Found on 092117 at:
http://cases.michigan.constitutionalgov.us/david-schied/2015_SchiedvJudgeKarenKhaliletalinUSDCEDM/010816_QuoWarranto_6thCircuitJudges/FinalDocs/010816_QuoWarrantoon6thCirJudges_ALL.pdf

UNITED STATES COURT OF APPEALS
FOR THE SIXTH CIRCUIT

David Schied, acting in the capacity of Private Attorney General (PAG), *State Ex Rel* and on behalf of *David Schied, Sui Juris Grievant and others similarly situated*
v.
Karen Khalil, et al
Defendants

6th Circuit COA
Case No. 15-2464
USDC
Case No. 15-11840

"*PAG*" DAVID SCHIED'S *STATE EX-REL* & *EX-PARTE* "*QUO WARRANTO*" *DEMAND* FOR PROVING "*JURISDICTION*," ARTICLE III "*GOOD BEHAVIOR*" AND *AUTHENTICATION OF OATHS & BONDS* IN LIGHT OF *PRIMA FACIE* EVIDENCE PROVING THAT 6TH CIRCUIT COURT JUDGES ARE FOSTERING "*DOMESTIC TERRORISM*;" OR ALTERNATIVELY FOR THE 6TH CIRCUIT JUDGES TO COMPLY WITH THIS INSTANT "*MANDAMUS FOR BOND AND/OR "RISK MANAGEMENT*" INSURANCE *SURRENDER, FOR VICTIMS' RELIEF UNDER 18 U.S.C. § 3771 and 18 U.S.C. § 4; AND FOR OTHER DECLARATORY RELIEF"* BY WAY OF "*ERRORS & OMISSIONS*," *MALFEASANCE*, AND OTHER COVERAGE INFORMATION

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248-974-7703

Defendant
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Wayne County Corporation Counsel
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Defendants
Michigan Municipal Risk Management Authority
James T. Mellon
Mellon Pries, P.C.
2150 Butterfield Dr., Ste. 100
Troy, Michigan 48084-3427
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Defendants
The Insurance Company of the State of Pennsylvania
AND
American International Group, Inc.
Plunkett Cooney
Charles Browning
Warren White
38505 Woodward Ave., Suite 2000
Bloomfield Hills, Michigan 48304
248-901-4000

Defendants
Karen Khalil
Redford Township 17th District Court
Cathleen Dunn
John Schipani
Redford Township Police Department
Joseph Bommarito
James Turner
David Holt
Jonathan Strong
"Police Officer" Butler
Tracey Schultz-Kobylarz
Charter Township of Redford
DOES 1-10
Jeffrey Clark, attorney
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33900 Schoolcraft Rd.
Livonia, Michigan 48150
734-261-2400

* NOTE: All type font appearing in this document as ALL CAPS, underlined, or **bold** are intentional and have special emphasis added.

David Schied (hereinafter "*Grievant*"), being one of the People[1] and having established this case as a *suit of the sovereign*[2] acting in his own capacity, herein accepts for value the oaths[3] and bonds of all the officers of this court, including

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[1] PEOPLE. "*People are supreme, not the state*." [*Waring vs. the Mayor of Savannah*, 60 Georgia at 93]; "*The state cannot diminish rights of the people*." [*Hertado v. California*, 100 US 516]; Preamble to the US and Michigan Constitutions – "*We the people ... do ordain and establish this Constitution*...;" *"...at the Revolution, the sovereignty devolved on the people; and they are truly the sovereigns of the country, but they are sovereigns without subjects...with none to govern but themselves*..." [Chisholm v. Georgia (US) 2 Dall 419, 454, 1 L Ed 440, 455, 2 Dall (1793) pp471-472]: "*The people of this State, as the successors of its former sovereign, are entitled to all the rights which formerly belonged to the King by his prerogative*." [*Lansing v. Smith*, 4 Wend. 9 (N.Y.) (1829), 21 Am. Dec. 89 10C Const. Law Sec. 298; 18 C Em.Dom. Sec. 3, 228; 37 C Nav.Wat. Sec. 219; Nuls Sec. 167; 48 C Wharves Sec. 3, 7]. See also, *Dred Scott v. Sandford*, 60 U.S. 393 (1856) which states: "*The words 'people of the United States' and 'citizens' are synonymous terms, and mean the same thing. They both describe the political body who, according to our republican institutions, form the sovereignty, and who hold the power and conduct the Government through their representatives. They are what we familiarly call the 'sovereign people', and every citizen is one of this people, and a constituent member of this sovereignty*."

[2] *McCullock v. Maryland*, 4 Wheat 316, 404, 405, states "*In the United States, Sovereignty resides in the people, who act through the organs established by the Constitution*," and *Colten v. Kentucky* (1972) 407 U.S. 104, 122, 92 S. Ct. 1953 states; "*The constitutional theory is that we the people are the sovereigns, the state and federal officials only our agents*." See also, *First Trust Co. v. Smith*, 134 Neb.; 277 SW 762, which states in pertinent part, "*The theory of the American political system is that the ultimate sovereignty is in the people, from whom all legitimate authority springs, and the people collectively, acting through the medium of constitutions, create such governmental agencies, endow them with such powers, and subject them to such limitations as in their wisdom will best promote the common good*."

[3] OATHS. Article VI: "*This Constitution, and the laws of the United States... shall be the supreme law of the land; and the judges in every State shall be bound thereby; anything in the Constitution or laws of any State to the contrary notwithstanding... All executive and judicial officers, both of the United States and*

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attorneys. Having already presented his causes of action to this Article III District Court of the United States[4] as a *court of record*[5], *Grievant* hereby proceeds according to the course of Common Law[6].

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of the several States, shall be bound by oath or affirmation to support this Constitution."

[4] "The term 'District Courts of the United States,' as used in the rules, without an addition expressing a wider connotation, has its historic significance. It describes the constitutional courts created under article 3 of the Constitution. Courts of the Territories are legislative courts, properly speaking, and are not District Courts of the United States. We have often held that vesting a territorial court with jurisdiction similar to that vested in the District Courts of the United States does not make it a 'District Court of the United States." *Mookini v. United States*, 303 U.S. 201 (1938) citing from *Reynolds v. United States*, 98 U.S. 145 , 154; *The City of Panama*, 101 U.S. 453 , 460; *In re Mills*, 135 U.S. 263, 268 , 10 S.Ct. 762; *McAllister v. United States*, 141 U.S. 174, 182 , 183 S., 11 S.Ct. 949; *Stephens v. Cherokee Nation*, 174 U.S. 445, 476 , 477 S., 19 S.Ct. 722; *Summers v. United States*, 231 U.S. 92, 101 , 102 S., 34 S.Ct. 38; *United States v. Burroughs*, 289 U.S. 159, 163 , 53 S. Ct. 574.

[5] "*A Court of Record is a judicial tribunal having attributes and exercising functions independently of the person of the magistrate designated generally to hold it, and proceeding according to the course of common law, its acts and proceedings being enrolled for a perpetual memorial*". [*Jones v. Jones*, 188 Mo.App. 220, 175 S.W. 227, 229; *Ex parte Gladhill*, 8 Metc. Mass., 171, per Shaw, C.J. See also, *Ledwith v. Rosalsky*, 244 N.Y. 406, 155 N.E. 688, 689].

[6] COMMON LAW. – According to *Black's Law Dictionary* (Abridged Sixth Edition, 1991): "*As distinguished from law created by the enactment of legislatures [admiralty], the common law comprises the body of those principles and rules of action, relating to the government and security of persons and property, which derive their authority solely from usages and customs of immemorial antiquity, or from the judgments and decrees of the courts recognizing, affirming, and enforcing such usages and customs*." *"[I]n this sense, particularly the ancient unwritten law of England*." [1 Kent, Comm. 492. *State v. Buchanan*, 5 Har. & J. (Md.) 3G5, 9 Am. Dec. 534; *Lux v. Ilaggin*, G9 Cal. 255, 10 Pac. G74; *Western Union Tel. Co. v. Call Pub. Co*., 21 S.Ct. 561, 181 U.S. 92, 45 L.Ed. 765; *Barry v. Port Jervis*, 72 N.Y.S. 104, 64 App. Div. 268; *U. S. v. Miller*, D.C. Wash., 236 F. 798, 800.]

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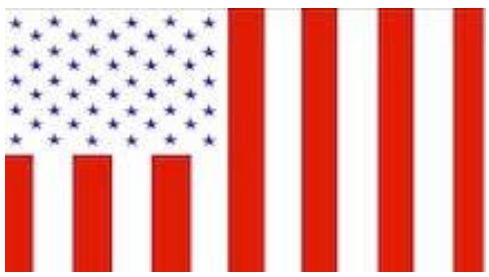
CONCISE STATEMENTS OF THE ISSUES PRESENTED

1. **Do the judges operating the courts of the Defendant/Appellee Charter County of Wayne and in the Eastern District of Michigan, and the judges operating the federal Court of Appeals in the Sixth Circuit have or retain Article III power and jurisdiction as *ordained* and *established* respectively in the state and federal constitutions by the Will of *We, The People,* when the *prima facie* Evidence demonstrates nearly a decade of "*pattern and practice*" by those judges acting with *bad behavior*, issuing arbitrary and capricious Article I *legislative* and *administrative* rulings, and presenting the distinct *appearance* that they are operating as "*companies*" in corporate fiction; while acting in and under *martial law*, and otherwise clearly supporting *judicial tyranny* and *domestic terrorism* being carried out by their affiliated group(s) of BAR member attorneys and judges throughout the State and the united States?**

   Defendants/Appellees Michigan Municipal Risk Management Authority (and their fraud of an attorney without ethics) and Charter County of Wayne (and their association of corrupt attorneys operating as racketeers and domestic terrorists known as "*Corporation Counsel*") states: "*No; the Sixth Circuit Court has no jurisdiction to review anything placed before them by Grievant Schied, particularly by way of his 'Writ of Mandamus for Interlocutory Appeal' and his supporting 'Memorandum of Law," as the 'Questions of Law' presented by those filings are not important.*"

   Grievant David Schied states: "*Hell no!*" on behalf of himself and others in the class of sovereign *We, The People* that have created and ordained (and perpetually retained the power to abolish tyrannical) government. PAG/Grievant states – with regard to the application of the federal definition of "*domestic terrorism*" found in 18 U.S.C. § 2331 to the behaviors of the co-Defendants/Appellees and the past actions of their peer group including the judges of the Sixth Circuit Court of Appeals – "*if it looks like a duck and acts like a duck, it must be....*"

The United States Civil Flag of Peacetime



(Question #2 on next page)

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2. **<u>Does Grievant, as being one in the class of the sovereign *We, The People*, having the Natural, Inalienable, and Supreme Common Law rights guaranteed by both the spirit and the letter of integrity of the Founding Documents contained in the Statutes at Large – to include the *Magna Carta*, the *Declaration of Independence*, and the *organic* Constitution for the united States and its *Bill of Rights* – retain also the right to proper *Redress of Grievances*, to *Due Process* of Law (as opposed to being denied *under color of* judicially legislated "*rules*"); to civil relief by just compensation from the surety instruments purchased by the "*professionals*" and "*officers*" when they trespass upon those rights; and to criminal relief by direct access to the independent "*Grand Jur[ies]*" that are referenced in the Constitution</u>?**

   <u>Defendants/Appellees</u> Michigan Municipal Risk Management Authority (and their fraud of an attorney without ethics) and Charter County of Wayne (and their association of corrupt attorneys operating as racketeers and domestic terrorists known as "*Corporation Counsel*") <u>would state</u>: "*The Constitution and other Founding Documents are today irrelevant, particularly as they relate to any case in which government corporations and their/our performance bonding, their/our self-funded risk management insurance companies, their/our "excess" coverage for "errors and omissions" and their/our $100 BILLION "terrorism" coverage is concerned*."

   <u>PAG/Grievant David Schied states</u>: "*Yes, absolutely*" on behalf of himself and others in the class of sovereign "*We, The People*" that have accepted – for value of bond, insurance, or other available surety instrument – the solemn <u>*Oath of Office*</u> from each public functionary for the faithful performance of their <u>*Duties of Office*</u>, only to be confronted with and be subjected to such unfaithful performance, gross negligence, dereliction of duty, malfeasance, and misfeasance as to constitute criminal misconduct, dishonest government services, and *domestic terrorism* for which criminal allegations should suffice to warrant swift and proper action, and/or access to a grand jury of others in that same class of "*We, The People*;" and for which civil claims should suffice to warrant a just remedy – being just compensation for the taking of property, for tort and for trespass violations, by whatever means is shown to be necessary to reinforce one's <u>First Amendment</u> rights to a repeated *Redress of Grievances*.

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OTHER STATES

OTHER AUTHORITIES

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CASES LEFT UNRESOLVED EXCEPT BY *FRAUD UPON THE COURT*

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INDEX OF RELEVANT LOWER COURT DOCUMENTS INCORPORATED HEREIN BY REFERENCE AS FURTHER EVIDENCE

Incorporated herein by reference are the Statements and Evidence contained in the previously-filed documents and all other documents referenced by the pages herein that can otherwise be located publicly at the website links: (Bold emphasis added)

1) (DKT #1) *Complaint/Claim of Damages*; (which can be found online at: **http://cases.michigan.constitutionalgov.us/david-schied/2015_SchiedvJudgeKarenKhaliletalinUSDCEDM/Complaint&ClaimforDamages/**)

2) (DKT #4) *"Memorandum of Law and Jurisdiction"* **(**as being a copy also of "*Exhibit #4*" that was previously filed with the "*Writ for Change of Judge...and Change of Venue...*" previously **served on these defendants and their attorneys on 6/27/15**) (which can be found online at: **http://cases.michigan.constitutionalgov.us/david-schied/2015_SchiedvJudgeKarenKhaliletalinUSDCEDM/063015_Writ4ChangeofJudge&Venue/MyWritforChangeofVenue/Exh_4_Memorandum%20Law%20&%20Juristiction.pdf**)

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3) (DKT #4) "*Writ for Change of Judge...and Change of Venue*," in its entirety as **filed on the record of the District Court of the United States on 6/1/15**. (which can be found online at: **http://cases.michigan.constitutionalgov.us/david-schied/2015_SchiedvJudgeKarenKhaliletalinUSDCEDM/063015_Writ4ChangeofJudge&Venue/**)

4) (DKT #38 and #39 through #54) The 404 pages of **"*Exhibit #20*"** as found at: **http://cases.michigan.constitutionalgov.us/david-schied/2015_SchiedvJudgeKarenKhaliletalinUSDCEDM/071415_MyResponse2MMRMA1stMot2Dismiss/071415_MyResponse2Mot2DismissinLieuofAnswr/**

5) All Statements, Affidavits, and Evidence previously filed in this case to include the initial filing to open this case and the previous filings that were subsequently "*stricken*" by Magistrate Hluchaniuk and by subsequent "*objection*" and "*writ*" for Interlocutory Appeal under the "*collateral order doctrine*" as found in the following sets of documents found in their entirety at the true Court of Record on the Internet:

a) (DKT ##36) "*Grievant's Combined 'Response' and 'Reply' to Attorney James Mellon's and Mellon Pries, P.C.'s Fraudulent Conveyances in Their 'Motion to Dismiss in Lieu of Answer' and Their 'MMRMA's Response to Plaintiff's 'Writ' for Change of Judge Based on Conflict of Interest and Change of Venue Based on 'Proven' History of Corruption' on Behalf of Defendant Michigan Municipal Risk Management Authority*;" (which is located online at: **http://cases.michigan.constitutionalgov.us/david-schied/2015_SchiedvJudgeKarenKhaliletalinUSDCEDM/071415_MyResponse2MMRMA1stMot2Dismiss/071415_MyResponse2Mot2DismissinLieuofAnswr/Response2Mot2Dismiss_EntireFinal.pdf**)

b) (Unknown docket #) "*Grievant's Response to Attorney Davidde A. Stella's, attorney Zenna Alhasan's, and Wayne County Corporation Counsel's Fraudulent Conveyances in Their 'Motion to Dismiss'*;" (which is located online at: **http://cases.michigan.constitutionalgov.us/david-schied/2015_SchiedvJudgeKarenKhaliletalinUSDCEDM/070915_MyResponse2WayneCounty1stMot2Dismiss/MyResponse2WayneCountyMot2Dismiss.pdf**)

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6) (DKT #58) *"Grievant's Objections and Order to Strike 'Defendants, The Insurance Company of the State of Pennsylvania ('ISCOP') and the American International Group, Inc's ('AIG's) 'Answer' to 'Plaintiff's' Complaint Based on a Pattern of Gross Omissions, Intentional Deception, Frivolous Filing, and Obstruction of Justice (Under F.R.C.P. Rule 11); and for Summary Judgment and/or Declaratory Ruling and Sanctions Against Defendants' Intentional Failure to Answer Within 20 Days (as required under F.R.C.P. Rule 56a)"*; (which is located online at: **http://cases.michigan.constitutionalgov.us/david-schied/2015_SchiedvJudgeKarenKhaliletalinUSDCEDM/073115MyOrder2StrikeAIG&ICSOPNoSignPlunkCoony/Order2Strike&SummJudgmt.pdf**)

7) (DKT #63) *"Grievant's Writ of Error and Reversal in Assignment of Magistrate and Engagement of Ex-Parte Proceedings* and "*Mandamus for Proceeding in Common Law Under the Constitution in an Article III Court of Record*." (which is located online at: **http://cases.michigan.constitutionalgov.us/david-schied/2015_SchiedvJudgeKarenKhaliletalinUSDCEDM/081815_MyWritofError4AssignofMagistrate/EntireWritofError4AssignofMagistrate.pdf**)

8) (DKT #79) "*Grievant David Schied's 'Objection' and 'Writ of Error' to Magistrate Michael Hluchaniuk's 'Order' and 'Amended Order...Striking Responses and Motions (DKT. 36, 38, 58, 63), Granting Motion to Strike (DKT 57), Granting Motion to Stay (DKT 75) and Setting Deadlines' Based on Constitutional Issues Related to the Supremacy Clause and Due Process Clause of the Constitution of the United States; the Thirteenth Amendment of the Constitution; and Based Upon Grievant's Previously Filed 'Writ for Change of...Venue Based on Proven History of Corruption' and Grievant's 'Writ of Error and Reversal in Assignment of Magistrate and Engagement of Ex-Parte Proceedings and Mandamus for Proceeding in Common Law Under the Constitution in an Article III Court of Record."* (which is located online at: **http://cases.michigan.constitutionalgov.us/david-schied/2015_SchiedvJudgeKarenKhaliletalinUSDCEDM/101415_MyObjectiontoMagOrder2Strike/MyEntireFiling_Objection2Order2Strike.pdf**)

9) (Unknown docket #) "*Grievant David Schied's 'Writ of Mandamus in Order for Interlocutory Appeal' With Accompanying 'Memorandum at Law' and* ***'Questions of Law' on Action Taken by the Court That Conclusively Resolved a Claimed Right by Procedural 'Motion' that is Effectively Unreviewable on Appeal of Final Judgment But Which is Collateral to the Substantive Merits of the Filings 'Stricken' and Has a Final and Irreparable Effect on the Case*****."**

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(which is located online at: **http://cases.michigan.constitutionalgov.us/david-schied/2015_SchiedvJudgeKarenKhaliletalinUSDCEDM/111815_WritMandamusInterlocAppeal&MemorandumLaw/**)

10) (Unknown docket #) *"Grievant David Schied's 'Memorandum of Law' in Support of Grievant's 'Writ of Mandamus for Interlocutory Appeal' with* ***Questions of Law Pertaining to Whether Judicial 'Legislation' is Constitution; and Whether Judicial Independence Authorizes 'Bad' Behavior; and Whether 'Substantive' Evidence Can Be 'Procedurally' Stricken; and Whether Evidence of a 'Pattern & Practice' of Government Coercion Constitutes Treason and/or 'Domestic Terrorism'*****".*** (which is located online at: **http://cases.michigan.constitutionalgov.us/david-schied/2015_SchiedvJudgeKarenKhaliletalinUSDCEDM/111815_WritMandamusInterlocAppeal&MemorandumLaw/**)

11) (Unknown docket #) "*Grievant's 'Replacement of 'Stricken' First Objections and Order to Strike 'Defendants, Insurance Company of the State of Pennsylvania ("ICSOP") and American International Group, Inc.'s ("AIG") Answer to Complaint Based on a Pattern of Gross Omissions, Intentional Deception, Frivolous Filing, and Obstruction of Justice (Under F.R.C.P. Rule 11); and for Summary Judgment and/or Declaratory Ruling and Sanctions Against Defendants' Intentional Failure to Answer Within 20 Days as required under F.R.C.P. Rule 56a)"*. (which is located online at: **http://cases.michigan.constitutionalgov.us/david-schied/2015_SchiedvJudgeKarenKhaliletalinUSDCEDM/111815_RefiledDocsStrickenbyMagistrate/ReplaceObject&Ordr2StrikeInsurCoAIGAnswr&Mot4SumJudgment/**)

12) DKT ######81, 82, 83, 84, 85 – as replacement documents for stricken documents. (which is located online at: **http://cases.michigan.constitutionalgov.us/david-schied/2015_SchiedvJudgeKarenKhaliletalinUSDCEDM/111815_RefiledDocsStrickenbyMagistrate/**)

13) (Unknown docket #) Grievant's "***'Ex-Parte 'Writ of Error'*** *Against 6th Circuit Clerk Deborah Hunt's and Case Manager Robin Baker's Gross Violation of Oaths & Bonds and FRAP 45 (a)(b) and (c)*' and ***'Mandamus for Bond Surrender****; for Victims' 'Relief' Under 18 U.S.C. § 3771 and 18 U.S.C. § 4; and for* ***Other Declaratory Relief' by Way of 'Errors & Omissions,' Malfeasance, and Other 'Risk Management' Insurance Coverage***

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Information';" (which is located online at: **http://cases.michigan.constitutionalgov.us/david-schied/2015_SchiedvJudgeKarenKhaliletalinUSDCEDM/122915_MyRespto6thCirClerkHacking&Art-I-Order/My122915WritofError/**)

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THE *EVIDENCE* OF CO-APPELLEES, SUBMITTED FOR JUDICIAL REVIEW, IS *PRIMA FACIE FRAUDULENT*

On 12/3/15, Appellee Michigan Municipal Risk Management Authority ("MMRMA") filed their instant "*Motion to Dismiss for Lack of Subject Matter Jurisdiction.*" In support of that motion, their so-called "*attorney*" – a man against whom Grievant has filed numerous documents with the federal District and 6th Circuit courts proving has committed repeated counts of *fraud upon the court* and affiliated with the criminal theft of *official* court documents, and with no action yet taken by either court upon those notices – James Mellon submitted two "*exhibits*" to support their assertion.

Appellees' **"*Exhibit A*"** (herein **"EXHIBIT #1"**) was an "*unpublished*," what appears to be a "*per curiam order*," purportedly "*entered*" and signed by the "*Clerk of the Court*" but in such fashion that the signature affixed to that document is not readable nor clearly verified as in any way "*authentic*." That ruling is clearly not "*judicial*," being one that authoritatively displays the "*Seal of the court*" as otherwise required by 28 U.S.C. § 1691 to prove and authenticate the "*teste of process*" of the formal Article III Court of Record action of summarily dismissing Grievant David Schied's "*appeal*" against those Appellants, listed as "**Scott Snyder, Lynn Mossoian, Kenneth Roth, Richard Fanning, Jr., Harvalee Saunto, Donna Paruszkiewicz, Mary Fayad, Susan Liebetraub, Donald Yarab,**

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Catherine Anderle, and Arne Duncan" **all being sued** (except Arne Duncan) ***"in their individual capacities."***[7]

Appellees' **"*Exhibit B*"** (herein **"EXHIBIT #2"**) was submitted also as "*unpublished*." It more clearly reveals itself to being a *per curiam* ruling with the names of the three judges involved in that earlier commission of *fraud upon the court*: Steven Borello, Michael Talbot, Kurtis Wilder. Again, though the names of these judges appear with "*digital*" signatures [i.e., by someone typing a slash "/" followed by an "s" followed by another slash ("/s/"), the document otherwise presents no "*authentication*" or "*certification*" instruments verifying these signatures nor that this "*unpublished*" and UNTITLED (i.e., as an "*order*," a "*judgment*," and "*opinion*," etc.) document was ever electronically "*filed*" or *served* in compliance with constitutional requirements of the transition to electronic administration of government, per the U.S. Congress passing of the *E-Government Act (2002)*, the *E-Sign Act (2000)*, and the *U.S. Department of Homeland Security Presidential Directive-J (2004)*; or that these named judges

[7] Attention here is brought to the fact that this so-called "*order*" was presented in not only a way (i.e., as "*not recommended for full-text publication*") to keep it from drawing national attention from *Westlaw* and other law book publishers, legal journal researchers, other judges and attorneys, other scholarly researchers, and the public...but this document was also presented with only the name of a single co-appellee (i.e., "*Scott Snyder, et al*") while grossly *omitting* the names of the others named by the lawsuit, and the significant fact that they were being sued in their *individual* capacities and not their "*official*" capacities as government fiduciaries.

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actually "*litigated the merits of the controversy*" in Article III fashion as required by *The U.S. Constitution, Article IV, §1*; the *Act of May 26, 1790*; the *Act of March 27, 1804*, and *U.S. law, 28 USC § 1691*.

These documents presented to this instant Article III Court of Record (i.e., Appellees' "*Exhibits A and B*") are *prima facie fraudulent*, for the many reasons stated below. Notably, the defense attorneys involved in the second case – **the "*Wayne County Corporation Counsel*" both then and now representing the "*agents*" of the Appellee Charter County of Wayne (hereinafter referred to also as "*seditious, treasonous traitors, racketeers,* and *domestic terrorists*")** – have now filed their "*Concurrence in the MMRMA's 'Motion to Dismiss for Lack of Subject Matter Jurisdiction by Defendant-Appellee [Charter County of] Wayne*" **("EXHIBIT #3")**; again, without attorney Davidde Stella demonstrating their compliance to the constitutional requirements of the transition to electronic administration of government, such as by properly providing Grievant David Schied with a "*Notice of Docket Activity*" ("NDA") containing *checksum strings*, otherwise called "*electronic document stamps*"[8] like those found in other

[8] Noting that attorneys are acting in the capacity of being "*officers of the court*," *see* for starters the Sixth Circuit Guide to Electronic Filing **(Rule 8.3)** "(*Clerk of Court or Deputy Clerks*) - *The electronic filing of any document by the clerk or a deputy clerk of this court* ***by use of that individual's login and password shall be deemed the filing of a signed original document for all purposes***." See also, *Sixth Circuit Guide to Electronic Filing* (Sections 9, 10, and 13) altogether state that: (continue from here with the footnotes on the next page)

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Appellees' filings in accompaniment of their "*Notice of Appearance*" and "*Corporate Disclosure Statement*" verifying authenticity of the document filings and signature by proof of access via password in this Article III, Sixth Circuit Court of Record. **("EXHIBIT #4")**

QUALIFICATIONS OF DAVID SCHIED TO BRING THIS "*QUO WARRANTO*" ACTION AS A PRIVATE ATTORNEYS GENERAL IN "*STATE EX-REL*"

It is well established that many civil rights statutes rely on private attorneys general for their enforcement. In *Newman v. Piggie Park Enterprises*, one of the earliest cases construing the Civil Rights Act of 1964, the United States Supreme Court ruled that:

> "*A public accommodations suit is thus private in form only. When a plaintiff brings an action . . . he cannot recover damages.* ***If he obtains an injunction, he does so not for himself alone but also as a 'private attorney general,' vindicating a policy that Congress considered of the highest priority.***"

The Racketeering Influenced and Corrupt Organizations Act ("*RICO Act*") similarly allows average citizens, as private attorneys general, to sue those organizations that commit mail and wire fraud as part of their criminal enterprise.

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1) **9.1** – "*The electronic transmission of a document, together with transmission of the NDA from the court, in accordance with the policies, procedures, and rules adopted by the court, constitutes the filing of the document under the Federal Rules of Appellate Procedure and constitutes the entry of that document onto the official docket of the court maintained by the clerk pursuant to Fed. R. App. P. 45(b)(1).*"
2) **9.2** – "*A document submitted electronically is deemed to have been filed on the date and at the time indicated in the system-generated NDA.*"
3) **13.1** – "*An electronically filed document is deemed filed upon completion of the transmission and issuance by the court's system of an NDA.*"

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The rationale behind that principle is to provide extra incentive to private citizens to pursue suits that may be of benefit to society at large or to further a congressional policy envisioning private enforcement of federal law. (See *Lee v. Southern Home Sites Corp*., 444 F.2d 143 (5th Cir. 1971)**.**

In accepting or appointing class *representation* and/or *counsel* the federal judges "*must consider*" some criteria as presented by Rule 23 (class actions) of Federal Rules of Civil Procedure, while holding discretion (i.e., the federal judges "*may consider*") other articulated criteria. The following therefore responds to what the court *must* consider:

1) In identifying and investigating potential claims in the action, it must be noted that PAG David Schied has over a decade of court case experience in both Michigan and United States courts.
2) PAG David Schied's background as a victims' rights activist and advocate dates back to 1982 in writing two books on self-defense, being a founding advisory board member to Doris Tate's nationally recognized "*Coalition On Victims' Equal Rights*" in California (after Charles Manson murdered her daughter Sharon Tate). Mr. Schied's professional credentials also include state certifications in both California and Michigan as a special education teacher focusing on civil rights laws protecting children with various types of disabilities. (See **"EXHIBIT #5"** as the formal dossier filed with the lower

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federal court that was subsequently "*stricken*" by federal Magistrate Michael Hluchaniuk, which has led to the instant "*Writ of Mandamus for Interlocutory Appeal*," the matter now before this Sixth Circuit's Article III Court of Record, as supported by Grievant's "*Memorandum of Law*" and "*motioned*" for dismissal by the Appellees.)

3) While PAG David Schied has no previous litigation experience with class action cases *per se*, he can prove that he has been subjected to the complexities of litigation at both the state and federal levels, and he intimately familiar with the legal and compensatory claims being asserted by this instant action.

4) PAG David Schied has documented the extent to which he has withstood not only being a victim of the named co-Defendants/Appellees, but has the evidence that in every one of his cases, whether filed with an attorney or in his own proper person, **the co-Appellees used *color of law* and merely *simulated legal process* to wrongly deny due process, by refusing to "*litigate the merits*" of the cases, wrongly accusing him of *frivolous filings* with *unintelligible* written and rewritten Complaints and *amended* Complaints, and while denying him access to either a jury or a grand jury to *hear* either the civil or the criminal facts "*upon which relief can be granted*."** These are all unlawful tactics used by the co-Defendants against many of the others included in this class of ***We, The People*** who are *similarly situated*.

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5) PAG David Schied has ample knowledge of the applicable laws and he has ample legal, collegiate, and associative resourcefulness for following through with this *Quo Warranto* litigation to completion.

a) PAG David Schied has a master's degree in education, is fully credentialed as a professional educator with skills in "*educational technology*," and with formal doctoral-level graduate school research experience focused upon common law constitutionalism, the history of private prosecutions, government corruption and racketeering, and theoretical foundations for civil engagements.

b) PAG David Schied has a host of colleagues available with which to confer and consult, both in the class and nationally, about the relevant legal issues and appropriate procedural court strategies.

c) In the event that FRCP, Rule 23(g)(1)(A)(iv) refers to the commitment to "*financial*" resources, PAG David Schied asserts that this *Quo Warranto* action is being made on behalf of *himself* and *others similarly situated*, which pertain to due process violations against the poor and those engaging the state and federal courts without attorneys, and the deprivation of access to courts and to juries based, at least in part, upon the same, being all done by members of the same State BAR of Michigan and judges for the Eastern District of Michigan and Sixth Circuit.

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d) Any other matters pertinent to PAG David Schied's ability to fairly and adequately represent the interests of *others similarly situated* should be weighed with consideration for the FACT that this instant action is being taken in relation to an ongoing case, in which Grievant David Schied has continually asserted his sovereign status as a member of the class of *We, The People*, who is acting in Common Law, who has retained all of his inalienable Natural rights, and who is therefore not subject to the same limitations of government fiduciaries and others encumbered by the constitutional, legal, and other limits of administrative rules, policies and practices being implemented by the Article I and Article III courts.

e) With regard to proposed terms of attorney fees and nontaxable costs representing those – besides Grievant David Schied who are *similarly situated* – in the capacity of private attorney general, PAG David Schied refers to the Civil Rights Attorney Fees Award Act of 1976, which permits courts to award fees to a prevailing party when the suit has furthered a congressional policy envisioning private enforcement of federal law. [See *Lee v. Southern Home Sites Corp*., 444 F.2d 143 (5th Cir. 1971) and *Newman v. Piggy Park Enterprises*, 390 US 400 (1968) (per curiam)]

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THE EVIDENCE OF APPELLEES' "*EXHIBITS*" DEMONSTRATES CIVIL AND CRIMINAL *DEPRIVATION OF RIGHTS UNDER COLOR OF LAW* BY AND THROUGH THE *SIMULATION OF LEGAL PROCESS*

A closer look beyond the black text upon white paper to the underlying statements of meaning in Appellees' (twice submitted with *concurrence*) "*Exhibit A*" and "*Exhibit B*" demonstrates – *prima facie* – that these documents are indeed **fraudulent in content** as well as in straightforward appearance.

As shown, the Sixth Circuit "*panel*" of judges (Damon Keith, Eric Clay and Raymond Kethledge) made the following determinations – some being outright fraudulent and others being intentionally misstated with fraudulent omissions – that are herein proven as *instrumentally depriving under color of law* and/or *discretion*, and constituting *constructive and actual fraud* upon the court pertaining to matters of actual facts and merits presented by Grievant David Schied for litigation.

EXAMPLES OF FRAUD CONTAINED IN APPELLEES' "*Exhibit A*"

The Sixth Circuit Court of Appeals' ruling presented in Appellees' "*Exhibit A*," as the purported *findings* of judges of Damon Keith, Eric Clay and Raymond Kethledge, can be summarily cited as follows in relevant part:

1) The *panel* unanimously decided that Grievant David Schied would not be allowed to present any oral arguments, as they discretionarily determined themselves that it was "*not needed*" for Grievant to have that provided. **Such**

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action clearly deprived Grievant of his right to establish in yet another manner, as a matter of the official Article III Court of Record, the FACTS as they actually were presented by Grievant for *litigation on the merits*, rather than as the purported "*order*" issued by the Clerk were *misrepresented* with *gross omissions and misstatements* as a constructive *fraud upon the court*.

2) The panel acknowledged that Grievant had "*recently filed a number of actions in both the Michigan and federal courts*" and that in that case filed in 2010, Grievant was then suing "*a number of defendants*" on behalf of his dependent child, his (12-year old) son. **Yet, by the semantic misuse and insertion of the word "*purported*" before stating Grievant's actual intention connotatively presented an unfounded perception of doubt for the reader based entirely upon what the reader otherwise would expect to be a *judicial* ruling under which constitutional *due process* was inextricably intertwined. What significantly omitted from this fraudulent "*summary*" of the case is more clearly outlined below and throughout these *Quo Warranto* filings.**

3) The *panel* acknowledged that Grievant was then alleging that *"[D]efendant Snyder, the principal at his son's school, had suspended his son a number of times in retaliation for Schied's involvement of Snyder in some of Schied's other litigation.*" **What is grossly omitted from this overly broad and**

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nondescript summary is the truthful FACT that Grievant had named Snyder as a hostile witness in the 2003 misdemeanor crimes that had been committed against him by "*Dr.*" Sandra Harris, the Human Resources director-turned-interim-superintendent of the Lincoln Consolidated Schools who had hired, and then unlawfully fired Grievant. Harris was also in 2003 the direct supervisor of Grievant's own supervisory high school "*assistant principal*" Scott Snyder, one of many people whom Harris had *criminally* revealed the nonpublic results of an erroneous FBI report authorized by Grievant under strict guidelines of the Privacy Act of 1974 (codified as 5 U.S.C. 552a), which made Harris' repeated disclosures outside the receiving human resources office multiple criminal misdemeanors (under numerous federal laws and Michigan Compiled Laws, including at least three of Michigan's "*Revised School Codes*.") (See "EXHIBIT #6" as Evidence of Harris' and her successors' repeated crimes against Grievant, which were clearly conveyed to these so-called Article III lifetime-tenured "*judges*" of the District and Sixth Circuit Courts assigned to this case.)

4) Similarly, in summarily conveying that Grievant Schied had "*not resolved satisfactorily*" his (repeated) attempts to appeal the (multiple retaliatory) suspensions of Grievant's young child – who already qualified under the

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Individuals With Disabilities in Education Act ("IDEA") for having an Individual Education Program ("IEP") – **the wording of the 2011 "*order*" *grossly omitted* ALL the FACTS surrounding the circumstances of the school suspensions, the failure of the school officials to abide by the terms of the IEP, the refusal of the principal (Defendant Scott Snyder) to attend the Multidisciplinary Evaluation Team ("MET") meetings as an assigned member, and the refusal of Snyder to meet with or respond to communication attempts from independent family psychologist Dr. Karen Biddy or the child's independent social worker Earl Hocquard. The above all constitute the intentional deprivation of rights of the child by the Northville Public School District as well as Snyder himself, which was the basis for Mr. Schied having named Snyder and all of the other people of the case in their individual capacities. (*See* "EXHIBIT #7" as the sworn and notarized "*Affidavit of Earl Hocquard*," who was at the time treating Grievant's 12-year old child while Grievant and his former wife were then in pre-divorce counseling as a result of the STILL unresolved crimes being perpetually committed by these the school district officials of the Lincoln Consolidated Schools and Northville Public Schools, as well as other state and federal government fiduciaries from 2003 until the present.)**

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5) The Sixth Circuit Court judges referenced by this "*order*" (being Damon Keith, Eric Clay and Raymond Kethledge) clearly ignored the ongoing "*pattern and practice*" that is still seen taking place today by the very same *peer group* of State BAR of Michigan attorneys as "*actors*" portraying "*officers of the court*," who are otherwise inundating the State and Federal courts with various fraudulent "*motion(s) to dismiss*" and "*motion(s) to strike*" Grievant's otherwise legitimate demands for due process, his "*responses to these motions,*" and for his alternative demands for access to a state or federal Grand Jury comprised of *We, The People* to be properly honored. Instead, as shown – *prima facie* – by this fraudulent "*order*," the judges (Keith, Clay, Kethledge) and the Clerk, altogether libelously memorialized the following *fraudulent* allegations about Grievant David Schied:

a) That Grievant David Schied's 223 pages and 88 itemized exhibits of Evidence somehow "*failed to state a claim*" in the lower federal court (to include what is provided in "*Exhibit #6*" and "*Exhibit #7*" herein).

b) That Grievant's 87-page "*appellant brief*" and supporting "*213 pages of [supporting] exhibits*" still somehow "*failed to state a claim to relief that is plausible on its face*".

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c) That Grievant's "*complaint*" and subsequent "*appeal*" documents contained nothing more than "*allegations and legal conclusions;*" and "*the factual allegations are insufficient to plausibly support the legal conclusions*" asserted by Mr. Schied.

d) That Grievant's "*main claim for relief*" (unnamed for some reason) "*is clearly without merit*". Note that this "*main claim to relief*" might very well have been Grievant's persistent "*Demand for Criminal Grand Jury Investigation*" for which these Sixth Circuit Court judges *fraudulently* insist that "*private citizens have no authority to initiate criminal prosecutions.*" [9] (*See* "EXHIBIT #8" as a "*Memorandum at Law*" which

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[9] See more on this in Grievant's "*Memorandum at Law*" in accompaniment to Grievant's "*Writ of Mandamus for Interlocutory Appeal*" which is now in this Sixth Circuit Court of Appeals as the matter against which the Appellees have filed their "*Motion to Dismiss*" and subsequent "*Concurrence*..." In that pending "*Memorandum of Law*," Grievant cites:

a. **MCL 18.351**-[Crime Victim's Compensation Board (definitions)] which defines a "Crime": *"(c) 'Crime' means an act that is 1 of the following: (i) A crime under the laws of this state or the United States that causes an injury within this state. (ii) An act committed in another state that if committed in this state would constitute a crime under the laws of this state or the United States, that causes an injury within this state or that causes an injury to a resident of this state within a state that does not have a victim compensation program eligible for funding from the victims of crime act of* 1984, *chapter XIV of title II of the comprehensive crime control act of* 1984, *Public Law 98-473 98 Stat. 2170."*

b. **MCR Rule 6.101** (Rules of the Court) holds that. *"**A complaint is described as a written accusation that a named or described person has committed a specified criminal offense.** The complaint must include the substance of the accusation against the accused and the name and statutory citation of the*

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clearly outlines state procedures on what ANY judge is required to do when in receipt of a criminal "*complaint*" constituting "*reasonable cause to believe*" that a crime or crimes have been committed and initiating an immediate investigation and providing an *Order* for an arrest warrant on such an "*indictment*".)

e) That "*several [previous state and federal] courts have addressed [the merits] of [Grievant's] complaints*," when they actually had done nothing more than to add another *link* in this criminal *chain conspiracy* to *deprive of rights under color of law*, by *simulated legal process*, and by a committing a *legal act in an illegal manner*. (*See* 18 U.S.C. §§ 241 and

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offense. (B)(Signature and Oath) ***The complaint must be signed and sworn*** *to before a judicial officer or court clerk....."* [9]

c. **MCL 761.1** and **MCL 750.10** *describes an* ***"indictment" as "a formal written complaint or accusation written under Oath affirming that one or more crimes have been committed and names the person or persons guilty of the offenses".***
d. **MCL 767.3** holds that at the least. ***"The complaint SHALL give probable cause for any judge of law and of record to suspect that such offense or offenses have been committed...and that such complaint SHALL warrant the judge to direct an inquiry into the matters relating to such complaint".***
e. **MCL 764.1(a)** holds that, ***"A magistrate SHALL issue a warrant upon presentation of a proper complaint alleging the commission of an offense and a finding of reasonable cause to believe that the individual or individuals accused in the complaint committed the offense"***
f. **MCL 764.1(b)** calls for an *"arrest without delay".*

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242; MCL 750.368 [10] and MCL 750.478a [11], and MCL 750.157a [12]

respectively.)

