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**UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF CALIFORNIA**

<b>UNITED STATES OF AMERICA,</b>	)	<b>Case # 08CR1171-W</b>
	)	
<b>Plaintiff</b>	)	<b>RESPONSE: Government Motion to</b>
	)	<b>Quash Subpoenas &amp; Exhibits</b>
<b>v.</b>	)	
	)	<b>Judge: Hon. Thomas J. Whelan</b>
<b>DAVID C. JACQUOT,</b>	)	<b>Courtroom: 7</b>
	)	<b>Date: 20 April 2009</b>
<b>Defendant</b>	)	<b>Time: 2:00 pm</b>

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1 Now comes the Defendant, David Jacquot and respectfully requests the Court deny the  
2 Government's Motion to Quash Subpoenas for the hearing on 27 April 2009. (Copies of the  
3 Subpoenas at issue are attached as **Exhibit 1**). The Defendant requests the Court to deny the  
4 Government's Motion to Quash the Subpoenas on three grounds:

- 5
- 6 • The Motion by the Government is illegal.
- 7 • Quashing the Subpoenas violates the Defendant's 6<sup>th</sup> Amendment Right to Compulsory
- 8 Process.
- 9 • The Motion by the Government constitutes additional vindictive behavior and prosecutorial
- 10 misconduct by AUSA Devine.
- 11

12 Each of these items will be discussed in separate sections below.

1 The subpoenas issued summon one witness from the:  
2

- 3 • Executive Branch – Timothy Geithner
  - 4 • Legislative Branch – Charles Rangel
  - 5 • Judicial Branch – Stephen Breyer
  - 6 • Failed Nominee – Tom Daschle
- 7

8 These witnesses are necessary to show that the favorable treatment of the Political Insiders is  
9 widespread throughout the federal government.  
10

### 11 **Section 1**

### 12 **The Government's Motion is Illegal.**

13

14 No Standing. The Government has no standing to challenge the subpoenas. The Government  
15 presents thinly veiled arguments that they have legitimate government interests in challenging the  
16 subpoenas. The weak reasons the government argues are merely a subterfuge for what is really  
17 occurring, namely, the Government is making the Motion to Quash on behalf of the Political  
18 Insiders.  
19

20 It is clear from the Government's Motion that the Political Insiders have been in contact with the  
21 Department of Justice: The Motion states:  
22

23 "The Government learned today that Defendant sent subpoenas to U.S. Supreme  
24 Court Justice Stephen Breyer and U.S. Secretary of the Treasury Timothy  
25 Geithner ordering them to appear at the April 27, 2009 motion hearing."  
26

27 Contact by itself is not completely dispositive of the Government's real motive. However, as of 4:00  
28 pm Pacific Time on Friday 17 April 2009, only Tom Daschle has contacted the Defendant. None of  
29 the other Political Insiders have contacted the Defendant, filed an appearance, or made a motion to

1 quash on their own behalf. Unless the **recipients do not oppose the subpoenas**, it must be the case  
2 that the Department of Justice has told them that they will handle the matter for them. We all know  
3 that the recipients oppose the subpoenas. If the recipients do not oppose the subpoenas, why would  
4 they contact the Justice Department? The **real reason** the Department of Justice has filed this  
5 Motion to Quash is to improperly provide representation to the Political Insiders.

6  
7 The Defendant has made it clear to the Government that the individuals being subpoenaed are being  
8 subpoenaed as **individuals regarding their personal tax returns**. They are not being subpoenaed  
9 regarding their **official duties whatsoever**. AUSA Devine knows this. However, she tries to wiggle  
10 around this fact by **false speculation**. AUSA Devine states in her Motion:

11  
12 “Although Defendant stated at the March 30, 2009 Status Conference that he has  
13 subpoenaed these government officials in their personal capacity, it is not clear  
14 that the scope of his desired examination and request for documents is so limited.  
15 The Department of Justice, Office of the United States Attorney is counsel to  
16 these persons **in their official capacity**.”

