

**IN THE TEXAS COURT OF APPEALS  
FIRST DISTRICT**

**In the Estate of Michael Edward Schied,  
Deceased**  
**David Schied,**  
*Interested Party Plaintiff/Principal Co-Heir  
Grievant/Crime Victim/Claimant and  
Private Attorney General*  
**Vs**

**COA Case No's.**  
**01-15-00466-CV**  
**and**  
**01-16-00052-CV**

**Trial Court Case No.**  
**434,875**

**Michael Merritt (named “executor”)  
Wynde Merritt (“co-executor” by proxy)  
Jeanette Renee Smith  
Robin Apostolakis  
David Munson**

***Co-Defendants***

Appellant

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

**“WRIT OF ERROR CORAM NOBIS” AGAINST THE**

**1) FRAUDULENT “MEMORANDUM OPINION” 4-WORD “DENIAL” OF  
“MANDAMUS FOR BOND SURRENDER, FOR VICTIMS’ RELIEF UNDER  
18 U.S.C. § 3771 AND 18 U.S.C. § 4, AND FOR OTHER DECLARATORY  
RELIEF” WRITTEN WITHOUT AUTHORSHIP ON 3/3/16 IN THE CASE  
OF “IN RE DAVID SCHIED, CASE NO. 01-16-00052-CV”; and,**

**2) FRAUDULENT UNSIGNED 1-PAGE “JUDGMENT” AND  
ACCOMPANYING 17-PAGE UNSIGNED “MEMORANDUM OPINION” OF  
RUSSELL LLOYD ISSUED ON 7/12/16 WITH AN “ORDER – AFFIRM[ING]  
THE TRIAL COURT’S JUDGMENT”, OF “CASE NO. 01-15-00466-CV”**

**BASED ON**

**EVIDENCE OF CRIMINAL COVER-UP OF JUDICIAL WRONGDOING,  
RACKETEERING AND CORRUPTION (“RICO”); FIRST AMENDMENT  
“DENIAL” OF “MEANINGFUL” RIGHT TO ACCESS THE COURT AND  
TO “REDRESS OF GRIEVANCES” CONSTITUTING A “CONSPIRACY TO  
DEPRIVE OF RIGHTS UNDER COLOR OF LAW”, A “SEDITIONOUS  
CONSPIRACY”, “MISPRISION OF TREASON”, COMMON LAW TORT  
AND COMMON LAW TRESSPASS ON THE ABOVE TWO CASES**

## CoDefendants

### Appellant

Robin L. Apostolakis, attorney  
and  
Steven Earl, counsel and co-criminal  
conspirator with Apostolakis  
Martin, Earl & Stilwell, LLP  
1400 Woodloch Forest Drive  
Suite 590  
The Woodlands, Texas 77380  
281-419-6200

### Appellant

Jeanette Renee Smith, co-beneficiary  
203 McNair St.  
Pea Ridge, Arkansas 72751  
479-451-8692

### Appellant

David A. Munson  
2002 Timberloch Pl., Ste. 200  
The Woodlands, Texas 77380  
281-210-3467

### Appellant

Michael Ray Merritt (name executor)  
and  
Wynde Merritt (executor by proxy)  
8526 Hot Springs Dr.  
Houston, Texas 77095  
281-855-2714  
713-430-6286

**“The Accused” Criminal Perpetrators of statutory “RICO” violations, constitutional violations, common law torts and common law trespass (in addition to the above-named co-Defendants):**

- **Russell Lloyd** – judicial usurper
- **Jane Bland** – judicial usurper
- **Harvey Brown** – judicial usurper
- **Loyd Wright** – judicial usurper
- **Stan Stanart** – clerical imposter
- **Christopher Prine** – clerical imposter

**As “served” upon the STATE OF TEXAS:**

**Court of Appeals for the First District of Texas  
301 Fannin Street  
Houston, Texas 77002-2066**

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\* There is no “Appendix of Exhibits” herein because all the Evidence being referenced has been posted on the Internet, with embedded links contained within the following pages. Moreover, there is no significance to having a “Table of Authorities” since the majority of Evidence contained herein refers to instances of FACTS, not laws, wherein these “*facts*” prove beyond a reasonable doubt that FRAUD has been committed by “*domestic terrorists*” posing as attorneys, judges, justices, and clerks as all being members of, or affiliated somehow with the members of, the “*state BAR*” associations.