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[10] By definition of Michigan's Penal Code, **MCL 750.368 ("*Simulating a legal process*")** states: – *"(b) '**Legal process**' means a summons, **complaint**, pleading, writ, warrant, injunction, notice, subpoena, lien, order, or other document issued or entered by or on behalf of a court or lawful tribunal or lawfully filed with or recorded by a governmental agency that is used as a means of exercising or acquiring jurisdiction over a person or property, **to assert or give notice of a legal claim against a person or property, or to direct persons to take or refrain from an action**…(c) '**Public employee**' means an employee of this state, an employee of a city, village, township, or county of this state, or an employee of a department, board, agency, institution, commission, authority, division, council, college, university, court, **school district**, intermediate school district, special district, or other…**'Public officer'** means a person who is elected or appointed to any of the following: (i) An office established by the state constitution of 1963. (ii) A public office of a city, village, township, or county in this state. (iii) A department, board, agency, institution, commission, court, authority, division, council, college, **with or recorded by a governmental agency as required by law. However, this subparagraph does not apply to a document that would otherwise be legal process but for 1 or more technical defects, including, but not limited to, errors involving names, spelling, addresses, or time of issue or filing or other defects that do not relate to the substance of the claim or action underlying the document."***

[11] **MCL 750.478a – ("*Legal process; intimidation, hindering, or obstruction of public officer or employee*")** states: – **"*(1) A person shall not attempt to intimidate, hinder, or obstruct a public officer or public employee or a peace officer in the discharge of his or her official duties by a use of unauthorized process... (2) Except as provided in subsection (3), a person who violates subsection (1) is guilty of a misdemeanor punishable by imprisonment for not more than 2 years or a fine of not more than $1,000.00, or both; (e) "Unauthorized process" means either of the following: (ii) A document that would otherwise be legal process except that it was not issued or entered by or on behalf of a court or lawful tribunal or lawfully filed with or recorded by a governmental agency as required by law... (e) 'Unauthorized process' means either of the following: (i) A document simulating legal process that is prepared or issued by or on behalf of an entity that purports or represents itself to be a lawful tribunal or a court, public officer, or other agency created, established,**

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f) That incredulously, Grievant's civil complaint, being "*over 200 pages in length, and several hundreds of additional pages of exhibits, nowhere explained with sufficient clarity why Schied's dissatisfaction with the [other state and federal courts'] 'resolution' of his grievances would lead to the conclusion that defendants were criminally or civilly liable*." Note that this final statement of this "*order*" is especially offensive to Grievant, being also extremely offensive to both the letter and the spirit of both state and federal laws and to their respective Michigan and United States constitutions to which these Article III "*judges*" – if they

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authorized, or sanctioned by law but that is not a lawful tribunal or a court, public officer, or other agency created, established, authorized, or sanctioned by law. (ii) A document that would otherwise be legal process except that it was not issued or entered by or on behalf of a court or lawful tribunal or lawfully filed.

[12] **MCL 750.157a** ("***Conspiracy to commit offense or legal act in illegal manner; penalty***") **– "*Any person who conspires together with 1 or more persons to commit an offense prohibited by law, or to commit a legal act in an illegal manner is guilty of the crime of conspiracy punishable as provided herein:*** *(a) Except as provided in paragraphs (b), (c) and (d) if commission of the offense prohibited by law is punishable by imprisonment for 1 year or more, the person convicted under this section shall be punished by a penalty equal to that which could be imposed if he had been convicted of committing the crime he conspired to commit and in the discretion of the court an additional penalty of a fine of $10,000.00 may be imposed; (c) If commission of the offense prohibited by law is punishable by imprisonment for less than 1 year, except as provided in paragraph (b), the person convicted under this section shall be imprisoned for not more than 1 year nor fined more than $1,000.00, or both such fine and imprisonment; (d) Any person convicted of conspiring to commit a legal act in an illegal manner shall be punished by imprisonment in the state prison for not more than 5 years or by a fine of not more than $10,000.00, or both such fine and imprisonment in the discretion of the court."*

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<u>are</u> **indeed Article III judges and not actually *usurpers* acting in the same *pattern and practice* of "*the accused*" as *domestic terrorists* – have otherwise sworn solemn Oaths to support and protect, being also bonded or with other form of financial surety to guarantee faithful performance to those fiduciary duties.**

EXAMPLES OF FRAUD CONTAINED IN APPELLEES' "*Exhibit B*"

In the context of the two "*<u>Affidavit(s) of Earl Hocquard</u>*" **("*<u>Exhibits #6 and #7</u>*" referenced herein)**, the private social worker who was working as counselor for Grievant Schied's 12-year old child at the time Grievant and his wife were undertaking a lengthy period of divorce counseling, there should also be a closer look into the pages of the *<u>fraudulent</u>* underlying statements issued by the Michigan Court of Appeals just three years ago.

The *<u>Affidavits of Earl Hocquard</u>*, without a doubt, demonstrate that crimes have been committed by the senior administrators of both the Lincoln Consolidated and Northville school districts. **In the former**, there is Evidence of the ongoing public dissemination of a nonpublic – and proven erroneous – FBI criminal history report obtained during the course of evaluating Grievant Schied's suitability for employment as a schoolteacher, obtained under strict state and federal regulations with criminal penalties for violations of Grievant's privacy rights and his right to properly "*challenge and correct*" the accuracy of the erroneous information

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contained in that report. **In the latter**, there is the Evidence of the ongoing public dissemination of a nonpublic Texas court "*Agreed Order of Expunction*," which states in the first numbered paragraph on page 2 that *"[a]ll release, dissemination, or use of records pertaining to such arrests and prosecutions is prohibited*."

Of significance is the FACT that what is implied by documents contained in the FOIA answer of the Lincoln Consolidated Schools through the mail to Mr. Hocquard included the 1979 Texas "*Early Termination Order Dismissing the Cause*," which not only demonstrated that the 2003 FBI report was indeed erroneous for reflecting that a quarter-century later Grievant was somehow still on "*probation*," but also by its failing to show that in 1979 the "*plea was withdrawn*," the "*indictment was dismissed*," and the "*judgment was set aside*." As further described in **"*Exhibit #5*"** attached hereto, there are Texas Attorney General opinions and case law that both clarify that **"*probation*" is not a "*final disposition*"** as otherwise erroneously reflected in the FBI report; and clearly the intended legal effect of *withdrawing the plea*, *dismissing the indictment*, and *setting aside the judgement* constitutes **judicial clemency** and a "*clean slate*," **meaning NO CONVICTION exists**; further proving that the FBI report received by the Lincoln Consolidated Schools in 2003 was erroneous.

Thus, the face of "*expunction*" document – in report of Grievant's 1983 governor's full pardon without even mentioning the set aside or its effects – is also

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proven erroneous since that document holds that in 1983 a "*conviction*" remained on the records held by the Texas Department of Public Safety. Nevertheless, what is implied by that **document's reference to only "*records of arrest and prosecution*" remaining after 1983** also implies that, even after the receipt of a 1983 governor's full pardon as **executive clemency**, there was again **NO CONVICTION**.

Again, **"*Exhibit #5*"** expounds more on the fact that at least one Texas attorney general (John Cornyn, JC-0396) has opined to clarify that, not only is there no "*conviction*" remaining after receipt of a governor's full pardon, but so too after judicial clemency in the form of a "*withdrawal of plea, dismissal of indictment, and set aside of judgment*." In fact, as clearly opined by former Attorney General Dan Morales (DM-349), anyone in receipt of that type of set aside received by Grievant in 1979 was not even eligible for a governor's full pardon "*for lack of an object*" (i.e., a "*conviction*") to pardon.

So looking back at Defendant/Appellees' submission of "*Exhibit B*," the first paragraph of that this Michigan Court of Appeals ruling **concurs with the fraudulent ruling** of the so-called "*Wayne County Circuit Court*" having dismissed the case against the "*Northville Schools*" co-Defendants based upon "*res judicata*," with the remaining claims against the other *agents* of the current co-

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Appellee, the Charter County of Wayne then – referred to as the "*Wayne County Defendants*" – based upon "*governmental immunity*," **compounding that <u>fraud</u>.**

Next, the tribunal of pretended judicial musketeers (Steven Borello, Michael Talbot, Kurtis Wilder) set out to further harm Grievant by **not only declaring that Grievant had a "*1977 conviction*" as a matter of FACT that did not actually exist, but while also naming the alleged criminal offense and without even referencing the superseding FACTS that a "*withdrawal of plea, dismissal of indictment, and set aside of [that 1977] judgment*" occurred just two years later in 1979 as full judicial clemency and meaning "*no conviction*" existed.**

Instead, this "*panel*" of *corrupt* judges went into a 9-page *<u>fraudulent</u>* whitewash of details of what supposedly occurred in fact at the lower court levels, and while *<u>fraudulently</u>* focusing upon the supposed "*conviction*" being referenced by the erroneous 1983 "*<u>Agreed Order of Expunction</u>*" rather than the "*remaining records of prosecution and arrest*" that were being referenced by that document when the 1983 governor's Full Pardon and <u>executive clemency</u> had legally otherwise eliminated any such "*conviction*" in 1983, in case one were to be even remotely remaining after the 1979 <u>judicial clemency</u>. (Bold emphasis added)

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THE INTENT OF THIS "*QUO WARRANTO*" IS TO EXPOSE THAT THE *AGENTS* OF THE STATE AND FEDERAL JUDICIAL AND EXECUTIVE BRANCHES OPERATING WITHIN THE TERRITORIAL BOUNDARIES OF APPELLEES' "*CHARTER COUNTY OF WAYNE*" – WHO ARE CORRUPTLY MAINTAINING A "*REVOLVING DOOR*" BETWEEN BRANCHES THAT HAS FUNCTUALLY REPLACED THE CONSTITUTIONALLY GUARANTEED "*SEPARATION OF POWERS*" IN THE EASTERN DISTRICT OF MICHIGAN WITH A TREASONOUS RACKETEERING ENTERPRISE – ARE ACTUALLY "*DOMESTIC TERRORISTS*" COERCING THE POPULATION OF THAT DISTRICT, AND USURPING AND COERCING THE (NOW DEFUNCT) CONSTITUTIONAL GOVERNMENT'S "*POLICY AND PRACTICE*" THROUGH THEIR *DOMESTIC TERRORISM*

In continuing to outline and prove the many ways in which the Michigan Court of Appeals judges Borello, Talbot, and Wilder have abused their positions of authority and twisted "*judicial process*" into "*domestic terror*" through usurpation and bastardization of both the *spirit* and the *letter* of the law, it is important to place this racketeering operation in proper context of what has been similarly going on at the Michigan Supreme Court, the entity responsible for supervising and regulating these Michigan Courts.

In the interest of saving both time and space, it should suffice to point out that while the case depicted by "*Exhibit B*" was working its way through the Wayne County Circuit Court to the Michigan Court of Appeals, at least three other telltale major events were also occurring. The first was the book written by former Michigan Supreme Court (MSC) "*chief*" justice Elizabeth Weaver, published in 2012 and two years after Justice Weaver had **turned in her resignation from the**

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MSC and publicly blew the whistle on the corruption imbedded throughout the entire judicial system of Michigan, with her peer group of other "*justices*" on the MSC leading in that racketeering by example. The name of her book, which is still selling today despite Justice Weaver's untimely death and questionable circumstances surrounding that death, is **"*Judicial Deceit: Tyranny and Unnecessary Secrecy at the Michigan Supreme Court*." ("EXHIBIT #9")**

The second event, which happened to coincide with the publishing of Weaver's book in 2012, involved the forced resignation and subsequent criminal conviction of Michigan Supreme Court "*justice*" Diane Hathaway for bank fraud. **("EXHIBIT #10")**

The third event, actually occurring in 2012, was the publishing of results of the Center for Public Integrity's state investigation into conditions fostering government corruption. The "*Corruption Risk Report Card*" results showed Michigan ranking No. 44 of the 50 states and with the understaffed volunteer ethics board for Michigan being impotent for doing anything about Michigan's worsening conditions. In 2015, the Center for Public Integrity published the results of a subsequent investigation, revealing "*Michigan ranks worst in the nation*" for government transparency, accountability, and ethics laws. **("EXHIBIT #11")**

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So what has resulted from these worsening "*conditions fostering corruption in government*"? As shown below, the answer goes beyond simple or even complex racketeering and corruption. It is, without a doubt, "*domestic terrorism*."

THE EVIDENCE OF *FRAUD UPON THE COURT* CAPTURED IN THE CONTEXT OF APPELLEES' "*EXHIBIT B*" ONLY SCRATCHES THE SURFACE OF EVIDENCE OF *DOMESTIC TERRORISM* BEING CARRIED OUT AND COVERED UP BY THE APPELLEES THEMSELVES

There is no doubt that the primary center and focus for *domestic terrorism* stems from what is going on in both the state and federal courts located within the territorial boundaries of Appellees Charter County of Wayne (also referred to deceptively as the "*government*" of "*Wayne County*"). In fact, this federal region – **referred to as the Eastern District of Michigan, Southern Division** – is so overrun with criminal activity, near daily accounts about the racketeering have so completely numbed the feeling of *We*, *The People* who live within **that federal jurisdiction** that they feel they no longer have the power to do anything further about the problem.

They feel powerless because, like Grievant, they have had their lives upset, invaded, ransacked, and destroyed by the people causing that problem. These are the same people who are continually found inhabiting one branch or another of the county seats, with a *revolving door* between these branches, so that – at all the county, state and the federal levels – prosecutors are becoming judges and vice

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versa; and private sector attorneys and law professors are becoming prosecutors and judges and vice versa; and while sheriffs are becoming county executives, attorneys for private law firms are dually employed as *agents* for the Michigan attorney general. It's crazy!

It is possible to track these incestuous schemes of back-scratching, nepotism, cronyism, contract kickbacks, prejudicial favoritism, and other forms of corruption and racketeering to past decades of the Detroit mafias. As shown by the "*example*" made of "*White Boy Rick*" **("EXHIBIT #12")** anyone "*ratting out*" the government mob will not see the light of day. Moreover, as other stories demonstrate, there are others in seats of power that are remnants of those old days of "*dirty cops, relatives and friends of the former Mayor Coleman A. Young*" such as the Wayne County Circuit Court's ("WCCC") former "*chief judge*" Virgil Smith, whose son – also named Virgil Smith ("*Junior*") – was recently arrested and charged for felony violence involving a gun, and after being let off numerous previous times by the former WCCC judge-turned-prosecutor Kym Worthy. (Read p.15 through p.26 at the back of **"Exhibit #12"** for more on the behind-the-scenes corruption reported in the news about Kym Worthy's protectionism over the Smith family, with Virgil Smith having long-term ties the previous mafia regime, being a "*reliable member of the Coleman Young machine*.")

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THE "*PATTERN AND PRACTICE*" OF THE APPELLEES' "WAYNE COUNTY EXECUTIVE" IS THE RUNNING OF A RACKETEERING "*MACHINE*"

Notably, former "*Wayne County Executive*" Robert Ficano – **as the agent for the Appellees Charter County of Wayne** – has created his own "*political machine*," following in the footsteps of his predecessor, Ed McNamara, for whom in 2002 the media portrayed with reverence as more of a "*king*" on a "*throne*" who is "*skilled at making campaign contributions flow like beer at a frat party*;" and for whom "*when the occasional million-dollar no-bid contract lands in the hands of family-connected businesses, it doesn't hurt to have former staff members populating offices that wield investigative powers*." The only difference was that, as discovered through FBI investigations, Ficano used his background as the former "*Wayne County*" Sheriff to "*lean on*" private venders with emails containing extortion amounts – otherwise referred to as "*preliminary numbers*" – on what large checks that Ficano thought county vendors should be donating to his "*campaign war chest*." (See **"EXHIBIT #13"** with stories about both McNamara and the emails Ficano's "*campaign czar*" sent out to communicate those "*suggested*" amounts to private vendors doing business with the county.)

As the media coverage clearly shows – in merely touching upon the criminal corruption, sometimes in tongue-in-cheek fashion to make the abominable simply more palatable for a population otherwise being first *fleeced* then *raked over the*

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coals – that **Ficano's way of handling the Appellee Charter County of Wayne's end of "*paybacks*" lay in the five-prong "*policy and practice*" of:**

a) **Coercing business partners of Appellees Charter County of Wayne** to pay additional sums of money as a cost of doing business with the county, such as what took place when Appellees required the Greektown Casino to pay $420,000 to the "*county's [real estate] broker*" – who even lacked the required license to be engaging in such transactions – when selling land to the Appellees for the soon-to-be botched "*County Jail Project*." **("EXHIBIT #14")**

b) **Committing "*widespread wrongdoings*" with "*no-bid contracts*"** while hiring inexperienced contractors and using those contractors along with "*high-ranking public officials*" as agents for "*misleading*" other agents (e.g., the Wayne County Commission) about cost overruns and the (racketeering) enterprise's waste of taxpayer funds. **("EXHIBIT #15")**

c) **Generally maintaining a highly dysfunctional structure of *dereliction, gross negligence* and *malfeasance* in both fiduciary duties and oversight**, so as to preclude competent and organized investigations of racketeering, while promoting crony conspiracies, providing incentives for private profiteering (i.e., by "*pampering themselves with perks*"), and issuing downward hierarchical pressure on job loss for potential whistleblowers.

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"EXHIBIT #16" demonstrates that even the local ("*Eastern District of Michigan, Southern Division*" in Detroit) division of the FBI and the United States Attorney are part of the cover-up scheme of simply going after the "*little fish*" while allowing the "*kingpins*" as the criminal masterminds to continue to flourish.

d) **Engaging in multi-disciplinary "*silencing*" strategies** that range from keeping the various members of corporate municipal boards and chartered county commissions in the dark about budgetary or work performance updates until it is too late – or furnishing them altogether with erroneous and misguided information – to providing excessively high salaries, pensions and other early retirement deals, and severance packages as insurance against big media bribes and other financial incentives for whistleblowing, alternatives to retaliatory actions for which private lawsuits are otherwise paid off quietly in courtroom deals. **("EXHIBIT #17")**

THE "*PATTERN AND PRACTICE*" OF THE APPELLEES' "*WAYNE COUNTY PROSECUTOR*" AND THE *JUDGES* OF THE "*WAYNE COUNTY CIRCUIT COURT*" IS THE RUNNING OF A CRIMINAL PROTECTIONIST RING

Importantly, the Founding Fathers of these united sovereign States were intimately familiar with revolution against just the type of corrupt and tyrannical type of government behaviors that are being described above. Therefore, our American government has not one, not two but three "*foxes*" (i.e., branches of

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government) "*guarding*" (i.e., working in "*checks and balances*" on one another) "*the henhouse*" (i.e., the eternal fire of liberty and each American's unalienable Natural rights). Fortunately, the *rules* for what me might otherwise refer to as the (three) "*wolves guarding the sheep*" were written down, starting with the *Magna Carta*, the *Declaration of Independence*, the *Articles of Confederation*, the organic *Constitution for the united States*, and finally, with the *Bill of Rights*.

Each of the three "*branches*" had specific assignments – delegations of authority for their powers and their associated DUTIES – with each instructed to stay within their own realm of authority with the duty to maintain *checks and balances* upon and between themselves and the other two branches. The job of the executive branch was to execute the duties of office. For prosecutors, that entailed administrating the law, without prejudice, and while staying within the constitutional and legal guidelines.

Unfortunately, as shown by the Evidence attached hereto (see for example **"*Exhibit #12*"** pp. 15-26 pertaining to the extended criminal history of former Senator Virgil Smith, Jr.), Appellee Charter County of Wayne's former-judge-turned-prosecutor Kym Worthy has long appeared to provide favorable treatment to those under employ of the "*Wayne County Executive*" Robert Ficano, who were affiliated with the Appellees' attorneys at the "*Wayne County Corporation Counsel*," and/or affiliated with the operations of the Appellee's "*Wayne County*

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Circuit Court" and other "*insiders*" under employ of Appellees Charter County of Wayne. This has been not only obvious to the mainstream media and to the people in general, it was also broadly reflected in Willie Mayo's report of the Michigan State Auditor about the Appellee's "*Office of the Wayne County Prosecuting Attorney Fraud and Corruption Investigation Unit*." (See **"EXHIBIT #18"** attached herein for a copy of that final report dated 12/3/14.)

Significantly, the circumstances surrounding Mr. Mayo's decision to conduct an audit of Kym Worthy's office centered upon action she deliberately took to suppress Mr. Mayo's previous report about suspected corruption around the office of Appellee's "*Wayne County Executive*." As alluded to in the 12/18/15 Detroit News article presented on p.11 of **"*Exhibit #12*,"** Willie Mayo conducted his investigative audit of Ficano's office because he suspected wrongdoing by Appellees Charter County of Wayne, and after he had uncovered the truth about the corruption, he properly took it to Kym Worthy who, along with WCCC criminal division "*chief judge*" immediately suppressed that information *under color of law*; purportedly so that Kym Worthy could prepare her prosecutorial strategy, but actually to buy Ficano time to cover his tracks. Enraged at having his report *sealed* from the public, Mayo set out to make his audit of Prosecutor Kym Worthy's office the last thing he did in the 2014 calendar year before then retiring.

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Significant to this instant 6th Circuit Court case in review of Grievant's "*Interlocutory Appeal*" and "*Memorandum of Law*," Grievant had presented the broader scope of Kym Worthy's cover-up of corruption in the filings referenced below. Those filings contained a plethora of other exhibits that were subsequently *sua sponte* "*stricken*" by federal Magistrate Michael Hluchanuik along with three other sets of important *response* filings to various Appellees' *motions* for summary dismissal of Grievant's case against each of them as co-Defendants. (This gave proper cause for Grievant to file his "*objection*" to Hluchaniuk's compounded actions, and leading to this instant "*Interlocutory Appeal*" of that action.)

That *broader scope* of Worthy's actions specifically outlines other stories presented already to the lower federal court in this case, involving Wayne County residents. In particular, there is the story of Krystal Price, pertaining to her unanswered persistent reports about – and court cases involving – foreclosure fraud. **Those pages – which were intentionally "*stricken*" by Mag. Hluchaniuk in the same *pattern and practice* that WCCC "*judge*" Timothy Kenny used to suppress Willie Mayo's auditing report – describe Krystal Price's case in detail, proving *fraud* and *cover up* by judges operating the state and federal courts within the Appellee's Charter County of Wayne and in the 6th Circuit Court of Appeals in Cincinnati. Her story also includes the criminal cover-up of her many other reports of fraud by the Wayne County Sheriff, the Wayne**

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County Prosecutor, and the Wayne County Register of Deeds, which otherwise comprise oversight of the *Deed Fraud Task Force* under Worthy's chief administration. While those documents have been "*stricken*" from the lower court record, they can otherwise be located in the REAL "*Article III Court of Record*" located online at: **http://cases.michigan.constitutionalgov.us/david-schied/2015_SchiedvJudgeKarenKhaliletalinUSDCEDM/073115MyOrder2StrikeAIG&ICSOPNoSignPlunkCoony/**

In short, Willie Mayo's audit report includes the following about Kym Worthy's extended history in *gross negligence* under *color* of "*executive privilege*" and "*prosecutorial discretion*" (as follows in paraphrases of Mayo's *audit report* as set into quotes from Grievant's "*stricken*" filing):

1) *"That since 1993 the Defendant Charter County of Wayne has had a 'Fraud Investigation Policy' in place delegating the authority and responsibility for the Office of the Prosecutor (Kym Worthy) to investigate and report 'fraud, waste and wrongdoings' by county personnel (and report those findings to the Inspector General of the county). (See bottom of p.3 and top and middle of p.4 of the report.)"*

2) *"That prior to 2012, Prosecutor Kym Worthy and her agents were found by the Auditor General to be noncompliant with the terms of the Fraud Investigation Policy; and there was some apparent dissonance between that office and the office of the Auditor General in terms of performance. The Auditor General's (modified) recommendation to ensure compliance by the Prosecutor's office was for a full-time experience investigator to be operating within the Office of the Prosecutor. (See p.4 of the report)"*

3) *"For the Fiscal Year 2012-2013, the Prosecutor Kym Worthy received $200,000 in funding earmarked for the hiring of that full-time experienced investigator, who was to come from the Inspector General's department. (See p.5)"*

4) *"The Auditor General stated that in 2012 the funding was not provided to the Prosecutor Kym Worthy for that full-time experienced investigator because **Worthy's 'chief of staff did not feel that filling that position was justified since courtroom prosecutor positions were unfulfilled...[and because] the Prosecuting Attorney official indicated this is not a***

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full-time position.' In fact, the Chief of Staff claimed that s/he was then fulfilling that position him/herself and that Worthy and her agents were intending to contract with a "qualified" individual for a part-time position at ¼ of the $200,000 budgeted for the full-time recommendation by the Auditor General. *(See pp.5-6)*"

5) *"The agent for Prosecutor Kym Worthy cited the management success in Worthy's enforcement of the "Fraud Investigation Policy" by the prosecutor's office getting three grand jury indictments on the Wayne County Consolidated Jail Project debacle. (See pp.6-7)"*

6) *"The Defendant Charter County of Wayne's Office of Fiscal Agency verified that the investigation position was nevertheless funded – without restriction to usage – to Prosecutor Worthy's office for $200,000 for the 2012-2013 fiscal year; and the Management and Budget Director* ***'confirmed an investigative position with the Prosecuting Attorney's Office was funded in the Fiscal Year 2013 appropriation with general fund general purpose dollars. However, the $200,000 was used for general fund general purpose activities within the Office of the Prosecuting Attorney [instead].'*** *" (See pp.6-7)"*

7) *"Subsequently in 2014, the Worthy's office was appropriated $30 million of which none was earmarked for the investigative position because the money issued the preceding year was not used for that purpose* ***(i.e., because the $200,000 was "wasted" by Worthy)****. (See pp.6-7)"*

8) *"For 2014, between the Department of Personnel/Human Services and the Prosecuting Attorney Kym Worthy, all were satisfied to merely provide a 'fraud hotline' number to call with the collaborative assistance of the Department of Technology, and at no apparent expense to the $30 million being issued to Kym Worthy. The Auditor General's report determined that, due to a $4 million increase in funding to Worthy for the fiscal year 2014, the $200,000 earmarked amount was still to be included, making it incumbent upon Worthy to follow through with the budgeted and recommended hiring. (See pp.6-7)"*

9) ***"Though the Auditor General found the above scenario to be problematic in that Prosecutor Worthy was paid the $200,000 to establish a separate Fraud and Corruption Investigation Unit and yet no such position was filled, the Auditor General cited his resolve of the issue by the FACT that the Wayne County Commission's legislative wording had provided the Prosecutor with full discretion over the 'duties and responsibilities' for conducting compliant investigations.*** *(Bold emphasis added) (See pp.6-7)"*

10) *"The Auditor General pointed out that a 'separate business unit' should be established and funded separately so that such funding would not be intermingled with Kym Worthy's other funding (and so to provide more transparency and control over Worthy's own "pattern and practice" of fraudulent spending). (See pp.6-7)"*

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11) *"Additionally, the Auditor General recommended that the Wayne County Commission more closely 'monitor the establishment of the investigator position at the Prosecutor's Office to ensure the funds are spent as appropriated' (i.e., there needs to be a different "fox" to watch the original "fox" from Worthy's office that is guarding the 'henhouse.') (See pp.6-7)"*

With regard to Timothy Kenny's (i.e., the "*judiciary*" branch's) cooperation with Worthy (the "executive" branch) in the cover-up of Mayo's incriminating audit report about Appellees Charter County of Wayne criminal operatives working under Robert Ficano's (and for their own selfish interests by abuse and usurpation of authority and fiduciary government position), there are some things to be significantly noted as referenced in the Detroit News article (p.11 of **"*Exhibit #12*"**):

First, **Kenny's justified and sustained his perpetual two-year non-disclosure to the public** of Willie Mayo's incriminating audit report **by** (ludicrously) **nominating HIMSELF to become a "*one-man-grand-jury.*"**

Second, **Kenny's capitulation in finally releasing that document to the public came only as a result of a lawsuit** filed by the Detroit Free Press in demand of such release and the opening of that two-year sealed document.

Third, **the conspiracy between Worthy and Kenny to deprive the public of the important information about the audit only led to a single criminal conviction in Ficano's office**; and in the meantime it allowed Ficano to escape unscathed while his replacement – the former Wayne County Sheriff (Warren

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Evans) involved with years of previous involvement and subsequent *cover-up* of foreclosure crimes being perpetrated in the county – had time to get into the County Executive office and publicly declare the Appellees' Charter County of Wayne in a "*fiscal state of emergency*," as if he is just "*the messenger*" and not a significant player in all that previous mess.

Fourth, and finally, **Kenny's capitulation in finally releasing and unsealing that "*audit*" document only occurred the very day after the Appellees' Wayne County Commission had taken the opportunity to approve the new County Executive Warren Evans' fresh proposal, which was one for settling the Appellees' own lawsuit against the private contractors involved in the County Jail Project, who were otherwise placating and subjected to the Ficano racketeering "*regime*" of what is clearly and intentionally his own and his office's mismanagement of that project on behalf of the Appellees Charter County of Wayne.** (Bold emphasis)

APPELLEE'S WCCC "*CRIMINAL DIVISION CHIEF JUDGE*" TIMOTHY KENNY HAD AN EVEN MORE SINISTER DIRECT ROLE IN THE *SEDITIOUS CONSPIRACY TO DEPRIVE* GRIEVANT SCHIED *OF* HIS *RIGHTS* AS IT RELATES TO THIS INSTANT CASE; AND WHILE COMMITTING *TREASON* AND *DOMESTIC TERRORISM* AGAINST "*WE, THE PEOPLE*" AS TAXPAYERS TO THE APPELLEES' *CHARTER COUNTY OF WAYNE*

On 7/2/15, Grievant David Schied sent to the federal court a filing with the following captioning relative to this instant case now on Interlocutory Appeal, as it

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was yet another of the four sets of filings that were entirely "*stricken*" from the record by Mag. Michael Hluchaniuk:

> *"Response to Attorney Davidde A. Stella's, Attorney Zenna Alhasan's and Wayne County Corporation Counsel's Fraudulent Conveyances in the 'Motion to Dismiss '"*
> (Found hereto attached as **"EXHIBIT #19"**)

The document named above was accompanied by the following additional three documents that were attested to, sworn as to their truthfulness, and notarized as official documents of Evidence to this instant case:

a) "*Sworn Notarized Affidavit of Cornell Squires Witness the Denial of David Schied Writ of Habeas Corpus Court Order And A Hearing in June of 2012*" **("EXHIBIT #20")**;

b) "*Sworn and Notarized Affidavit of David Schied In Testimony of Some Events at the Midland County Jail; and Affirming My Past Award of 'Power of Attorney' to Patricia Ann Kraus While Falsely Imprisoned in 2012*" **("EXHIBIT #21")**

c) "*Affidavit*" of David Lonier dated 7/2/15 pertaining to what he witnessed alongside of Patricia ("Trish") Kraus at the Midland County Circuit Court on June 22, 2012. **("EXHIBIT #22")**

One of the purposes and part of the content of the "*Response*" filing **("*Exhibit #19*")** was to present a very different set of facts than that provided by the Appellee Charter County of Wayne and their "*Corporation Counsel*;" and to also prove by those facts that the Appellees and their criminally corrupt attorneys working under the leadership of the new "*County Executive*" Warren Evans, are in criminal *Contempt of Court* by their purposeful FRAUD upon the District Court of the United States; and now upon this Sixth Circuit Court of Appeals. Grievant was

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at the time demonstrating his cause for which he believed "*relief should be granted*" by an "*order*" from the lower federal judge of financial sanctions against the Corporation Counsel as fellow State BAR of Michigan members of the judge's own "*peer group*."

In relevant part, Grievant's statements that were "*stricken*" by Mag. Hluchaniuk along with Grievant's references to the relevant Evidence of not only civil claims but criminal activity constituting evidence of *domestic terrorism* by Michigan judges – including WCCC Criminal Division "*chief judge*" Timothy Kenny – were outlined in Grievant's previous filing as depicted below in quotations excerpted directly from that text as previously laid out in numbered paragraphs and introducing just some of the many outrageous facts about this case. Note that where references to Evidence were referenced in that previous filing, new references to the same Evidence is provided as presented again herein as attached to this instant 6th Circuit Court of Appeals filing.

1. ***FACT #6*** *– In Evidence that Defendants' claims about "Patricia Kraus" are fraudulent on their face, Grievant David Schied presents the following set of facts and evidence to prove that Patricia Kraus was not acting alone, and that the efforts of Patricia Kraus and others, along with the documents resulting of those efforts,* ***point to more than a plausible contention that a multi-county conspiracy to deprive of rights, to criminally aid-and-abet, and to commit acts of domestic terrorism that by definition of the FBI are: a) dangerous to human life; b) violate both state and federal laws; c) influence the policy of government; d) through intimidation and coercion; and/or, e) through mass kidnapping.***
2. ***FACT #7*** *– The FIRST action taken by Patricia Kraus, as well as others, in effort to establish a show cause action for a Writ of Habeas Corpus immediately after Grievant*

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*Schied was "kidnapped," **and** search, seized, **and** falsely imprisoned by the Defendant Charter County of Wayne's co-Defendants on 6/8/12, was to seek "transcripts and all other recordings" from Defendant 17th District Court and all their cooperating agents including Defendant Redford Township, Defendant Cathleen Dunn, Defendant Karen Khalil, and the Redford Township Police. **(See "Exhibit C" attached to Grievant's original "Complaint/Claim..." as the "Affidavit" of private court-watcher David Lonier.)*** **(See "EXHIBIT #23" as hereto attached.)**

3. ***FACT #8*** *– The RESPONSE to the FIRST action taken by Patricia Kraus, as well as others, as depicted above was for co-Defendants to universally deny transcripts, audio recordings, video recordings, Record of Actions, police incident report, or any other "recording" of the events of the "kidnap[ing]," **and** search, seizure, **and** false imprisonment of Mr. Schied. Purportedly, their claim was based on the "policy or custom" of claiming that courtroom events imposed upon Mr. Schied (as a silent observer to proceedings) had occurred during an "informal" hearing. Thus, they persistently reported "no records of, nor available for, informal hearings," a claim made by co-Defendants and their agents which persisted for weeks as Grievant was subjected to increasingly tortuous conditions of the Midland County Jail without any form of due process. **(See again "Exhibit C" attached to Grievant's original "Complaint/Claim..." as the "Affidavit" of private court-watcher David Lonier.)*** **(See again "Exhibit #23" as hereto attached.)**
4. ***FACT #9*** *– Contrary to Defendant's claim of a "first action" taken by Patricia Kraus being on 6/22/12, there was another unrelated "state created danger" **crime victim** of Defendant Charter County of Wayne, a man by the name of **Cornell Squires**. He, along with Patricia Kraus as his witness, **filed the first "Petition for Writ of Habeas Corpus" on 6/12/12**, within four (4) days of Grievant being hauled to a prison facility SIX COUNTIES AWAY from where he was assaulted and kidnapped by co-Defendants, as shown to be **Midland County case No. 12-8792-AH**. **(See attached "EXHIBIT #1" as two pages of written ruling on that case.)*** **(See "EXHIBIT#24" as hereto attached.)**
5. ***FACT #10*** *– As shown by the attached **"Exhibit #1"** State BAR of Michigan member, as Midland County Circuit Court "judge" Jonathan Lauderbach, DENIED Cornell Squires' "Petition for Writ of Habeas Corpus on Behalf of David Schied..." by **first mischaracterizing the petition as a "motion" and then denying that motion without stated cause**.* **(See again "Exhibit #24" as hereto attached.)**
6. ***This act by Jonathan Lauderbach exemplified the "pattern and practice" elements numbers 1, 2 and 4 above by:*** *a) disparaging the named "Plaintiff" Schied because he is being represented by one of the People instead of a fellow BAR member; b) misstating a matter of FACT; and c) under color of law (and judicial discretion under the law) so to justify his issuance of such a denial in the face of the "petitioner's" statements of facts about the case, and; d) by issuing a "show cause" motion to be scheduled for AFTER the 30-day sentencing period imposed by Defendant Charter County of Wayne's co-Defendant Karen Khalil, another fellow BAR member of Jonathan Lauderbach's peer group of other so-called "judges."*
7. ***FACT #11*** *– **"Exhibit #1"** (a 2-page exhibit), with both pages **signed by "judge" Jonathan Lauderbach on 6/12/12**, shows not only that on the "matter" for **Case No. 12-8792-AH was an "Order to Show Cause" case initiated by Cornell Squires to be heard on 7/16/12**. However, when placed in contrast to Defendant Charter County of Wayne's "Exhibit #1" (which reflects a different **Case No. 12-008824** and reflects a "MISCELLANEOUS*

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HEARING HELD" on 7/16/12) it is clear that Defendant attorneys Stella and Elhasan have defrauded this court when claiming this second case number is somehow related to Patricia Kraus's filing of "writ." The fact is that Defendants are attempting to distract from other possible (more nefarious) reasons why this official court document shows that the action was "dismissed...because the parties failed to appear at a scheduled hearing" and by claim that "Plaintiff [Kraus on behalf of Schied] did not appeal that decision." (See ***"EXHIBIT #2"*** *as a copy of Def.'s "Exhibit #1")* **(See "EXHIBIT#25" as hereto attached.)**

8. *Prima Facie comparison of Grievant David Schied's* ***"Exhibit #1"*** *(2-pages) to Defendant Charter County of Wayne's "Exhibit #1"* ***("Exhibit #2"*** *provided herein) submitted on this instant motion to dismiss for failure to state a claim upon which relief can be granted makes amply clear that* ***Jonathan Lauderbach*** *and his agents of usurped authority at the Midland County Circuit Court* ***constructed a FRAUDULENT document for the purpose of future causal use by other members of the State BAR of Michigan, doing so with a virtual "wink and nod" and conjoining of their tyrannical forces to defraud the public through recordkeeping, and to tyrannically COERCE traditional American "judicial" custom and governmental policy.*** **(See the rightful comparison here between "*Exhibit#24*" and "*Exhibit #25*" as hereto attached.)**
9. ***FACT #12*** *– The FACT is that, contrary to Defendant Charter County of Wayne's fraudulent claims, the "hearing" (i.e., the one in which neither party bothered to show)* ***was a "SHOW CAUSE" hearing on Case No. Case No. 12-8792-AH, and NOT a "Writ" hearing on Case No. 12-008824 AH*** *as otherwise reflected by the fraudulent document constructed by Defendant Karen Khalil's peer group member of the State BAR of Michigan, Jonathan Lauderbach and his agents at the Midland County Circuit Court.*
10. ***FACT #13*** *– The FACT is that – as Grievant Schied's* ***"Exhibit #1"*** *(2 pages) demonstrates the underlying purpose for the scheduling of the 7/16/12 hearing in the first place as a "Show Cause" hearing ordering Midland County Sheriff Jerry Nielson to appear to give justifying cause for his imprisoning Grievant David Schied – the document submitted by Defendant Charter County of Wayne's "Corporation Counsel," as agents for themselves and on behalf of their co-Defendants in Wayne County (hereinafter referred to collectively as "Defendant Charter County of Wayne"), is* ***fraudulent on its face. This is because the document signed and filed by Jonathan Lauderbach on 7/19/12*** *(i.e., the date Defendants misleadingly imply was also the date of "dismissal" rather than on 7/16/12)* ***also FRAUDULENTLY reflects the same wrongful Case No. of 12-008824-AH-L.*** **(See again "*Exhibit #24*" hereto attached for references to "*Exhibit #1*".)**
11. ***FACT #14*** *– The above comparison of documents, when placed* ***in the context*** *of Defendant Charter County of Wayne's written claims of their instant "motion to dismiss,"* ***demonstrates a "pattern and practice" under "color of law" and fraudulently constructed documents. The objective of such a pattern is to create a "state created danger"*** *upon which, by Grievant simply exercising his constitutionally guaranteed First Amendment right at some later time, to "redress of grievances" through civil litigation, the "judicial environment" is prejudiced by a intended predetermination of the conditions under which future cases are consider, with bias against Grievant David Schied and favor toward co-Defendants. Such conditions are despite that the Defendants' actions are characteristic of* ***domestic terrorists masquerading as legitimate judges, attorneys, and others of their executive and private agencies****, who have – and will be expected to continue*

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far into the future – to capitalize and benefit themselves ***and to injure Grievant Schied IN FACT****, as is demonstrated by both this case and even in this instant motion.*

12. ***FACT #15*** *– In Evidence that Defendants' claims about "Patricia Kraus" are fraudulent on their face, Grievant David Schied presents the following set of facts and evidence to prove that Patricia Kraus' "writ of habeas corpus," (i.e., the one that was "filed...in the United States District Court for the Eastern District of Michigan) was NOT the "second" one such "writ" filing of Trish Kraus as Defendant Charter County of Wayne otherwise fraudulently claims in their "motion to dismiss."*
13. *Instead, the documentation resulting from those efforts of Patricia Kraus, Cornell Squires, and others, point to more than a plausible contention that a multi-county conspiracy to deprive of rights, to criminally aid-and-abet, and to commit acts of domestic terrorism are currently operating in full force with the territorial boundaries and political "state" of Defendant Wayne County, as supported by* ***the FBI's own definition of "domestic terrorism" as being: a) dangerous to human life; b) violating both state and federal laws; c) influencing the policy of government; d) manifesting through intimidation and coercion; and/or, e) characterized by or having the element of mass kidnapping.***
14. ***FACT #16*** *– Contrary to Defendant's claim of a "second action" taken by Patricia Kraus on Grievant David Schied's behalf, being on 6/26/12, the Evidence makes clear – again – that another purported Charter County of Wayne crime victim* ***Cornell Squires had otherwise actually been the one to take the lead in carrying out the "second" action in effort to free Grievant Schied from his unlawful captors on 6/18/12****. In the accompaniment of Patricia Kraus, he attempted to file a "Claim of Appeal as Right..." at both the civil and the criminal divisions of the Wayne County (a.k.a. "3rd Judicial") Circuit Court, courts operated by Defendant Charter County of Wayne and the home operation for most of the Wayne County Corporation Counsel's dirty work.*
15. ***"EXHIBIT #3"*** *is presented herein as 6 pages of a complimentary set of two documents that were refused for processing by the agents of Cathy Garrett, the official "Clerk of the Court" for Defendant Charter County of Wayne. The documents submitted to the Clerk for issuance to a judge, but which were refused by Cathy Garrett's agents, were captioned as follows below:* **(See "EXHIBIT#26" as hereto attached for *"Exhibit #3"*.)**

    "Claim of Appeal as of Right; Request for Immediate Consideration Pursuant to the MCR 7.101(8)(1)(a); MCR 7.101(c)(1); and MCR 7.101(c)(2)"

    and

    "Emergency Motion Requesting Bond Pending Appeal as of Right and Request for Entry of an Order Granting a Stay of Proceeding of the Thirty (30) Day Criminal Sentence for Contempt of Court Pursuant to Michigan Court Rules – MCR 7.101(H)(4); MCR 7.101(H)(5) and the Applicable Michigan and U.S. Law Forthwith"

16. *Supporting the basis for and providing the factual background to the construction of the above-referenced pages is* ***"EXHIBIT #4,"*** *which is the* ***"Sworn Notarized Affidavit of Cornell Squires Witness the Denial of David Schied Writ of Habeas Corpus Court Order And a Hearing in June 2012"*** *detailing events that took place within the jurisdiction of Defendant Charter County of Wayne and between the agents of the civil and criminal division clerks and judges (Virgil Smith, Timothy Kenny of the Wayne County Circuit Court and the Defendant Redford Township 17th District Court.)* ***Those listed events can be***

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summarized as the following additional set of FACTS: **(See "EXHIBIT#20" as hereto attached as noted above being Cornell Squires' affidavit.)**

17. ***FACT #17*** *– Cornell Squires filed the first action in seeking relief for David Schied in Midland County, by submission of "Petition for Habeas Corpus Directed to the Midland County Sheriff Jerry Nielson and his Deputies Regarding – David Schied – an Illegally Detained Person; and Request for Entry of a Written Order Granting a Writ of Habeas Corpus Based on MCR 303(D); MCR 303(Q)(1)" that was assigned a Case No. Case No. 12-8792-AH and DENIED by Circuit Court judge Jonathan Lauderbach. (See again,* ***"Exhibit #1"*** *already associated with the above-depicted "Facts" #9 through #13")* **(See "*Exhibit #24*" where "*Exhibit #1*" is referenced in the text.)**
18. ***FACT #18*** *–Concurrent with his "denial" of Mr. Squires' "Petition for Habeas Corpus..." the judge, Jonathan Lauderbach, committed such tortuous action as demonstrative of his abuse of power by* ***scheduling the necessary show cause hearing for the case for July 16, 2012****, a date that was two weeks after Mr. Schied was to have been already released from Sheriff Nielson's prison facility in Midland County. As such, his action – conducted under color of law – served to further the "state created dangers" for Grievant David Schied by reinforcing the unlawful previous actions of Defendant Wayne County's co-Defendants by keeping Mr. Schied in jail unlawfully without availability of bond. In essence,* ***that show cause hearing scheduling for 7/16/12 made moot and undermined the entire purpose of Mr. Squires driving across six counties in effort to secure the immediate release of Mr. Schied through the writ that was otherwise denied.*** *(See also* ***"Exhibit #1"*** *associated with previously listed "Facts.") (Bold emphasis added)*
19. ***FACT #19*** *– During the week of 6/18/12 through 6/22/12, Patricia (hereinafter "Trish") Kraus and Cornell Squires unsuccessfully attempted to file, multiple times, to both the criminal and the civil divisions of the Wayne County Circuit Court clerk Cathy Garrett's office (i.e., in two separate buildings of downtown Detroit) in effort to file two new documents captioned, as follows:*

    "Claim of Appeal as of Right; Request for Immediate Consideration Pursuant to the MCR 7.101(8)(1)(a); MCR 7.101(c)(1); and MCR 7.101(c)(2)"

    and

    "Emergency Motion Requesting Bond Pending Appeal as of Right and Request for Entry of an Order Granting a Stay of Proceeding of the Thirty (30) Day Criminal Sentence for Contempt of Court Pursuant to Michigan Court Rules – MCR 7.101(H)(4); MCR 7.101(H)(5) and the Applicable Michigan and U.S. Law Forthwith"

    (See again, ***"Exhibit #3"*** *as copies of these documents)*

    (See again "EXHIBIT#26" anywhere "*Exhibit #3*" is referenced.)