17  
18 First, **no documents are being requested**, only testimony. More importantly, AUSA Devine is  
19 trying to use **false speculation** about what the **questioning might be** to justify its improper  
20 representation of the Political Insiders. The Defendant’s Selective Prosecution Motion clearly states  
21 what information will be sought from these individuals. That information is regarding their personal  
22 tax returns and AUSA Devine knows that. The Government simply does not have standing to  
23 object on their behalf because **none** of this information relates to their official duties. Moreover, one  
24 of the Political Insiders subpoenaed is not a government employee and therefore it is impossible for  
25 the Department of Justice to be counsel to him in his “*official capacity*.”

26  
27 The Government’s argument that they have standing to prevent the use of Rule 17 to circumvent  
28 discovery requirements of *U.S. v. Armstrong* is **without merit**. The Defendant is **not** seeking  
29 discovery and contrary to AUSA Devine’s **false representations**, no documents are sought. Rather,

1 the Defendant is seeking to elicit testimony **to establish a record** on which the Court can  
2 appropriately rule on his Selective and Vindictive Prosecution Motion. The Defendant has described  
3 the information he alleges regarding these individuals in his Motion. Since no discovery is sought,  
4 the Government's claim to have standing via Armstrong is without merit.

5  
6 **Rule 17(c).** AUSA Devine is **misleading the Court** again with her discussion of Rule 17(c) and the  
7 applicable cases. Rule 17(c) states:  
8

9 **Producing Documents and Objects.**

10 (1) *In General.*

11 A subpoena may order the witness to produce any books, papers, documents, data, or  
12 other objects the subpoena designates. The court may direct the witness to produce the  
13 designated items in court before trial or before they are to be offered in evidence. When  
14 the items arrive, the court may permit the parties and their attorneys to inspect all or part  
15 of them.

16 (2) *Quashing or Modifying the Subpoena.*

17 On motion made promptly, the court may quash or modify the subpoena if compliance  
18 would be unreasonable or oppressive.

19 (3) *Subpoena for Personal or Confidential Information About a Victim.*

20 After a complaint, indictment, or information is filed, a subpoena requiring the  
21 production of personal or confidential information about a victim may be served on a  
22 third party only by court order. Before entering the order and unless there are exceptional  
23 circumstances, the court must require giving notice to the victim so that the victim can  
24 move to quash or modify the subpoena or otherwise object.

1 Rule 17(c) applies **only to the production of documents and objects**. No such request has been  
2 made by the Defendant and therefore Rule 17(c), all AUSA Devine’s arguments, and all the cases  
3 that AUSA Devine cites are **irrelevant**. AUSA Devine knows that no documents or objects were  
4 requested, **as the subpoenas are blank in this regard**. AUSA Devine also knows the purpose of  
5 Rule 17(c), as her Motion states that the rule was meant:

6  
7 “to expedite the trial by providing a time and place before trial for the inspection  
8 of subpoenaed materials”  
9

10 But once again, in her unfettered quest to “win at all costs,” AUSA Devine did not want the facts to  
11 get in the way of some “good cases” that she found, so she **intentionally made misleading**  
12 **arguments** to the Court. This is not the first time that AUSA Devine has cited **completely**  
13 **irrelevant law** to the Court. In response to the Defendant’s Motion to Suppress search evidence,  
14 AUSA Devine cited a theory of law and supporting “good cases” that had been abolished by the  
15 Supreme Court approximately 15 years earlier. This **intentional misleading of the Court** is yet  
16 another act of prosecutorial misconduct that is rampant in this case.  
17

18 **Pro Bono Services**. The Department of Justice is providing free legal services to Political Insiders  
19 regarding personal legal issues. The reason these services are provided is due to their political  
20 prominence. No such services would be provided to “ordinary citizens.” In fact such representation  
21 violates Federal Regulations that prohibit Department of Justice attorneys from providing legal  
22 services to individuals or entities, with the exception of close family and community organizations.  
23 CFR Title 5, Section 3801.106 states:

24  
25 (b) **Prohibited outside employment**. (1) No employee may engage in outside  
26 employment that involves:  
27

1 (i) **The practice of law**, unless it is uncompensated and in the nature of  
2 community service, or unless it is on behalf of himself, his parents, spouse, or  
3 children;

4  
5 AUSA Devine's representation of the Political Insiders about their personal tax returns and  
6 subpoenas requesting testimony regarding the same violates this Regulation. Again, the Defendant  
7 contends that this representation is **only** occurring only because the subpoena recipients are  
8 politically connected. This violation of Federal Regulations should not be allowed to continue.