The only “*attachment*” is the “Criminal Complaint / Constitutional Citation / Affidavit of Obligation / Brief of Information / Claim in Commerce for Damages”.

In the United States, *coram nobis* is the name generally employed to the court which tried the cause. See *Tweed v. Lockton*, 35 Del. 474, 167 A. 703, 705 (1932); Ballentine's Law Dictionary, *Coram Vobis*, p1373. "*Coram nobis is issued by the court in which the judgment assailed was rendered; while the writ of coram nobis is issued by a supervening court to a lower court in which the judgment was rendered.*" *Roughton v. Brown*, 53 N.C. 393 (1861). See also *Teller v. Wetherell*, 6 Mich. 45 (1858).

The “*writ of error coram nobis*” is strictly a common law writ and does not issue out of a court of chancery. *Reid v. Strider*, 7 Gratt. 76 (Va. 1850)-(or 48 Va. 39). Hence, this Writ, which in traditional terminology means the case “*before us, the king*”, describing the “*record and process*” pertaining to “*an error of fact not appearing and lies in the court which tried the case.*”<sup>1</sup> Herein, this “*Writ of Error Coram Nobis*” is being brought by *Grievant/Crime Victim/Claimant* David Schied, acting in his private “*sui juris*” capacity as “*Interested party plaintiff / Principal co-heir*”, and also in the public’s interest, appearing now before this co-called “*Court of Record*” as a Private Attorney General.

This action is being brought against members of the State BAR of Texas, which effectively, is functioning as an organized crime syndicate, for which there

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<sup>1</sup> Robinson, Edward. *The Writs of Error Coram Nobis and Coram Vobis*. 2 Duke Bar Journal (1951) pp.29-39 as located on 4/3/17 at:  
<http://scholarship.law.duke.edu/cgi/viewcontent.cgi?article=1559&context=dlj>

is ample evidence that it is operating under “*fraud*” and criminally under “*color of law*” as the so-called “*Harris County Probate Court No. 1*” and as the so-called “*Texas Court of Appeals for the First District of Texas.*”

**OVERVIEW:**

**THE “JUDGMENT” (RENDERED 7/12/16) AND THE “MEMORANDUM OPINION(S)” ISSUED ON 3/3/16 AND 7/12/16 ARE HEREBY “VACATED” BECAUSE OF VARIOUS SUBSTANTIVE FORMS OF “FRAUD” AND GROSS OMISSIONS OF SIGNIFICANT FACTS IN THESE “RULINGS”**

Most courts, which today recognize the writ, require a sworn affidavit showing to a reasonable certainty error of fact resulting in the erroneous decision. In this case there is a record of at least four UNREBUTTED “*sworn affidavits*” and/or sworn “*Criminal Complaints*” being submitted to this Court of Record BEFORE the judgment was made; therefore there is much more than mere “*reasonable*” certainty that “*error of facts*” exists in the court record.

There is, in fact, reasonable certainty that the “*officers*” of the Texas Court of Appeals for the First District have been acting in *Treason* and in a *Seditious Conspiracy to Treason* as “*domestic terrorists*” to deprive *Grievant/Crime Victim/Claimant* David Schied of his rightful claims to justice as otherwise constitutionally guaranteed by the First Amendment by “*access to the court*” for meaningful “*redress of grievances.*” The purpose of this writ is not to authorize a court to review its opinion, but only to vacate some adjudication(s) made. *Madden v. Ferguson*, 182 Ill.App. 210 (1913).