20. ***FACT #20*** *– That in trying to get the above-referenced documents – as well as other documents – filed and acted upon by the judges of these "criminal" and "civil" courts, (as shown by* ***"Exhibit #5"****, paragraphs #18 through #29) both Trish Kraus and Cornell Squires were,* ***in pattern and practice****, mistreated "very disparagingly and with a demoralizing demeanor" because: (Bold emphasis)* **(See "EXHIBIT#20" (See "EXHIBIT#24" anywhere "*Exhibit #5*" is referenced in the cited text.)**

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a) *They were acting on their own accord without the assistance of an attorney as the favored member of the State BAR of Michigan;*
b) *They were professing that Mr. Schied had awarded to Trish Kraus his "power of attorney;"*
c) *They were trying to file these documents and secure judicial actions without any sort of "lower court order" or other proofs that Mr. Schied had actually been unlawfully assaulted, searched, seized, kidnapped and falsely imprisoned.*
d) *They were reporting themselves to have unsuccessfully tried for the previous two weeks to obtain from the Defendant Redford Township 17th District Court a judgement order, Record of Actions, audio/video recordings, and/or transcripts. They were also reporting that in reply to these persistent efforts, the agents of the Defendant Redford Township 17th District Court, as clerks, court administrator, and court reporter had told them that there simply were none of these types of case recordings because the hearing at which Mr. Schied had been abducted was scheduled and held as an "informal" hearing.*

21. ***FACT #21*** *–**These various agents for the Defendant Charter County of Wayne and Defendant Charter County of Wayne were both exhibiting the same "pattern and practice" of denying the agents for Grievant David Schied his constitutionally guaranteed rights to due process at both the "lower" and the "higher" courts:** (Bold emphasis added)*
    a) *These various agents for the Defendant Charter County of Wayne, being clerks and judges, relied upon color of law, procedure, and court rules to affirmatively abstain from taking any action in what otherwise was clearly a nonsensical matter that followed no rationale whatsoever of any laws, procedures, or rules.*
    b) *Meanwhile, the agents for Grievant David Schied, being Cornell Squires and Patricia Kraus, were exhausting themselves by truthfully explaining at every step along their way that the underlying reason for their not having any "lower court order" or any other documents was because the agents for the Defendant 17th District Courts were using color of law to justify their refusing to provide anything. They were also using the excuse that the "event" that resulted in Mr. Schied being kidnapped and falsely imprisoned was merely an "informal hearing" for which – purportedly – no judicial actions supposedly took place and thus, no "recordings" were procedurally required by law, procedure or court rule.*
22. ***FACT #22*** *– At some point between 6/18/12 and 6/21/12, Trish Kraus had notified Cornell Squires that she had received David Schied's assignment of permission for Ms. Kraus to have and be his "power of attorney," giving her rightful authority to file documents and to speak on his behalf. **(See "EXHIBIT #9")** With that award of authority, Ms. Kraus and Mr. Squires pursued multiple attempts to have an assigned judge and hearing for the immediate release of David Schied, going to both the criminal division of the clerk's office located in the Frank Murphy building and to the civil division of that office in the Coleman Young Municipal Building, in downtown Detroit. Yet, co-Defendants at both the Wayne County Circuit Court and the Redford Township 17th District Court (and in "pattern and practice" at the Midland County Circuit Court also) continued to insult and **intimidate** Trish Kraus while **affirmatively dismissing** her continued best efforts at compelling lawful due process for her friend, Mr. Schied. (See **"Exhibit #5"**, paragraphs #21 through #29.) (Bold emphasis added)* **(See "EXHIBIT#21" as referenced above for David**

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Schied's affidavit instead of "*Exhibit #9*" as referenced in the cited text; and again "*Exhibit #20*" for the referenced *"Exhibit #5"*.)

23. ***FACT #23*** *– At the courtroom of the civil division "chief judge" Virgil Smith there was found a courtroom clerk by the name of "Cheryl" who was freely usurping judicial authority and "practicing law without a license" by issuing rubber-stamped signatures of that judge Smith by way of her own discretion, placing those stamped signature on official judicial actions in a* ***pattern of practice*** *known to be exhibited by another judge who was popularly known to have been recently prosecuted in a federal civil court in Detroit in the "Mike's Hard Lemonade Stand Case" (No. No. 2:11-cv-11190-AC). That other judge, Judy Hartsfield, had also been operating in the same fashion – without judicial immunity – under Virgil Smith's supervision at that same Wayne County Circuit Court. (See* ***"Exhibit #5"****, paragraphs #24 and #34 – 35.) (Bold emphasis)* **(See "*Exhibit#20*" as hereto attached for *"Exhibit #5"*.)**
24. ***FACT #24*** *– On 6/28/12, Wayne County Circuit Court criminal division "chief" pro tem, Ulysses Boykin, filling in for Timothy Kenny, demonstrated what was clearly* ***another twofold "pattern and practice," of Wayne County Circuit Court judges of: a) fraudulently signing court documents placed before them by their court clerks as if they, not their clerks, were carrying out authentic "judicial actions" leading to official court decisions and Orders; and, b) judicially signing important documents on behalf of their cohort of other judges without knowing, or caring about, the exact underlying conditions of the case****. (See* ***"Exhibit #5"****, paragraph #36, as well as* ***"EXHIBIT #6"****) (Bold emphasis)* **(See "*Exhibit#20*" as hereto attached for *"Exhibit #5"* and "EXHIBIT #27" as the Writ of Habeas Corpus signed on "*judge*" Timothy Kenny's behalf on 6/28/15)**
25. ***FACT #25*** *–* ***Judge Ulysses Boykin haphazardly signed Trish Kraus' Writ of Habeas Corpus on 6/28/12 referencing Case No. 12-006199-01A, without considering the meaning of the content of the document he was signing as a matter of official judicial action.*** *(See* ***"EXHIBIT #6"****) (Bold emphasis added)* **(See again "*Exhibit #27*" as hereto attached for *"Exhibit #6"* referenced in the cited text.)**
26. ***FACT #26*** *– Judge Ulysses Boykin haphazardly signed Trish Kraus' Writ of Habeas Corpus on 6/28/12 referencing Case No. 12-006199-01A, on behalf of Timothy Kenny, the chief judge for the criminal division of the Wayne County Circuit Court. He did so without knowing or caring about the underlying conditions of the case, or even if a case referred to as No.12-006199-01A ever really existed. (See again,* ***"Exhibit #6"****)* **(See again "*Exhibit #27*" as hereto attached for *"Exhibit #6"*.)**
27. ***FACT #27*** *– The very next day, in yet another* ***"pattern and practice" of abuse of judicial discretion****,* ***Judge Ulysses Boykin committed multiple counts of deliberate fraud upon the Wayne County (3rd Judicial) Circuit Court*** *when he deliberately carried out the following actions:*
    a) *Judge Ulysses Boykin or one of his other agents of "scofflaws and ne'er-do-wells"* ***either created his own fraudulent "Motion for Dismissal of District Court Appeal and Writ of Habeas Corpus" or Boykin constructed a fraudulent official court Order*** *dismissing such a motion that never existed.* ***(See "EXHIBIT #7")*** *(Bold emphasis)*

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(See "EXHIBIT #28" as hereto attached for *"Exhibit #7"* referenced in the cited text.)

b) *Judge Ulysses Boykin either held an unlawful hearing "at session" on 6/29/12 purposefully denying Grievant David Schied his constitutionally guaranteed right to due process and to be heard by way of argument against the mysterious "Motion for Dismissal of District Court Appeal and Writ of Habeas Corpus"; or Ulysses Boykin acted independently and outside of his judicial authority to fraudulently sign an official court Order indicating that a hearing took place on a matter referenced by Case No. 12-6199-01AR that neither ever existed nor was ever "heard" in open court.* ***(See again "Exhibit #7")*** **(See again "*Exhibit #28*" for *"Exhibit #7"*.)**

c) *Judge Ulysses Boykin either denied due process to David Schied by failing to notice him or his agents (Trish Kraus and Cornell Squires) about this particular motion and motion hearing as he sat in the "state created danger" of SOLITARY CONFINEMENT in the Midland County jail; or Boykin* ***constructed a fraudulent official court Order*** *dismissing a motion that never existed at a "session" that was never actually held.* ***(See again "Exhibit #7")*** **(See again "*Exhibit #28*" for *"Exhibit #7"*.)**

d) *Judge Ulysses Boykin either denied due process to Grievant David Schied by providing preferential treatment to the representatives of the "Trial Court 17th District Court" by holding an ex-parte proceeding (i.e., a "session" of court hearing) with only the Defendant Redford Township 17th District Court in attendance; or again, Ulysses Boykin* ***constructed a fraudulent official court Order*** *on a court hearing that never occurred.* ***(See again "Exhibit #7")*** **(See again "*Exhibit #28*" for *"Exhibit #7"*.)**

e) *Judge Ulysses Boykin either denied due process to Grievant David Schied by allowing the "Trial Court 17th District Court" to take the strategic position of arguing BOTH SIDES of the motion at the "session" held on 6/28/12 in which the Defendant Redford Township 17th District Court also submitted argument on behalf of the "People having filed an answer in opposition [to the motion filed by 'Trial Court 17th District Court']"; or again, Ulysses Boykin* ***constructed a fraudulent official court Order on a motion and an answer to that motion, both of which never actually existed. (See again "Exhibit #7")*** **(See again "*Exhibit #28*" for *"Exhibit #7"*.)**

28. *Perhaps the above-depicted actions by Wayne County Circuit Court "pro tem chief judge" of the criminal division working under or beside Judge Timothy Kenny was not sufficient to cover-up Boykin's demonstrated accepted "pattern and practice" of Wayne County Circuit Court's criminally corrupt standard of ethics and actions. In any event, Boykin's actions were far outside that provided under the law and a Michigan judge's Oath and Duty to carry out only what is provided to them by the People under constitutional authority.*

29. *Nevertheless, "judge" Ulysses Boykin went even further to purposely intensify Grievant Schied's subjection to "state created dangers" by yet creating an even more fraudulent official record which, even now in this instant case, Defendant Charter County of Wayne is using against Grievant Schied as he exercises his First Amendment right to "redress of grievances."* ***(See Defendants' submission of "Exhibit #5" to their instant "motion to dismiss based on no facts" being litigated herein.)*** **(See again "*Exhibit #20*" for *"Exhibit #5"*.)**

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30. ***FACT #28*** *– On 7/5/12, agent for Defendant Charter County of Wayne,* ***Ulysses Boykin, issued yet another fraudulent Order****, a 3-page "Order Striking Ex Parte Complaint for Writ of Habeas Corpus; Claim of Appeal; Emergency Motion Requesting Bond Pending Appeal and Stay of Sentence," (as shown above by reference to Defendant Charter County of Wayne and their Corporation Counsel's recent submission of "Exhibit #5,"), which for the sake of convenience is presented herein again along with this instant "****Response to...Fraudulent Conveyances in Their Motion to Dismiss****" submitted by Grievant David Schied as "****EXHIBIT #8****." (Bold emphasis added)* **(See "Exhibit #29" for *"Exhibit #8"*.)**
31. *This time, Ulysses Boykin's "Order Striking Ex-Parte Complaint..."* ***demonstrates the "pattern and practice" of placing a new fraudulent captioning for the case****, dropping the name altogether of "Trial Court 17th District Court" as the "Plaintiff" (which might possibly reference unlawful "ex-parte" actions taken by some unknown person as agent for Defendant Redford Township 17th District Court) and listing David Schied as "Defendant." These modifications of the case itself are plainly exhibited by the fraudulent previous document, which was also entered into the record by reference to an even DIFFERENT (fraudulent) case number of 12-6199-01AR.*[13] ***(See again "Exhibit #8")*** **(See again "Exhibit #29" for *"Exhibit #8"* as cited in the text.)**
32. *This time, Ulysses Boykin's "Order Striking Ex-Parte Complaint..."* ***demonstrates the "pattern and practice" exemplified just a week prior*** *(as shown above) by providing preferential treatment to the representatives of the "Trial Court 17th District Court." Evidently, he held an ex-parte proceeding (i.e., a "session" of court hearing) about Grievant David Schied but without Grievant Schied being notified about this hearing or being allowed to participate in this so-called "hearing". Either that or, once again, Ulysses Boykin* ***constructed a fraudulent official court Order*** *on a court hearing that never actually occurred on 7/5/12.* ***(See again "Exhibit #8")*** **(See again "Exhibit #29" for *"Exhibit #8"* cited in the text.)**
33. ***FACT #29*** *– Given the facts raised above,* ***Ulysses Boykin's "Order Striking Ex-Parte Complaint..." creates an "issue of triable fact" for which further Discovery is warranted and only a jury can decide upon*** *as it pertains to "judge" Ulysses Boykin's first paragraph statement, "This matter having come on for decision pursuant to pleadings time stamped and filed in the Office of the Clerk of the Criminal Division of the Third Judicial Circuit of Michigan."* ***The "questions of fact" and/or "disputed issues of facts" is as follows:*** *(Bold emphasis added)*
    a) *Whether or to what extent such "pleadings" actually exist;*
    b) *Who constructed and/or "filed" those documents of pleadings if they do exist;*

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[13] Note that Boykin's reference in this new document to Case No. "12-6199-01AR" **("*Exhibit #8*")** depicts his ill-fated attempt to draw an illegitimate compromise between the Case No. "12-006199-01A" fraudulently signed by him as the granting of "*Writ of Habeas Corpus*" **("*Exhibit #6*")** and Case No. "12-6199-01AR," which was fraudulently constructed by him as the granting of "*Motion for Dismissal of District Court Appeal and Writ of Habeas Corpus*" in a first effort to destroy records otherwise documenting the actual and/or fraudulent events associated with this (or *those*) so-called "*case(s)*". **(See again "*Exhibit #27*" as hereto attached for *"Exhibit #6"* and "EXHIBIT #29" for *"Exhibit #8"*)**

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c) *Whether those documents were properly "served" upon Grievant David Schied as a matter of lawful due process, and by whom those "pleadings" were served if at all;*
d) *Whether those documents included a "response" pleading from Grievant David Schied as entitled by law, Michigan Court Rules of Procedure, and the Wayne County Circuit Court's own Local Court Rules;*
e) *Whether Grievant David Schied was even given the time to respond, the proper notice of place and time before this so-called "session of said Court" held on 7/5/12;*
f) *Whether Grievant David Schied was able to speak on his own behalf at this so-called "session of said Court" held on 7/5/12; and,*
g) *Whether, agents (Trish Kraus, Cornell Squires, or any other of the so-called "People") were able to speak on Grievant David Schied's behalf at this so-called "session of said Court" held on 7/5/12.*

34. ***FACT #30*** *– As clearly shown by "prima facie" evidence of "Exhibit #6",* ***Ulysses Boykin's "Order Striking Ex-Parte Complaint..." demonstrates the "pattern and practice" of Wayne County Circuit Court judgment Orders being intentionally laced with "gross omissions" and "misstatements" of significant facts.*** *These are elements associated with intentional "tort" as well as elements of criminal fraud and perjury by this judge. Tort is an issue of liability that is associated with Defendant Charter County of Wayne's relationship with their co-Defendants, The Insurance Company for the State of Pennsylvania and the American International Group, Inc. (AIG).* **(See again "Exhibit #27" for *"Exhibit #6".*)**
35. ***FACT #31*** *– The second "gross omission" and "misstatement" found in Ulysses Boykin's fraudulently constructed "Order Striking Ex-Parte Complaint..." is by Boykin's 2nd paragraph reference to the "captioned case [was] dismissed on June 29, 2012" being somehow in reference to an "initial claim of appeal." Such reference was one whereby – as shown again by* ***"Exhibit #7"*** *– the actual order of "dismissal" signed and dated by Boykin on 6/29/12 pertained to the "Plaintiff Trial Court 17th District Court" purportedly filing a (believed to be BOGUS) "Motion for Dismissal of District Court Appeal and Writ of Habeas Corpus." Curiously, there is no reference however in this 3-page document, to the so-called "judicial action" taken by Boykin himself on 6/28/12 by signing the "Writ of Habeas Corpus" on that date as shown prima facie by* ***"Exhibit #6."*** **(See again "*Exhibit #27*" as hereto attached for *"Exhibit #6"* and "EXHIBIT #28" for *"Exhibit #7"*)**
36. ***FACT #32*** *– As clearly shown by "prima facie" evidence of* ***"Exhibit #8"****, numbered paragraphs two (#2 a, b, and c) of* ***Ulysses Boykin's "Order Striking Ex-Parte Complaint..." demonstrates the "pattern and practice" of Wayne County Circuit Court judgment Orders being intentionally laced with "third-person voice" statements of fraudulent fact*** *to circumvent accountability by (purported) parties of the case being provided preferential treatment under this partial cloak of deception.* **(See again "*Exhibit #29*" as hereto attached for *"Exhibit #8".*)**
a) *Rather than naming a person filing the "Ex Parte Complaint for Writ of Habeas Corpus," Ulysses Boykin wrote in his order "a filing was made in the Clerk's Office"*

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of that particular named document, leaving any reader to wonder or to vaguely second guess who that "filer" might actually be. [14]

b) *Rather than naming a person filing the "Claim of Appeal as of right," Ulysses Boykin wrote in his order "a filing was made in the Clerk's Office" of that particular named document, leaving any reader to wonder or to vaguely second guess who that "filer" might actually be.*

37. ***FACT #33*** *– Defendant Charter County of Wayne's submission of their "Exhibit #5," being Ulysses Boykin's "Order Striking Ex-Parte Complaint.." is proven as fraudulent by way of Boykin's reasoning (numbered paragraph 3 of that document) that "Patricia Kraus is not an attorney licensed to practice law in the State of Michigan and cannot represent David Schied in any court proceeding and as such cannot sign pleadings on his behalf." This element of the document is proven false by page 5, numbered paragraphs 23-24 of* ***"EXHIBIT #9"*** *submitted herein as: "**Sworn and Notarized Affidavit of David Schied** in Testimony of Some Events at the Midland County Jail; and **Affirming My Past Award of 'Power of Attorney' to Patricia Ann Kraus While Falsely Imprisoned in 2012**." (Bold emphasis added)* **(See again "*Exhibit #21*" as hereto attached for *"Exhibit #9"*.)**
38. ***FACT #34*** *– In pattern and practice of Boykin's affirmative acts as agent of the Defendant Charter County of Wayne, to repeatedly deny constitutional due process to Mr. Schied under color of law, is shown again by Defendant's own "Exhibit #5" (numbered p.3, para 4) in which Boykin attempts to justify his fraudulent actions by color of "MCR 2.114(A) & (C) (1)."*
39. ***FACT #35*** *– Furthering the pattern and practice of committing fraud under color of law, and while presenting his fraudulent document as a matter of official court record using a newly manufactured case number that otherwise never existed prior to this instant of Boykin's numerous activities designed to coerce government policy, "judicial usurper"*

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14 When combined with other forms of "*omissions*" and "*misstatements*" found in adjoining "*patterns and practices*" of the judges operating in Wayne County (and indeed, also in the United States District Court for the Eastern District of Michigan as all members of the same State BAR of Michigan), such intentional vagueness by previous reference of such things as those found in the order's opening paragraph (i.e., of these documents being merely "time-stamped") and "*signed by a Patricia Kraus*" offer little relevance to what actually might otherwise have been PLANTED (by *agents* of Defendant Charter County of Wayne) in association with this case when considering that, as shown by the *Sworn and Notarized Affidavit of Cornell Squires* **("*Exhibit #4*")** Trish Kraus (and Cornell Squires) had been made multiple trips to the Frank Murphy (criminal) Hall of Justice and had made multiple attempts over a period of weeks, in unsuccessful attempt to actually get their documents "*filed*;" even resorting to "*time-stamping everything*," even multiple times and at multiple places, in order to just "*cover themselves*" in case any of these intensely dishonest agents (as was cited as their perception of these agents) were to lie about something elsewhere down these "*chain*" of events. This was otherwise very frustrating to both Trish Kraus and Cornell Squires; even to the point that they were at their "*wit's end*" as the *agents* for the Defendants, despite being clerks and judges, presented the clear appearance that Defendant Charter County of Wayne was intentionally depriving Grievant David Schied of his due process rights *under color of law*. **(See again "*Exhibit #20*" where the Affidavit of Cornell Squires is referenced.)**

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Boykin additionally justified his "Order Striking Ex-Parte Complaint.." by claim of the following (numbered p.3, para 5):

a) *That "[A] complaint for an action for Habeas Corpus cannot be filed within an appeal..."*
b) *That "...[An action for Habeas Corpus] must have its own case number and judge assigned by the Clerk's office."*
c) *That "said action must be brought in the county in which the prisoner is detained. MCR 3.303(A)(1) & (2). David Schied is not being detained in Wayne County but in Midland County, Michigan."*
d) *That "[T]he Wayne County Circuit Court has no jurisdiction over the referenced matter."*

40. ***FACT #36*** *– As shown by the above statement, presented to this U.S. District Court by the Defendant Charter County of Wayne itself through its Corporation Counsel, the following is clearly marked as "Fraud upon the Court" and "perjury of an official court record" by the following comparative facts as presented by Grievant David Schied's collection of exhibits of Evidence submitted herein:*
    a) *The Evidence demonstrates that Ulysses Boykin and his agents did not follow Michigan Court Rules in carrying out the signing of* ***"Exhibit #6"*** *as the "Writ of Habeas Corpus" by Boykin on 6/28/12 by assignment of "its own case number" of 12-006199-01A.* **(See again "*Exhibit #27*" for *"Exhibit #6"* cited in the text.)**
    b) *The Evidence demonstrates the previous attempt to "[bring] said action... in the county in which the prisoner is detained...[under] MCR 3.303(A)(1) & (2)...in Midland County, Michigan" were exhausted, with proof of "pattern of practice" of denying due process to Grievant David Schied by the Midland County Circuit Court "judge" Lauderbach, who undermined this process by tortuously scheduling a "show cause" hearing on Mr. Schied's case for 7/16/12, after Mr. Schied was targeted for release from serving the full unlawful sentence imposed upon him by Defendant Karen Khalil.*
    c) ***The claim by Boykin*** *(as shown in Defendant "Exhibit #5") – that an "Appeal" (as presented by Grievant Schied's* ***"Exhibit #3"*** *as Cornell Squires' "Appeal as of Right...") of Mr. Schied's so-called "conviction," as issued by Defendant Karen Khalil from the bench of Defendant Redford Township 17th District Court, while Mr. Schied was sitting peacefully in the public gallery of a facility operated by Defendant Redford Township, situated inside the territorial boundaries and political "state" of Defendant Wayne County –* ***does not fall within the "jurisdiction" of Defendant Wayne County, is FRAUDULENT on its face.*** **(See again "*Exhibit #26*" for *"Exhibit #3"* cited in the text.)**

41. ***FACT #37*** *– Given the listed facts above (and below) as Evidence,* ***the claim by attorneys Davidde A. Stella, Zenna Elhasan, and by the Wayne County Corporation Counsel*** *(i.e., see p.2, para 1 of their "Motion to dismiss [for failure to state a claim upon which relief can be granted]" – that the second filing for a "Writ of Habeas Corpus" by Patricia Kraus effectuated in the United States District Court for the Eastern District of Michigan on June 26, 2012; and that such request was justifiably denied because: a) Trish Kraus was not an attorney; and, b) Grievant David Schied had "not exhausted his state court remedies" –* ***is also FRAUDULENT on its face.***
42. ***FACT #38*** *– Given the listed facts above (and below) as Evidence,* ***the claim by attorneys Davidde A. Stella, Zenna Elhasan, and by the Wayne County Corporation Counsel*** *(i.e.,*

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see p.2, para 1 of their "Motion to dismiss...") – that the Sixth Circuit Court of Appeals justifiably "denied Plaintiff's motion for a Certificate of Appealability" of this so-called second filing is similarly – ***is also FRAUDULENT on its face.***

43. ***FACT #39*** *– On 6/22/12, after countless trips between the criminal and the civil divisions of the Wayne County Circuit Court in efforts to either obtain an immediate "Writ of Habeas Corpus" or an immediate hearing of "Appeal" of Grievant David Schied's false incarceration, Trish Kraus went back - this time with a different witness of David Lonier – to the Midland County Circuit Court in effort to secure, again, an immediate "Writ of Habeas Corpus" or an immediate hearing of "Appeal" of Grievant David Schied's false incarceration in the county in which the prisoner is detained. MCR 3.303(A)(1) & (2)."*
44. ***"EXHIBIT #10"*** *consists of a copy of the officially unsigned "Writ of Habeas Corpus" that Trish Kraus and David Lonier used when opening up a separate court case (No. 12-8824-AH-L) in request for the judiciary of the Midland County Circuit Court to issue such a "writ" for the immediate release of Grievant David Schied by Midland County Sheriff Jerry Nielson. This is the case (referenced by case number) that Defendant Charter County of Wayne referenced on page 1 of their fraudulent so-called "Background" – as submitted by attorneys for the Corporation Counsel under perjury of Oath as judicial officers – in connection with what they claim was Patricia Kraus very first filing of habeas corpus in Midland County Circuit Court.* **(See "EXHIBIT #30" attached as referenced both herein and immediately below for *"Exhibit #10"* cited in the text.)**
45. *As also shown by* ***"Exhibit #10,"*** *Trish Kraus also filed an "(Amended) Ex-Parte Complaint for Issuance of Writ of Habeas Corpus"[15] giving the facts of this NEW case and requesting fair, just, and equitable relief for, and on behalf of, Grievant David Schied.*
46. ***"EXHIBIT #11"*** *demonstrates, in part, the extent that the judges of the Midland County Circuit Court are willing to go, IN PATTERN AND PRACTICE as all members of the same peer group of the State BAR of Michigan as Defendant Karen Khalil is member, to criminally aid-and-abet and be accessories after the fact in the depriving of Mr. Schied's due process rights under color of law.* **(See "EXHIBIT #31" attached as referenced both herein and immediately below for *"Exhibit #11"* cited in the text.)**
47. ***"Exhibit #11"*** *is a handwritten "Order" signed by "judge" Michael Beale on 6/22/12 instructing the Clerk of the Court to make official the following as he purportedly carried out in open court for the direct affirmative purpose of increasing and compounding the "state created dangers" imposed by Defendant Charter County of Wayne and their co-defendants:*
    a) *In contrast to Ulysses Boykin's written claim that "...[An action for Habeas Corpus] must have its own case number and judge assigned by the Clerk's office" Michael Beale* ***fraudulently COMBINED Patricia Kraus' new action (under Case No. 12-***

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[15] As provided by **"*Exhibit #13*"** as the "*Affidavit*" of David Lonier signed on 7/2/12, Trish Kraus was coerced and threatened by the clerk "Ms. Moe," who otherwise instructed Ms. Kraus to write the word "*Amended*" on the face of the document in spite that she raised numerous objections to combining her new case with the previous case filed by Cornell Squires two weeks prior. **(See again "*Exhibit #22*" for *"Exhibit #13"* cited in the text for the Affidavit of David Lonier.)**

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8824-AH-L) with Cornell Squires' previous action two weeks earlier (under Case No. 12-8824-AH-L). *(Bold emphasis added)*

b) *The so-called "judge" Michael Beale mischaracterized and DENIED the filing by Patricia Kraus, while* ***fraudulently referring to her filing as a "motion" as a matter of official record. This action was clearly done so to fraudulently justify his combining Patricia Kraus' SEPARATE (captioned as a "Complaint") cause of action with Cornell Squires' previous cause of action.*** *(Bold emphasis added)*

c) *Having "combined" the two cases of Mr. Squires and Ms. Kraus,* ***this usurper of judicial power and authority, Michael Beale, followed Lauderbach's "pattern and practice" of depriving Grievant Schied due process by scheduling the "show cause" hearing date of Patricia Kraus' case to coincide with the "show cause" hearing of 7/16/12 that Lauderbach had otherwise scheduled on a date AFTER Mr. Schied scheduled release date; thus, reinforcing Defendant Karen Khalil's imposition of "sentence" and ensuring that the accompanying "state created dangers" imposed by Khalil were maximized in their effect against Grievant David Schied.*** *(Bold emphasis added)*

48. "EXHIBIT #12" *is an official billing "statement" and* **fraudulent** *"Miscellaneous Hearing" transcript, produced by "official court reporter" Mary E. Chetkovich for a cost of $55, purportedly covering the events that took place on 6/22/12 before "judge" Michael Beale. This hearing transcript was misleadingly captioned as a "miscellaneous" hearing to purposely hide exactly what type of hearing this actually was; as the hearing otherwise pertained STRICTLY to Case No. 12-8824-AH-L, which was supposed to be a hearing on Ms. Kraus' "Ex-Parte Complaint for Issuance of Writ of Habeas Corpus."* **(See "EXHIBIT #32" attached for *"Exhibit #12"* cited in the text referencing the so-called "*official*" hearing transcript.)**

49. ***FACT #40*** *– Documented testimony about what actually occurred from the time Trish Kraus walked into the office of the Clerk of the Court of the Midland County Circuit Court requesting a hearing on the motion referenced immediately above, through the end of the motion hearing on 6/22/12, are submitted herein as the sworn and notarized "Affidavit" of David Lonier, witness to these events, as dated 7/2/15. (See* ***"EXHIBIT #13"*** *as the notarized Affidavit of David Lonier dated 7/2/15)* **(See again "*Exhibit #22*" for *"Exhibit #13"* referenced herein and immediately below referencing the *Affidavit* of David Lonier.)**

50. ***FACT #41*** *– By cross-reference of the statements made in* ***"Exhibit #13"*** *and the transcript of the Midland County Circuit Court hearing before "judge" Michael Beale on 6/22/12, the following facts can be ascertained:*

a) *In* ***pattern and practice*** ***of what regularly occurs in discriminating fashion through the court of Michigan, to include the courts operated by Defendant Charter County of Wayne****, Trish Kraus was treated disparagingly – even threateningly by the clerk,* ***"Ms. Moe," relaying a message from Michael Beale that he would "hear" Ms. Kraus' "Ex-Parte Complaint...for Writ of Habeas Corpus..." but afterwards have the county prosecutor pursue Ms. Kraus criminally for "practicing law without a license"*** *– despite admitting on the Courts "official record" that MCR 303(B) "allows for a person under MCR 3.303(B) besides the Defendant prisoner to bring a petition for habeas corpus on that prisoner's behalf."*

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b) *In **pattern and practice** **of what regularly occurs in discriminating fashion through the court of Michigan, to include the courts operated by Defendant Charter County of Wayne**, this "judge" Beale conspired with her subordinate courtroom clerk to compel litigants without attorneys to change the content of their intended filings so to conform with their own underhanded filing requirements, written and unwritten, and so to enable these government functionaries to carry out schemes in denial of due process under color of law and procedure. **In this case, the clerk "Ms. Moe" indicated that the only way she could get Ms. Kraus' filing before the judge at "hearing" was for her to change her "Complaint..." to an "(Amended) Ex-Parte Complaint..."** so that Beale could justify COMBINING Trish Kraus' NEW filing of Case No. 12-8824-AH-L with Cornell Squires' PREVIOUS/old filing of Case No. 12-8792-AH-L. This was despicably done despite Ms. Kraus repeatedly expressing her objections to this to both Ms. Moe and to "judge" Beale based on the good reason that the filing by Cornell Squires two weeks earlier contained inaccurate information (and was filed and paid for entirely separately and issued an entirely different case number).*

51. ***FACT #42*** *– Michael Beale affirmatively and intentionally committed "Fraud upon the Court" when he made claim (i.e., see **"Exhibit #12,"** p.5, lines 21-22), in the present tense, that "Judge Lauderbach has both files" when he otherwise had just recently claimed under color of law (i.e., see **"Exhibit #12,"** p.4, lines 3-7), "Both cases have been assigned to Judge Lauderbach. Judge Lauderbach is not here at this time to handle the matter. I am the other Circuit Court Judge here in Midland County and a cross-assignment is permitted under our local Court Rules." **Clearly, this statement was made by Beale contrary to Ms. Kraus' knowledge when paying the outrageously unlawful amount of $150 to have her case entered into the record as a SEPARATE case altogether, and despite her multiple objections to this racketeering and corruption activity, and this criminal conspiracy to deprive of rights, taking place before the very eyes of her and her witness, David Lonier.***
52. *Similarly, Michael Beale perpetuated this same fraud throughout the remainder of this hearing as shown by the hearing transcript (i.e., see **"Exhibit #12,"** p.6, lines 16-25; and p.7, lines 1-3), when using the claim, "You're not bringing [the show cause hearing] in front of me," so to justify his COMBINING the "show cause" portion of Trish Kraus' case with the "show cause" portion of Cornell Squires' case, and forcing both "show cause" hearings to be heard on the same day. This, again, involves the pattern and practice of judges using fraudulent court rulings to provide future attorney, including the attorneys Defendant Charter County, to use this mischaracterization of a case or a litigant as a "setup," so to prejudice, convolute and confuse any future actions that are later initiated – such as this instant case in Claim For Damages filed by Grievant Schied in this federal court.* **(See again "*Exhibit #32*" attached for *"Exhibit #12"* cited in the text referencing the Midland County Circuit Court's fraudulent hearing transcript.)**
53. ***FACT #43*** *– As presented by the Defendant Charter County of Wayne's own reference to "Exhibit #1" and "Exhibit #2" (to their instant "Motion to Dismiss based on no facts)," **the attorneys Zenna Elhasan and Davidde Stella** – along with their co-members of the State BAR of Michigan employed as the fictitious entity of "Corporation Counsel" as agents for the Defendant acting under fraudulent disguise of being "judicial officials" as lawyers – **committed FRAUD upon this United States District Court (for the EDM) when doing the following:***

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a) *Misrepresenting as "background fact" that the "Midland County Docket Sheet" (i.e., Defendant's 2-page documented submitted as "Exhibit #1") accurately reflected the "first" of Patricia Kraus' "three writs of habeas corpus," without revealing (as shown by Grievant Schied's instant* ***"Exhibit #12"*** *that the Midland County Circuit Court had actually and fraudulently COMBINED Case No. 12-8824-AH-L filed by Patricia Kraus, with Case No. 12-8792-AH-L filed by Cornell Squires (despite Trish Kraus' obvious objections as supported by Grievant Schied's* ***"Exhibit #13"****).* **(See "*Exhibit #32*" for *"Exhibit #12"* and "*Exhibit #22*" for *"Exhibit #13"* as referenced both herein and immediately below in the text .)**

b) ***FACT #44*** *–* ***As was witnessed by both Trish Kraus and David Lonier*** *(i.e., see* ***"Exhibit #13"*** *as the "Affidavit" of David Lonier dated 7/2/15),* ***and plainly shown in the "official" court transcript itself (****"****Exhibit #12"*** *lines #19-25 in reference to the total lack of discussion about "Dave's statement and affidavit"),* ***Michael Beale affirmatively denied due process to Grievant David Schied*** *when constructively "burying" and refusing to discuss or consider the supporting evidence in reference to the "Statement" and "Affidavit" of David Schied being submitted by Trish Kraus in support of her "Ex-Parte Complaint...for Writ of Mandamus."*

c) ***FACT #45*** *– Defendant's attorneys of their FICTIONAL "Corporation Counsel" committed fraud upon the Court when they submitted their "Exhibit #2" (as the "Dismissal" by "judge" Jonathan Lauderbach) of ONLY ONE of the purported two "show cause" hearings that were scheduled (according to the Evidence of Grievant Schied's* ***"Exhibit #12")*** *to be held on 7/16/12 (by the same reasoning as provided in the above-referenced paragraph) and subsequently dismissed by Lauderbach.*

54. ***FACT #46*** *– Defendant Charter County of Wayne committed fraud upon the Court when they submitted their "Exhibit #3" (as the official "Order" of "[Clerk] Deborah S. Hunt" of the U.S. District Court Clerk for the EDM) under claim that this case (#12-1079) was actually the "second...Writ of Habeas Corpus" that had been filed by Trish Kraus on Grievant David Schied's behalf (while intentionally OMITTING all of the other cases documented herein as filed either by Cornell Squires alone, or by Mr. Squires filing in conjunction with Ms. Kraus on other filings such as those in Wayne County). The supporting Evidence for the Statement of Fact in this instant paragraph is provided in the underlying Facts and Evidence listed below.* **. (See again "*Exhibit #26*" for *"Exhibit #3"* cited in the text.)**

Thus, as detailed by the above-referenced previous filings and Evidence "*stricken*" by Mag. Hluchaniuk from the lower federal court records and again submitted again herein, certain CRIMES as well as deprivation of constitutionally guaranteed rights of Grievant David Schied took place. The Appellees' WCCC Criminal Division "*chief*" judge, **Timothy Kenny, first**

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allowed his name of power and authority to be misused by his peer, his fellow "*judge*" Ulysses Boykin, to construct an official *fraudulent* court document of *process*. He has since then not only covered up that FACT of that felony crime, but **he also continues to cover-up the fact that he was fully informed about Appellee Karen Khalil, the "*judge*" of the Appellee Redford Township 17th District Court having ordered Grievant to be falsely imprisoned without providing any judgment order, hearing transcripts, docketing records, video of the hearing, or anything else** for Grievant or his crime victims' advocates with power of attorney to use in accompaniment their filings of multiple *Appeals* and multiple *Writ(s) of Habeas Corpus*.

Hence, Timothy Kenny was and continues to be involved in numerous ways in both a *Seditious Conspiracy to Treason* (violations of 18 U.S.C. §§ 2381 and 2384) and *domestic terrorism* (a violation of 18 U.S.C. § 2331).

APPELLEE'S "*WAYNE COUNTY PROESCUTOR*" KYM WORTHY AND THE FORMER WCCC "*CIVIL DIVISION CHIEF JUDGE*" VIRGIL SMITH, ALONG WITH OTHER "*JUDGES*" OPERATING IN THE WCCC, HAVE ALL HAD PREVIOUS DIRECT ROLES IN THE *SEDITIOUS CONSPIRACY TO DEPRIVE* GRIEVANT SCHIED *OF* HIS *RIGHTS* AS IT RELATES TO THIS CASE PRESENTED IN EVIDENCE BY APPELLEES AS "*EXHIBIT B*"; DOING SO EVEN SEVERAL YEARS AGO WHILE COMMITTING *TREASON* AND *DOMESTIC TERRORISM* AGAINST "*WE, THE PEOPLE*" AS TAXPAYERS TO THE APPELLEES' *CHARTER COUNTY OF WAYNE*

As a significant matter of relevant FACT, Appellee's "*Exhibit B*" presented as a *fraudulent* Michigan Court of Appeals ruling dated 1/22/13, named:

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"*Leonard Rezmierski, David Bolitho, Katy Doerr-Parker and the Northville Public Schools Board of Education (a.k.a., "the NPS co-Defendants/Appellees"), and Larry Crider, Robert Donaldson, Warren Evans, James Gonzales, James Hines, Maria Miller, Benny Napoleon, the Wayne County Prosecutor's Office, the Wayne County Sheriff's Department, Kym Worthy, JANE DOE and JOHN DOE (a.k.a., 'the Wayne County co-Defendants/Appellees').*"

The specific facts of that litigation are extensive in terms of available compiled volumes of Evidence depicting both the "*predicate*" level of RICO crimes committed by the "*NPS co-Appellees*" and the "*secondary*" level of those RICO crimes in that case. Therefore, this section – as is the case with the preceding section to this filing – is being filed in accordance with FRCP Rule 9(b) "*with sufficient particularity*" as to both quantitatively and qualitatively establish "*fraud upon the court*" and that a "*chain-conspiracy*" of such corruption extends – **given the two sworn and notarized "*Affidavit(s) of Earl Hocquard*"** (being **"*Exhibit #6*"** and **"*Exhibit #7*"** attached hereto) – backwards in time **showing over a full decade of *criminal victimization* and the *deprivation rights* of Grievant David Schied and his other family members.**

Thus, the Statements and Evidence submitted by reference below demonstrate that "*the problem*" of fraud, racketeering and corruption has long been focused at the "*judicial machinery*" itself, which is otherwise being operated by *usurpers* and *domestic terrorists* that have overtaken and forcibly coerced, extinguished, and/or completely abolished the constitutional *policies and practices* otherwise "*established and ordained*" by *We, The People*.

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In similar fashion to the above, the allegations will be presented in separate paragraphs and supported by numbered Exhibits as follows.

THE UNDERLYING "*COMPLAINT*" FILED IN THE APPELLEES' "*WAYNE COUNTY CIRCUIT COURT*" (A.K.A. THE "*3RD JUDICIAL CIRCUIT*") WAS SUPPORTED BY 46 INDIVIDUALLY LABELED "*EXHIBITS OF EVIDENCE*" PROVING MULTI-LEVELS OF CORRUPTION AND RACKETEERING BY THE *AGENTS* OF APPELLEE CHARTER COUNTY OF WAYNE

On 12/15/09, Grievant had initially filed his initial 99-page "*Complaint*" against the "*NPS* co-*defendants*" who were named as Leonard Rezmierski, David Bolitho, and Katy Doerr-Parker, all in their individual capacities, along with their employer listed as the Northville Public Schools Board of Education et al, and DOES 1-30. Grievant had filed that Complaint without an attorney and with an "*Accompanying Motion for Writ of Mandamus for Superintending Control*" constructively built into that Complaint.

