

STATE OF MICHIGAN
COURT OF APPEALS

DAVID SCHIED,

Plaintiff-Appellant,

v

STATE OF MICHIGAN, ATTORNEY
GENERAL, DEPARTMENT OF EDUCATION,
DEPARTMENT OF MANAGEMENT &
BUDGET, DEPARTMENT OF CIVIL RIGHTS,
MICHIGAN STATE POLICE, WASHTENAW
COUNTY PROSECUTORS, LINCOLN
CONSOLIDATED SCHOOLS BOARD OF
EDUCATION, SANDRA HARRIS,
NORTHVILLE PUBLIC SCHOOLS BOARD OF
EDUCATION, SCOTT SNYDER, KATY
PARKER, DAVID BLITHO, LEONARD
REZMIERSKI, KELLER THOMA LAW FIRM,
WAYNE COUNTY REGIONAL EDUCATION
SERVICES AGENCY, MARLENE DAVIS,
KEVIN MAGIN, DAVID SOEBBING and
NORTHVILLE CITY POLICE DEPARTMENT,

Defendants-Appellees.

UNPUBLISHED

May 19,2009

No. 282804

Ingham Circuit Court

LC No. 07-001256-AW

Before: Bandstra, P.J., and Owens and Donofrio, JJ.

MEMORANDUM.

Plaintiff appeals from an order of the circuit court dismissing his complaint without prejudice. We treat this matter as on application for appeal by leave and grant the application. After considering plaintiff's arguments and the record before us, we conclude that relief is not warranted, and affirm.

Plaintiff first argues that the circuit court judge committed misconduct when he failed to disqualify himself from the case because of bias and then proceeded to dismiss the matter without having heard motions previously filed by plaintiff. Because plaintiff did not file an affidavit below in support of his motion, the issue is not properly before us. MCR 2.003(C)(2). In any event, the reported statements of the circuit court judge regarding a friendship with one of

the named defendants do not alone demonstrate a probability of bias that would have required disqualification.

Also, we see no error in the dismissal of plaintiffs complaint. Plaintiffs complaint and subsequent more definite statement contained many broad and diffuse criminal allegations that were not properly before the circuit court, MeL 764.1(1); MCR 6.101(C), and not discernibly supported by a reasoned application of law and fact. MeR 2.111(A)(I), (B)(I). Despite its volume, plaintiffs complaint did not provide notice to the adverse parties of the claims they were to defend. While dismissal of a matter is the harshest sanction that the court may impose on a plaintiff, *Schell v Baker Furniture Co*, 232 Mich App 470, 475; 591 NW2d 349 (1998), trial courts do have the explicit authority to impose appropriate sanctions in order to contain and prevent abuses and administer the orderly operation of justice, *Maldonado v Ford Motor Co*, 476 Mich 372, 375-376; 719 NW2d 809 (2006). Accordingly, the circuit court did not err in dismissing the complaint. MCR 2.115(A)

Plaintiff also raises several issues that reargue matters previously before this Court in *Schied v Lincoln Consolidated Schools*, unpublished opinion per curiam of the Michigan Court of Appeals, issued June 29, 2006 (Docket No. 267023). We have no jurisdiction to review issues arising from a separate but related case. MCL 7.203(A)(1); *Chapdelaine v Sochocki*, 247 Mich App 167,177; 635 NW2d 339 (2001).

Affirmed.

/s/ Richard A. Bandstra

/s/ Donald S. Owens

/s/ Pat M. Donofrio

HENRY SAAD
CHIEF JUDGE
CHRISTOPHER M. MURRAY
CHIEF JUDGE PRO TEM
DAVID H. SAWYER
WILLIAM B. MURPHY
MARK J. CAVANAGH
KATHLEEN JANSEN
E. THOMAS FITZGERALD
RICHARD A. BANDSTRÄ
JOEL P. HOEKSTRA
JANE E. MARKEY
PETER D. O'CONNELL
WILLIAM C. WHITBECK
MICHAEL J. TALBOT
KURTIS T. WILDER
BRIAN K. ZAHRA



State of Michigan
Court of Appeals

PATRICK M. METER
DONALD S. OWENS
KIRSTEN FRANK KELLY
PAT M. DONOFRIO
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ALTON T. DAVIS
DEBORAH A. SERVITIO
JANE M. BECKERING
ELIZABETH L. GLEICHER
CYNTHIA DIANE STEPHENS
MICHAEL J. KELLY
DOUGLAS B. SHAPIRO
JUDGES
SANDRA SCHULTZ MENGEL
CHIEF CLERK

Lansing Office

TO ATTORNEYS OF RECORD:

Enclosed with this letter is the decision and opinion in the entitled matter. Under MeR 7.215(E), this opinion is the judgment of the Court of Appeals. The official date of the filing of this opinion is the date that is printed on it, and all time periods for further action under the rules will run from that date. See MCR 7.215(F) and (I), and MCR 7.302(C)(2)(b).