In this case, the written “*rulings*” of the State of Michigan and the Sixth Circuit Court of Appeals have fraudulently denied constitutional *Full Faith and Credit* to the ruling of Harris County judge Joseph Guarino in 1979 issuing an “*Order of the Court Dismissing the Cause*” that included a “*withdrawal of plea*” a “*dismissal of indictment*” and a “*set aside of judgment*” for which the Texas Attorney General Dan Morales (DM-349) has asserted precludes a person in such of such an “*Order...Dismissing the Cause*” the ability to acquire a Texas governor’s full pardon by application to the Board of Pardons and Paroles for “*lack of an object to pardon*” (i.e., no “*conviction*” exists after receipt of such a “*set aside*” as the one received by *Grievant/Crime Victim/Claimant* David Schied in 1979). For the full text of AG Morales’ Opinion (DM-349) see:

<https://www.texasattorneygeneral.gov/opinions/opinions/48morales/op/1995/htm/dm0349.htm>

Yet, despite that *Grievant/Crime Victim/Claimant* David Schied had received such “*Order of the Court Dismissing the Cause*” in 1979, he yet also obtained the *Full Pardon* of Governor Mark White in 1983, **because the State of Texas’ Department of Public Safety had unlawfully failed to maintain updated “*criminal history*” records allowing *Grievant/Crime Victim/Claimant* David Schied to qualify for and receive such a full pardon in 1983.** It was because the Texas Department of Public Safety’s failure to maintain such records,

even after the Full Pardon in 1983, that a quarter-century later in 2003

*Grievant/Crime Victim/Claimant* David Schied would have his life ruined by the Michigan government and judiciary, as he struggled to fight against the STATE OF MICHIGAN's persistent claim that a "*conviction*" still somehow existed a quarter century beyond his receiving both ***judicial*** and ***executive*** clemency in Texas. (Bold emphasis)

Indeed, the judiciary for the STATE OF MICHIGAN and the federal District Court for the Eastern District of Michigan and the 6<sup>th</sup> Circuit Court of Appeals both fraudulently "*found*" a "*conviction*" to somehow "*exist*" two decades after *Grievant/Crime Victim/Claimant* David Schied had received that 1983 governor's Full Pardon despite that Texas Attorney General John Cornyn's Opinion No. JC-0396 had determined that the definition of "*conviction*" should NOT apply to anyone who has received "*an adjudication of guilt or deferred adjudication*" that has subsequently been "*expunged*" or "*pardoned*". For the full text of John Cornyn's Opinion (JC-0396), see: <https://casetext.com/case/opinion-no-795> and <https://www.texasattorneygeneral.gov/opinions/opinions/49cornyn/op/2001/htm/jc0396.htm>

Critical to what *Grievant/Crime Victim/Claimant* David Schied had submitted to the Texas Court of Appeals was a thorough address of attorney Robin Apostolakis' argument that David Schied had a history of being a "*frivolous filer*",

as determined by the judiciary of the so-called “*State of Michigan*” and the federal courts with jurisdiction over the regional district of Michigan that have both long been...

- a) ...denying constitutional Full Faith and Credit to the judicial and executive clemency provided in documents by the STATE OF TEXAS,...
- b) ... and with *Grievant/Crime Victim/Claimant* David Schied also proving that the STATE OF TEXAS has some culpability behind these wrongful actions by the STATE OF MICHIGAN,...
- c) ... and proving as well that the STATE OF TEXAS has some responsibility for addressing the resulting FACT that Michigan is unconstitutionally denying Full Faith and Credit to these clemency documents simply BECAUSE of the gross negligence and dereliction of duties of the STATE OF TEXAS, by its own proven failure to otherwise maintain updated and accurate “*criminal history*” records between 1979 and 2003.

