Exhibit Q

UNITED STATES DISTRICT COURT
EASTARN DISTRICT of MICHIGAN, SOUTHERN DIVISION

No. 2:08-CV-10005

DAVID SCHIED,

Plaintiff-Appellant

V.

THOMAS A. DAVIS, JR., in his official capacity as Director of Texas Department of Public Safety;
JENNIFER GRANHOLM, in her official capacity as Chairperson of the State of Michigan Administrative Board;
LEONARD REZMIERSKI, in his official capacity as Northville Public Schools Superintendent;
SANDRA HARRIS, in her official capacity as former Lincoln Consolidated Public Schools superintendent;
FRED J. WILLIAMS, in his official capacity as Lincoln Consolidated Public Schools superintendent,

Defendants-Appellees

NOTICE OF ERROR AND CORRECTION OF STATEMENT IN PREVIOUS COURT FILINGS

On Appeal with a "Motion for Writ of Mandamus" in the United States Court of Appeals for the Sixth Circuit
No. 08-1879 and No. 08-1985

June 26, 2008

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WHEREFORE, in light of the FACT that Plaintiff-Appellant's credibility and reputation has been not only questioned but permanently and irreparably compromised and damaged by the FRAUDULENT claims of the government Co-Defendants as stemming back from 2003 when "Dr." SANDRA HARRIS wrote two defamatory letters claiming Mr. David Schied had "misrepresented" himself on a job application to the Lincoln Consolidated School District, Plaintiff-Appellant David Schied now is compelled to give notice and correction, "for the record", of a statement previously made in multiple pleadings – to the United States District Court of Eastern Michigan Southern Division and to the United States Court of Appeals for the Sixth Circuit – about something Plunkett-Cooney attorney MICHAEL WEAVER did to "*obstruct justice*" and "*defraud*" the Washtenaw County Circuit Court in 2005.... something which had significant bearing upon the ruling in that case, and which has set forth the motion and the direction this case has taken ever since because of the co-defendants' and their attorneys' continued CONTEMPT OF COURT.

1. On October 26, 2005, a "Motion Hearing" was held with Judge Melinda Morris presiding in the Washtenaw County Circuit Court. At that hearing Judge Morris asked the question of attorney Michael Weaver

> ***"What was the purpose of the pardon if he already had the set aside?...I mean why would anyone need a pardon if they've already had their conviction set aside, if they have nothing to be pardoned from,... why is a pardon important?"***

2. Judge Morris spoke in response to Defendants' attorney Michael Weaver's persistent claim that the FBI report received by the Lincoln Consolidated Schools in November 2003 was indeed *correct* in listing the "conviction" because "*only an expunction* (of the entire record) *would have allowed Mr. Schied to deny having a conviction on the 2003 Lincoln Consolidated employment application*".
3. The court transcript of the summary disposition hearing shows Weaver's obstinate assertion that until the plaintiff had received that "expunction" document, he was still considered a "*convict*" even though a quarter-century prior Mr. Schied had received a "*withdrawal of plea*", a "*dismissal of indictment*" and "*set aside of judgment*"... as well as a FULL PARDON.
4. Weaver reasoned that **despite having a Texas governor's pardon making him eligible for an "expunction"**, Mr. Schied should have, but did not "apply" for that expunction of remaining criminal history until *after* his employment was terminated by Sandra Harris.
5. **The wording of Texas "expunction" statute never supported such a claim, however.** The statute, **Chapter 55, Texas Code of Criminal Procedure**, does not even referenced the term "*conviction*" in describing the legal effects a Texas order of "expunction". It references only "***all records related to the ARREST***"...which is all that SHOULD HAVE BEEN remaining of Mr. Schied's "record" had the Texas DPS maintained accurate records. Therefore,

it was irrelevant whether Mr. Schied had received a "set aside" under Art. 42.12 in 1979, **as the Governor's PARDON he received in 1983 prohibited the definition of "*conviction*" from applying from that point forward to 2003.** [1]

6. Washtenaw County Circuit Court JUDGE MELINDA MORRIS recognized and questioned this FACT as shown in the lower court transcript. The judge might have explored that possibility further had it not been for the Plunkett-Cooney attorney for the Defendants, MICHAEL D. WEAVER having intentionally orchestrated a great "*miscarriage of justice*" by COMMITTING INTENTIONAL FRAUD UPON THE COURT. As the transcripts of the Summary Disposition hearing demonstrate, Judge Morris was teetering on her decision to consider this a "good faith misunderstanding". Her decision to dismiss the case was thus preceded by a near constant barrage of obfuscated "*testimony*" by the attorney Michael Weaver "*mischaracterizing*" Mr. Schied.
7. Attorney Weaver opened his address to Judge Morris' court as follows from the Court transcript:

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[1] **Texas Attorney General Dan Morales (Opinion DM-349 on 5/31/1995)** stated, "***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 v. State, 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).*

