

IN THE UNITED STATES DISTRICT COURT FOR THE
WESTERN DISTRICT OF MISSOURI
WESTERN DIVISION

UNITED STATES OF AMERICA,)
)
) Plaintiff)
)
 v.) case no.10- 00320-01/19-CR-W-DGK
)
)
 FRANK M. ALVAREZ,)
)
) Defendant)

MOTION TO INSPECT JURY RECORDS
and to QUASH JURY PANEL

Comes the defendant, Frank M. Alvarez, pro se, and pursuant to Federal Rules of Criminal Procedure, Rules 6(b)(1,2), and Rule 12; and, Federal Rules of Civil Procedure, Title 28 U.S.C. §§ 1867(a), and moves this Court to issue an Order to its Clerk ordering that defendant be provided with the grand jury records of the impaneled jury which indicted him. He also request that the Clerk be ordered to provide him with historical records of grand juries in pursuance with §1868 of Title 28 U.S.C., chapter 121.

SUGGESTIONS

On the date of November,18,2010, a federal grand jury returned an indictment against this defendant in the Western District of Missouri, Western division.

- 2) Defendant Alvarez ~~was not present personally,~~ nor was he represented by counsel during the inpaneling of the jury; thus, he was deprived of his constitutional right to challenge this inpanelment.
- 3) Alvarez has been indicted by an improperly inpaneled grand jury.

ARGUMENT

Alvarez asserts that he has both a constitutional and statutory right to challenge either a grand or petty jury inpaneled against him in criminal and civil proceedings. *Id.*, U.S. cont. V,VI; F.r.Crim.P.,R.6(b);28 U.S.C.§1867. As such, he therefor had the right to either be present himself , or to have a legal representor present on his behalf. This right has been deprived to him. Through indepent sources, defendant has been informedthat there has not been a juror mmember selected from Jackson County, Missouri,Kansas City, to serve as a federal grand juror in over three decades, in violation of the U.S. Constitutions fifth and Sixth Amendments' requirements that the accused "...shall enjoy the right to a speedy trial by an impartrial juryof the stateand district wherein the crime shall have been committed..." and that the jury be 'selected from a fair cross-section of the community.' the defendant further assrets that as a defendant in a federal criminal case, he has a constitutional and statutory righ to a grand jury and petit jury chosen without discrimination, which represents a fair cross-section of his community. *Glasser v. U.S.*, 315 U.S.60,(1942); *Smith v. Texas*,311 U.S. 128 (1940); 28 U.S.C., §1861.

Alvarez points that he also exercise his right to challenge the grand jury which indicted him, *Id.*;F.R.Crim.P., R.6(b);and, therefore the records requested are need for thus reason.

The provisions of the Jury selection and service Act of 1968 allows him an unqualified right to inspect the jury list at all reasonable times during the preparation of a motion to challenge compliance

with the jury selection procedure. *Test v.U.S.*, 420 U.S.,420 U.S.28(1975)

28U.S.C. §1867(f)

Wherefore, defendant Alvarez prays this court to honorably grant his motion requesting the herein needed material to properly prepare his defense in the criminal proceeding pending against him presently before this COURT.

CERTIFICATE OF SERVICE

In accordance with Federal Rules of Criminal Procedure, Rule 49(a), (b), and (d); and, Federal Rules of Civil Procedure, Rule 5(b), it is hereby certified that one copy of the foregoing motion has been filed and mailed to Bruce Rhodes, Assistant U.S. Attorney, at 400 East Ninth Street, Kansas City, Missouri, 64106, this date of Sept, 25, 2011.

Respectfully submitted,

Frank M. Alvarez, pro se

100 Highway Terrace, CCA

Leavenworth, Kansas, 66048

Frank Alvarez

Cliff Judge
400 E. 9th St
K.C. Mo. 64106

Judge Greg Kays
400 E. 9th St
K.C. Mo. 64106

Bruce Rhodes
U.S. Attorney's office
400 E 9th St
K.C. Mo. 64106

SWORN STATEMENT OF FACTS

I, Frank M. Alvarez, the affiant hereof, do hereby attest that the contents of this document are true and factual to the of my knowledge. I further swear that i was not present during the impanelment of the federal grand jury which returned indictment against my person on the date of November 18, 2010, thereby depriving me of my conctitutional and statutory rights to challenge said jury. I swear that I am the movant within the attached motion 'To inspect jury records and to Quash jury panel. In accordance with Federal Rules of Criminal Procedure, Rule 47, Motions and Supporting Affidavits, Rule 47 (d), I hereby submit this document.

Respectfully submitted,
Frank M. Alvarez,

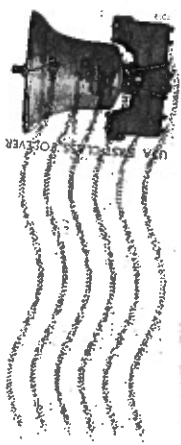
Frank Alvarez
Sept, 25th, 2011

FRANK ALVAREZ 14667045
100 HWY 127R
Leavenworth, KS 66048

MASSACHUSETTS CITY 0541-557
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c/o ~~clerk~~ of Court

clerk's office
United States District Court
Western District of Missouri
400 EAST 9th St.
K.C. MO. 64106



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U.S. MARSHALS

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