

21<sup>ST</sup> CONGRESS  
1<sup>ST</sup> SESSION

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IN THE HOUSE OF REPRESENTATIVES

February 24, 2018 (2089)

Mr. Capone (for himself, Mrs. Johnson, Ms. Hague) introduced the following bill, authored by Mr. Tesla;  
which was referred to the Committee on Judiciary

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**A BILL**

To Reform and Define the Federal Courts System, Legal Procedure for Criminal and Civil Cases and  
Other Matters.

*Be it enacted by the Senate and the House of Representatives of the United States assembled,*

**SECTION 1 - Short Title**

(A) This Act may be cited as the “Federal Judiciary Act of 2089”.

**SEC. 2 - Repeal**

(A) This Act hereby repeals the “Judiciary Act of 2067”, the “Realistic Judicial Act Amendment”,  
and “Circuit Court Reform Act of 2070” in its entirety.

**SEC. 2 - Civil Case Procedure**

(A) A federal civil case involves a legal dispute  
between two or more parties.

(B) To begin a civil lawsuit in federal court:

(a) The plaintiff files a complaint

with the court and serves a copy of the complaint on the defendant. The complaint  
describes the plaintiff’s damages or injury, explains how the defendant caused the harm,  
shows that the court has jurisdiction, and asks the court to order relief.

(b) A plaintiff may seek money to compensate for the damages, or may ask the court to order  
the defendant to stop the conduct that is causing the, or a declaration of the legal rights of  
the plaintiff in a particular situation.

(C) Either the plaintiff or defendant shall have the option of trial by jury. Both parties may agree to a  
trial without a jury, or bench trial.

(a) In a jury trial,

(i) The judge will explain the law that is relevant to the case and the decisions the  
jury needs to make. The jury is asked to determine whether the defendant is

responsible for harming the plaintiff in some way, and then to determine the amount of damages that the defendant will be required to pay.

- (b) In a bench trial,
  - (i) If the case is being tried before a judge without a jury, known as a “bench” trial, the judge will decide the issues in Section 2(C)(a)(i) or order some kind of relief to the prevailing party.
- (D) The litigants must provide information to each other about the case, such as the identity of witnesses and copies of any documents related to the case. Each side may file motions with the court seeking rulings on the discovery of evidence, or on the procedures to be followed at trial, including a deposition, requiring a witness to answer questions about the case before the trial. The witness answers questions from the lawyer under oath, in the presence of the Judge.
- (E) The litigants may use of mediation, arbitration, and other forms of alternative dispute resolution, to produce a resolution of a dispute without the need for trial or other court proceedings, known as a settlement.
- (F) If no settlement is reached, then the court shall schedule a trial.
- (G) In a civil case the plaintiff must convince the jury or judge, dependent on the type of trial, Jury or Bench, respectively, by a preponderance of the evidence (that it is more likely than not) that the defendant is responsible for the harm the plaintiff has suffered.
- (H) In a civil case, the role of the jury is to listen to the evidence presented, to decide whether the defendant injured the plaintiff or otherwise failed to fulfill a legal duty to the plaintiff, and to determine what the remedy, compensation, or penalty should be.
- (I) From the jury pool chosen as described in Section (4)(C), the judge and the attorneys shall ask the potential jurors questions to determine their suitability to serve on the jury, known as voir dire. The purpose of voir dire is to exclude from the jury people who may not be able to decide the case fairly. Members of the panel who know any person involved in the case, who have prior information about the case, or who may have strong prejudices about the people or issues involved in the case may be excused by the judge. The attorneys also may exclude up to 1 potential juror without reason. The jury shall consist of 3 to 5 jurors, who are qualifying members of TPON.
- (J) At the start of trial, the prosecutor and defendant shall make an opening statement to briefly tell their account of the events. The plaintiff shall go first, and the defendant second.
- (K) Both the plaintiff and the defendant can call witnesses to testify or tell what they know about the situation. In order to testify, witnesses must take an oath to agree, swear, or affirm to tell the truth. These witnesses may be of 3 types:
  - (a) A lay witness — a person who watched certain events and describes what he/she saw.
  - (b) An expert witness — a specialist or someone who is educated in a certain area. Testifies with respect to his specialty area only.
  - (c) A character witness — someone who knew the victim, the defendant, or other people involved in the case.
- (L) Following opening statements, the plaintiff may begin direct examination of his first witness in which the plaintiff can introduce evidence to the witness. Following the prosecutor’s examination of a witness, the defense attorney has an opportunity to cross examine or ask questions to the

same witness. After the defense attorney cross examines the witness, the plaintiff may ask the witness final questions to clarify any confusing testimony for the jury.

