

## **QUESTIONS PRESENTED**

1. Did the district court compel reversible error to the prejudice of Applicant in its decision to exercise jurisdiction when un-controverted proper and timely filed Motions challenged jurisdiction based upon Supreme Court decisions holding that the income tax is not traceable to any clause in the Constitution of the United States giving Congress the power to "lay and collect taxes"?
2. Did the district court compel reversible error to the prejudice of Applicant in its decision to exercise jurisdiction allowing prosecution of Applicant to commence for alleged income tax crimes when Applicant's un-controverted timely and proper Motions challenged subject matter jurisdiction based upon the fact that no Internal Revenue Code section makes individuals liable for an income tax?
3. Did the district court compel reversible error to the prejudice of Applicant in its decision to exercise jurisdiction for seventeen (17) months before issuing an Order adopting the Magistrate's "Report and Recommendations" on Applicant's challenges to jurisdiction leaving Applicant no time to file interim appeals on that basis before trial?
4. Did the district court compel reversible error in violation of Applicant's constitutional right to due process of law when Magistrate's "Report and Recommendation" claimed subject matter jurisdiction without basing said declaration on "the preponderance of evidence" as required by law?
5. Did the district court compel reversible error to the prejudice and denial of Applicant's constitutional due process rights when it refused to instruct the jury respecting the fundamental basis of the defense theory when the evidence presented in the case overwhelmingly proved Applicant's reliance upon Congressional Reports of 1954 defining the term "income" and prior decisions of this Court commanding the legislature to clarify its meaning in 26 U.S.C. §61?
6. Did the federal prosecutor prejudicially influence the jury in summation arguments and violate Applicant's constitutional due process rights by continually misstating the evidence and by making false and misleading claims as to the nature of the charges?

## QUESTIONS CONTINUED

7. Did Jury Instruction No. 19 violate Applicant's constitutional right to a fair trial and due process of law when it was contrary to the evidence presented at the trial and constitutes abuse of discretion for the judge to create a "liability" for a tax where the record showed that Congress did not?
8. Did the requirements of 26 U.S.C. §6201(a)(1) lawfully prohibit the charge and prosecution of Applicant for tax evasion when the evidence proved that none of the assessments, (and penalties based on such assessments), were based on any returns made by Applicant and when the record showed no deficiency?
9. Did the government's failure and neglect of its own administrative remedies and procedures, in violation of 26 U.S.C. §6201(c)(1) and (c)(3) and their implementing Treasury Regulations prohibit the government from charging Applicant of tax evasion?
10. Did vagueness of the term "income" in U.S.C. §61, "income defined", trigger violations of Applicant's constitutional due process rights as the Supreme Court ruled in Connally v. General Construction Co., 269 U.S. 385, 391 (1926), where no statute or Treasury Department statement explains that the term is used in its "constitutional sense", and, it does not appear that Congress' 1954 clarification in House Report No. 1337 and Senate Report No. 1622 providing the definition of the term "income" has been brought to the Court's attention?