

STATE OF NEW HAMPSHIRE

CHESHIRE, SS

SUPERIOR COURT

Case No. 213-2011-CR-00216

*State v.
Jason Talley*

Motion to Dismiss

Jason Talley moves this Honorable Court to dismiss all charges pending in the matter of case number 213-2011-CR-00216 due to the fact that the charges in this case originated from rules enacted specifically to cover up and prevent future media coverage of criminal conduct committed by New Hampshire Judicial Branch officials. In support of this motion, Jason states as follows:

1. The New Hampshire Constitution in Part I, Article 22 reads as follows:

*Free speech and liberty of the press are essential to the security of freedom in a state: They ought, therefore, to be **inviolably** preserved.* (emphasis added)

2. The Marriam-Webster Dictionary defines “inviolable” as:

secure from violation or profanation <an *inviolable* law>

or

secure from assault or trespass : [unassailable](#)

3. On June 28th 2011, independent journalist Adam Mueller of CopBlock.org attempted to interview Keene Circuit Court Presiding Judge Edward Burke about his decision to use taxpayer funds to imprison a peaceful individual who chose to protest a ban on wearing some kinds of hats while sitting in his courtroom. The conversation about public policy and its enforcement by a public official (the video of which is viewable in its entirety at www.CopBlock.org/ImproperInfluence) is as follows:

Adam Mueller: "Judge Burke, can I ask you a few questions about a hat, and how that constitutes contempt?"

Adam Mueller: "You think people want to pay for someone to be in jail for five days for wearing a hat?"

Adam Mueller: "It's kind of ridiculous to waste taxpayer money on something like that, isn't it?"

Adam Mueller: "Sir, I just want to have a conversation."

Judge Burke: "Bailiff! Bailiff! This person is threatening me about a decision I just made."

Adam Mueller: "I'm not threatening you. I'm asking questions."

Judge Burke: "He's threatening." *points to Adam* "That's a criminal offense."

Bailiff: "Come on, sir, you're in custody."

4. Mr. Mueller, a member of the free press who was acting as such, was imprisoned for two days on the aforementioned false allegations made by Judge Burke for two days prior to the Cheshire County Attorney dropping the charges.

5. New Hampshire law makes it a criminal offense to falsely report that another has committed a crime to law enforcement authorities. The law, False Reports to Law Enforcement, is codified at RSA 641:4 and reads:

A person is guilty of a misdemeanor if he:

1. Knowingly gives or causes to be given false information to any law enforcement officer with the purpose of inducing such officer to believe that another has committed an offense; or

6. As a result of Judge Burke being seen publicly on the Internet telling a lie which resulted in an innocent man and member of the media being imprisoned for two days (and his resulting criminal investigation which has still yet to be concluded by the Sullivan County Attorney), Circuit Court Chief Judge Edwin Kelley abused his authority granted by the New Hampshire Supreme Court pursuant to Supreme Court Rule 54 (which was granted to the Supreme Court originally by the people of the State of New Hampshire through Part II, Article 73-a of the New Hampshire Constitution) by enacting Circuit Court Order 2011-03 on July 1st 2011, not more than one day after Mr. Mueller was released from state custody. By doing so, Chief Judge Kelley stripped citizens of this state of their federal and state constitutional rights to hold government officials accountable for not only public acts, but **criminal** acts, committed in public areas of a public building.

7. Circuit Court Order 2011-03 itself was so bold as to state that members of the public had “accosted the presiding justice(,)” a reference undoubtedly to Judge Burke’s false statements three days prior about Mr. Mueller’s constitutionally protected conduct which ended with him falsely imprisoned for two days.

8. As a result of the embarrassment Judge Burke faced by being seen publicly on video telling a lie (and his resulting criminal investigation which has still yet to be concluded by the Sullivan County Attorney), Superior Court Chief Judge Tina Nadeau abused her authority granted by the New Hampshire Supreme Court pursuant to Supreme Court Rule 54 (which was granted to the Supreme Court originally by the people of the State of New Hampshire through Part II, Article 73-a of the New Hampshire Constitution) by enacting an order on July 1st 2011 that enforced the provisions of

Circuit Court Chief Judge Kelley's order upon the Superior Court system. By doing so, Chief Judge Nadeau stripped citizens of this state of their federal and state constitutional rights to hold government officials accountable for not only public acts, but **criminal** acts, committed in public areas of a public building.

9. Presiding Justice John Arnold of the Cheshire Superior Court further expanded the order adopted by Superior Court Chief Judge Nadeau by enacting "Order In Reference To Administrative Order 2011-3" on July 15th 2011. This order outright banned the possession of any device commonly used by the media to hold government officials who wield tremendous power accountable to the people from whom they derive their power.

11. The first court order adopted by Chief Judge Kelley served as the root of a now poisonous tree which restricts constitutional rights through a total of three court orders specifically immediately issued following a criminal act committed by a judge being caught on camera.

12. Were Cheshire County Superior Court Presiding Judge Arnold's order not in effect on the date of Mr. Talley's arrest, Mr. Talley never would have been arrested as the bailiffs would never have taken issue with the innocuous possession of a recording device.

13. Mr. Talley believes the judicial orders issued by New Hampshire's two chief trial court judges and the Cheshire County Superior Court Presiding Judge John P. Arnold represent an abuse of the public trust as they constitute an effort on the part of the Judicial Branch of the State of New Hampshire to ensure that any future criminal acts which result in the deprivation of liberty on the part of a citizen of this state never be

caught on camera again.

Prayer for Relief

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

- A. Dismiss all charges pending in this matter; and
- B. Grant any other relief this honorable Court deems just and proper.

Respectfully submitted,
Jason Talley

01/31/12

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

Bradley Jardis