MEMORANDUM

OF STATE AND FEDERAL CONSTITUTIONS AND STATUTES

IN SUPPORT OF

"QUO WARRANTO / STATE-EX-REL" COMPLAINT

By David Schied;

"ex rel"

People of the State of Michigan

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§ 25 (Removal of judge from office) – "*For reasonable cause, which is not sufficient ground for impeachment, the governor shall remove any judge on a concurrent resolution of two-thirds of the members elected to and serving in each house of the legislature. The cause for removal shall be stated at length in the resolution*."

§ 29 (Conservators of the peace) – "*Justices of the supreme court, judges of the court of appeals, circuit judges and other judges as provided by law shall be conservators of the peace within their respective jurisdictions*."

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ARTICLE 11 (Public officers and employment)

§ 1 (Oath of public officers) – "*All officers, legislative, executive and judicial, before entering upon the duties of their respective offices, shall take and subscribe the following oath or affirmation: I do solemnly swear (or affirm) that I will **support the Constitution of the United States** and the constitution of this state, and that I will faithfully discharge the duties of the office of . . . . . according to the best of my ability. No other oath, affirmation, or any religious test shall be required as a qualification for any office or public trust*."

§ 7 (Impeachment of civil officers) – "*The house of representatives shall have the sole power of impeaching civil officers for corrupt conduct in office or for crimes or misdemeanors, but a majority of the members elected thereto and serving therein shall be necessary to direct an impeachment*."

Article § 24 (Rights of Crime Victims) – "*(1)* ***Crime victims****, as defined by law,* ***shall have the following rights, as provided by law: The right to be treated with fairness and respect for their dignity and privacy throughout the criminal justice process. The right to timely disposition of the case following arrest of the accused. The right to be reasonably protected from the accused throughout the criminal justice process****. The right to notification of court proceedings. The right to attend trial and all other court proceedings the accused has the right to attend. The right to confer with the prosecution.* ***The right to make a statement to the court at sentencing****.* ***The right to restitution****. The right to information about the conviction, sentence, imprisonment, and release of the accused*."

MICHIGAN STATUTES

Regarding criminal "*patterns*" of "*intentional incompetence*", "*gross negligence*", and "*official malfeasance of duties*" by representatives of State and Federal law enforcement, prosecutors, the attorney general, the governor and judges; when they continually disregarded David Schied's "*Allegations and Evidence*" that the district administrators of one Michigan school district have been persistently and maliciously disseminating copies an ERRONEOUS 2003 "*nonpublic*" FBI report for which David Schied was denied his federal the right to challenge, and the administrators of a second Michigan school district have been disseminating copies of the "*clemency*" documents that Mr. Schied had provided in "*good faith*" to those school officials to challenge the accuracy of the erroneous FBI report they received in 2004 and to prove success in eventually getting the erroneous FBI criminal history record "*corrected*"

MCL 28.161 [Executive Reorganization Order for the creation of criminal justice information systems (CJIS) policy council; transfer of powers and duties of automated fingerprint identification system (AFIS) policy council to CJIS policy council and abolition of AFIS policy council; transfer of powers and duties of law enforcement information network (LEIN) policy council to CJIS policy council and abolition of LEIN policy council] – "***All the statutory authority, powers, duties, functions and responsibilities, including the functions of rulemaking, budgeting, procurement and related management functions*** *of the A.F.I.S. Policy Council set forth in Act No. 307 of the Public Acts of 1988, as amended, being Sections 28.151 et seq. of the Michigan Compiled Laws,* ***are hereby transferred to the CJIS Policy Council*** *by a Type III transfer, as defined by Section 3 of Act No. 380 of the Public Acts of 1965, as amended, being Section 16.103 of the Michigan Compiled Laws, and the A.F.I.S. Policy Council is abolished.…In addition to the aforementioned responsibilities,* ***the CJIS Policy Council shall serve in an advisory capacity to the Director of the Department of State Police on issues related to the development and deployment of information management systems that facilitate the rapid exchange of accurate information between the various components of the criminal justice community….All the statutory authority, powers, duties, functions and responsibilities, including the functions of rulemaking, budgeting, procurement and related management functions*** *of the L.E.I.N. Policy Council set forth in Act No. 163 of the Public Acts of 1974, as amended, being Sections 28.211 et seq. of the Michigan Compiled Laws,* ***are hereby transferred to the CJIS Policy Council*** *by a Type III transfer, as defined by Section 3 of Act No. 380 of the Public Acts of 1965, as amended, being Section 16.103 of the Michigan Compiled Laws, and the*

*L.E.I.N. Policy Council is abolished.…**The Director of the Department of State Police shall provide executive direction and supervision for the implementation of the transfers and SHALL make internal organizational changes that may be administratively necessary to complete the realignment of responsibilities prescribed by this Order**."*

MCL28.211a [C.J.I.S. Policy Council Act] (definitions) – *"(a) "Council" means the criminal justice information policy council created in section 2; **(b) "Nonpublic information" means information to which access, use, or dissemination is restricted by a law or rule of this state or the United States.**"*

MCL 28.212 (Criminal justice information policy council; creation; membership; terms) – *"(1) The criminal justice information policy council is created in the department of state police. The council is composed of the following members: (a) The attorney general or his or her designee. (b) The secretary of state or his or her designee. (c) The director of the department of corrections or his or her designee. (d) The chief of the Detroit police department or his or her designee. (e) The director of the department of state police or his or her designee. (f) Three representatives of the department of state police appointed by the director of the department of state police. (g) Three representatives of the Michigan association of chiefs of police appointed by that association. (h) Four representatives of the Michigan sheriffs' association appointed by that association. (i) Three representatives of the prosecuting attorneys association of Michigan appointed by that association. (j) A representative of the Michigan district judges association appointed by that association. (k) A representative of the Michigan judges association appointed by that association. (l) The state court administrator or his or her designee. (m) An individual appointed by and serving at the pleasure of the governor who is employed in or engaged in the private security business. (n) An individual appointed by and serving at the pleasure of the governor who represents human services concerns in this state. (o) The director of the department of information technology or his or her designee. (2) The appointed members of the council shall serve 2-year terms and may be reappointed*."

MCL 28.213a (Council; powers, duties, functions, and responsibilities) – *"(1) The council shall exercise its prescribed powers, duties, functions, and responsibilities independently of the director of the department of state police. The budgeting, procurement, and related management functions of the council shall be performed under the direction and supervision of the director of the department of state police. (2) The executive secretary of the council shall be appointed by the director of the department of state police subject to the approval of the council."*

MCL 28.214 (Council; powers and duties; fingerprints; disclosure of information; violation; penalty) – *"(1) The council shall do all of the following: (a) Establish policy and promulgate rules governing access, use, and disclosure of information in criminal justice information systems, including the law enforcement information network, the automated fingerprint information system, and other information systems related to criminal justice or law enforcement. **The policy and rules shall do all of the following**: (i) Ensure access to information obtained by a federal, state, or local governmental agency to administer criminal justice or enforce any law. (ii) Ensure access to information provided by the law enforcement information network or the automated fingerprint identification system by a governmental agency engaged in the enforcement of child support laws, child protection laws, or vulnerable adult protection laws…..(iv) Authorize a public or private school superintendent, principal, or assistant principal*

to receive vehicle registration information, of a vehicle within 1,000 feet of school property, obtained through the law enforcement information network by a law enforcement agency. (v) Establish fees for access, use, or dissemination of information from criminal justice information systems. (b) Review applications for C.J.I.S. access and approve or disapprove the applications and the sites. If an application is disapproved, the applicant shall be notified in writing of the reasons for disapproval. (c) Establish minimum standards for equipment and software and its installation. (d) ***Advise the governor on issues concerning the criminal justice information systems.*** *(2) A person having direct access to nonpublic information in the information systems governed by this act shall submit a set of fingerprints for comparison with state and federal criminal history records to be approved for access pursuant to the C.J.I.S. security policy.* ***A report of the comparison shall be provided to that person's employer. (3) A person shall not access, use, or disclose nonpublic information governed under this act for personal use or gain….(5) A person shall not disclose information governed under this act in a manner that is not authorized by law or rule. (6) A person who intentionally violates subsection (3) or (5) is guilty of a crime as follows: (a) For a first offense, the person is guilty of a misdemeanor punishable by imprisonment for not more than 93 days or a fine of not more than $500.00, or both. (b) For a second or subsequent offense, the person is guilty of a felony punishable by imprisonment for not more than 4 years or a fine of not more than $2,000.00, or both.****"*

MCL 28.215 (Access to information; powers of council) – *"The council may do any of the following: (a) Authorize access to public record information to enhance public safety or criminal justice, as permitted by law. (b) Suspend or deny the use of, and access to, information or remove access from an agency if the agency violates policies or promulgated rules of the council. (c) Suspend or deny direct access to information to an individual who violates this act, policies, or promulgated rules of the council."*

Regarding the removal of a Judge or other public official from office for "*official malfeasance*" and "*judicial misconduct*":

MCL 14.143 and **MCL 21.47** [Act 52 of 1929 and Act 71 of 1919] (Examination of records; Removal for "*neglect*")– "*If any such investigation, examination and/or audit discloses* ***malfeasance, misfeasance, nonfeasance or gross neglect of duty on the part of any officer or officers*** *of the political unit being examined, for which a criminal penalty is provided by law,* ***the attorney general or upon his direction the prosecuting attorney of the county wherein such examination is had shall, within 60 days after receipt of such report, institute criminal proceedings against such officer or officers****.* ***It shall also be the duty of the attorney general or the prosecuting attorney****, as the case may be, to institute civil action in any court of competent jurisdiction for the recovery of any public moneys disclosed by any such investigation, examination and/or audit to have been illegally expended, or collected and not accounted for; also for the recovery of any public money or property disclosed to have been converted and misappropriated.* ***Refusal or neglect to comply with the requirements of this section on the part of the attorney general or on the part of the prosecuting attorney shall be sufficient cause for his removal from office by the governor****.*"

MCL 28.784 [Michigan Law Enforcement Officer's Memorial Act] (Removal of appointment) – "*The governor may remove a member of the commission for incompetency, dereliction of duty, malfeasance, misfeasance, or nonfeasance in office, or any other good cause*."

MCL 51.354 [Civil Service Commission] (Removal) – "*The board of supervisors may remove any commissioner for incompetency, dereliction of duty, malfeasance in office or any other good cause, which shall be stated in writing and made a part of the records of the commission.*"

MCL 51.362 [Civil Service Commission] (removal; discharge; reduction or suspension) – "*The tenure of everyone holding an office, place, position or employment under the provisions of this act shall be only during good behavior and efficient service; and any such person may be removed or discharged, suspended without pay, or deprived of vacation privileges or other special privileges by the appointing officer for incompetency, inefficiency, dishonesty, drunkenness, immoral conduct, insubordination, discourteous treatment to the public, neglect of duty, violation of the provisions of this act or the rules of the commission, or any other failure of good behavior, or any acts of misfeasance, malfeasance or nonfeasance in office."*

MCL 38.514 [Firemen and Policemen Civil Service System] (Tenure; Grounds for removal discharge, suspension, or deprivation of privileges) – "*(1) The tenure of each person holding an office, place, position, or employment under this act shall be only during good behavior and efficient service, and any person may be removed or discharged, suspended without pay, and deprived of vacation privileges or other special privileges by the civil service commission for incompetency, inefficiency, dishonesty, drunkenness, immoral conduct, insubordination, discourteous treatment to the public, neglect of duty, a violation of this act or of the rules of the commission, or for any other failure of good behavior, or for any other acts of misfeasance, malfeasance, or nonfeasance in office.*"

Regarding the "*Duty*" of the Governor, the Attorney General, the State Court Administrator, the Judicial Tenure Commission (or Judicial Council), the State Administrative Board, and even a local Mayor to investigate and respond "*APPROPRIATELY*" and with "*DUE PROCESS*" to criminal allegations, state and federal "*Civil Rights*" violations, and other forms of "*public corruption*" about Local and State employees and employers:

MCL 18.1551 (Management and Budget Act) – "*(1) The governor shall inquire into the administration of this act. (2)* ***The governor may remove or suspend any appointive public officer for violations of this act. (3) The governor may remove or suspend any elective public officer for violation of this act which constitutes gross neglect of duty, corrupt conduct in office, misfeasance, or malfeasance****.*"

MCL 125.2094 (Michigan Strategic Fund Act) – "*(1) The governor shall inquire into the administration of this act… (2)* ***The governor may remove or suspend any appointive public officer for violations of this act****… (3)* ***The governor may remove or suspend any elective public officer for violation of this act that constitutes gross neglect of duty, corrupt conduct in office, misfeasance, or malfeasance****.*"

MCL 168.83 [Michigan Election Law] (Attorney General; impeachment; removal from office) – "*Any person holding the office of secretary of state or **attorney general** may be removed from office upon conviction in impeachment proceedings for the reasons and in the manner set forth in section 7 of article 11 of the state constitution. **The governor shall have the power and it shall be his duty**, except at such times as the legislature may be in session**, to examine into the condition and administration of the public offices and the acts of the public officers** enumerated herein, **and to remove from office for gross neglect of duty or for corrupt conduct in office, or any other misfeasance or malfeasance therein, and report the causes of such removal**…*"

MCL 168.293 (Michigan Election Law) – "***The governor shall have the power and it shall be his duty, except at such time as the legislature may be in session, to examine into the condition and administration of the said boards and the acts of the members enumerated herein and to remove from office for gross neglect of duty or for corrupt conduct in office, or any other misfeasance or malfeasance therein…***"

MCL 125.33 [Municipal Planning] (Terms of members; removal) "*A member may, after a public hearing, be removed by the mayor for inefficiency, neglect of duty, or malfeasance in office…. After a public hearing, a member other than the member selected by the legislative body may be removed by the mayor for inefficiency, neglect of duty, or malfeasance in office. The legislative body may for like cause remove the member selected by the legislative body."*

MCL 38.504 [Firemen and Policemen Civil Service System] (Vacancies; removal) – "*The mayor or principal executive officer **shall at any time remove any commissioner for incompetency, dereliction of duty, malfeasance in office or any other good cause**, which shall be stated in writing and made a part of the records of the commission, and a copy of the removal shall be served on said commissioner forthwith: Provided, however, That once the mayor or principal executive officer has to remove any commissioner, such removal shall be temporary only and shall be in effect for a period of 10 days. If at the end of said period of 10 days the said commissioner shall fail to make answer thereto, he shall be deemed removed, otherwise the mayor shall file in the office of the clerk of the circuit court of said county a petition setting forth in full the reason for said removal and praying for the confirmation by said circuit court of the action of the mayor in so removing the said commissioner. A copy of said petition, in writing, shall be served upon the commissioner so removed simultaneously with its filing in the office of the clerk of the circuit court and shall have precedence on the docket of the said court and shall be heard by said court as soon as the removed commissioner shall demand. All rights hereby vested in said circuit court may be exercised by the judge thereof during a vacation. In event that no term of court is being held at the time of filing of said petition, and the judge thereof cannot be reached in the county wherein the petition was filed, said petition shall be heard at the next succeeding term of said circuit court, whether regular or special, and the commissioner so suspended shall remain suspended until a hearing is had upon the petition of the mayor. The court, or the judge thereof, in vacation, shall hear and decide upon said petition.*"

MCL 399.83 [Michigan Freedom Trail Commission Act] (Terms of member; removal) – "*(6) The **governor**, speaker of the house of representatives, or senate majority leader may remove a member of the commission appointed by him or her for incompetency, dereliction of duty, malfeasance, misfeasance, or nonfeasance in office, or any other good cause*."

MCL 400.2 [Social Welfare Act] (Powers and duties; Oath; Removal) – "*The **governor** shall be an ex officio member of the (social services) commission. **Each member of the commission shall qualify by taking and filing with the secretary of state the constitutional oath of office and shall hold office until the appointment and qualification of a successor. A member of the commission may be removed by the governor for misfeasance, malfeasance, or nonfeasance in office, after hearing***."

MCL 423.4 – [Employment Relations Commission] (Oath of commissioners; Removal) – "***A commissioner may be removed by the governor for misfeasance, malfeasance, or malfeasance in office…"***

MCL 460.2 – [Michigan Public Service Commission] (Oath; Removal) – "*Members of said commission **shall qualify by taking and subscribing to the constitutional oath of office**, and shall hold office until the appointment and qualification of their successor. The **governor** shall designate 1 member to serve as chairman of the commission. **Any member of the commission may be removed by the governor for misfeasance, malfeasance or nonfeasance in office after hearing***."

MCL 767.4 (Finding as to misconduct in office) – "*If upon such inquiry the judge shall find from the evidence that there is probable cause to believe that any public officer, elective or appointive and subject to removal by law, has been guilty of misfeasance or malfeasance in office or willful neglect of duty or of any other offense prescribed as a ground of removal, the judge shall make a written finding setting up the offense so found and shall serve said finding upon the public officer, public board or body having jurisdiction under the law to conduct removal proceedings against the officer. The finding shall be a sufficient complaint as a basis for removal of said officer and the public officer, public board or public body having jurisdiction of removal proceedings against the officer shall proceed in the method prescribed by law for a hearing and determination of said charges.*"

MCL 777.47 (Scoring offenses by variable degree of "*Negligence*" exhibited) – "*(b) The offender failed to show the degree of care that a person of ordinary prudence in a similar situation would have shown.*"

MCL 777.49 (Scoring offense by variable degree of "**Interference with the administration of justice**" exhibited) – "*(c) The offender otherwise interfered with or attempted to interfere with the administration of justice.*"

Regarding the legal obligation of Michigan employers to provide "*due process*" and "*equal employment opportunity*" to former criminal offenders; and continuing criminal "*Patterns of tortuous and malicious misconduct*" with "*deprivation of rights*" to employment and "*due process*" by government employers, officers (including judicial officers), and employees by means of "*collateral sanctions and disqualification*", by "*double jeopardy*", and by the continuous application "*penalties and disabilities*":

MCL 338.42 (Judgment in criminal prosecution barred from evidence in determining lack of

good moral character) – ***"A judgment of guilt in a criminal prosecution or a judgment in a civil action shall not be used, in and of itself, by a licensing board or agency as proof of a person's lack of good moral character.*** *It may be used as evidence in the determination, and when so used the person shall be notified* ***and shall be permitted to rebut the evidence by showing that at the current time he or she has the ability to, and is likely to, serve the public in a fair, honest, and open manner, that he or she is rehabilitated, or that the substance of the former offense is not reasonably related to the occupation or profession for which he or she seeks to be licensed****."*

MCL 338.43 (Using criminal records prohibited in qualifying occupational license or employment) – (1) ***"The following criminal records shall not be used, examined, or requested by a licensing board or agency in a determination of good moral character when used as a requirement to establish or operate an organization or facility regulated by this state, or pursuant to occupational or professional licensure:*** … (b) ***records of a conviction which has been reversed or vacated, including the arrest records relevant to that conviction;*** (c) records of an arrest or conviction for a misdemeanor or felony unrelated to the person's likelihood to serve the public in a fair, honest, and open manner; (3) The director or a person designated by the director of the principal department shall promulgate rules for each licensing board or agency under the department's jurisdiction….Prior to the promulgation of the rules pertaining to a board or agency, ***all felonies shall be considered by the board or agency to be relevant to the likelihood the person will serve the public in a fair, honest, and open manner***."

MCL 338.45 (Finding person unqualified; statement; hearing) – "*When a person is found to be unqualified for a license because of a lack of good moral character, or similar criteria, the person shall be furnished by the board or agency with a statement to the effect. The statement shall contain a complete record of the evidence upon which the determination was based.* ***The person shall be entitled, as of right, to a rehearing on the issue before the board if he or she has relevant evidence not previously considered, regarding his or her qualifications***."

MCL 338.46 (Judicial review; statement) – "*A person, aggrieved by a licensing agency or board determination regarding the person's possession of good moral character, if unsatisfied by his or her administrative appeal as provided in section 5****, may bring an action in circuit court for a review of the record****. If, in the opinion of the circuit court, the record does not disclose a lack of good moral character, as defined by the act, the court shall so state and shall order the board to issue the license, when all other licensing requirements are complied with*."

MCL 37.2101 – 37.2804 [ACT 453 OF 1976 (Elliott-Larsen Civil Rights Act)] – Described as "*An Act to define civil rights; to prohibit discriminatory practices, policies, and customs in the exercise of those rights based upon religion, race, color, national origin, age, sex, height, weight, familial status, or marital status****; to preserve the confidentiality of records regarding arrest, detention, or other disposition in which a conviction does not result****; to prescribe the powers and duties of the civil rights commission and the department of civil rights; to provide remedies and penalties; to provide for fees; and to repeal certain acts and parts of acts.*"

MCL 37.2103 – (Employer; prohibited practices) – "*An employer shall not… (b) Limit, segregate, or classify an employee or applicant for employment in a way that deprives or tends to deprive the employee*…"

MCL 37.2205a (employer; record regarding misdemeanor arrest, detention or disposition) – *"Described as "An Act to define civil rights; to prohibit discriminatory practices, policies, and customs in the exercise of those rights based upon religion, race, color, national origin, age, sex, height, weight, familial status, or marital status**; to preserve the confidentiality of records regarding arrest, detention, or other disposition in which a conviction does not result**; to prescribe the powers and duties of the civil rights commission and the department of civil rights; to provide remedies and penalties; to provide for fees; and to repeal certain acts and parts of acts."*

MCL 777.43 – (continuing pattern) – "*The offense was part of a pattern of felonious criminal activity involving 3 or more crimes against a person*."

