

Relator and all members of the citizenry have a right to open courts. Tenn. const. Art. 1, sect. 17 says “That all courts shall be open” for public review of their doings. The printing press is “free to every person” who may examine “the proceedings *** of any branch or officer of the government,” and “no law shall ever be made to restrain the right thereof.” To enjoy this right, the people of Tennessee and the state itself at their service must have open courts. Tenn. const. Art. 11, sect. 16, doubly secures these rights.²

Only if relator or other citizen approaches a jury member so identified to make an argument about the case would there be cause for alarm about jury tampering. The use of radio, blog or other media to broadcast facts and opinion do not rise to such level of interaction.

Given the foregoing, State of Tennessee on relation demands (1) the court deny the district attorney’s motion, and (2) that it sanction her abuse of office in seeking to censor relator and deprive the public of a free press and an open courtroom.

Respectfully submitted,

David Jonathan Tulis, relator

State of Tennessee, *ex rel.* David Jonathan Tulis

men in public capacity, the truth thereof may be given in evidence; and in all indictments for libel, the jury shall have **a right to determine the law and the facts, under the direction of the court, as in other criminal cases.** [Emphasis added]

² Art. 11, sect. 16. The declaration of rights hereto prefixed is declared to be a part of the Constitution of the state, and **shall never be violated on any pretense whatever.** And to guard against transgression of the high powers we have delegated, we declare that **everything** in the bill of rights contained, is **excepted out of the general powers** of the government, and shall **forever remain inviolate.**

CERTIFICATE OF SERVICE

I hereby certify that I have sent respondent district attorney Coty Wamp a copy of this motion either by email at coty.Wamp@hcdatn.org or by personal delivery to her office at 600 Market St. Suite 310, Chattanooga, TN 37402 on Friday, the 26th day of July, 2024.

IN THE CRIMINAL COURT OF HAMILTON COUNTY, TENN.

State of Tennessee *ex rel.* David Jonathan Tulis)
% 10520 Brickhill Lane, Soddy-Daisy 37379)
(423) 316-2680 davidtuliseditor@gmail.com)

Relator)

V.)

COTY WAMP)
District attorney)

Respondent)

Judge Amanda Dunn

Oral argument demand

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Brief in support of objection to censor, demand for sanctions

Comes now State of Tennessee, on relation, to bring to better order the district attorney general, the holder of which office seeks to muzzle the press on the theory that “disruptive” news and editorializing before the general public necessarily implies that the journalist cannot be counted on obeying Rule 30 media guidelines.

In attempting to close the courts and muzzle the press, respondent Wamp alleges petitioner has “a history of operating outside the lines of what is proper and lawful” (p. 2). In promoting constitutional rights (as he sees it) via mass media, “he has demonstrated an attempt to unlawfully intervene or interfere with the proceedings, and he has attempted to inform jurors of the unlawful concept of jury nullification” (p. 1). “Mr. Tulis has already attempted to influence potential jurors through his articles. He has shown through a pattern of behavior that he is obstructive and will not follow the law” (p. 5). “[H]e directly attempted to tamper with and taint the potential jurors for the Defendant’s case” (p. 2).

Respondent is angry at the constitutional right of jury power that every member of the Rzeplinski jury has, regardless of court opinions respondent cites showing the courts

limit *attorneys* in making any suggestion of jury power in a trial. The citizenry has nullification power and no one can stop it or remove the operation of conscience that underlies the act of negating a bogus prosecution.

Reporting content is in no way subject to respondent's authority, nor the court's under Tenn. const. Art. 1, sect. 17, and the U.S. 1st amendment. That includes the bias, slant, rhetoric, proofs, details, repetition, editorializing, crusading the journalist or publisher exhibits. So long he libels no one nor incites violence with his words, he remains out of the court's purview.

The court has authority not of coverage, but has what happens in its auditorium. The court has "control [of] the conduct of the proceedings" and a duty to "maintain decorum and prevent distractions." Obviously, deputies "guarantee the safety of any party, witness, or juror," all so the court can "ensure the fair and impartial administration of justice" (Rule 30(a)(1)).

Proposed ban unlawful

Respondent's proposal to censor Rzeplinski case coverage by banning relator's person is disturbing. The Wamp thesis wants the court to make a leap from negative, disruptive coverage to his being a "disruptive" man in his personal presentation.

1. Respondent speaks presumptively about relator's attendance at trial as a media member under Rule 30. Relator may attend the proceedings as member of the public, with pen and paper. Relator is subject to the media rules if he intends to use laptop, camera, audio recorder during proceedings. To do so, the rules say he must ask the judge's permission at least two days in advance. "'Coverage' means any recording or broadcasting of a court proceeding by the media using television, radio, photographic, or recording equipment." (Rule 30B(1)). As of Thursday, petitioner made no request to become eligible for Rule 30 privileges and duties.

2. Respondent Wamp states no grounds upon which the court may find he will likely cause an uproar, affray, disturbance or riot during the Rzeplinski trial. The court generally assumes every member of a trial audience is going to proper, quiet, respectful and attentive — until shown wrong by disruptive acts. Bailiffs stand by to remove any obstreperous audience member. Presumptions about relator’s demeanor, civility, character and person in a Hamilton County courtroom are merely that — presumptions that relator herein rebuts.

He assures the court that as member of the general public witnessing the Rzeplinski trial, or any other, he will do all in his power to respect the court’s authority upon parties subject to Rule 30.

3. Respondent argues against the free press jurisprudence in the United States. “[A] trial courtroom also is a public place where the people generally — and representatives of the media — have a right to be present, and where their presence historically has been thought to enhance the integrity and quality of what takes place. *** We hold that the right to attend criminal trials¹⁷ is implicit in the guarantees of the First Amendment; without the freedom to attend such trials, which people have exercised for centuries, important aspects of freedom of speech and “of the press could be eviscerated” Richmond Newspapers, Inc. v. Virginia, 448 U.S. 555, 578, 580, 100 S. Ct. 2814, 2829, 65 L. Ed. 2d 973 (1980).
4. Respondent allegations about respondent’s judicial reform and anti-corruption labors as press member and practicing Christian border on slander. Relator asks the court not to hear the accusations against relator in the dark spirit by which they are intended. To demand a reporter be banned for negative coverage violates Rule 8. Rules of Professional Conduct, specifically, Rule 3.3, candor toward the tribunal and seeming “false statement[s] of fact or law” regarding relator or pretending

published reports constitute grounds for closing to court against that lifetime professional journalist.

Relief requested

Petitioner asks the court to:

- (1) Uphold the rights of the public generally to attend criminal trials, as the courts are open

- (2) Deny respondent's motion as it pertains to relator's protected state and federal interests to attend the trial as a member of the general public

and, finally, to

- (3) Hear and grant relator's request to use his laptop, phone as camera, and phone as audio recorder, in the coming proceedings, pursuant to Rule 30, with which petitioner is familiar.

Respectfully submitted,

David Jonathan Tulis, relator

State of Tennessee *ex rel.*
David Jonathan Tulis

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