does not assert that the charges pending against him are in any way related to Mueller's arrest.*" (emphasis added)

2. Mr. Talley respectfully objects to the Court's opinion in #1.

3. Mr. Talley believes the charges pending against him are absolutely related to Adam Mueller's illegal arrest on 06/28/11. His belief for the relation is outlined in the numerous filings he has made with the Court.

4. Mr. Talley believes he was arrested for violating an unconstitutional and corrupt court order that was specifically enacted to provide cover for Keene Circuit Court-District Division Presiding Judge Edward Burke who had committed a crime video on 06/28/11.

5. Mr. Talley believes Part I, Article 10 of the New Hampshire Constitution authorizes him, and even encourages him, to reform the New Hampshire Judicial

Branch's corruption by requiring this court to allow him to introduce Adam Mueller's testimony to the jury.

6. Mr. Talley believes the jury being made aware of Mr. Mueller's illegal arrest and the unconstitutional and corrupt court orders that followed combined with a jury nullification instruction is the only way to receive a fair trial in this case.

7. The third paragraph of the Court's order, fourth sentence reads: "*(Jason) states that, by way of defense, he intends to challenge the constitutionality of that order and also to assert ignorance or mistake. Mueller's testimony, however, concerns his own arrest elsewhere and on a different date and is irrelevant to either of Talley's defenses.*" (emphasis added)

8. Mr. Talley respectfully objects to the Court's opinion in #7.

9. Mr. Talley has asserted numerous times in prior filings that the court orders themselves are a breach of the public trust, and as such, are of such note that Part I, Article 10 of the New Hampshire Constitution should allow him to reform the government to eliminate two classes of men.

10. Mr. Talley has also asserted, both in his original "Notification of Criminal Defense" on 01/31/12 (see #5 #6 #7) and in oral argument to the Court on 04/09/12, that the time, place, and manner restrictions of the court orders that resulted in his arrest could easily be confused by Mr. Talley as they have not clearly been defined. As argued to the court previously, a person like Mr. Talley who is untrained in the law could easily be confused that an apparently corrupt court order would supersede what he *then believed* was a clearly established federal constitutional right.

11. The fourth paragraph of the Court's order, first sentence reads: "*Mueller's*

testimony is not relevant because “[s]uch testimony would not make any fact or consequence more or less likely.”

12. Mr. Talley respectfully objects to the Court’s opinion in #11.

13. Mr. Talley asserts unequivocally that if Adam Mueller had not been illegally ordered arrested by Judge Burke on 06/28/11 that his being arrested would have never happened.

14. The Circuit Court Administrative Judge himself accused Adam Mueller of “accosting” Judge Burke in his 07/01/11 order, issued three days after Mr. Mueller’s illegal arrest. Mr. Talley attempted to ascertain precisely what Administrative Judge Kelly meant by Judge Burke being “accosted” by means of requesting this Court authorize his criminal deposition. As that motion was denied, Mr. Talley can only assume that the reason Judge Kelly issued the order was to protect a colleague who had violated several of Mr. Mueller’s state and federal rights.

15. Mr. Talley believes that the only way for him to have a fair trial is for the jury to be informed that the New Hampshire Judicial Branch equates constitutionally protected questions with “accosting” and that it later uses said questions and misconduct by one of its officers as justification to take state and federal rights away.

16. The sixth paragraph, first two sentences of the Court’s order read: *“Talley’s argument suffers from several defects. First, he concedes that the Attorney General’s memorandum was issued months after his arrest.”*

17. Mr. Talley agrees with the Court that he conceded on 04/09/12 that the Attorney General’s memorandum was issued months after his arrest, but he respectfully disagrees and objects to the Court’s opinion that it constitutes a “defect.”

18. Mr. Talley believes that Part I, Article 10 of the New Hampshire Constitution allows him to reform the government by showing a letter having to do with what could be viewed as “*ex post facto “law enforcement assisted” jury nullification defense.*” Mr. Talley believes this can only be accomplished notwithstanding any court rule or case law to the contrary, by showing his jury the apparent corruption within the New Hampshire Judicial Branch.

19. Mr. Talley believes the New Hampshire Judicial Branch would be tempted to protect itself from public exposure on the issues raised in his numerous filings, and as such, Part I, Article 10 allows him, and suggests that he should, reform the New Hampshire Judicial Branch of government by introducing evidence normally not allowed.

20. The sixth paragraph, fifth sentence of the Court’s order reads: “*Talley does not assert that **he** acted under a mistaken belief about the lawfulness of his conduct: instead, he argues that the bailiffs were ignorant of Glik, a decision which involved the video taping of an arrest on a public street, and which defendant interprets as supporting his right to bring cameras into the courthouse.*” (emphasis added by the Court by italicizing the word “he” in the first sentence)

21. Mr. Talley respectfully objects to the Court’s opinion in #20.

22. During the hearing on 04/09/12 Counsel for Mr. Talley argued that a person unfamiliar with the law could easily understand that a federal court order interpreting the United States Constitution would overrule the New Hampshire Judicial Branch’s authority, yet still be confused with the time, place, and manner restrictions that the First Circuit Court of Appeals envisioned when it issued *Glik*.

23. In prior filings with the Court Mr. Talley has additionally argued that the New

Hampshire Judicial Branch has violated the “*strict scrutiny*” standard imposed by the United States Supreme Court (*see Korematsu v. United States (1994) and United States v. Carolene Products (1938)*) when it argued that constitutionally protected conduct is a “*compelling governmental interest*” which would authorize their use of state power to restrict state and federal constitutional rights as a result of a state official violating both constitutions.

24. Mr. Talley agrees and reaffirms the Court’s conclusion that he also believed that the bailiffs, as law enforcement officers in a public building, were ignorant of the *Glik* decision also.

25. The sixth paragraph, sixth sentence of the Court’s order reads: “*Alternatively, he argues that the judiciary was ignorant of the law when it issued an administrative order banning cameras in the courthouse.*”

26. Mr. Talley respectfully objects to the Court’s opinion in #25.

27. Mr. Talley argues that he believes the judiciary breached the public trust when it issued three orders restricting constitutional freedom in response to a judicial officer illegally ordering a citizens arrest.

28. Mr. Talley believes the Court cannot constitutionally issue orders to restrict constitutionally guaranteed freedoms simply because a sitting judge violates someone’s constitutionally guaranteed freedoms.

Prayer for Relief

WHEREFORE, Jason Talley, requests this Honorable Court to order the following relief:

A. Reconsider it’s “ORDER” dated 04/10/12, or

- B. Develop the record further with regard to this Motion To Reconsider and the objections made therein so that Mr. Talley can adequately prepare for an appeal to the New Hampshire Supreme Court, and
- C. Grant any other relief this Honorable Court deems just and proper.

Respectfully submitted,
Jason Talley

04/11/12

By
Bradley Jardis
42 Main Street #27
Dover, NH 03820

I hereby certify that on the above date, a copy of this motion will be was hand delivered to Assistant Cheshire County Attorney John Webb.

Bradley Jardis