MICHIGAN CODE OF CRIMINAL PROCEDURE

ACT 175 OF 1927 (MICHIGAN CODE OF CRIMINAL PROCEDURE) – is *AN ACT to revise, consolidate, and codify the laws relating to criminal procedure and to define the jurisdiction, powers, and **duties of courts, judges, and other officers of the court** under the provisions of this act; to provide laws relative to the rights of persons accused of criminal offenses and ordinance violations; **to provide for the arrest of persons charged with or suspected of** criminal **offenses and ordinance violations**; to provide for bail of persons arrested for or accused of criminal offenses and ordinance violations; to provide for the examination of persons accused of criminal offenses; to **regulate the procedure relative to grand juries, indictments, informations**, and proceedings before trial**; to provide for trials of persons complained of or indicted for criminal offenses** and ordinance violations and to provide for the procedure in those trials; to provide for judgments and sentences of persons convicted of criminal offenses and ordinance violations; to establish a sentencing commission and to prescribe its powers and duties; to provide for procedure relating to new trials and appeals in criminal and ordinance violation cases; to provide a uniform system of probation throughout this state and the appointment of probation officers; to prescribe the powers, duties, and compensation of probation officers; to provide penalties for the violation of the duties of probation officers; **to provide for procedure governing proceedings to prevent crime and proceedings for the discovery of crime**; to provide for fees of officers, witnesses, and others in criminal and ordinance violation cases; to set forth miscellaneous provisions as to criminal procedure in certain cases; to provide penalties for the violation of certain provisions of this act; and to repeal all acts and parts of acts inconsistent with or contravening any of the provisions of this act.*

Regarding Plaintiff's waiver for payment of fees, expenses and court costs where his civil "*Complaint*" includes a report of government *CRIMES* for which he has formally notified the Court that he is a *CRIME VICTIM* that has long been requesting the implementation of "*criminal proceedings*" by his "*public servants*":

MCL 775.20 (Expenses for prosecution for malfeasance in state office) – "*The expenses of all prosecutions against persons holding or who may have held any state office, for malfeasance in*

office, shall be paid from the general fund, by the state treasurer, and the board of state auditors are hereby authorized and empowered to allow all just and legal claims for such prosecutions, and this section shall be deemed to apply to the expenses of any prosecutions already commenced, as well as to any which may occur in the future."

MCL 775.21 (Proceeding instituted by attorney general) – "*Whenever the attorney general shall institute criminal proceedings in any county in this state, all costs incurred in such proceedings, except the pay of circuit judges, prosecuting attorneys, and circuit court stenographers, may be paid by the state with the approval of the STATE ADMINISTRATIVE BOARD*".

Regarding legislative intent that the Michigan Code of Criminal Procedure and Michigan Rules of the Court be liberally construed:

MCL 760.2 (Construction of act) – "*This act is hereby declared to be remedial in character and as such shall be liberally construed to effectuate the intents and purposes thereof.*"

MCL 761.1 (Definition of an "Indictment" as a "Complaint") – "*(d)'**Indictment' means** 1 or more of the following:…(iv) **A complaint**…(n)'**Complaint' means a written accusation, under oath or upon affirmation, that a felony, misdemeanor, or ordinance violation has been committed and that the person named or described in the accusation is guilty of the offense**…*"

MCL 764.1C – (Endorsing the Complaint as a "warrant") – "*(1) If the accused is in custody upon an arrest without a warrant,…**the complaint shall constitute both a complaint and warrant.***"

MCL 767.47 (Indictment; effect of repugnant and unnecessary allegations) – "*No indictment is invalid by reason of any repugnant allegations contained therein, provided that an offense is charged.*"

MCL 767.48 – (Indictments; negativing statutory exception) – "*No indictment for any offense created or defined by statute shall be deemed objectionable for the reason that it fails to negative any exception, excuse or proviso contained in the statute creating or defining the offense. **The fact that the charge is made shall be considered as an allegation that no legal excuse for the doing of the act exists in the particular case."***

MCL 767.52 (Indictment; allegation of means of offense) – "*The indictment need contain no allegation of the means by which the offense was committed except insofar as the means is an element of the offense.*"

MCL 767.75 – (Indictments; Quashing not allowed) – "***No indictment shall be quashed, set aside or dismissed for any 1 or more of the following defects**: (First) That there is a misjoinder of the parties accused; (Second) That there is a misjoinder of the offenses charged in the indictment, or duplicity therein; (**Third**) **That any uncertainty exists therein**. If the court be of the opinion that the first and second defects or either of them exist in any indictment, it may sever such indictment into separate indictments or informations or into separate counts as shall*

be proper. ***If the court be of the opinion that the third defect exists in any indictment, it may order that the indictment be amended to cure such defect***."

Michigan Rules of Court (MCR): Rule 6.002: - PURPOSE AND CONSTRUCTION – "*The Michigan Rules of Court are the rules adopted by the Michigan Supreme Court* ***to govern Michigan's legal system*** *and the judges,* ***lawyers, and other professionals who are charged with preserving the integrity of that system****. The purpose of the Court Rules is to establish* ***uniform rules and procedures*** *for all levels of Michigan's court system. These regulations ensure that* ***cases are resolved without undue delay*** *and that those who appear in court receive due process and equal treatment under the law. These rules* ***are intended to promote a just determination of every criminal proceeding****.* ***They are to be construed to secure simplicity in procedure, fairness in administration, and the elimination of unjustifiable expense and delay***."

Regarding the Elements of a Complaint, Information or Indictment:

MCR Rule 6.101 (Rules of the Court) **–** THE COMPLAINT **–** "(A) (Definition and Form) *A complaint is 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) (Prosecutor's Approval or Posting of Security) *A complaint may not be filed without a prosecutor's written approval endorsed on the complaint or attached to it, or* ***unless security for costs is filed with the court.***"

MCL 767.2 (Applicability of indictment laws to informations) – "*All provisions of the law applying to prosecutions upon indictments, to writs and process therein and the issuing and service thereof, to commitments, bail, motions, pleadings, trials, appeals and punishments, or the execution of any sentence, and to all other proceedings in cases of indictments whether in the court of original or appellate jurisdiction, shall, in the same manner and to the same extent as near as may be, be applied to informations and all prosecutions and proceedings thereon*."

MCR Rule 6.112 (Rules of the Court) – THE INFORMATION OR INDICTMENT **–** "***(A)*** **Informations and Indictments; Similar Treatment.** *– Except as otherwise provided in these rules or elsewhere, the law and rules that apply to informations and prosecutions on informations apply to indictments and prosecutions on indictments. (B)* **Use of Information or Indictment**. *A prosecution must be based on an information or an indictment. Unless the defendant is a fugitive from justice, the prosecutor may not file an information until the defendant has had or waives a preliminary examination. An indictment is returned and filed without a preliminary examination. When this occurs, the indictment shall commence judicial proceedings. (C)* **Time of Filing Information or Indictment**. *The prosecutor must file the information or indictment on or before the date set for the arraignment. (D***) Information; Nature and Contents; Attachments**. *The information must set forth the substance of the accusation against the defendant and the name, statutory citation, and penalty of the offense allegedly committed. If applicable, the information must also set forth the notice required by MCL 767.45, and the defendant's Michigan driver's license number. To the extent possible, the information should specify the time and place of the alleged offense. Allegations relating to conduct, the method of committing the offense, mental state, and the consequences of conduct*

may be stated in the alternative. A list of all witnesses known to the prosecutor who may be called at trial and all res gestae witnesses known to the prosecutor or investigating law enforcement officers must be attached to the information. A prosecutor must sign the information. (E) **Bill of Particulars**. *The court, on motion, may order the prosecutor to provide the defendant a bill of particulars describing the essential facts of the alleged offense. (F)* **Notice of Intent to Seek Enhanced Sentence**. *A notice of intent to seek an enhanced sentence pursuant to MCL 769.13 must list the prior convictions that may be relied upon for purposes of sentence enhancement. The notice must be filed within 21 days after the defendant's arraignment on the information charging the underlying offense or, if arraignment is waived, within 21 days after the filing of the information charging the underlying offense. (G)* **Harmless Error**. *Absent a timely objection and a showing of prejudice, a court may not dismiss an information or reverse a conviction because of an untimely filing or because of an incorrectly cited statute or a variance between the information and proof regarding time, place, the manner in which the offense was committed, or other factual detail relating to the alleged offense. This provision does not apply to the untimely filing of a notice of intent to seek an enhanced sentence. (H)* **Amendment of Information**. *The court before, during, or after trial may permit the prosecutor to amend the information unless the proposed amendment would unfairly surprise or prejudice the defendant. On motion, the court must strike unnecessary allegations from the information.*"

MCL 767.44 (Indictment; forms for particular offenses; bill of particulars) – "*The following forms may be used in the cases in which they are applicable but any other forms authorized by this or any other law of this state may also be used: Conspiracy—A.B. and C.D. conspired together to murder E.F. or to steal the property of E.F. or to rob E.F. (as the case may be). Larceny-Embezzlement and false pretenses. A.B. stole from C.D. 1 horse of the value of more than 100 dollars. Perjury—A.B. appeared as a witness in a case between C.D. and E.F. being heard before the (set forth the tribunal) and committed perjury by testifying as follows: (set forth the testimony).*"

MCL 750.10 (Michigan Penal Code definitions) – "*The word 'property' includes any matter or thing upon or in respect to which any offense may be committed. The word "indictment" includes information, presentment, complaint, warrant and any other formal written accusation; and unless a contrary intention appears, includes any count thereof.*"

MCL 767.45 (Contents of indictment or information) – "*(1) The indictment or information shall contain all of the following: (a) The nature of the offense stated in language which will fairly apprise the accused and the court of the offense charged; (b) The time of the offense as near as may be. No variance as to time shall be fatal unless time is of the essence of the offense; (c) That the offense was committed in the county or within the jurisdiction of the court. No verdict shall be set aside or a new trial granted by reason of failure to prove that the offense was committed in the county or within the jurisdiction of the court unless the accused raises the issue before the case is submitted to the jury.*"

MCL 767.57 (Pleading; statute or statutory right) – "*In pleading a statute or a right derived therefrom it is sufficient to refer to the statute by its title, or in any other manner which identifies the statute and the court must thereupon take judicial notice thereof.*"

MCL 767.73 (Indictment; perjury; sufficiency of statement) – "***An indictment for perjury or for subornation of, solicitation, or conspiracy to commit perjury, is sufficient*** *which indicates the offense for which the accused is prosecuted, the nature of the controversy in respect of which the offense was committed and before what court or officer the oath was taken or was to have been taken, without setting forth any part of the records or* ***proceedings with which the oath was connected****, and without stating the commission or authority of the court or other authority before whom the perjury was committed or was to have been committed or the form of the oath or affirmation or the manner of administering the same.*"

Regarding what defines a "*Crime*" and "*Crime Victim*":

MCL 18.351 – [Crime Victim's Compensation Board (definitions)] – "*(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.*"

MCL 780.762 (Discharge or discipline of victim or victim representative by employer or employer's agent as misdemeanor) – "*For the purposes of this chapter, the term "crime victim" means a person directly and proximately harmed as a result of the commission of a Federal offense or an offense…"*

Regarding the "*Duties of Judges*" to find "*reasonable cause*" and to issue arrest warrants "*without delay*", and NOT to interfere with the "*Duties of the Jury*" to try the facts related the Complaint or allegations:

MCR Rule 6.104 (Rules of the Court) – ARRAIGNMENT ON THE WARRANT OR COMPLAINT **–** "*(A) (Arraignment Without Unnecessary Delay) Unless released beforehand, an arrested person must be taken without unnecessary delay before a court for arraignment in accordance with the provisions of this rule, or must be arraigned without unnecessary delay by use of two-way interactive video technology in accordance with MCR 6.006(A). (E) (Arraignment Procedure; Judicial Responsibilities) The court at the arraignment must (1) inform the accused of the nature of the offense charged, and its maximum possible prison sentence and any mandatory minimum sentence required by law; (2) if the accused is not represented by a lawyer at the arraignment, advise the accused that (a) the accused has a right to remain silent, (b) anything the accused says orally or in writing can be used against the accused in court, (c) the accused has a right to have a lawyer present during any questioning consented to, and (d) if the accused does not have the money to hire a lawyer, the court will appoint a lawyer for the accused; (3) advise the accused of the right to a lawyer at all subsequent court proceedings and, if appropriate, appoint a lawyer; (4) set a date within the next 14 days for the accused's preliminary examination and inform the accused of the date; (5) determine what form of pretrial release, if any, is appropriate; and (6) ensure that the accused has been fingerprinted as*

required by law. This portion of the plan must provide that the judicial officer shall order the arresting officials to arrange prompt transportation of any accused unable to post bond to the judicial district of the offense for arraignment not later than the next regular business day."

MCL 764.26 (Arrest without delay) – "***Every person charged with a felony SHALL, without unnecessary delay after his arrest, be taken before a magistrate or other judicial officer and, after being informed as to his rights, shall be given an opportunity publicly to make any statement and answer any questions regarding the charge that he may desire to answer."***

MCL 766.1 (Right of State and the accused to prompt examination) – "***The state and accused SHALL be entitled to a prompt examination and determination by the examining magistrate in all criminal causes and it is hereby made the duty of all courts and public officers having duties to perform in connection with such examination, to bring them to a final determination without delay except as it may be necessary to secure to the accused a fair and impartial examination***."

MCL 767.3 (Proceedings before trial; inquiry; summoning witnesses; notification to judge; taking testimony; legal counsel; disqualification of judge) – "*Whenever by reason of the filing of any complaint, which may be upon information and belief, or upon the application of the* ***prosecuting attorney*** *or* ***attorney general****, any judge of a court of law and of record SHALL have probable cause to suspect that any crime, offense or misdemeanor has been committed within his jurisdiction and that any persons may be able to give any material evidence respecting such suspected crime, offense or misdemeanor****,*** *such judge in his discretion may make an order directing that an inquiry be made into the matters relating to such complaint.*"

MCL 764.1a (Complaint; allegations; swearing before magistrate or clerk; finding of reasonable cause; testimony; supplemental affidavits; basis of factual obligations) – "*(1) 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 accused in the complaint committed that offense. The complaint shall be sworn to before a magistrate or clerk; (2) The finding of reasonable cause by the magistrate may be based upon 1 or more of the following: (a) Factual allegations of the complainant contained in the complaint; (b) The complainant's sworn testimony; (c) The complainant's affidavit. (d) Any supplemental sworn testimony or affidavits of other individuals presented by the complainant or required by the magistrate. (3)* ***The factual allegations contained in the complaint, testimony****, or affidavits* ***may be based upon personal knowledge, information and belief, or both***."

MCL 764.1b (Warrant; recitation of accusation; directions to peace officer) – "*A warrant issued pursuant to section 1a shall recite the substance of the accusation contained in the complaint. Except as permitted in section 1c of this chapter, the warrant shall be directed to a peace officer; shall command the peace officer immediately to arrest the person accused and to take that person, without unnecessary delay, before a magistrate of the judicial district in which the offense is charged to have been committed, to be dealt with according to law; and shall direct that the warrant, with a proper return noted on the warrant, be delivered to the magistrate before whom the arrested person is to be taken. The warrant may also require the peace officer to summon the witnesses named in the warrant.*"

MCL 767.4 (Proceedings before trial; apprehension of suspect) – "*If upon such inquiry the judge shall be satisfied that any offense has been committed and that there is probable cause to suspect any person to be guilty thereof, he may cause the apprehension of such person by proper process and, upon the return of such process served or executed,* ***the judge having jurisdiction SHALL proceed with the case, matter or proceeding in like manner as upon formal complaint****.*"

MCL 772.2 (Complaint; examination of complainant and witnesses) – "*If a complaint is made in writing and on oath to the district court or a municipal court that a person has threatened to commit an offense against the person or property of another, the judge SHALL examine on oath the complainant and any witnesses who may be produced.*"

MCL 768.8 (Issues of "Fact" to be tried by a jury) – "***Issues of fact shall be tried by a jury*** *drawn, returned, examined on voir dire, and empaneled* ***in the manner provided by law for the trial of issues of fact in civil cases****.*"

Regarding this Court's jurisdiction for litigating the misdemeanor and felony criminal allegations; and the Court's requirement to conduct a judicial review of action taken by local government when faced with allegations of "*malfeasance*", the failure to provide "*due process*", and "*public corruption*":

MCL 21.232 [State disbursements to local units of government (definitions)] – "*(7) '****Due process requirement'*** *means a statute or rule which involves the administration of justice, notification and conduct of public hearings, procedures for administrative and judicial review of action taken by a local unit of government or* ***the protection of the public from malfeasance, misfeasance, or nonfeasance by an official of a local unit of government, and which involves the provision of due process*** *as it is defined by state and federal courts when interpreting the federal constitution or the state constitution of 1963.*"

MCL 767.1 (Courts of record; jurisdiction over prosecutions upon information) – "*The several circuit courts of this state, the recorders' courts and any court of record having jurisdiction of criminal causes, shall possess and may exercise the same power and jurisdiction to hear, try and determine prosecutions upon informations for crimes, misdemeanors and offenses, to issue writs and process and do all other acts therein as they possess and may exercise in cases of like prosecutions upon indictments*."

MCL 762.2 (In-state prosecution for criminal offense; circumstances) – "*(1) A person may be prosecuted for a criminal offense he or she commits while he or she is physically located within this state or outside of this state if any of the following circumstances exist: (a) He or she commits a criminal offense wholly or partly within this state; (b) His or her conduct constitutes an attempt to commit a criminal offense within this state (c) His or her conduct constitutes a conspiracy to commit a criminal offense within this state and an act in furtherance of the conspiracy is committed within this state by the offender, or at his or her instigation, or by another member of the conspiracy; (d) A victim of the offense or an employee or agent of a governmental unit posing as a victim resides in this state or is located in this state at the time the criminal offense is committed; (2) A criminal offense is considered under subsection (1) to be committed partly within this state if any of the following apply; (b) The result or consequences of*

an act constituting an element of the criminal offense occur within this state; (c) The criminal offense produces consequences that have a materially harmful impact upon the system of government or the community welfare of this state, or results in persons within this state being defrauded or otherwise harmed."

MCL 762.3 (Jurisdiction) – *"(2) If it appears to the attorney general that a felony has been committed within the state and that it is impossible to determine within which county it occurred, the offense may be alleged in the indictment to have been committed and may be prosecuted and punished in such county as the attorney general designates. The state shall bear all expenses of such prosecution. The responsibility and the authority with reference to all steps in the prosecution of such case shall be the same, as between the prosecuting attorney of the county so designated and the attorney general, as though it were an established fact that the alleged criminal acts, if committed at all, were committed within that county."*

Regarding the Court's power to change venue from "*Civil*" to "*Criminal*", to order a prosecutor to his "*Duty*" to investigate and call witnesses; and the Court's power to convene a "*Grand Jury*" to investigate a criminal complaint about a prosecutor or other officials' willful "*intent*" to "*interfere*" with or "*impede*" the "*administration of justice*" or other form of "*public corruption*":

MCR 2.223(A) (Michigan Court Rules) – "*If a venue of a civil action is improper, the court (1) shall order a change of venue on timely motion of a defendant, or (2) may order a change of venue on its own initiative with notice to the parties and opportunity for them to be heard on the venue question."*

MCL 767.40a (Prosecutor "duty" to bring forth witnesses) *"(1) **The prosecuting attorney shall** attach to the filed information a list of all witnesses known to the prosecuting attorney who might be called at trial and all res gestae witnesses known to the prosecuting attorney or investigating law enforcement officers. (2) **The prosecuting attorney shall be under a continuing duty** to disclose the names of any further res gestae witnesses as they become known. (3) Not less than 30 days before the trial, the prosecuting attorney shall send to the defendant or his or her attorney a list of the witnesses the prosecuting attorney intends to produce at trial. (4) The prosecuting attorney may add or delete from the list of witnesses he or she intends to call at trial at any time upon leave of the court and for good cause shown or by stipulation of the parties. (5) The prosecuting attorney or investigative law enforcement agency shall provide to the defendant, or defense counsel, upon request, reasonable assistance, including investigative assistance, as may be necessary to locate and serve process upon a witness. The request for assistance shall be made in writing by defendant or defense counsel not less than 10 days before the trial of the case or at such other time as the court directs. If the prosecuting attorney objects to a request by the defendant on the grounds that it is unreasonable, the prosecuting attorney shall file a pretrial motion before the court to hold a hearing to determine the reasonableness of the request."*

MCL 767.41 (Prosecutor has a "duty" to inquire and to make statement of reasons for not filing an 'information') – "*The prosecuting attorney of the proper county shall inquire into and make full examination of all the facts and circumstances connected with a case of preliminary examination as provided by law, concerning the commission of an offense where the offender is*

committed to jail or becomes recognized or held to bail. ***If the prosecuting attorney determines in a case other than a major controlled substance offense that an information ought not be filed, he shall make and subscribe a statement, in writing, containing his reasons in fact and in law, for not filing an information in the case*** *and shall file that statement with the clerk of the court at and during the term of the court at which the offender is held for appearance. The court may examine the statement, together with the evidence filed in the case* ***and if, upon examination, the court is not satisfied with the statement, the prosecuting attorney shall be directed by the court to file the proper information and bring the case to trial***."