If the words *For Publication* appear on the face of this opinion, it will be published in the Michigan Appeals Reports. If the word *Unpublished* appears on the face of this opinion, it was not slated for publication at the time it was released. See MeR 7.215(A).

Although an opinion that is to be published is official as of the date that is printed on it, actual publication will be delayed until editorial work is completed in the Reporter's Office. This editorial work may result in slight changes in style or in citations when the opinion is published in the Michigan Appeals Reports.

I hereby certify that the annexed is a true and correct copy of the opinion filed in the record of the Court of Appeals in the entitled matter and that the date printed thereon is the actual date of filing.

Very truly yours,

Sandra Schultz Mengel
Chief Clerk

SSMllas

Enc!.

cc: Trial Judge or Agency

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Court of Appeals, State of Michigan

ORDER

David Sehied v State of Michigan

Docket No. 282804

LC No. 07-001256-AW

Richard A. Bandstra
Presiding

Donald S. Owens

Pat M. Donofrio
Judges

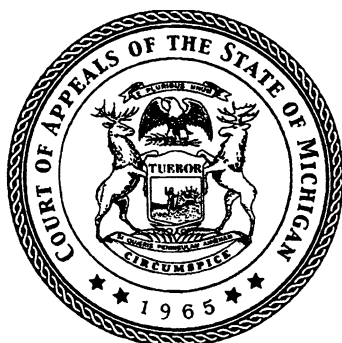
The Court DENIES as unnecessary plaintiff's Motion to Demand This Court Read All Pleadings Plaintiff Files with this Court, and to Adhere only to Constitutionally Compliant Law Case Law, and More Particularly, the Bill of Rights, in its Ruling. The judges of the Court of Appeals are duty-bound to act in conformity with their oaths to support the Constitution of the United States and the constitution of this state and guard the liberties and conferred by those documents. Const 1963, art XI, § 1; MCL 600.303(4); *Marbury v Madison*, 5 US (1 Cranch) 137, 179-180 (1803); *Gora v City of Ferndale*, 456 Mich 704, 720; 576 NW2d 141 (1998).

For the same reason, the Court also DENIES as unnecessary plaintiff's Motion to Claim and Exercise Constitutional Rights, and Require the Presiding Judges to Rule Upon This Motion for All Public Officers of This Court to Uphold Said Rights.

Finally, the Court DENIES for lack of merit plaintiff's Motion for "Superintending Control" and for a Finding of "Contempt" Against Defendants, and [to] Hear Three Motions Plaintiff-Appellant Properly Filed in Lower Court Yet Still Without Any "Hearing".



Presiding Judge



A true copy entered and certified by Sandra Schultz Mengel, Chief Clerk, on

MAY 11 2009
Date


Chief Clerk

**STATE OF MICHIGAN
IN THE COURT OF APPEALS**

DAVID SCHIED,

Plaintiff/Appellant

V

State of Michigan; Gov. Jennifer Granholm; Kelly Keenan, Michelle Rich, Michigan State Administrative Board; Attorney General Mike Cox; Office of the Michigan Attorney General; Commissioner Laura Cox; Wayne County Commission; Wayne County Office of the Prosecutor; Washtenaw County Office of the Prosecutor; Michigan State Police; Northville City Police; Michigan Department of Civil Rights; Michigan Department of Education; Wayne County RESA; Michael D. Weaver; Northville Public Schools Board of Education; Scott Snyder, Katy Parker, David Bolitho, Leonard Rezmierski, Keller Thoma P.C., Gary King, Richard Fanning, Bruce Bagdady; Sandra Harris, Lincoln Consolidated Schools Board of Ed.; Michigan Supreme Court, Carl Gromek, William E. Collette, & DOES 1-30

Defendants.