The intent of Grievant David Schied's filing was to have the assigned judge to the case – Jeanne Stempien – issue an *order* mandating superintending control over Larry Crider, Robert Donaldson, Warren Evans, James Gonzales, James Hines, Maria Miller, Benny Napoleon, the Wayne County Prosecutor's Office, the Wayne County Sheriff's Department, Kym Worthy, JANE DOE and JOHN DOE (a.k.a., "*the Wayne County co-Defendants/Appellees*"). (See **"EXHIBIT #33"** which includes the ENTIRETY of the supporting "*46 itemized exhibits of*

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Evidence" that were properly filed with the Appellees' lower circuit court, and served upon each of the co-Defendant also at that time.) [16]

What Grievant did not know but was soon to become aware after filing his "*complaint*" was threefold: First, was that "*judge*" Jeanne Stempien had been a Northville resident for many years, with her children growing up in the Northville Public Schools, her son having Defendant David Bolitho as his former high school principal, and with her husband and son operating a law office less than a block away from the school district administrative office where Rezmierski, Bolitho and Parker were employed.

Second, Grievant was unaware that Stempien had also been the "*chairperson*" of Michigan's Judicial Tenure Commission, charged by the Michigan Supreme Court – as the regulators of judges – with investigating complaint on judges, such as numerous previous complaints that Grievant himself

[16] Note that save any confusion in the number of those 2009-filed exhibits and the ones being filed currently in support of this instant "*Writ of Quo Warranto*" being served *per curiam* upon all of the judges of the United States Court of Appeals for the Sixth Circuit simultaneously, Grievant is labeling each of those exhibits separately by hand for proper scanning into the Court's Electronic Filing system (e.g., "*Exhibit #33-1*"; "*Exhibit #33-2*"...."*Exhibit #33-46*") As these documents are also being "*filed*" in the Article III Court of Record being maintained on a separate and independent server, those exhibits will each be named with separate file numbers, and all of the exhibits supporting the Complaint as **"*Exhibit #33*"** will be also referenced as such.

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had previously file on Michigan judges, which were all subsequently dismissed without any investigation.

Third, Grievant was unaware when filing his *Complaint* that if he had wished to have an Order for "*Writ of Mandamus for Superintending Control*" over the "*Wayne County co-Defendants/Appellees*," he was required – according to judge Jeanne Stempien at the first hearing on the case – to also name those *agents* of the Appellees Charter County of Wayne (henceforth referred to as "*Appellees CCofW*"). Therefore, Grievant was compelled by WCCC "*judge*" Jeanne Stempien to file a "*Motion Under MCR 2.207 to Add Parties as Defendants*;" and an accompanying "*Motion for Filing a First Amended Complaint Under 2.118*." **("EXHIBIT #34")**

On 3/8/10, Grievant filed that *motion* along with his "*Praecipe*" ("*Request For a Hearing on a Motion*") and a 166-page sample of what his proposed "*Amended Complaint*" might look like if granted. **("EXHIBIT #35")**

On that same day of 3/8/15, Grievant also filed his *Certificate of Service* for the above filings, along with his "*Plaintiff's Answer to ["NPS"] Defendants' Affirmative Defenses*." **("EXHIBIT #36")**

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DOCUMENTED EVIDENCE SHOWS THAT THE *JUDICIAL USURPERS* UNDER THE SUPERVISION AND REGULATION OF THE MICHIGAN SUPREME COURT – THOSE EMPLOYED AT THE MICHIGAN COURT OF APPEALS – COMMITTED *FRAUD UPON THE COURT* BY AND THROUGH ACTS DESIGNED TO *COERCE, ENDANGER* AND *HARM* THE POPULATION OF THE STATE, THROUGH *COERCION* AND *USURPATION* OF THE *POLICY AND PRACTICE* OF CONSTITUTIONAL GOVERNMENT, WHICH DEFINES THE BASIC MEANING OF "*DOMESTIC TERRORISM*"

The "*pattern and practice*" of the Appellees' *corruption, racketeering* and characteristic *domestic terrorism* regularly consists of flagrant *abuses of discretion* enjoined with *fraudulent recordkeeping, gross negligence, dereliction* and other criminal forms of *misfeasance* and *malfeasance* intended to convolute and confuse through illegal practices of law, through *simulated legal process,* and *under color of law*. Thus, at the point when "*judge*" Jeanne Stempien **fraudulently** dismissed Grievant's 2009 lower court case against the "*NPS co-Defendants*" and "*Wayne County co-Defendants*" in 2010 – **and then again in 2011** – Grievant sought to take extra care to ensure that all documentation of the lower court events were properly accounted for and organized to effectively continue his court battle in the Michigan Court of Appeals from early 2011. **Thus, it was Grievant's intention, going into the Michigan Court of Appeals, to keep his arguments as simple as possible given the virtual "*circus of [fraudulent] events*" that had taken place throughout the previous year.**

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Therefore, going in to the Michigan Court of Appeals on the lower court case No. 09-030727-NO, later referred to by the Court of Appeals under No. 303715, Grievant filed his "*appeal*" with sworn and notarized Affidavits as incontrovertible and indisputable FACTS ("*upon which relief can be granted*"), which were supported completely with the associated Record of Evidence that he himself was maintaining. This was obviously because – as is shown below – the Appellees' CCofW records were hopelessly confusing and being intentionally maintained as outright fraudulent.

"EXHIBIT #37" comprises Grievant's "*Appellant 'Appeal' and 'Brief in Support' of Appeal*" as filed in the Michigan Court of Appeals on 5/27/15 along with a modest fourteen (14) physical *Exhibits of Evidence*. As demonstrated by its "*Table of Contents*," this filing was presented with four (4) pertinent "*Statement of Questions Involved*," which all related to supported facts surrounding not only the underlying injustices (i.e., the "*predicate*" misdemeanor crimes by the "*NPS Defendants/Appellees*") but also the *secondary* level of crimes (i.e., the significant disregard of uncontroverted sworn and notarized witness Affidavits and formal filings against the unlawfulness of events occurring at the lower court proceedings); and the inaccessibility of grand juries for Grievant and others to be reporting their experiences with **government *usurpers* in the executive and**

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judicial branches that are committing acts of *treason* and *domestic terrorism* through *corruption* and *racketeering*.

Most notably, as found at the last page of Grievant's "*appeal*" filing, **the documents were submitted by a sworn and notarized *Affidavit*, one which the First Amendment ("*Right to Redress*"), the *Constitution of Michigan*, the *Uniform Commercial Code*, and Grievant was at that time accepting – "for value" – the *Oaths of Office* of all the Michigan Court of Appeals judges, to "*uphold the constitution*."**

What follows immediately below are summaries of the first eight (8) of the total fourteen (14) "*exhibits of Evidence*" that accompanied Grievant's 2011 "*Appeal and Brief in Support of Appeal*" filing **("*Exhibit #37*")**. **They are each being presented herein as separate "*exhibits*" because of their high level of importance in proving that the Michigan Court of Appeals is nothing less than a *domestic terrorist* organization that flagrantly disregards significant Evidence of lower court *corruption* and *racketeering*, and condones other government *usurpers* commission of crimes upon the public, *a blatant coercion of public policy and practice* constituting *domestic terrorism* by federal definition.** (Bold emphasis added)

The Michigan COA document labeled "*Exhibit #1*" – found herein as **"EXHIBIT #38"** – is the uncontroverted "*Sworn and Notarized Affidavit of David*

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Schied As to the [Offense/Claims] History of the Above-Referenced Case." As a matter of extra significance, Grievant provided a summary of the civil complaints/claims of damages and the criminal offenses occurring prior to the filing of his lower court case. Those summary pages included – in both his "*Appeal*" arguments and in his "*history of the complaint/claims*" – references to a plethora of Michigan and federal statutes and codes supporting his claims to have been civilly injured and criminally victimized.

Amongst those statutes were listed the very same Michigan procedures now under review by the Sixth Circuit Court of Appeals, as presented in Grievant's "*Memorandum of Law*," making it incumbent upon "*any judge*" in receipt of a criminal complaint – such as those being filed by Grievant by sworn and notarized Affidavit – to take immediate action upon such "*reasonable cause to believe a crime has been committed*" to initiate an investigation into the criminal allegations and to issue arrest warrants and orders for the immediate arrest of "*the accused*" criminals. (Bold emphasis)

Additionally, Grievant's "*exhibit #1*" (see its numbered paragraphs 18-19) attached to his "*appeal*" contained explicit reference the ruling of (former WCCC "*judge*") Cynthia Stephens (who became a Court of Appeals *judge* right after that ruling), in which Stephens had stated on the record and in the court transcripts (i.e., see the attached **"*Exhibit #33-23*"** for the full transcript or **"EXHIBIT #39"**

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attached herein for the most relevant pages) that "*Expungements are a myth*" and that, for schoolteachers, an expunged criminal offense is still a "*life sentence*" by her interpretation of the Michigan legislature. **Notably, Stephens never during that hearing addressed the public dissemination of the nonpublic Texas "*Agreed Order of Expunction*" by the "NPS Defendants" when she stated that they had legislative authorization and "*immunity*" for their "*stupid*" acts of maintaining the *nonpublic* document in their *public* personnel files and sharing the document with other school district employers.** (Again refer to **"*Exhibit 33-23*"** for the entire transcript of that hearing.)

The Michigan COA document labeled "*Exhibit #2*" – found herein as **"EXHIBIT #40"** – is the uncontroverted "*Sworn and Notarized Affidavit of David Schied Regarding the Procedural History of the Above-Referenced Civil Court Case*." This 63-page document detailed what occurred in every event taken place with the Appellees CCoW's agents and the *judicial usurpers*, Stempien and Smith, being employed at the WCCC at the "*judges*" associated with Grievant's lower court "*Complaint/Claim*" for damages. Notably, **Grievant's 63-pages are comprehensive and fully explanatory of the impact that the intentional actions of the *domestic terrorists* had in wasting Grievant's time, money, and other energy in a counterfeit court system set up as a smokescreen for widespread *racketeering* and *corruption*.** Grievant's 63-pages are also well supported, with

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persistent reference throughout to the relevance of contents of Grievant's various filings in the lower court, as supported by a plethora of exhibits that were altogether completely ignored or grossly misconstrued by the "*lower court judge*" Jeanne Stempien.

Grievant had provided the Michigan Court of Appeals with various examples of the more incriminating support documents by testimonies and other Evidence against the criminal activities of the agents of Appellees' lower "*court*." For instance, the Michigan COA document labeled "*Exhibit #3*" [submitted to the Michigan COA attached to what is found herein as the "*Appeal and Brief in Support of Appeal* (see **"*Exhibit 37*"** herein)] – found herein as **"EXHIBIT #41"** – is the uncontroverted *"[Sworn] Affidavit(s) of Court-Watchers*" who were present at a "*hearing*" before *judicial usurper* Jeanne Stempien held the morning of 7/23/10.

In short, **the signed and notarized affidavits of *court-watchers* David Lonier, Ronald Keller, Andy Wilkins, John Holeton, Pauline Holeton, and John Sitar all bear testimonial witness to the means and the methodology used by Jeanne Stempien to deprive Grievant of his due process rights, to commit crimes from the bench, to demonstrate tyranny in the courtroom, and to commit acts of *treason*.** These are witnesses STILL willing to testify to the truthfulness of their statements, who have never had their statements challenged or

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directly rebutted in any court, and whose testimony otherwise corroborates PGA/Grievant David Schied's assertion that the acts of Jeanne Stempien on 7/23/10 constitute "*domestic terrorism*."

The next example of some of the more incriminating supporting testimonial documents supporting Grievant's allegations against the Appellees as regularly conducting criminal activities in the Appellee's lower "*court*" is found in **"EXHIBIT #42,"** which was submitted with Grievant's "*Appeal and Brief in Support*" referenced as "*Exhibit #4*." **"*Exhibit #42*"** attached hereto is captioned, "*Affidavit(s) of Court-Watchers as to the Occurrences in Wayne County Circuit Court on 8/13/10*." These affidavits were sworn and submitted to as signed by Patricia Kraus (who has since deceased) and Earl Hocquard. **Note**: this is the same Earl Hocquard who was the social worker for Grievant's son during divorce counseling for the family, and who by this time was becoming very concerned that his "*Sworn and Notarized Affidavit(s)*" in witness to crimes being perpetrated against Grievant were being flatly ignored. In fact, Mr. Hocquard was in the public gallery of the audience that day prepared to be called by Grievant Schied as witness to these crimes at Jeanne Stempien's summary disposition hearing.

"*Exhibit #42*" brings uncontroverted evidence, unchallenged testimony, and irrefutable Evidence that Jeanne Stempien and her "*bailiffs*" followed a usual "*pattern and practice*" of outright tyranny and bullying against the

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public; and *coercion* of government policy and practice by these so-called "*judges*" and "*sheriff's deputies*" under employ by Appellees CCofW's at the "*Wayne County Circuit Court.*" Again, this formally defines "*domestic terrorism*."

The following is large volume excerpt from the signed sworn testimonies of the courtroom witnesses that day on 8/13/10: (Bold emphasis added below)

> *"After taking the bench, Mr. Schied's case was called and Mr. Schied took his place before the judge's bench alongside two opposing attorneys, one representing the Northville Public School District and the other representing the "Wayne County Defendants", i.e., employees of the Wayne County Sheriff's Department and the Wayne County Office of the Prosecutor. Lined up behind Mr. Schied were five "witnesses" that Mr. Schied had asked to accompany him to the judge's bench. Those witnesses were David Lonier, Trish Kraus, Earl Hocquard, John Holeton, and Pauline Holeton.*
>
> *7. Upon arrival to the judge's bench, Judge Jeanne Stempien asked if any of the individuals accompanying Mr. Schied were attorneys, and Mr. Schied answered that they were all "witnesses" to several of the crimes that had occurred against him. Judge Stempien responded by stating that all those who were not attorneys should sit back down behind the "bar" and that they would not be needed for the proceedings.*
>
> ***8. At that time Mr. Schied reminded Judge Stempien that Earl Hocquard should stay since he was brought in at the very first hearing and was told by Judge Stempien to have a seat "because it was then not a 'summary disposition" hearing. Mr. Schied stated that because this instant hearing was indeed a "summary disposition" hearing, that the time was appropriate for Mr. Hocquard to make his statement to the court about his being a crime witness. Mr. Schied reinforced his assertion by holding up a packet of papers, stating that the documents were the "Sworn Affidavit of Earl Hocquard" in testimony about the crimes that he has witnessed, which Mr. Schied reminded the court he has held up and repeatedly called attention to at every hearing and every written motion held in front of Judge Stempien.***
>
> *9. Judge Stempien responded by stating that the "Sworn Affidavit... " was just as good as the witness himself and that Mr. Hocquard should therefore follow the others back to the pew and also have a seat.*

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10. As a first line of business, Judge Jeanne Stempien stated that she would address Mr. Schied's "Objection to Defendants' Differentiated Orders Both Signed by Judge Jeanne Stempien During 'Ex Parte' Discussions on 7/23/10"; She told Mr. Schied to explain his objection to the Order as written.

11. In reply, Mr. Schied explained that at the previous hearing, he was not only a civil litigant but also a "crime victim", and that even though he was as a crime victim he had been disrespectfully treated not only by the judge herself, but also by the bailiff who represented the criminal defendants. He explained that this bailiff had used intimidating body language and vocal commands to cause Mr. Schied to feel as if he was under duress in the courtroom.

12. Mr. Schied also explained that throughout those previous proceedings, as Judge Jeanne Stempien systematically interrupted Mr. Schied's arguments, interjected her own fraudulent statements as a matter of "fact" and of the "official" record, and as she had subsequently dismissed each one of Mr. Schied's various "motions", that Mr. Schied's level of anxiety increasingly went up; and that when Mr. Schied had protested Judge Stempien's dismissal of Mr. Schied's final motion that the bailiff had told Mr. Schied to "shut up" and "back away" while Judge Stempien herself had stated, "It's finished" while referring to the hearing on those matters.

13. Mr. Schied stated that the basis of his "objection" rested on the fact that he had witnesses who could verify that Judge Stempien continued conversing with the attorneys for the government after Mr. Schied had left the bench area and had gone back to his seat to pick up his belongings; and that Judge Stempien continued to carry out "ex parte" business in the courtroom with those defendants well after Mr. Schied had announced as a matter of record that he was leaving the courtroom. This included Judge Stempien signing a pre-written Order on the dismissal of the motions that did not include certain conditions under which Mr. Schied was told by Judge Stempien during the hearing that he would be entitled to re-submit his "Demand for Admissions" and have a "Writ of Mandamus" issued against the Wayne County Prosecutor Kym Worthy for her "malfeasance of official duty".

14. Judge Stempien allowed each of the attorneys for the government Defendants to say a few words in opposition to Mr. Schied's "objection", and they argued that Judge Stempien should dismiss Mr. Schied's objection simply because he was still in the courtroom and because the proceedings before the court, in the judge signing the Order, was carried out *"on the court record'.* They also argued that the *"7-day rule"* should not apply because Mr. Schied had received a copy of the *"Proposed Order"* prior to the hearing on the motio*ns; and because the only thing "modified' by the Defendants' attorneys "after" the judge signed it was to take out the word "proposed' from the first page of the "Proposed Order".*

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15. Judge Stempien then denied Mr. Schied's objection and stated that the Order she signed for the dismissal of the preceding motions would continue to stand as it was previously written.

16. As a second line of business, Judge Jeanne Stempien stated that she would hear arguments regarding Mr. Schied's "2nd Motion for Judge to Disqualify Herself From Proceedings Based on Criminal and Judicial Misconduct". Upon being given his next opportunity to speak "on the record', Mr. Schied pointed to the sheriff's deputy in the courtroom while stating that he objected to the Sheriff's deputy being in the courtroom. Mr. Schied explained that this was the same deputy that had told him to "shut up" when giving his arguments in front of the judge at the previous proceeding on Friday, July 23rd; and that this sheriff's deputy had just moments earlier threatened him outside of the courtroom. Mr. Schied reminded the judge that he was an alleged "crime victim", and that this sheriff's deputy represented the Wayne County Sheriff's Department as one of the named "defendants" in the case, reiterating that he objected to the presence of this bailiff and therefore wanted him ordered out of the courtroom.

17. Judge Jeanne Stempien dismissed Mr. Schied's concerns about the sheriff's deputy, stating that he would remain in the courtroom. She instructed Mr. Schied to get on with his reasons for filing a 2nd Motion for the Judge to Disqualify Herself.

***18. Mr. Schied explained that he was relying strictly upon what he has placed in writing, stating that as a crime victim and a ''pro se" litigant, he was not nearly as well-versed in oral arguing as his attorney adversaries standing nearby. He asked the judge if she read the motion and the judge only stared back defiantly without saying anything for a very long time**, before then stating that she had read the written arguments, and while telling Mr. Schied to once again get on with his oral arguments.*

19. Subsequently, Mr. Schied reiterated that he relied upon those written arguments while attempting to remind the judge that judicial misconduct is codified as judicial "canons" and that at the previous hearing on July 23rd there were witnesses in the courtroom that saw what occurred; and that to those witnesses it appeared that the judge's actions were "prejudicially" executed against Mr. Schied and in favor toward the government defendants.

20. Judge Stempien replied by admitting that the judicial canons provide for a judge to disqualify herself in the event that her actions "offer the appearance of impropriety"; then she insisted that her actions offered no such appearance, and she rebuffed a second reminder by Mr. Schied that his witnesses disagreed and had even supported their belief with a sworn and notarized Affidavit to that effect.

21. Judge Stempien stated in lengthy final deliberation that she had provided Mr. Schied once before with the instruction that if he did not like her first "denial" of Mr. Schied's first "Motion for Judge to Disqualify Herself," that Mr. Schied

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should take the issue before the "chief justice" of the Wayne County Circuit Court, Virgil Smith, but that Mr. Schied had stated then that he would instead settle for Judge Stempien to continue with the case without taking such action. She stated that she would therefore again "deny" Mr. Schied's "2nd Motion for Judge to Disqualify Herself. .. " and once again allow him to exercise his due process right to take the matter before "Chief Justice Virgil Smith". She stated that should the Chief justice review the "motion denial" and determine that Judge Stempien committed an impropriety, she would rely upon him to replace her with another judge.

22. Judge Stempien stated that she would nevertheless go on to hear the oral arguments of each party concerning the "Wayne County Defendants' Motion for Summary Disposition and Dismissal of Plaintiff's Complaint" but would withhold any determination in the matter of that motion until after Mr. Schied had exhausted his opportunity to discuss the "disqualification' matter with "Chief Judge" Virgil Smith. She went on to state that she would provide Mr. Schied with two weeks in which to carry out that process, and that if she was not replaced in two weeks that she would make her final determination regarding the "Motion for Summary Disposition and Dismissal" matter at the next hearing. She schedule the date of her ruling on the "Motion for Summary Disposition and Dismissal" for Friday, August 27th, 2010.

23. Judge Stempien's third order of business, of oral hearing on the "Motion for Summary Disposition and Dismissal" brought by the Wayne County Defendants, began with her granting the request of the Defendant Northville Public Schools' attorney for her to be seated, since the motion set for review had been submitted by the Wayne County Defendants and not the Northville Public Schools defendants.

24. Subsequently, Judge Stempien heard the defendants' attorney, Joseph Rogalski, deliver a summary of reasons he believed Judge Stempien should dismiss Mr. Schied's entire case against the employees of the Wayne County Sheriffs Department and the Office of the Wayne County Prosecutor. While relying upon and referencing previous court rulings related to Mr. Schied, attorney Rogalski made statements to the effect that:

a) Mr. Schied's complaint failed to state a claim upon which relief may be granted;
b) Mr. Schied's complaint was barred by the doctrine of res judicata;
c) Mr. Schied's complaint was barred by the doctrine of collateral estoppels;
d) Mr. Schied's complaint was barred by the doctrine of governmental immunity;
e) Mr. Schied's complaint was barred by the doctrine of sovereign immunity;
f) Mr. Schied's complaint was barred by the doctrine of qualified immunity;
g) Mr. Schied's complaint was barred by the statute of limitations because the offenses were said to have occurred over three years prior;
h) Mr. Schied's claims are barred from any claim sounding in defamation;

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i) Mr. Schied's complaint is barred because a private party cannot bring a criminal complaint;

25. Before giving Mr. Schied the opportunity to speak, Judge Jeanne Stempien proceeded to reference one of the previous court rulings submitted by the Defendants' attorney in support of his case, treating it as if it were a relevant ''fact'' in this instant case. *Judge Stempien began reading directly to the court reporter for entry into the "transcript" record, and she read from a 2006 Court of Appeals ruling in the case of "David Schied v. Sandra Harris and the Lincoln Consolidated Schools".* ***She began by asserting on the record - as fact - that in 1977 Mr. Schied was "convicted' of a crime in Texas, naming the nature of the crime publicly for all courtroom attendees to hear. She then continued reading from the Court of Appeals' decision to state that in 1979 Mr. Schied had received a "set aside" for that offense and that in 1983 he had received a governor's ''full pardon".***

26. Throughout the only "partial" reading of this document, ***Mr. Schied showed signs of evidence discomfort, and at one point he interrupted Judge Stempien's reading of the 2006 Court of Appeals' ruling to indicate that her actions were offensive and damaging to him. She nevertheless continued reading further until Mr. Schied interrupted in protest that Judge Stempien was committing a crime against him by constructing a fraudulent record in claim that he had been "convicted' of something while knowing that the basis of this instant case concerned an important document showing that the 1977 offense had not only been set aside and pardoned but also that subsequently the remaining "arrest" record had been obliterated and "expunged' a quarter-century later in 2004.***

27. Mr. Schied then persisted with his interruption of the judge by referencing ''page 4" of the very same ruling from which the judge was reading, to show that even the Michigan Court of Appeals had acknowledged that all records of the offense had been legally "expunged' and that these previous judges had stated in their ruling that they would not even address that expungement in their ruling because the expungement Order was issued after Mr. Schied had applied for employment at the Lincoln Consolidated Schools. This, Mr. Schied pointed out, was proof that the 2006 Court of Appeals' ruling itself had nothing to do with the instant case because the instant case before Judge Stempien concerned itself with the damages sustained to Mr. Schied as a result of the Northville Public Schools' malicious criminal dissemination of the Texas "expungement" document that the Michigan Court of Appeals had otherwise refused to consider or to address.

28. We, as courtroom "witnesses", understand that what Judge Stempien did by deliberately reading from this unrelated document, in effort to establish an "official" record inclusive of information she herself knew full well had been set aside, pardoned, and expunged as a matter of law, and under laws which otherwise afforded Mr. Schied the right to privacy of that "clemency" information under criminal penalty, was itself a crime. We hereby testify that we

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were witness to Judge Jeanne Stempien committing a crime against Mr. Schied under the "spirit" and/or the letter of numerous state and federal statutes inclusive of the following:

a) MCL 780.623 (Michigan's Set Aside Law) -" ...a person, other than the applicant, who knows or should have known that a conviction was set aside (pardoned or otherwise "expunged")....and who divulges, uses, or publishes information concerning a conviction set aside under this section is guilty of a misdemeanor punishable by imprisonment for not more than 90 days or a fine of not more than $500.00, or both."

b) Article 60.06(b) (of Texas Code of Criminal Procedures) -Information on an individual that consists of an identifiable description and notation of an arrest, detention, indictment, information, or other formal criminal charge and a disposition of the charge. including sentencing. correctional supervision. and release that is collected and compiled by the Department of Public Safety and the Texas Department of Criminal Justice from criminal justice agencies and maintained in a central location is not subject to public disclosure ... "

c) Article 55.03 (Tex. Code of Crim. Proc.) -"When the order of expunction is final: (1) the release, dissemination, or use of the expunged records ... is prohibited..."

d) 5 U.S.C. § 552a (i)(l) (of the Privacy Act o(1974) -"Any officer or employee of an agency, who by virtue of his employment or official position, has possession of, or access to, agency records which contain individually identifiable information the disclosure of which is prohibited .... and who knowing that disclosure of the specific material is so prohibited, willfully discloses the material in any manner to any person or agency not entitled to receive it, SHALL BE GUILTY OF A MISDEMEANOR and fined not more than $5,000."

e) Under MCL §15.243(l) of Michigan's Freedom of Information Act (Act 442 of 1976), a public body such as a school district may exempt from disclosure any "(a) information of a personal nature if public disclosure of the information would constitute a clearly unwarranted invasion of an individual's privacy"; and "(b) Investigating records compiled for law enforcement; purposes...insofar....as disclosure as a public record would... (ii) Deprive a person of their right to a fair trial or impartial administrative adjudication... (or) ... (iv) Constitute an unwarranted invasion of personal privacy. "

f) MCL 380.1230, MCL 380.1230(a) and MCL 380.1230(g) (Revised School Codes) -"The governing body of a public school... or an employee of a district, public school academy...SHALL NOT DISCLOSE ...a report (containing criminal history information) '"...or divulge its contents .....to any person who is not directly involved in evaluating the applicant's qualifications for employment or assignment.... A representative of the individual's employer who receives a copy of a report, or receives results of a report from another source ... SHALL NOT DISCLOSE the report or its contents or the results of the report to any person outside of the employer's business or to any of the employer's personnel who are not directly involved in evaluating the individual's

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qualifications for employment or assignment. A person who violates this subsection is guilty of a misdemeanor punishable by a fine of not more than $10.000.00."

g) MCL 380.1230(b) (Revised School Codes) -"[Criminal history] information ...shall be used by a school district... only for the purpose of evaluating an applicant's qualifications for employment in the position for which he or she has applied Except as otherwise provided by law, a board member or employee of a school district, local act school district, public school academy, intermediate school district,· or nonpublic school SHALL NOT DISCLOSE the information to any person, other than the applicant, who is not directly involved in the process of evaluating the applicant's qualifications for employment. A person who violates this subsection is guilty of a misdemeanor punishable by a fine of not more than $10,000.00. "

29. In fact, we the undersigned believe that by definition of several federal statutes, the stated assertion by Judge Stempien, before reading from the 2006 Michigan Court of Appeals' ruling, that the ruling itself was relevant to the Wayne County Defendants' "defense" of Mr. Schied's criminal allegations against them in this case - and while establishing yet another "official" record in claim that Mr. Schied was "convicted' -constitutes the "construction or a fraudulent official document", as well as ':fraud upon the Court" and fraud upon the public at large. Judge Stempien effectively identified Mr. Schied fraudulently as an individual with a "criminal record'; and by her many omissions and misstatements of material fact concerning the crimes Mr. Schied had alleged against the "Wayne County Defendants" in this case, Judge Stempien's actions, as executed from the "bench", performed the clear function of "shielding from prosecution" the Wayne County co-defendants for the crimes Mr. Schied had otherwise clearly alleged them to be committing.

30. Additionally, we the undersigned understand that according to Title 18, U.S.C. §1961 ("Racketeer Influenced and Corrupt Organizations"), "Fraud' and the "Conspiracy to Commit Fraud' (such as the type related to the falsification of identification documents) constitutes a "Racketeering activity".

31. Under Title 18 U.S.C. §1028 (t) (Attempt and Conspiracy to commit Fraud and related activity in connection with identification documents, authentication features, and information) "Any person who attempts or conspires to commit any offense under this section shall be subject to the same penalties as those prescribed for the offense, the commission of which was the object of the attempt or conspiracy.

32. The evidence of "Prejudice" and "Bias" presented by the Judge Stempien's public assertions, and her establishment of a permanent public record of this court transcript, is therefore reasonable grounds for us to believe that this judge committed "judicial misconduct', as this judge knew that she was providing co-defendants with yet another misleading Court document for co-defendants to use

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later "under color of law" to reassert their fraudulent pattern of claims inclusive of the following:

a) That an alleged "conviction" somehow "existed' in 2003 when the Lincoln Consolidated Schools had terminated Mr. Schied's employment;

b) That such a "criminal record' was proof of "unprofessional conduct" by Mr. Schied even as a schoolteacher in 2004 and 2005 while under employ at the Northville Public Schools and while Mr. Schied had otherwise earned two honorary letters of recommendation from two different principals at that school district;

c) That such a "criminal record' continues to justify ("under color of law") the codefendants' otherwise illegal "theft of government property" (i.e., the Texas court "Order of Expunction") and dissemination of outdated criminal history information in malicious criminal defiance of both the spirit and the letter of the above-referenced multitude of state and federal laws;

d) That the facts and the legal issues currently being presented to the Wayne County Circuit Court by the Mr. Schied have already been somehow "litigated based on the merits" in other State courts, as well as in federal courts; and,

e) That Mr. Schied is otherwise simply acting maliciously to file frivolous and "vexatious" lawsuits against the co-defendants because his character is "the same" as it was in 1977 when he allegedly received the "criminal record' that now is the focal point of all subsequent legal "truth" as interpreted by the Defendants and their attorneys.

33. We, the undersigned "witnesses", watched as Judge Stempien attempted to illegally justify her actions "under color of law" by implying that she could not possibly be committing an offense against Mr. Schied because the unpublished ruling from which she was reading was an "official" ruling of the Michigan Court of Appeals. ***We understand this also be a felony crime, under Title 18 U.S.C. § 242 ("Deprivation or Rights Under Color of Law") as well as under the Elliott Larson Civil Rights Act and the corresponding federal codes of 42 U.S.C. §1983 ("Civil Action for Deprivation of Rights") and 42 U.S.C. § 2000e-2 ("Unlawful Employment Practices") underscoring the "precedence" set by this instant case in creating a "disparate impact" upon certain races more likely to have criminal histories subject to clemency by set asides, pardons, or expungements. (Title 18 U.S.C. § 242 states in relevant part that, "Whoever, under color of any law, statute, ordinance, regulation, or custom, willfully subjects any person in any State, Territory, Commonwealth, Possession, or District to the deprivation of any rights, privileges, or immunities secured or protected by the Constitution or laws of the United States, or to different punishments, pains, or penalties, on account of such person being an alien, or by reason of his color, or race, than are prescribed for the punishment of citizens, shall be fined under this title or imprisoned not more than one year, or both".)***

34. We who were present in the courtroom on Friday, August 13, 2010, saw that when Mr. Schied appeared to be succeeding in making his arguments solid, and as a matter of official record that this 2006 Court of Appeals' ruling that Judge

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Stempien had been reading from actually had nothing to do with the instant case, Judge Stempien interrupted Mr. Schied and changed the subject by pressing him to promptly answer her question of "What crimes have the Wayne County Defendants committed?".

35. In answer to Judge Stempien's question, Mr. Schied attempted to set forth his argument that the crime committed by the "Wayne County Defendants" was predicated, and held in conjunction with other crimes committed against Mr. Schied by the Northville Public Schools defendants, for which the Wayne County Defendants were attempting to criminally "aid and abet" and "cover up". Mr. Schied explained that crimes not only occurred in 2009 but also prior to that in 2006 when the Wayne County Defendants had taken similar steps to cover up the crimes of the Northville Public Schools as Mr. Schied's former employer.

36. About this point in Mr. Schied's argument, Judge Stempien pressed Mr. Schied sharply for him to "name the crimes" committed by the Defendants, and Mr. Schied was compelled once against to explain that he relies heavily upon his written, not oral pleadings, which Judge Stempien had just previous acknowledged as having read. ***Mr. Schied reminded the judge that as a "pro se" litigant, and as a heavily-impacted "crime victim", he did not have the ability to instantly recall criminal statutes by MCL code number or official title, and that he instead relied upon his written arguments which included reference to all of those applicable criminal statutes.***

37. It should be noted that about this time, we saw the Sheriff's deputy get up and move threateningly closer to Mr. Schied, and soon afterwards we witnessed a second sheriff's deputy enter the room and align himself on the opposite side of Mr. Schied at an equal distance away as Mr. Schied continued his arguments to Judge Stempien.

38. Mr. Schied went on to explain that the "predicate" offenses committed by the Northville Public Schools were based upon their persistent dissemination -under the Freedom of Information Act – of criminal history which they well knew had been set aside, pardoned, and expunged as a matter of law, and that they well knew that their actions were "criminal misdemeanor" offenses. Mr. Schied next explained that the "cover up" of those offenses in 2006 and again in 2009 by the "Wayne County Defendants" constituted "aiding and abetting", "obstruction of justice" and "malfeasance of duty", which are all three felony offenses.

39. As we witnessed Judge Jeanne Stempien "constructively deny" Mr. Schied "due process of law" by continually interrupting and dismissing Mr. Schied's statements and allegations, we ***as court-watchers clearly understood that we were then not only seeing a blatant display of "judicial misconduct", but we were also witnessing this judge commit the felony crimes of "misprision of felony", and "obstruction of justice" by her demonstration of clear prejudicial bias against***

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Mr. Schied, *which otherwise subjugates them to "tort' charges and disqualifies them from having protections under "governmental immunity" clauses.*

40. We watched as Mr. Schied made what was to be his last attempt to continue answering Judge Stempien's persistent interruptions by questions such as, "Mr. Schied, but what was the crime of the Wayne County Defendants?" In answer to these types of questions, and while still disputing the claims of the Defendants' attorney Joseph Rogalski that his clients should be entitled to "government immunity", ***Mr. Schied began driving steadily toward his point that in proving "conspiracy" and "corruption" a ''predicate'' crime needs to be followed by a "secondary" crime. He only got so far into his argument however as to inform Judge Stempien that the ''predicate'' crime was the Defendants Northville Public Schools' "criminal misdemeanor(s)" of publicly disseminating the Texas court "Order of Expunction" under the Freedom of Information Act; and that the "secondary" crimes committed by the "Wayne County Defendants" included felony "aiding and abetting" and "cover up" by means of felony "gross negligence" and "malfeasance" in the execution of their "official duties", which otherwise subjugates them to "tort' charges and disqualifies them from having protections under "governmental immunity" clauses.***

41. We observed that when Mr. Schied got to this point in his argument, Judge Stempien interrupted Mr. Schied for the last time while changing the subject completely, and thus diverting the Court's attention toward the validity of the Wayne County Sheriff's deputies as "bailiffs" having the authority to maintain proper "control' of the courtroom, and proper etiquette by those in attendance in Court. As Judge Stempien sought reference to a Michigan Court Rule from a book on her desk, she elaborated on how the Wayne County Sheriff's deputies are authorized under law to act as they do in the courtroom; and that therefore she would not be barring them from the proceedings as requested by Mr. Schied who otherwise perceived the bailiff to be acting tortuously and with malice against Mr. Schied.

42. We also observed that as Judge Jeanne Stempien went on with her deliberation on this subject, that the two Wayne County Sheriff's deputies move forward toward Mr. Schied menacingly, and as if waiting for any word from Judge Stempien *to take Mr. Schied into custody under "contempt" charges for his refusal to stand up for the judge earlier in the proceedings when the judge had left and subsequently returned back to the courtroom,. The judge also appeared to be lingering on her words as if attempting to make the decision herself of whether or not to initiate "contempt" charges against Mr. Schied. We observed that Mr. Schied appeared to also be sensing that he may be taken to jail as he appeared to give up on his argument, fell silent, and started putting his documents into his briefcase. We watched as Judge Stempien then eventually concluded her statements about the bailiffs, simply turned and walked away from the bench.*

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> ***43. As Judge Stempien exited the courtroom, one of the two Sheriff's deputies turned and walked to the exit door and informed Mr. Schied and the rest of us that we needed to leave immediately. Upon exiting the courtroom door, both Sheriff's deputies spaced themselves "out across the hallway and marched forward without stopping, forcibly using their bodies together as a coordinated "sweep" to keep us moving, while they continued to command us to "keep moving all the way down the hall' until we reached the elevators. That is where they continued to stand until our elevator arrived.***

By reference of what transpired above in court on 8/13/15, the behavior of the "*judge*" Jeanne Stempien and her bailiffs were clearly intimidating and coercive in terms of both tyranny over the people and in terms of misapplication of the law and denial of Witnesses and Evidence at a summary disposition proceeding. Stempien was adamant about continuing to deny Earl Hocquard the ability to testify as a witness while refusing also to "*litigate the merits*" of Mr. Hocquard's sworn and notarized *Affidavit*. This was the crux of Grievant's "*Complaint/Claim for damages*" demonstrating that the "*NPS Defendants*" were committing criminal misdemeanors of publicly disseminating the Texas "*Agreed Order of Expunction*" through FOIA response to the PUBLIC rather than *only* disseminating that NONPUBLIC document to other school district employers "*lawfully*" *under color of* Michigan's "*Revised School Codes*" as was otherwise being intentionally misrepresented by both the "*NPS Defendants*" and the "*Wayne County Defendants*" as the county's so-called "*law enforcement*" when suppressing the FACTS through their own *Fraud upon the Court*.

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Again, these types of actions constitute numerous federal crimes such as 18 U.S.C. § 1512 ("*Tampering with a witness, victim, or an informant*") which states:

> *"(b)* ***Whoever knowingly uses intimidation, threatens, or corruptly persuades another person, or attempts to do so, or engages in misleading conduct toward another person, with intent to (1) influence, delay, or prevent the testimony of any person in an official proceeding; (2) cause or induce any person to (A) withhold testimony, or withhold a record, document, or other object, from an official proceeding****; (B) alter, destroy, mutilate, or conceal an object with intent to impair the object's integrity or availability for use in an official proceeding; (C) evade legal process summoning that person to appear as a witness, or to produce a record, document, or other object, in an official proceeding; or (D) be absent from an official proceeding to which such person has been summoned by legal process; or* ***(3) hinder, delay, or prevent the communication to a law enforcement officer or judge of the United States of information relating to the commission or possible commission of a Federal offense …shall be fined under this title or imprisoned not more than ten years, or both. (c) Whoever corruptly (1) alters, destroys, mutilates, or conceals a record, document, or other object, or attempts to do so, with the intent to impair the object's integrity or availability for use in an official proceeding; or (2) otherwise obstructs, influences, or impedes any official proceeding, or attempts to do so, shall be fined under this title or imprisoned not more than 20 years, or both.*** **"**

The last section of this federal code is particularly relevant because, as is shown further below, the Appellee's Charter County of Wayne's "*Clerk of the Court Cathy Garrett*" and her agents, played a significant role in "*obstructing*" both the lower court and the appellate court proceedings by way of altering records, withholding Grievant's proper filings from the official court proceedings and the appellate court records, concealing records, impairing the integrity of appellate records, and destroying documents.

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"*JUDICIAL USURPER*" VIRGIL SMITH COVERED UP THE CRIMES OF HIS FELLOW STATE BAR OF MICHIGAN PEER GROUP OF "*WAYNE COUNTY PROSECUTORS*," THE "*CORPORATION COUNSEL*" REPRESENTING THE "*WAYNE COUNTY SHERIFFS*," AND THE "*JUDGE*" JEANNE STEMPIEN BY HIS STANDING BEHIND STEMPIEN'S REFUSAL TO DISQUALIFY HERSELF, BY HIS OWN REFUSAL TO INTERVENE AGAINST THE REPORT OF STEMPIEN'S *TYRANNY* FROM THE BENCH, FROM HIS OWN REFUSAL TO "*HEAR*" FROM WITNESSES TO EITHER THE "*PREDICATE*" OR "*SECONDARY*" CRIMES AGAINST GRIEVANT, AND BY REFUSING TO GRANT GRIEVANT'S "*DEMAND*" FOR ACCESS TO A *GRAND JURY* FOR INVESTIGATING THIS *CORRUPTION AND RACKETEERING*

"EXHIBIT #43" consists of the "*Affidavit of Court-Watchers As to Occurrences in Wayne County Circuit Court on 08/20/10*" which was submitted to the Michigan Court of Appeals marked as "*Exhibit #5*" attached to Grievant's "*appeal*." **For anyone conducting a proper examination and comparison of this 2011 Court of Appeals case documents to the COA's 2013 ruling which has been submitted in this instant case before the Sixth Circuit Court as "*Exhibit B,*" it should be clear that the instant co-Appellees "*MMRMA*" and "*Charter County of Wayne*" are only compounding and suppressing the previous "*fraud upon the court*;" and doing so through the same criminal *pattern and practice* as the Appellees CCofW demonstrated in the Michigan Court of Appeals, and with those "*judicial usurpers*" Steven Borello, Michael Talbot, Kurtis Wilder clearly providing yet another layer of criminal cover-up through the publishing of yet another *fraudulent* official "*government*" document.**

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"Exhibit #43," the "*Sworn Affidavit[s]*" signed by retired Michigan citizens as "*court-watchers*" David Lonier and Ronald Keller is uncontroverted Evidence of not only Jeanne Stempien and Virgil Smith having committed constitutional due process violations and secondary crimes against Grievant in covering up the predicate crimes of the "*NPS Defendants*" and the "*Wayne County Defendants*," but also of yet a third level of this same *pattern and practice* of *corruption* by the Michigan Court of Appeals, as they too disregarded all of this very same Evidence of constitutional due process violations and criminal misconduct by their peer group of other *domestic terrorists*.