MCL 762.7 (Jurisdiction; change of venue) – "*Each court of record having jurisdiction of criminal cases upon good cause shown by either party may change the venue in any cause pending therein, and direct the issue to be tried in the circuit court of another county, and make all necessary rules and orders for the certifying and removing such cause, and all matters relating thereto, to the court in which such issue shall be ordered to be tried, and the court to which such cause shall be so removed shall proceed to hear, try and determine the same, and execution may thereupon be had in the same manner as if the same had been prosecuted in the court having original jurisdiction of such cause…*"

MCL 767.7 (Grand jury; summoning, procedure) – "*Grand juries shall not hereafter be drawn, summoned or required to attend at the sittings of any court within this state, as provided by law, unless the judge thereof shall so direct by writing under his hand, and filed with the clerk of said court*."

MCL 767A.3 (Investigative subpoenas) – "*(1)* ***A judge may authorize a prosecuting attorney in writing to issue 1 or more investigative subpoenas under this chapter if all of the following circumstances exist****: (a)* ***A petition is properly filed under section 2****. (b)* ***The judge determines there is reasonable cause to believe a felony has been committed****. (c)* ***The judge determines there is reasonable cause to believe that either of the following circumstances exists****: (i) The person who is the subject of the investigative subpoena may have knowledge regarding the commission of the felony. (ii) The records, documents, or physical evidence are relevant to investigate the commission of a felony described in the petition. (2) An order issued by the judge authorizing a prosecuting attorney to issue 1 or more investigative subpoenas under this chapter shall contain all of the following: (a) A statement identifying each felony to be investigated. (b) A statement listing each person to whom an investigative subpoena may be issued. (c)* ***A statement listing the records, documents, or physical evidence subject to production under an investigative subpoena. The statement shall describe the records, documents, or physical evidence with sufficient definiteness to permit those records, documents, or physical evidence to be fairly identified****. (3) A prosecuting attorney may issue investigative subpoenas to the extent authorized by the judge in the authorization order. (4) If additional investigative subpoenas are required to conduct the investigation, the prosecuting attorney may file 1 or more supplemental petitions with the judge who issued the authorization to conduct the investigation requesting those additional investigative subpoenas. A supplemental petition under this subsection may incorporate the original petition for an investigative subpoena by reference. The petition shall be filed in the same manner that an original petition is filed under section 2*."

MCL 768.27 (Evidence; proof of intent or motive) – "***In any criminal case where the defendant's motive, intent, the absence of, mistake or accident on his part, or the defendant's***

scheme, plan or system in doing an act, is material, any like acts or other acts of the defendant which may tend to show his motive, intent, the absence of, mistake or accident on his part, or the defendant's scheme, plan or system in doing the act, in question, may be proved, whether they are contemporaneous with or prior or subsequent thereto; notwithstanding that such proof may show or tend to show the commission of another or prior or subsequent crime by the defendant."

MCL 776.14 (Unlawful for prosecutor to "defend" against allegations) **– *"It shall be unlawful for any prosecuting attorney of this state to defend or assist in the defense of any person charged with crime within the county of which he is prosecuting attorney."***

Regarding the rights of "*Crime Victims*" and their families not to be "*re-victimized*" by others' "*abuse of power and authority*"; and their right to restitution and other compensation awards for criminal damages:

MCL 18.354 [Crime Victims Compensation Board (Victim eligibility for awards)] – "*The following persons are eligible for awards: (a) A victim or an intervenor of a crime.*"

MCL 18.361 [Crime Victims Compensation Board (Amount of awards)] – "*(4) An award for psychological counseling shall not exceed 26 hourly sessions per victim or intervenor. The award may include not more than 8 family sessions* ***that include any of the victim's*** *or intervenor's* ***spouse, children****, parents, or siblings who are not criminally responsible for or an accomplice to the crime. The maximum hourly reimbursement rate shall not exceed $80.00 per hourly session for a therapist or counselor licensed or registered to practice in this state, except that the maximum hourly reimbursement rate shall not exceed $95.00 per hourly session for a psychologist or physician licensed to practice in this state.*"

MCL 18.356 – ([Crime Victims Compensation Board (Validity of claims; hearing; decision; report)] – "*(1) When a claim is accepted for filing,* ***an investigation and examination shall be conducted to determine the validity of the claim. The investigation shall include an examination of papers filed in support of the claim, official records and reports concerning the crime, (2) A claim shall be investigated and determined regardless of whether the alleged criminal was apprehended, prosecuted, convicted, acquitted, or found not guilty of the crime in question, unless the disposition is a direct result of… the prosecuting attorney. (5) A written report setting forth the decision and reasons for the decision shall be sent to the claimant****."*

MCL 780.765 (Oral impact statement at sentencing) – *"The victim has the right to appear and make an oral impact statement at the sentencing of the defendant."*

MCL 777.34 (Psychological injury to victim) – "'***Serious psychological injury****' is categorized as that 'requiring professional treatment* ***for the victim***'".

MCL 777.35 (Psychological injury to member of victim's family) – "'***Serious psychological injury***' is categorized as that *'requiring professional treatment* ***for a victim's family***'".

MCL 18.351 [Crime Victims Compensation Board (definitions) – *"(e) "Out-of-pocket loss" means the unreimbursed and unreimbursable expenses or indebtedness reasonably incurred for medical care, psychological counseling, replacement services, any nonmedical remedial treatment rendered in accordance with a recognized religious method of healing, or other services necessary as a result of the injury upon which a claim is based*."

MCL 777.40 (Exploitation of a vulnerable victim) – "***Exploitation of a vulnerable victim***" **occurs when "*an offender abuses his or her authority status*"**. a) "***Abuse of authority status***" is defined as meaning "*a victim was exploited out of fear or deference to an authority figure*"; b) "***Exploit*" means "*to manipulate a victim for selfish or unethical purposes***"; c) "***Vulnerability***" **means** "***the readily apparent susceptibility of a victim to injury**, physical restraint, persuasion, or temptation*".

MCL 780.766 (Order for victim restitution) – *"(2) Except as provided in subsection (8), when sentencing a defendant convicted of a crime, **the court shall order**, in addition to or in lieu of any other penalty authorized by law or in addition to any other penalty required by law**, that the defendant make full restitution to any victim of the defendant's course of conduct that gives rise to the conviction or to the victim's estate...** (4) If a crime results in physical or psychological injury to a victim, the order of restitution shall require that the defendant do 1 or more of the following, as applicable: (a) Pay an amount equal to the reasonably determined cost of medical and related professional services and devices actually incurred and reasonably expected to be incurred relating to physical and psychological care... (d) Pay an amount equal to the reasonably determined cost of psychological and medical treatment for members of the victim's family actually incurred and reasonably expected to be incurred as a result of the crime*."

Regarding the right to privacy and nondisclosure of "*nonpublic*" criminal history records for individuals receiving Court orders of "*set aside*":

MCL 780.622 [SETTING ASIDE CONVICTIONS**]** (Entry of order; effect) [M.S.A. 28.1274(102)] – Sec. 2. (1) *Upon the entry of an order pursuant to section 1, the applicant, for purposes of the law, shall be considered not to have been previously convicted, except as provided in this section and section 3*.

MCL 780.623 [SETTING ASIDE CONVICTIONS] (Providing copy of nonpublic record to person whose conviction set aside; fee; nonpublic record exempt from disclosure; prohibited conduct; misdemeanor; penalty)] – *"(2) Except as provided in subsection (3), this nonpublic record shall be made available only to a court of competent jurisdiction, an agency of the judicial branch of state government, a law enforcement agency, a prosecuting attorney, the attorney general, or the governor upon request and only for the following purposes*: (4*) **The nonpublic record maintained under subsection (2) is exempt from disclosure under the Freedom of Information Act**, Act No. 442 of the Public Acts of 1976, being sections 15.231 to 15.246 of the Michigan Compiled Laws.* 5) ***Except as provided in subsection (2), a person, other than the applicant, who knows or should have known that a conviction was set aside under this section 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."

MCL 380.1230; and MCL 380.1230a [**Michigan's "Revised School Code"** (use; disclosure of criminal history obtained in qualifying applicant; violation as misdemeanor; penalty)] – "*A representative of the individual's employer who receives a copy of a report, or* ***receives results of a report from another source*** *as authorized by this subsection,* ***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 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****…*"

MCL 380.1230b (use of information; violation as misdemeanor) – "*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…***"

MCL 15.234 (Exemptions from disclosure under the Freedom of Information Act) – *"(1) A public body may exempt from disclosure as a public record under this act any of the following: (a)* ***Information of a personal nature if public disclosure of the information would constitute a clearly unwarranted invasion of an individual's privacy****; (d)* ***Records or information specifically described and exempted from disclosure by statute****; (e) A public record or information described in this section that is furnished by the public body originally compiling, preparing, or receiving the record or information to a public officer or public body in connection with the performance of the duties of that public officer or public body, if the considerations originally giving rise to the exempt nature of the public record remain applicable."*

Regarding criminal *Libel* and *Slander*:

MCL 767.70 (Indictment for libel) – "*An indictment for libel need not set forth any extrinsic facts for the purpose of showing the application to the party libeled of the defamatory matter on which the indictment is founded, but it is sufficient to state generally that the same was published concerning him.*"

Regarding criminal *Fraud* and the *Intent to defraud*:

MCL 767.83 (indictment involving intent to fraud; sufficiency of allegations and proof) – "*In any prosecution where an intent to defraud is required to constitute the offense, it shall be sufficient to allege in the indictment an intent to defraud without naming therein the particular person or body corporate intended to be defrauded; and on the trial of such indictment****, it shall be deemed sufficient****, and shall not be deemed a variance,* ***if there appear to be an intent to defraud*** *the United States, or* ***any state****, county, city or township, or any body corporate, or any public officer in his official capacity, or any co-partnership or member thereof,* ***or any particular person****.*"

Regarding criminal "*Larceny*"; obtaining money by "*false pretense*"; "*larceny by conversion*"; and "*aiding and abetting*" in the *concealment* of stolen money goods or property:

MCL 767.60 – (Larceny and false pretense cases) – "*In any prosecution for the offenses of embezzlement, larceny, larceny by conversion, or obtaining money or property by false pretenses under the statutes of this state, it shall be sufficient to allege generally in the information or indictment the embezzlement, larceny, larceny by conversion or obtaining by false pretenses of personal property to a certain amount without specifying the particulars of such embezzlement, larceny,* ***larceny by conversion or obtaining by false pretenses****, and on the trial evidence may be given of any such embezzlement, larceny, larceny by conversion or obtaining money or property by false pretenses within 6 months next after the time stated in the information or indictment, and it shall be sufficient to maintain the charge in the information or indictment and shall not be deemed at variance if it shall be proved that any personal property was fraudulently embezzled, stolen or obtained by false pretenses within the said period of 6 months.*"

MCL 767.61 (indictment for larceny or larceny by conversion; description of instruments) – "***In an indictment for larceny, larceny by conversion****, embezzlement, robbery,* ***obtaining money by false pretenses, receiving stolen property or for any other criminal conversion or misappropriation where the offense relates to money*** *or currency, it shall be sufficient to describe the same under the terms "money", "currency", or "dollars" without specifying the particular character, number, denomination, kind, species, nature or value thereof.*"

MCL 767.69 (Indictment for larceny) – "*An indictment for larceny may contain also a count for embezzlement,* ***larceny by conversion, obtaining property by false pretenses*** *or for receiving or having in possession, or aiding in concealing the same property, knowing it to have been stolen, and the jury may convict of any such offense; and the jury may find all or any of the persons indicted, guilty of any of the offenses charged in the indictment. The prosecuting attorney shall not be required to elect between the offenses so charged*".

MCL 767.67 (Indictment; charging accessory without principal; substantial felony) – "*Any number of accessories after the fact, or receivers, buyers, or persons aiding in the concealment of any stolen money, goods, or property may be charged with substantive felonies in the same indictment, notwithstanding the principal felon shall not be included in the same indictment, or shall not be in custody or amenable to justice.*"

Regarding criminal "*perjury*" and "*perjury of Oath*" as the "*withholding or concealing of evidence*", the filing of "*false or misleading statements*", and the solicitation, "*subornation*" or "*bribery*" of a prosecutor to "*abuse his discretion*" or to "*neglect his duty*":

MCL 764.1(e) (Making materially false statement in complaint as perjury; contempt of court) – "***(1) For purposes of sections 1a to 1d of this chapter, a complaint signed by a peace officer shall be treated as made under oath if the offense alleged in the complaint is a misdemeanor or ordinance violation for which the maximum permissible penalty does not exceed 93 days in jail or a fine, or both…(2) A peace officer who, knowing the statement is false, makes a materially false statement in a complaint signed under subsection (1) is guilty of perjury, a felony punishable by imprisonment for not more than 15 years, and in addition, is in contempt of court."***

MCL 767.73 (Indictment; perjury; sufficiency of statement) – "***An indictment for perjury or for subornation of, solicitation, or conspiracy to commit perjury, is sufficient*** *which indicates the offense for which the accused is prosecuted, the nature of the controversy in respect of which the offense was committed and before what court or officer the oath was taken or was to have been taken, without setting forth any part of the records or* ***proceedings with which the oath was connected****, and without stating the commission or authority of the court or other authority before whom the perjury was committed or was to have been committed or the form of the oath or affirmation or the manner of administering the same.*"

MCL 767A.9 – (Knowingly making false statement as perjury) – "*(1) A person who makes a false statement under oath in an examination conducted under this chapter knowing the statement is false is guilty of* ***perjury****…*"

MCL 768.19 (Perjury; Acts of officer under oath) – "*Any officer having taken an oath required by any provision of this chapter who shall knowingly and willfully violate the same or permit the same to be violated, shall, on conviction thereof, be adjudged guilty of the crime of perjury and subject to all the pains and penalties thereof.*"

MICHIGAN REVISED JUDICATURE ACT OF 1961

MCL 600.1701 (Neglect or violation of duty or misconduct; power to punish by fine or imprisonment) – "*The supreme court, circuit court, and all other courts of record, have power to punish by fine or imprisonment, or both, persons guilty of any neglect or violation of duty or misconduct in all of the following cases: (c) All attorneys, counselors, clerks, registers, sheriffs, coroners, and all other persons in any manner elected or appointed to perform any judicial or ministerial services, for any misbehavior in their office or trust, or for any willful neglect or violation of duty, for disobedience of any process of the court… (d) Parties to actions for….any deceit or abuse of the process or proceedings of the court; (h) All persons for assuming to be and acting as officers, attorneys, or counselors of any court without authority; for rescuing any property or persons that are in the custody of an officer by virtue of process issued from that court; for unlawfully detaining any witness or party to an action while he or she is going to, remaining at, or returning from the court where the action is pending for trial, or for any other unlawful interference with or resistance to the process or proceedings in any action; (l) The publication of a false or grossly inaccurate report of the court's proceedings, but a court shall not punish as a contempt the publication of true, full, and fair reports of any trial, argument, proceedings, or decision had in the court; (m) All other cases where attachments and*

proceedings as for contempts have been usually adopted and practiced in courts of record to enforce the civil remedies of any parties or to protect the rights of any party."

Regarding "*Fraud upon the Court*" and criminal "*Contempt*" when making false statements and filing a *fraudulent* sworn Affidavit during judicial proceedings:

MCL 600.1711 (Summary punishment; hearing) – *"(1) When any contempt is committed in the immediate view and presence of the court, the court may punish it summarily by fine, or imprisonment, or both; (2) When any contempt is committed other than in the immediate view and presence of the court, the court may punish it by fine or imprisonment, or both, after proof of the facts charged has been made by affidavit or other method and opportunity has been given to defend."*

MCL 600.1715 (Contempt; punishment; fine; probation; performance of act or duty) – *"(1) Except as otherwise provided by law, punishment for contempt may be a fine of not more than $7,500.00, or imprisonment which, except in those cases where the commitment is for the omission to perform an act or duty which is still within the power of the person to perform shall not exceed 93 days, or both, in the discretion of the court. The court may place an individual who is guilty of criminal contempt on probation in the manner provided for persons guilty of a misdemeanor as provided in chapter XI of the code of criminal procedure, 1927 PA 175, MCL 771.1 to 771.14a; (2) If the contempt consists of the omission to perform some act or duty that is still within the power of the person to perform, the imprisonment shall be terminated when the person performs the act or duty or no longer has the power to perform the act or duty, which shall be specified in the order of commitment, and pays the fine, costs, and expenses of the proceedings, which shall be specified in the order of commitment."*

MCL 600.1721 (Payment of damages; effect) – *"If the alleged misconduct has caused an actual loss or injury to any person the court shall order the defendant to pay such person a sufficient sum to indemnify him, in addition to the other penalties which are imposed upon the defendant. The payment and acceptance of this sum is an absolute bar to any action by the aggrieved party to recover damages for the loss or injury."*

MCL 600.1745 (Indictment for contemptuous conduct; sentence) **–** *"Persons proceeded against according to the provisions of this chapter, shall also be liable to indictment for the same misconduct, if it be an indictable offense; but the court before which a conviction shall be had on such indictment shall take into consideration the punishment before inflicted, in imposing sentence."*

Regarding the filing of "*materially false or misleading statements*" in reports by officers and other officials, as "*Perjury*":

MCL 600.8713 (Official making materially false statement as perjury; felony) – "***An authorized local official who, knowing the statement is false, makes a materially false statement*** *in a*

*citation issued under section **8707**("Citation or ordinance violation notice")* ***is guilty of perjury, a felony punishable by imprisonment for not more than 15 years, and in addition is in contempt of court****."*

MCL 600.8813 (Officer making materially false statement as felony) – "***A law enforcement officer who, knowing the statement is false, makes a materially false statement*** *in a citation issued under section **8807** ("Issuance of citation")* ***is guilty of perjury, a felony punishable by imprisonment for not more than 15 years, and in addition is in contempt of court****."*

MICHIGAN PENAL CODE

Regarding criminal "*Larceny*"; obtaining money by "*false pretense*"; "*larceny by conversion*"; and "*aiding and abetting*" in the *concealment* of stolen money goods or property:

MCL 750.535 (Buying, receiving, possessing, concealing, or aiding in concealment of stolen, embezzled, or converted property) **–** *"(1) A person shall not buy, receive, possess, conceal, or aid in the concealment of stolen, embezzled, or converted money, goods, or property knowing, or having reason to know or reason to believe, that the money, goods, or property is stolen, embezzled, or converted. (2) If any of the following apply, a person who violates subsection (1) is guilty of a felony punishable by imprisonment for not more than 10 years or a fine of not more than $15,000.00 or 3 times the value of the property purchased, received, possessed, or concealed, whichever is greater, or both imprisonment and a fine: (a) The property purchased, received, possessed, or concealed has a value of $20,000.00 or more."*

MCL 750.536 (Conviction for larceny not essential**)** "*In any prosecution of the offense of buying, receiving or aiding in the concealment of stolen, embezzled or converted money or other property it shall not be necessary to aver, nor on the trial thereof to prove that the person who stole, embezzled or converted such property has been convicted*."