Yet the recent Texas Court of Appeals “*judgment*” and “*memorandum opinion*”, as written by “*judicial usurper*” Russell Lloyd, does nothing to address this ongoing gross “*miscarriage of justice*” as noticed upon this Court. **Certainly, the repeated deprivation of rights of *Grievant/Crime Victim/Claimant* David Schied by others does not make him a “*frivolous filer*” as asserted by Texas BAR attorney Robin Apostolakis, on her own behalf as well as on behalf of**

**her named co-appellee Jeanette Smith. What it makes is for increasing amounts of Evidence of criminal cover-ups of Treason by usurpers of “*the People’s*” power and authority.**

On the other hand, the two “Memorandum Opinion(s)” – of which one was identified as written by “*judicial usurper*” Russell Lloyd and the other remaining undisclosed as to its author – FRAUDULENTLY imply that despite his Master’s degree, his many years of post-graduate research experience, and his long track record of legal filings in state and federal courts, that *Grievant/Crime Victim/Claimant* David Schied is also an incompetent writer and/or “*filer*” of legal briefs. The problem with that assessment however is the FACT that **the rulings(s) constructed by the “*unknown*” CRIMINAL assailant, and Russell Lloyd as another CRIMINAL assailant, are clearly and intentionally constructed with gross factual “*omissions*” and procedural elements that serve the sole purpose of once again depriving *Grievant/Crime Victim/Claimant* David Schied of his substantive rights as a litigant, while supplying a secondary level of cover-up for predicate level crimes against him.**

Moreover, the same batch of Evidence supports the basis for the claims being made herein under the Laws of Commerce. These claims are being levied forthwith against the probate “*judge*” (Lloyd Wright), the three Texas Court of Appeals “*justices*” (Russell Lloyd, Jane Bland, and Harvey Brown) and the two



“*clerk(s) of the court*” (Stan Stanart and Christopher Prine), against the named “*attorneys*” (David Munson and Robin Apostolakis) operating individually and severally along with the others in their respective law firms (and for Robin Apostolakis the records show that she was acting on behalf of two separate law firms while involved in this case) as all being common representative members of the same “*State BAR of Texas.*”

Similarly, the Statements and Evidence presented herein serve as accounting “*Ledger of Damages*” for the “*Claims in Commerce*” being also levied herein against the “*Harris County Probate Court*” and the “*Texas Court of Appeals*”, which thus far have each acted with CRIMINAL CONTEMPT in response to the calls to perform according to their fiduciary duties in response to sworn *Affidavits*, *Criminal Complaints*, and other notices detailing that for more than a decade and a half now, harm continues to be deeply inflicted by the *dereliction, gross negligence* and malfeasance of these and other *agencies* of the so-called “*government*”; by their refusal to address the unconstitutional *Full Faith and Credit* violations by the STATE OF MICHIGAN against *Grievant/Crime Victim/Claimant* David Schied and against the People of the STATE OF TEXAS.

In short, the clear Evidence shows that for the previous at least twenty-one (21) months, public taxpayers have been paying for a sham operation of *domestic terrorists* passing themselves off as legitimate local and state “*court officers*”,

while *Grievant/Crime Victim/Claimant* David Schied, acting also now as a Private Attorney General, is looking out for the public's interests as well as his own interest in the claims he has submitted in UNREBUTTED SWORN AND NOTARIZED AFFIDAVITS to this case. Hence, he contends that there is just cause for this instant "*Writ of Error Coram Nobis.*"

**WHAT FOLLOWS IS A LISTING OF THE SPECIFIC ELEMENTS OF INTENTIONAL FRAUD FOUND IN THE TWO "MEMORANDUM OPINION(S)" ISSUED BY THE TEXAS COURT OF APPEALS**

Notably, the entirety of what the first UNSIGNED and FRAUDULENT "*Memorandum Opinion*" DENIED as a "*Motion for Bond Surrender; for Victims' Relief Under 18 U.S.C. § 3771 and 81 (sic) U.S.C. § 4; and for Other Declaratory Relief,*" which the Texas Court of Appeals have "*filed as a 'petition for writ of mandamus'*" was DENIED without address of the details of that particular filing of *Grievant/Crime Victim/Claimant* David Schied.