> *"Interestingly, we have here in the courtroom with us today Mr. Schied who is now today all* ***cleaned up*** *and may be* ***quieter than the last time he was here.*** *The Court will recall...*(an objection was made at this point by plaintiff's attorney)... *Well, your honor, it's relevant in this way... The Plaintiff has now argued in response to the motion that somehow Mr. Schied was completely compliant, and when asked to produce documents that were relevant to this claim, he did so....* ***The TRUTH of the matter is, as the court will recall,*** *I took his deposition one day and it ended in about 5 minutes when* ***he stormed out of the room and refused to show me any documents at all...*** *He came here when I filed a motion to dismiss his claim or to compel his deposition and* ***he acted out in the court that day.*** *And so it's just interesting that he would be here today in a completely different manner...But what it goes to, your Honor, is it really goes to refute the FACT, the* ***history goes to refute the fact that this gentleman was compliant at any time with any requests from my client..... Plaintiff refused to allow Dr. Harris and others to review documents plaintiff had brought with him – documents that plaintiff allegedly said confirmed the dismissal of his indictment...*** *"* [2]

8. The truth is **Judge Melinda Morris stated on the record that she did not recall any of the events described by Weaver** about the plaintiff having created a disturbance in the courtroom or refusing to show "*any documents at all*" at a deposition, or about the plaintiff having "*stormed out of the room*" at his deposition.

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[2] The fact is that Plaintiff David Schied had never "*acted out*", either in deposition or in Judge Melinda Morris' courtroom. In deposition, Mr. Schied was in possession of a Texas court order awarding him the right to remain silent, even under oath, about the relevant events associated with the expunction of all records related to his 1977 teen arrest. Michael Weaver was the one who acted ominously toward the plaintiff, threatening to "*confiscate*" and "*tag as evidence*" all of the plaintiff's original documents and personal memorabilia that he had brought to deposition to substantiate his past quarter-century of community contributions as a crime prevention expert, a victims' rights activist, and a book author.

9. Nevertheless, Weaver persisted with his pretended "testimonials", misrepresenting the facts until Mr. Schied's attorney, JOE FIRESTONE, made his second objection early in the hearing while pointing out that:

> *"[Weaver] has no idea what [Mr. Schied's] behavior was* (at the two "pre-termination" meetings held by Harris) *and what he (Weaver) is saying is that the affidavits which we attach are false. Those 3 people who attached affidavits were present in that meeting. Mr. Weaver was not there. He can't testify to you."* [3]

10. Mr. Schied's attorney argued to the Washtenaw County Circuit Court (and to the Michigan Court of Appeals) the facts and laws showing that the Texas DPS had maintained incomplete records on Mr. Schied for two and a half decades prior to disseminating an erroneous CHRI to the FBI to forward to Sandra Harris. The report received by Harris wrongfully depicted a final "*disposition*" as a 1977 "*conviction*", and with a "*status*" of "*probation*". Mr. Schied's attorney pointed out that **Article 60.06 Texas Code of Criminal**

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[3] Mr. Schied's attorney was referring to the three affidavits provided to the Washtenaw County Circuit Court judge, representing the testimony of three "witnesses" to Sandra Harris' two "pre-termination" meetings with David Schied. The affidavits not only presented accompanying "meeting minutes" showing that **Mr. Schied had been fully cooperative** in offering Sandra Harris a brief review of the "set aside" and "pardon" documents that he had brought to *both* meetings, but also reaffirmed the FACT that it was actually Sandra Harris who had stormed out of the second meeting after Mr. Schied had provided her with copies of his "nonpublic" set aside and pardon documents in *good faith* that she would be following through with her promise (as depicted in the meeting minutes) to follow up directly with law enforcement officials in the State of Texas, and to verify Mr. Schied's claims that the FBI report she had received was indeed erroneous and in need of a correction.

Procedure, in relevant part, has long provided protection to Mr. Schied regarding his criminal history as follows:

> "***(b) Sentencing information*** *in the corrections tracking system* ***must include...(2) (whether) a sentence or portion of a sentence of imprisonment was deferred, probated, suspended, or otherwise not imposed****: (A) the offense, the sentence, and the amount of the sentence deferred, probated, suspended, or otherwise not imposed; and* ***(I) the date of the offender's release from the community supervision*** *and corrections department...(d)* ***Information*** *in the computerized criminal history system...* ***must include: (1) The final pleading to each charged offense...(and)...(2) A listing of each charge offense disposed of by the Court.***"

11. Mr. Schied's attorney additionally pointed out that **Article 42.12, § 20, Texas Code of Criminal Procedure** has long protected Mr. Schied from his youthful indiscretion by providing in relevant part:

> ***"If the judge discharges the defendant...the judge may set aside the verdict or...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.***" (Emphasis added)"

12. In both written and oral pleadings, attorney Firestone asked the circuit court (and the Court of Appeals and Michigan Supreme Court) to provide FULL FAITH AND CREDIT to Mr. Schied's set aside and the pardon; and to

consider the "symbiotic" significance of Mr. Schied *going beyond each to having both*.