- (M) Once the process of direct examination, cross examination, and redirect of all the witnesses is complete, the plaintiff may rest his case. After the plaintiff rests his case, no more witnesses can be called to the stand or evidence introduced by the plaintiff.
- (N) After the plaintiff rests, the defense shall have the opportunity to present witnesses and evidence to the jury.
- (O) During direct or cross examination, either attorney can make an objection to a question or a piece of evidence to the judge. Objections include:
  - (a) Hearsay – Statement by a witness who did not see or hear the incident in question but learned about it through secondhand information such as another’s statement, a newspaper, or a document.
  - (b) Relevance – Testimony and evidence presented at trial must be relevant to the case.
- (P) The judge shall decide the outcome of an objection. The judge either sustain the objection so that the action stops, or overrule the objection and allows the action to continue.
- (Q) After the defense’s direct testimony and cross examination by the plaintiff of all the witnesses and the defense rests, and the plaintiff and defense attorney shall enter closing arguments. These arguments shall allow both attorneys to summarize the testimony and evidence.
- (R) After closing arguments, the jury shall decide whether the defendant injured the plaintiff or otherwise failed to fulfill a legal duty to the plaintiff, and to determine what the remedy, compensation, or penalty should be.
  - (a) If a jury is not present, the Judge shall decide.
- (S) After the case is decided, the plaintiff or defendant can appeal to the Circuit Court if he believes there was an error of law. An appeal shall be an opportunity for the defendant to try to raise specific errors that might have occurred at trial. The appeals process is as described in Section 5.

### **SEC. 3 - Criminal Case Procedure**

- (A) In a federal criminal case, the principal actors are the U.S. attorney (the prosecutor), the grand jury, and the defendant. The U.S. attorney represents the United States in all criminal prosecutions.
- (B) To charge, a federal prosecutor will present the evidence to a grand jury (described in Section 4,B).
  - (a) Witnesses may be called to testify, evidence is shown to the grand jury, and an outline of the case shall be presented to the grand jury members.
  - (b) The grand jury shall listen to the prosecutor and witnesses, and then vote in secret on whether they believe that enough evidence exists to charge the person with a crime.
  - (c) All proceedings and statements made before a grand jury shall be sealed.
- (C) Within three days after a defendant is arrested and charged, he shall be brought before a district judge for an initial hearing on the case. At this time, the defendant shall be informed about his rights and the charges against him, arrangements are to made for him to have an attorney, and the judge shall decide if the defendant will be held in prison or released until the trial.

- (D) Both the defense and the prosecutor can call witnesses to testify or tell what they know about the situation. In order to testify, witnesses must take an oath to agree, swear, or affirm to tell the truth. These witnesses may be of 3 types:
- (a) A lay witness — a person who watched certain events and describes what he/she saw.
  - (b) An expert witness — a specialist or someone who is educated in a certain area. Testifies with respect to his specialty area only.
  - (c) A character witness — someone who knew the victim, the defendant, or other people involved in the case.
- (E) Prosecutors must provide the defendant copies of materials and evidence that the prosecution intends to use at trial.
- (F) A defendant may only plead guilty if they actually committed the crime and admits to doing so in open court before the judge. In pleading guilty, they agree they are guilty and they agree that they may be sentenced by the judge presiding over the court.
- (G) A defendant may also enter a plea of no contest, where the defendant neither admits nor disputes a charge, but has the same immediate effects of a guilty plea as described in Section 3(F).
- (H) Once the defendant has entered a plea of not guilty, a preliminary hearing shall be held unless the defendant chooses to waive a preliminary hearing or if the defendant has been indicted.
- (a) The prosecutor must show that enough evidence exists to charge the defendant.
  - (b) The preliminary hearing must be held within 7 days of the initial appearance of the defendant.
  - (c) In the hearing, the prosecution will call witnesses and introduce evidence, and the defense can cross-examine witnesses. The defense cannot object to using certain evidence, and evidence is allowed to be presented at a preliminary hearing that could not be shown to a jury at trial.
- (I) If the judge concludes there is probable cause to believe the crime was committed by the defendant, a trial shall be scheduled. However, if the judge does not believe the evidence establishes probable cause that the defendant committed the offense, he shall dismiss the charges.
- (J) Before the trial begins, a motion (an application to the court) may be made by the prosecutor or defense attorney, requesting that the court make a decision on a certain issue. The judge shall decide the outcome of motions. Motions include:
- (a) Motion to Dismiss – an attempt to get the judge to dismiss a charge or the case. This may be done if there is not enough evidence, if the alleged facts do not amount to a crime.
  - (b) Motion to Suppress – an attempt to keep certain statements or evidence from being introduced as evidence.
- (K) The defendant in a federal criminal case shall have the option of trial by jury, or for the case to be decided by a Judge.
- (L) From the jury pool chosen as described in Section 4, the judge and the attorneys shall ask the potential jurors questions to determine their suitability to serve on the jury, known as voir dire. The purpose of voir dire is to exclude from the jury people who may not be able to decide the case fairly. Members of the panel who know any person involved in the case, who have prior information about the case, or who may have strong prejudices about the people or issues involved in the case may be excused by the judge. The attorneys also may exclude up to 2