**MOTION AND BRIEF IN SUPPORT OF MOTION
FOR “SUPERINTENDING CONTROL” AND A FINDING OF “CONTEMPT”
AGAINST DEFENDANTS, AND HEAR THREE MOTIONS PLAINTIFF-APPELLANT
PROPERLY FILED IN LOWER COURT YET STILL WITHOUT ANY “HEARING”

ORAL ARGUMENT REQUESTED / PROOF OF SERVICE / *DEMAND FOR JURY***

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1. Plaintiff-Appellant comes now before this Michigan Court of Appeals with NOTICE about three (3) MOTIONS properly filed and timely filed with the Ingham County Circuit Court that were never brought to Court for hearing.¹
2. Copies of each of those motions are attached as referenced and are listed as follows:²
3. “Petition for Writ of Mandamus - To Compel Assumption and Exercise of Prosecutorial Jurisdiction and Duty” – This motion/petition was filed 11/7/07 and provided a brief history of facts. It describes incidents of numerous crime reports being properly filed by Plaintiff but criminally mishandled by law enforcement officers as follows: **(Exhibit #1)**
 - a) Michigan State Police detective FRED FARKAS “*perjured*” his *formalized* version of Plaintiff-Appellant’s crime reports. His report included SIGNIFICANT OMISSIONS and MISSTATEMENTS of Mr. Schied’s claims and references to “*set aside*” laws, and OMISSIONS OF EVIDENCE pertaining to the unlawful dissemination of “*confidential*” and “*nonpublic*” documents to the public under the Freedom of Information Act (FOIA).
 - b) Washtenaw County Prosecutors BRIAN MACKIE and JOSEPH BURKE competently ignored and deliberately disregarded the same Evidence submitted to them that was

¹ Note: There was a fourth motion that was filed too but is not included herein because it was resubmitted and ruled upon by the Michigan Court of Appeals last year. This was a Motion for Filing of a Pleading and Service on an Adverse Party Constituting Notice of It to All Parties. This motion was filed on 12/5/07 and provided references to MCL 776.21, MCL 775.20, and Rule 2.119(GT)(3) supporting Mr. Schied’s contention that the State should be handling costs on “*all just and legal claims*” for the prosecution of criminal indictments; and that “*a motion fee must not be charged in criminal cases when the motion is filed at the same time as another document in the same action to which a fee is required*”. Mr. Schied’s position was that the Office of the Michigan Attorney General Mike Cox should be charged with the task of providing copies to each of his co-defendants since he represented the most number of parties in the case. This motion was combined with Plaintiff-Appellant’s “Motion for Waiver of Fees” when filed with the Michigan Court of Appeals.

² The “Docketing Sheets” provided by the Ingham County Circuit Court clerk reaffirm that costs were received by the Court for each of these “Motions” as they were properly and timely filed well before 12/7/07 when Judge Collette dismissed the case now pending on Appeal.

provided to the MSP detective. Each GROSSLY NEGLECTED Mr. Schied's clear reference to facts, evidence, and laws supporting Mr. Schied's claim that the erroneous FBI report used by defendant SANDRA HARRIS had been Faxed outside of the human resources office of the Lincoln Consolidated Schools. Harris had done so even before presenting that report to Mr. Schied for questioning and validating; and she did so in criminal violation of MCL 380.1230 and MCL 380.1230a because the recipient of that Fax was not anyone properly authorized to evaluate Mr. Schied's qualifications for employment. Similarly, both Mackie and Burke acted in MALFEASANCE of their respective DUTIES when they disregarded Mr. Schied's statements and Evidence clearly showing that Sandra Harris had subsequently sent out the "nonpublic" FBI report under the Freedom of Information Act, despite that Mr. Schied had claimed that report to be erroneous. Mr. Schied had presented them each with clear Evidence that Harris had sent this FBI report out to the public along with copies of Mr. Schied's Texas "SET ASIDE" document, which was provided to her IN GOOD FAITH by Mr. Schied while he was still employed at the Lincoln Consolidated Schools to prove that FBI report was indeed inaccurate and incomplete. These Washtenaw County law enforcement officials acted in GROSS NEGLIGENCE of Mr. Schied's assertion that these were all CRIMINAL MISDEMEANOR offenses under not only Texas clemency laws, but also under Michigan's "Set Aside Law" (MCL 780.623) and numerous other statutes of Michigan's "Revised School Codes".