9  
10 **Conflict of Interest.** The Department of Justice has a conflict of interest in representing the Political  
11 Insiders in their individual capacity. The U.S. Attorney cannot represent both the United States and  
12 these individuals individually. Attorney ethics rules clearly prohibit such joint representation.  
13 Additionally, as stated above, such representation violates Federal Regulations. Since a conflict of  
14 interest exists, **AUSA Devine**, and by attribution, the **entire Department of Justice should be**  
15 **disqualified** from acting in this case. If the Government wants to proceed with the case, a **Special**  
16 **Prosecutor must be appointed.**

17  
18 **Government Waiver.** In order to streamline the process and to avoid costs and inconvenience, the  
19 Defendant requested in his Motion that the government specifically describe the information it  
20 disputes to **narrow the issues** and limit who needed to be subpoenaed. The Motion stated:

21  
22 "The Defendant requests that the government specifically describe the  
23 information it disputes in its Opposition, **so that the Defendant can subpoena**  
24 **only those individuals necessary to testify at the hearing.**"

25  
26 **The government refused to do so.** Instead, AUSA Devine only made false and condescending  
27 remarks that the information is "*baseless, self-serving hearsay and patently false.*" AUSA Devine's  
28 assertions are incorrect and the Defendant is entitled to prove that AUSA Devine's statements are  
29 false. For example, the Defendant alleged that each and every Political Insider was **not** being

1 prosecuted. According to AUSA Devine this allegation is “*baseless, self-serving hearsay, and*  
2 *patently false*” and therefore all the Political Insiders, according to AUSA Devine, are being  
3 prosecuted. The fact is that none of these individuals are being prosecuted and the Defendant is  
4 entitled to so prove. The government had an opportunity to narrow down the issues and chose not to  
5 do so. The Defendant contends that the government **waived its right to object to the subpoenas.**

6  
7 **Obstruction of Justice & Special Prosecutor.** The actions of AUSA Devine seeking to prevent the  
8 Defendant from subpoenaing witnesses constitutes obstruction of justice under 18 U.S.C. 1503,  
9 which states:

10  
11 **§ 1503. Influencing or injuring officer or juror generally**

12  
13 (a) Whoever corruptly...influences, obstructs, or impedes, or endeavors to  
14 influence, obstruct, or impede, the due administration of justice, shall be  
15 punished as provided in subsection (b).

16  
17 (b) (3) ... imprisonment for not more than 10 years, a fine under this title, or both.

18  
19 AUSA Devine is corruptly attempting to prevent the Defendant from exercising his 6<sup>th</sup> Amendment  
20 Right to Compulsory Process. Her actions are corrupt because she:

- 21  
22 • has no standing to interfere,  
23 • is presenting false arguments,  
24 • is illegally providing representation to Political Insiders regarding personal matters,  
25 • is engaged in a conflict of interest,  
26 • is violating attorney ethics rules, and  
27 • has intentionally submitting false authority to the Court.  
28

1 This attempt to prevent the subpoenas via improper and illegal actions constitutes obstruction of  
2 justice and the Defendant respectfully requests that the Court appoint a **Special Prosecutor to indict**  
3 **AUSA Devine** for this crime. Additionally, the Defendant requests that the Special Prosecutor be  
4 requested to investigate all Justice Department officials and IRS officials that assisted AUSA Devine  
5 in her corrupt actions for possible prosecution for aiding and abetting and/or conspiracy to obstruct  
6 justice.