potential jurors without reason. The jury shall consist of 5 to 9 jurors, who are qualifying members of TPON.

- (M) During trial, the facts of a case are presented to a jury, who decide if the defendant is guilty or not guilty as charged. During trial, the prosecutor may use witnesses and evidence to prove to the jury that the defendant committed the crime(s). The defendant, represented by an attorney, may also state his defense using witnesses and evidence.
  - (a) The judge decides what evidence can be shown to the jury.
  - (b) No evidence may be introduced to the jury or a juror by private means without prior notification of the judge, and his approval, and prosecutor or defendant, or under the rules arising from this act in a court of law.
- (N) At the start of trial, the prosecutor and defendant shall make an opening statement to briefly tell their account of the events. The prosecutor shall go first, and the defendant second.
- (O) Following opening statements, the prosecutor may begin direct examination of his first witness in which the prosecutor can introduce evidence to the witness. Following the prosecutor's examination of a witness, the defense attorney has an opportunity to cross examine or ask questions to the same witness.
- (P) After the defense attorney cross examines the witness, the prosecutor may ask the witness final questions to clarify any confusing testimony for the jury.
- (Q) Once the process of direct examination, cross examination, and redirect of all the witnesses is complete, the prosecutor may rest his case. After the prosecutor rests his case, no more witnesses can be called to the stand or evidence introduced by the government.
- (R) After the Government rests, the defense shall have the opportunity to present witnesses and evidence to the jury. The defense shall have the option of not having the defendant testify. The fact that a defendant did not testify may not be considered by the jury as proof that the defendant committed the crime. The defense may also waive his case. If the defense does not put on any evidence, the jury may not assume that the defendant is guilty simply because they did not put on a defense. The decision to put on a defense shall be solely up to the defendant and the defense attorney. The defense may then rest his case.
- (S) During direct or cross examination, either attorney can make an objection to a question or a piece of evidence to the judge. Objections include:
  - (a) Hearsay – Statement by a witness who did not see or hear the incident in question but learned about it through secondhand information such as another's statement, a newspaper, or a document.
  - (b) Relevance – Testimony and evidence presented at trial must be relevant to the case.
    - (i) The judge shall decide the outcome of an objection. The judge either sustain the objection so that the action stops, or overrule the objection and allows the action to continue.
- (T) After the defense's direct testimony and cross examination by the prosecutor of all the witnesses and the defense rests, and the prosecutor and defense attorney shall enter closing arguments. These arguments shall allow both attorneys to summarize the testimony and evidence, and ask the jury to return a verdict of guilty or not guilty.
- (U) Following the closing arguments, the judge charges the jury, or informs them of the appropriate law and of what they must do to reach a verdict.

- (V) After being charged, the jury shall go into deliberation, and decides whether a defendant is guilty or not guilty. During this process, no one associated with the trial can contact the jury about the case without the judges and lawyers. If the jury has a question on the law, they must write a note to the judge, which the judge shall read in court with all parties present. The jury must reach a unanimous decision in order to convict the defendant unless both parties agree to a majority decision of jury.
- (W) After the jury reaches an agreement on a verdict, they shall notify the judge, the lawyers, and the defendant in open court. Everyone shall be present in court for the reading of the verdict. If the defendant is found not guilty, he shall be considered innocent and free.
- (X) If the defendant is convicted, motions may be filed after the trial is over. The judge shall decide the outcome of these motions. Post-trial motions include:
  - (a) Motion for a New Trial – The court can vacate the judgment and allow for a new trial.
  - (b) Motion for Judgment of Acquittal – Court may set aside the jury’s verdict and allow the defendant to go free.
  - (c) Motion to Vacate, Set Aside, or Correct a Sentence – for the purpose of correcting a clerical error in the sentence.
- (Y) Following the defendant being found guilty, the judge shall sentence the defendant. The judge shall consider the following when determining the sentence:
  - (a) Established minimum and maximum punishments, or mandatory punishments by Congress;
  - (b) Statements from the victims as well as the defendant and lawyers;
  - (c) Whether the defendant has committed the same crime before, whether the defendant has expressed regret for the crime, and the nature of the crime itself.
- (Z) After a defendant is found guilty and sentenced, he can appeal to the Court of Appeals if he believes he was wrongly convicted or the sentence was too harsh. An appeal shall be an opportunity for the defendant to try to raise specific errors that might have occurred at trial. The appeals process is as described in Section 5.