David Lonier's and Ronald Keller's sworn *Affidavit(s)* state the following as cited in quotations below:

> *7. .....Chief Justice Virgil Smith carne out and Mr. Schied was called before the judge. We watched as Mr. Schied presented a clear and concise statement of his reason for being present, including informing this judge that at least six months prior he had submitted a previous "Motion for Judge Stempien to Disqualify Herself" and that Judge Stempien had denied that one too.*
>
> *8. We watched as Mr. Schied explained that he had multiple witnesses to the hearing the previous week and these witnesses were of the belief that Judge Jeanne Stempien had committed "judicial misconduct". He also attempted to go on to explain why it was that we believed Judge Stempien had acted with "impropriety" at the previous hearings by repeatedly treating Mr. Schied with prejudicial bias and while treating the government defendants, in contrast, with preferential favor. We also watched as Judge Smith rebuffed Mr. Schied's request that we as witnesses be called forth for testimony to that effect, and while informing Mr. Schied that he would not hear any witness testimony because he was there only to review Judge Stempien's denial of the "2nd Motion for Judge ...to Disqualify..." Judge Smith indicated that any testimony we could provide would be irrelevant to the purpose of this hearing and Mr. Schied clearly disagreed and politely argued that disagreement.*

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9. In explaining the actions of Judge Stempien, Mr. Schied stated that, in front some of us as his witnesses, Judge Stempien had committed crimes against Mr. Schied at the previous hearing. He elaborated by stating that Judge Stempien had also deliberately committed "fraud upon the Court" when issuing statements on the "official" court record that she know were not only libelous but also subject to criminal penalties by numerous laws protecting Mr. Schied's right to privacy.

10. Judge Virgil Smith remained completely silent while allowing Mr. Schied to further explain what he meant. Mr. Schied stated that at the previous hearing the attorney representing the Defendants employed at the Wayne County Sheriff's Department and the Office of the Wayne County Prosecutor had presented fraudulent arguments and submitted a previous court ruling, i.e., a Court of Appeals' ruling in the case of "David Schied v. Sandra Harris and the Lincoln Consolidated Schools", which otherwise had nothing to do with Mr. Schied's Complaint or the civil and criminal claims against these defendants. Mr. Schied stated that from the start of her motion hearing, rather than to allow Mr. Schied to challenge the defendants' statements and the validity of their supporting documentation, that Judge Stempien began reading from the Court of Appeals' ruling while fraudulently representing that this ruling had significant relevance to the case at hand when it clearly did not. Mr. Schied told Judge Smith that at the previous hearing, Judge Stempien had read defamatory information aloud, establishing a public court record, describing the nature of a crime committed in 1977 for which Judge Stempien herself was well aware had been "set aside", "fully pardoned", and "expunged" of all remnants of records related to that 1977 "arrest".

11. Mr. Schied explained that, in effect, Judge Stempien had criminally violated both Mr. Schied's guaranteed right to privacy and Texas laws and court Orders by establishing any other written court record stating that Mr. Schied had been "convicted' of a crime when otherwise all records of the 1977 offense had been effectively obliterated by a Texas court "Order of Expunction" issued in 2004.

12. Mr. Schied also explained that, at the previous motion hearing before Judge Stempien, he was so offended by Judge Stempien's actions that he had to eventually interrupt her by reading from "page jour" of the same Michigan Court of Appeals' ruling to explain that the Court of Appeals judges had readily stated in their ruling that their ruling would not in any way address the Texas court "Order of Expunction" and that, on the other hand, the case before Judge Stempien totally pertained to the criminal dissemination of that Texas court Order of Expunction by the Northville Public School District officials to the public – under the Freedom of Information Act – and the refusal of the Wayne County law enforcement to do anything about it to protect Mr. Schied's rights to privacy and to criminal protection as a crime victim.

13. Mr. Schied read from numerous State laws while informing Judge Virgil Smith that not only was it incumbent upon the Wayne County prosecutors to take action when Mr. Schied had reported these misdemeanor crimes in 2006 and again in

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2009, but that it was similarly the "duty" of Judge Stempien, and indeed the duty of Judge Virgil Smith himself – in accordance with their job duties and Oath of Office – to initiate prosecutorial proceedings against the criminal offenders based upon the information before each of those two courts.

14. In support of his statements, Mr. Schied held up for scrutiny what he stated was a "Sworn and Notarized Criminal Complaint" which he stated the law defined as sufficient enough to provide "any judge" with "reasonable cause to believe that a crime had been committed". He next held up another set of documents which he described as the "Sworn Affidavit of Earl Hocquard", a witness to the crime, which should be considered as even further evidence that a crime had been committed.

15. Mr. Schied explained that racketeering and corruption laws involve two levels of offenses and that the "predicate" offenses committed by the Northville Public Schools were based upon their persistent dissemination – under the Freedom of Information Act – of criminal history which they well knew had been set aside, pardoned, and expunged as a matter of law, and that they well knew that their actions were "criminal misdemeanor" offenses. Mr. Schied next effectually explained that the tortuous "cover up" of those offenses in 2006 and again in 2009 by the "Wayne County Defendants" constituted "aiding and abetting," "obstruction of justice" and "malfeasance of duty", which are all three felony offenses.

16. In reading directly from documents which he indicated had been submitted to Judge Jeanne Stempien for proper address, Mr. Schied read elements of the following statutes:

a) MCL 18.351 – [Crime Victim's Compensation Board (definitions)] which defines a "Crime": "(c) 'Crime' means an act that is 1 of the following: (i) A crime under the laws of this state or the United States that causes an injury within this state. (ii) An act committed in another state that if committed in this state would constitute a crime under the laws of this state or the United States, that causes an injury within this state or that causes an injury to a resident of this state within a state that does not have a victim compensation program eligible for funding from the victims of crime act of1984, chapter XIV of title II of the comprehensive crime control act of 1984, Public Law 98473, 98 Stat. 2170."

b) MCR Rule 6.101 (Rules of the Court) holding that, "A complaint is described as a written accusation that a named or described person has committed a specified criminal offense. The complaint must include the substance of the accusation against the accused and the name and statutory citation of the offense. (B) (Signature and Oath) The complaint must be signed and sworn to before a judicial officer or court clerk... .."

c) MCL 761.1 and MCL 750.10 which describe an "indictment" as "a formal written complaint or accusation written under Oath affirming that one or more crimes have been committed and names the person or persons guilty of the offenses".

d) MCL 767.3 holding that at the least". The filing of any such complaint SHALL give probable cause for any judge of law and of record to suspect that such

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offense or offenses have been committed...and that such complaint SHALL warrant the judge to direct an inquiry into the matters relating to such complaint".
e) MCL 764.l(a) which holds that, "A magistrate SHALL issue a warrant upon presentation of a proper complaint alleging the commission of an offense and a finding of reasonable cause to believe that the individual or individuals accused in the complaint committed the offense".
f) MCL 764.1(b) which calls for an "arrest without delay".

17. We witnessed as Mr. Schied made clear that, as described by MCL 761.1 which states that an "Act" or "doing of an act" (of criminal offense) includes the "omission to act", that the prosecutors' and Judge Stempien's unwillingness to take a proper course of action - i.e., one that aligns with the course set by the Rules of Criminal Procedure -shows that they are guilty of willful incompetence, dereliction of duty, gross negligence, abuse of prosecutorial discretion, perjury of Oath.

18. Yet despite Mr. Schied reading directly to Judge Virgil Smith from the above and other Michigan statutes, and while explaining that the prosecutors and Judge Stempien were committing "felony" crimes of aiding and abetting, obstruction of Justice, deprivation of rights under color of law, and other such offenses by their willful "cover up" of the Northville Public School District administrators' misdemeanor offenses, Judge Smith yet refused to take appropriate action. Instead, Judge Smith stated – without any proper basis of support – that Judge Stempien had committed no illegal offense nor exhibited the appearance of impropriety by her actions of the previous week.

19. Wayne County Circuit Court "chief judge" Virgil Smith responded to Mr. Schied by himself "omitting' any form of address of the relevant facts before him. Instead, he relied upon an address of lesser significant circumstantial evidence that Mr. Schied had included with his first "Motion for Judge Stempien to Disqualify Herself" several months earlier. Judge Smith only told Mr. Schied that Judge Jeanne Stempien had exercised her lawful authority and discretion in the matter of denying Mr. Schied's "2nd Motion for Judge...to Disqualify Herself...". He stated that, despite understanding Mr. Schied's position of disagreement, Judge Stempien's status as a long term resident in the town of Northville, and the fact that her husband has long operated a law practice in the proximity of the Northville Public School District defendants played no part in her decision-making in this case. He simply reiterated that Judge Stempien had merely been exercising her "broad scope of authority and judicial discretion" and that it was his determination that she had committed no impropriety in her decision-making.

20. As all of us had been witnesses to previous hearings before Judge Jeanne Stempien, and ***all of us had personally seen Judge Stempien "constructively deny" Mr. Schied a proper address of his various "motions" upon the Defendants and upon the Court, including Mr. Schied's "Motion to Compel Discovery", "(1st and 2nd Motion for Sanctions Against Defendants and Their***

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Attorneys", "Motion for Writ of Mandamus", "Demand for (Defendants ') Admissions", "Demand for Production of Documents in Support of Denials of Admissions", and other documents based upon 52 articles of evidence proving government corruption and a "conspiracy to commit" crimes against Mr. Schied. *We therefore firmly believe that we had repeatedly witnessed Judge Stempien prejudicially deny Mr. Schied his right to "due process of law" in all previous proceedings; and in fact, used the "color of law" instead as a tool for furthering that denial of Mr. Schied's due process rights.*

21. As all of had also been witnesses to this instant hearing before "chief judge" Virgil Smith, we believe that Judge Smith also acted with malice and tort when using the "color of law" to deny Mr. Schied his rights as a civil litigant and as a crime victim. Rather than to act properly in light of the factual information and the circumstances of available witnesses ready to testify as to the impropriety of Judge Stempien's actions, Judge Smith instead told Mr. Schied that he could always "take the matter to the Michigan Court of Appeals", despite that Mr. Schied had made clear that doing so would be an excessive burden upon him as a "forma pauperis" litigant and as a crime victim.

22. ***We the undersigned therefore believe that we witnessed Wayne County Circuit Court "chief' Judge Virgil Smith himself commit ''judicial misconduct' by taking action to "cover up" the offenses committed by his "fellow" judge Jeanne Stempien. Additionally, we believe that we witnessed Judge Smith commit the felony offense of "misprision of felony", a federal violation of 18 U.S.C. § 4; and while also committing other felony offenses of "misprision of treason", and "seditious conspiracy", both federal violation of 18 U.S.C. §2382 and 18 U.S.C. § 2384 respectively.*** *("Treason", as defined by 18 U.S.C. § 2381, is when "Whoever, owing allegiance to the United States, levies war against them or adheres to their enemies, giving them aid and comfort within the United States or elsewhere, is guilty of treason and shall suffer death, or shall be imprisoned not less than five years and fined under this title but not less than $10,000; and shall be incapable of holding any office under the United States. " "Seditious conspiracy", as defined by 18 U.S.C. § 2381, is when "If two or more persons in any State, or Territory, or in anyplace subject to the jurisdiction of the United States, conspire to overthrow, put down, or to destroy by force the Government of the United States, or to levy war against them, or to oppose by force the Authority thereof, or by force to prevent, hinder, or delay the execution of any law of the United States, or by force to seize, take, or possess any property of the United States contrary to the Authority thereof, they shall each be fined under this title or imprisoned not more than twenty years, or both.")*

The forgoing testimonials paragraphs, signed as the sworn and notarized witness statements of others, went completely disregarded by the Michigan Court

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of Appeals throughout 2011 and 2012 and into 2013 when they finally delivered their fraudulent ruling as produced by the Appellees in this Sixth Circuit Court of Appeals case as their supporting exhibit, in claim that the Sixth Circuit Court has no jurisdiction over the instant matter before this Article III Court of Record.

The Sixth Circuit judges should not need to be reminded that the citations presented above to the agents of the Appellees CCofW in the usurped "*Wayne County Circuit Court*" and the usurped Michigan Court of Appeals presented the very same Michigan procedural statutes now before the Sixth Circuit, as laid out in Grievant's "*Memorandum of Law*" making it incumbent upon any judge to find "*reasonable cause to believe that crimes have been committed*," and making it incumbent upon *any* such judge to start an immediate investigation and issue immediate arrest warrants against "*the accused*." (Bold emphasis)

Yet, if the above is not enough to prove *domestic terrorism*, there is much more in Evidence that was additionally presented to the Michigan Court of Appeals, as provided by **"EXHIBIT #44."** This document, captioned as "*Affidavit of Court-Watchers As to Occurrences in Wayne County Circuit Court on 8/27/10*," consists of the testimonials of Michigan citizens of Trish Kraus, John Holeton and Pauline Holeton about what they witnessed in further crimes – permitted by Virgil Smith – against Grievant David Schied by the judicial usurper Jeanne Stempien as

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Stempien proceeded to dismiss Grievant's entire case against the "*Wayne County Defendants*." **She apparently did so by disregarding all of Grievant's continuing arguments, choosing instead to generate a *fraudulent* oral record of the facts of the case and relegating Grievant's statements as being only "*vague...conclusory statements which failed to satisfy minimum pleading requirements*."** (Bold emphasis added)

As shown by **"*Exhibit #44*,"** which was labeled as "*Exhibit #6*" attached to the "*Appeal and Brief in Support*" that Grievant provided to the Michigan Court of Appeals in 2011, Affiants' signed *Affidavit(s)* went on to state:

> *Judge Stempien reasoned the following:*
>
> *i. That Prosecutor Worthy had personally taken no authoritative action;*
> *ii. That Prosecutor Worthy's "decision" not to take any authoritative action. on Mr. Schied's sworn and notarized criminal allegations was "discretionary" and fully within the scope of her job description and duty;*
> *iii. That because Prosecutor Worthy had otherwise allowed her subordinates "to act on her behalf' in denying prosecution on Mr. Schied's complaints, and because these subordinate prosecutors (James Gonzales, Maria Miller and Robert Donaldson) had been "acting on Kym Worthy's behalf', these other prosecutors (Gonzales, Miller, and Robertson) should also be entitled to a "summary dismissal" of the civil claims against them too because they also had been somehow acting within the scope oftheir job duties and are therefore subject to "governmental immunity";*
>
> *c) Without supporting reason or evidence to contradict Mr. Schied's claims, Judge Stempien stated that Mr. Schied's criminal allegations of "malfeasance" against Kym Worthy were merely "conclusory", and that Prosecutor Kym Worthy's actions and/or inactions did not rise to the level of "gross negligence";*
> *d) Judge Stempien stated that a "Writ of Mandamus" was not appropriate against Wayne County Prosecutor Worthy because the prosecutor had "discretion" in the exercise of her duty. Judge Stempien appeared to also be implying that by her refusal to provide for such a "writ" she had somehow found, despite Mr. Schied's statements and evidence to the contrary, that Prosecutor Worthy had not "abused" her use of that discretion.*
> *e) Judge Stempien claimed, without valid support, that somehow Mr. Schied had not established a viable claim for gross negligence or malfeasance of official*

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duty; and therefore, the Wayne County Defendants were all fully protected by their discretionary actions or inactions by "government immunity" under MCL 691.1407, which is grounds for a summary disposition ruling and dismissal of Mr. Schied's civil "Complaint" under MCR 2.116(C)7;

14. Despite Mr. Schied repeatedly referencing in writing and/or orally presenting at each hearing his own 2009 "Sworn and Notarized Criminal Complaint", and the "Sworn and Notarized Affidavit of Earl Hocquard" as his witness to the alleged crimes that occurred in 2009, Judge Stempien wrongly asserted that Mr. Schied's allegations were somehow more than three years old and therefore subject to a "statute a/limitations";

15.Despite Mr. Schied's submission of 52 articles of Evidence along with and in support of his civil "Complaint", and without compelling any of the Defendants to address ANY of those articles of evidence, and without directly addressing any of these 52 articles of evidence herself, Judge Stempien stated that Mr. Schied had nevertheless "failed to specifically or factually support his claims".

16. Judge Stempien claimed that Mr. Schied's criminal allegations were "improperly before the Court", and therefore those criminal claims would be "stricken" from the proceedings;

***17. We are aware that many months ago when the proceedings in this case first began, Judge Jeanne Stempien had "denied' Mr. Schied's previous "Motion for Change of Venue to a Court Having Jurisdiction Over Both Civil and Criminal Matters" by her refusal to recuse herself as the presiding judge (i.e., by separate denial of Mr. Schied's "(1st) Motion (or Judge to Disqualify Herself. .."). *** *We are similarly aware that during that previous hearing, Judge Stempien asserted that her Court already has jurisdiction over criminal matters. Yet we watched as Judge Stempien stated at this August 28th, 2010 hearing that her "civil" courtroom only hears civil matters that involve monetary damages, and that she would therefore not be litigating matters of a criminal nature such as what Mr. Schied otherwise had brought by elements of his "Complaint".*

18. We watched as, after Judge Stempien finished delivery of her ruling, Mr. Schied politely asked if it was the appropriate time for raising his objections; and when Judge Stempien affirmed, Mr. Schied stated immediately that Judge Jeanne Stempien had just committed the crime of "fraud upon the Court" by constructing a "fraudulent official document" in the transcripts of the court reporter for the purpose of "aiding and abetting" the crimes being committed by the "Wayne County Defendants" and their attorney Joseph Rogalski.

19. In so many words, Mr. Schied pointed out that throughout these civil proceedings attorney Rogalski had been committing "fraud upon the Court' and that indeed Judge Stempien had, herself, been committing felony criminal offenses by entry into the "official record' of information known to be inapplicable, unrelated to the instant

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case, and subject to privacy laws. Mr. Schied reminded Judge Stempien that at the preceding hearing that she had taken attorney Rogalski's argument at face value and as indisputable "fact" while otherwise "omitting' a proper address of significant aspects of Mr. Schied's documentation and evidence.

20. We watched as Mr. Schied made what was to be a last attempt to continue disputing the claims of the attorney Joseph Rogalski, which he had made at the previous hearing and in which Judge Stempien simply reiterated those erroneous claims in her ruling at this hearing. We heard Mr. Schied attempt to raise numerous arguments including his pointing out that the "Sworn Affidavit of Earl Hocquard" itself offered proof that no such "statute of limitations" was applicable since the most recent of the criminal occurrences happened in 2009.

21. Mr. Schied reminded Judge Stempien that as an alleged "crime victim", he is guaranteed specific rights under numerous State and Federal laws. Additionally, Mr. Schied informed Judge Stempien that not only was it incumbent upon the Wayne County prosecutors to take legal action when Mr. Schied had reported these misdemeanor crimes in 2006 and again in 2009, but ***that it was similarly the "duty" of Judge Stempien to act in accordance with her Oath of Office in response to being repeatedly reminded about Mr. Schied's "Sworn and Notarized Criminal Complaint" and the "Sworn Affidavit of Earl Hocquard' as his witness.***

a) Mr. Schied reminded Judge Stempien that every time he has come before her he has presented the "Sworn and Notarized Affidavit of Earl Hocquard" which she had repeatedly rejected for being heard, discussed, or otherwise litigated from the onset of this case. Mr. Schied reminded Judge Stempien that this "Sworn and Notarized Affidavit of Earl Hocquard" proved wrong the Defendants' assertion, and Judge Stempien's own assertion as a matter of fraudulent record, that the statute of limitations should apply because Mr. Schied's claims are more than three years old.

b) Specifically, Mr. Schied told Judge Stempien that if one were to consider the assertions made by Earl Hocquard concerning events happening in 2009, and then that person counts backwards on his fingers from 2010, that the difference is only one year, which does not fall outside of the three year statute of limitations claimed wrongly as applicable by the attorney for the "Wayne County Defendants".

c) In response, Judge Stempien interrupted Mr. Schied to state simply, and again with supporting reason or evidence, that effectively "no claim for 2009 is included in this case".

22. Presumably because Mr. Schied had waited patiently for the judge to complete her ruling, and because she had confirmed that it had been his tum to speak but then followed suit with her previous patterns of interrupting Mr. Schied when he was establishing key supports for his numerous criminal assertions, Mr. Schied decidedly interrupted Judge Stempien after she had interrupted him. He apparently did so while again making an effort to go back to reading familiar citations of State and Federal laws he had brought with him as written in a separate set of documents. As the

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statutes from these documents are already set forth above, we watched as ***Mr. Schied attempted to again use these statutes to support his assertions that the "Sworn Criminal Complaint of David Schied" he held in his other hand constituted a formal "indictment" and "reasonable cause for ANY JUDGE to believe a crime has been committed', and requiring "immediate" action by such a judge in the form of an "inquiry" into these criminal allegations as well as the issuance of "arrest warrants without delay".***

23. As soon as Mr. Schied interrupted Judge Stempien, in attempt to resume reading "on the record' the statutes listed above and in which we are aware that Mr. Schied had also already placed into writing to this judge prior to this hearing, the three sheriffs deputies in the room moved forward toward Mr. Schied with offensive body posturing and while indicating their intention to apprehend Mr. Schied from opposite directions.

24. In immediate response to the officers' threatening movements, Mr. Schied stated "for the record' that due to the threatening postures of Judge Stempien's bailiffs, Mr. Schied would "bow out" of further argument on this case. In response, Judge Stempien stated, "OK:' and instantly granted the Wayne County Defendants' "Motion for Summary Disposition and Dismissal".

25. In concluding this case we, the undersigned believe it clear that Judge Jeanne Stempien criminally deprived Mr. Schied of his right to "due process" using the "color of law", and by herself omitting" any form of address of the relevant facts before her. All of us had been witnesses to previous hearings before Judge Jeanne Stempien, and ***all of us had personally seen Judge Stempien "constructively deny" Mr. Schied a proper address of his various "motions" upon the Defendants and upon the Court, including Mr. Schied's "Motion to Compel Discovery", "(1st and 2nd) Motion for Sanctions Against Defendants and Their Attorneys", "Motion for Writ of Mandamus", "Demand for (Defendants ') Admissions", "Demand for Production of Documents in Support of Denials of Admissions", and other documents based upon 52 articles of evidence proving government corruption and a "conspiracy to commit" crimes against Mr. Schied. We therefore firmly believe that we had repeatedly witnessed Judge Stempien prejudicially deny Mr. Schied his right to "due process of law" in all previous proceedings; and in fact, we believe she used the "color of law" instead as a tool for furthering that denial of Mr. Schied's due process rights.***

26. As all of had also been witnesses to this instant hearing before Judge Stempien, we believe that this judge also acted with malice and tort when using the "color of" law and procedure to deny Mr. Schied his rights as a civil litigant and as a crime victim. Rather than to act properly in light of the factual information and the circumstances of a referenced and readily available 'sworn criminal complaint' and "witness Affidavit", Judge Stempien lied as a matter of official record, generating a fraudulent official document bearing official signs of a "valid' Wayne County Circuit Court ruling; and while holding Mr. Schied to shoulder the burden of taking the

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matter to the Michigan Court of Appeals, despite knowing that Mr. Schied was a "forma pauperis" litigant and an alleged "crime victim".

27. We, the undersigned, therefore believe that we witnessed Judge Jeanne Stempien commit the crime of "aiding and abetting" the "Wayne County Defendants" in the execution of felony crimes, by taking action to "cover up" the offenses committed by her "peer group" of other members of the Michigan State Bar, also considered "officers of the Court".

28. We, the undersigned, additionally believe that we witnessed Judge Stempien commit the felony offense of "misprision of felony", a federal violation of 18 U.S.C. § 4; and while also committing other felony offenses of "misprision of treason", and "seditious conspiracy", both federal violations of 18 U.S.C. § 2382 and 18 U.S.C. § 2384 respectively.

29. Finally we, the undersigned, have noted that on the face of Mr. Schied's numerous "motions" and "responses" that have come and gone before Judge Jeanne Stempien, including the most recent "Plaintiff's Response to Defendants' Motion for Summary Disposition and Dismissal" on which Judge Stempien delivered her ruling in front of us, Mr. Schied has included his "Demand for Jury" and "Demand for Criminal Grand Jury". Yet in dismissing Mr. Schied's case based in what appears to us to be nothing less than "a conspiracy of fraudulence", Judge Stempien has effectively denied Mr. Schied access to both types of "Jury of We the People".

30. Understanding that it is the "duty" of the federal "special grand jury" under 18 U.S.C. §3332 to "inquire into offenses against the criminal laws of the United States alleged to have been committed within that district", we believe that we have witnessed Judge Jeanne Stempien commit the crime of "Obstruction of Justice" by "obstructing an official proceedings before department, agency or committee" (18 U.S.C. § 1505), by "obstruction of criminal investigations" (18 U.S.C. § 1510), and/or by "tampering with a witness, victim, or informant" (18 U.S.C. § 1512).

31. Moreover, we are aware that Mr. Schied is in possession of clemency documents showing the issuance of a Texas court Order of "set aside" and a Texas governor's "full pardon and full restoration of civil rights" nearly three decades ago. We are also aware that when facing the denial of a Michigan government institution of Mr. Schied's right to have an erroneous FBI report properly "challenged and corrected', Mr. Schied sought out and received yet another Texas court ***"Order of Expunction" in 2004 that obliterated all vestiges of anything remaining in connection with a single teenage first time "arrest" record*** *and that this case dismissed by Judge Stempien was all about government institutions continuing to publicly disseminate, under the Freedom of Information Act, the information known to otherwise have privacy guarantees against such types of dissemination under criminal penalties.*

32. We therefore strongly believe that the dismissal of Mr. Schied's "Complaint" by Judge Stempien violates both the "spirit" as well as the "letter" of Texas clemency

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laws, supported in parallel by the spirit and letter of Michigan clemency laws and federal privacy rights laws, all which we are aware were cited by Mr. Schied when filing his "First Amended Complaint' naming the "Wayne County Defendants". We therefore also strongly believe that Judge Stempien's dismissal of Mr. Schied's complaint against the "Wayne County Defendants" (which effectively also dismisses Mr. Schied's claims against the Northville Public School District who is alleged to be publicly disseminating copies of the Texas court "Order of Expunction" despite evidence showing they are fully aware that their actions constitute criminal misdemeanor offenses against Mr. Schied) constitutes a criminal violation of the "spirit" if not the "letter" of 18 U.S.C. § 1509, "Obstruction of Court Orders".

As shown by **"EXHIBIT #45,"** the Michigan Court of Appeals was also made aware that, completely contrary to the spirit and intent of the federal Family Support Act of 1988 (Public Law 100-485, October 13, 1988, 102 STAT. 2343), as a result of all of the compounding of the above-related *domestic terrorism* impacting Grievant Schied's employment, the education of his child in the Northville Public Schools, and **Grievant's ability to provide adequate financial, emotional, and medical support for his learning disabled wife, Grievant's family unit was irreparably and forever destroyed.** (See **"*Exhibit #45*"** as Grievant's referenced entry of "*Exhibit #7*" to the Michigan Court of Appeals case referenced by Appellee's "*exhibit B*.") (Bold emphasis added)

In the course of those divorce proceedings, yet another series of tyrannical criminal offenses occurred by the assigned judge to the 2010 divorce case, a case in which another *judicial usurper* Muriel Hughes was assigned at the Appellee CCofW's "*Wayne County Circuit Court*." When Hughes followed the same *pattern and practice* earlier displayed by Stempien in failing to disqualify herself after

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committing numerous challenged violations of Grievant's constitutionally guaranteed rights, Grievant – again in the company of court-watchers as his witnesses – took his First Amendment "*Redress of Grievance*" to Virgil Smith, this time in demand of access to a criminal grand jury for reporting these judicial crimes. **"*Exhibit #45*," thus depicts what those witnesses, David Lonier and Ron Keller, attested to as their having witnessed, as cited below in relevant part**:

> *On Friday December 17, 2010, we (David Lonier, Ron Keller, John Holeton and Pauline Holeton) appeared at the courtroom of Chief Justice Virgil Smith to observe the proceedings of the Wayne County Circuit Court. We understood the purpose of the "hearing' was for Judge Virgil Smith to deliver a ruling on the motion presented by Plaintiff David Schied entitled "Motion for Hearing on 12/17/10 Before Chief Judge Virgil Smith of Motion Filed in Excess 000 Pages Filed With a 'Sworn and Notarized Criminal Complaint of David Schied (02/10/10) ,Along With Plaintiff's 'Sworn and Notarized Affidavit of Truth and Affidavit of Verified Support for Plaintiff's 'Motion for Reconsideration' and '2nd Motion for Judge Muriel Hughes to Disqualify Herself Based Upon Abuse of Judicial Discretion. Extreme of Extreme Prejudicial Bias Against Men And In Favor of Women and Based Upon Judicial Misconduct" inclusive of Exhibits A through R in accompaniment of that motion.*
>
> *11. We watched as Mr. Schied reminded Judge Smith that he had previous come before this "chief' justice" with written notification to the court about felony crimes being committed by Wayne County employees, including the Wayne County Prosecutor. We watched as Mr. Schied also reminded Judge Smith that that Judge Jeanne Stempien had played a role in covering for these crimes by persistently dismissing Plaintiff David Schied's numerous civil motions and criminal allegations.* ***We heard as Mr. Schied categorized these crimes as "government racketeering and corruption" being carried out within the county and involving Wayne County law enforcement, and more specifically, the Wayne County Sheriff and the Wayne County Office of the Prosecutor.***
>
> *12. We also watched as, after describing the previous case before Judge Virgil Smith in August, Plaintiff Mr. Schied then reminded Judge Smith that after hearing (and presumably reading) all of the arguments regarding Judge Jeanne Stempien's denial of Mr. Schied's then second motion for Judge Stempien to disqualify herself from that case, that Judge Virgil Smith then upheld Judge Stempien's denial (of disqualifying*

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herself from the case) without any supporting reasoning except to insinuate that it was according to his judicial prerogative.

13. We then watched as Mr. Schied informed Judge Smith that after he had denied that motion in August that Judge Stempien had then "gutted' his complaint by dismissing his claims again the "Wayne County Defendants" inclusive of the Wayne County Sheriff and Wayne County Prosecutor; and that despite that the Northville Public Schools should have been left as the remaining defendants in the case, Judge Stempien thereafter "closed the case" while committing ''fraud' upon the public.

14. Mr. Schied informed Judge Virgil Smith that his actions four months prior essentially constituted his own personal involvement in the cover-up of government crimes being carried out against Plaintiff, and against the People of Michigan, by his refusal to address the issues presented by Mr. Schied at that previous motion hearing. We witnessed on December 17th, 2010 as Mr. Schied then informed Judge Virgil Smith that his actions at the previous hearing were carried out illegally, and that Judge Smith's actions at the previous hearing had placed him right in the middle of government racketeering and corruption.

15. Mr. Schied also informed Judge Smith that his criminal actions and judicial misconduct had been executed in full view of certain "witnesses" present in the courtroom at that previous August hearing. We observed that as Mr. Schied spoke about the witnesses to the August hearing before Judge Smith, he also gestured to us sitting in the courtroom then again on December 17, 2010. His gesture indicated that we were the witnesses about whom he was referencing. ***Mr. Schied informed Judge Smith that his witnesses had signed sworn Affidavits testifying to what they had witnessed at the previous hearing in which Judge Smith had committed his crime.***

16. Subsequently, in segueing to his instant case before Judge Smith concerning another motion for a judge to disqualify herself, as previous denied twice by Muriel Hughes, ***Mr. Schied pointed out that his instant motion before this judge contained photographic evidence that Judge Muriel Hughes had been holding open court with her sorority ribbon promoting the Women Lawyers Association of Michigan draped over and covering the Michigan State Flag, and while ruling prejudicially against men and denying certain rights of Mr. Schied under the State Constitution.***

17. Mr. Schied also pointed out that numerous other motions denied by Judge Muriel Hughes included many items entirely ignored by Judge Hughes, inclusive of Mr. Schied's sworn and notarized affidavits, Mr. Schied's report that crimes had been committed against the Schied family by Wayne County government officials, and Mr. Schied's demand for a criminal Grand Jury investigation of these crimes.

18. Mr. Schied then informed Judge Smith that he was then in possession of similar documents, inclusive of his Demand for a Criminal Grand Jury hearing, *and with "Exhibit (1)B" being a "**Sworn and Notarized Criminal Complaint of David Schied***

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(2/10/10)" with extensive details about criminal government racketeering and corruption. He followed by stating that, given all of the sworn and notarized documents presented with this motion, Judge Smith should carefully consider what is before him this day of December 17, 2010 before issuing a final ruling in this matter.

19. In continuing, Mr. Schied reiterated that the government and the Wayne County Circuit Court has fostered the destruction of families, and more specifically Mr. Schied's family, when government was otherwise created to do just the opposite -to protect the rights of people and to support the family unit. Mr. Schied stated that the instant case involves a divorce, but that he loves his wife and child and his wife loves him; and that the reason behind this divorce is centered upon government crimes undermining the sustenance of the family.

*20. Mr. Schied stated that more recently, Judge Muriel Hughes had denied Plaintiffs earlier motion that Judge Hughes honor Plaintiffs constitutional rights and,...**We then witnessed as Mr. Schied then asked straightforwardly if Judge Virgil Smith had read the thick packet of documents constituting this instant motion and we watched as Judge Smith stated affirmatively that he had indeed read all of the documents before him that Mr. Schied had filed with his motion....***

*22. When it was time for Judge Virgil Smith to respond to Plaintiff David Schied, he simply denied Mr. Schied's entire motion by simply stating, "You have lots of issues....and you cannot bring up or 'bootstrap' an earlier case." Without an address of anything specifically provided in the instant motion before him, Judge Smith then stated that he saw no proof in the documentation that the Judge Hughes had acted with "coloration" as stipulated by the judicial canons. He finally added, "**If you disagree with the judgment order, you have the right to appeal....and you must take it up with the Court of Appeals....the proper place to take your dispute is to the appellate court... You have 21 days."***

23. In disagreement with Judge Smith's ruling, Mr. Schied stated that he has been to the Michigan Court of Appeals before and has found going there to be useless. Mr. Schied stated that where he intends to go next with this matter is to the Office of the U.S. Attorney to report Judge Virgil Smith as committing felony crimes in illegal cover up of government racketeering and corruption.

24. We watched as Judge Smith then threatened Mr. Schied by stating that if Mr. Schied sought to disrupt his courtroom or otherwise "raise a ruckus" he would have "his" Sheriffs deputy as bailiff take Mr. Schied into custody (while using the term "you" as insinuating that it also included those in the company of Mr. Schied). Mr. Schied responded only by stating, "I am leaving" and promptly gathering his documents and leaving the courtroom together with us court-watchers.

25. In the hallway outside of the courtroom, we took a few moments to reflect upon the events we had just witnessed. We both individually and collectively believe that

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we have witnessed Judge Virgil Smith commit multiple crimes inclusive but not limited to misprision of felony, treason, and misprision of treason.

26. As we understand Michigan law, and by minimally the following State statutes, the act of Judge Virgil Smith being provided with ***Mr. Schied's "Sworn and Notarized Criminal Complaint", as well as clearly formal oral notice – made a matter of the "official court record" – in report of felony government crimes constituting "racketeering and corruption" stemming from Wayne County law enforcement and involving the Wayne County Circuit Court, constitutes valid "criminal indictments" and thus "probable cause" for "any judge" to believe that a crime has been committed; and warranting Judge Smith to "direct an inquiry into the matters relating to such complaint" and to order the immediate arrest of "the accused" perpetrators, according to the Law.***

27. In further conclusion about this case, ~ the undersigned believe it clear that "chief' Judge Virgil Smith criminally deprived Mr. Schied of his right to "due process" using the "color of law", and by himself "omitting" any form of address of the relevant facts before him, and while committing a legal act in an illegal manner.

28. In being witnesses to this instant hearing before Judge Virgil Smith, we believe that this judge also acted with malice and tort when using the "color of' law and procedure to deny Mr. Schied his rights as a civil litigant and as a crime victim. ***Rather than to act properly in light of the factual information and the circumstances of a referenced and readily available 'sworn criminal complaint", Judge Smith lied as a matter of official court record, generating a fraudulent official document bearing official signs of a "valid" Wayne County Circuit Court ruling; and while holding Mr. Schied to shoulder the burden of taking the matter to the Michigan Court of Appeals, despite knowing that Mr. Schied was a ''forma pauperis" litigant and an alleged "crime victim".***

29. We, the undersigned, therefore believe that we witnessed Judge Virgil Smith further his earlier crimes of "aiding and abetting" Judge Jeanne Stempien and the "Wayne County Defendants" in the execution of felony crimes, by his gross negligence and malfeasance of duty to take action; and while choosing instead to "cover up" the offenses committed by his ''peer group" of other members of the Michigan State Bar, also considered "officers" of this Wayne County Circuit Court.

30. We, the undersigned, additionally believe that we witnessed Judge Virgil commit the felony offense of "misprision of felony", a federal violation of 18 U.S.C. § 4; and while also committing other felony offenses of "misprision of treason", and "seditious conspiracy", both federal violations of 18 U.S.C. § 2382 and 18 U.S.C. § 2384 respectively.

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31. Finally we, the undersigned, have noted that on the face of Mr. Schied's numerous "motions" and "responses" that have come and gone before various judges of this Wayne County Circuit Court, including motions of this most recent case, in which Mr. Schied has included his "Demand for Jury" and/or a "Demand for Criminal Grand Jury". Yet ***in continually dismissing Mr. Schied's claims based in what appears to us to be nothing less than "a conspiracy of fraudulence", Judge Virgil Smith has effectively contributed to the persistent denial of Mr. Schied's access to both types of "Jury of We the People".***

32. Understanding that it is the "duty" of the federal "special grand jury" under 18 U.S.C. §3332 to "inquire into offenses against the criminal laws of the United States alleged to have been committed within that district', we believe that we have witnessed Judge Virgil Smith commit the crime of "Obstruction of Justice" by "obstructing an official proceedings before department, agency or committee" (18 U.S.C. § 1505), by "obstruction of criminal investigations" (18 U.S.C. § 1510), and/or by "tampering with a witness, victim, or informant' (18 U.S.C. § 1512).

DOCUMENTED EVIDENCE SHOWS THAT THE APPELLEES' *AGENTS* EMPLOYED AS THE "*CLERK OF THE COURT*," CATHY GARRETT, THE PAST AND PRESENT "*WAYNE COUNTY SHERIFF(S)*," WARREN EVANS AND BENNY NAPOLEON, WCCC "*JUDICIAL USURPERS*" JEANNE STEMPIEN AND VIRGIL SMITH, AND APPELLEES' *AGENTS* EMPLOYED AS "*CORPORATION COUNSEL*" PLAYED A SIGNIFICANT ROLE IN THE CRIMINAL *DENIAL OF DUE PROCESS* AND *DOMESTIC TERRORISM* AGAINST GRIEVANT, WHILE ACTING ON THEIR OWN VOLITION AND WELL OUTSIDE OF THEIR FIDUCIARY ROLES IN THE CONSTITUTIONAL AND STATUTORY INTENT AND CREATION OF MICHIGAN'S "*JUDICIAL SYSTEM*"

Notwithstanding all of the above as depicting the damages inflicted upon Grievant by the above-named *agents* of the Appellees Charter County of Wayne, as well as the *domestic terrorism* committed against the *We, The People* of Michigan and the United States by them and even *their agents* in compounded fashion, it is clear that the Michigan Court of Appeals had all of this information and more when taking two full years to "*review*" all of these crimes of *domestic*

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terrorism, and to consider whether they would be either a part of the problem or part of the solution. **Clearly the Michigan COA chose to take the supervisory lead in taking this report of *domestic terrorism* to an even more extreme by further damaging the already crippled Grievant.** (Bold emphasis added)

"EXHIBIT #46" shows that the Michigan Court of Appeals judges – at minimum Borello, Talbot, and Wilder – had a direct look at the "*Sworn Affidavit of Earl Hocquard*" in testimony of the crimes that occurred by the agents of the Northville Public Schools and their attorneys at the Keller Thoma, P.C. constructively denying such occurrences of the *public* dissemination of *nonpublic* government documents, in violation of both state and federal laws. "*Exhibit #46*" was referenced as "*Exhibit #8*" in Grievant's 2010 "*Appeal and Brief in Support*."

As depicted by the excerpt from Grievant Schied's "*Appeal and Brief in Support*," Grievant fully informed the Michigan Court of Appeals judges about not only the implication of the NPS Defendant crimes as found in Evidence of Earl Hocquard's *Affidavit* labeled therein as "*Exhibit #8*." Grievant also brought many other facts about the *pattern and practice* with which the Appellees CCofW's attorneys employed by the Wayne County Corporation Counsel defrauding the court, simulating legal process, and acting *under color of law* to depriving Grievant of his due process rights through their own domestic terrorism as "*officers of the court*." This Grievant did at the same time of bringing up numerous other cases

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appearing in the various county, state and federal courts in which the very same *pattern and practice* was executed by Corporation Counsel's peer group of other State BAR of Michigan attorneys.

Note that in the following citation from the pages of Grievant's "*Appeal and Brief and Support*" to the Michigan Court of Appeals (found attached herein in full text as "*Exhibit #37*"), to accentuate the numbered FACTS raised but completely disregarded at the lower court and/or by the previous numerous other courts, by this time Grievant was listing each "*fact*" to the Michigan COA by number to call attention to each paragraph as a FACT upon which relief *can* and *should* be granted. (Bold emphasis added below)

> *16. FACT #6:* ***The NPS Appellees intentionally misled the lower Court by their unsupported and conclusory claim that Appellant "commenced a series of lawsuits ... based on the district having provided Brighton ... with a copy of the "Agreed Order of Expunction..."*** *(Def. lower court "motion for summary dismissal brief' p.4)* ***while OMITTING clearly delineated arguments of Appellant in those preceding cases that, as in this instant case, Appellees were then also criminally disseminating this Texas "Agreed Order of Expunction" to the public under the Freedom of Information Act.*** *(As shown by "Exhibit #17" of Appellees' "Response to Def's Motion for Summary Dismissal" in the lower court,* ***the NPS Appellees criminally disseminated the "nonpublic" Texas "expunction" document on 6/2/06 in response to a FOIA request from another member of the public, in addition to sending it out again from THEIR public personnel files in 2009 to Earl Hocquard as shown by "EXHIBIT #8" in attachment to this instant "Brief in Support of Appeal").***
>
> ***17. FACT #7: Appellees' claim to the lower court that Appellant has been "warned" by federal courts that ''filing of further appeals 'claiming a right to criminally prosecute others for perceived transgressions will result in sanctions", though true, is grossly misleading. [See pages 2 and 7 of Def. "Brief in Support of motion for summary dismissal" in reference to Def. "Exh. 1" (Schied v. Ron Ward et. al USDC EDM case No. 09-12374) and Def. "Exh. K (6th Circuit C of A No. 10-1045), and CofA case No. 10-1176 filed on behalf of Appellant's young child "Student A" ruled on by Judge John Corbett O'Meara ("private parties***

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cannot bring criminal charges"), and by 6th Circuit Judges Keith, Clay, and Kethledge ("private citizens have no authority to initiate criminal prosecutions")] This statement by the Appellees is grossly misleading because it once again OMITS the context in which these judgments were issued.

