

From: judgewatchers@aol.com

To: ahorwitz@rwu.edu

Subject: Thank You for Being the First Amicus Curiae at the U.S. Supreme Court in the "Disruption of Congress" Case

Date: Thu, 31 May 2007 9:28 pm

Dear Professor,

I sincerely thank you for your willingness to file an *amicus curiae* brief in the U.S. Supreme Court in the "disruption of Congress" case. Attached is the Supreme Court's Rule 37 relating to *amicus curiae*. My successful motion to Chief Judge Roberts for an extension of time to file my cert petition until August 17th – and identifying my intention to seek *amicus curiae* support – is posted on CJA's website, www.judgewatch.org – accessible via the sidebar panel "Disruption of Congress' – The Appeal".

You made an invaluable contribution at the D.C. Court of Appeals by your *amicus* brief on my fourth appellate issue– the unconstitutionality of the probation terms and six-month jail sentence imposed upon me when I rejected them. You will now be able to build on that work by exposing how the D.C. Court of Appeals shamelessly evaded such important constitutional challenges by its bogus "mootness" claim.

As discussed, my petition for rehearing & rehearing *en banc* highlighted (at p. 10) that the D.C. Court of Appeals' own caselaw belies its completely boilerplate "mootness" claim: its cited decision of *McClain v. United States*, 601 A.2d 80 (1992), as likewise the *en banc* decisions to which that case refers, *United States v. Edwards*, 430 A.2d 1321 (1981), and *Lynch v. United States*, 557 A.2d 580 (1989).

You might want to look at the Supreme Court case of *Gerstein v. Pugh*, 420 U.S. 103 (1975), whose footnote 11 (at 110) contains relevant discussion on the mootness issue in the context of pretrial detention.

Attached is my draft cert petition, including the "Questions Presented". Your comments and suggestions would be most appreciated. I would point out that pages 16-17 of the petition summarize the motions and emergency appeal that my pro bono counsel made, during my incarceration, to prevent mootness -- and preserve what became my fourth appellate issue.

I will be contacting other scholars – and organizations – who hopefully will contribute *amicus curiae* briefs on the other far-reaching constitutional issues presented by my cert petition. This includes the National Legal Scholars Law Firm, which I mentioned to you. Its website is www.nationallegalscholars.com.

Again, thank you – and for once again being the first to come forward as an *amicus*, this time at the U.S. Supreme Court.

Regards (and to Professor Zlotnick)

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