#### **SEC. 4 - Jury Pool Selection**

- (A) In District Courts only and in a Civil Case, the Jury shall consist of 3 to 5 persons. In a Criminal Case, the Jury shall consist of 5 to 9 persons.
- (B) Jury Pool Selection—
  - (a) 9 Potential Jurors shall be summoned at random by the presiding judge, from a list inputted through random.org, in which the list shall consist of all registered voters in TPON, making up the jury pool.
  - (b) Jurors who are exempt from Jury service include members of law enforcement, Judges and Justices, the parties in question, members of Congress, the Vice-President, the President, and the TPON Secretary of Elections.
  - (c) Jurors may not be summoned as a witness in any case, nor shall it be legal to refuse jury service if they qualify.
- (C) Trial by Jury shall be applicable only in a District Court having original jurisdiction, but not applicable in a Court having appellate jurisdiction.

## **SEC. 5 - Appeals Process**

- (A) The losing party in a decision by a trial court in the federal system is entitled to appeal the decision to a federal court of appeals.
  - (a) The appellant, the party filing the appeal, shall submit to a Court of Appeals a brief, or an argument expressing the legal errors he feels was made. The appellee, the party who prevailed, may also submit to a Court of Appeals a brief expressing their reasons why the original or previous judgement should stand.
  - (b) The judges may request that both parties convene before the Court of Appeals in an oral argument. No new evidence may be submitted.
  - (c) In criminal cases, a specific conviction may be reversed, a sentence altered, or a new trial may be ordered altogether if a Court of Appeals decides that particular course of action.
  - (d) In civil cases, a specific decision of injury may be reversed, a remedy, compensation, or penalty altered, or a new trial may be ordered altogether if a Court of Appeals decides that particular course of action.
- (B) A litigant who is not satisfied with a decision made by a federal administrative agency usually may file a petition for review of the agency decision by a court of appeals.
- (C) In a civil case, either side may appeal the verdict. In a criminal case, the defendant may appeal a guilty verdict, but the government may not appeal if a defendant is found not guilty.
- (D) No new evidence may be introduced and no witnesses may be called to testify.
- (E) A decision made by a court of appeals may be appealed to the Supreme Court by the same process outlined in Section 4(A)(a-d)

## **SEC. 6 - United States District Courts**

- (A) This Act shall establish two United States District Courts.
- (B) Each Federal District Court shall oversee 8 Gubernatorial Districts.
- (C) The First Federal District Court shall preside over Gubernatorial Districts (as described in the Governor Districts Act) 1 through 8, plus the District of Columbia.
- (D) The Second Federal District Court shall preside over Gubernatorial Districts (as described in the Governor Districts Act) 9 through 16.
- (E) Each Federal District Court shall be ran and administered by one Judge.
  - (a) To be granted this position one must be nominated by the President of the United States and receive the advice and consent of the United States Senate.
  - (b) A Federal Court Judge shall serve for life, during good behavior, until resignation, impeachment by Congress, or death.
  - (c) A Federal Court Judge shall be defined as a federal office under §2.1 of the “Federal Office Act”.
- (F) District courts resolve disputes by determining the facts and applying legal principles to decide who is right. Trial courts include the district judge who tries the case and a jury that decides the case. They shall preside over cases that include:
  - (a) Criminal lawsuits
  - (b) Civil lawsuits
- (G) A District Judge may issue an injunction before, during, and following a case which is a court order that requires parties to continue, or cease, particular actions.