18. For instance, the U.S. District Court case No. 08-14944 described as Appellee's case "against various federal judges, U.S. Attorneys, members of the FBI...." (See Def. footnote #1 on page 2 of their "Brf of Sup of Motion for Sum Dis" in reference to Def. "Exh. B" to that lower court motion) was actually summarily dismissed "with prejudice" by Judge Lawrence Zatkoff after that federal judge yet had "struck" all of Appellant's 80+ numbered documents of evidence and Judge Zatkoff otherwise refused to "litigate" Appellant's FACTUALLY supported claims that 6th Circuit judges Daugherty, Van Tatenhove had altogether acted in a similar fashion (i.e., that Appellant as a "private citizen...lacks a judicially cognizable interest in the prosecution....of another" including government officials) without ever "litigating" pro se Appellant's State and Federal constitutional rights as a crime victim to "due process" and future criminal protection from "the accused". (Bold and underlined emphasis added)

19. FACT #8: The NPS Appellees intentionally committed FRAUD upon the lower Court with their unsupported claim that the issues (i.e., outlined by Def. "brief in sup of mot to dismiss" in middle of p. 10) "were long ago litigated on the merits" and that "Courts have ruled repeatedly against Plaintiff on this alleged claim" regarding the Defendants' dissemination of the "Agreed Order of Expunction" in response to requests of the public submitted to the Appellees UNDER THE FREEDOM OF INFORMATION ACT. In FACT, there is no such evidence of such a ruling or any litigation whatsoever on Appellees' claim, as supported by lack of an affirmative defense and the absence of any such "litigation" in any court records.

20. Yet, Appellant has ample evidence that since 2005 the Appellees have repeatedly committed crimes against Appellant by sending this clemency document out to the public not only in violation of the Texas court "Order" itself, but also against both the "letter" and the "spirit" of numerous laws barring the dissemination of this kind of information under FOIA.

21. ***The FACT these previous Court and judges actually otherwise refused to "litigate" Appellant's claims is only further evidence of a felony cover-up of the original crimes by judicial misconduct, malfeasance, and criminal misconduct of all the judges making those previous rulings.*** *(Bold emphasis added)*

*22. The FACT is also that, as opposed to Appellants' fraudulent claim that they have "adopt[ed] Judge Borman's reasoning" (ibid, middle ofp.10 of Def. lower court "motion for summary dismissal"****), it was the collective government Appellees and their corrupt Keller Thoma attorneys who fraudulently "delivered' all of this "SAME" wrongful reasoning to Judge Borman, as well as all the other judges of these preceding cases, through their unethical and unprofessional*

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performance and through their felony FRAUD upon these Courts (as this Court of Appeals too).

23. FACT #9: The NPS Appellees DEFRAUDED the lower Court by *submitting, as their "Exh. E" in accompaniment of their "mot for sum dismissal', a copy of the "Order Granting Defendants ' Motion For Summary Disposition" signed on 4/19/07 for a ruling decision rendered in Court on 3/30/07, and* ***while disregarding that Appellant had submitted the Oral Hearing Transcript for that ruling, as prepared and represented to Appellant as authenticated on 5/18/07 by court reporter Donna K. Sherman (CSR# 2691).***

24. ***Appellant submitted to the lower Wayne County Circuit Court that Oral Hearing Transcript (as "Exhibit #23") with his "original" and "First Amended" complaints, which otherwise brings FACTUAL CLARITY and EVIDENCE*** *of the* ***following:*** *(as shown by "Exhibit #6" to Plaintiffs lower court "Response to Deft motion for sum dismissal") a) That Judge Cynthia Diane Stephens referenced the action of Appellee David Bolitho, of disseminating the Texas court "Order of Expunction" to Brighton Area Schools, as "stupid''; b) That subsequently* ***Judge Stephens determined to DENY Appellant David Schied's constitutional rights to "privileges and immunities", Mr. Schied's right to not be subject to "double jeopardy", and his right to ''full faith and credit" of the Texas Court "Order"; and that Judge Stephens instead determined that the "expungement is a MYTH", "an expunged conviction is a lifetime offense", and that though she could not find any such statute or any case precedence for supporting Appellees' claim, that it was her own personal interpretation of the Michigan legislature's intent that "any individual who worked in the public schools who had ever had a conviction of any kind did. in/act, subject themselves to {!:,pretty much life sentence".*** *(Bold and underlined emphasis added) (Again, see Plaintiffs "Exhibit #6" in accompaniment of his lower court arguments for these relevant sections.)*

25. FACT #10: ***Appellees are defrauding this Court when, making statements about "Plaintiff's Ingham County Circuit Court Lawsuit..." whereby they claim (see Defs. "motion/or sum disp brief' p.5) that "[Plaintiff] was given the opportunity to file an amended complaint, but did not do so". Appellee submitted (as "Exhibit #7" in accompaniment to his "Response" to Def. "mot/or sum disp") EVIDENCE to the lower court of Appellees' further "fraud upon the Court"; and further, that evidence showed Judge William Collette's own prejudicial and criminal misconduct and ''fraud upon the public".....***

In the paragraph immediately above, Grievant had begun to name some of the relevant details of his first case – filed in 2007 – in which he sued a plethora of named individuals under employ of the State of Michigan for their *dereliction*,

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gross negligence, *corruption*, and *racketeering* crimes. This was Grievant's FIRST case to be filed *in propria persona* and without an attorney. It was in the Ingham County Circuit Court with the judicial usurper William Collette presenting himself there as the "*chief judge*." **The co-Defendants/Appellees in that case named and EACH "*served*" at Grievant Schied's own cost – along with the State of Michigan – with Grievant's 404-page "*Complaint*" and 180 itemized "*exhibits*" were:**

> *"(Governor) Jennifer Granholm; Kelly Keenan and Michelle Rich (State BAR attorneys employed by the Governor's office); Michigan State Administrative Board; Attorney General Mike Cox; the Office of the Michigan Attorney General; Laura Cox (Charter County of Wayne's "Wayne County Commission"); Wayne County Office of the Prosecutor; Michigan State Police; Northville City Police; Marlene Davis (MI Dept. of Civil Rights); Kevin Magin (Wayne County RESA); Scott Snyder, Katy Parker, David Bolitho, Leonard Rezmierski (Northville Public Schools); Northville Public Schools Board of Education; Keller Thoma Law Firm; Sandra Harris and the Lincoln Consolidated Schools Board of Education; the Michigan Supreme Court (et.al) and DOES 1-30."*

Submitted herein as **"EXHIBIT #47"** to the Sixth Circuit COA in this instant case, was labeled "*Exhibit #9*" to the Michigan COA in 2011 in the following description about what was relevant about the *fraud upon the court* in "*Ingham County Circuit Court*" that case, as cited below in excerpt: (Again, bold emphasis added)

> a) "*Exhibit #7" (of Appellant's "Response to Deft motion/or sum disp") included a copy of the 2007 Docket Sheets from the Ingham County Circuit Court, consisting of 12 pages reflecting that prior to Judge Collette's dismissal of his*

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case, Appellant David Schied had acted in timely fashion and paid to have numerous documents filed with the Ingham County Circuit Court, inclusive of his "More Definite Statement" but that ***Judge Collette disregarded these filings and committed "fraud upon the Court" in claim that Mr. Schied had NOT filed any type of "amended complaint".*** *Quote: Appellees readily state at the top of p.8 of their motion for summary disposition "brief' their own understanding that Appellant's filing of a "More Definite Statement" constituted Appellant's "Amended Complaint" in the lower court case.] (see "EXHIBIT #9" in attachment to this instant "Brief on Appeal' as copies of Judge Collette's "Order of Dismissal", the Ingham County Circuit Court docket sheets and the first six pages of Mr. Schied's timely filing of his "More Definite Statement" to include the "Table of Contents" for that filing illegitimately dismissed by Judge William Collette.)*

b) Appellant's "Exhibit #7" in the lower court included an 89-page copy of one of Appellant's filings entitled, "More Definite Statement; Reply Brief to All Defendants' Motions for Summary Disposition" clearly drafted with a Table of Contents reflecting all of the elements of an "Amended Complaint" inclusive of a listing of "counts" and on what page each description begins.

26. Page 10 of the docket sheets from that 2007 Ingham County Circuit Court case ("Exhibit #9") clearly showed that on 12/5/07, then "pro se Plaintiff' David Schied paid a "Motion Fee" to the judge's clerk "K. Kirk" while simultaneously filing numerous documents inclusive of what is referenced as a "Reply Brief for All DFS Motions for Summary Disposition", which is EVIDENCE of the FACTS that prove the NPS Appellees committed "FRAUD" upon the lower Wayne County Circuit Court, since in 2007 they too had received a copy of this motion and also then was employing the Keller Thoma Law Firm when addressing the Ingham County Circuit Court. (See p.2 of the Docket Sheet); (**The records show that Appellant David Schied had additionally filed his** ***"Motion (Or Judge to Disqualify; Himself From Proceedings", his "Misc. Motion (Or Filing a Pleading and Service on an Adverse Party Constituting Notice of It to All Parties", and his "Motion for Change of Venue on Finding of Lack of Jurisdiction" for which none were ever "heard" by the Ingham County Circuit Court, or by the Michigan Court of Appeals when Appellant David Schied notified those Court of Appeals judges about Judge Collette's gross misconduct and demonstration of extreme judicial prejudice against Appellant David Schied for naming an admitted "lifetime friend" of this judge Collette as one of the criminal co-defendants in that case.***

27. FACT #11: Judge William Collette is, like Judge Jeanne Stempien and "chief' Judge Virgil Smith, and numerous other judges employed in the Michigan judiciary, a treasonous fraud:

> ***"Violation of the United States Constitution by a judge deprives that person from acting as a judge under the law. He/she is acting as a private person, and not in the capacity of being a judge,": Piper v. Pearson, 2 Gray 120, cited in Bradley v. Fisher, 13 Wall. 335, 20 L.Ed. 646 (1872)***

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"any judge who acts without jurisdiction is engaged in an act of treason, "U.S. v. Will, 449 U.S. 200, 216, 101 S.Ct. 471, 66 L.Ed.2d 392, 406 (1980); Cohens v. Virginia, 19 U.S. (6 Wheat) 264, 404,5 L.Ed 257 (1821).

28. FACT #12: The NPS Appellees have committed so many "counts" of FRAUD upon the lower Wayne County Circuit Court (and other state and federal courts) by their "motion (for summary dismissal)" and "brief in support" that Appellant's detail of the FACTS disproving these Appellees' numerous fraudulent statements have led Appellant to address only up to page 5 of Appellee's lower court "brief' before running into the limit of pages in which "pro se" Appellant could complete his lower court "Response" within the guidelines for the Michigan Court Rules.

29. Appellant believes therefore that what is listed above as "FACTS', as well as what was presented in the "EVIDENCE' attached to Appellant's lower court "Response" to the "motion for summary disposition", should have been more than sufficient for any "honorable" judge to find "reasonable cause" to believe that not only should this case go to a "trial by jury" for the long history of abuses by the NPS Appellees and their Keller Thoma attorneys, but that the U.S. District Attorney should also have been notified by the presiding judges of the Wayne County Circuit Court about the need for a federal GRAND JURY INVESTIGATION about this blatant and widespread history of corruption of our Courts.

Grievant David Schied presented not only the FACTS but also the EVIDENCE to the Michigan Court of Appeals as it pertained to the Appellees' "*fraud upon the Court*" – including the Appellees Charter County of Wayne now in this instant case as their *agents* under employ of the "*Wayne County Corporation Counsel*." The following is yet another quotation on what Grievant had to add **"*Exhibit #37*"** (attached hereto as the "*Appeal and Brief in Support*") as it pertained to his "*Exhibit #10*" presented in 2011 to the Michigan COA and as **"EXHIBIT #48"** attached hereto:

IN JUST THE IMMEDIATELY RECENT HISTORY OF THIS CASE NOW ON APPEAL WITH AN ACCOMPANYING "COMPLAINT FOR WRIT OF MANDAMUS", THE NORTHVILLE PUBLIC SCHOOLS APPELLEES AND THEIR KELLER-THOMA ATTORNEYS HAVE ALREADY GREATLY DEFRAUDED THIS MICHIGAN COURT OF APPEALS

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40. Earlier this month, on 5/6/11, Keller Thoma attorney BARBARA BUCHANAN signed for herself' and her corrupt partners, THOMAS FLEURY and JENNIFER RUPERT in submitting yet another grossly fraudulent set of documents to the Michigan Court of Appeals on behalf of their criminal clients, Leonard Rezmierski, David Bolitho, Katy Doerr-Parker, and the Northville Public Schools Board of Education. The document was filed in response to Appellant's recent filing of a "Complaint for Writ of Mandamus and Motion for Temporary Restraining Order and/or Cease and Desist Order". The documents filed by attorney Buchanan were captioned, "Northville Public School Defendant/Appellees' Answer to Plaintiff/Appellant's 'Motion for Temporary Restraining Order and/or Cease and Desist Order". (See "EXHIBIT #10")

It is particularly significant to note that the cover page of "*Exhibit #48*" underscores the FACT that Marianne Talon was the "*lead counsel*" for the Appellees CCofW in 2011, and in the submission of this "*fraud upon the Court.*" This point is significant because, as the news articles contained in "*Exhibit #13*" attached hereto as exhibits of Evidence to this 6th Circuit Court of Appeals, Marianne Talon was of the first to be suspended from her employment from the Appellees' CCofW when the FBI began investigating the former County Executive's (Ficano's) office for corruption pertaining to the 2012 "*Severance Scandal*". Hence, Marianne Talon had a long history of being at the forefront of much of the *corruption, racketeering* and *domestic terrorism* being committed this past full decade in and around the Appellee(s) Charter County of Wayne. (Bold emphasis)

Further on in his 2011 filing to the Michigan COA Grievant added:

46. The mere omission by the Appellees of this very pertinent Texas "set aside" document when recently addressing this Michigan Court of Appeals is no insignificant matter as it is akin to ignoring the proverbial "elephant in the room";

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and it reveals that these Keller Thoma attorneys take no interest in ''justice'', even as "Officers of the court", but rather, that they intend to instead persist with a pattern of felony crimes of "cover-up" in order to continue "aiding and abetting" in "the same" pattern of criminal corruption that they and their clients have been committing for the past seven (7) years to the devastating detriment of Appellant David Schied. *(Bold emphasis added)*

47. On pages 2-3 of their recent filing with the Michigan Court of Appeals, the NPS Appellees significantly focus upon an event in 2005 in which they readily admit the following:

a) That they maintain this "nonpublic" Texas court "Order of Expunction" in the District's "public" personnel file. (NOTE that despite pro se Appellant David Schied making a clear argument during oral hearing, on the record and in front of "court-watchers" as witnesses, that the personnel files are property under the exclusive control of the of NPS Appellees as the school district administrators, the Appellees and their Keller Thoma attorneys continue to misleadingly claim that the "Order of Expunction" is in "his" (i.e., Mr. Schied's) public personnel file, implying that Mr. Schied has control of what is in that file when the Evidence holds that this is flatly untrue.)

b) That "[n]o other documents relating to Mr. Schied's criminal history were produced to Brighton School District" in 2005 in response to the Brighton Area Schools employer soliciting information from the NPS Appellees for evidence of "unprofessional conduct while under [the Appellees'] employ".

1) One of the significant aspects about this statement is what is claimed about Mr. Schied somehow having some remaining "criminal history" left to "produce" after the Texas court Order had effectively obliterated all remnants of records related to the "arrest", which is all that might have otherwise shown up on an FBI report in 2003 and 2004 were the report correct in the first place.

2) A second significant issue presented by this statement is the FACT that, while under employ of the NPS Appellees in 2004 and 2005, Mr. Schied had earned TWO honorary "letters of recommendation" from two Northville School District principals ("EXHIBIT #11"); and despite the opportunity to truthfully represent these facts to the new Brighton school district employers, the NPS Appellees chose instead to submit to Mr. Schied's new employer a document referencing a single event UNRELATED TO EMPLOYMENT AS A SCHOOLTEACHER that occurred a quarter-century prior to Mr. Schied even moving to Michigan. (This act by the NPS Appellees and their he Keller Thoma attorneys was grossly misleading, and their constructive use ofthese significant OMISSIONS should be questioned given that these *attorneys proffered this information in the "Statement of Facts" section of their submission to this Michigan Court of Appeals. (Bold emphasis added)*

Grievant's presentation herein of the above-referenced "*Exhibit #11*" that was provided to the Michigan Court of Appeals with the "*Appeal and Brief in*

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Support" – as the "*two honorary letters of recommendation from two Northville School District principals ("Exhibit #11")*" – is found hereto attached as **"EXHIBIT #49."**

Grievant Schied then went on to state to the Michigan COA (as again found in ***"Exhibit #37"*** attached hereto):

> *48. On page 2 (bottom) of "Exhibit #10" as the NPS Appellee's "Answer" to Appellant's "Motion for Temporary Restraining Order....", the NPS Appellees perpetrate another instance of felony "fraud upon the Court" by their claim that, "Mr. Schied then commenced a series of lawsuits....based on the district having provided Brighton School District with a copy of the 'Agreed Order of Expunction'". Of course the statement is fraudulent on its face because it blatantly OMITS any recognition whatsoever of "Exhibit #8", as well numerous other exhibits showing that the NPS Appellees have been criminally "misusing and disseminating" the Texas court Order from their public personnel files in response to numerous FOIA requests from the general public. (Bold emphasis added)*
>
> *49. Similarly, in the first paragraph of page 3 (of "Exhibit #10") the NPS Appellees' statement, "(#3) the information disseminated by the school district was true" is fraudulent on its face because, again, it clearly misrepresents virtually everything pertaining to this document inclusive of the following:*
>
> *a) The NPS Appellees omitted by their conveyance the INTENT as well as the legal EFFECT of the "expunction" document;*
>
> *b) The NPS Appellees omitted by their conveyance the significance of Mr. Schied having initially informed Appellee Katy Doerr-Parker and the Keller Thoma law firm that his reason for beseeching the document from Texas was for the sole purpose of "challenging and correcting" and ERRONEOUS FBI report that failed to reflect the FACTS that Mr. Schied had received a withdrawal of plea, a set aside of indictment, and a set aside of judgment in 1979, and had subsequently received a governor's "full pardon" in 1983 before then putting all of this behind him and moving on with his life as an exemplary citizen.*
>
> ***c) The NPS Appellees omitted by their conveyance the symbiotic significance of Mr. Schied having received BOTH a set aside and a pardon, when the NPS Appellees and their corrupt Keller Thoma attorneys had long been in possession of Texas attorney general opinions (DM-349 and JC-0396) maintaining that anyone in receipt of a "discretionary type" of set aside such as the one received by Mr. Schied in 1979 IS NOT EVEN ELIGIBLE FOR A PARDON "FOR LACKOFANOBJECTTO PARDON", and that even so, the definition of "conviction" DOES NOT PERTAIN TO anyone in receipt of EITHER a governor's full pardon or an expunction of remaining records associated with the original "arrest".***

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d) The NPS Appellees omitted by their conveyance the FACT that right on its face the Texas court "Order of Expunction" prohibits the use and dissemination of the information referenced by the document.

e) The NPS Appellees omitted by their conveyance the number of previous court cases since 2006 that the NPS Appellees and their Keller Thoma attorneys had engaged in criminal racketeering and corruption through numerous previous counts of "fraud upon the court"; and by omitting mention about the number of times that corrupt State and Federal judges have reciprocated by using "color of law", combined with "malfeasance of official duty" and "perjury of Oath" to "aid and abet" the Appellees in the successful carrying out of subsequent crimes against Appellant, against the People of Michigan, against the People of Texas, and against the People of the United States.

50. On page 3 (of "Exhibit #10"), the NPS Appellees fraudulently claim that "Michigan law required the school district to release the information" otherwise prohibited from "use and dissemination' by full and credit to Texas state statutes, as well as the "spirit" and the "letter" of Michigan' s "set aside", ''pardon'', and "expunction" laws. In FACT, Michigan's Set Aside Law, altogether maintains that for each new occurrence of disseminating criminal history information known to have been set aside, a new criminal misdemeanor offense is committed. *Moreover, numerous of the statutes of Michigan's Revised School Codes, also provided criminal penalties of fines and imprisonment for the dissemination of information affiliated with an FBI criminal history background check (i.e., in this case Appellant had obtained this Texas document through the process of "challenging and correcting" an FBI report by exercise of his rights under 28 CFR §50.12) outside the office the human resources office (which in this case "Exhibit #8" shows proof of dissemination to the public under FOIA request). (Bold emphasis added)*

51. In the middle of page 3 (of "Exhibit #10"), the NPS Appellees committed yet another incident of "fraud upon the Court" by claim that "[despite this matter having been litigated in 2006, Mr. Schied again brought suit based on these facts against Northville on December 2009..." with tortuous disregard for the fact that "Exhibit #8" as the "Sworn and Notarized Affidavit of Earl Hocquard" clearly pertains to the NEW OCCURRENCE of the SAME TYPE OF CRIME being committed again and again since 2005 by the NPS Appellees against Appellant David Schied (and under persistent ''fraud upon the court" by the Keller Thoma attorneys Fleury, Buchanan, and Rupert). *(Bold emphasis added)*

52. All of these above fraudulent statements are used by the Keller Thoma attorneys to reason why Judge Jeanne Stempien simply had no choice but to "dismiss all of Mr. Schied's claims on grounds of res judicata", which Appellant David Schied insists was done with the proverbial wink and a nod between the judge and these attorneys.

53. These Keller Thoma attorneys are overlooking the fact that they would not have had to submit a "Motion for Summary Disposition and Dismissal" in the first place since Judge Stempien's clerks had actually CLOSED the case illegally the previous August 2010 after granting the "Wayne County Defendants'" motion for summary disposition

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and dismissing all of Mr. Schied's claims and his mandamus request against Wayne County law enforcement. ***"EXHIBIT #12" is a copy of the "Registry of Actions" showing that Judge Stempien had "closed" this case on 12/11/10 immediately after dismissing the "Wayne County Defendants".***

At this point in presenting his Arguments and Evidence to the *judicial usurpers* of the Michigan COA, Grievant pointed out that **after the *domestic terrorist* Jeanne Stempien had dismissed Grievant's "*Complaint/Claims*" against the Appellee CCofW known at that time in 2010 as the "*Wayne County Defendants*," she conspired with the Appellees' criminal *agents*, the Clerk of the Court Cathy Garrett and her minions of fellow *domestic terrorists*, to close Grievant's case entirely without informing Grievant, and thus precluding Grievant's ability to timely file his "*appeal*" of all of her wrongdoing.** (See **"EXHIBIT #50"** attached hereto as copy of what Grievant had referenced above to the Michigan COA as "*Exhibit #12*," being **a first *fraudulent* "*Register of Actions*" showing that Judge Stempien had "*closed*" this case on 12/11/10 immediately after dismissing the "*Wayne County Defendants*".)**

In continuing to explain how Grievant the case was somehow "*re-opened*" and then "*re-closed*" without those actions ever being reflected accurately in the records being maintained by Appellee's criminal agents, Cathy Garrett and her minions, Grievant continued informing the Michigan COA of the following:

54. Had these Keller Thoma attorneys been as astute as they wish to take the credit for being, they would have seen that Judge Jeanne Stempien had illegally

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constructed a scenario in which the Northville Schools Appellees had already been quietly dismissed and with the time period for Appellant David Schied to file an appeal expiring before Appellant had found that out. By filing their "motion for summary disposition", the NPS Appellees actually caused Judge Stempien to reopen the case so to re-close it again after holding a "motion" hearing.

55. "EXHIBIT #13" is a copy of the "Registry of Actions" printed AFTER Judge Stempien reopened the case, held the hearing on NPS Appellees' "Motion for Summary Disposition and Dismissal" and then closed the case again. It should be noted that this docket sheet fraudulently covers up the FACT that Judge Stempien had previously closed the case. Rather than truthfully reflect that this case had been closed and reopened, Judge Stempien and the Wayne County Circuit Court clerks have fraudulently covered up the ploy that Stempien had provided to the NPS Appellees to undermine and preclude David Schied being able to take this case to the Court of Appeals. This is an instance of Judge Stempien committing "fraud upon the court" and "fraud upon the People of Michigan". *(Bold emphasis added)*

Therefore, as clearly explained above, the Appellees CCofW's various "*clerks of the courts*," acting under Oaths to the constitutions of the State and the United States, and under the DUTY to maintain accurate records of all events transpiring in the lower "*Wayne County Circuit Court*" being otherwise controlled and misled by the tyrannical forces of the Appellees, acted in a clearly delineated "*conspiracy*" to *treason* and to *obstruct justice* by intentionally constructing fraudulent "*official*" lower court records for subsequent issuance to the Michigan Court of Appeals under the equally fraudulent misrepresent that they were otherwise "*complete*" and "*accurate*." (See "EXHIBIT #51" as the second "*Register of Actions*" that was eventually sent to the Court of Appeals as a fraudulent reflection of what actually occurred at that court.)

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Mr. Schied finalized that section of his Argument to the Michigan COA by adamantly pointing out:

> *56. As if all of the above instances of "fraud upon the court' were not enough to satisfy Barbara Buchanan and the other Keller Thoma attorneys in the submission of this "Answer" document ("Exhibit #10"), these attorneys went even further. At the bottom of page 5, these attorneys fraudulently argued that Appellant's "Motion for Restraining Order and/or Cease and Desist Order" should be denied because "[t]his is the exact same relief requested in the Wayne County Circuit Court case with this matter, which was denied by Judge Jeanne Stempien her Order dated 4/5/11"; and in a footnote at the bottom of page 6 (of "Exhibit #10") they add that, "[T]his is also the same relief requested by Mr. Schied in his 2006 Wayne County Circuit Court lawsuit, which was denied by the Wayne County Circuit Court judge Cynthia Stephens."*
>
> ***57. The above argument is designed by these attorneys as "officers of the court" not to produce any semblance of "justice", but instead to place Appellant in a "lose-lose" situation since the facts and evidence clearly otherwise demonstrate that immediate action should be taken. Appellant has been made to endure the commission of crimes against him all these years with Michigan law enforcement officials and judges acting derelict in their duties by doing nothing about these crimes. Wayne County Circuit Court Judge Jeanne Stempien also did nothing, despite being put on notice that Appellant has lost every means of supporting his dependent family and that the continuation of these crimes had resulted in a complete dissolution of the Schied family unit with divorce and child custody proceedings underway six months prior to Stempien dismissing Mr. Schied's claims.***
>
> ***58. These Keller Thoma attorneys are evidently "happy" with the ruling by Judge Cynthia Diane Stephens that "expunctions are a MYTH" and that "schoolteachers are subject to a LIFE SENTENCE". The facts, on the other hand, show that these Appellees will continue to commit further crimes against Appellant, against the Court and judges, and against the People of Michigan, Texas, and the United States until stopped. Appellant therefore maintains that final accountability must be implemented immediately.*** *(Bold emphasis added)*
>
> *Argument*
>
> *The dissemination of a "nonpublic" court Order containing criminal history information dating back over three decades and referencing a single teenage, first-time offense known by the Appellees to have been set aside (with a withdrawal o/plea and dismissal of the indictment) in 1979, pardoned by a Texas state governor in 1983, and having even the remaining "arrest" record expunged in 2004, constitutes a willful "conversion of government property to personal use".*

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The only basis for the administration of this Northville school district knowing about this criminal history in the first place was due to the propagation of an erroneous report by the FBI, and because Mr. Schied had been exercising his statutory right under ***28 CFR, § 50.12*** *"in good faith" belief in the FRAUDULENT representations made by Appellees that he would be entitled to federally guaranteed "due process" in getting that erroneous information on the FBI documents "challenged and corrected" as provided by law.*

It is clear by the Evidence then, that Appellees have not only acted in "bad faith", but have for the past few years since Mr. Schied earned TWO letters of recommendation from the district (see again "Exhibit #11"), been CRIMINALLY RETALIATING against Appellant for his attempting to exercise numerous other of his Civil and Constitutional rights, including his rights as a CRIME VICTIM by filing civil and criminal complaints against these NPS Appellees and other school (Lincoln Consolidated Schools) district administrators that have been acting "under color of law" to deprive Appellant of his true identity and his earned reputation for the past three and a half decades since 1977, his career as a public schoolteacher, and his ability to support his dependent family.

There is a proven FACTUAL history in this case in that the Appellees Northville Public Schools administration provided Appellant with two letters of assurance, dated 5/19/04 and 6/14/05, conveying the District's and the Keller Thoma law firm's understanding that Mr. Schied was procedurally exercising his federal right to "challenge and correct" the erroneous FBI reports received by the Lincoln Consolidated Schools and the Northville Public Schools in late 2003 and early 2004 respectively. Those letters, sent by email to Appellant David Schied from Appellee Katy Doerr-Parker, contracted the promise that the NPS Appellees would either "return or destroy" the "incriminating documents" provided by Plaintiff in "good faith" once the FBI criminal history report information was corrected and "cleared". ("EXHIBIT #14")

Note that Grievant's filing of the attached **"EXHIBIT #52"** is the document referenced immediately above as "*Exhibit #14*" that was served upon the Michigan COA along with his "*Appeal and Brief of Support*" in that case. Grievant Schied ended his "*arguments*" for that section of his "*appeal*" with the following statements:

The Evidence in the lower court records clearly shows that it's a FACT that Mr. Schied completed his portion of that agreement. It is equally clear that the administrators and the Board of Education of this Northville school district have been acting ever since in a consistent and concerted fashion to continue a "pattern of

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retaliation" against Mr. Schied and have thus been causing ***personal injury*** *to Appellant and his family for years now. Moreover,* ***the Evidence also demonstrates that these school district administrators, the Keller Thoma attorneys, the Wayne County law enforcement and the judges of Wayne County, have altogether been criminally operating as a mutually supportive "conspiracy", while continually using "color of law" to justify and "cover up" for the CRIMES that not only they have been committing, but that their "peer group" of fellow government officials have also been committing. Appellant Mr. Schied therefore is entitled to both civil and criminal relief.***

Note that what is present by this "Wayne County" case is being mirrored at all levels of government in Washtenaw County as it pertains to the crimes being perpetrated by officials employed by the Lincoln Consolidated Schools from 2003 to the present. This includes district "superintendents" SANDRA HARRIS, FRED WILLIAMS and LAURA CLEARY) who have resided over the Lincoln business office as they have for years been criminally disseminating, under the Freedom of Information Act, not only copies of Mr. Schied's Texas court Order of "set aside", but also copies of the erroneous FBI report that they received in 2003 under strict directive from the FBI that the criminal history report could only be used for the purpose under which it was received from the FBI, which was illegally used by Sandra Harris in 2003 to disqualify Mr. Schied as a special education teacher under contract at that school district. Former Lincoln schools superintendent Sandra Harris also had written and placed two defamatory letters into the Lincoln personnel files, each claiming that because Mr. Schied was a "liar" and a "convict" she was terminating him from his employment at that district. *(About the time Mr. Schied filed his first civil case naming Harris as a co-defendant with the Lincoln Consolidated Schools, Harris moved on to become the superintendent of the Oak Park School District where she later "retired' into obscurity after numerous complaints about her by students and the Oak Park Board of Education.).* ***Additionally, there is a former Lincoln Consolidated Schools assistant principal, SCOTT SNYDER, who was coincidentally hired by the Northville Public Schools to become the elementary school principal for the Appellant's young child; and who subsequently committed an "obstruction of justice" when, in violation of his sworn Oath to uphold and support the laws of Michigan and the United States, he refused to fully cooperate with the Michigan State Police in their 2006 criminal investigation of SANDRA HARRIS after Mr. Schied filed a crime report against Harris for her disseminating the contents of the erroneous 2003 FBI report around the district and to the public under FOIA about the time she terminated his employment.***

(Bold emphasis added)

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THE EGREGIOUS MANNER IN WHICH THE MICHIGAN COURT OF APPEALS DISREGARDED ALL OF THE ABOVE – ALL *EVIDENCE*, *LAWS* AND *ARGUMENTS* – IS ONLY SURPASSED BY THEIR OWN *TORTUOUS* AND *TREASONOUS* ACTS OF *DOMESTIC TERRORISM*

As has been stated above, Grievant David Schied was compelled by judicial usurper Jeanne Stempien to rewrite and to re-serve upon each of the co-Defendants in the Appellee CCofW's lower "*Wayne County Circuit Court*" case because his initial filing of "*Complaint*" included a "*Motion for Writ of Mandamus*" for Appellee's "*law enforcer*" agents to enforce the laws; however Grievant, as a litigant without an attorney was not aware that such a *writ* needed the Appellee's fiduciary officials to be named individually to apply (if and/or when it is issued by a judge).

THE COURT OF APPEALS HAD REFUSED THAT THE LOWER "*WAYNE COUNTY CIRCUIT COURT*" UNDER THE CONTROL OF THE APPELLEES "*CHARTER COUNTY OF WAYNE*" IS COMPLETELY BROKEN AND UNCONSTITUTIONALLY OPERATING TO THE SEVERE HARM OF GRIEVANT IN PARTICULAR AND THE POPULATION AT LARGE

Before re-filing that "*Amended Complaint*" however, Grievant was compelled to first file and serving other more pressing "*motions*" and "*responses*" to the Defendants' varied forms of "*simulated legal process*" and "*fraud upon the court*," such as what follows below. Note that what Grievant Schied was going through years ago follows in the same *pattern and practice* that the instant co-Defendants/Appellees are pursuing still in the instant case now playing out in federal court.

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"EXHIBIT #53" contains the time-stamped Evidence of the following filings by Grievant very soon after getting his first-filed "*Complaint*" legally "*served*" upon each of the "*NPS (Northville Public Schools) Defendants*" around the end of December, 2009 and/or during the first part of January 2010: (What is listed below is included in "***Exhibit #53***")

a) "*Motion and Verification for Alternate Service" on Defendant Katy Doerr-Parker*" – Grievant was compelled to file this because by 2009 Katy Parker had "*retired*" from her service as the human resources "*director*" of the Northville Public School District. (Cover page only as time-stamped as "*filed*" on 1/21/10);

b) Grievant's "*Response to Defendants' 'Motion to Strike Plaintiff's Complaint and/or for a More Definite Statement and Brief in Support*" (cover page only as time-stamped "*filed*" on 1/21/10);

c) Grievant's "*Motion for Sanctions Against Defendants and Their Attorneys*" based upon the "*NPS Defendants*" and their Keller Thoma attorneys' *fraud upon the court* from the very start of their "*response*" and "*motion to dismiss*" filings (i.e., cover page only as time-stamped "*filed*" on 1/21/10);

d) **Grievant's first "*Motion for Judge [Jeanne Stempien] to Disqualify Herself*", based upon Stempien's long-time residency in Northville, her association with the co-Defendants as former school principal district**

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administrator for her children, and her position as "*Chairperson*" for the Judicial Tenure Commission at the time six (6) of Grievant's previous "*judicial misconduct*" complaints on that same number of *judicial usurpers* in Michigan were all "*denied*" investigations without reason: (i.e., the cover letter shows all of these documents were time-stamped as received and "*filed*" on 1/21/10);

1) **"*Exhibit A*"** (attached herein) shows Jeanne Stempien's membership in the Judicial Tenure Commission from 2004-2007; and a printout of the web-page of her husband and son showing that their law business location is in downtown Northville, being just a stone's throw from the school district's administration office.

2) **"*Exhibit A-1*"** (attached herein) Stempien's former position as "*chairperson*" of the Judicial Tenure Commission in 2007, and being still one of the "*Commissioners*" in 2010, which encompasses the period when Grievant had previous filed numerous judicial misconduct complaints that were all *denied* for investigation;

3) **"*Exhibit A-2*"** (all *six* attached herein) These were 6 non-descriptive notices showing that Grievant's six (6) judicial misconduct complaints on the same number of judges was received and assigned numbers, but that

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the numbers were not associated with the names of the judges about which the complaints were being made.

4) **"*Exhibit A-3*"** (attached herein) This was a letter dated 1/16/08 and written by Grievant Schied to the Judicial Tenure Commission with two columns, one column with the JTC's six assigned case numbers for the judicial misconduct complaints they say they received, and the other column with the names of the judges being reported as having committed "*judicial misconduct*." The letter requested that Paul Fisher establish "*proper links*" so that Mr. Schied could identify which number is assigned to which complaint.

5) **"*Exhibit A-4*"** (attached herein) Since Paul Fisher notably never responded to Grievant's letter of 1/16/08, Grievant found it necessary for to get this *matchup* information by phone and so to properly connect the assigned JTC numbers to the *judicial misconduct* complaints himself.

6) **"*Exhibit A-5*"** (attached herein) This is Paul Fisher's letter dated 2/12/08, with judicial usurper Jeanne Stempien's name on the letterhead reflecting that she had changed her position from "*chairperson*" to JTC "*commissioner*", and with the letter listing all judicial complaint numbers at the top of a single paragraph written by Fisher stating that the Judicial Tenure Commission had "*completed the investigation*" and found "*no*

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evidence" and thus, "*no basis for commencing formal disciplinary proceedings or taking any other action*" against ANY of the six judges, whose names remained undisclosed by Fisher's letter. **Notably, the letter offers absolutely no specifics on why any of the supporting evidence offered no proof and no "*affirmative defense*" from the JTC about how and why they concluded that no judicial misconduct did had taken place.**

7) **"*Exhibit A-6*"** (attached herein) This numbered "*exhibit*" is comprised of the 12 cover pages for the six (6) *judicial misconduct* complaints that were initially filed with the JTC. Each complaint lists the number and types of documents that had been sent to the JTC along with these detailed handwritten complaints. These first four of these complaints were on the one lower court judge (Melinda Morris) and the three Court of Appeals judges (Deborah Servitto, Mark Cavanagh, and Karen Fort Hood) that criminally *railroaded* the case of "*David Schied v. Sandra Harris and the Lincoln Consolidated Schools Board of Education, et. al*". One is against the lower court judge, Cynthia Stephens, who ruled on the *David Schied v. Northville Public Schools, et al* case that "*expungements are a myth*" and was soon afterwards promoted to the Court of Appeals. The last one is against William Collette, the so-called "*chief judge*" of the Ingham

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County Circuit Court where Grievant filed his first suit against the *State of Michigan, et al*, and he committed fraud upon the court while refusing at hearing to "*hear*" criminal allegations in "*his*" civil courtroom; and after having revealed a lifetime friendship with one of the co-Defendants named in the complaint that was employed by the Michigan attorney general.

e) Grievant's *"Motion for Change of Venue to a Court Having Jurisdiction Over Both Civil and Criminal Matters"*, because early on – and having already gone through a similar experience with *judicial usurper* in Ingham County refusing to "*hear*" criminal allegations in a civil courtroom – Stempien had made it clear, that she would not be acting upon criminal accusations despite that those allegations were inextricably intertwined with the civil "*complaint*" (as time-stamped "*filed*" on 1/21/10);

As shown by **"EXHIBIT #54,"** the very first hearing on this case was held on 1/29/11 on the NPS Defendants' 20-page "*Motion to Strike or for More Definite Statement*," just 8 days after the time-stamp shows that Grievant had filed his "*Response*" to that motion along with the other documents shown above. As the face of **"*Exhibit #54*"** depicts, at the hearing Grievant was compelled to protest what was happening at that hearing because, for some reason, the *judicial usurper* Stempien was not in possession of any of the documents Grievant had mailed to

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the Court via "*certified*" mail and with the "*proof of service*" card in hand as evidence that "*the Court*" had received his package of filings.

Nevertheless, despite not having those filings and obviously not having read Grievant's written "*Response*" to the NPS Defendants' "*Motion to Strike*...", Stempien also disregarded the significance of Grievant having filed a "*Motion for Judge to Disqualify Herself*" and "*Motion for Change of Venue to a Court Having Jurisdiction Over Both Civil and Criminal Matters*," and "*Motion for Sanctions Against Defendants and Their Attorneys*" and prejudicially ruled against Grievant anyway. She thus commanded Grievant Schied to write a "*More Definite Statement*," which Grievant promptly did with the intent of ADDING that document as clarification for his originally filing of "*Complaint*" and not as an all-out "*replacement*" for that *Complaint*.

As **"*Exhibit #54*"** also shows – *prima facie* on its cover page – Grievant also combined that "*More Definite Statement*" with another (rewritten) "*Motion for Writ of Mandamus for Superintending Control*" since Stempien refused to "*hear*" that motion – which had been originally on the cover of Grievant's initial Complaint – because the 1/29/10 hearing was purportedly only covering the NPS Defendants' "*Motion to Strike*..." and nothing else.

Immediately after that *railroaded* hearing on 1/29/10, Grievant went to the Appellee CCoW's Clerk of the Court's (Cathy Garrett's) office to find out

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why Stempien did not have the documents for which Grievant had proof were received 8-days earlier by Appellee and all he got was a runaround by that office. Subsequently, on 2/3/10, Grievant went again to that office in person to file a multitude of documents including the following as shown below in citation of "EXHIBIT #55":

1) "*Plaintiff's 'More Definite Statement 'in Accompaniment of Original Complaint and accompanying Motion for Writ of Mandamus for Superintending Control*";
2) "*Plaintiff's Written Objection to Defendants 'Proposed Order*";
3) Praecipe on "*Plaintiff's Written Objection to Defendants' Proposed Order*";
4) Plaintiffs "*Motion to Hear Plaintiff's 'Response' and Other 'Motions' Filed But Not Previously Heard*";
5) Praecipe on "*Motion to Hear Plaintiff's 'Response' and Other 'Motions' Filed But Not Previously Heard*";
6) Grievant's "*Motion and Verification for Alternate Service*";
7) Praecipe on "*Motion and Verification for Alternate Service*";
8) Praecipe on "*Motion for Judge to Disqualify Herself*"; (Defendants acknowledged receipt of "*Motion for Judge to Disqualify Herself" on January 21, 2010*)";
9) Praecipe on "*Motion for Change of Venue to a Court Having Jurisdiction Over Both Civil' and Criminal Matters*"; (Defendants acknowledged receipt of "*Motion for Change of Venue to a Court Having Jurisdiction Over Both Civil and Criminal Matters" on January 21,2010)*";
10) Praecipe on "*Plaintiff's Motion for Sanctions Against Defendants and Their Attorneys*"; (Defendants acknowledged receipt of "*Motion for Sanctions Against Defendants and Their Attorneys*" on January 21, 2010 while also acknowledging receipt of Plaintiffs "*Response to Defendants' 'Plaintiff's Motion to Strike Plaintiff's Complaint and/or for a More Definite Statement and Brief in Support* '");

An additional accounting about what had transpired before and after the "*railroading*" on 1/29/10 which played out in favor of the government *usurpers*, the "*NPS Defendants*" and their corrupt Keller Thoma attorneys is found in **"EXHIBIT #56,"** which was filed as Grievant's "*Written Objection to Defendants' Proposed Order*" and accompanying "*Motion to Hear Plaintiff's*

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'Response' and Other 'Motions' Filed But Not Previously Heard" as filed on 2/3/10 with proof of such filing as referenced above.

As shown by **"EXHIBIT #57,"** while at the WCCC "*clerk's*" office filing the other documents on 2/3/10, Grievant also formalized his "*Complaint of 'lost' files in 'Schied v. Leonard Rezmierski, et al., No. 09-030727-NO"*" to which he, again, got nothing but a runaround from the various levels of supervisors as the *agents* for Appellee Charter County of Wayne.