Regarding the rescinding and termination of a 2003 teacher employment contract criminal "*Larceny by conversion*" and theft of money/property:

MCL 750.356 (Larceny; theft of money under contract; penalties;) – *"(1) A person who commits larceny by stealing any of the following property of another person is guilty of a crime as provided in this section: (a) Money, goods, or chattels; (b) A bank note, bank bill, bond, promissory note, due bill, bill of exchange or other bill, draft, order, or certificate; (c) A book of accounts for or concerning money or goods due, to become due, or to be delivered; d) A deed or writing containing a conveyance of land or other valuable contract in force…. (2) If any of the following apply, the person is guilty of a felony punishable by imprisonment for not more than 10 years or a fine of not more than $15,000.00 or 3 times the value of the property stolen, whichever is greater, or both imprisonment and a fine: (a) The property stolen has a value of $20,000.00 or more."*

MCL 750.357 (Larceny from the person) — "***Any person who shall commit the offense of larceny by stealing from the person of another*** *shall be guilty of a felony, punishable by imprisonment in the state prison not more than 10 years.*"

MCL 750.362 (Larceny by conversion) – "*Larceny by conversion, etc.—Any person to whom any money, goods or other property, which may be the subject of larceny, shall have been delivered, who shall embezzle or fraudulently convert to his own use, or shall secrete with the intent to embezzle, or fraudulently use such goods, money or other property, or any part thereof, shall be deemed by so doing to have committed the crime of larceny and shall be punished as provided in the first section of this chapter.*"

Regarding criminal "*Libel*" and "*Slander*":

MCL 750.370 (Falsely and maliciously accusing another) – "*Falsely and maliciously accusing another of crime, etc.—Any person who shall falsely and maliciously, by word, writing, sign, or otherwise accuse, attribute, or impute to another the commission of any crime, felony or misdemeanor, or any infamous or degrading act, or impute or attribute to any female a want of chastity, shall be guilty of a misdemeanor.*"

Regarding "*Fraud*", gross frauds and cheats, "*False statements/pretenses*" the "*Intent to defraud*" and Corruption:

MCL 750.218 (False pretenses with intent to defraud; violation; penalty; enhanced sentence based on prior convictions; "false pretense" defined) – "*(1) A person who, with the intent to defraud or cheat makes or uses a false pretense to do 1 or more of the following is guilty of a crime punishable as provided in this section: (c) Obtain from a person any money or personal property or … other valuable thing or service; (4) If any of the following apply, the person is guilty of a felony punishable by imprisonment for not more than 5 years or a fine of not more than $10,000.00 or 3 times the value, whichever is greater, or both imprisonment and a fine: (a) The land, interest in land, money, personal property, use of the instrument, facility, article, or valuable thing, service, larger amount obtained, or smaller amount sold or disposed of has a value of $1,000.00 or more but less than $20,000.00; (9) As used in this section, "false pretense" includes, but is not limited to, a false or fraudulent representation, writing, communication, statement, or message, communicated by any means to another person, that the maker of the representation, writing, communication, statement, or message knows is false or fraudulent. The false pretense may be a representation regarding a past or existing fact or circumstance or a representation regarding the intention to perform a future event or to have a future event performed."*

MCL 750.280 (Gross frauds and cheats at common law) – "*Any person who shall be convicted of any gross fraud or cheat at common law, shall be guilty of a felony, punishable by imprisonment in the state prison not more than 10 years or by a fine of not more than 5,000 dollars.*"

MCL 750.505 – (Punishment for indictable common law offenses) – "*Any person who shall commit any indictable offense at the common law, for the punishment of which no provision is expressly made by any statute of this state, shall be guilty of a felony, punishable by imprisonment in the state prison not more than 5 years or by a fine of not more than $10,000.00, or both in the discretion of the court.*"

Regarding "*Perjury*", filing of "*false statements in a crime report*", and "*preventing the report of a crime*" as "*perjury of Oath*" and Corruption:

MCL 750.411a (False crime report as a crime) – "*(2),* ***a person who intentionally makes a false report of the commission of a crime****, or intentionally causes a false report of the commission of a crime to be made, to a peace officer, police agency of this state or of a local unit of government, 9-1-1 operator, or any other governmental employee or contractor or employee of a contractor who is authorized to receive reports of a crime, knowing the report is false****, is guilty of a crime as follows:*** *(a) If the report is a false report of a misdemeanor, the person is guilty of a misdemeanor punishable by imprisonment for not more than 93 days or a fine of not more than $500.00, or both. (b) If the report is a false report of a felony, the person is guilty of a felony punishable by imprisonment for not more than 4 years or a fine of not more than $2,000.00, or both.*"

MCL 750.422 (Perjury in courts) – "*Any person who, being lawfully required to depose the truth in any proceeding in a court of justice, shall commit perjury shall be guilty of a felony, punishable, if such perjury was committed on the trial of an indictment for a capital crime, by imprisonment in the state prison for life, or any term of years, and if committed in any other case, by imprisonment in the state prison for not more than 15 years.*"

MCL 750.423 (Perjury definition) – "*Any person authorized by any statute of this state to take an oath, or any person of whom an oath shall be required by law, who shall willfully swear falsely, in regard to any matter or thing, respecting which such oath is authorized or required, shall be guilty of perjury, a felony, punishable by imprisonment in the state prison not more than 15 years.*"

MCL 750.424 (Subornation of perjury) – "*Any person who shall be guilty of subornation of perjury, by procuring another person to commit the crime of perjury, shall be punished…*"

MCL 750.425 (Inciting or procuring one to commit perjury) – "*Inciting or procuring one to commit perjury—Any person who shall endeavor to incite or procure any person to commit the crime of perjury, though no perjury be committed, shall be guilty of a felony, punishable by imprisonment in the state prison not more than 5 years.*"

MCL 750.426 (Court reasonably believes perjury committed) – "*Proceeding when court reasonably believes perjury has been committed—Whenever it shall appear to any court of record that any witness or party who has been legally sworn and examined or has made an affidavit in any proceeding in a court of justice, has testified in such a manner as to induce a reasonable presumption that he has been guilty of perjury therein, the court may immediately*

commit such witness or party, by an order or process for that purpose, or may take a recognizance with sureties, for his appearing to answer to an indictment for perjury; and thereupon the witness to establish such perjury may, if present, be bound over to the proper court, and notice of the proceedings shall forthwith be given to the prosecuting attorney."

MCL 759.483a (Withholding evidence; preventing report of a crime) – "*(1) A person shall not do any of the following: (a) Withhold or refuse to produce any testimony, information, document, or thing after the court has ordered it to be produced following a hearing. (c)* ***Retaliate or attempt to retaliate against another person for having reported or attempted to report a crime committed or attempted by another person. As used in this subsection, "retaliate" means to do any of the following: (i) Commit or attempt to commit a crime against any person****. (2) A person who violates subsection (1) is guilty of a crime as follows: (a) Except as provided in subdivision (b), the person is guilty of a misdemeanor punishable by imprisonment for not more than 1 year or a fine of not more than $1,000.00, or both. (3)* ***A person shall not do any of the following: (a) Give, offer to give, or promise anything of value to any person to influence a person's statement to a police officer conducting a lawful investigation of a crime or the presentation of evidence to a police officer conducting a lawful investigation of a crime.*** *(4) A person who violates subsection (3) is guilty of a crime as follows: (a) Except as provided in subdivision (b), the person is guilty of a misdemeanor punishable by imprisonment for not more than 1 year or a fine of not more than $1,000.00, or both. (5)* ***A person shall not do any of the following: (a) Knowingly and intentionally remove, alter, conceal, destroy, or otherwise tamper with evidence to be offered in a present or future official proceeding. (b) Offer evidence at an official proceeding that he or she recklessly disregards as false.*** *(6)* ***A person who violates subsection (5) is guilty of a crime as follows: (a) Except as provided in subdivision (b), the person is guilty of a FELONY punishable by imprisonment for not more than 4 years or a fine of not more than $5,000.00, or both****. (b) If the violation is committed in a criminal case for which the maximum term of imprisonment for the violation is more than 10 years, or the violation is punishable by imprisonment for life or any term of years, the person is guilty of a felony punishable by imprisonment for not more than 10 years or a fine of not more than $20,000.00, or both. (7)* ***It is an affirmative defense under subsection (3), for which the defendant has the burden of proof by a preponderance of the evidence, that the conduct consisted solely of lawful conduct and that the defendant's sole intention was to encourage, induce, or cause the other person to provide a statement or evidence truthfully.*** *(11) As used in this section: (a) "Official proceeding" means a proceeding heard before a legislative, judicial, administrative, or other governmental agency or official authorized to hear evidence under oath, including a referee, prosecuting attorney, hearing examiner, commissioner, notary, or other person taking testimony or deposition in that proceeding.*"

Regarding "*Obstruction of Justice*" as the willful "*refusal*" to assist an officer in the execution of his duty of conducting an investigation of a criminal complaint:

MCL 750.483 (Neglecting or refusing to aid sheriff or constable; misdemeanor) – "*Any person who being required by any sheriff, deputy sheriff, coroner or constable, shall neglect or refuse to assist him in the execution of his office, in any criminal case or in the preservation of the peace, or the apprehending or securing of any person for a breach of the peace … shall be guilty of a misdemeanor*."

Regarding the immediate and everlasting threat to terminate teaching employment, a teaching career, and the reputation of teacher as criminal "*Extortion*" and Corruption:

MCL 750.213 (Malicious threat to extort money) – *"Any person who shall, either orally or by a written or printed communication, maliciously threaten to accuse another of any crime or offense, or shall orally or by any written or printed communication maliciously threaten any injury to the person or property or mother, father, husband, wife or child of another with intent thereby to extort money or any pecuniary advantage whatever, or with intent to compel the person so threatened to do or refrain from doing any act against his will, shall be guilty of a felony, punishable by imprisonment in the state prison not more than 20 years or by a fine of not more than 10,000 dollars."*

MCL 750.462a (Definition of "extortion") – *"**Extortion" means conduct prohibited** under section 213**, including, but not limited to, a threat to expose any secret tending to subject a person to hatred, contempt, or ridicule**."*

Regarding criminal "*Bribery*", "*Subornation of perjury*" and "*Perjury of Oath*" as Corruption; and the requirement that public officials provide an "*Affirmative Defense*" when facing charges of "*malfeasance*", "*retaliation*", "*interference with legal proceedings*", or of acting "*under color of law*" to either "*impede*" or to "*simulate*" a "*legal process*":

MCL 750.117 (bribery of a public officer) – *"Any person who shall corruptly give, offer or promise to any public officer, agent, servant or employee, ...any gift, gratuity, money, property or other valuable thing, the intent or purpose of which is to influence the act, vote, opinion, decision or judgment of such public officer, agent, servant or employee, or his action on any matter, question, cause or proceeding, which may be pending or may by law be brought before him in his public capacity, or the purpose and intent of which is to influence any act or omission relating to any public duty of such officer, agent, servant or employee, shall be guilty of a felony."*

MCL 750.118 (public officer accepting bribe) – *"Any executive, legislative or judicial officer who shall corruptly accept any gift or gratuity, or any promise to make any gift, or to do any act beneficial to such officer, under an agreement, or with an understanding that his vote, opinion or judgment shall be given in any particular manner, or upon a particular side of any question, cause or proceeding, which is or may be by law brought before him in his official capacity, or that in such capacity, he shall make any particular nomination or appointment, shall forfeit his office, and be forever disqualified to hold any public office, trust or appointment under the constitution or laws of this state, and shall be guilty of a felony, punishable by imprisonment in the state prison not more than 10 years, or by fine of not more than 5,000 dollars."*

MCL 750.122 (Prohibited acts; witnesses; threat or intimidation; affirmative defense; violation as felony; penalties; applicability of section; definitions) – *"(1) A person shall not give, offer to give, or promise anything of value to an individual for any of the following purposes: (a) To discourage any individual from attending a present or future official proceeding as a witness, testifying at a present or future official proceeding, or giving information at a present or future*

official proceeding; (b) To influence any individual's testimony at a present or future official proceeding; (c) To encourage any individual to avoid legal process, to withhold testimony, or to testify falsely in a present or future official proceeding; (3) A person shall not do any of the following by threat or intimidation: (a) Discourage or attempt to discourage any individual from attending a present or future official proceeding as a witness, testifying at a present or future official proceeding, or giving information at a present or future official proceeding. (b) Influence or attempt to influence testimony at a present or future official proceeding. (c) ***Encourage or attempt to encourage any individual to avoid legal process, to withhold testimony****, or to testify falsely in a present or future official proceeding. (4)* ***It is an affirmative defense under subsections (1) and (3), for which the defendant has the burden of proof by a preponderance of the evidence, that the conduct consisted solely of lawful conduct and that the defendant's sole intention was to encourage, induce, or cause the other person to testify or provide evidence truthfully****. (6)* ***A person shall not willfully impede, interfere with, prevent, or obstruct or attempt to willfully impede, interfere with, prevent, or obstruct the ability of a witness to attend, testify, or provide information in or for a present or future official proceeding****. (7)* ***A person who violates this section is guilty of a crime*** *as follows: (a) Except as provided in subdivisions (b) and (c),* ***the person is guilty of a felony*** *punishable by imprisonment for not more than 4 years or a fine of not more than $5,000.00, or both. (b) If the violation is committed in a criminal case for which the maximum term of imprisonment for the violation is more than 10 years, or the violation is punishable by imprisonment for life or any term of years, the person is guilty of a felony punishable by imprisonment for not more than 10 years or a fine of not more than $20,000.00, or both. (8) A person who retaliates, attempts to retaliate, or threatens to retaliate against another person for having been a witness in an official proceeding is guilty of a felony punishable by imprisonment for not more than 10 years or a fine of not more than $20,000.00, or both. As used in this subsection,* ***"retaliate" means*** *to do any of the following: (a)* ***Commit or attempt to commit a crime against any person****. (9) This section applies regardless of whether an official proceeding actually takes place or is pending or whether the individual has been subpoenaed or otherwise ordered to appear at the official proceeding if the person knows or has reason to know the other person could be a witness at any official proceeding. (a)* ***"Official proceeding" means*** *a proceeding heard before a legislative****, judicial, administrative, or other governmental agency or official authorized to hear evidence under oath****, including a referee,* ***prosecuting attorney****, hearing examiner, commissioner, notary, or other person taking testimony or deposition in that proceeding.""*

MCL 750.123 (Officer omitting duty for reward) – *"A sheriff, coroner, constable, peace officer, or any other officer authorized to serve process or arrest or apprehend offenders against criminal law who shall receive from a defendant or from any other person any money or other valuable thing or any service or promise to pay or give money or to perform or omit to perform any act as a consideration, reward, or inducement, for omitting or delaying to arrest any defendant, or to carry him or her before a magistrate, or for delaying to take any person to prison, or for postponing the sale of any property under an execution, or for omitting or delaying to perform any duty pertaining to his or her office, is guilty of a misdemeanor punishable by imprisonment for not more than 6 months or a fine of not more than $750.00. However, if that defendant is charged with an offense against the criminal laws of this state, an officer convicted under this section may be punished by any fine or by any term of imprisonment or both a fine and imprisonment, within the limits fixed by the statute that the defendant is charged with having violated.)*

MCL 750.125 (Giving, offering, or promising commission, gift, or gratuity to agent, employee, or other person with intent to influence action of agent or employee; requesting or accepting commission, gift, or gratuity; using or giving document containing materially false, erroneous, or defective statement; evidence; use of truthful testimony, evidence, or other information against witness in criminal case; violation as misdemeanor.) – *"(1) A person shall not give, offer, or promise a commission, gift, or gratuity to an agent, employee, or other person or do or offer to do an act beneficial to an agent, employee, or other person with intent to influence the action of the agent or employee in relation to his or her principal's or employer's business; (2) An agent or employee shall not request or accept a commission, gift, or gratuity, or a promise of a commission, gift, or gratuity, for the agent, employee, or another person or the doing of an act or offer of an act beneficial to the agent, employee, or another person according to an agreement or understanding between the agent or employee and any other person that the agent or employee shall act in a particular manner in relation to his or her principal's or employer's business; (3) A person shall not use or give to an agent, employee, or other person, and an agent or employee shall not use, approve, or certify, with intent to deceive the principal or employer, a receipt, account, invoice, or other document concerning which the principal or employer is interested that contains a statement that is materially false, erroneous, or defective or omits to state fully any commission, money, property, or other valuable thing given or agreed to be given to the agent or employee; (4) Evidence is not admissible in any proceeding or prosecution under this section to show that a gift or acceptance of a commission, money, property, or other valuable thing described in this section is customary in a business, trade, or calling. The customary nature of a transaction is not a defense in a proceeding or prosecution under this section. (5) In a proceeding or prosecution under this section, a person shall not be excused from attending and testifying or from producing documentary evidence pursuant to a subpoena on the ground that the testimony or evidence may tend to incriminate him or her or subject him or her to a penalty or forfeiture. Truthful testimony, evidence, or other truthful information compelled under this section and any information derived directly or indirectly from that truthful testimony, evidence, or other truthful information shall not be used against the witness in a criminal case, except for impeachment purposes or in a prosecution for perjury or otherwise failing to testify or produce evidence as required; (6) A person who violates this section is guilty of a misdemeanor punishable by imprisonment for not more than 1 year or a fine of not more than $1,000.00, or both."*

MCL 750.368 (Simulating a legal process) – *"(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 entity of this state or of a city, village, township, or county in this state, but does not include a person whose employment results from election or appointment…**'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,*

university, school district, intermediate school district, special district, or other public entity of this state or a city, village, township, or county in this state."

Regarding a criminal Conspiracy to "*Simulate a legal process*" by conducting "*Legal acts in illegal manners*" or under "*color of law*" as a "*Conspiracy to commit an offense*":

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."*

MCL 750.157b (Solicitation to commit felony; penalty; affirmative defense) – *"(1) For purposes of this section, "solicit" means to offer to give, promise to give, or give any money, services, or anything of value, or to forgive or promise to forgive a debt or obligation; (2) A person who solicits another person to…do or omit to do an act which if completed would constitute murder, is guilty of a felony punishable by imprisonment for life or any term of years; (a) If the offense solicited is a felony punishable by imprisonment for life, or for 5 years or more, the person is guilty of a felony punishable by imprisonment for not more than 5 years or by a fine not to exceed $5,000.00, or both; (b) If the offense solicited is a felony punishable by imprisonment for a term less than 5 years or by a fine, the person is guilty of a misdemeanor punishable by imprisonment for not more than 2 years or by a fine not to exceed $1,000.00, or both, except that a term of imprisonment shall not exceed 1/2 of the maximum imprisonment which can be imposed if the offense solicited is committed; (4) It is an affirmative defense to a prosecution under this section that, under circumstances manifesting a voluntary and complete renunciation of his or her criminal purpose, the actor notified the person solicited of his or her renunciation and either gave timely warning and cooperation to appropriate law enforcement authorities or otherwise made a substantial effort to prevent the performance of the criminal conduct commanded or solicited, provided that conduct does not occur. The defendant shall establish by a preponderance of the evidence the affirmative defense under this subsection."*

Regarding "*Retaliation*" against a witness by "*tampering with*", "*removing*", "*altering*" or "*concealing*" evidence in an official proceeding; and the requirement that public officials provide an "*Affirmative Defense*" to prove their conduct was lawful and that their actions were to encourage a witness or witnesses to testify:

MCL 750.122 (Prohibited acts; violation as felony) – *"(8) A person who retaliates, attempts to retaliate, or threatens to retaliate against another person for having been a witness in an official proceeding is guilty of a felony punishable by imprisonment for not more than 10 years or a fine of not more than $20,000.00, or both. As used in this subsection, "retaliate" means to do any of the following: (a) Commit or attempt to commit a crime against any person; (9) This section applies regardless of whether an official proceeding actually takes place or is pending or whether the individual has been subpoenaed or otherwise ordered to appear at the official proceeding if the person knows or has reason to know the other person could be a witness at any official proceeding; (10) This section does not prohibit a person from being charged with, convicted of, or punished for any other violation of law arising out of the same transaction as the violation of this section; (a) "Official proceeding" means a proceeding heard before a legislative, judicial, administrative, or other governmental agency or official authorized to hear evidence under oath, including a referee, prosecuting attorney, hearing examiner, commissioner, notary, or other person taking testimony or deposition in that proceeding."*

MCL 750.483a (Prohibited acts; penalties; "retaliate,""official proceeding," and "threaten or intimidate" defined) – *"(1) **A person shall not** do any of the following: (c) **Retaliate or attempt to retaliate against another person for having reported or attempted to report a crime committed or attempted by another person**. As used in this subsection, **"retaliate" means** to do any of the following: (i) **Commit or attempt to commit a crime against any person**. (2) A person who violates subsection (1) is guilty of a crime as follows: (a) Except as provided in subdivision (b), the person is guilty of a misdemeanor punishable by imprisonment for not more than 1 year or a fine of not more than $1,000.00, or both. (5) **A person shall not do any of the following**: (a) **Knowingly and intentionally remove, alter, conceal, destroy, or otherwise tamper with evidence to be offered in a present or future official proceeding**. (b) **Offer evidence at an official proceeding that he or she recklessly disregards as false**. (6) A person who violates subsection (5) is guilty of a crime as follows: (a) Except as provided in subdivision (b), the person is guilty of a felony punishable by imprisonment for not more than 4 years or a fine of not more than $5,000.00, or both. (b) If the violation is committed in a criminal case for which the maximum term of imprisonment for the violation is more than 10 years, or the violation is punishable by imprisonment for life or any term of years, the person is guilty of a felony punishable by imprisonment for not more than 10 years or a fine of not more than $20,000.00, or both. (7) **It is an affirmative defense under subsection (3), for which the defendant has the burden of proof by a preponderance of the evidence, that the conduct consisted solely of lawful conduct and that the defendant's sole intention was to encourage, induce, or cause the other person to provide a statement or evidence truthfully**. (11) As used in this section: (a) "Official proceeding" means a proceeding heard before a legislative, judicial, administrative, or other governmental agency or official authorized to hear evidence under oath, including a referee, prosecuting attorney, hearing examiner, commissioner, notary, or other person taking testimony or deposition in that proceeding.*"

Regarding the "*compounding of offense*" for felony "*Concealment*":

MCL 750.149 (Compounding or concealing offense; felony penalty) – "*Any person having knowledge of the commission of any offense punishable…by imprisonment in the state prison, who shall take any money, or any gratuity or reward, or any engagement therefore, upon an*

agreement or understanding, express or implied, to compound or conceal such offense, or not to prosecute therefore, or not to give evidence thereof, shall, when such offense of which he or she has knowledge was punishable…or imprisonment in the state prison for life, is guilty of a felony; and where the offense, of which he or she so had knowledge, was punishable in any other manner, he or she is guilty of a misdemeanor punishable by imprisonment for not more than 1 year or a fine of not more than $1,000.00."

