

No. 18-1575

In The
Supreme Court of the United States

JERRY PRESTON MCNEIL,

Petitioner;

v.

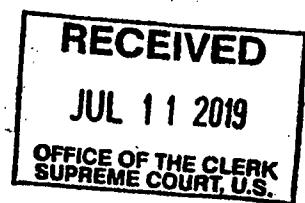
THE STATE OF OKLAHOMA,

Respondent.

On Petition For A Writ Of Certiorari
To The Supreme Court Of Oklahoma

SUPPLEMENTAL BRIEF

JERRY PRESTON MCNEIL,
Pro Se
16902 East 80th Street North
Owasso, OK 74055
(918) 272-6019



QUESTION PRESENTED FOR REVIEW

The Rogers County Treasurer, Jason Carini has furnished Petitioner McNeil a complete confession that the Defendant State illegally taxes private property through the use of a Bill of Attainder.

Whether an emergency injunction shall issue from this Court to stay the hand of Oklahoma's illegal criminal process?

REVIEWED

ON 11/1/00

SEARCHED SERIALIZED INDEXED
OKLAHOMA STATE ATTORNEY GENERAL

TABLE OF CONTENTS

	Page
Question presented for review.....	i
Table of Contents.....	ii
Table of Authorities	iii
Introduction	1
Constitutional and statutory provisions involved	2
Jurisdiction and Standing	2
Incorporated Material	2
The New Developments.....	3
The Law of the Case	4
Argument.....	5
Conclusion and Prayer	7
Appendix	
Dunning letter and confession of the State of Oklahoma	App. 1

TABLE OF AUTHORITIES

	Page
CASES	
<i>Chicago, Burlington & Quincy Railroad Co. v.</i> <i>City of Chicago</i> , 166 U.S. 226 (1897).....	4, 7
<i>Cummings v. Missouri</i> , 71 U.S. 377 (1867)	1, 6
 CONSTITUTION AND STATUTES	
Constitution of the United States of America	1, 2
Oklahoma Ad Valorem Statutes.....	3

INTRODUCTION

The Constitution of the United States of America, at Article I, Section 9, Clause 3, expressly provides:

“No Bill of Attainder or ex post facto Law Shall be passed.”

In the wake of the Great American Civil War the people of the State of Missouri adopted a new *Constitution* which required public officers, trusts, professions or listed functionaries to take and record an oath as specified therein, under pain of fine and or imprisonment.

The Reverend Mr. Cummings, a Priest of the Holy Roman Catholic Church, was indicted and convicted on the charge of “teaching and preaching” without having first taken and recorded the aforesaid constitutionally prescribed oath.

On these facts this Court of the United States invalidated that part of a State *Constitution*, in *Cummings v. Missouri*, 71 U.S. 377 (1867). See Petitioner’s principle Brief, Pp. 6, 12.

Oklahoma’s taxing Statutes, OS 68, § 3101 to 3152, impermissibly impose taxes on private property. These Statutes are enforced by threat of State sale of delinquent property under terms specified by State Legislators. The situation seems quite impossible to misunderstand.

Tax delinquency in Oklahoma is presently punished by the State Legislators. Exactly as the

Constitution of Missouri punished Reverend Cummings for preaching.

CONSTITUTIONAL AND STATUTORY PROVISIONS INVOLVED

Article I, Section 9, Clause 3

Article VI, Clause 2

Amendment V

Amendment XIV

JURISDICTION AND STANDING

McNeil alleges that both Standing in equity, and the prerequisite jurisdictional thresholds were satisfied before the docketing of the Opening Brief, Case No. 18-1575.

INCORPORATED MATERIAL

Principle Brief of Petitioner in the instant Case No. 18-1575, together with Case No. 18-6, ante, docketed in this Court on June 29, 2018, with its Appendix, is incorporated herein as if fully reproduced in every particular.

THE NEW DEVELOPMENTS

On the Second Day of July, just passed the United States Postal Carrier delivered to Petitioner/Appellant McNeil a tax dunning letter addressed to and delivered to his private home. The aforementioned private home being the taxed object clearly identified in the "Legal Description." Country Briar 2, is a residential sub-division named in the tax dun and contains not a single Commercial Business.

The undated dunning letter issued from the good offices of Jason Carini, Rogers County Treasurer. The dunning letter issued as an automated office procedure, and Petitioner McNeil is very likely the first human being to have actually laid eyes on the customized form letter. The form having been specifically designed for the purpose, needing merely insertion of applicable data such as names, addresses and legal descriptions.

The undated dunning letter contains an official confession of the allegations made by Petitioner McNeil against the State of Oklahoma in his principle Brief docketed in this Court June 20. See the opening Brief, page 11, paragraph B. 1.

In particular, judicial notice is demanded of the concluding sentence in the letter, referring to the State lien laid against private property:

"Further, pursuant to Title 68, Sections 3125 through 3127 of Oklahoma Statutes, if the lien remains unpaid for a period of three years or more, as of the date the above listed taxes first became due and payable, this property will be

sold at Resale to the highest competitive bidder."

Sold at Resale, not pursuant to *trial and judgment*, but **Sold at Resale** *pursuant to legislative command.*

THE LAW OF THE CASE

The exclusive power of Congress to tax private property by the Rule of Apportionment was the strongest inducement for the Ratification of the Constitution; Case No. 18-6 ante, p. 7. This grant of power was an essential abridgement of State power. Id. p. 6.

In order to make very sure it was not misunderstood, the people of the then 13 States refused to Ratify the Constitution without its Bill of Rights, the first ten Amendments. Cites omitted.