In fact, Grievant never got his own personal resolve of this "*lost filings*" issue with the Clerk's office until 6/22/10 when ONLY A PORTION of the original contents of the Grievant's package of filings were sent back to Grievant with Grievant's own self-addressed stamped envelope (for the time-stamped copies to be mailed back at his cost) affixed to the outside of Grievant's "*sent*" envelope, being returned to Grievant – having already been opened and "*processed*" by the Appellee's *Clerk of the Court Cathy* Garrett and with time-stamped Evidence of receipt by that office on 1/23/10 on the court's own *original* documents – WITH "POSTAGE DUE" stamped on envelope by the post office. **("EXHIBIT #58")**

In essence, the Appellee's agents deliberately withheld these "*original court*" documents from the judge, stealing them from the Court – in the same fashion that the Clerk of the Federal court is being NOW accused by Grievant of stealing documents he filed with the U.S. District Court in this instant case

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– so to deliberate impact the outcome of the case, and without the WCCC "*judge*" properly taking the proper notice and action upon reports of these events. This is defines a seditious conspiracy to overtake the judicial branch of government by force – which is treason – and it was carried out, and continues to be carried out, by *corrupt usurpers* of fiduciary government positions who are, in reality, "*domestic terrorists*" who are personally and collectively profiting from the population at large through widespread *racketeering*. (See **"*Exhibit #58*"** as a copy of the original time-stamped cover letter Grievant meant to have filed, and the outside of the envelope received by Grievant from the post office with "*postage due*" on the return of ONLY one of Grievant's original filings to the Court, Grievant's "*Response to Defendant' Motion to Strike...and accompanying "Plaintiff's Motion for Sanctions Against Defendants and Their Attorneys*" which is also included as stamped as otherwise having been otherwise "*filed*" on 1/21/10.)

As is shown by cross reference of one of the two fraudulent "*Register of Actions*" (i.e., see **"*Exhibit #50*"** and/or **"*Exhibit #51*"**) or **"EXHIBIT #59,"** *judicial usurper* Jeanne Stempien's all-caps PRINTED NAME was stamped on the "*NPS Defendants"*" proposed "*Order Granting Defendants' 'Motion for a More Definite Statement*". That *Order...*, referencing the hearing that had occurred on 1/29/10 when Grievant's "*Response to Defendants' 'Motion to Strike Plaintiff's*

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Complaint and/or for a More Definite Statement and Brief in Support" had been hijacked by the Appellees CCofW's *agent* as the "*clerk*" of the so-called "*court*," was dated on 2/9/12, the very day Grievant filed all of his latest filings, providing copies thereof to the judge on that same day. This action, taken by Stempien against Grievant rather than to give him the opportunity to have that "*Response*..." and other documents be "*heard*" just three days later, such as Grievant's "*Objection to Defendants' Proposed Order*" ("Granting Defendants' '*Motion for a More Definite Statement*')."

Stempien then took that action further at the hearing three days later when she established her clear intention to steer this case prejudicially in favor of the Northville Public Schools (NPS) Defendants and against Grievant Schied, by again signing the Defendants' subsequent *Order* reiterating her grant of the Defendants' "*Motion for More Definite Statement*." (See **"EXHIBIT #60"**)

As shown in **"*Exhibit #51*"** (with a copy of the relevant docketing page for early February include in **"*Exhibit #59*"**), Stempien also held "*star chamber*" style "*hearings*" on Grievant's various "*motions*" and DENIED all of the following three (not four) "*motions*" filed by Grievant at "*hearing*":

1) "*Plaintiff's Motion for Sanctions Against Defendants and Their Attorneys*";
2) "*Motion for Judge to Disqualify Herself*";

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3) "*Motion to Hear Plaintiff's 'Response' and Other 'Motions' Filed But Not Previously Heard*";

Effectively then, Stempien constructively denied and/or refused to provide Grievant with *due process* of hearing on his "*Motion for Change of Venue to a Court Having Jurisdiction Over Both Civil' and Criminal Matters*" (i.e., the *fourth* constructive "*denial*") which the clerk's office referred to as "*miscellaneous*" if even included at all in the official court record. [17]

Subsequently, ten (10) days later, Stempien again allowed her name to be used with a stamp reflecting her name in ALL CAPS, in ***fraudulent*** assertion that

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[17] By this example, the clerks of the WCCC operating in Detroit share the same pattern and practice of the federal District Court for the Eastern District of Michigan (EDM) by failing to detail the "*cause(es) of action*" Grievant files by way of "*motions*" to be "*heard*." Instead of properly identifying them, these clerks continually enter many of Grievant's motions into the docketing system as "*Miscellaneous Motion*" or "*Miscellaneous Response*" or "*Miscellaneous Filing*" to help provide cover to what the judges are actually doing unlawfully "*off the record*." Another strategy employed by the Appellees' *agents* at the county clerks' office – which contributes to the overall *fraud upon the public* and *fraud upon the court* – is to fail to maintain time-stamping equipment with proper supplies of ink for establishing clear records of filing dates. Still another is by the use of stamped judge's names and/or their supposed signatures. For instance, the "*clerk*" for the "*chief judge*" Virgil Smith had been well-known for maintaining her own stack of blank "*orders*" with stamped signatures for *forma pauperis* filers like Grievant Schied, making her the sole "*gatekeeper*" to poor people getting access to the court....and subject to whatever requirements that she might choose to impose at will, upon any person, at her own discretion; with these "*orders*" being absent of any judicial action being taken by any judge whatsoever in creating those "*court orders*." (That is a different story altogether and so will not be further elaborated on herein.)

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"*parties appeared in open Court on February 12, 2010, [and] the Court having had the benefit of oral argument, and with the Court otherwise fully advised of the premises*..." (See again **"*Exhibit #60*"**) Thus, on 2/22/10, Stempien locked in all of those DENIALS on all four of the above-referenced "*motions*" of Grievant, placing a huge advantage upon the Defendants and their attorneys, and burdening Grievant with having to rewrite and re-serve all of his earlier *filed* and *served* documents.

Subsequently on 3/8/10, as shown by **"*Exhibits #34 and #35*,"** Grievant filed his "*Motion Under MCR 2.207 to Add Parties as Defendants*;" and an accompanying "*Motion for Filing a First Amended Complaint Under 2.118*"; as well as his "*Praecipe*" ("*Request For a Hearing on a Motion*") and a 166-page sample of what his proposed "*Amended Complaint*" might look like if granted. By 4/12/10, as shown in the Appellee CCofW's *fraudulent* "*Register of Actions*" (take your pick since they both are *fraudulent*), Grievant had finally filed his 174-page "'*First Amended Complaint*'...*and accompanying* '*Motion for Writ of Mandamus for Superintending Control*'"[18] to include both the *agents* of the "*NPS Defendants*" and the Appellee CCofW's *agents*, the "*Wayne County Defendants*." Notably,

[18] As is being done with the *Complaint*, PAG/Grievant David Schied is providing to the Sixth Circuit Court of Appeals clerk itemized copies of ALL of the 52 exhibits accompanying the *Amended Complaint* as **"*Exhibit #61*."** The numbering system and separate location on the Article III Court of Record website is also the same, as found at: **http://cases.michigan.constitutionalgov.us/david-schied/2015_SchiedvJudgeKarenKhaliletalinUSDCEDM/120415/Exhibits/**

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despite all of the Evidence from the first-filed "*Complaint*" being the same up to **"*Exhibit #46*,"** Grievant only added six new documents to those previously listed as above. (*See* **"EXHIBIT #61"** as the entire 174-page "*Amended Complaint*..." and all **"*Exhibits #1 through #52*."**

The "*complaint(s)/claims for damages*" of the "*First Amended Complaint*" were listed as follows right on the face of the cover page [19]; which the Michigan Court of Appeals blatantly snubbed when upholding Stempien's the Appellee's lower ("*WCCC*") court dismissal:

1) ***Criminal conspiracy to violate state and federal public policy*;**
2) ***Extortion*; *Using "color of law" to deprive of rights*; *criminal corruption*;**
3) ***Theft of government property and the conversion of government property to unauthorized personal use*;**
4) ***Conspiracy to cover up crimes and corruption through felony fraud, malfeasance, and dereliction of duty*;**
5) ***Defamation by libel and slander*;**

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[19] Though Grievant Schied had been unreasonably denied his right to a motion hearing on his "*Motion for Change of Venue to a Court Having Jurisdiction Over Both Civil' and Criminal Matters*", this did not change the FACT that such civil and claims were inextricably intertwined and existing. Therefore, Grievant maintained these civil and criminal claims in his "*First Amended Complaint*," however, he added at the bottom his "*Demand for Jury Trial*" and "*Demand for Criminal Grand Jury*" access to bring his criminal complaints if the "*civil*" court was not going to litigate the merits of those issues.

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6) ***Tortuous intent to cause personal and professional harm*****.**

THE *PATTERN AND PRACTICE* OF THE MICHIGAN COURT OF APPEALS *REINFORCES* THAT OF LOWER COURTS IN MAINTAINING A FAÇADE OF A STATE "*JUDICIAL*" SYSTEM BY USING NUMEROUS *PROCEDURAL* OPTIONS TO OVERCOME AND DISMISS *SUBSTANCE*, SO TO MAINTAIN THE *FORCE* OF "*COLOR OF LAW*" TO OPERATE AN ELABORATE SCHEME OF GOVERNMENT TAKEOVER THROUGH DECEPTIVE DISGUISE, RACKETEERING, AND *DOMESTIC TERRORISM*

The same Appellee Charter County of Wayne ("CCofW") from the above case started nearly years ago is now in this instant Article III Court of Record being maintained by Grievant himself through the record of actions now being carried out in the Sixth Circuit Court of Appeals. What they have been doing all of these years is no longer any secret. They are aware that not only is their entire operation under direct scrutiny at a time when they have announced a countywide "*state of fiscal emergency*" resulting from all of this activity; but so too is their countywide $100 BILLION "*domestic terrorism*" insurance coverage on their corporate "*errors and omissions*" risk management policy with co-Appellee Insurance Company for the State of Pennsylvania (ICSOP) and co-Appellee American Insurance Group (AIG).

Thus, Appellees "*concur*" with the high crimes and misdemeanors that their fellow State BAR of Michigan attorney James Mellon is perpetrating upon this Article III Court of Record through his *gross fraud upon the court* on behalf of Appellee Michigan Municipal Risk Management Authority (MMRMA), another

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"*self-funded insurance pool*" of *domestic terrorists* disguised as corporate municipalities such as the Appellees collectively comprising "*the Redford Township*".

As provided already to the Sixth Circuit Court throughout the collection of Evidence in **"*Exhibit #33*"** and **"*Exhibit #61*"** attached hereto – as what was provided by Grievant to the Michigan Court of Appeals (COA) in 2011 for their *appellate* review – it is clear that the COA was fully informed about the criminal as well as the civil allegations and claims underlying Grievant's "*appeal*." Yet as is shown below, rather than doing their job of peeling away the "*cover*" of the many layers of Appellee corruption to arrive at the cornel, the core cause, of Grievant's "*complaint*" – which was the available testimony and "*Affidavit of Earl Hocquard*" **("*Exhibits #7, #33, and #61*")** with Evidence of the *predicate* crimes being perpetrated by the Northville Public Schools administration – the Michigan Court of Appeals sought to convolute and complicate things further by first causing two years of unreasonable *procedural* delay, and then arbitrarily ruling to again dismiss the *substance* of Grievant's appeal by *absolute fraud* and *under* the FORCE of *color of law*.

Thus, for this section, PAG/Grievant David Schied will focus upon the methodology the Michigan Court of Appeals used to subvert and undermine the call to these so-called "*judges*" as State BAR of Michigan members, to reverse

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what their peer group of judicial usurpers at the lower WCCC had done at the hands of, to the benefit of, on behalf of, and/or with the Appellees operating as the "*Charter County of Wayne*."

PAG/Grievant begins by focusing first on what events took place to result in fully 6-pages of activity on the Michigan COA's docketing record **("EXHIBIT #62")** in just the eight (8) months since the time of Grievant's filing of his "*Appeal and Brief in Support*."

Note that the docketing record shows (on p.2) that three other "*appeals*" (depicted with appellate case numbers #267023, #282804, and #282820) were somehow connected with that instant action, ensuring that the COA was fully informed that Grievant David Schied has been having previous difficulties that had been brought to these *domestic terrorists*. As provided by **"EXHIBIT #63,"** as a printout of a "*Case Search*" of the Michigan Court system, the records actually show that as of October, 2012, Grievant Schied had made fully twelve (12) First Amendment "*redresses of [his] grievances*" in the corrupted racketeering enterprise and domestic terrorist network also known as the "*Michigan Judiciary*." This is an outrage!

Clearly, Grievant had been to the Michigan COA – even the Michigan Supreme Court – a number of times, with and without an attorney "*representing*" him, **in effort to get a proper redress of the wrongdoing that Michigan COA**

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had initially done in 2006 with the *fraudulent* interpretative ruling about Texas laws and attorney general opinions about how a purported "*conviction*" could possibly be remaining a quarter century after a plea is withdrawn, an indictment is dismissed, a judgment is set aside in "*judicial clemency*"; and two full decades after receiving a governor's "*full pardon and restoration of full civil rights*" as "*executive clemency*"; and when a more recent "*expunction*" only relates to the remaining records of *arrest* and *prosecution* for an offense that has been otherwise legally *obliterated* and ethically "*forgiven*."

Therefore, with so much previous litigation under his belt by 2011, Grievant was well aware that the COA would require both costs and fees on filing of his appeal, as well as the transcripts from all of the relevant "*hearings*" and accurate records from the agents of the Appellee CCofW's corruptly operating the Wayne County Circuit Court (WCCC). Thus, upon filing his initial "*Claim of Appeal*," Grievant also did the following about that same time:

1) On 4/25/11, Grievant properly filed his "*Claim of Appeal*" along with "*Jurisdictional Checklist*," "*Docketing Statement*," a copy of the "*Final Order*," and a copy of the fraudulent "*Register of Actions*" referenced above deceptively concealing the actual nature of the lower court events. Grievant sent these

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documents along with his 2-page "*Certificate of Service*" on all of the above. **("EXHIBIT #64")**

2) As the *Docketing Statement* makes reference to Grievant being an "*unrecognized crime victim*" with a reference to Grievant's accompany "*Motion to Waive Fees*" on filing in the Michigan COA – in answer to item #8 regarding "*additional issues*" presented to the COA on appeal – it is to be noted that Grievant's exceptionally brief *motion* relied entirely upon its accompanying signed and notarized "*Affidavit of Financial Status*" and ***"[Sworn Affidavit in] Statement of Indigency and Claim of Criminal Victimization."*** **("EXHIBIT #65")**

3) The next day, on 4/28/11, as shown by **("EXHIBIT #66")** as a copy of the "*Brief Cover Page – Proof of Service*", Grievant notified the COA that because he was indeed formally and officially reporting that he was a "*crime victim*," that he was not only serving a copy of his filings with the Northville Public Schools and the Wayne County Corporation Counsel (the instant Appellees) as co-Defendants – Appellees of that previous case; he was also serving copies upon the Michigan Attorney General Bill Schuette (who is still in office today) and to "*judge*" Virgil Smith, who then had long been the "*chief justice*" at the Appellee's corrupt institution of the "*Wayne County Circuit Court*."

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4) That very next day, on 4/29/11, Grievant was proactive in demonstrating his good faith effort to notify the Michigan COA of his anticipation of running into difficulty with trying to retrieve accurate lower WCCC court records and transcripts from the *agents* of the Appellee CCofW. He did so by filing the following set of documents with the COA with Evidence that even the WCCC "*Register of Actions*" **(i.e., see comparison between "*Exhibits #50 and #51*" for evidence of fraudulence by the "*clerk of the court*")** and serving them upon the Appellees of that case **(who are now the Appellees of this instant case here in the Sixth Circuit COA):**

   a) "*Appellant's Motion and Brief of Support of Motion to Expedite or for Immediate Consideration (with exhibits)*" (found herein as **("EXHIBIT #67") along with "*Certificate of Service*" listing all of these items furnished to the Michigan COA.)**

   b) Grievant's *"Affidavit and Complaint for Writ of Mandamus and Motion for Temporary Restraining Order and/or "Cease and Desist Order"* (which was sent also to Judge Virgil Smith and to Attorney General Bill Schuette)[20];

[20] A copy of this motion is not included here for reasons that will be obvious below, as the Michigan COA denied this motion making it incumbent to later file his "*Motion for Reconsideration of Affidavit and Complaint for Writ of Mandamus*..."

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c) "*Appellant's Motion and Brief of Support of Motion for Extension of Time to File Brief on Appeal* [21]"; **("EXHIBIT #68")**

5) That very same day of 4/29/11, Grievant demonstrated his best effort – as a confirmed and reaffirmed "*forma pauperis*" litigant entitled by right to equal access to the courts – to secure a "*waiver of fees*" on the costs associated with lower court transcripts from the "*stenographer*" (a.k.a. "*court-reporter*") being employed by Appellees that was withholding those transcripts from the Michigan COA until such payment is made. Such effort is found in **("EXHIBIT #69")** as Grievant's "*Motion Before Chief Judge Virgil Smith for Ex-Parte, Sua Sponte or Other Special Order for Forma Pauperis Waiver of Fees on the Ordering of Official Transcripts*..." (i.e., an actual copy of the motion is not included here) **which was DENIED that same day by the *judicial usurper* Virgil Smith.**

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[21] **As a matter of particular significance about this filing is the FACT that Grievant followed the rules and Michigan appellant courts' *Internal Operating Procedures* (IOP) in giving notice to the Court of Appeals – on the cover – that "*The Appeal Associated With This Case Involves a Ruling That a Provision of the Constitution, a Statute, Rule or Regulation, or Other State Governmental Action is Invalid*." Note that this filing also reflects that Grievant Schied was establishing formal notice of his having a change of address at this time because he was finalizing his divorce and the complete destruction of his family due to this domestic terrorism being perpetrated with a "*repeated injury*" by the terrorists in answer to his constitutionally protected "*repeated petitions for redress*."**

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6) With the Appellee CCofW's lower WCCC "*judge's*" denial of transcripts in hand, and as shown by the COA docket entry for 5/12/11 in **"*Exhibit #62*,"** Grievant then went to the Michigan COA with a similar notice and request of those *judicial usurpers* by filing, as shown by **"EXHIBIT #70,"** the following:

> Grievant's sworn and notarized *"Affidavit and Motion for Waiver of Requirement of Circuit Reporter's Certificate Under MCR 7.204(C)(2), and/or For Ex-Parte, Sua Sponte or Other Special Order for Waiver of Court Costs on 'Forma Pauperis' Ordering of Transcripts on Case Involving Criminal Allegations Against Judge Jeanne Stempien That are Backed by Sworn Affidavits of Courtroom Witnesses Pertaining to This Case Now Under 'Claim of Appeal' in the Michigan Court of Appeals"*

JUDICIAL USURPER CHRISTOPHER MURRAY MADE THE FIRST "*TAG-TEAM*" MOVE IN THE MICHIGAN COA TO DISREGARD ALL OF THE ABOVE *STATEMENTS* AND *EVIDENCE*, AND TO *OBSTRUCT JUSTICE* AND *DEPRIVE* GRIEVANT *OF HIS EQUAL RIGHT* TO ACCESS THE COURTS AS A "*FORMA PAUPERIS*" LITIGANT UNABLE TO PAY THE *EXTORTION* AMOUNT CHARGED BY *AGENTS* OF APPELLEES CCofW FOR NUMEROUS HEARING TRANSCRIPTS WHERE NUMEROUS JUDICIAL CRIMES WERE REPORTED (BY WITNESS AFFIDAVITS) TO HAVE OCCURRED

On 6/1/11, as shown by **"EXHIBIT #71,"** Michigan Court of Appeals "*judge*" Christopher Murray, claiming to be acting *under color of* a Michigan Court Rule and without any stated reasoning whatsoever, acted on his own accord and discretion by DENYING Grievant's filing of the above-referenced:

> Sworn and notarized *"Affidavit and Motion for Waiver of Requirement of Circuit Reporter's Certificate Under MCR 7.204(C)(2), and/or For Ex-Parte, Sua Sponte or Other Special Order for Waiver of Court Costs on 'Forma Pauperis' Ordering of*

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Transcripts on Case Involving Criminal Allegations Against Judge Jeanne Stempien That are Backed by Sworn Affidavits of Courtroom Witnesses Pertaining to This Case Now Under 'Claim of Appeal' in the Michigan Court of Appeals"

Murray's "*order of denial*" is – *prima facie* – fraudulent on its face because it is couched as a response to a "*motion to waive appellant's obligation to secure the filing of the transcript*" when that was clearly NOT the case. In fact, those transcripts, especially if they were accurate, would corroborate what the court-watchers' testimonies claimed in accusing WCCC judicial usurper Stempien of committing crimes from the bench. No, it was not a "*motion to waive...the obligation to secure...transcripts*" but instead a "*motion to waive court costs...on transcripts*."

The difference here is a significant one known by Murray as he committed this "*fraud upon the court*" by creating a fraudulent official record affixed WITH the Seal of the Court – constituting a felony offense in itself, as well as an *obstruction of justice*, *treason*, and Evidence of domestic terrorism being carried out the Michigan Court of Appeals located within the territorial boundaries of the Appellees, the Charter County of Wayne, as Murray was operating out the COA's Detroit office.

As also shown by "***Exhibit #71*,**" Murray also "*dismissed*" Grievant's filing of "*Appellant's Motion and Brief of Support of Motion for Extension of Time to File Brief on Appeal*" under the misleading claim that it was "*premature*" in filing

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as, "*the time for filing appellant's brief does not begin to run until the transcript is filed with the trial court clerk*." Surprisingly, this statement was made on this fraudulent "*order*" despite that, as the COA docket records show **("*Exhibit #62*")**, Grievant had already filed his "*Appellant Brief*" five days prior, on 5/27/11.

Perhaps not so surprisingly after all, Murray generated this "*denial*" and "*dismissal*" after several weeks earlier having "*granted*" Grievant's "*motion to waive fees*" on the filing of Grievant's "*Claim of Appeal*" in the Michigan COA. **("EXHIBIT #72") What makes this not so surprising is the fact that a *pattern and practice* of the Michigan Court of Appeals, as provided by overwhelming Evidence of not only that particular case but also many others touched by the "*unclean hands*" of these domestic terrorists operating by force *under color of law*, is one incorporating a scheme of "*give and take*" where the COA "*gives*" something to the litigant without an attorney to make them believe that *due process* may be somehow operating, but then "*taking*" something of greater value as is shown in this particular case.**

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"*TAG-TEAM PARTNER*" KIRSTEN KELLY GOT ON THE "*BANDWAGON*" ALONG WITH THE *CLERK(S) OF THE COURT OF APPEALS*, IN *RAILROADING* GRIEVANT'S ONGOING CASE INTO AN EMBRYONIC "*DIVISION*" OF CASES; AND INTO A WHIRLWIND OF *CRIMINAL INJUSTICES DEPRIVATION OF RIGHTS* AND *OBSTRUCTION OF JUSTICE*, IN A CONSISTENT *PATTERN AND PRACTICE OF ACTS* DONE *IN CONCERT* AND CHARACTERIZING *DOMESTIC TERRORISM*

Unbeknownst to Grievant Schied, what the judicial usurpers and the clerk of the Michigan COA did was to set up an entirely new "*case*" to address Grievant's filing of **"*Exhibit #67*,"** his *"Affidavit and Complaint for Writ of Mandamus and Motion for Temporary Restraining Order and/or "Cease and Desist Order"*.

Though there may be different reasons for this, the result is – as has been found in numerous judicial rulings against Grievant Schied – that it allows both the opposition and the judges themselves to point at the multitude of cases and claim by the sheer number of cases involving Grievant that he simply "*must be a frivolous and vexatious filer*." A more subversive and nefarious reason is that it allows the COA's *judicial usurpers* to complicate and take collateral action against a "*pro se*" litigant without accountability for such actions being attributed to any one particular government fiduciary and the perpetrating "*actor*" in this circus referred to by the inexperienced and unsuspecting as a "*judicial*" system.

In this instant, the new "*associated case*" number added to Grievant's workload was COA No. 303802. Besides becoming a logistical nightmare of recordkeeping for the pro se litigant – or for even the self-employed private

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attorney for that matter – one must consider that, at least in 2011, **for every "*brief*" that is filed for the litigation of an issue related to an appeal, a multiplicity of those same documents must be actually printed and mailed out or hand-delivered....three for each member of the so-called "*judicial tribunal*" (i.e., a comical bunch of musketeers-turned-terrorists when they get serious), one copy for the Court of Appeals clerk (for scanning into the electronic filing system), one copy for each of the opposing litigants, and one copy to keep for one's own personal reference** (and garbage can when they dismiss all this work without cause and at their discretion).

See for example **"EXHIBIT #73"** as a photo taken of Grievant by court-watcher Trish Kraus (deceased) on 4/29/11 in which Grievant squats before a box chock full of these multiple copies which, in the case of Grievant's *"Affidavit and Complaint for Writ of Mandamus and Motion for Temporary Restraining Order and/or "Cease and Desist Order"* was delivered to both the Michigan COA (initially for COA case No. 303715) and to the lower Appellee CCofW's WCCC (case No. 09-030727) after Stempien's reopening and reclosing of the lower court case.

In case and point, though the case Docket Record for Grievant's case No. 303715 does not show it, an entirely different docketing record was opened specifically for Grievant's *"Affidavit and Complaint for Writ of Mandamus and*

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Motion for Temporary Restraining Order and/or "Cease and Desist Order" referenced as COA No. 303802. What happened with that case – unbeknownst to Grievant Schied because, as explained further below, the intensity of his victimization compelled him to give up his apartment home after the divorce from his wife was completed about this time – a different COA *judicial usurper*, the "*Presiding Judge*" Kirsten Kelly, had dismissed Grievant's "*Affidavit and Complaint for Writ of Mandamus....*" on 6/13/11, and sent the notice of that dismissal to the wrong address for Grievant.

As shown by **"EXHIBIT #74"**, and in pattern and practice of "*give and take*" by giving something nominal and taking back that which is substantial, judicial usurper Kirsten Kelly did the following:

a) She "granted" Grievant's "*Appellant's Motion and Brief of Support of Motion to Expedite or for Immediate Consideration (with exhibits)*";

b) She "*granted*" what she claimed to be Grievant's "*Motion for filing in excess of 50-page limit*" but which neither the records of Grievant (at present in 2016) nor the COA case No. 303715 has any record of having been filed);

c) She DENIED Grievant's *"Affidavit and Complaint for Writ of Mandamus*" (which was the primary focus of that filing to instruct law enforcement of Appellees "*Wayne County Defendants*" to do their duty

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of enforcing the law by "*Superintending Control*" that the lower circuit court repeatedly refused to also do);

d) She DENIED Grievant's accompanying "<u>*Motion for Temporary Restraining Order and/or "Cease and Desist Order"*</u> against the Northville Public Schools Appellees to stop disseminating the <u>*nonpublic*</u> Texas "<u>*Agreed Order of Expunction*</u>" to the public in criminal violation of Michigan's public policies (including set aside laws, FOIA laws, and Revised School Codes) as well as constitutional "*full faith and credit*" to the Texas laws that also "*prohibited*" such dissemination.

There is stark Evidence in both **"<u>*Exhibit #74*</u>"** (above) and **"<u>EXHIBIT #75</u>"** (below) that shows – *prima facie* – a gross <u>*miscarriage of justice*</u> by the FACT that the *judicial usurpers* of the Michigan COA had disregarded Grievant's numerous previous notices about being a CRIME VICTIM. As referenced above and in a previous footnote, Grievant had been finalizing a divorce in April and May of 2011 and, as a result of the lower and upper lower court's continuing "*obstruction*" of Grievant's civil and criminal "*complaints*," Grievant was not provided with needed relief for himself or for his damaged family members.

One consequence of such compounding of this criminal victimization BY the *agents* and *associates* of the Appellees being employed as "*judges*" and

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"*clerks*" of both the lower and higher courts – which Mr. Schied was then unaware had been completely taken over by *domestic terrorists* – was that Grievant was compelled to move his and his son's physical residence away from the Charter County of Wayne and away from the Northville Public School District co-Defendants so to take up residency in Oakland County. In doing so, Grievant secured a post office box for mail, for which he started out referencing the wrong post office box on some court documents being submitted into the lower and higher courts.

In any regard however, on 5/27/11, Grievant wrote a specific letter to the Clerk of the Court pointing out that Appellee's "*Corporation Counsel*" attorney Joseph Rogalski was for some reason also maintaining alternative addresses, one being officially used as a matter of record by the Court of Appeals, and another being used by Rogalski himself in his filings with the COA. That correspondence, which was addressed to Angela DiSessa, representing herself at that time as the "*District Clerk of the Court of Appeals,*" had the correct address of Grievant David Schied, as P.O. Box 1378 Novi, Michigan, which remains until even today.

In the possible confusion of these address changes for both the Appellant David Schied and Appellees in that case, as again shown by **"*Exhibit #75*," the Clerk of the Court was sending things to Grievant at the wrong address of P.O. Box 1078 and not Box 1378 DESPITE clear reference to the correct**

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address on 5/7/11...BEFORE Murry's fraudulent "*Order of Denial*" dated 6/1/11 was issued.

It was a difference significant enough to warrant consideration in this case because, as it turned out, people at the post office sometimes took the initiative to deliver Mr. Schied's mail to the correct box, and sometimes they did not. **What matters in all this was that, as shown by the clerk's entry for 6/21/11, the first time that Murray's fraudulent "*Order of DENIAL*" dated 6/1/11 was issued and sent to Grievant, it was NOT delivered; and thus, Grievant had no notice of that event having occurred. Thus, it was not until after 6/21/11 when that Murray's fraudulent "*order*" was resent to Grievant was he actually able to address it with the "*Motion for Reconsideration*..." ("EXHIBIT #76") as captioned below and included herein with all of the referenced "*Exhibits A through K*":**

> "*Appellant's 'Motion for Reconsideration' of Appellant's Previously Filed 'Affidavit and Complaint for Writ of Mandamus,' Applicant's 'Motion for Temporary Restraining Order and/or Cease and Desist Order,' and Appellant's 'Demand for Criminal Grand Jury Investigation;'*"
>
> and, (See **"EXHIBIT #76"** and its referenced "*exhibits*")
>
> "*Appellant's 'Motion for Extension of Time to File 'Motion for Reconsideration' Based Upon Good Cause in That the Court Sent Out Notices of Dismissal to the Wrong Mailing Address for the Appellant While Disregarding That He was Also Reporting Himself to be a Crime Victim'*"

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Note that again when sending in the above-referenced documents to the COA, Grievant included an "*original*" sworn and notarized *Affidavit* in support of this motion and inclusive request for criminal relief through this CRIME REPORT. (Bold emphasis)

OVER EIGHT MONTHS THE CLERKS OF THE LOWER AND HIGHER COURTS USED "*PROCEDURAL*" RUNAROUNDS TO *EXTORT* MONEY FROM *FORMA PAUPERIS* GRIEVANT UNDER *THREAT* OF NOT PROCESSING HIS "*APPEAL;*" AND WHERE GRIEVANT MANAGED TO OVERCOME, THE COA "*JUDICIAL USURPERS*" AGAIN STEPPED IN TO UNDERMINE AND DISMISS ALL OF GRIEVANT'S ATTEMPTS AT A PROPER JUDICIAL REDRESS BASED ON THE "*MERITS*"

On 7/14/11, in response to Grievant's filing of the two motions referenced above (found a joint filing marked as **"*Exhibit #76*"**), John Lowe, the assistant clerk of the Michigan COA in Detroit wrote a letter to inform Grievant that, because he had referenced both the "*new*" ("*Mandamus*") COA case No. 303802 and the "*original*" COA case No. 303715, the clerks' office was unilaterally deciding, rather than to apply the above-referenced dual "*motions*" generally to both of these cases, they decided to apply the filing ONLY to the "*Mandamus*" case. **("EXHIBIT #77")**

About two weeks later, a different "*District Clerk*" Terry Bruner of the Detroit Office of the Michigan COA wrote to Grievant to compel him to pay $25 as a "*transmittal fee*" for the cost of moving the ***fraudulent*** lower court case files to the Michigan Court of Appeals. **The letter threatened to dismiss Grievant's**

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"*appeal*" case altogether if he did not pay that money; and additionally threatened to charge Grievant another $250 in costs if the judicial usurpers ended up following through on that threat of dismissing the case for such failure of Grievant to pay. ("EXHIBIT #78") (Bold emphasis added)

In response to the clerk's threat to procedurally "*dismiss*" Grievant's "*appeal*," on 8/11/11 Grievant Schied went to the Appellee CCofW's "*clerk's*" office and paid the extortion amount of $25 to have what were known to be fraudulent records to the Michigan COA. He was compelled by the WCCC clerks while there to also complete a "*Reporter/Recorder Certificate of Order of Transcript on Appeal*" form for that case. **("EXHIBIT #79")**

Subsequently on 9/20/11, Grievant filed in the Michigan COA the following cited "*motion*" to correct what he then knew to be either grossly incorrect or missing from the lower court case file being maintained by Appellee CCofW's agents at the county clerk's office. **Having by this time gone to the clerk's office for the Michigan COA and personally inspected those records, and taking notes about that lower court case file, Grievant also wrote a sworn and notarized *Affidavit* outlining the fraudulence contained in that record.** (See **"EXHIBIT #80"** as the motion and copies of all the exhibits to that motion, including Grievant's "*Affidavit*" as the enclosed "*exhibit #9*.)

The motion filed on 9/20/11 was captioned:

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> **"*Appellant's Motion and Brief of Support of Motion to Correct the 'Official Record' of Criminal Fraud and Cover-Up of Judicial Crimes by the Dereliction and Criminal Malfeasance of the 'Agents' Employed by the Wayne County Circuit Court Clerk Cathy M. Garrett*"**

The *Affidavit* filed on 9/20/11, found as "*Exhibit #9*" to the above-referenced "*motion and brief in support*" which was notarized by attorney Daryle Salisbury, who had been kept abreast about the events of this case since its inception and was concerned for how Grievant was being treated so unfairly by these lower and higher Michigan courts. The 14-page *Affidavit* was captioned:

> **"*Sworn and Notarized Affidavit of 'Appellant' David Schied in Regard to Verifiable Fraudulence in the 'Register of Actions', Presented Fraudulently by Sworn 'Certification of Accuracy' by the Wayne County Circuit Court Clerk Cathy M. Garrett to the Michigan Court of Appeals*"**

Underscoring the significant importance of the above filing by Grievant are the following points made by numbered paragraphs:

1) Grievant provided background Facts and Evidence to support the reasons the lower court records were fraudulent and being maintained by dereliction, gross negligence, and malfeasance;

2) **"*Exhibit #80-1*"** to this filing was Grievant's previously filed "*Motion for Waiver of Fees and For Filing a Pleading and Service on an Adverse Party Constituting Notice of It to All Parties*" dated 12/11/09 as filed with the original "*Complaint*," and which itself included a sworn and notarized "*Statement of Indigency and Demand for Immediate Consideration by Complaint of Criminal Victimization*" that was filed with the lower court. **Grievant was providing**

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these documents along with notice to the COA that "*these documents were missing from the 'official file' that was presented by the Wayne County Circuit Court to the Michigan Court of Appeals on 9/15/11*..." (Bold emphasis added)

3) **"*Exhibit #80-2*"** was a time-stamped "*Order*" (i.e., the kind the clerk maintained in Smith's courtroom that were all pre-stamped with Smith's name printed in ALL CAPS) and Grievant's "*Affidavit*" for suspension of fees upon initially filing his "*Complaint*" in 2009. **He reported that these two document also were missing from the file transferred to the COA, as well as a "*Final Notice*" that the "*District Clerk*" Angela DiSessa sent to the Appellee CCofW's "*agent*," Cathy Garrett on 8/24/11 giving the lower court "FINAL NOTICE" by the COA to provide the lower court file for Grievant's case or be subject to "*show cause*" proceedings and the forcing by the COA for the lower court to "*reconstruct*" the entire file (of lost documents).** (Bold emphasis added)

4) **"*Exhibit #80-3*"** was provided as Grievant's 2/3/10 3-page letter to the Wayne County Court Administrator and the Wayne County Clerk Cathy Garrett in notice about the disappearance and subsequent debacle regarding the files that were "*missing*" at the time Stempien went forth with a hearing to deny Grievant his right to have his various "*motions*" and "*response*" filings read and

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"*heard*"; and to reiterate that those documents were still not in properly in the file and that Grievant otherwise had the proof that the agents for the Appellees employed by this so-called "*Court*" sent those "*originals*" back to him instead.

5) **"*Exhibit #80-4*"** was provided as the envelope with the "*postage due*" notice to show that the time-stamped original documents referenced immediately above, were severed from other documents and sent to Grievant in the mail, and that none of those original documents sent by Grievant in January 2010 never made it into the case file.

6) **"*Exhibit #80-5*"** was provided as a copy of a letter written by Shirley McLaine and Cathy Garrett, dated 7/23/11, requesting that Grievant David Schied provide – at his own cost – the original documents back to them that they used to deprive Grievant of his right to due process in Stempien's courtroom, and then sent to Grievant through the mail as outline above. **Grievant stated this exhibit serves to reveal the "*longstanding real reason for Mr. Schied's complaints about 'lost' documents*" as the letter fraudulently makes the claim that all along Grievant had been requesting to be sent time-stamped copies of documents that were not filed when that was clearly not the case.** (Bold emphasis added)

7) **"*Exhibit #80-6*" and "*Exhibit #80-7*"** were sent as duplicates of the attached **"*Exhibit #50*"** and **"*Exhibit #51*"** to this instant filing in the Sixth Circuit Court

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of Appeals. In his "*brief*" for a correction of the record, Grievant explained how the first of these two exhibits *fraudulent* reflected that the case was entirely "*dismissed*" and "*closed*" by Stempien when the transcript, court order, and other information prove that as untrue. The brief also explained how the second of these two exhibits was changed in such way so as not to reflect the initial fraudulence, or to reflect the FACT that, as a matter of record, Stempien had to reopen the case before dismissing the other co-defendants and then re-close the case again. Thus, both of these ***Register(s) of Actions*** were fraudulent and ethically and legally unusable in the COA's review of Grievant's "*appeal*."

8) **"*Exhibit #80-8*"** was a copy of the entirety of Grievant's 58-page filing on 4/29/11 of his "*Appellant's Affidavit and 'Complaint for Writ of Mandamus' and 'Motion for Temporary Restraining Order and/or 'Cease and Desist' Order*." (Cover-page only is provided herein to the Sixth Circuit Court of Appeals in this instant case since this would be a full duplicate of **"*Exhibit #76*"** herein. Grievant made clear in his "*brief*" that he was providing this information again because inside *(i.e., see* "*Footnote #3*" on page 21 of "*Exhibit #80-8*"*),* he had referenced a previous case he had filed with criminal charges against numerous individuals representing the State of Michigan, including numerous Michigan judges, which was illegally dismissed by Judge William Collette in 2006 without hearing on numerous motions that Mr. Schied had

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filed, including a *"Motion for Judge to Disqualify Himselffor Judicial and Criminal Misconduct"*.

9) **"*Exhibit #80-9*"** was – most importantly – provided in this filing because it contained a sworn and notarized *Affidavit* of Grievant David Schied, witnessed by an attorney Daryle Salisbury, with an extensive specific list of the many documents that were missing or adulterated in the file. Note was also taken that there were numerous other documents in Grievant's file that belonged to numerous other cases that were completely unrelated to Grievant's case.

Subsequently, on 9/23/11, it was District Clerk Angela DiSessa who again wrote to Grievant Schied along with "*K.Nunn*" (first name omitted) to notify Grievant that they were refusing to submit to the Court of Appeals judges Grievant's above-referenced "*Appellant's Motion and Brief of Support to Correct the 'Official Record'*..." by reason that they were claiming that Grievant's "*Proof of Service*" on the "*serving*" of these documents to Joseph Rogalski was "*defective*" in that it showed the document sent to Rogalski's lower court suite number (for the same Appellees' "*Wayne County Corporation Counsel*") and not the alternate suite number that he chose to use instead when addressing the Court of Appeals (and again, while working for the same appellees at the Wayne County Corporation Counsel).

("EXHIBIT #81)

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On 9/26/11, Grievant addressed and *cured* the above "*defect*" by sending a "*Certificate of Service for Certificate of Service*" affirming that he sent to the co-Defendants another "*Certificate of Service*" and listing the addresses to which these documents had been sent, to include the "*new*" and "*correct*" suite number where attorney Rogalski had moved within the building operated by the SAME "*Corporation Counsel*." As added proof that on 9/20/11 he had actually sent the originals to the Wayne County Corporation Counsel, Grievant provided his receipt for such mailing on that earlier date. **("EXHIBIT #82")**

JUDICIAL USURPER CHRISTOPHER MURRAY'S "*ORDER*" DENYING A CORRECTION OF THE LOWER COURT RECORD WHILE DISREGARDING *FACTS* AND *EVIDENCE* OF *CRIMES* BY HIS PEER GROUP WAS AND REMAINS A "*REVOLUTIONARY ACT OF RADICALISM*", AND A TREASONOUS *ACT OF WAR* AGAINST *WE, THE PEOPLE* OF MICHIGAN AND THE UNITED STATES

As is shown by **"EXHIBIT #83,"** on 10/12/11 Christopher Murray issued an 8-word *treasonous* response to all of Grievant's documents of *motion* supported by *Evidence* pertaining to the deplorable condition, the gross inaccuracies and the missing documents from the lower court records supposedly on "*appeal*" by Grievant in the Michigan COA; and Grievant's numerous reports about the criminal cover-up of these issues by various members of Murray's own peer group of other judges and those working around him employed as agents acting on the behalf of Appellee Charter County of Wayne.

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All Murray had to state in his order was, "[*T]he motion to correct the record is DENIED*."

The obvious is therefore certain. Christopher Murray's actions, taken in blatant disregard of the laws, the state and federal constitutions, and without any supporting reasoning whatsoever were – and continue to be until rectified – *prima facie* Evidence of *treason* against his Oath and Duties of official office. This act committed by Murray was clearly an act of *extremism*, of *radicalism*, and of *terrorism*. It is Evidence that Murray condones and encourages the same type of behavior from others, and that he serves as a leader for other *domestic terrorists* and a model for their carrying out similar actions. **His act was – and remains – an act of war against the state and federal constitution, against the governing legislation, and against the peaceful right to the pursuit of happiness of *We, The People*, period.**

THE MICHIGAN COA CLERKS WERE RELENTLESS IN APPLYING *PROCEDURE* AGAINST GRIEVANT SO TO ABSTAIN FROM FORWARDING GRIEVANT SCHIED'S NUMEROUS *SUBSTANTIVE* "*MOTIONS*" TO THE JUDGES FOR PROPER CORRECTIVE ACTION; AND WHILE COMPLETELY DISREGARDING THE DUTIES IMPLIED BY THE NOTICES THAT *LOWER COURT RECORDS WERE INCORRECT*, AMOUNTS TO *DOMESTIC TERRORISM* WAS RUNNING AMUCK WITH THE "*AGENTS*" OF THE APPELLEE *CHARTER COUNTY OF WAYNE*

As a result of Grievant actually serving each of his documents properly upon the "*Northville Public Schools*" (NPS) and the "*Wayne County" co-Defendants /*

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Appellees, Grievant got a "*Response*" back from the Keller Thoma attorneys representing the NPS Defendants that was, as expected, chock full of *unsupported lies* and *bare assertions of fraudulence*. Therefore, in "*reply*" he submitted the following to the Michigan COA on 11/1/11, serving also both of the co-Defendants/Appellees.