Regarding the prosecutor or the "*Bureau*" or "*Division*" staff of the Attorney General being "*Willfully Incompetent*", "*Negligent*", and in "*Malfeasance* of duty"; and the requirement of these public officials to provide an "*Affirmative Defense*" under allegations of "*contempt*", "*obstruction of justice*", *malfeasance*, and "*perjury of Oath*":

MCL 750.189 (Negligently suffering escape or refusing to receive) – "***Any** jailor or **other officer who shall through negligence**, suffer any prisoner…upon any criminal charge, to escape, or **who shall willfully refuse to receive into his custody any prisoner lawfully committed thereto, on** any criminal charge or conviction, or **any lawful process whatever, shall be guilty of a misdemeanor, punishable by imprisonment in the county jail not more than 2 years, or by fine of not more than 1,000 dollars**."

MCL 750.423 (Violation of Oath as felony perjury) – "***Any person authorized by any statute of this state to take an oath, or any person of whom an oath shall be required by law, who shall willfully swear falsely, in regard to any matter or thing, respecting which such oath is authorized or required, shall be guilty of perjury, a felony, punishable by imprisonment in the state prison not more than 15 years**."

MCL 750.478 (Willful "*Neglect of Duty*"; public officer or person holding public trust or employment; penalty) – "*When any duty is or shall be enjoined by law upon any public officer, or upon any person holding any public trust or employment, every willful neglect to perform such duty, where no special provision shall have been made for the punishment of such delinquency, constitutes a misdemeanor punishable by imprisonment for not more than 1 year or a fine of not more than $1,000.00.*"

MCL 750.478a – (Legal process; intimidation, hindering, or obstruction of public officer or employee) – ***"(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**. (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 entity of this state or of a city, village, township, or county in this state, but does not include a person whose employment results from election or appointment. (d) '**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, university, school district, intermediate school district, special district, or other public entity of this state or a city, village, township, or county in this state….(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, 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 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."*

Regarding "*discriminatory*" practices and "*denial of equal treatment and access*" to public services of law enforcement, prosecutorial protection, victims' support services:

MCL 750.146 (Right to equal public accommodations) – *"All persons within the jurisdiction of this state shall be entitled to full and equal accommodations, advantages, facilities and privileges of…all other places of public accommodation, amusement, and recreation, subject only to the conditions and limitations established by law and applicable alike to all citizens and to all citizens alike..."*

MCL 750.147 (Denial of equal public accommodations) – *"Any person being an…agent or employee of any such place who shall directly or indirectly refuse, withhold from or deny to any person any of the accommodations, advantages, facilities and privileges thereof or directly… shall for every such offense be deemed guilty of a misdemeanor and upon conviction thereof shall be fined not less than $100.00 or imprisoned for not less than 15 days or both such fine and imprisonment in the discretion of the court; and every person being an owner, lessee, proprietor, manager, superintendent, agent or employee of any such place, and who violates any of the provisions of this section, shall be liable to the injured party, in treble damages sustained, to be recovered in a civil action: Provided, however, That any right of action under this section shall be unassignable. In the event that any person violating this section is operating by virtue of a license issued by the state, or any municipal authority, the court, in addition to the penalty prescribed above, may suspend or revoke such license*."

Regarding "*Criminal Enterprises*" and "*Racketeering*":

MCL 750.159f (Definition of "criminal enterprises" generally) – *"(a) "Enterprise" includes an individual,…. governmental unit, or other legal entity or a group of persons associated in fact although not a legal entity. Enterprise includes illicit as well as licit enterprises.…(c) "Pattern of racketeering activity" means not less than 2 incidents of racketeering to which all of the following characteristics apply: (i) The incidents have the same or a substantially similar*

purpose, result, participant, victim, or method of commission, or are otherwise interrelated by distinguishing characteristics and are not isolated acts; (ii) The incidents amount to or pose a threat of continued criminal activity; (iii) At least 1 of the incidents occurred within this state on or after the effective date of the amendatory act that added this section, and the last of the incidents occurred within 10 years after the commission of any prior incident, excluding any period of imprisonment served by a person engaging in the racketeering activity."

MCL 750.159g (Racketeering defined) – *"Racketeering" means committing, attempting to commit, conspiring to commit, or aiding or abetting, soliciting, coercing, or intimidating a person to commit an offense for financial gain, involving any of the following: (l) A violation of section 117, 118, 119, 120, 121, or 124, concerning bribery; (r) A violation of section 213, concerning extortion; (s) A felony violation of section 218, concerning false pretenses; (dd) A violation of section 422, 423, 424, or 425, concerning perjury or subornation of perjury; (gg) A felony violation of section 535, 535a, or 536a, concerning stolen, embezzled, or converted property; (jj) An offense committed within this state or another state that constitutes racketeering activity as defined in section 1961(1) of title 18 of the United States Code, 18 U.S.C. 1961; (kk) An offense committed within this state or another state in violation of a law of the United States that is substantially similar to a violation listed in subdivisions (a) through (ii); (ll) An offense committed in another state in violation of a statute of that state that is substantially similar to a violation listed in subdivisions (a) through (ii)."*

Regarding "*Victims*" and "*Victims' Rights*":
(William Van Regenmorter Crime Victim's Rights Act)

MCL 780.752 (Definitions; designation of person to act in place of victim; privileges and rights) – *"(l) "Victim" means any of the following: (i) An individual who suffers direct or threatened physical, financial, or emotional harm as a result of the commission of a crime… (f) "Final disposition" means the ultimate termination of the criminal prosecution of a defendant including, but not limited to, dismissal, acquittal, or imposition of sentence by the court."*

MCL 780.753 (Information to be given victim) – "*Within 24 hours after the initial contact between the victim of a reported crime and the law enforcement agency having the responsibility for investigating that crime, that agency shall give to the victim the following information in writing: (a) The availability of emergency and medical services, if applicable; (b) The availability of victim's compensation benefits and the address of the crime victims compensation board; (c) The address and telephone number of the prosecuting attorney whom the victim should contact to obtain information about victim's rights; (d) The following statements: "If you would like to be notified of an arrest in your case or the release of the person arrested, or both, you should call [identify law enforcement agency and telephone number] and inform them"; "If you are not notified of an arrest in your case, you may call this law enforcement agency at [the law enforcement agency's telephone number] for the status of the case*."

MCL 780.758 (Address and phone number of victim not to be in court files or documents) – "*(3) Pursuant to section 24 of article I of the state constitution of 1963, guaranteeing to crime victims the right to be treated with respect for their dignity and privacy, all of the following information and visual representations of a victim are exempt from disclosure under the freedom*

of information act, 1976 PA 442, MCL 15.231 to 15.246: (a) ***The home address, home telephone number, work address, and work telephone number of the victim*** *unless the address is used to identify the place of the crime.*

UNITED STATES CONSTITUTION

Article 3, § 3 (Treason) – "*Treason against the United States, shall consist only in levying war against them, or in adhering to their enemies, giving them aid and comfort. No person shall be convicted of treason unless on the testimony of two witnesses to the same overt act, or on confession in open court.*"

Article 4, § 1 (Full Faith and Credit) – "*Full faith and credit shall be given in each state to the public acts, records, and judicial proceedings of every other state…*"

Article 4, § 2 (Privileges and Immunities) – "*The citizens of each state shall be entitled to all privileges and immunities of citizens in the several states…*"

Article 6 (Legal status of the Constitution) – "*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.*"

BILL OF RIGHTS

Amendment I (Right to Petition for Redress of Grievances): "*Congress shall make no law…abridging the right of the people peaceably…to petition the government for a redress of grievances.*"

Amendment V (Grand Jury, Double Jeopardy, Self-Incrimination, Due Process): "*No person shall be held to answer for a capital, or otherwise infamous crime, unless on a presentment or indictment of a grand jury, except in cases arising in the land or naval forces, or in the militia, when in actual service in time of war or public danger; nor shall any person be subject for the same offense to be twice put in jeopardy of life or limb; nor shall be compelled in any criminal case to be a witness against himself, nor be deprived of life, liberty, or property, without due process of law; nor shall private property be taken for public use, without just compensation.*"

Amendment VI (Criminal Prosecutions - Jury Trial, Right to Confront) – "*In all criminal prosecutions, the accused shall enjoy the right to a speedy and public trial, by an impartial jury of the state and district wherein the crime shall have been committed, which district shall have been previously ascertained by law, and to be informed of the nature and cause of the accusation; to be confronted with the witnesses against him; to have compulsory process for obtaining witnesses in his favor, and to have the assistance of counsel for his defense.*"

Amendment VII (Common Law Suits - Jury Trial) – "*In suits at common law, where the value in controversy shall exceed twenty dollars, the right of trial by jury shall be preserved, and no fact tried by a jury, shall be otherwise reexamined in any court of the United States, than according to the rules of the common law.*"

Amendment IX (Non-Enumerated Rights) – "*The enumeration in the Constitution, of certain rights, shall not be construed to deny or disparage others retained by the people*."

Amendment XIV (Privileges and Immunities, Due Process, Equal Protection) – "*No state shall make or enforce any law which shall abridge the privileges or immunities of citizens of the United States; nor shall any state deprive any person of life, liberty, or property, without due process of law; nor deny to any person within its jurisdiction the equal protection of the laws…*"

Amendment XV (Right not to be denied because of race or previous condition of "*servitude*") – "*The right of citizens of the United States to vote shall not be denied or abridged by the United States or by any state on account of race, color, or previous condition of servitude*."

UNITED STATES CODES, STATUTES, AND CASE LAW

Regarding who is or is not considered legally "*convicted*", and at what point a conviction "*disappears*" in Texas:

18 U.S.C. § 921(a)(20) [Firearms (Definitions)] – "*What constitutes a conviction of such a crime shall be determined in accordance with the law of the jurisdiction in which the proceedings were held.* ***Any conviction which has been expunged, or set aside or for which a person has been pardoned or has had civil rights restored shall not be considered a conviction for purposes of this chapter….***"

United States of America v. Armando Sauseda, 2000 US Distr Lexis 21323 (WD Tex, unpublished 1/10/2000) – JUDICIAL CLEMENCY – "***If a judge chooses to exercise this judicial clemency provision*** *[from* ***Tex Code Crim proc 42.12 §20****]* ***the conviction is wiped away, the indictment dismissed, and the person is free to walk away from the courtroom 'released from all penalties and disabilities' resulting from the conviction****. [Art. 42.12 §20(a)]* ***Once the trial judge signs the Art. 42.12 §20 order, the felony conviction disappears****, except as specifically noted in subsection (1) and (2).]*"

Regarding federal "*Civil Rights*" violations by Michigan government employers:

42 U.S.C. § 2000e-2 (Unlawful employment practices) – *"(a)* (Employer practices) *It shall be an unlawful employment practice for an employer (2) to limit, segregate, or classify his employees or applicants for employment in any way which would deprive or tend to deprive any individual of employment opportunities or otherwise adversely affect his status as an employee, because of such individual's race, color, religion, sex, or national origin;… (k)* (Burden of proof in **disparate impact** cases) *(1) (A) An unlawful employment practice based on disparate impact is established under this subchapter only if (i) a complaining party demonstrates that a respondent uses a particular employment practice that causes a disparate*

impact on the basis of race, color, religion, sex, or national origin and the respondent fails to demonstrate that the challenged practice is job related for the position in question and consistent with business necessity…"

Regarding the right to challenge and correct FBI identification records:

28 CFR § 50.12 (Policies for the exchange and correction of FBI identification records) – "***The officials making the determination of suitability for licensing or employment shall provide the applicants the opportunity to complete, or challenge the accuracy of, the information contained in the FBI identification record. These officials also must advise the applicants that procedures for obtaining a change, correction, or updating of an FBI identification record are set forth in 28 CFR 16.34. Officials making such determinations should not deny the license or employment based on information in the record until the applicant has been afforded a reasonable time to correct or complete the record, or has declined to do so. A statement incorporating these use-and-challenge requirements will be placed on all records disseminated under this program. This policy is intended to ensure*** *that all relevant criminal record information is made available to provide for the public safety and, further****, to protect the interests of the prospective employee/licensee who may be affected by the information or lack of information in an identification record***."

28 CFR § 20.3 [General provisions of the Criminal Justice Information Systems] (definitions) – *"As used in these regulations: (b) Administration of criminal justice means performance of any of the following activities: Detection, apprehension, detention, pretrial release, post-trial release, prosecution, adjudication, correctional supervision, or rehabilitation of accused persons or criminal offenders.* ***The administration of criminal justice SHALL include criminal identification activities and the collection, storage, and dissemination of criminal history record information****. (c)* ***Control Terminal Agency means*** *a duly authorized* ***state****, foreign, or international* ***criminal justice agency with direct access to the National Crime Information Center telecommunications network providing statewide*** *(or equivalent)* ***service to its criminal justice users*** *with respect to the various systems managed by the FBI CJIS Division. (d)* ***Criminal history record information means*** *information collected by criminal justice agencies on individuals consisting of identifiable descriptions and notations of arrests, detentions, indictments, informations, or other formal criminal charges, and any disposition arising therefrom,* ***including acquittal****, sentencing, correctional supervision,* ***and release****. (e)* ***Criminal history record information system means a system including*** *the equipment, facilities,* ***procedures, agreements, and organizations thereof, for the collection, processing, preservation, or dissemination of criminal history record information****. (i)* ***Disposition means information disclosing that criminal proceedings have been concluded and the nature of the termination,*** *including information disclosing that the police have elected not to refer a matter to a prosecutor or that a prosecutor has elected not to commence criminal proceedings; or disclosing that proceedings have been indefinitely postponed and the reason for such postponement.* ***Dispositions shall include****, but shall not be limited to, acquittal, acquittal by reason of insanity, acquittal by reason of mental incompetence, case continued without finding,* ***charge dismissed****, charge dismissed due to insanity, charge dismissed due to mental incompetency, charge still pending due to insanity, charge still pending due to mental incompetence,* ***guilty plea****, nolle prosequi, no paper, nolo contendere plea, convicted, youthful*

*offender determination, deceased, deferred disposition, dismissed-civil action, found insane, found mentally incompetent, **pardoned**, probation before conviction, **sentence commuted**, adjudication withheld, mistrial-defendant discharged, **executive clemency**, placed on probation, paroled, or released from correctional supervision. (j) **Executive order means** an order of the President of the United States or the Chief Executive of a state that has the force of law…(q) **NONCONVICTION data means** arrest information without disposition if an interval of one year has elapsed from the date of arrest and no active prosecution of the charge is pending; information disclosing that the police have elected not to refer a matter to a prosecutor, that a prosecutor has elected not to commence criminal proceedings, or that **proceedings have been indefinitely postponed; and information that there has been an acquittal** or **a dismissal**."*

Regarding the tortuous denial by one Michigan school district of David Schied's right to challenge the accuracy of an erroneous FBI report in 2003; and the malicious invasion of his right to privacy and to deny equal employment opportunity by the spiteful disclosure of "*nonpublic*" criminal history records by TWO Michigan school districts in retaliation against Mr. Schied because he had pursued both "*civil*' and "*criminal*" legal remedies:

28 CFR § 16.30 [Production of FBI Records in response to written requests] (Purpose and scope) – "*This subpart contains the regulations of the Federal Bureau of Investigation (FBI) concerning procedures to be followed when the subject of an identification record requests production of that record to review it **or to obtain a change, correction, or updating of that record**.*"

28 CFR § 16.31 (Definition of FBI record) – *"[T]he FBI Criminal Justice Information Services Division is not the source of the arrest data reflected on an identification record."*

28 CFR § 16.34 (Procedure to obtain change, correction or updating of identification records) – *"**If, after reviewing his/her identification record, the subject thereof believes that it is incorrect or incomplete in any respect and wishes changes, corrections or updating of the alleged deficiency, he/she should make application directly to the agency which contributed the questioned information.** The subject of a record may also direct his/her challenge as to the accuracy or completeness of any entry on his/her record to the FBI, Criminal Justice Information Services (CJIS) Division, ATTN: SCU, Mod. D-2, 1000 Custer Hollow Road, Clarksburg, WV 26306. The FBI will then forward the challenge to the agency which submitted the data requesting that agency to verify or correct the challenged entry. **Upon the receipt of an official communication directly from the agency which contributed the original information, the FBI CJIS Division will make any changes necessary in accordance with the information supplied by that agency.***"

42 U.S.C. § 5119a (Child abuse crime information and Background checks) – *"**(a) In general: (1)** A State may have in effect procedures (established by State statute or regulation) that require qualified entities designated by the State to contact an authorized agency of the State to request a nationwide background check for the purpose of determining whether a provider has been convicted of a crime that bears upon the provider's fitness to have responsibility for the safety and well-being of children, the elderly, or individuals with disabilities…(b) The procedures*

*established under subsection (a) of this section shall require **(2)** that **each provider who is the subject of a background check is entitled** **(A)** to obtain a copy of any background check report; and **(B)** **to challenge the accuracy and completeness of any information contained in any such report and obtain a prompt determination as to the validity of such challenge BEFORE A FINAL DETERMINATION IS MADE BY THE AUTHORIZED AGENCY**…"*

18 U.S.C. § 1905 (Disclosure of confidential information generally) – "*Whoever, being an officer or employee of the United States or of any department or agency thereof, …., or being an employee of a private sector organization who is or was assigned to an agency under chapter 37 of title 5 , publishes, divulges, discloses, or makes known in any manner or to any extent not authorized by law any information coming to him in the course of his employment or official duties or by reason of any examination or investigation made by, or return, report or record made to or filed with, such department or agency or officer or employee thereof, which information concerns or relates to the trade secrets, processes, operations, style of work, or apparatus, or to the identity, confidential statistical data, amount or source of any income, profits, losses, or expenditures of any person, firm, partnership, corporation, or association; or permits any income return or copy thereof or any book containing any abstract or particulars thereof to be seen or examined by any person except as provided by law; **shall be fined under this title, or imprisoned not more than one year, or both**; and shall be removed from office or employment*."