- (a) These injunctions come in three forms: Temporary Injunction (or temporary restraining order), Preliminary Injunction, and Permanent Injunction.
    - (i) Temporary Injunctions may be issued without notice by a federal court and cannot exceed ten days without additional court proceedings. Temporary injunctions may be issued without a court hearing and without informing the opposing party (known as *ex parte*).
    - (ii) Preliminary Injunctions cannot be issued without advanced notice to the other party in the case. Preliminary injunctions remain in effect, unless otherwise modified or dissolved, during the pending court case.
    - (iii) Permanent Injunctions are issued as final judgments, or rulings, in a case. The conditions established by a preliminary injunction may be continued as permanent arrangements.
  - (b) When issuing an injunction, the district court must consider the following:
    - (i) the significance of threat to the requesting party if the injunction is not granted;
    - (ii) the effects of issuing, or not issuing, the injunction on both parties (i.e. while the requesting party may be harmed if the court does not issue the injunction, the other party may be harmed if the court grants the injunction);
    - (iii) whether or not the party requesting the injunction has a potentially successful case at the end of litigation;
    - (iv) the injunction's possible effect on the public interest.
  - (c) After a court issues an injunction, both parties must be made aware of the order if they were not present.
  - (d) The injunction shall specify who is bound by the order.
  - (e) Injunctions issued by district courts are enforceable across the United States.
- (H) Before a federal court can hear a case, or exercise its jurisdiction, certain conditions must be met:
- (a) Federal judges may interpret the law only through the resolution of actual legal disputes, referred to in Article III of the Constitution as "Cases or Controversies." A court cannot attempt to correct a problem on its own initiative, or to answer a hypothetical legal question.
  - (b) In an actual case or controversy, the plaintiff in a federal lawsuit must have legal standing to ask the court for a decision. The plaintiff must have been aggrieved, or legally harmed in some way, by the defendant.
  - (c) The case must present a category of dispute that the law in question was designed to address, and it must be a complaint that the court has the power to remedy. The court must be authorized, under the Constitution or a federal law, to hear the case and grant appropriate relief to the plaintiff.
  - (d) The case must present an ongoing problem for the court to resolve; may not be moot.
  - (e) A case may be led in federal court based on the diversity of citizenship of the litigants, such as between citizens of different states, or between U.S. citizens and those of another country.
  - (f) In criminal and civil cases, the District Court holding the trial shall depend on where the defendant resides within the District Court Districts.



- (g) Judges may not hear cases in which they have personal knowledge of the disputed facts, a personal bias concerning a party to the case, earlier involvement in the case as a lawyer, or a financial interest in any party or subject matter of the cases. The Chief Judge of the Court of Appeals in the district of controversy shall decide this before the District Court proceeds to trial. In this case, the Judge of the other District Court shall hear the case.

#### **SEC. 7 - United States Courts of Appeal**

- (A) This Act shall establish two United States Courts of Appeals.
- (B) Each Court of Appeals shall oversee 8 Gubernatorial Districts.
- (C) The First Court of Appeals shall preside over Gubernatorial Districts (as described in the Governor Districts Act) 1 through 8, plus the District of Columbia.
- (D) The Second Court of Appeals shall preside over Gubernatorial Districts (as described in the Governor Districts Act) 9 through 16.
- (E) Each Court of Appeals shall consist of a panel of 3 Judges, who shall be Associate Justices of the United States.
  - (a) This panel of 3 Judges shall be chosen by the Chief Justice of the United States from the lot of Associate Justices.
  - (b) The most senior Judge of this panel shall be Chief Judge.
  - (c) In the case of a vacancy of an Associate Justice and of a position on a Court of Appeals, the Chief Justice shall fill that vacancy on the Court of Appeals with the next person to be made Associate Justice.
  - (d) The composition of each Court of Appeals shall be decided every term, or 3 real months.
- (F) A Court of Appeals shall hear appeals only when the District Court's district is the same as the district covered by the Court of Appeals.
- (G) A Court of Appeals shall reach decisions based on majority rule of their panel.

#### **SEC. 8 - United States Supreme Court**

- (A) A litigant who loses in a federal court of appeals, or in the highest court of a Governor District or state, may file a petition for a "writ of certiorari," which asks the Supreme Court to review the case. The Supreme Court, however, does not have to grant review. The Court shall agree to hear a case only when it involves an unusually important legal principle, or when the two federal appellate courts have interpreted a law differently, or due to another reason at their discretion.
- (B) The Supreme Court shall have appellate jurisdiction from the courts of appeal and supreme courts of the several governor districts or states, in the cases hereinafter provided for; and shall have power to issue writs of prohibition to the district courts and writs of mandamus to any courts appointed, or persons holding office, under the authority of the United States.
- (C) The Supreme Court shall also have original jurisdiction in all criminal cases in which the charge presented results in a ban from the TPON simulation (such as possession of alternative accounts).
- (D) The Supreme Court shall have original jurisdiction in all cases between states or governor districts.
- (E) The Supreme Court shall have original jurisdiction in all cases between TPON Nations, between a TPON Nation and the Secretary of Elections, between a TPON Nation and the Administrative Council of TPON, between a TPON Nation and the Secretary of Elections, and between the

Administrative Council and the Secretary of Elections under controversy of the TPON Constitution.

**SEC. 9 - Effective Date**

This bill shall go into effect immediately upon passage.