- c) Northville City Police officer ANTHONY TILGER submitted his crime report to the Wayne County prosecutor ROBERT DONALDSON along with a Fax cover sheet requesting that the prosecutor abandon his SWORN OATH and his DUTY of office

when consider the Northville City Police Department's collective "*reservations in handling*" Mr. Schied's crime report against the administrators of Northville Public Schools. Mr. Schied's "*Petition for Writ of Mandamus - To Compel Assumption and Exercise of Prosecutorial Jurisdiction and Duty*" pointed out that Plaintiff's belief that Officer Tilger's actions were motivated by a "*conspiracy to shield*" the school district officials of DAVID BOLITHO, KATY DOERR-PARKER, and LEONARD REZMIERSKI because their school district offices were literally within a "*stone's throw*" away from the police station where they worked.

- d) Wayne County prosecutor ROBERT DONALDSON reciprocated Officer Tilger's initial Fax request by literally "*LOSING*" the first crime report sent to him by the Northville City Police Department. Then when Mr. Schied reported that loss to supervisory law enforcement and to the Office of the Michigan Attorney General, prosecutor Donaldson retaliated against Mr. Schied. He had Mr. Schied travel to the prosecutor's office under pretense of being interviewed as the victim, but instead used that opportunity to deny Mr. Schied his right to have his attorney present during questioning (costing Mr. Schied \$1000 in attorney fees when she was held up for an hour in the basement of the building by security.) The Northville City Police's "narrative report" shows that Prosecutor Donaldson had intended all along to deny Mr. Schied's case and that he was motivated only by the opportunity to tell Mr. Schied to his face that he "*didn't see any evidence of a crime*" and therefore had no intention to prosecute this case. In a letter written afterwards, Donaldson revealed that his "*discretionary negligence*" was due, at least in part, to his belief that Mr. Schied had been "*posturing*" against him (by notifying the Attorney General and Chief Prosecutor Kym Worthy about his having first "lost" the initial crime

report and then refusing to question Mr. Schied in front of his attorney when she showed up an hour late because of building security).

- e) Subsequently, when the Wayne County Commissioner Laura Cox and the Wayne County Commission sought a written inquiry about the basis for prosecutor Donaldson's denial, operations division "*Chief*" prosecutor JAMES GONZALES in Wayne County replied with a candid denial of Mr. Schied's rights to "*full faith and credit*" of his Texas "*expunction*" court Order. He also wrote a letter with an inaccurate account of the previous Michigan Court of Appeals' ruling concerning Sandra Harris and the Lincoln Consolidated Schools as the basis of his denial of Mr. Schied's crime report against administrators of the Northville Public Schools. He stated that the Wayne County prosecutor's office was denying Mr. Schied's case for prosecution simply because Mr. Schied received his "*expunction*" of remaining ARREST record in Texas, and because the resolution of offense did not occur in Michigan. Gonzales also FRAUDULENTLY claimed that the Michigan Court of Appeals' ruling in *Schied v. Sandra Harris and Lincoln Consolidated Schools* provided authority for the Northville Public School District officials to freely disseminate that Texas court Order of Expunction (which otherwise not only entitled Mr. Schied remain silent under questioning about events leading up to his 1977 ARREST, but to also deny the existence of the expunction court Order itself).
- f) Significantly, COMMISSIONER LAURA COX and the Wayne County Commission "*bought*" prosecutor Gonzales' FALSE line of reasoning while intentionally disregarding Mr. Schied's arguments and Evidence showing that prosecutor Gonzales was clearly mistaken and intentionally breaching Mr. Schied's Constitutional right to "*equal protection*" under the laws.

g) The staff working for the Michigan attorney general MIKE COX also “*ABUSED THEIR PROSECUTORIAL DISCRETION*” in refusing to investigate or prosecute Plaintiff’s criminal allegations once they received the original crime reports on Sandra Harris, David Bolitho, Katy Doerr-Parker, and Leonard Rezmierski.

h) Mr. Schied’s “Petition” on 11/7/07 requested that JUDGE COLLETTE compel the Defendants to vacate their previously entered “*Motion to Strike Complaint or for More Definite Statement*”, and to mandate that the Michigan attorney general and prosecutors “*answer the criminal indictments or to show cause why the defendants should not do so...or within such time as may be reasonable to convene a Grand Jury to issue other indictments against the defendants, and to set action for criminal trials*”.³