28 U.S.C. § 534 (Exchange of identification records and information; subjectivity to cancellation) – "***(a)** The Attorney General shall **(1)** acquire, collect, classify, and preserve identification, criminal identification, crime, and other records; **(4)** exchange such records and information with, and for the official use of, authorized officials of the Federal Government, including the United States Sentencing Commission, the States, cities, and penal and other institutions; (b) **The exchange of records and information authorized by subsection (a)(4) of this section is subject to cancellation if dissemination is made outside the receiving departments or related agencies."***

28 CFR § 20.33 [Criminal Justice Information System (CJIS) Exchange of Criminal History Record] (Dissemination of criminal history information) – *"(a) Criminal history record information contained in the III System and the FIRS may be made available: (1) To criminal justice agencies for criminal justice purposes, which purposes include the screening of employees or applicants for employment hired by criminal justice agencies; (7) To private contractors pursuant to a specific agreement with an agency identified in paragraphs (a)(1) or (a)(6) of this section and for the purpose of providing services for the administration of criminal justice pursuant to that agreement. **The agreement must incorporate a security addendum approved by the Attorney General of the United States, which shall specifically authorize access to criminal history record information, limit the use of the information to the purposes for which it is provided, ensure the security and confidentiality of the information consistent with these regulations, provide for sanctions, and contain such other provisions as the Attorney General may require.** The power and authority of the Attorney General hereunder shall be exercised by the FBI Director (or the Director's designee).(b) **The exchange of criminal history record information authorized by paragraph (a) of this section is subject to cancellation if dissemination is made outside the receiving departments**, related agencies, or service providers identified in paragraphs (a)(6) and (a)(7) of this section. d) **Criminal history***

records received from the III System or the FIRS shall be used only for the purpose requested *and a current record should be requested when needed for a subsequent authorized use."*

42 U.S.C. § 14616 (National Crime Prevention and Privacy Compact) – *"The Contracting Parties agree to the following: Overview:* ***(a) In general: This Compact organizes an electronic information sharing system among the Federal Government and the States to exchange criminal history records for noncriminal justice purposes authorized by Federal or State law, such as background checks for governmental licensing and employment. (b) Obligations of parties:*** *Under this Compact, the FBI and the Party States agree to maintain detailed databases of their respective criminal history records, including arrests and* ***dispositions****, and to make them available to the Federal Government and to Party States for authorized purposes. The FBI shall also manage the Federal data facilities that provide a significant part of the infrastructure for the system. The term "criminal history records" (4)* ***Criminal history records: (A) means*** *information collected by criminal justice agencies on individuals consisting of identifiable descriptions and notations of arrests, detentions, indictments, or other formal criminal charges, and any* ***disposition*** *arising therefrom,* ***including acquittal****, sentencing, correctional supervision,* ***or release****; and* ***(B)*** *does not include identification information such as fingerprint records if such information does not indicate involvement of the individual with the criminal justice system.* ***(6) Criminal justice: The term "criminal justice" includes activities relating to*** *the detection, apprehension, detention, pretrial release, post-trial release, prosecution, adjudication, correctional supervision, or* ***rehabilitation of accused persons or criminal offenders****.* ***The administration of criminal justice includes criminal identification activities and the collection, storage, and dissemination of criminal history records.*** *(13) Interstate Identification System: The term "Interstate Identification Index System" or "III System"* ***(A)*** *means the cooperative Federal-State system for the exchange of criminal history records; and* ***(B)*** *includes the National Identification Index, the National Fingerprint File and, to the extent of their participation in such system, the criminal history record repositories of the States and the FBI…* ***(18) Noncriminal justice purposes: The term "noncriminal justice purposes" means uses of criminal history records for purposes authorized by Federal or State law other than purposes relating to criminal justice activities, including employment suitability, licensing determinations… ARTICLE II—PURPOSES: The purposes of this Compact are to (1) provide a legal framework for the establishment of a cooperative Federal-State system for the interstate and Federal-State exchange of criminal history records for noncriminal justice uses.*** *(5)* ***require the FBI and each Party State to adhere to III System standards concerning record dissemination and use, response times, system security, data quality, and other duly established standards, including those that enhance the accuracy and privacy of such records. ARTICLE III – RESPONSIBILITIES OF COMPACT PARTIES: (a) FBI responsibilities:*** *The Director of the FBI SHALL…* ***(B)*** *ensure that Compact provisions and rules, procedures, and standards prescribed by the Council under Article VI are complied with by the Department of Justice and the Federal agencies and other agencies and organizations referred to in Article III(1)(A)….* ***(b) State responsibilities:*** *Each Party State SHALL* ***(1)*** *appoint a Compact officer who SHALL* ***(A)*** *administer this Compact within that State;* ***(B) ensure that Compact provisions and rules, procedures, and standards established by the Council under Article VI are complied with in the State****; and* ***(C) regulate the in-State use of records received by means of the III System from the FBI or from other Party States****; (c) Compliance with III System standards:* ***In*** *carrying out their responsibilities under this Compact,* ***the FBI and each Party State shall comply with III System rules, procedures, and standards*** *duly established by the Council*

***concerning record dissemination and use**, response times, data quality, system security, **accuracy**, **privacy protection**, and other aspects of III System operation.*
***ARTICLE IV—AUTHORIZED RECORD DISCLOSURES: (c) Procedures: Any record obtained under this Compact may be used only for the official purposes for which the record was requested.** Each Compact officer shall establish procedures, consistent with this Compact, and with rules, procedures, and standards established by the Council under Article VI, which **procedures SHALL protect the accuracy and privacy of the records, and SHALL** (1) **ensure that records obtained under this Compact are used only by authorized officials for authorized purposes**;… **(3)** ensure that record entries that may not legally be used for a particular noncriminal justice purpose are deleted from the response and, if no information authorized for release remains, an appropriate "no record" response is communicated to the requesting official…*
*ARTICLE V—RECORD REQUEST PROCEDURES….ARTICLE VI—ESTABLISHMENT OF COMPACT COUNCIL... **(f) Assistance from FBI:** "The Council may request from the FBI such **reports, studies, statistics, or other information or materials as the Council determines to be necessary to enable the Council to perform its duties under this Compact**. The FBI, to the extent authorized by law, may provide such assistance or information upon such a request….*
ARTICLE VII—RATIFICATION OF COMPACT…
ARTICLE VIII—MISCELLANEOUS PROVISIONS: (c) Relating to Public Law 92–544 Nothing in this Compact shall diminish or lessen the obligations, responsibilities,** and authorities of any State, whether a Party State or a Nonparty State, or of any criminal history record repository or other subdivision or component thereof, **under the Departments of State, Justice, and Commerce, the Judiciary, and Related Agencies Appropriation Act, 1973 (Public Law 92–544), or regulations and guidelines promulgated thereunder, including the rules and procedures promulgated by the Council under Article VI(a), regarding the use and dissemination of criminal history records and information….
***ARTICLE XI—ADJUDICATION OF DISPUTES: (a) In general:** The Council shall **(1)** have initial authority to make determinations with respect to any dispute regarding **(A)** interpretation of this Compact; **(B)** any rule or standard established by the Council pursuant to Article V; and **(C)** any dispute or controversy between any parties to this Compact; and **(2)** hold a hearing concerning any dispute described in paragraph (1) at a regularly scheduled meeting of the Council and only render a decision based upon a majority vote of the members of the Council. Such decision shall be published pursuant to the requirements of Article VI(e). **(b) Duties of FBI: The FBI shall exercise immediate and necessary action to preserve the integrity of the III System, maintain system policy and standards, protect the accuracy and privacy of records, and to prevent abuses**, until the Council holds a hearing on such matters… **(c)** Right of appeal: The FBI or a Party State may appeal any decision of the Council to the Attorney General, and thereafter may file suit in the appropriate district court of the United States, which shall have original jurisdiction of all cases or controversies arising under this Compact. Any suit arising under this Compact and initiated in a State court shall be removed to the appropriate district court of the United States in the manner provided by section 1446 of title 28, United States Code, or other statutory authority.*" [End for 28 CFR § 20.33 Criminal Justice Information System (CJIS) Exchange of Criminal History Record (Dissemination of criminal history information)]

5 U.S.C. § 552a (i)(1) [**PRIVACY ACT OF 1974** (as amended)] **(Criminal penalties for improper government disclosure of records maintained on individuals; denial of right to amendment of record)** – *"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 by this section or by rules or regulations established thereunder, 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."

Regarding the "*Misuse and Dissemination*" of criminal history as "*conspiracy*" of "*Retaliation*" and "*Extortion*" against David Schied; and criminal charges, suitable for this case, as used in the past by the United States Department of Justice when dealing with intentional "*conversion*" and "*misuse and dissemination*" of confidential FBI criminal history records otherwise classified and protected as "*government property*":

18 U.S.C. § 1513 (Retaliating against a witness, victim, or informant) – "*Whoever knowingly, with the intent to retaliate, takes any action harmful to any person, including* ***interference with the lawful employment or livelihood of any person, for providing to a law enforcement officer any truthful information relating to the commission or possible commission of any Federal offense****, shall be fined under this title or imprisoned not more than 10 years, or both… Whoever 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 conspiracy.*"

18 U.S.C. § 872 (Extortion by officers or employees of the United States) – "*Whoever, being an officer, or employee of the United States or any department or agency thereof, or representing himself to be or assuming to act as such, under color or pretense of office or employment commits or attempts an act of extortion, shall be fined under this title or imprisoned not more than three years, or both; but if the amount so extorted or demanded does not exceed $1,000, he shall be fined under this title or imprisoned not more than one year, or both."*

18 U.S.C. § 1951 [The "Hobbs Act"] (Interference with commerce by threats) – *"(a) Whoever in any way or degree obstructs, delays, or affects commerce or the movement of any article or commodity in commerce, by…extortion or attempts or conspires so to do… shall be fined under this title or imprisoned not more than twenty years, or both… (b) As used in this section: (2)* ***The term "extortion" means the obtaining of property from another****, with his consent, induced by wrongful use of actual or threatened force, violence, or fear, or* ***under color of official right****. (3) The term "commerce" means commerce within the District* ***of*** *Columbia, or any Territory or Possession of the United States; all commerce between any point in a State, Territory, Possession, or the District of Columbia and any point outside thereof; all commerce between points within the same State through any place outside such State; and all other commerce over which the United States has jurisdiction."*

18 U.S.C. § 641 (Public money, property or records) – "***Whoever*** *embezzles, steals, purloins, or* ***knowingly converts to his use or the use of another, or without authority****, sells,* ***conveys*** *or disposes of* ***any record****, voucher, money, or thing of value* ***of the United States or of any department or agency thereof, or any property made or being made under contract for the United States or any department or agency thereof****; or Whoever receives, conceals, or* ***retains the same with intent to convert it to his use*** *or gain,* ***knowing it to have been*** *embezzled, stolen,* ***purloined or converted*** *SHALL be fined under this title or imprisoned not more than ten years,*

or both; but if the value of such property in the aggregate, combining amounts from all the counts for which the defendant is convicted in a single case, does not exceed the sum of $1,000, he shall be fined under this title or imprisoned not more than one year, or both."

18 U.S.C. § 1029 (Fraud and related activity in connection with access devices) – *"(a) Whoever **(7)** knowingly and with intent to defraud **uses**, **produces**, **traffics in, has control or custody of, or possesses a telecommunications instrument that has been modified or altered to obtain unauthorized use of telecommunications services**…shall, if the offense affects interstate or foreign commerce, be punished…"*

18 U.S.C. § 1030 (Fraud and related activity in connection with computers) – *"**((a)** Whoever **(1) having knowingly accessed a computer** without authorization or **exceeding authorized access, and by means of such conduct having obtained information that has been determined by the United States Government** pursuant to an Executive order or statute **to require protection against unauthorized disclosure** for reasons of national defense or foreign relations, **or any restricted data**…**willfully communicates, delivers, transmits, or causes to be communicated, delivered, or transmitted, or attempts to communicate, deliver, transmit or cause to be communicated, delivered, or transmitted the same to any person not entitled to receive it…(2)** intentionally accesses a computer without authorization or **exceeds authorized access**, and thereby obtains **(B)** information from any department or agency of the United States; or **(C)** information from any protected computer if the conduct involved an interstate or foreign communication; **(A) (iii)** intentionally accesses a protected computer without authorization**, and as a result of such conduct, causes damage**; and **(B)** by conduct described in clause (i), (ii), or (iii) of subparagraph (A), caused (or, in the case of an attempted offense, would, if completed, have caused) (i) **loss to 1 or more persons during any 1-year period** (and, for purposes of an investigation, prosecution, or other proceeding brought by the United States only, loss resulting from a related course of conduct affecting 1 or more other protected computers) aggregating at least $5,000 in value; **(7) with intent to extort from any person** any money or **other thing of value, transmits in interstate or foreign commerce any communication containing any threat to cause damage…shall be punished as provided in subsection (c) of this section.**"*

18 U.S.C. § 1343 (Fraud by wire) – "***Whoever, having devised or intending to devise any scheme or artifice to defraud**, or for obtaining money or property by means of false or **fraudulent pretenses**, representations, or promises**, transmits or causes to be transmitted by means of wire, radio, or television communication in interstate or foreign commerce, any writings**, signs, signals, pictures, or sounds for the purpose of executing such scheme or artifice, **shall be fined under this title or imprisoned not more than 20 years**, or both. If the violation affects a financial institution, such person shall be fined not more than $1,000,000 or imprisoned not more than 30 years, or both.*"

Regarding the refusal of State and Federal "*departments*" and "*agencies*" to perform their respective "*duties*" to "*detect, investigate, and prosecute*" crimes and the refusal to identify David Schied as a "*crime victim*"; "*Deprivation*" of Crime Victims' rights:

28 CFR § 20.35 [Criminal Justice Information System (CJIS) Exchange of Criminal History Record] (Criminal Justice Information Services Advisory Policy Board) – *"(a) There is established a CJIS Advisory Policy Board, the purpose of which is to recommend to the FBI Director general policy with respect to the philosophy, concept, and operational principles of various criminal justice information systems managed by the FBI's CJIS Division.(b)* ***The Board includes representatives from state and local criminal justice agencies; members of the judicial, prosecutorial, and correctional segments of the criminal justice community; a representative of federal agencies participating in the CJIS systems; and representatives of criminal justice professional associations.****(c)* ***All members of the Board will be appointed by the FBI Director****.(d) The Board functions solely as an advisory body in compliance with the provisions of the Federal Advisory Committee Act. Title 5, United States Code, Appendix 2."*

28 CFR § 20.36 (Participation in the Interstate Identification Index System) – *"(a) In order to acquire and retain direct access to the III System,* ***each Control Terminal Agency and Federal Service Coordinator shall execute a CJIS User Agreement (or its functional equivalent) with the Assistant Director in Charge of the CJIS Division, FBI, to abide by all present rules, policies, and procedures of the NCIC, as well as any rules, policies, and procedures hereinafter recommended by the CJIS Advisory Policy Board and adopted by the FBI Director****."*

28 CFR § 20.37 (Responsibility for accuracy, completeness, currency, and integrity) – "***It shall be the responsibility of each criminal justice agency*** *contributing data to the III System and the FIRS* ***to assure that information on individuals is kept complete, accurate, and current*** *so that all such records shall contain to the maximum extent feasible dispositions for all arrest data included therein. Dispositions should be submitted by criminal justice agencies within 120 days after the disposition has occurred*."

28 CFR § 20.38 (Sanctioning for noncompliance) – *"Access to systems managed or maintained by the FBI is subject to cancellation in regard to any agency or entity that fails to comply with the provisions of subpart C of this part."*

42 U.S.C. § 10607 (Services to Victims) – *"(a) (Designation of responsible officials): The head of each department and agency of the United States engaged in the detection, investigation, or prosecution of crime SHALL designate by names and office titles the persons who will be responsible for identifying the victims of crime and performing the services described in subsection (c) of this section at each stage of a criminal case." (b) (Identification of victims): At the earliest opportunity after the detection of a crime at which it may be done without interfering with an investigation, a responsible official SHALL (1) identify the victim or victims of a crime; (2) inform the victims of their right to receive, on request, the services described in subsection (c) of this section; and (3) inform each victim of the name, title, and business address and telephone number of the responsible official to whom the victim should address a request for each of the services described in subsection (c) of this section. (c) (Description of services) (1) A responsible official shall: (A) inform a victim of the place where the victim may receive*

emergency medical and social services; (B) inform a victim of any restitution or other relief to which the victim may be entitled under this or any other law and [1] *manner in which such relief may be obtained; (C) inform a victim of public and private programs that are available to provide counseling, treatment, and other support to the victim; and (D) assist a victim in contacting the persons who are responsible for providing the services and relief described in subparagraphs (A), (B), and (C). (2) A responsible official shall arrange for a victim to receive reasonable protection from a suspected offender and persons acting in concert with or at the behest of the suspected offender. (3) During the investigation and prosecution of a crime, a responsible official shall provide a victim the earliest possible notice of: (A) the status of the investigation of the crime, to the extent it is appropriate to inform the victim and to the extent that it will not interfere with the investigation; (B) the arrest of a suspected offender; (C) the filing of charges against a suspected offender; (D) the scheduling of each court proceeding that the witness is either required to attend or, under section 10606 (b)(4) of this title, is entitled to attend; (E) the release or detention status of an offender or suspected offender; (F) the acceptance of a plea of guilty or nolo contendere or the rendering of a verdict after trial; and (G) the sentence imposed on an offender, including the date on which the offender will be eligible for parole. (4) During court proceedings, a responsible official shall ensure that a victim is provided a waiting area removed from and out of the sight and hearing of the defendant and defense witnesses.* ***(e) (Definitions) For the purposes of this section:*** *(2)* ***the term "victim" means a person that has suffered direct physical, emotional, or pecuniary harm as a result of the commission of a crime****…*"

18, U.S.C. § 3771 (Crime victims' rights) – "*A crime victim has the following rights: (1)* ***The right to be reasonably protected from the accused****. (6) The right to full and timely restitution as provided in law*; ***(3) Motion for relief and writ of mandamus —*** *The rights described in subsection (a) shall be asserted in the district court in which a defendant is being prosecuted for the crime or, if no prosecution is underway, in the district court in the district in which the crime occurred.* ***The district court shall take up and decide any motion asserting a victim's right forthwith. If the district court denies the relief sought, the movant may petition the court of appeals for a writ of mandamus.*** *The court of appeals may issue the writ on the order of a single judge pursuant to circuit rule or the Federal Rules of Appellate Procedure. The court of appeals shall take up and decide such application forthwith within 72 hours after the petition has been filed. In no event shall proceedings be stayed or subject to a continuance of more than five days for purposes of enforcing this chapter. If the court of appeals denies the relief sought, the reasons for the denial shall be clearly stated on the record in a written opinion; (7) The right to proceedings free from unreasonable delay. (8)* ***The right to be treated with fairness and with respect for the victim's dignity and privacy***."

18, U.S.C. § 1514 (Civil action to restrain harassment of a victim or witness) – "*A United States district court, upon application of the attorney for the Government, shall issue a temporary restraining order prohibiting harassment of a victim or witness in a Federal criminal case if the court finds, from specific facts shown by affidavit or by verified complaint, that there are reasonable grounds to believe that harassment of an identified victim or witness in a Federal criminal case exists or that such order is necessary to prevent and restrain an offense under section 1512 of this title, other than an offense consisting of misleading conduct, or under section 1513 of this title. '****Harassment***' is defined as '*A course of conduct directed at a specific person that causes substantial emotional distress in such person and serves no legitimate purpose*.' *The term* '***course of conduct***' **means**, '***a series of acts over a period of time, however short, indicating a continuity of purpose***'.

Regarding Michigan school district administrators, State and Federal law enforcement and other government officials and their attorneys as their "*representatives*" acting "*under color of law*" in a "*conspiracy to deprive*" David Schied of his Constitutional and Civil rights:

42 U.S.C. § 1981 (Equal rights under the law) – *"(a) Statement of equal rights - All persons within the jurisdiction of the United States shall have the same right in every State and Territory to make and enforce contracts, to sue, be parties, give evidence, and to the full and equal benefit of all laws and proceedings for the security of persons and property as is enjoyed by white citizens, and shall be subject to like punishment, pains, penalties, taxes, licenses, and exactions of every kind, and to no other. (b) "Make and enforce contracts" defined – For purposes of this section, the term "make and enforce contracts" includes the making, performance, modification, and termination of contracts, and the enjoyment of all benefits, privileges, terms, and conditions of the contractual relationship. (c) Protection against impairment – The rights protected by this section are protected against impairment by nongovernmental discrimination and impairment under color of State law."*

42 U.S.C. § 1981a (Damages in cases of intentional discrimination in employment) – *"(b) Compensatory and punitive damages (1) Determination of punitive damages A complaining party may recover punitive damages under this section against a respondent (other than a government, government agency or political subdivision) if the complaining party demonstrates that the respondent engaged in a discriminatory practice or discriminatory practices with malice or with reckless indifference to the federally protected rights of an aggrieved individual*."