7  
8 **Section 2**

9 **6<sup>th</sup> Amendment Right to Compulsory Process**

10  
11 The Defendant has a 6<sup>th</sup> Amendment Right to compel witnesses on his behalf. The 6<sup>th</sup> Amendment  
12 states:

13  
14 “In all criminal prosecutions, the accused shall enjoy the right...to have  
15 compulsory process for obtaining witnesses in his favor.”

16  
17 **The Government has cited no authority to quash a Subpoena for testimony only.** All the  
18 government authority cited is irrelevant as it only applies to documents and objects subject to Rule  
19 17(c).

20  
21 The Supreme Court has held that all the Defendant must show in order to be entitled to compulsory  
22 process is that the testimony sought is **material and favorable**. See U.S. v. Valenzuela-Bernal, 458  
23 U.S. 858 (1982). Being a member of Congress or Government official does not make an individual  
24 immune from compulsory process. They are not immune in their official capacity and the surely are  
25 not immune regarding their personal affairs. The Supreme Court has stated on this issue:

26  
27 "The constitution gives to every man, charged with an offence, the benefit of  
28 compulsory process, to secure the attendance of his witnesses. I do not know of

1 any privilege to exempt members of congress from the service, or the obligations,  
2 of a subpoena, in such cases." Gravel v. United States, 408 U.S. 606 (1972)

3  
4 The evidence that the Defendant seeks to present is material and favorable to his Selective  
5 Prosecution claim. The Government's argument that the testimony of the Political Insiders will not  
6 "assist him in proving discriminatory effect or discriminatory motive" is **without merit**. The  
7 government alleges that the Political Insiders do not have information relevant to discriminatory  
8 effect or discriminatory motive, stating:

9  
10 "These individuals are not in a position to testify about decisions made by the IRS  
11 or other governmental entities relating to whether they should have been  
12 criminally prosecuted and were not"

13  
14 "these individuals are not in a position to testify about whether they should have  
15 been prosecuted and, if so, the reasons why they were not prosecuted."

16  
17 The Government is applying the wrong standard. It is **irrelevant** whether the Political Insiders can  
18 testify about the decision making process. What the Political Insiders testimony will provide is  
19 evidence that **individuals similarly situated, were not prosecuted**. This evidence is required by  
20 prong #1 of the two prong test found in Wayte v. United States, 470 U.S. 598 (1985).

21  
22 The Government Motion also argues that "ordinary citizens" must be a constitutionally protected  
23 class, stating:

24  
25 "Defendant claims... that "ordinary citizens" are a **protected class** and that he is  
26 a member of that class"

1 “Even assuming the law recognized this classification as **constitutionally**  
2 **protected**, Defendant fails to acknowledge that there are countless cases against  
3 “ordinary citizens” that are not prosecuted.”  
4

5 Selective prosecution does **not** require that there be a constitutionally protected class. Rather the  
6 standard is that “*others similarly situated generally have not been prosecuted for conduct similar to*  
7 *petitioner's.*” **Id.** Clearly the testimony of the subpoenaed Political Insiders is **relevant, probative**  
8 **and material** to establishing that “*others similarly situated generally have not been prosecuted for*  
9 *conduct similar to petitioner's.*”  
10

11 The Government’s actions and Motion regarding these subpoenas itself is evidence that the Selective  
12 Prosecution Motion has merit and that the witnesses testimony will be relevant and material to the  
13 issue of Selective Prosecution. If the Defendant had subpoenaed an “*ordinary citizen*” rather than  
14 the “*Political Elite*” there is no way that the Justice Department would have filed the Motion to  
15 Quash. It is clear from the content of the Government’s Motion that the Government was contacted  
16 by subpoena recipients. It is only because of these individuals status as “Political Insiders,” that the  
17 Government intervened on their behalf. Again, no such intervention would occur for “ordinary  
18 citizens.” The Government’s actions and the testimony of the witnesses is **relevant and material** to  
19 the fact that there is a serious problem at the Department of Justice regarding preferential treatment  
20 of the Political Insiders. Favorable treatment of the Political Elite over ordinary citizens is the **most**  
21 **serious and destructive type of discrimination possible** and the Government’s actions regarding  
22 these subpoenas further proves that such discrimination exists and is sanctioned by the Department  
23 of Justice.  
24