4. **Motion for Change of Venue on Finding of Lack of Jurisdiction** – This motion was filed 12/5/07 and provided a brief history of facts describing what transpired in court on 11/7/07 when Judge Collette refused to hear Plaintiff David Schied’s “Petition and Order for Writ of Mandamus to Compel...” the Washtenaw and Wayne county prosecutors and the attorney general’s staff and GOVERNOR GRANHOLM to assume and exercise their prosecutorial jurisdiction and duties; and when Judge Collette instead informed Mr. Schied that his “*civil*” courtroom was not the place to “*hear*” Mr. Schied’s “criminal” complaints. This motion asked the judge for an “*interlocutory appeal*” to stop further proceedings on the case based upon Plaintiff’s “*Summary of Cause for Hearing of These Motions*”, and to strike his

³ Note that proof of filing for the “Motion” for “Writ of Mandamus” on 11/7/07 is additionally provided by a receipt from the clerk BEFORE the hearing on Defendants’ “Motion to Strike or for More Definite Statement” which occurred later that morning. Clearly the court clerk identified the document as a “*Motion*” when issuing the receipt, and the court transcripts of that same day hearing also reflect (in the middle of p.8) that Judge William Collette was provided with the document before issuing his Order granting the Defendants’ motion for a “More Definite Statement”.

previous Order subjecting Mr. Schied to rewrite over again his 404-page complaint with 180- documents of evidence as a “More Definite Statement”. **The motion also requested the transfer of this case to court with *criminal* jurisdiction under Rule 2.223(A) which held that, “If a venue of a civil action is improper, the court(1) SHALL order a change of venue on timely motion”..⁴ (Bold emphasis added) (Exhibit #2)**

5. “Motion for Disqualification and Removal of Judge for Judicial Misconduct” – This **motion was filed 12/5/07** and provided a brief history of facts describing what transpired in court on 11/7/07 when Judge William Collette chastised and ridiculed Mr. Schied for issuing his criminal allegations against the Judge Collette’s “lifelong friend” (assistant attorney general PATRICK O’BRIEN) and his “peer group” of other high-ranking government officials. The motion provided examples, by reference to the hearing transcript from 11/7/07, of Judge Collette interrupting Mr. Schied’s introductory statements and using sarcasm and threats against Mr. Schied to keep him quiet and “*off record*” with his allegations and citations of the law regarding the obligations of all Michigan judges to act upon notice of a sworn criminal complaint. The motion also brought focus to yet another example of Judge Collette’s “*discriminatory treatment*” toward him and his “*preferential treatment*” toward the

⁴ The “Docketing Sheets” for this lower court case clearly show that even though Mr. Schied was requesting a “*striking*” of the previous judgment Order compelling Mr. Schied to rewrite his complaint, on the same day this “*motion*” was filed Mr. Schied also filed his rewritten Complaint anyway as a “More Definite Statement”. This was done by Mr. Schied “*in good faith*” to show Judge Collette his willingness to comply with the judge’s earlier Order despite believing that the judge had issued that Order prejudicially to protect one of the alleged criminal co-defendants who Judge Collette had publicly admitted had been his lifelong friend.

co-defendants by his disregard for the previous motion that Mr. Schied had filed on 11/7/07.

(Exhibit #3)⁵

**THE EVIDENCE DEMONSTRATES A CLEAR “PATTERN OF NEGLIGENCE” AND A
“GROSS MISCARRIAGE OF JUSTICE” CAUSED BY THE PAST RULINGS OF
MICHIGAN JUDGES**