42 U.S.C. § 1983 (Civil action for deprivation of rights under "*color of law*") – *"Every person who, under color of any statute, ordinance, regulation, custom, or usage, of any State or Territory or the District of Columbia, subjects, or causes to be subjected, any citizen of the United States or other person within the jurisdiction thereof to the deprivation of any rights, privileges, or immunities secured by the Constitution and laws, shall be liable to the party injured in an action at law, suit in equity, or other proper proceeding for redress, except that in any action brought against a judicial officer for an act or omission taken in such officer's judicial capacity, injunctive relief shall not be granted unless a declaratory decree was violated or declaratory relief was unavailable. For the purposes of this section, any Act of Congress applicable exclusively to the District of Columbia shall be considered to be a statute of the District of Columbia."*

18 U.S.C. § 242 (Deprivation of rights under "color of law") – "*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….shall be fined under this title or imprisoned not more than one year, or both; and if bodily injury results from the acts committed in violation of this section or if such acts include the use, attempted use, or threatened use of a dangerous weapon, explosives, or fire, shall be fined under this title or imprisoned not more than ten years, or both.…*"

18 U.S.C. § 245 (Federally protected activities) – "*(b) Whoever, whether or not acting under color of law,…. intimidates or interferes with, or attempts to injure, intimidate or interfere with (1) any person because he is or has been, or in order to intimidate such person or any other person or any class of persons from (B) participating in or enjoying any benefit, service, privilege, program, facility, or activity provided or administered by the United States…shall be fined under this title, or imprisoned not more than one year, or both…"*

18 U.S.C., § 246 (Deprivation of relief benefits) – "*Whoever directly or indirectly deprives, attempts to deprive, or threatens to* ***deprive any person of any employment****, position, work, compensation, or other benefit provided for or made possible in whole or in part by any Act of Congress appropriating funds for work relief or relief purposes, on account of political affiliation, race, color, sex, religion, or national origin, shall be fined under this title, or imprisoned not more than one year, or both.*"

18 U.S.C. § 241 (Conspiracy against rights) – "*If two or more persons conspire to injure, oppress, threaten, or intimidate any person in any State, Territory, Commonwealth, Possession, or District in the free exercise or enjoyment of any right or privilege secured to him by the Constitution or laws of the United States, or because of his having so exercised the same…They shall be fined under this title or imprisoned not more than ten years, or both…"*

42 U.S.C. § 1985 (Conspiracy to interfere with civil rights) – *"(2*) (Obstructing justice; intimidating party, witness, or juror) *If two or more persons in any State or Territory conspire to deter, by force, intimidation, or threat, any party or witness in any court of the United States from attending such court, or from testifying to any matter pending therein, freely, fully, and truthfully, or to injure such party or witness in his person or property on account of his having so attended or testified, or to influence the verdict, presentment, or indictment of any grand or petit juror in any such court… or if two or more persons conspire for the purpose of impeding, hindering, obstructing, or defeating, in any manner, the due course of justice in any State or Territory, with intent to deny to any citizen the equal protection of the laws, or to injure him or his property for lawfully enforcing, or attempting to enforce, the right of any person, or class of persons, to the equal protection of the laws; (3)* (Depriving persons of rights or privileges) *If two or more persons in any State or Territory conspire or go in disguise on the highway or on the premises of another, for the purpose of depriving, either directly or indirectly, any person or class of persons of the equal protection of the laws, or of equal privileges and immunities under the laws; or for the purpose of preventing or hindering the constituted authorities of any State or Territory from giving or securing to all persons within such State or Territory the equal protection of the laws; …. in any case of conspiracy set forth in this section, if one or more persons engaged therein do, or cause to be done, any act in furtherance of the object of such conspiracy, whereby another is injured in his person or property, or deprived of having and exercising any right or privilege of a citizen of the United States, the party so injured or deprived may have an action for the recovery of damages occasioned by such injury or deprivation, against any one or more of the conspirators."*

42 U.S.C. § 1986 (Action for neglect to prevent) – "*Every person who, having knowledge that any of the wrongs conspired to be done, and mentioned in section 1985 of this title, are about to be committed, and having power to prevent or aid in preventing the commission of the same, neglects or refuses so to do, if such wrongful act be committed, shall be liable to the party injured, or his legal representatives, for all damages caused by such wrongful act, which such person by reasonable diligence could have prevented; and such damages may be recovered in an action on the case; and any number of persons guilty of such wrongful neglect or refusal may be joined as defendants in the action; and if the death of any party be caused by any such wrongful act and neglect, the legal representatives of the deceased shall have such action therefor, and may recover not exceeding $5,000 damages therein, for the benefit of the widow of the deceased, if there be one, and if there be no widow, then for the benefit of the next of kin of the deceased. But no action under the provisions of this section shall be sustained which is not commenced within one year after the cause of action has accrued*."

Regarding the subjection of David Schied to defamation by "*libel and slander*", to the deprivation of gainful unemployment, and to the loss of his good reputation and teaching career as constituting criminal "*Peonage*" and "*Slavery*":

18 U.S.C. § 1581 (Peonage; obstructing enforcement) – "*(a) Whoever holds or returns any person to a condition of peonage, or arrests any person with the intent of placing him in or returning him to a condition of peonage, shall be fined under this title or imprisoned not more than 20 years, or both.…(b) Whoever obstructs, or attempts to obstruct, or in any way interferes with or prevents the enforcement of this section, shall be liable to the penalties prescribed in subsection (a).*"

Regarding criminal "*Obstruction of Justice*" by "*Tampering*" with a *victim, witness, or informant*", by "*removing, concealing, altering, or falsifying*" records, or by otherwise "*impeding the due and proper administration of law*" before "*Departments, Agencies, and Committees*":

18 U.S.C. § 2071 (Concealment, removal, or mutilation generally) – "***(a)*** *Whoever willfully and unlawfully conceals, removes, mutilates, obliterates, or destroys, or attempts to do so, or, with intent to do so takes and carries away any record, proceeding, map, book, paper, document, or other thing, filed or deposited with any clerk or officer of any court of the United States, or in any public office, or with any judicial or public officer of the United States, shall be fined under this title or imprisoned not more than three years, or both.* ***(b)*** *Whoever, having the custody of any such record, proceeding, map, book, document, paper, or other thing, willfully and unlawfully conceals, removes, mutilates, obliterates, falsifies, or destroys the same, shall be fined under this title or imprisoned not more than three years, or both; and shall forfeit his office and be disqualified from holding any office under the United States. As used in this subsection, the term "office" does not include the office held by any person as a retired officer of the Armed Forces of the United States.*"

18 U.S.C. § 1505 (Obstruction of proceedings before departments, agencies, and committees) "*Whoever corruptly, or by threats or force, or by any threatening letter or communication*

influences, obstructs, or impedes or endeavors to influence, obstruct, or impede the due and proper administration of the law under which any pending proceeding is being had before any department or agency of the United States, or the due and proper exercise of the power of inquiry under which any inquiry or investigation is being had by either House, or any committee of either House or any joint committee of the Congress….Shall be fined under this title, imprisoned not more than 5 years or, if the offense involves international or domestic terrorism (as defined in section 2331), imprisoned not more than 8 years, or both."

18 U.S.C. § 1506 (Theft or alteration of record or process) – "*Whoever feloniously steals, takes away, alters, falsifies, or otherwise avoids any record, writ, process, or other proceeding, in any court of the United States, whereby any judgment is reversed, made void, or does not take effect…*"

18 U.S.C. § 1510 (Obstruction of criminal investigations) – *"(a)Whoever willfully endeavors by means of bribery to obstruct, delay, or prevent the communication of information relating to a violation of any criminal statute of the United States by any person to a criminal investigator shall be fined under this title, or imprisoned not more than five years, or both…"*

18 U.S.C. § 1512 (Tampering with a witness, victim, or an informant) – *"**(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. **(d) Whoever intentionally harasses another person and thereby <u>hinders, delays, prevents, or dissuades any person from</u> (1) attending or testifying in an official proceeding**; **(2)** reporting to a law enforcement officer or judge of the United States the commission or possible commission of a Federal offense …**(3)** arresting or seeking the arrest of another person in connection with a Federal offense; or **(4) <u>causing a criminal prosecution</u>**, or a parole or probation revocation proceeding, **<u>to be sought or instituted</u>**, or assisting in such prosecution or proceeding; or attempts to do so, shall be fined under this title or imprisoned not more than one year, or both. **(e) "In a prosecution for an offense under this section, <u>it is an affirmative defense</u>, as to which the defendant has the burden of proof by a preponderance of the evidence, that the conduct consisted solely of lawful conduct and that <u>the defendant's sole intention was to encourage, induce, or cause the other person to testify truthfully</u>. (f) For the purposes of this section: (1) "An official proceeding need not (even) be pending or about to be instituted at the time of the offense". (g)** In a prosecution for an offense*

under this section, no state of mind need be proved with respect to the circumstance ***(1)*** *that the official proceeding before a judge, court, magistrate judge, grand jury, or government agency is before a judge or court of the United States, a United States magistrate judge, a bankruptcy judge, a Federal grand jury, or a Federal Government agency; or* ***(2)*** *that the judge is a judge of the United States or that the law enforcement officer is an officer or employee of the Federal Government or a person authorized to act for or on behalf of the Federal Government or serving the Federal Government as an adviser or consultant.* ***(h)*** *There is extraterritorial Federal jurisdiction over an offense under this section.* ***(i)*** *A prosecution under this section or section 1503 may be brought in the district in which the official proceeding (whether or not pending or about to be instituted) was intended to be affected or in the district in which the conduct constituting the alleged offense occurred.* ***(j)*** *If the offense under this section occurs in connection with a trial of a criminal case, the maximum term of imprisonment which may be imposed for the offense shall be the higher of that otherwise provided by law or the maximum term that could have been imposed for any offense charged in such case.* ***(k)*** *Whoever 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 conspiracy.*"

18 U.S.C. § 1513 (Retaliating against a witness, victim, or an informant) – "***(c)*** *If the retaliation occurred because of attendance at or testimony in a criminal case, the maximum term of imprisonment which may be imposed for the offense under this section shall be the higher of that otherwise provided by law or the maximum term that could have been imposed for any offense charged in such case.* ***(d)*** *There is extraterritorial Federal jurisdiction over an offense under this section.* ***(e)*** *Whoever knowingly, with the intent to retaliate, takes any action harmful to any person, including interference with the lawful employment or livelihood of any person, for providing to a law enforcement officer any truthful information relating to the commission or possible commission of any Federal offense, shall be fined under this title or imprisoned not more than 10 years, or both.* ***(f)*** *Whoever 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 conspiracy.* ***(g)*** *A prosecution under this section may be brought in the district in which the official proceeding (whether pending, about to be instituted, or completed) was intended to be affected, or in which the conduct constituting the alleged offense occurred.*"

18 U.S.C. § 1515 (*Definitions in "obstruction of justice"*) – "***(a)*** *As used in sections 1512 and 1513 of this title and in this section:* ***(1)*** *the term "****official proceeding" means****: (A) a* ***proceeding before a judge or court of the United States****, a United States magistrate judge, …* ***or a Federal grand jury****;…****C)*** *a proceeding before a Federal Government agency which is authorized by law;…****(3)*** *the term "****misleading conduct" means (A) knowingly making a false statement; (B) intentionally omitting information from a statement and thereby causing a portion of such statement to be misleading, or intentionally concealing a material fact, and thereby creating a false impression by such statement; (C) with intent to mislead, knowingly submitting or inviting reliance on a writing or recording that is false, forged, altered, or otherwise lacking in authenticity****; (D)* *with intent to mislead, knowingly submitting or inviting reliance on a sample, specimen, map, photograph, boundary mark, or other object that is misleading in a material respect; or* ***(E)*** *knowingly using a trick, scheme, or device with intent to mislead;* ***(b)*** *As used in*

section 1505, ***the term "corruptly" means acting with an improper purpose, personally or by influencing another, including making a false or misleading statement, or withholding, concealing, altering, or destroying a document or other information.****"*

18 U.S.C. § 1519 (Destruction, alteration, or falsification of records in Federal investigations) – "*Whoever knowingly alters, destroys, mutilates, conceals, covers up, falsifies, or makes a false entry in any record, document, or tangible object with the intent to impede, obstruct, or influence the investigation or proper administration of any matter within the jurisdiction of any department or agency of the United States or any case filed under title 11, or in relation to or contemplation of any such matter or case, shall be fined under this title, imprisoned not more than 20 years, or both.*"

Regarding "*Perjury*", "*Perjury of Oaths*", "*Judicial Misconduct*" and "*Malfeasance*" by State and Federal government officials and judges when dismissing prior "*civil*" and "*criminal*" cases and Complaints; and while refusing to provide any type of "*law enforcement*" by criminal, civil, injunctive, or even declaratory relief:

18 U.S.C. § 1621 (Perjury generally) – "*Whoever* ***(1)*** *having taken an oath before a competent tribunal, officer, or person, in any case in which a law of the United States authorizes an oath to be administered, that he will testify, declare, depose, or certify truly, or that any written testimony, declaration, deposition, or certificate by him subscribed, is true, willfully and contrary to such oath states or subscribes any material matter which he does not believe to be true; or* ***(2)*** *in any declaration, certificate, verification, or statement under penalty of perjury as permitted under section 1746 of title 28, United States Code, willfully subscribes as true any material matter which he does not believe to be true; is guilty of perjury and shall, except as otherwise expressly provided by law, be fined under this title or imprisoned not more than five years, or both. This section is applicable whether the statement or subscription is made within or without the United States.*"

18 U.S.C. § 1622 ((Subornation of perjury) – "*Whoever procures another to commit any perjury is guilty of subornation of perjury, and shall be fined under this title or imprisoned not more than five years, or both.*"

18 U.S.C. § 1623 (False declarations before grand jury or court) – "***(a)*** *Whoever under oath (or in any declaration, certificate, verification, or statement under penalty of perjury as permitted under section 1746 of title 28, United States Code) in any proceeding before or ancillary to any court or grand jury of the United States knowingly makes any false material declaration or makes or uses any other information, including any book, paper, document, record, recording, or other material, knowing the same to contain any false material declaration, shall be fined under this title or imprisoned not more than five years, or both…In any prosecution under this section, the falsity of a declaration set forth in the indictment or information shall be established sufficient for conviction by proof that the defendant while under oath made irreconcilably contradictory declarations material to the point in question in any proceeding before or ancillary to any court or grand jury. It shall be a defense to an indictment or information made pursuant to the first sentence of this subsection that the defendant at the time he made each declaration believed the declaration was true."*

28 U.S.C. §453 (Oaths of justices and judges) – ""*I, ….., do solemnly swear (or affirm) that* ***I will administer justice without respect to persons****, and do equal right to the poor and to the rich, and that* ***I will faithfully and impartially discharge and perform all the duties incumbent upon me as (judge) under the Constitution and laws of the United States****. So help me God*."

Chapter 1, Rule 1 of the Rules Governing Complaints of Judicial Misconduct or Disability – "*Conduct prejudicial to the effective and expeditious administration of the business of the courts… includes such things as use of the judge's office to obtain special treatment for friends and relatives, acceptance of bribes, improperly engaging in discussions with lawyers or parties to cases in the absence of representatives of opposing parties, and other abuses of judicial office*".

Canon 1, Code of Judicial Conduct (adopted by the Michigan Supreme Court) – "***A judge should uphold the integrity and independence of the judiciary***".

Canon 2, Code of Judicial Conduct – "***A judge should avoid impropriety and the appearance of impropriety in all activities***".

Canon 2 (B), Code of Judicial Conduct – "***The conduct and manner of a judge should promote public confidence in the integrity and the impartiality of the judiciary….a judge should treat every person fairly, with courtesy, and respect***".

28 U.S.C. §455 (Disqualification of justice, judge or magistrate judge) – "*(a) Any justice, judge, or magistrate judge of the United States* ***SHALL*** *disqualify himself in any proceeding* ***in which his impartiality might reasonably be questioned****. (b) He* ***SHALL*** *also disqualify himself in the following circumstances:* ***(1)*** *Where he has a personal bias or prejudice concerning a party, or personal knowledge of disputed evidentiary facts concerning the proceeding;* ***(2)*** *Where in private practice he served as lawyer in the matter in controversy, or a lawyer with whom he previously practiced law served during such association as a lawyer concerning the matter, or the judge or such lawyer has been a material witness concerning it;* ***(3)*** *Where he has served in governmental employment and in such capacity participated as counsel, adviser or material witness concerning the proceeding or expressed an opinion concerning the merits of the particular case in controversy;* ***(4)*** *He knows that he, individually or as a fiduciary, or his spouse or minor child residing in his household, has a financial interest in the subject matter in controversy or in a party to the proceeding, or any other interest that could be substantially affected by the outcome of the proceeding;* ***(5)*** *He or his spouse, or a person within the third degree of relationship to either of them, or the spouse of such a person:* ***(iii)*** *Is known by the judge to have an interest that could be substantially affected by the outcome of the proceeding…"*

28 U.S.C. § 2201 (Creation of remedy) – *"(a) In a case of actual controversy within its jurisdiction, except with respect to Federal taxes other than actions brought under section 7428 of the Internal Revenue Code of 1986, a proceeding under section 505 or 1146 of title 11, or in any civil action involving an antidumping or countervailing duty proceeding regarding a class or kind of merchandise of a free trade area country (as defined in section 516A(f)(10) of the Tariff Act of 1930), as determined by the administering authority, any court of the United States,*

upon the filing of an appropriate pleading, may declare the rights and other legal relations of any interested party seeking such declaration, whether or not further relief is or could be sought. Any such declaration shall have the force and effect of a final judgment or decree and shall be reviewable as such."

28 U.S.C. § 2202 (Further relief) – "*Further necessary or proper relief based on a declaratory judgment or decree may be granted, after reasonable notice and hearing, against any adverse party whose rights have been determined by such judgment.*"

42 U.S.C. § 1988 (Proceedings in vindication of civil rights) – "*(a) (**Applicability of statutory and common law) The jurisdiction in civil and criminal matters conferred on the district court**s by the provisions of titles 13, 24, and 70 of the Revised Statutes for the protection of all persons in the United States in their civil rights, and for their vindication, **shall be exercised and enforced in conformity with the laws of the United States**, so far as such laws are suitable to carry the same into effect; but in all cases where they are not adapted to the object, or are deficient in the provisions necessary to furnish suitable remedies and punish offenses against law, **the common law, as modified and changed by the constitution and statutes of the State wherein the court having jurisdiction of such civil or criminal cause is held**, so far as the same is not inconsistent with the Constitution and laws of the United States, **shall be extended to and govern the said courts in the trial and disposition of the cause, and, if it is of a criminal nature, in the infliction of punishment on the party found guilty**.*"

Regarding criminal "*Misprision of Felony*" and a "*Seditious conspiracy*" to prevent the equal application of criminal laws, or to delay the execution of laws against "*peer*" government employees:

18 U.S.C. § 4 ("*Misprision of felony*") – "*Whoever, having knowledge of the actual commission of a felony cognizable by a court of the United States, conceals and does not as soon as possible make known the same to some judge or other person in civil or military authority under the United States, SHALL be fined under this title or imprisoned not more than three years, or both.*"

18 U.S.C. § 2384 (Seditious conspiracy) – "*If two or more persons in any State or Territory, or in any place subject to the jurisdiction of the United States, conspire to overthrow, put down, or …. delay the execution of any law of the United States… they shall each be fined under this title or imprisoned not more than twenty years, or both.*"

Regarding criminal "*fraudulence*" by Michigan government officials when concealing Facts and Evidence in reports to the federal government and while applying for federal assistance for public school education of disabled students and for judicial system improvement:

18 U.S.C. § 3795a (Falsification or concealment of facts) – "*Whoever knowingly and willfully falsifies, conceals, or covers up by trick, scheme, or device, any material fact in any application for assistance submitted pursuant to this chapter or in any records required to be maintained*

pursuant to this chapter shall be subject to prosecution under the provisions of section 1001 of title 18."

Regarding State and Federal judges and U.S. Attorneys generating "*false statements*" and "*misleading claims*" in writing reports, rulings, and in conducting other "*matters affecting government*"; and when "*aiding and abetting*" in a criminal "*Conspiracy to Deprive*" David Schied of his Constitutional and Civil rights while "*Defrauding the United States*" by generating "*official*" documents laced with significant "*omissions*" gross "*misstatements*":

:

42 U.S.C. § 1987 (Prosecution of violation of certain laws) – "*The United States attorneys, marshals, and deputy marshals, the United States magistrate judges appointed by the district and territorial courts, with power to arrest, imprison, or bail offenders, and every other officer who is especially empowered by the President, are authorized and required, at the expense of the United States, to institute prosecutions against all persons violating any of the provisions of section 1990 of this title or of sections 5506 to 5516 and 5518 to 5532 of the Revised Statutes, and to cause such persons to be arrested, and imprisoned or bailed, for trial before the court of the United States or the territorial court having cognizance of the offense*."

42 U.S.C. § 1989 (United States magistrate; appointment of persons to execute warrants) – "*The district courts of the United States and the district courts of the Territories, from time to time, shall increase the number of United States magistrate judges, so as to afford a speedy and convenient means for the arrest and examination of persons charged with the crimes referred to in section 1987 of this title; and such magistrate judges are authorized and required to exercise all the powers and duties conferred on them herein with regard to such offenses in like manner as they are authorized by law to exercise with regard to other offenses against the laws of the United States. Said magistrate judges are empowered, within their respective counties, to appoint, in writing, under their hands, one or more suitable persons, from time to time, who shall execute all such warrants or other process as the magistrate judges may issue in the lawful performance of their duties, and the persons so appointed shall have authority to summon and call to their aid the bystanders or **posse comitatus of the proper county**, or such portion of the land or naval forces of the United States, or of the militia, as may be necessary to the performance of the **duty** with which they are charged; and such warrants shall run and be executed anywhere in the State or Territory within which they are issued."*

18, U.S.C.; § 1001 (Fraud and false statements or entries) – "***(a)** Except as otherwise provided in this section, whoever, in any matter within the jurisdiction of the executive, legislative, or judicial branch of the Government of the United States, knowingly and willfully **(1)** falsifies, conceals, or covers up by any trick, scheme, or device a material fact; (2) makes any materially false, fictitious, or fraudulent statement or representation; or **(3)** makes or uses any false writing or document knowing the same to contain any materially false, fictitious, or fraudulent statement or entry; shall be fined under this title, imprisoned not more than 5 years **(c)** With respect to any matter within the jurisdiction of the legislative branch, subsection (a) shall apply only to **(1)** administrative matters, including a claim for payment, a matter related to the procurement of property or services, personnel or employment practices, or support services, or a document required by law, rule, or regulation to be submitted to the Congress or any office or officer within the legislative branch…*"

18 U.S.C. § 285 (Taking or using papers relating to claims) – "*Whoever, without authority, takes and carries away from the place where it was filed, deposited, or kept by authority of the United States, any certificate, affidavit, deposition, statement of facts, power of attorney, receipt, voucher, assignment, or other document, record, file, or paper prepared, fitted, or intended to be used or presented to procure the payment of money from or by the United States or any officer, employee, or agent thereof, or the allowance or payment of the whole or any part of any claim, account, or demand against the United States, whether the same has or has not already been so used or presented, and whether such claim, account, or demand, or any part thereof has or has not already been allowed or paid;… Shall be fined under this title or imprisoned not more than five years, or both*."