25 Based on the foregoing, the Defendant’s 6<sup>th</sup> Amendment Right to Compulsory Process requires that  
26 he be allowed to subpoena these witnesses.  
27

1 Section 3

2 The Government's Motion is Additional Evidence of Vindictive Prosecution  
3 & Prosecutorial Misconduct

4  
5 False Pleadings. Once again AUSA Devine has filed false pleadings in this case. In her response to  
6 the Selective Prosecution Motion she states:

7  
8 “Defendant chooses to attack the prosecutor, the Secretary of the Treasury,  
9 Congressman Rangel and others, with baseless, self-serving hearsay and  
10 patently false allegations.”

11  
12 “Defendant has put forward nothing but “mere allegations.” and hearsay from  
13 news articles. Defendant’s argument that he was treated differently from select  
14 “political insiders” is ridiculous on its face.”

15  
16 “Defendant offers nothing but wild accusations and allegations that have  
17 nothing to do with reality.”

18  
19 It is clear from this flamboyant language that AUSA Devine believes that the allegations regarding  
20 the Political Insider’s tax problems are false. However, in her Motion to Quash, AUSA Devine  
21 changes her story and states:

22  
23 “Defendant has selectively chosen high level government officials who have  
24 publicly admitted that their tax returns were subject to scrutiny by the Internal  
25 Revenue Service.”

26  
27 “with respect to Timothy Geithner, it is well known that his tax situation was  
28 discussed at length in his Senate confirmation hearings. Thus, Defendant can  
29 simply introduce the relevant portions of these congressional hearings and does

1 not need to disrupt the official business of the U.S. Department of the Treasury by  
2 requiring Secretary Geithner to appear at the motion hearing in this case.”

3  
4 AUSA Devine’s own words prove that **she is a liar**. In response to the Selective Prosecution  
5 Motion, the Political Insider’s tax situation was:

- 6
- 7 • “*baseless, self-serving hearsay and patently false*”
- 8 • “*ridiculous on its face*”
- 9 • “*wild accusations*”
- 10 • “*hearsay from news articles*”
- 11 • “*allegations that have nothing to do with reality*”
- 12

13 Now the information regarding the Political Insiders has been “**publically admitted**,” Mr. Geithner’s  
14 tax situation is “**well known**” and can be “**simply introduced**” via the congressional record. This is  
15 yet another instance of AUSA Devine submitting false pleadings and false information to the Court.  
16 Her prior offenses include, but are not limited to:

- 17
- 18 • False pleadings and supporting declarations in the TRO Case.
- 19 • False affidavit of Agent Brana.
- 20 • False pleadings regarding the conduct of the search.
- 21 • An incomplete proffer regarding the case, intentionally omitting 404(b) evidence.
- 22 • Arguing a theory of law and citing cases that had been abolished by the Supreme Court 15
- 23 years earlier to support her opposition to the Defendant’s Motion to Suppress.
- 24 • Arguing a theory of law and citing cases relating to Rule 17(c) and subpoena *duces tecum*,
- 25 when she knew the subpoenas were for testimony only
- 26

27 AUSA Devine must not be allowed to continue to attempt to perpetuate fraud on the Court.  
28 Continual presentation of false pleadings and evidence violates the Defendant’s Due Process rights.  
29 See Dixon v. Commissioner of Internal Revenue, 316 F. 3rd 1041 (9th Cir. 2003). Such actions also

1 require the Defendant to expend his limited assets (time and money) to rebut these false allegations  
2 and thereby deprive him of resources to prepare for trial. The Defendant requests the Court dismiss  
3 the case for Prosecutorial Misconduct and sanction AUSA Devine for presenting false pleadings to  
4 the Court.