The Fifth Amendment restricted only the federal government until after the close of the Civil War. The Fourteenth Amendment made the first eight Amendments binding on States.

Even in War, the prohibition in the Fifth Amendment; "*nor shall private property be taken for public use without just compensation,*" applies. See Case No. 18-6 ante, p. 10.

In particular see Syllabus, *Chicago, Burlington & Quincy Railroad Co. v. City of Chicago*, 166 U.S. 226 (1897):

"A judgment of a state court, even if authorized by statute, whereby private property is taken for public use, without compensation made or secured to the owner, is, upon principle and authority, wanting in the due process of law required by the Fourteenth Amendment of the Constitution of the United States." Emphasis added.

"The prohibitions of the Fourteenth Amendment refer to all the instrumentalities of the State, to its legislative, executive and judicial authorities, and, therefore, whoever by virtue of public position under a state government deprives another of any right protected by that amendment against deprivation by the State, violates the constitutional inhibition; and as he acts in the name and for the State, and is clothed with the State's power, his act is that of the State." Id. p. 233.

By command of Article VI, Clause 2, the holding of this Court just recited is binding on judges in every State.

States may not disregard a controlling decision in their own Courts. See the principal brief ante, page 12.

ARGUMENT

It would be easy for an uninterested observer to conclude that one of two things must be true:

First, no one in the Oklahoma Supreme Court actually reads any of the briefs submitted to or served

upon it; or second, it matters not to those who can and do perchance read and understand those briefs, what their contents are.

McNeil imputes to the Oklahoma Supreme Court the capacity to read and understand written material.

States, including Oklahoma *cannot* tax the private property of its people without violating the Constitution of the United States and long settled decisions of this Court.

And it has been repeatedly demonstrated to the judges of this Court that none of the Oklahoma judges are troubled in the least by that.

Petitioner/Appellant McNeil opened his Quiet Title Action in the 12th District Court of Oklahoma, in Rogers County on September 14, 2014. The complaint was dismissed because not allowed by Statute.

The re-formed complaint was also dismissed in 2016, after careful briefing of the law, and several documents docketed. See Case No. 18-6, ante, App. 6.

The Oklahoma Court of Civil Appeals appears to have intentionally misread the controlling decision of *Cummings v. Missouri*, *supra*. See Case No. 18-6, ante, App. 1, et seq.

While Case No. 18-6 was being perfected, Jason Carini placed a lien on McNeil's private home, and collected by force of a void law, more than ten thousand dollars in U.S. currency after having advertised it for a Sheriff's sale.

The most current tax dunning letter, see App. 1-2, pose an inevitable threat of a repeat that violation of protected rights. Soon.

CONCLUSION AND PRAYER

Oklahoma is not alone in the fact that State governments have taxed private property without much resistance since the time of the Great American Depression. History books have not provided much to help understand why that is.

Still, there can be no statute of limitation on a constitutional right. McNeil has demonstrated that, unaided by this Honorable Court, his rights in private property will forever be forfeited to the intransigence of State bureaucracy, and judiciary. There is no ear in Oklahoma, to hear complaints grounded in a constitutional right in property.

Petitioner McNeil respectfully asks the Court to put professional courtesy aside for this instance and issue an EMERGENCY STAY OF PROCEEDINGS to the Rogers County Treasurer, Jason Carini, pending a decision of this Court in the active cases docketed here.

Jason Carini, Rogers County Treasurer acts in the name and for the State, and is clothed with the State's power, his act is that of the State; *Chicago, Burlington*

& Quincy Railroad Co. v. City of Chicago, 166 U.S. 226
(1897).

Respectfully submitted,

JERRY PRESTON MCNEIL,
Pro Se
16902 East 80th Street North
Owasso, OK 74055
(918) 272-6019

App. 1

Notice Concerning Delinquent Tax

ROGERS COUNTY TREASURER
200 S LYNN RIGGS BLVD
CLAREMORE, OK 74017

TO WHOM IT MAY CONCERN

MCNEIL, JERRY P
16902 E 80TH ST N
OWASSO OK 74055-0000

The record in the County Treasurer's Office indicates that the taxes on the property described below are delinquent:

Legal Description LOT 11 BLOCK 5 COUNTRY BRIER 2	Owner Name: MCNEIL, JERRY P Situs Address: 16902 E 80TH ST N Property ID: 000000-00-0-00210-005-0011 Base ID: 21958 Taxes Due From: 2018 or before Please contact our office for the total amount due.
---	--

This notice has been sent to inform you that if the above mentioned taxes remain delinquent we are required by Title 68, Sections 3105 through 3106 of the Oklahoma Statutes to place a lien against the above listed property for satisfaction and full payment of

App. 2

delinquent taxes. The lien will take effect as of 8/01/2019. Further, pursuant to Title 68, Sections 3125 through 3127 of Oklahoma Statutes, if the lien remains unpaid for a period of three years or more, as of the date the above listed taxes first became due and payable, this property will be sold at Resale to the highest competitive bidder.

ACCEPTABLE FORMS OF PAYMENT: CASH, CASHIER'S CHECK, CREDIT CARD OR MO ORDER. PLEASE REFERENCE BASE ID NUMBER FROM ABOVE WITH ACCEPTABLE FORM OF PAYMENT PAYMENT DUE BY 7/31/2019 TO AVOID NEWSPAPER PUBLICATION AND PUBLICATION COST.

**If you have any questions, please contact the
ROGERS COUNTY TREASURER'S OFFICE at:
918-923-4797**

Hours of Operation: 8:00 A.M. TO 5:00 P.M. MONDAY THRU FRIDAY

Sincerely,

**JASON CARINI
ROGERS COUNTY TREASURER**