18 U.S.C. § 286 (Conspiracy to defraud the Government with respect to claims) – "*Whoever enters into any agreement, combination, or conspiracy to defraud the United States, or any department or agency thereof, by obtaining or aiding to obtain the payment or allowance of any false, fictitious or fraudulent claim, shall be fined under this title or imprisoned not more than ten years, or both*."

18 U.S.C. § 287 (False, fictitious or fraudulent claims) – "*Whoever makes or presents to any person or officer in the civil, military, or naval service of the United States, or to any department or agency thereof, any claim upon or against the United States, or any department or agency thereof, knowing such claim to be false, fictitious, or fraudulent, shall be imprisoned not more than five years and shall be subject to a fine in the amount provided in this title*."

18 U.S.C. § 371 (Conspiracy to commit offense or to defraud United States) – "*If two or more persons conspire either to commit any offense against the United States, or to defraud the United States, or any agency thereof in any manner or for any purpose, and one or more of such persons do any act to effect the object of the conspiracy, each shall be fined under this title or imprisoned not more than five years, or both. If, however, the offense, the commission of which is the object of the conspiracy, is a misdemeanor only, the punishment for such conspiracy shall not exceed the maximum punishment provided for such misdemeanor*."

Regarding the criminal "*Influence, Interference, and Obstruction*" of Grand Jury "*proceedings*" by State and Federal prosecutors and judges:

United States v. Aquilar, 515 U.S. 593 (1995) – "*An act is done 'corruptly' if it's done voluntarily and intentionally to bring about either an unlawful result or a lawful result by some unlawful method, with a hope or expectation of either financial gain or other benefit to oneself or a benefit of another person*."

United States v. Cueto, 151 F.3d 620 (7th Cir.1998) – "*Corruptly*" *means to act with the purpose of obstructing justice.* ***The United States is not required to prove that the defendant's only or even main purpose was to obstruct the due administration of justice. The government only has to establish that the defendant should have reasonably seen that the natural and probable consequences of his acts was the obstruction of justice.*** *Intent may be inferred from all of the*

surrounding facts and circumstances. Any act, by any party, whether lawful or unlawful on its face, may violate Section 1503, if performed with a corrupt motive."

18 U.S.C. § 1503 (Influencing juror generally) — "[W]h*oever ... corruptly…by any … communication,* ***influences****,* ***obstructs, or impedes****, or endeavors to influence, obstruct, or impede, the due administration of justice, SHALL be punished ....*" (Emphasis added.) "***United States v. Thomas***, 916 F.2d 647, 650 n. 3 (11th Cir.1990)

Title 9, Section 11.232 of the U.S. Attorney Manual (the Criminal Resource Manual) states: "*As a general rule, it is proper to present hearsay to the grand jury.*" *United States v. Calandra 414 U.S. 338 (1974). "Each United States Attorney should be assured that hearsay evidence presented to the grand jury will be presented on its merits so that the jurors are not misled into believing that the witness is giving his or her personal account.*" See *United States v. Leibowitz, 420 F.2d 39 (2d Cir. 1969);* but see *United States v. Trass, 644 F.2d 791 (9th Cir. 1981).*"

18 U.S.C. § 3332 (Powers and duties) – "***(a) It shall be the duty of each such grand jury impaneled within any judicial district to inquire into offenses against the criminal laws of the United States alleged to have been committed within that district****. Such alleged offenses may be brought to the attention of the grand jury by the court or by any attorney appearing on behalf of the United States for the presentation of evidence.* ***Any such attorney receiving information concerning such an alleged offense from any other person SHALL, if requested by such other person, inform the grand jury of such alleged offense, the identity of such other person, and such attorney's action or recommendation****."*

18 U.S.C. § 3333 (*Reports*) – "*(a) A special grand jury impaneled by any district court, with the concurrence of a majority of its members, may, upon completion of its original term, or each extension thereof****, submit to the court a report*** *(1)* ***concerning noncriminal misconduct,*** *malfeasance****, or misfeasance in office involving organized criminal activity by an appointed public officer*** *or employee as the basis for a recommendation of removal or disciplinary action; or (2)* ***regarding organized crime conditions in the district****.*"

Regarding criminal "*Conspiracy*" in "*Racketeering*" activity influenced by "*Corrupt Organizations*":

18 U.S.C. § 1961 (Definitions) – "***(1)*** *'racketeering activity' means (A) any act or threat involving … bribery, extortion…which is chargeable under State law and punishable by imprisonment for more than one year; (B) any act which is indictable under any of the following provisions of title 18, United States Code: Section 201 (relating to bribery), section 1029 (relating to fraud and related activity in connection with access devices), section 1341 (relating to mail fraud), section 1343 (relating to wire fraud), section 1344 (relating to financial institution fraud), section 1503 (relating to obstruction of justice), section 1510 (relating to obstruction of criminal investigations), section 1511 (relating to the obstruction of State or local law enforcement), section 1512 (relating to tampering with a witness, victim, or an informant), section 1513 (relating to retaliating against a witness, victim, or an informant), section 1546*

(relating to fraud and misuse of visas, permits, and other documents), sections 1581–1592 (relating to peonage, slavery, and trafficking in persons), section 1951 (relating to interference with commerce, robbery, or extortion), section 1952 (relating to racketeering), sections 2421–24 (relating to white slave traffic), (G) any act that is indictable under any provision listed in section 2332b (g)(5)(B); (4) "enterprise" includes any individual, partnership, corporation, association, or other legal entity, and any union or group of individuals associated in fact although not a legal entity; (5) "pattern of racketeering activity" requires at least two acts of racketeering activity, one of which occurred after the effective date of this chapter and the last of which occurred within ten years (excluding any period of imprisonment) after the commission of a prior act of racketeering activity…"

18 U.S.C. § 1962 (Prohibited activities) – "*(a) It shall be unlawful for any person who has received any income derived, directly or indirectly, from a pattern of racketeering activity or through collection of an unlawful debt in which such person has participated as a principal within the meaning of section 2, title 18, United States Code, to use or invest, directly or indirectly, any part of such income, or the proceeds of such income, in acquisition of any interest in, or the establishment or operation of, any enterprise which is engaged in, or the activities of which affect, interstate or foreign commerce.…(b) It shall be unlawful for any person through a pattern of racketeering activity or through collection of an unlawful debt to acquire or maintain, directly or indirectly, any interest in or control of any enterprise which is engaged in, or the activities of which affect, interstate or foreign commerce. (c) It shall be unlawful for any person employed by or associated with any enterprise engaged in, or the activities of which affect, interstate or foreign commerce, to conduct or participate, directly or indirectly, in the conduct of such enterprise's affairs through a pattern of racketeering activity or collection of unlawful debt.* ***(d)*** *It shall be unlawful for any person to conspire to violate any of the provisions of subsection (a), (b), or (c) of this section.*"

Regarding criminal "*Terrorism*", "*Treason*", and "*Misprision of Treason*":

MCL 750.543b (Penal Codes: Definitions) – "*As used in this chapter: (a) 'Act of terrorism' means a willful and deliberate act that is all of the following: (iii) An act that is intended to intimidate or coerce a civilian population or influence or affect the conduct of government or a unit of government through intimidation or coercion*"

18 U.S.C. § 2331 (Definitions) – "***(5)*** *the term "domestic terrorism" means activities that* ***(A)*** *involve acts dangerous to human life that are a violation of the criminal laws of the United States or of any State;* ***(B)*** *appear to be intended* ***(i)*** *to intimidate or coerce a civilian population;* ***(ii)*** *to influence the policy of a government by intimidation or coercion; or* ***(iii)*** *to affect the conduct of a government by mass destruction, assassination, or kidnapping; and* ***(C)*** *occur primarily within the territorial jurisdiction of the United States.*"

18 U.S.C. § 2381 (Treason) – "*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.*"

18 U.S.C. § 2382 (Misprision of treason) – "*Whoever, owing allegiance to the United States and having knowledge of the commission of any treason against them, conceals and does not, as soon as may be, disclose and make known the same to the President or to some judge of the United States, or to the governor or to some judge or justice of a particular State, is guilty of misprision of treason and shall be fined under this title or imprisoned not more than seven years, or both.*"

TEXAS GOVERNMENT CODES AND CASE LAW

In regard to David Schied claiming that the "*Early Termination Order of the Court Dismissing the Cause*" (i.e., the "*set aside*") he received under Article 42.12 § 20 in 1979 caused the "*conviction*" to disappear, permitting Mr. Schied to truthfully state that he had not been "*convicted*" since 1979:

"***Rudy Valentino Cuellar v. Texas***", SW3d 815 (Tex Crim App **2002**) – *"…appellant argued that § 46.04(a) requires a felony conviction as an element of the offense and, since his 1976 conviction was set aside pursuant to Article 42.12, § 20, there was no felony conviction to support a conviction under § 46.04(a). The Fourth Court of Appeals agreed…reasoning that "[t]he law is straight-forward, and the Article 42.12, § 20 order should have been sufficient to shield [appellant] from any criminal charges stemming from the **nullified** 1976 conviction." Cuellar, 40 S.W.3d at 728…[t]hat person has not been convicted of a felony, even though he never went to prison and, for some purposes, it is not a 'final' felony conviction. (See Ex parte Murchison, 560 S.W.2d 654 (Tex. Crim. App. 1978) ("a conviction is not final for enhancement purposes where…the person is released from supervision under community supervision… Clearly, the State of Texas has an interest in protecting its citizens from convicted felons. **The State in its brief, however, fails to recognize that persons whose convictions are set aside pursuant to Article 42.12, § 20, do not implicate these concerns for public safety**….*

*The State argues that the language of Article 42.12, § 20, does not authorize a judge to set aside a defendant's conviction. The State fails, however, to clearly distinguish that **there are two entirely different types of "discharge" from felony community supervision under Article 42.12, § 20.***

***First, there is the usual method of discharge.** When a person placed on community supervision has completed his entire term of community supervision and has satisfactorily fulfilled all of the conditions of community supervision, the trial judge* shall *discharge the defendant from community supervision. In addition, although he need not do so, the judge* may *discharge the person early if the "defendant has satisfactorily completed one-third of the original community supervision period or two years of community supervision, whichever is less ... ." Tex. Code Crim. Proc. art. 42.12, § 20(a). But a person who has fulfilled all of the conditions of community*

supervision must be discharged. That person has paid his debt to society and, in effect, "graduates" from community supervision. However, ***that person has been convicted of a felony, even though he never went to prison and, for some purposes, it is not a "final" felony conviction.*** *See Ex parte Murchison, 560 S.W.2d 654 (Tex.Crim.App. 1978) ("a conviction is not final for enhancement purposes where the imposition of sentence has been suspended and probation granted"); Ex parte Langley, 833 S.W.2d 141 (Tex.Crim.App. 1992) (same). The vast majority of felony probation sentences are completed in this manner.*

There is, however, a second, less common type of discharge under Article 42.12, § 20. *This second type of discharge is not a right but rather is a matter of "judicial clemency" within the trial court's sole discretion.* See *Wolfe v. State, 917 S.W.2d 270 (Tex.Crim.App. 1996)* ***("[Section] 20 provides a mechanism to release a convicted person of all legal disabilities upon successful completion of probation.")****; Hoffman v. State, 922 S.W.2d 663, 668 (Tex.App. - Waco 1996, pet. ref'd) ("Among the district court's several powers is the authority to dismiss an indictment or information against a convicted felon once he has successfully completed the terms of his probation.").* ***That is, when a trial judge believes that a person on community supervision is completely rehabilitated and is ready to re-take his place as a law-abiding member of society, the trial judge may "set aside the verdict or permit the defendant to withdraw his plea, and shall dismiss the accusation, complaint, information or indictment against the defendant, who shall thereafter be released from all penalties and disabilities resulting from the offense or crime of which he has been convicted or to which he has pleaded guilty."*** *Tex. Code Crim. Proc. 42.12, § 20(a); State v. Jimenez, 987 S.W.2d 886, 888 n.2 (Tex.Crim.App. 1999) ("****Under Texas law, successful completion of probation allows the judge to dismiss some charges without a final conviction.****"). These words are crystal clear. There is no doubt as to their meaning.* See *Boykin v. State, 818 S.W. 2d 782 (Tex.Crim.App. 1991).*

If a judge chooses to exercise this judicial clemency provision, the conviction is wiped away, the indictment dismissed, and the person is free to walk away from the courtroom "released from all penalties and disabilities" resulting from the conviction. Art. 42.12, § 20(a).

Once the trial court judge signs the Article 42.12, § 20, order, the felony conviction disappears, except as specifically noted in subsections (1) and (2). Under subsection (1), if the discharged person is subsequently convicted of another criminal offense, the previously dismissed "former" felony conviction will resurrect itself and be made known to the trial judge. Id. *Under subsection (2), if the discharged person is applying for a license to run a child care facility or currently has such a license, the Texas Department of Human Services, in issuing, renewing, denying, or revoking such a license, may consider the fact that the person had previously received community supervision.* Id. *Both of these exceptions make good sense. They are, however, the only listed exceptions. The Legislature could add other exceptions if it so chooses. For example, it could add a provision stating that a person whose conviction is dismissed under Article 42.12, § 20, is still considered a felon for purposes of carrying an otherwise legal firearm. However****, in the absence of such an exception, the clear language of Article 42.12, § 20, governs. "***

Article 42.12 § 20 (Texas Code of Criminal Procedures) – "*(a) At any time, after the defendant has satisfactorily completed one-third of the original community supervision period or two years of community supervision, whichever is less, the period of community supervision may be*

*reduced or terminated by the judge…**If the judge discharges the defendant under this section, the judge may set aside the verdict or permit the defendant to withdraw his plea, and shall dismiss the accusation, complaint, information or indictment against the defendant, who shall thereafter be released from all penalties and disabilities** resulting from the offense or crime of which he has been convicted or to which he has pleaded guilty…"*

In regards to David Schied's longstanding complaint the FBI criminal history report that was received by Sandra Harris in 2003 was "*erroneous*" because that report failed to show that Mr. Schied had received a "*set aside*" in 1979 and a Texas "*governor's full pardon*" in 1983; and that the Texas Department of Public Safety had been maintaining erroneous criminal history records for nearly a quarter-century prior to 2003:

Texas Attorney General Dan Morales (May 31, 1995) (Opinion DM 349) – *"A pardon (other than one based on a finding of actual innocence) can relieve a person only from the punishment that the law attaches to the commission of a crime…. A pardon that is not based on a finding of innocence may reach only the punishments, penalties, disabilities, and disqualifications that the law would attach to the pardoned conviction…. **Because nothing remains to be pardoned after charges are dismissed and the defendant is discharged pursuant to subsection (Article 42.12, Section 5)(c), we are of the opinion that any purported pardon of an offense issued after dismissal and discharge would be a nullity for lack of an object**. Cf. Miller, 79 S.W. at 567-68 (A governor may extend clemency even after service of sentence on felony conviction because such conviction continues to deprive defendant of certain civil rights even after expiration of sentence). **Therefore, a defendant who has been discharged under subsection (c) is not eligible for consideration for a pardon**….A person who has successfully completed deferred adjudication community supervision and who has been discharged after dismissal of charges pursuant to section 5(c) of article 42.12 of the Code of Criminal Procedure is not eligible to apply to the Board of Pardons and Paroles for a pardon for the crime of which the person was found guilty, for such a person has no legal disabilities or disqualifications resulting from the deferred adjudication that are subject to remission by pardon."*

Regarding the Michigan Court of Appeals' "*gross miscarriage of justice*" in *David Schied v. Sandra Harris and the Lincoln Consolidated Schools et al*, whereby their "*unpublished*" ruling erroneously concluded that even a Texas governor's full pardon did not erase the "*conviction*" to such extent that a quarter-century after receiving BOTH a "*set aside*" (1979) and a "*pardon*" (1983) Mr. Schied could, with a clear conscience, ethically or legally state "*no conviction*" on a 2003 Michigan job application without "*misrepresenting*" himself:

Texas Attorney General John Cornyn (July 10, 2001) (Opinion JC-0396) – "*Convicted means…The term does not include an adjudication of guilt or an order of deferred adjudication that has been subsequently (A) expunged; or (B) pardoned under the authority of a state or federal official*."

Regarding the right to privacy and nondisclosure of "*nonpublic*" criminal history records:

Article 55.03, [TEXAS CODE OF CRIMINAL PROCEDURE] (Effect of an expunction) – "***When the order of expunction is final: (1) the release, dissemination, or use of the expunged records and files for any purpose other than a purpose described by Section 411.083(a) or (b)(1), (2), or (3), Government Code, is prohibited****;(2) except as provided in Subdivision 3 of this article,* ***the person arrested may deny the occurrence of the arrest and the existence of the expunction order****; and (3) the person arrested or any other person,* ***when questioned under oath in a criminal proceeding about an arrest for which the records have been expunged, may state only that the matter in question has been expunged***."

ARTICLE 60.03, [TEXAS CODE OF CRIMINAL PROCEDURE] (Interagency cooperation; confidentiality) – "*Neither a criminal justice agency, the council, nor the Legislative Budget Board may disclose to the public information in an individual's criminal history record if the record is protected by state or federal law or regulation.*"

Regarding attorney violations of the Michigan Rules of Professional Conduct and Violations of Michigan Court Rules:

Michigan Rules of Professional Conduct Rule 3.4 (Fairness to Opposing Party and Counsel) **–** "*Fair competition in the adversary system is secured by prohibitions. A lawyer shall not: a) assist a witness to testify falsely; b) allude to any matter that will not be supported by admissible evidence, assert personal knowledge of facts in issue (except when testifying as a witness), or state a personal opinion as to the justness of a cause, the credibility of a witness, the culpability of a civil litigant, or the guilt or innocence of an accused.*"

Rules of Professional Conduct Rule 3.7 (Lawyer as Witness) **– "***A lawyer shall not act as advocate at a trial in which the lawyer is a witness.*"

MCR 2.114(B)(2)(b) (Making a false declaration in Contempt of Court) **– "***If a document is signed in violation of this rule, the court, on the motion of a party or on its own initiative, shall impose upon the person who signed it, a represented party, or both, an appropriate sanction, which may include an order to* ***pay to the other party or parties the amount of the reasonable expenses incurred of the filing of the document, including reasonable attorney fees***."

MCR 2.116(F) (Filing Motions or Affidavits in "bad faith") **–** "*A party or an attorney found by the court to have filed a motion or an affidavit in violation of the provisions of MCR 2.114 may, in addition to the imposition of other penalties prescribed by that rule, be found guilty of contempt.*"

Rules of Professional Conduct Rule 3.3 (Candor Toward a Tribunal) **–** *"1) Making false statements of material fact or law to a tribunal; 2) Failing to disclose material facts to a tribunal when disclosure is necessary to avoid assisting a criminal or fraudulent act by the client; 3) Offering evidence that the lawyer knows to be false; 4) Failing to inform the tribunal of all material facts that are known to the lawyer and that will enable the tribunal to make an informed decision, whether or not the facts are adverse.*"

Rules of Professional Conduct Rule 8.4 – (Misconduct) – "***1) Engaging in conduct involving dishonesty, fraud, deceit, misrepresentation, etc. where such conduct reflects adversely on the lawyer's honesty, trustworthiness, or fitness as a lawyer; 2) Engaging in conduct that is prejudicial to the administration of justice.***" The Rule 8.4 is interpreted to mean that offenses involving professional dishonesty, breach of public trust, or serious interference with the administration constitutes *moral turpitude*.

I solemnly declare that the above statements are true to the best of my information, knowledge and belief.

Respectfully submitted,

Dated: _____

By _____

Sworn to and subscribed before me this _____ day of June, 2009.

_____

Notary Public, _____ County, MI acting in _____ County Michigan.