6. The basis of this case is clearly defined by the FACTS, the EVIDENCE, and the LAWS presented in Mr. Schied’s original pleadings to the Ingham County Circuit Court.
7. It began with FRAUD UPON THE COURT by Plunkett Cooney attorney MICHAEL WEAVER. In hearing of the Schied v. Sandra Harris and Lincoln Consolidated Schools in 2005, he pretended to read directly from Mr. Schied’s 2004 Texas court “*Order of Expunction*” while substituting the word “*conviction*” for the word “ARREST” when arguing his case before Washtenaw County Circuit Court Judge MELINDA MORRIS. His breach of professional ethics was motivated only by his desire to win that case at all cost to Mr. Schied’s reputation and career by claiming that Mr. Schied’s 1977 “*conviction*” would have continued to exist for a quarter-century beyond his having “*withdrawn the plea*”, beyond his having the “*indictment dismissed*”, beyond his having a “*set aside of judgment*” – all in 1979; and beyond his having a Texas governor’s “*full pardon and full restoration of civil rights*” in 1983.
8. The transcripts of that 2005 proceeding show that Judge Melinda Morris was on to something when she questioned why Mr. Schied would have even needed to have a “*pardon*” in Texas

⁵ Mr. Schied had cited **MCL 761.1(a)**, **MCL 767.3** and **MCL 764.1** in pointing out that upon receipt of “*a formal written complaint or accusation written under oath affirming that one or more crimes have been committed and naming the person or persons guilty of the offenses....giving probable cause for ANY judge of law and of record to suspect that such offense or offenses have been committed....(that judge) SHALL issue a warrant*” for the arrest of the person or persons.

once receiving a “*set aside*” because, as she had stated, “*after receipt of a set aside, there’s nothing left to pardon*”. Texas Attorney General Dan Morales (DM-349) had opined that very same thing in 1995 when stating that anyone receiving a “*set aside*” under Texas Article 42.12 is not eligible for a pardon “*for lack of an object to pardon*”. Nevertheless, on that dreadful day in court Judge MELINDA MORRIS disregarded the numerous objections by David Schied’s attorney and allowed MICHAEL WEAVER to continue his belligerent interruptions and command of the hearing. She then disregarded her own rationale for the TRUTH and ruled in favor of Michael Weaver’s “Motion for Summary Dismissal” while continuing to disregard the FACT that the Texas pardon itself offered proof of Mr. Schied’s longstanding claim that the FBI report received by SANDRA HARRIS and the Lincoln Consolidated Schools in 2003 was “*erroneous*” to begin with because it failed to reveal EITHER the set aside or the pardon.

9. The ruling by the Michigan Court of Appeals judges MARK J. CAVANAGH, DEBORAH A. SERVITTO, and KAREN M. FORT HOOD in 2006 took that GROSS NEGLIGENCE OF DUTY a step further. Like the lower court judge, they too intentionally overlooked Plaintiff’s pleadings pointing to the FACT that, prior to terminating Mr. Schied’s employment and distributing two defamatory letters calling Mr. Schied a “*liar*” and a “*convict*” (as sent to a laundry list of Mr. Schied’s coworkers and supervisors), SANDRA HARRIS had Faxed the erroneous FBI report outside the human resources office to someone completely unqualified to determine Mr. Schied’s qualifications for employment. These Court of Appeals judges also disregarded Mr. Schied’s claim that in December 2003 HARRIS had placed that Faxed erroneous FBI report into Mr. Schied’s public personnel file along with her two defamatory letters and two copies of Mr. Schied’s “*set aside*” document,

and that her office had disseminated those documents through the mail in response to a FOIA request from a constituent member of the public.

10. The Michigan Court of Appeals tribunal of judge not only disregarded Plaintiff's attorney pleadings depicting that SANDRA HARRIS' actions were a CRIMINAL violation of several statutes of Michigan's "Revised School Codes", they also disregarded similar pleadings pointing out that these acts were a criminal violation of both the letter and the spirit of Michigan's "Set Aside Law". They then placed their PREJUDICIAL and DISCRIMINATORY ruling in a so-called "*unpublished*" decision despite that Mr. Schied's case had set clear PRECEDENCE by a conflict of laws – even written within the very same Revised School Codes statutes – that on one hand allowed school administrators to place "*nonpublic*" criminal history documents into a "*public*" personnel file, and on the other hand made the dissemination of such documents to anyone outside the employment office a CRIMINAL MISDEMEANOR offense.
11. That MALFEASANCE OF DUTY by these three Michigan Court of Appeals judges provided incentive not only for Sandra Harris and her subsequent followers to continue criminally violating Mr. Schied's rights, but it opened the door for Northville Public School District officials to then follow suit by publicly disseminating Mr. Schied's Texas court "Order of Expunction" from his public personnel file at that school district.
12. In May 2007, Mr. Schied's attorney presented to Wayne County Judge CYNTHIA DIANE STEPHENS, clear pleadings supported by Evidence to show that not only were the Northville Public Schools administrators DAVID BOLITHO, KATY DOERR-PARKER, and LEONARD REZMIERSKI disseminating the "*nonpublic*" Texas court order to Mr. Schied's other employers, they were also CRIMINALLY disseminating it to the public under