13. Firestone's focus was on the significance of the Texas case, *Rudy Valentino Cuellar v. Texas, (70 SW3d 815, Tex Crim App 2002)*), which he also pointed out was supported by ***United States of America v. Armando Sauseda***, 2000 US Distr Lexis 21323 (WD Tex, unpublished 1/10/2000) which clarified:

> "***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 §2 order, the felony conviction disappears***..." (Emphasis added)

14. Attorney Michael Weaver went much further in misleading the Washtenaw County Circuit Court Judge Melinda Morris into believing that some sort of "*pattern*" existed in the plaintiff's present day behavior that corresponded to what one might believe Mr. Schied's demeanor might have been like in 1977 at the time of his teen offense. In reality however, it was attorney Michael Weaver who had been using the law's procedures to suit his own illegitimate purpose of harassing and oppressing Mr. Schied. [4]

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[4] Evidence presented by Plaintiff-Appellant shows that Weaver went over the line when subpoenaing school and employer records dating back nearly 40 years to include even Mr. Schied's two elementary schools. Attorney Weaver had subpoenaed *every* job application from every school district where Mr. Schied had sought employment in 2004 and 2005 in an effort to support his dependent family after Sandra Harris terminated his job. That notice of lawsuit effectually

15. Weaver then resorted to outright OBSTRUCTION OF JUSTICE and FRAUD UPON THE COURT in order to win his argument and the judgment Order granting his Summary Disposition motion on behalf of his clients Sandra Harris, FRED J. WILLIAMS, and the Lincoln Consolidated School District board of education. Page (32) of the 2005 motion hearing transcript shows that Weaver ***pretended*** **to be reading directly from the Texas court-order of expunction document while FRAUDULENTLY substituting his own words for what was actually written in the Texas court order.**

16. As shown by the Evidence on page 2, item #1 of the Texas "*Agreed Order of Expunction*", it actually reads, "*The respondents shall return all records and files concerning the above-specified ARRESTS to this Court....* " However, in comparing item #1 on page 2 of the Texas court's *Agreed Order of Expunction* to lines 7-8 at the top of page 32 of the Hearing Transcript from Judge Morris' courtroom, it is clear that **Weaver substituted the his own word – "*conviction*" – for the word "*arrest*" so to mislead the court about the meaning of the Order and the Texas expunction law on which that document was based.** He did this to convince the Court that Mr. Schied

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prevented Mr. Schied from getting any future interviews from any of those school districts where he had become "defamed" because Weaver's actions had "*caused people to view him differently*". Weaver additionally subpoenaed a private contract that Mr. Schied had established by means of self-employment to support his family, which ultimately destroyed Mr. Schied's entrepreneurial business venture of founding a new martial arts school and a sports fitness program for special needs children.

would "*have to go beyond*" already having a 1979 Texas "SET ASIDE" and a 1983 governor's FULL PARDON, by insisting that Mr. Schied "*would also have had to get the expunction*" first before being able to legitimately make the claim of having "*no conviction*" on a 2003 job application, the claim by which the Lincoln Consolidated Schools' case entirely depended.

17. Immediately hearing attorney Weavers' argument Judge Melinda Morris ruled in favor of the Co-Defendants, stating:

> "*Well, it **is a vexing issue and the Court was initially going to take it under advisement** but...it's one of those cases that – it requires a certain result in the Court's opinion but maybe **one that isn't entirely just under all circumstances** and that is, the way the Court reads the Texas law, which is undisputedly the law that must be interpreted here, as to whether Plaintiff complied or not and, therefore, was allowed to answer the way he did, the Court finds that that law requires, before he can deny that he's ever been convicted of a crime, the expunction for which he was eligible for once he had the set-aside and the pardon but which he never sought until after he was terminated by the Lincoln Consolidated School District, so the Court will grant summary disposition to the Defendant.*" [5]
>
> (Bold emphasis added)

18. In correcting the Record on Appeal, Mr. Schied wishes to clarify that in preparing several documents for the Court, he mistakenly used the word "*expunction*" when trying to construct his pleadings from memory about Weaver's actions – placing that word "expunction" in context of multiple pleadings in "cut and paste" error – rather than the word "*conviction*" as

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[5] *See* pages 35-36 of the Washtenaw County Circuit Court "Motion Hearing" transcript (Case No. 04-577-CL) dated 10/26/2005.

used conveniently by Weaver when pretending to read directly from the Texas court order to Judge Morris.

19. The statement should read as follows in each one of the pleadings depicted below:

> *"Weaver substituted the his own word – "**conviction**" – for the word "arrest" so to mislead the court about the meaning of the Order and the Texas expunction law"*

20. This correction should be applied when considering the following pleadings as presented by Plaintiff-Appellant David Schied in "pro per":

a) "*Claim and Brief in Support of Appeal Regarding Deprivation of Rights by 42 U.S.C. § 1983*" – page 9, footnote #13.

b) "*Appellant's Motion for Sanctioning of Defendants and Defendants' Counsel*" – page 9, middle of second paragraph

c) "*Plaintiff-Appellant's Brief in Support of Motion to Expand/Enlarge the Record on Appeal*" – page 16, middle of second paragraph

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

Respectfully submitted,

Dated: July 26, 2008

David Schied – ("pro se") Plaintiff-Appellant / Crime Victim