5  
6 Vindictive Threats for Exercise of Constitution Rights. Once again AUSA Devine is threatening the  
7 Defendant with increased charges for the exercise of his Constitutional Rights, this time, for his  
8 exercise of his 1<sup>st</sup> Amendment Right to Free Speech.

9  
10 AUSA Devine threatens the Defendant with criminal charges for violating 26 U.S.C. § 7212. The  
11 basis for these charges are the Defendant's press release, the information regarding the case on his  
12 website, and the courtesy letters that the Defendant sent to the subpoena recipients.

13  
14 In regards to the letters sent to the Subpoena recipients, these were sent for the purpose of providing  
15 the recipients advance notice and to preclude undue surprise when the subpoenas were issued. The  
16 excerpts the Government states in its pleadings are misleading. The letters, when read in their  
17 entirety, are not the sinister plot that the AUSA Devine alleges. Nowhere in those letters does it  
18 state or imply that the Defendant intends to "*disseminate derogatory information about their*  
19 *personal taxes to the media.*"

20  
21 In regards to the press release and website content, this is **constitutionally protected political**  
22 **speech**. The Defendant has the right to criticize the acts of the government, and that is exactly what  
23 was done in the press release and the website. As political speech it is entitled to the highest level of  
24 constitutional protection. "*When the government seeks to restrain speech related to a political or*  
25 *public issue, such a restriction must withstand "strict scrutiny."* The courts entertain a "*heavy*  
26 *presumption" that every prior restraint on protected speech is unconstitutional.*" Promotions, Ltd.  
27 v. Conrad, 420 U.S. 546, 558 (1975).

1  
2 The Defendant's press release and website content are **not** improper. The Supreme Court has stated:

3  
4 "The freedom to criticize government and public officials sustains a democratic  
5 society, protects the marketplace of ideas, and protects the public from  
6 government corruption. Restrictions on core political speech must survive strict  
7 scrutiny." Burson v. Freeman, 504 U.S. 191, 197-98 (1992);

8  
9 Just because AUSA Devine does not like the content of the message is no basis for the Government  
10 to infringe on the Defendant's 1<sup>st</sup> Amendment Rights. In regards to this matter, the Supreme Court  
11 has stated:

12  
13 "Suppression of speech protected by the First Amendment is not permitted merely  
14 because the listener may be offended." Florida Bar v. Went For It, Inc., 515 U.S.  
15 618, 638 (1995)

16  
17 In regards to criminal trials, both the Supreme Court and attorney ethics rules support the  
18 dissemination of information.

19  
20 The Supreme Court states:

21  
22 "Dissemination of information about criminal trials and the judicial system is vital in  
23 a democratic state." Gentile v. State Bar of Nev., 501 U.S. 1030 (1991) citing  
24 Landmark Communications, Inc. v. Virginia, 435 U.S. 829 (1978)

25  
26 The Model Rules of Professional Conduct in the Comment to Rule 3.6 states:  
27

1 “Speech about ongoing cases serves a valuable public function. The  
2 subject matter of legal proceedings is often of direct significance in debate  
3 and deliberation over questions of public policy.”

4 AUSA Devine’s threats of prosecution chill the Defendant’s 1<sup>st</sup> Amendment Rights and are an  
5 **unconstitutional prior restraint on Free Speech**. Her threats also **infringe on the rights of the**  
6 **press and all U.S. citizens** as the Supreme Court has held:

7  
8 “The First Amendment protects both the right to speak and the right to receive  
9 information.” Virginia State Bd. of Pharmacy v. Virginia Citizens Consumer  
10 Council, 425 U.S. 748, 757 (1976) (citing to Kleindienst v. Mandel, 408 U.S. 753,  
11 762-763 (1972)).

12  
13 In summary, the First Amendment prohibits the State from silencing speech it disapproves, and  
14 particularly prohibits silencing criticism of government itself. AUSA Devine must not be allowed to  
15 use the threat of charges, amounting to an unconstitutional prior restraint on free speech, to block  
16 political speech and criticism of the government.