the Freedom of Information Act. Though Judge Stephens called the act “*stupid*” and though the transcripts show that she openly admitted seeing no other case like this one after her own extensive research, she nevertheless also disregarded clear conflicts of laws that on one hand offered Mr. Schied certain guarantees to his “Right to Privacy” under threat of criminal penalty to anyone intentionally disregarding that right. Instead of providing “FULL FAITH AND CREDIT” to Mr. Schied’s Texas clemency documents “*prohibiting*” the use or dissemination of information related to the 1977 offense, Judge Stephens instead ruled that the documents, as well as the Texas laws, were a “MYTH”, and while ruling that Michigan legislators intended for “*MICHIGAN SCHOOLTEACHERS SHOULD BE SUBJECT TO A LIFE SENTENCE*” regardless of the circumstances, regardless of the expired time frame, and regardless of the clemency instruments secured by that schoolteacher.

13. **By the pleadings and Evidence provided by Mr. Schied in this case, these above-described civil court rulings have clearly opened yet another door for Michigan prosecutors, the Attorney General, and the Governor to altogether ABUSE THEIR PROSECUTORIAL DISCRETION by using these Michigan court rulings – and particularly the 2006 ruling by the Michigan Court of Appeals – to deny Mr. Schied his right to equal criminal protection under both State and Federal laws. Similarly, these civil court judgments have allowed the Wayne County Commissioner LAURA COX to stand behind her husband MIKE COX, and the rulings allowed the Wayne County Commission to stand behind their prosecutors. Altogether these government officials continually use the Michigan Court of Appeals ruling – as shown even in their pleadings in this instant case – to convolute and confuse the issues surrounding the ACTUAL THREE-PRONGED DIFFERENCES between the decision in the Lincoln**

Consolidated Schools case regarding the interpretative “*meaning*” of the set aside and pardon documents, and the Lincoln Consolidated Schools’ CRIMINAL dissemination of the FBI report, the Texas “*set aside*” document, and the two defamatory letters written by Harris; and the Northville Public Schools’ CRIMINAL dissemination of the Texas “*expunction*” document.

14. As a direct result of such gross negligence by Michigan judges and senior law enforcement officials, the CRIMES have been allowed to continue ruining Mr. Schied’s life, his reputation, and his ability to provide for his dependent wife and child as the sole supporter of his family.

MICHIGAN JUDGES HAVE A DUTY TO UPHOLD THE LAW, TO HEAR PROPERLY FILED “MOTIONS” AND TO “LITIGATE” FACTS, EVIDENCE, AND THE CLEAR CONFLICTS OF LAW

15. Clearly, Plaintiff-Appellant had paid for these Motions, supported by relevant Evidence, to be heard and was improperly denied his right to a hearing on each of his timely filed motions. He is therefore still entitled to hearing as provided by Michigan court rules of procedures and by Michigan law.
16. **Rule 3.301** (*Extraordinary Writs in General*) holds that an appropriate motion in a pending action may be brought for a Mandamus
17. **Rule 3.305** (*Mandamus*) provided jurisdiction to either the Circuit Court or to the Court of Appeals for the hearing on an action of Mandamus against a state officer; and while allowing the circuit court jurisdiction on all other mandamus requests.
18. **Rule 402** (*Relevant Evidence Generally Admissible*) holds that all relevant evidence is admissible, except as otherwise provided by the Constitution of the United States and the Constitution of the State of Michigan.

19. **Rule 401** defines “*relevant evidence*” as “*evidence having any tendency to make the existence of any fact that is of consequence to the determination of the action more probable or less probable than it would be without the evidence*”.

JUDGE WILLIAM COLLETTE’S 1 ½ YEAR DELAY OF THIS CASE HAS PROVIDED ADDITIONAL OPPORTUNITIES FOR DEFENDANTS TO FURTHER THEIR CRIMES AGAINST PLAINTIFF

20. Offering emphasis to the FACT that administrative officials of the Northville Public Schools and the Lincoln Consolidated Schools continue to act maliciously to keep Mr. Schied “*oppressed*” and subject to “*peonage*”, are the SWORN and NOTARIZED TESTIMONIALS of EARL HOCQUARD as presented in Exhibits “#4” and “#5”.

