

No. 17-1131

IN THE
SUPREME COURT OF THE UNITED STATES

WARREN ADAM TAYLOR,

Petitioner,

v.

UNITED STATES DISTRICT COURT FOR
THE SOUTHERN DISTRICT OF GEORGIA,

Respondent.

REHEARING

WARREN ADAM TAYLOR

Unrepresented Counsel

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By the Constitution, the judicial power of the United States is vested in the Courts of the United States. *Art. 3, sect. 1.* By the statutes of the United States, those courts have jurisdiction, exclusive of the courts of the several States, of "all crimes and offences cognizable under the authority of the United States," *Rev. Stat. 711, cl. 1*; and the Circuit Courts of the United States have exclusive cognizance of all such crimes and offences, except where otherwise provided by law, the principle exception being where concurrent jurisdiction is given to the District Courts of the United States; *Rev. Stat. 629, cl. 20; Act of August 13, 1888, c. 866, 1, 25 Stat. 434*; and it is declared, by way of greater caution, that nothing contained in the Crimes Act of the United States "*shall be held to take away or impair the jurisdiction of the courts of the several States under the laws thereof.*" *Rev. Stat. 5328.* The House of Representatives of the United States is made by the Constitution the judge of the elections, returns and qualifications of its own members. *Art. 1, sect. 5.*

Congress has also enacted that every person, having taken an oath to testify truly, "*before a competent tribunal officer or person, in any case in which a law of the United States authorizes an oath to be administered,*" who wilfully and contrary to such oaths states any material matter which he does not believe to be true, is guilty of perjury, and

shall be punished by fine and imprisonment. *Rev. Stat. 5392.*

Any one of the officers designated by Congress to take the depositions of such witnesses, (*whether he is appointed by the United States, such as a judge of a Federal court or a register in Bankruptcy, or by the State, such as a judge of one of its courts of record, a mayor or recorder of a city, or a notary public,*) performs this function, not under any authority derived from the State, but solely under the authority conferred upon him by Congress, and in a matter concerning the government of the United States.

Testimony taken with the single object of being returned to and considered by the House of Representatives of the United States exercising the judicial power, vested in it by the Constitution, of judging of the elections of its members, and taken before an officer designated by Congress as competent for this purpose and deriving his authority to do this from no other source, stands upon the same ground as testimony taken before any judge or officer of the United States, and perjury in giving such testimony is punishable in the courts of the United States. See *In Re Loney*, 134 U.S. 372, 375, 10 S. Ct. 584, 33 L. Ed. 949, (1890), referencing, (*United States v. Bailey*, 9 Pet. 238.

But the power of punishing a witness for testifying

falsely in a judicial proceeding belongs peculiarly to the government in whose tribunals that proceeding is had. *Rev. Stat. 629, cl. 20; Act of August 13, 1888, c. 866, 1, 25 Stat. 434.* See also, *Rev. Stat. 5328.*

In this rehearing petition the Federal law states: Summary judgment is appropriate if "*the movant shows that there is no genuine dispute as to any material fact and the movant is entitled to judgment as a matter of law.*" *Federal Rule of Civil Procedure 56(a).*

The petitioner believes the above Federal law is the Court's ruler of measurement for his rehearing petition. On this Tuesday, April 10th, 2018.

The lower court's material fact in the rehearing's district court's record seem to me to be nothing more than conjectures. *United States v. Ross, 92 U.S. 281, 284 (1876).*

The petitioner's rehearing alleged the district court's abatement should be considered *res judicata* for the final judgment of the State of Georgia's court under Federal law. Were by the courts of other States including Georgia, that the state courts have no jurisdiction of perjury in testifying before a commissioner of the Circuit Court of the United States; or have no jurisdiction of perjury in making an affidavit under the acts of Congress relating to perjury in the Georgia state statute; *Ex parte Bridges, 2 Woods, 428; S.C. nom. Brown v. United States, 14 Amer. Law Reg. (N.S.) 566; State v. Shelley, 11 Lea (Tenn.) 594; Ross v. State, 55 Georgia, 192; and by the courts of other states.*

The petitioner's petition for rehearing, herein; alleged the material facts in the district court's extended abatement order dated *March 6th 2017*. That seems to me to supporting nothing more than conjectures. It is not a legitimate inference, even to establish a fact; much less are the lower court judge's presumption of law. They are inferences from inferences; presumptions resting on the basis of another previous determination based upon material fact unseen. Such a mode of arriving at a conclusion of fact is generally, if not universally, inadmissible. No inference of fact or of law is reliable drawn from premises which are uncertain. Whenever circumstantial evidence is relied upon to prove a fact, the circumstance must be proved, and not themselves presumed. *Starkie on Evidence*, page 80, lays down the rule thus: "*In the first place, as the very foundation of indirect evidence is the establishment of one or more facts from which the inference is sought to be made, the law requires that the latter should be established by direct evidence, as if they were the very fact in issue.*" It is upon this principle that courts are daily called upon to exclude evidence as too remote for the consideration of the jury. The law requires an open, visible connection between the principal and evidentiary facts and the deductions from them, and does not permit a decision to be made on remote inferences. *Best on Evidence*, page 95.

A presumption which the jury is to make is not circumstance in proof; and it is not, therefore, a legitimate foundation for a presumption. There is no open and visible connection between the fact out which the first presumption arises and the fact sought to be established by the dependent presumption. *Douglas v. Mitchell*, 35 Penn. St. 440, *United States v. Ross*, 92 U.S. 281, 284 (1876).

Certification of Counsel

The unrepresented counsel hereby certify he has comply with *SCR 44.2* pursuant to Federal statute 28 U.S.C. 1746 et seq., under the penalty of perjury that his petition for a rehearing dated *Tuesday, April 10th, 2018* is presented in good faith and not for delay. Additionally, this rehearing petition has one (1) unbound copy of the petition on 8 ½ by 11 inch paper. Along with the required 40 copies of booklets, herewith, submitted with the rehearing petition pursuant to *SC Rule 33.1(f)*.

The unrepresented counsel swear with this declaration in compliance with *SCR 44.2* certification requirement, but its grounds shall be limited to intervening circumstances of substantial or controlling effect or to other substantial grounds not previously presented. that the rehearing petition is restricted to the grounds specified on page number 3, paragraph numbers: two (2) and three (3) and that it is presented in good faith and not for delay; one copy of the certificate does bear the signature of counsel (or of a party unrepresented by counsel). The certificate is bound with each copy of the petition.

And is for any judgment or decision of the United States Supreme Court on the merits for the denied writ of certiorari dated *March 19, 2018*. The time for filing a petition for the rehearing of an order denying a petition for a writ of certiorari or extraordinary writ will not be extended.

Sincerely submitted;

A handwritten signature in black ink, appearing to read "Warren Adam Taylor", written over the printed name.

Warren Adam Taylor
Unrepresented Counsel

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