17  
18 These threats by AUSA Devine are yet another vindictive act, in a long string of vindictive  
19 government actions in this case:

20  
21 In retaliation for the exercise of the Defendant’s constitution rights and his defense of the  
22 constitutional rights of his clients, namely the xelan Family of Companies, AUSA Devine  
23 and other government officials instituted a bogus lawsuit that seized all of the Defendant’s  
24 assets and destroyed his reputation and law practice. This vindictive action **falsely alleged**  
25 the following criminal charges:

- 26 • Mail Fraud
- 27 • Wire Fraud

- Money Laundering
- Conspiracy to Defraud the United States
- Unlawful Welfare Fund Payments

Judge Burns found such allegations to be false, and AUSA Devine retaliated, **falsely alleging** that the Defendant did not file a 2004 Corporate Tax Return

When the government discovered that the 2004 Corporate Tax Return was filed, AUSA Devine retaliated with false charges that 2001 and 2002 gross income was understated, and presented such information to a Grand Jury. She intentionally excluded known exculpatory evidence that that 2003 and 2004 were overstated and that over the period of the entire investigation, that the Defendant had, according to the government, over declared his income.

After the Defendant filed a complaint with the Office of Professional responsibility regarding alleged unethical behavior of AUSA Devine, she **falsely alleged** that the Defendant failed to file 2005-2007 tax returns

Now, after the Defendant exercises his 1<sup>st</sup> Amendment Rights, AUSA Devine is **improperly threatening** criminal charges for violation of 26 U.S.C. § 7212.

This pattern of **vindictive behavior must be stopped** and is a further basis supporting the Defendants pending Vindictive Prosecution Motion. The judicial system is not AUSA Devine's private playground to engage in retaliatory behavior every time she gets embarrassed or angry. The Defendant requests that the Court take this behavior into account in deciding the Defendant's pending Vindictive Prosecution Motion.

**Prayer For Relief**

1 In spite of the favorable treatment improperly afforded to them by the Department of Justice, the  
2 **Political Insiders are not “super citizens” and are not immune to subpoenas.** The government  
3 has no right or standing to intervene in the Defendant’s compulsory process for witnesses. Such  
4 action constitutes obstruction of justice. Moreover, it is unconstitutional for the government to seek  
5 to prevent the Defendant from putting on his case, particularly when the government had an  
6 opportunity to narrow the issues but rather elected to make erroneous and insulting remarks.

7  
8 The Defendant requests that the Court:

- 9
- 10 • Deny the government’s request to quash the subpoenas.
  - 11 • Declare that the Department of Justice is disqualified from proceeding in the case due to  
12 conflict of interest.
  - 13 • Appoint a Special Prosecutor to investigate and indict those involved in the obstruction of  
14 justice.
  - 15 • Dismiss the case for Prosecutorial Misconduct due to AUSA Devine’s false pleadings  
16 regarding the Political Insiders, particularly Timothy Geithner’s, tax situation.
  - 17 • Sanction AUSA Devine for her threats of prosecution in retaliation for the Defendant’s  
18 exercise of his 1<sup>st</sup> Amendment Rights.
  - 19 • Impose whatever additional relief the Court deems appropriate.
- 20

21 Respectfully Submitted,

22  
23  
24 /s/ David Jacquot

25 David Jacquot, Defendant  
26  
27

1  
2 **Certificate of Service**

3  
4 IT IS HEREBY CERTIFIED THAT:

5  
6 I, David Jacquot, am a citizen of the United States and am at least eighteen years of age. My  
7 business address is 2041 Bandy Road, Priest River, ID 83856. I am the pro se Defendant in the  
8 above entitled action.

9  
10 I have caused service of:

- 11  
12 • **Response: Government Motion to Quash Subpoenas**  
13

14 by filing the foregoing with the Clerk of the District Court using its ECF System, which  
15 electronically notifies the Government.

16  
17 I declare under penalty of perjury that the foregoing is true and correct on this 17 March 2009.  
18

19  
20 /s/ David Jacquot

21 DAVID JACQUOT  
22

1  
2  
3  
4  
5  
6  
7

# EXHIBITS