21. Note that “**EXHIBIT #4**” presents this instant Court with Evidence that former civil Defendant in the “*Schied v. Sandra Harris and Lincoln Consolidated Schools*” case, CATHY SECOR, continues still to CRIMINALLY disseminate – under any FOIA request her office receives – the erroneous FBI document, the “*set aside*” document, and one of Harris’ defamatory letters. **Not only does she and her supervisory superintendents disregard past court pleadings and Evidence showing that all records pertaining to Mr. Schied 1977 “ARREST” have been “expunged” under court Order, they tortuously disregard the fact that even the Expunction document they found out about (in the “*Schied v. Sandra Harris and Lincoln Consolidated Schools*” case) maintains that the “use and dissemination” of EITHER the FBI report or the Texas court Order are “PROHIBITED” UNDER BOTH TEXAS AND UNITED STATES STATUTES.**

22. Similarly, “**EXHIBIT #5**” is Evidence that despite a number of clear written warnings, the administrators of the Northville Public Schools also continue to CRIMINALLY disseminate the Texas “*expunction*” document to the public under any FOIA request that they receive.

Moreover, that Evidence demonstrates that Northville Public Schools' superintendent LEONARD REZMIERSKI has taken FRAUD UPON THE COURT to an all new level by claim to the U.S. DISTRICT COURT for the Eastern District of Michigan that only he reviews and responds to FOIA requests for personnel records, and that he has NEVER disseminated Mr. Schied's Texas expunction document under FOIA request. Clearly, the Evidence provided along with "Exhibit #5" demonstrates that Rezmierski continues to act maliciously, and with intent to cause a tortuous infliction of harm to Mr. Schied and his dependent family.

DEMAND FOR RELIEF

23. Plaintiff-Appellant therefore relies upon **Rule 3.926** for issuance of a "Change of Venue" to another court on the hearing of these motions if this Court of Appeals determines that the judge or judges presiding over the pending case and motions cannot provide an impartial judgment in this instant.
24. Plaintiff-Appellant wishes to point out that all three of these motions were properly submitted and paid for by Mr. David Schied a year and a half ago, and he therefore demands an expeditious scheduling for their proper and legal address.
25. Plaintiff-Appellant relies on **Rule 3.302** and **MCR Rule 7.101** of the Appellate Rules for the Court of Appeals extending "Superintending Control" over the lower Court for final remedy if the presiding judges determine that no other remedy is available.
26. Plaintiff-Appellant also relies on **Rule 3.606** (*Contempts Outside Immediate Presence of Court*) for the issuance of a bench warrant for the arrest of Judge William Collette, and for an Order commanding him to show cause why he should not be punished for his alleged "*misconduct*".

- 27. Failure of the co-defendants to respond to any of the above-referenced Motions placed those co-defendants in default, just as the Ingham County Circuit Court is in default for failure to fulfill its obligation to rule on those Motions.**
- 28. THEREFORE, to determine how this case is to proceed, the Court of Appeals should unequivocally grant all 3 Motions in their entirety, word for word, as filed with the lower Court. Otherwise, Plaintiff-Appellant David Schied requests that each motion be presented and heard with a written ruling and detailed Order on each.**
- 29. Plaintiff David Schied requests that this Court find the attorneys for the defendants to in “contempt” for their having filed FRAUDULENT PLEADINGS in the lower court and in this Michigan Court of Appeals.**
- 30. Plaintiff also demands that this case be remanded to a TRIAL BY JURY on the “merits” based upon the FACTS, PLEADINGS, and EVIDENCE submitted herein and as depicted in Plaintiff’s original filings to the Ingham County Circuit Court.**

Affidavit

I, David Schied having personal knowledge of the above written facts, do hereby attest and affirm that they are true and accurate.

Respectfully,

_____ Date: _____

STATE OF MICHIGAN
COUNTY OF WAYNE

On this 20th day of April, 2009, before me appeared *David Schied*, to me known to be the person described in and who executed the forgoing instrument.

NOTARY PUBLIC

MY COMMISSION EXPIRES