> **"*Appellant's 'Reply Brief' in Opposition to Keller Thoma Attorney Barbara Buchanan's Repeated 'Fraud Upon the Court' by Numerous 'Misrepresentations and Gross Omissions of Fact' and Omissions Constituting ' Felony Conspiracy to Deprive of Rights' Between the Northville Public Schools Defendants and Keller Thoma Law Firm Attorneys*"**
>
> **And (See "EXHIBIT #84")**
>
> **"*Motion to Seal "Exhibit A" of Appellees' 'Brief on Appeal' as Well as 'Motion for Immediate Consideration*"**
>
> **And,**
>
> **"*Motion as Petition for Writ of Mandamus for Victim Relief...(in the form of an Order for all other records in Michigan courts to be 'sealed' in which Appellees and their Keller Thoma attorneys have committed crimes against the privacy rights of Appellant David Schied by the 'use and dissemination' of information contained in that 'nonpublic' Texas Court 'Order of Expunction' document),...For Sanctions Against Appellees and Their Attorneys'*"**
>
> **And for,**
>
> **"*Criminal Grand Jury Investigation*"**

Grievant's "*Reply Brief*" was 10-pages in length and included yet another "*Sworn and Notarized Affidavit of David Schied*" for the last four pages in support of all the claims in his brief. These were – and remain – unrebutted by any other sworn testimony of anybody; therefore, they are uncontroverted FACTS.

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This "*Reply Brief*" also properly included a *Table of Contents*, an *Index of Authorities*, and two "*Statement(s) of Questions Involved*." The two questions presented were relevant to this case and pertained to the following:

a) The 2004 Texas "*Agreed Order of Expunction*" (i.e., see the content of "***Exhibit #7*"** herein) constituted executive clemency for which the "*use and dissemination*" were clearly "*prohibited*" as written in the first numbered paragraph of the document as "*ordered*" by a Texas judge.

b) Therefore, the storing of that "*nonpublic*" document in the Northville Public Schools "*public*" personnel and dissemination to other employers **and to the public under FOIA request** is an "*issue of fact that had never been litigated*" before in any court whatsoever.

c) That as provided by the Livingston County Circuit Court "*judge*" Michael Hatty in his **"*Stipulation and Order*" issued on 10/12/11** in the case of *David Schied v. Brighton Area Schools* (10-25106-CD), "***The Expunction Order and the content of that Expunction Order...should NOT be publicly disclosed.***" Further, that circuit court judge Ordered, ***"[T]here is good cause to seal this record under MCR 8.119(F), as Plaintiff's privacy rights should be protected and there is no less restrictive means to adequately and effectively protect that specific interest***." (Bold emphasis added) (*See* **"EXHIBIT #85,"** which was

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attached and labeled as "*Exhibit #1*" to Grievant's "*Reply Brief*" outlined above and referenced as **"*Exhibit #84*"** herein.)

d) That under Texas Code of Criminal Procedure, Title 1, Chapter 55 pertaining to "*Expunction of Criminal Records*".....

i. Article 55.03(1) ("*Effect of Expunction*"), **"*When the order of expunction is final, the release, maintenance, dissemination, or use of the expunged records and files for any purpose is prohibited*"**;

ii. Article 55.04(1) ("*Violation of Expunction Order*"):

"*A person who acquires knowledge of an arrest while an officer or employee of the state or of any agency or other entity of the state or any political subdivision of the state and who knows of an order expunging the records and files relating to that arrest commits an offense if he knowingly releases, disseminates, or otherwise uses the records or files*."

and, Article 55.04(2) ("*Violation of Expunction Order*"):

"*A person who knowingly fails to return or to obliterate identifying portions of a record or file ordered expunged under this chapter commits an offense*."

and, Article 55.04(3) ("*Violation of Expunction Order*"):

"*An offense under this article is a Class B misdemeanor*."

See **"EXHIBIT #86,"** which was attached and labeled as "*Exhibit #1*" to Grievant's "*Reply Brief*" outlined above and referenced as **"*Exhibit #84*"** herein.

e) **That by the written statements sworn and notarized by signature of the Affiants Barbara Schied (in 2008 in testimony to the Sixth**

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Circuit Court of Appeals) and Earl Hocquard (in 2009), **in testimonial witness to the fact that the named agents and Defendants/Appellees of the Northville Public Schools and the Wayne County Corporation, had been committing "*fraud upon the court*" for the previous several years through their representative State BAR of Michigan attorneys of Keller Thoma, P.C. and Corporation Counsel, were committing both predicate and secondary levels of racketeering crimes amounting to *acts of terrorism* and constitutional violations of Grievant's numerous rights.** [*See* **"*Exhibit #7*,"** and **"EXHIBIT #87,"** which were both attached and labeled as "*Exhibit #3*" and "*Exhibit #4*" (both inclusive of additional exhibits in Evidence) to Grievant's "*Reply Brief*" outlined above and referenced as **"*Exhibit #84*"** herein, being *Affidavits* of Earl Hocquard and Barbara Schied respectively.) (Bold emphasis added)

f) That because Grievant David Schied had presented claims and Evidence showing the public dissemination, this constituted Evidence of crimes, entitling Grievant to both civil and criminal relief.

g) **That in order to evade civil liability and to protect their peer group of other treasonous domestic terrorists, people too numerous to mention here and nearly entirely by and through their**

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"*representative*" attorneys, committed all levels of crimes under *color of law*; and that **this included former Northville Public School District "*superintendent*" and Defendant/Appellee then before the Michigan COA, who conspired with his attorneys Bruce Bagdady and Kevin Sutton at the Keller Thoma law firm to commit "*fraud upon the court*" with the undated "*Affidavit of Dr. Leonard Rezmierski*" ("EXHIBIT #88") denying to a federal court such processing of FOIA requests as is provided by the statements of Earl Hocquard and Barbara Schied in "*Exhibit #87*" above and referenced also in "*Exhibit #84*" (shown to have previously been presented to the Michigan COA in 2011).**

h) That the Northville Public School District administration and Board of Education were not at all strangers to *public corruption*, and that on 2/26/10 the Mackinaw Center for Public Policy uncovered another incident of public corruption stemming from Defendants-Appellees Rezmierski and Bolitho and nothing was done about that either – or about the **corruption and racketeering of the agents acting on behalf of Appellees Charter County of Wayne** – after it appeared in the newspaper and reported by Grievant David Schied to the multiple Courts he was in at the time. **(*See* multiple news articles submitted in 2011 to**

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the Michigan Court of Appeals in "EXHIBIT #89" as referenced in "*Exhibit #84*")

i) That all reasonable attempts had been made and all "*administrative remedies*" had been left unsatisfied when attempting to deal lawfully with the perpetration of these crimes in person and through attorneys in the state and federal courts. (See numerous letters written by Grievant Schied to each of the NPS Defendants/Appellees dating back to 2006 in attempt to peacefully resolve these issues only to have these repeated "*redress of grievances*" met with "*repeated injuries*" as **"EXHIBIT #90"**, as it had in 2011 been presented to the Michigan COA attached to **"*Exhibit #84*"** herein.

j) That both civil and criminal relief had been continually DENIED by judicial and executive branch *usurpers* under *color of law* – and in such a degree of denial of causing Grievant repeated injuries each and every time he exercised his constitutionally protected First Amendment "*right to redress of grievances*" – that such criminal acts constituted terrorists acts for which an independent grand jury is necessary for intervention.

In response to the above filing by Grievant, yet another "*District Clerk*" for the Michigan COA, Jerome Zimmer, Jr., again by and through the agent "K.Nunn" wrote a malicious letter dated 11/2/11 which clearly was tortuously

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intended to frustrate Grievant as much as possible. It stated, *"[T]he reply brief that you submitted in this matter is defective. MCR 7.212 (G) requires a reply brief be limited to 10 pages...Your brief exceeds 10 pages....If you wish to file indicated motions, they should be filed separately..*" **("EXHIBIT #91")**

In stern reply to the above-referenced letter from Zimmer and Nunn, Grievant sent a 2-page letter dated 11/5/11 accusing both clerks of committing fraudulent assertions and asserting his intentions to have them investigated by a criminal grand jury for their part in a felony "*chain conspiracy*" of crimes meant to deprive Grievant of his rights. He refused to comply with the demands of the previous letter, and demanded that these clerks immediately correct their records and withdraw their fraudulent claims or face being charged with civil claims against their Oaths and Duties of office in the amount of $2,000,000 per damage occurrence; and charged with criminal allegations of "*accessory*" on the report of furthering felony crimes. **("EXHIBIT #92")**

On 11/16/11, District Clerk Jerome Zimmer, Jr. wrote a one-paragraph letter admitting that "*after reviewing [Grievant's] letter and reply brief, [Grievant's] letter was found to comply" and apologizing for "any inconvenience this may have caused...*" That letter also stated, ***"[T]herefore, you may disregard our letter dated 11/2/11; your reply brief will be accepted as originally filed."*** (Bold emphasis added) **("EXHIBIT #93")**

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Yet in a move just two days later, on 11/18/11, Zimmer and his treasonous associate as fellow domestic terrorists, went back on Zimmer's word by responding to the attorney for the Defense/Appellee – referring to the letter sent on 11/2/11 ("*Exhibit #91*") establishing again as a matter of the official COA record that Grievant's "*motion was improperly filed and therefore not docketed, so there is no motion for sanctions to oppose*." In what was clearly a move to further taunt and frustrate Grievant, and to cause him harm in having to rewrite all of his previous work that had ALREADY been accepted by the clerk in writing, these clerks added, "*the appellant was instructed to file his motions separately*." ("EXHIBIT #94")

To deal with the complexities of the tortuous forces thrust upon him by the treasonous acts committed by conspiracy between the various "*district clerks*," the clerks of the COA, and clerks referring to themselves by any other fiduciary name, Grievant constructed and compiled together for filing a plethora of documents designed to both satisfy the fraudulent and unreasonable demands of the COA "*agents*" and move toward holding these fiduciaries to their Oaths and Duties of their respective offices. **"EXHIBIT #95"** thus, is the "*Certificate of Service*" that Grievant served upon the clerks at the Detroit office of the Michigan Court of Appeals on 12/1/11. This time-stamped document demonstrates that Grievant

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rewrote his previously filed combined motion brief and resubmitted multiple (4) "*motion*" briefs instead.

NOTE: As EACH set of filings had to be presented to both Appellees, PLUS three copies for the tribunal of pretend "judges" of the COA, and one copy of each for the Court clerk for scanning, and one copy for Grievant, this means that at least 20 bound copies of filings were submitted to the Michigan terrorists and imposter judges "*sitting*" on the Michigan Court of Appeals.

Moreover, bearing this in mind better puts the "*intent*" of the torture committed by the Clerks and "*judges*" of the Court in a clearer perspective in terms of knowing the financial and emotional harm that each fraudulent document produced by the criminals had upon Grievant at that time.

Of the most significant of those re-filed "*motions*" was the following as cited in quotes below, which was filed as shown on 12/1/11:

> *"[Grievant's] Motion as Petition for Writ of Mandamus for Victim Relief...(in the form of an Order for all other records in Michigan courts to be 'sealed' in which Appellees and their Keller Thoma attorneys have committed crimes against the privacy rights of Appellant David Schied by 'use and dissemination' of information contained in that 'nonpublic' Texas court 'Order of Expunction' document)...for Sanctions Against Appellees and their Attorneys"*

Running parallel in terms of importance in Grievant's filings on 12/1/11 was Grievant's 7-page letter, dated 11/30/11 and addressed to "*Mr. Zimmer*" and to the "*Michigan Court of Appeals*," with a banner heading that read: "*Warning! Read carefully the entirety of this document as it contains criminal*

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***allegations for review by a grand jury*.”** The letter shows it was time-stamped as “*received*” by the COA along with the “*Certificate of Service*” on 12/1/11. **(“EXHIBIT #96”)**

In sum, the letter – sent with two sections of its own labeled “*exhibits*” in support of the cover pages – made the following points of significance clear to “*Mr. Zimmer*”:

1) The letter was in review of the correspondence between Clerk Zimmer and Grievant since 11/2/11.
2) That Grievant has been found to be lying, engaging – *prima facie* – in fraudulent conveyances, and treating Grievant as being less than the sovereign flesh-and-blood human being that he was.
3) That based on the latest letter reflecting that Grievant’s documents had NOT been docketed, Grievant was insisting upon a written explanation of the cause; that Grievant was providing the clerk with the good faith opportunity to *cure* the harm through honesty and affirmative action;
4) That in the alternative to a written response from Zimmer, silence will be construed as an admission of “*guilt*” to the criminal allegations that are being otherwise levied against Zimmer.

On 12/2/11, District Clerk Jerome Zimmer, Jr. wrote a letter back on Court of Appeals letterhead. He acknowledged receipt of the “*20 copies of the combined*

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reply brief and motions filed" on 11/30/11 along with Grievant's cover letter as depicted above. All his letter did however, was to express gratitude to Grievant for having "*satisfied the Court's need for motions to be filed separately from the brief*." His letter never apologized for having first told Grievant to disregard the content of that previous letter and then turned around and constructively place Grievant into another losing situation by prejudicially granting favor to the Appellees in telling them they did not have to respond to Grievant's previous filings. Neither did it address anything else in previous Grievant's letter to him regarding his tort and fraudulent misrepresentations. **("EXHIBIT #97")**

Five days later on 12/7/11, COA Assistant Clerk John Lowe notified the Appellees' attorney (Buchanan) that Grievant had... **("EXHIBIT #98")**

> "*re-filed motions included with the reply brief that [was] initially filed...on 11/1/11...and...[s]ince the motions re-filed...are the same as were included in the reply brief filed on 11/1/11...we have now accepted and re-docketed the answer that was initially filed on 11/8/11. The answer will be submitted to a panel of judges along with plaintiff-appellant's motions*."

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THE FORMER WCCC "*JUDGE*" CYNTHIA STEPHENS THAT RULED "*EXPUNGEMENTS ARE A MYTH*" IN 2008 GOT INVOLVED AGAIN TO CRIMINALLY PROTECT HERSELF FROM HER POSITION ON THE MICHIGAN COURT OF APPEALS, RULING WITHOUT CAUSE TO DENY ALL OF GRIEVANT'S MOTIONS TO SEAL PUBLIC RECORDS, TO SANCTION APPELLEES FOR FRAUD UPON THE COURT, AND TO ISSUE A *WRIT OF MANDAMUS* FOR APPELLEES TO '*CEASE AND DESIST*' IN THEIR ONGOING *CIVIL* AND *CRIMINAL* OFFENSES AGAINST GRIEVANT SCHIED

On 12/15/11, the criminal tribunal of "*domestic terrorists*" Cynthia Stephens, Michael Talbot and Christopher Murray gathered to display the familiar pattern of "*give and take*," by throwing Grievant a negligible "*bone*" in granting his "*Motion for Immediate Consideration*..." (*without* disclosing the entire content of Grievant's motion) but then turning around and DENYING all of the motions that Grievant was asking these judicial imposters to "*consider*." **("EXHIBIT #99")**

The "*order*" was a summary dismissal of all of the (20 sets of documents) motions, written without any cause of reasoning to support these denials. It was based entirely upon their "*discretion*," **which Grievant has interpreted as "*individual*" discretion and NOT "*judicial*" discretion, since the cover-up of crimes is itself criminal. Again, this is added proof of *domestic terrorism* actively happening in Detroit, within the territorial boundaries of the Appellee Charter County of Wayne.**

Important to note here is that Grievant did not take an "*appeal*" of that ruling to the Michigan Supreme Court or file another "*motion for*

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***reconsideration*" or anything else for that matter for obvious reasons any grand jury would otherwise have concurred with. Grievant had been simply "*due processed to death*" by the clerks, by the judges, and by the entire machinery of these *domestic terrorists* that took over the constitutional judicial system created and ordained by *We, The People* under the Michigan constitution. It is clear then. Since 2011, there has been no constitutional "*judiciary*" in Michigan. It has been usurped by gangsters, racketeers, extortionists...domestic terrorists, who are all operating in, with, by, and through *agents* of the Appellees, being the Charter County of Wayne as fellow gangsters, racketeers and domestic terrorists.**

Subsequently, as shown by the fact that **"*Exhibit #62*"** as the Docket Sheet reflects no activity at all on this case by mid-year, it is safe to say that the *judicial usurpers* as *agents* for the defunct "*Michigan Court of Appeals*" lay dormant for the entirety of the following year with regard to Grievant Schied's case. Their focus was on terrorizing other unsuspecting taxpayers, unwary property owners and naïve state citizens, many who have been seeking "*justice*" like Grievant without an attorney.

Thereafter, in taking a reprieve out of state in Wyoming – and while in full-time in his post-graduate university studies in an online Ph.D. program in Education with a focus on government corruption, American legislative history,

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civic engagement, common law constitutionalism, and private prosecutions – Grievant found the wherewithal to file yet another set of documents relevant to his "*appeal*" of the judicial usurper Stempien's actions in the lower court of Detroit, inside the territorial boundaries and corrupt influence of Appellee CCofW.

"EXHIBIT #100" reflects that "*Certificate of Service*" for the multiple motions that Grievant sent to the Detroit office of the defunct Michigan COA and to the co-Appellees on 1/2/13, consisting of the following as cited in quotation:

1) "*Motion for the Court of Appeals Tribunal Judge Cynthia Diane Stephens to Disqualify Herself Based Upon a 6-Year Record of Prejudicial and Criminal Misconduct from the Bench Against Appellant;*"
2) *"Motion to Postpone Oral Hearing Scheduled for* 1/9/13 a 2-*Year Delay on the Case by the Michigan Court of Appeals as Based Upon Good Cause of Appellant Being Out of State Until March 2013 on a Doctoral Program of Full Time University Study;"*
3) *"Motion for Order of Grand Jury Investigation as Based Upon Evidence of Criminal Misconduct and Fraud Upon the Court by Judge Jeanne Stempien, by 'Chief Judge' Virgil Smith, and by the Clerk of the Court Cathy Garrett;"*
4) *"Motion to Vacate or Set Aside Lower Court Order;"*

As presented by **"EXHIBIT #101"**, on 1/2/13, Grievant attempted to have Cynthia Stephens "*disqualify herself*" from further proceedings of this case based upon the aforementioned arbitrary and capricious ruling she had made over a year prior (i.e., see ***"Exhibit #99"*** labeled "*Exhibit #3*" in accompaniment of ***"Exhibit #101"*** herein); and based upon Stephens' 2008 ruling that "*expungements are a myth*", which also interpreted Michigan legislators to have authorized the public dissemination of the "*expunction order*" of another state despite that such order

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had "*use or dissemination is prohibited*" written right on its face, and despite Grievant and his attorney having made it clear that the document was not just being shared with other potential employers of Grievant Schied, but also the public, which clearly constitutes criminal misdemeanor offenses for each of these acts. (i.e., see **"*Exhibit #33-23*"** for the full transcript of that 2008 hearing that was labeled "*Exhibit #1*" in accompaniment of **"*Exhibit #101*"** herein when sent to the Michigan COA in 2012: or see **"*Exhibit #39*"** attached herein for the most relevant pages).

Grievant's position was that in December 2011, Cynthia Stephens should have disqualified herself because the "*issue/decision before the court*" in this case pertains to a matter which, if ruled upon correctly (i.e., lawfully and judicially rather than arbitrarily and capriciously) then it would result in a need to set aside or otherwise reverse her own ruling from the bench of the Appellee's "*Wayne County Circuit Court*" in 2008. In any event, she was aware that Grievant had already filed one "*judicial misconduct*" complaint on her later in 2008 (i.e., see the content of **"*Exhibit #53*"** herein to find Grievant's complaint to the JTC against Stephens which was labeled "*Exhibit #1*" in accompaniment of **"*Exhibit #101*"** herein) and thus; there at least presents some appearance of prejudicial treatment and conflict of interest when ruling arbitrarily and capriciously as she did in 2011 with no explanation in support of that "*decision*."

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As shown in the pages (numbered pp.4-6) of **"*Exhibit #101*"** as Grievant's 1/2/13 argument to the judicial usurpers of the Michigan COA, Cynthia Diane Stephens had sworn an Oath to the Constitution of the United States and the Constitution of Michigan on 12/29/10 **("EXHIBIT #102")**, just one year before she grossly disregarded of the "*merits*" of Grievant's "pleadings" and ruled prejudicially against Grievant (i.e., see again, ***"Exhibit #99"***). Having previously – and repeatedly – overlooked the Facts, Statements, and the Evidence presented by Grievant in multiple cases with Stephens involved in rulings causing further harm for Grievant as a reported "*crime victim*," and while affording even more "*aid and comfort*" to "*the accused*" criminal perpetrators in her own peer group, Grievant justifiably argued in January 2013 that Stephens' rulings constituted "*fraud upon the court*" and criminal violations of her Oath and Duties of Office.

In support of his argument, he submitted as "*Exhibit #7*" of his January 2013 "*motion... to disqualify*" filing three pages of reasoning that judges (and attorneys), as "*officers of the court*", who "*defile the court itself...so that the judicial machinery can not (sic.) perform in the usual manner its impartial task of adjudging cases that are presented for adjudication,*" should be disqualified. (*See* "**EXHIBIT #103"** as a copy of what was referred to as "*Exhibit #7*" in that 2013 filing.) **Clearly, in hindsight of what had already occurred with case No. 303715 and the "*Motion for Writ of Mandamus...for cease and desist*..." being**

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case No. 303802, what was expounded by the three pages of that document captioned, "*'Fraud on the Court by An Officer of the Court' and 'Disqualification of Judges, State and Federal'*" should need to apply – in fact – to ALL of the judicial usurpers waging war against *We, The People* through *arbitrary and capricious* rulings delivered *under color of law*.

As shown by the *Certificate of Service* **("*Exhibit #100*")** Grievant sent **five (5) costly copies** of his package to the Detroit office of the Michigan Court of Appeals, as well as two more sets of his package to the Appellees along with **"EXHIBIT 104"** verifying by the "*Sworn and Notarized Affidavit of Patricia Kraus*" that Grievant was in Wyoming deep in his Ph.D. graduate program studies and would not be available for a scheduled hearing on his case until March of that year. He thus made clear that not only did he have a legitimate reason for not being able to be present at the scheduled "*oral hearing*" set for 1/8/13, but that, as the testimonial statement of Patricia Kraus (now deceased) had asserted:

> ***"I am aware, and can verify that I know for a fact, that if compelled to borrow additional funds for the cost of the roundtrip plane or train ticket to Michigan to appear at an oral hearing scheduled by the Michigan Court of Appeals on 1/9/13, and while also having to prepare for that oral hearing, these tasks would be far too burdensome for Appellant and crime victim David Schied on his university workload; and thus would present a clear "miscarriage of justice" against David Schied by the Michigan Court of Appeals."***

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THE *JUDICIAL USURPERS* AS "*TAG-TEAM*" PARTNERS STEPHEN BORELLO, MICHAEL TALBOT, AND KURTIS WILDER ENTERED THE PICTURE TO COLLECTIVELY *DESTROY* ALL OF GRIEVANT SCHIED'S UNDERLYING EFFORTS TO SALVAGE SOME SEMBLANCE OF "*JUSTICE*" FROM THESE "*DOMESTIC TERRORISTS*" THEN AND NOW RUNNING "*THE SYSTEM*"

As shown by **"EXHIBIT #105" (inclusive of all 25 "*Exhibits A through Y*")**, accompanying the above set of "*motions*" depicted above in accompanying motions of **"*Exhibit #104*"**, Grievant sent the Michigan COA, from Wyoming, a concise summary "*brief*" as captioned below. He sent that document along with twenty-five (25) other separately identified "*exhibits*" marked "***Exhibit A*"** **through "*Exhibit Y*"** which outlined why Stempien's lower "*court*" ruling in the case presented by Appellees MMRMA – **and concurred by Appellees CCofW in this case as "*Exhibit B*"** – should vacated, set aside, and/or otherwise presented to an independent grand jury for criminal investigation. The captioning of that one-inch thick filing to the Michigan COA was sent as "*filed*" as follows:

> "*'Motion to Vacate or Set Aside Lower Court Order' and Accompanying 'Motion for Order of Grand Jury Investigation' as Based Upon Evidence of Criminal Misconduct and Fraud Upon the Court by Judge Jeanne Stempien, by 'Chief Judge' Virgil Smith, and by the Clerk of the Court Cathy Garrett"*

Because **"*Exhibit #105*"** is self-evident for connecting the Statements and Arguments with the Evidence, much of which has already been presented herein in previous "*exhibits of Evidence*". There are a couple of items that deserve special attention however, as they were only alluded to and not explicitly brought into a

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proper scope of scrutiny yet to reveal other significant crimes being committed by the so-called "*judges*" that have *usurped* *The People's* offices by *corruption* and *racketeering* alongside of Appellee Charter County of Wayne and their highly paid thugs employed as attorneys of the "*Corporation Counsel*."

Take for instance, the number of pages in the compilation of supporting documents for "*Exhibit #105*" to the Michigan COA in January 2013 that are listed below. These documents support the accompanying Facts also established below:

1) "*Exhibit L*" – **This is certification from the Michigan Department of State's "*Office of the Great Seal*" that for the years 2008 through 2012,** Appellee CCofW's "*Wayne County Circuit Court*" was operating exclusively through a usurper as the "*chief judge*" as **Virgil Smith** (whose "*former senator*" is now awaiting a trial on being indicted in "Wayne County" for **domestic violence**) had NO OATH OF OFFICE.
2) "*Exhibit M*" – This is Grievant's filing of a "*Praecipe*", dated 4/29/11, for an "*order*" on Grievant's "*Motion Before Chief Judge Virgil Smith for Ex-Parte, Sua Sponte or Other Special Order for Forma Pauperis Waiver of Fees on the Ordering of Official Transcripts on Case Involving Criminal Allegations Against Judge Jeanne Stempien That Are backed by Sworn Affidavits of Courtroom Witnesses Pertaining to This Case Now Dismissed and Heading for the Michigan Court of Appeals*" (Michigan COA No. 303715). This is a motion

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that Virgil Smith unconstitutionally DENIED. Accompanying this Secretary of State's certification is a copy of Grievant's "*Motion Before Chief Judge Virgil Smith...Ordering of Transcripts...Heading for the Michigan Court of Appeals.*

3) "*Exhibit N*" – This is Michigan's Constitution which mandates under *"§1 'Oath of public officers'"* that "*All officers...and judicial, before entering upon the duties of their respective offices shall take and subscribe....*"
4) "*Exhibit O*" – This is MCL 168.420 ("*Circuit court judges; oath of office, filing*") states, "Every person elected to the office of judge of the circuit court, before entering his office, shall take and subscribe to the Oath as provided in section 1 of Article 11 of the State Constitution..."
5) "*Exhibit P*" – This is a "*judicial misconduct*" complaint filed by Grievant with the Judicial Tenure Commission (for which Jeanne Stempien was then on that Commission and used to be the "*chairperson*" as demonstrated by the contents of "*Exhibit #53*" above) in 2010. It claims, among other things, that Smith "*used his office to continue providing special treatment for other judges and...for government officers and their attorneys and...knowingly allowed two judges (Hughes and Stempien) to perpetrate 'fraud upon the court', and....committed 'misprision of felonies...and acted concertedly and in a 'chain pattern' of corruption to cover up the judicial and criminal misconduct of his peer group...*"

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6) "*Exhibit Q*" – This is a copy of the "*Official Ballot*" for the General Election of Wayne County, Michigan held on 11/6/12, which unlawfully lists Virgil Smith as the "incumbent judge" despite that he had not subscribed to his Oath for the previous six (6) years and was thus, a usurper of that office instead.

7) "*Exhibit R*" – This is a cover letter to Attorney General Bill Schuette, accompanied by "Affidavit in Petition and Notice" signed by eight (8) concerned citizens of Wayne County, in complaint about Virgil Smith being a usurper of the judicial bench on behalf of the Appellees CCofW. That accompanying Affidavit cites numerous Michigan laws mandating the DUTY of the Michigan attorney general to file a "*Quo Warranto*" complaint in the Michigan Court of Appeals against anyone described as Smith who clearly is in violation of "MCL 168.422 ("*the office of circuit judge shall become vacant upon happening of...his neglect or refusal to take and subscribe to the constitutional oath of office...*")

8) "*Exhibit S*" – This is a letter of simple rhetoric addressed to Martin Prehn who had written in follow up inquiring about the status of the previous letter and notice that the circuit court "chief judge's" office in Wayne County had been VACANT for the previous six years. The letter from Bill Schuette's agent, Michigan State BAR attorney Donna Pendergast, clearly fails to address the issue.

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9) "*Exhibit T*" – This is a letter from the Attorney Grievance Commission where an "*attorney grievance complaint*" was made (because Smith was NOT a judge, and the office was "vacant," the complaint went to the AGC as a complaint about a fellow State BAR member). This letter shows that in 2012, the "senior counsel" Ruthann Stevens acted arbitrarily and capriciously to forward this complaint to the Judicial Tenure Commission without permission from the complainants (and thus starting a "*runaround*").

10) "*Exhibit U*" – This shows that JTC's "*general counsel*" Paul Fisher responded back (about usurper Virgil Smith), after receiving the complaint from the AGC "*counsel*" with a finding that "*The Commission has determined that there is no basis for commencing formal disciplinary proceedings or taking any other action*."

11) "*Exhibit V*" – This is MCL 168.422 ("Michigan Election Law" – "vacancy") which states, "*The office of the circuit court judge shall become vacant....[upon]...his neglect or refusal to take and subscribe to the constitutional Oath of office...*."

12) "*Exhibit W*" – This is a copy of the Michigan Constitution underscoring that, under Article VI ("*Judicial Branch*") §22 ("*Incumbent judges; affidavit of candidacy*") and §25 ("*Removal of judges from office*") state, "For reasonable cause, the Governor SHALL remove any judge..."

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13) "*Exhibit X*" – This is a letter dated 9/2/12 prior to the General Election of Wayne County by which the Governor Rick Snyder was notified that Virgil Smith was an imposter in office without an Oath for the preceding 6 years, and that his "Affidavit of Candidacy" for that year's election was clearly fraudulent, constituting "*voter fraud*." This "exhibit" was accompanied by others entered herein above as Evidence for Snyder to consider. (NOTE: Like AG Bill Schuette, Snyder demonstrated his own criminal malfeasance when he never even responded to address the issue presented here.)

Despite Grievant – again – taking the time, the cost in terms of duplicate paperwork for each judge, the Appellees, and for his own records, and articulating otherwise overwhelming *Evidence*, *Statements* and *Arguments* to prove the basis for his many *motions* as presented herein by reference above, the Michigan COA "*tribunal*" of Stephen Borello, Michael Talbot and Kurtis Wilder) came in to this case just like corrupt racketeers; hacking up, dismembering, and discarding all of Grievants' efforts just like amateur swordsmen instead pretending to be "*musketeers*." Disregarding everything Grievant had written, including the "*Sworn and Notarized Affidavit of Patricia Kraus*" ("*Exhibit #104*") they went on with the hearing anyway and/or went forward to dismiss everything against Grievant. ("EXHIBIT #107)

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As has been the longstanding *pattern and practice* of the *domestic terrorists* inhabiting and *usurping* the *de jure* offices of the Michigan Supreme Court, the Michigan Court of Appeals, and the multiplicity of "*circuit courts*" throughout Michigan, **the so-called "*judges*"** – this time with Stephen Borello presiding the tribunal alongside of the judicial criminals Michael Talbot and Kurtis Wilder – **chose to throw out everything Grievant had brought to their table and to DENY Grievant's "*motion to adjourn*"; to DISMISS AS MOOT Grievant's "*motion to disqualify Judge Stephens*" because "*Judge Stephens recused herself*" (after doing her previous damage to Grievant in 2011); to DENY Grievant's "*demand for criminal grand jury investigation*;" to DENY Grievant's "*motion for order of grand jury investigation*"; and, to DENY Grievant's "*motion to vacate or set aside the lower court order*" (of Stempien based on fraud upon the court).** (Bold emphasis added) (*See again* **"Exhibit #107"** as a copy of this INVALID "*order*" signed by Michael Talbot that was "*entered and certified [into the official court record]*" by the "*chief clerk*" Larry Royster.)

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STEVEN BORELLO, MICHAEL TALBOT, AND KURTIS WILDER HAVE DEMONSTRATED THAT THE MICHIGAN "*COURT OF APPEALS*" REALLY IS NOTHING OTHER THAN A *CORRUPT RACKET* OPERATING *UNDER COLOR OF LAW* AS "*DOMESTIC TERRORISTS*"

As is shown below in comparing the Appellee MMRMA's "*Exhibit A*" and "*Exhibit B*" (found herein also as **"*Exhibit #1*"** and **"*Exhibit #107*"** respectively) to the extensive content underlying that "*Michigan Court of Appeals*"' ruling as presented herein by all the other **"*Exhibits #2 through #106,*"** it is clear why this *"Quo Warranto" Demand to the Judges of the Court of Appeals for the Sixth Circuit Court* is being presented. Any competent jury or grand jury not handpicked and controlled by the government "*actors*" would find no merit whatsoever with Appellee MMRMA's "*Motion to Dismiss for Lack of Jurisdiction*" as "*concurred*" with by Appellees Charter County of Wayne ("CCoW"). In fact, they would find the *domestic terrorists* activities being carried out by the agents of these Appellees, and within the controlling territorial boundaries of these Appellees completely within their jurisdiction as an Article III Court of Record having the plenary powers and the authority of *We, The People* for *judicial independence*.

Again, that is only *IF* this Sixth Circuit Court of Appeals is an Article III constitutional Court of Record; and not something similar to what the Evidence herein portrays. As is clear – even by the Sixth Circuit Court judges' own published but "*not for publication*" documents show – between 2008 and 2012, they too were made privy to ALL of the documentation and information

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represented by "*Exhibits #1 through #107*," yet these "*judges*" chose to only repeat the injuries of the *state judges* by issuing repeated injuries against Grievant David Schied's constant exercise of his rights, most sacredly his inalienable and unalienable First Amendment "*Right to Redress*." In fact, as the Evidence presented by the Appellees themselves shows, both the *domestic terrorists* of the so-called Michigan Court of Appeals and the "*judicial actors*" under lifetime employment at the Sixth Circuit Court did nothing except "*dismiss*" Grievant's issues and instead issue against him "*warnings*" and the *threat of "sanctions*."

Moreover, the Sixth Circuit judges have ruled that Grievant "*has no right to criminal prosecution*," while *appearing* to misconstrue Grievant's redress of his right to "*honest government services*" and his constitutionally-recognized "*victim's rights*" to include the "*right to be protected from the accused*."" The Sixth Circuit judges repeatedly "*concurred*" with other U.S. District Court for the Eastern District of Michigan federal "*judges*" as members of the State BAR of Michigan being controlled by the extremely corrupt Michigan Supreme Court and operating with an "F" rating and ranking dead last in "*ethics and transparency*" throughout all 50 states.

The Sixth Circuit has likewise ruled and/or concurred with other federal rulings that also state that Grievant has no right whatsoever to access a state or federal grand jury, which he has been otherwise demanding access to for the last

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near-decade since 2007, so that he might reach more of the sovereign "*We, The People*" for a proper resolution, as opposed to the radicalized "*gatekeepers*" who *appear* to be not only prejudicially protecting corporate and government interests, but appear also to be corporations or quasi-corporations themselves, while operating in corporate fiction. This is "*Treason*" if true, punishable by death in some extreme cases.

EVIDENCE SHOWS THE "*AGENTS*" OF THE SIXTH CIRCUIT COURT TO BE *ACTING* IN A PRIVATE CAPACITY AS A *CORPORATE FICTION*, NOT IN A PUBLIC CAPACITY AS AN *ARTICLE III COURT OF RECORD*

One week ago, Grievant submitted another filing to the Sixth Circuit Court of Appeals, in claim that Clerk Deborah Hunt and her cohort Case Manager Robin Baker are guilty of both civilly and criminally *depriving* Grievant *of* his due process *rights under color of law* and by a *simulated legal process*. Grievant incorporates by reference the entirety of that filing and the Evidence it presented.

That was a situation whereby the clerks had hacked up Grievant Schied's previous "*response*" filing, which was believed to be submitted in Common Law to an Article III Court of Record. While the Clerk sent back to Grievant the majority of his "*filing*" as unfiled, the case manager did absolutely nothing in response to Grievant's assertion that the captions of the federal court case were incorrect, that they looked like the flesh-and-blood people named by the *Complaint/Claim for*

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Damages were being treated as "*corporate fictions*", and that the reported crimes against Grievant by the clerks' office in Detroit continued to go ignored.

What those federal employees did was to use "*procedure over substance*," and that is precisely what the "*decision before the court*" is currently with Grievant's filing of "*Writ of Mandamus for Interlocutory Appeal*..." and his accompanying "*Memorandum at Law*" to which Appellees have together "*concurred*" that the Sixth Circuit judges have no "*jurisdiction*" to hear. It *appears* that the only way that could possibly be the case is if the "*Sixth Circuit Court of Appeals*" is really not an Article III court at all, but just another corporation operating in some archaic law other than that which the one and only Supreme Law of the Land ("*The Constitution*") has authorized under Article III ("*The Judicial Branch*").

In that previous situation of a week ago, Grievant presented *just cause* for Grievant to demand therein the corporate charter of the Sixth Circuit Court of Appeals; and to justify a coinciding demand for Evidence by way of government Oaths of Office, corporate *risk management* insurance policies, proof of government performance bonding, and Evidence of "*excess*" insurance coverage for "*errors and omissions*" and for "*domestic terrorism*" as is available through the legislation of Terrorism Risk Insurance Program Reauthorization Act of 2007

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(TRIPRA) for institutions such as that operating as the Court of Appeals for the Sixth Circuit or by other associated "*company*" names in corporate fiction.

Herein, Grievant – as Private Attorney General in State *Ex Rel* – reclaims and repeats that same demand.

STANDING OF AND FOR "*THE PEOPLE*" AS THE *SOVEREIGN* IS IN *COMMON LAW*, IN *ARTICLE III* COURTS, AND IN EXERCISE OF THE PEOPLE'S RIGHTS IN *COMMON LAW* TO HAVE GRAND JURIES

In *Standing*, the right of a grievant is the right in *capacity* to bring any suit in these Article III courts, to challenge the laws, and to compel courts to connect the claims of injury to the actual harm sustained; and not having courts active as an opponent in the establishment of a proper and/or *judicial* remedy.

Shown herein in different *venues*, are such unconstitutional constructs and misapplications of law in Grievant's past use of the state and federal courts, that it gives great cause to further these "*due process*" issues. Clearly, there are *patterns and practices* being implemented that reflect a context that is based in some "*law*" that is foreign to that of the Supreme Law, being different, intentional or otherwise, encroaching upon Grievant's rights to "*remedy*" and to "*redress*".

Hence, when like conditions were present in the past, such as when there was a *decree* and *order* set forth by the Supreme Court in *Ex parte Milligan*, 71 U.S. (4 Wall.) 2 (1866). At the time the first "*Martial Law*" implemented was being challenged under suspension of *Habeas Corpus*.

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This highest Court understood and defined in use, the Martial Laws, as these issues where based. The finding was that Martial Laws cannot be present when the Article III Courts are also functioning, as they simply cannot co-exist.

Therefore, the Executive Orders, whether in Martial Law from 1861 or from other various Presidents, or even Legislative actions that do not align with the Supreme Law of The Constitution – which might include any of this current date – are *null and void*.

> ***Article VI Clause 2.*** *This Constitution, and the laws of the United States which shall be made in pursuance thereof; and all treaties made, or which shall be made, under the authority of the United States, shall be* ***the supreme law of the land****; and the judges in every state shall be bound thereby, anything in the Constitution or laws of any State to the contrary notwithstanding.*

Any *appearance* of implementation, of a perpetual ruse, or the guise of using the Article I "*legislative*" or "*administrative*" courts in lieu of Article III courts, or in any other way ushering in a foreign government or a State that is contrary to and depriving the people from Common Law Article III availability, such as by introducing a false *types* of courts or a *pattern and practice* of *fraud upon the court* also results in a *nullity* of those unconstitutional actions.

Therefore, if such courts exists, or if the circumstances as described exist and have set some form of "*precedence*," those *usurpations of power* must be corrected and the *People* harmed by it must be somehow fully restored.

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The United States Constitution guarantees to every state in this union and the People thereof, a constitutional republican form of government that the judiciary and all oath takers must obey. If the officers sworn by Oath and Bond do not correct a problem perceived by others in honoring their Oath, they will be done away with, deprived of their bond and eligibility for office, and replaced. The Sovereign People are the final arbiters of *justice*, not the government.

When government is not properly self-correcting, it must be corrected by alternative means; and by the people's First Amendment guarantee in the right to assemble, to speak, to redress, and to publish their *common* findings and their *common* views, such as by Grand Jury presentments, and indictments.

WRIT FOR "*QUO WARRANTO*" PROVING "*JURISDICTION,*" ARTICLE III "*GOOD BEHAVIOR*" AND *AUTHENTICATION OF ALL SIXTH CIRCUIT COURT JUDGES' OATHS & PERFORMANCE BONDS*

A writ of *quo warranto* is not a petition, but a notice of demand, issued by a demandant, to one or more respondants claiming some delegated power. It is filed with a court of *competent* jurisdiction, to present proof of authority to execute claims for powers. **If the proof is found insufficient, or if the court fails to respond, the respondant must cease to exercise the power. If the power is that of an office, the respondant must vacate the office.**

By itself, the *writ* does not seek the support of the Court to order any respondant to cease the exercise or vacate the office. That would be an

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accompanying *writ of prohibito* or a *writ of mandamus*. All such writs contemplate enforcement by the people as militia, although that could include the sheriff or constable as commander of militia. The right involved is that of the respondants to present their evidence.

These writs are called *prerogative writs* because they are supposed to be docketed ahead of all other cases except other prerogative writs. Though the prerogative writ of *quo warranto* has been suppressed at the federal level in the United States, and deprecated at the state level, it nevertheless remains a right under the Ninth Amendment, which was understood and presumed by the Founders, and which affords the only *judicial* remedy for violations of the Constitution by public officials and agents. The demandant represents the *sovereign*, *The People*, and anyone may appear in that capacity, even without a personal stake in the decision.

As "*independent*" Article III judges of the Sixth Circuit Court of Appeals, **YOU ARE HEREBY COMMANDED,** to provide within fourteen (14) calendar days a response to this "*Quo Warranto*" demand or resign from your office(s) immediately. Failure to comply with all the demands of this *Writ of Quo Warranto* will be an admission of your intentional and willful engagement in RICO and HIGH-TREASON against the People, and will be subject to presentments or indictments for immediate removal from office and criminal prosecution for committing of illicit and on-going crimes in a wheel and chain of conspiracy.

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Submitted In Respected Honor and Love of The People and the Great America,

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SWORN DECLARATION OF TRUTH

I declare under penalty of perjury that the forgoing is true to the best of my knowledge and belief. If requested, I will swear in testimony to the accuracy of the above if requested by a competent court of law and of record.

Respectfully submitted,

David Schied
P.O. Box 1378
Novi, Michigan 48376
248-974-7703

_____ (all rights reserved)

David Schied Dated: 1/8/16

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