Actually, the FRAUD of the Texas Court of Appeals, relative to the above-cited "*Motion for Bond Surrender...and for Other Declaratory Relief*" began with the titling of that document itself. In reality, the Texas Court of Appeals cherry picked only about a third of the actual words used in that filing by *Grievant/Crime Victim/Claimant* David Schied. The actual title of that filing was captioned as follows and as shown by copy of that actual document that was time-stamped by the Texas Court of Appeals:

IN THE FIRST COURT OF APPEALS OF THE STATE OF TEXAS IN HARRIS COUNTY		FILED IN 1ST COURT OF APPEALS HARRIS COUNTY, TEXAS JAN 21 2016 CHRISTOPHER A. PRINE CLERK
In the Estate of Michael Edward Schied, Deceased		Case No. 434875 "Judge" Loyd Wright
David Schied, Interested Party Plaintiff/ Principal Co-Heir vs Michael Merritt (named "executor") and Wynde Merritt ("co-executor" by Janette Renee Smith Robin Apostolakis David Munson Co-Defendants		
INTERESTED PARTY APPELLANT / PRINCIPAL CO-HEIR DAVID SCHIED'S "EX-PARTE WRIT OF ERROR" AND "MOTION TO REMOVE CLERK(S) (8.51.2015)" AND "MOTION TO CORRECT THE RECORD" AGAINST TEXAS COURT OF APPEALS CLERK CHRISTOPHER PRINE'S AND HARRIS COUNTY CLERK STAN STANART'S GROSS VIOLATIONS OF OATH & BOND IN DELIBERATE MAINTAINING ERRONEOUS COURT RECORD; IN VIOLATION OF TEXAS GOVERNMENT CODE 51.204 AND TRAP 34.S; AND "MOTION TO GRANT APPEAL BY DEFAULT ON APPELLEES' FAILURE TO TIMELY FILE BRIEF IN RESPONSE TO APPEAL" AND GRIEVANTS "MANDAMUS FOR BOND SURRENDER; FOR VICTIMS' RELIEF UNDER 18 U.S.C. § 3771 and 18 U.S.C. § 4; AND FOR OTHER DECLARATORY RELIEF" BY WAY OF "ERRORS & OMISSIONS," MALFEASANCE, AND OTHER "RISK MANAGEMENT" INSURANCE COVERAGE INFORMATION		
David Schied - <i>Sui Juris</i> P.O. Box 1378 Novi, Michigan 48376 248-347-1684	Jeanette Smith - co-beneficiary and Robin L. Apostolakis, attorney Gauntte, Earl, & Binney, LLP 1400 Woodloch Forest Dr., Ste.575 The Woodlands, Texas 77380 281-367-6555	Michael (named executor) and Wynde Merritt (executor by proxy) and David A. Munson 2002 Timberloch Pl., Ste. 200 The Woodlands, Texas 77380 281-210-3467
Jeanette Smith - co-beneficiary 203 McNair St. Pea Ridge, Arkansas 72751 479-451-8692	Michael Merritt and Wynde Merritt 8526 Hot Springs Dr. Houston, Texas 77095 281-855-2714 713-430-6286	

In fact, the above-referenced filing, which was fraudulently referenced as a “*Motion for Bond Surrender... and for Declaratory Relief*” was DISMISSED altogether by the Texas Court of Appeals with only four words, “*We deny the petition.*”

What follows herein therefore, is an examination of the exact nature of the FRAUD perpetrated by the named “*agents*” of the First District Court of Appeals for illustrious STATE OF TEXAS.

**There Were Numerous Fraudulent Elements Contained in the “*Memorandum Opinion*” Issued on 3/3/16 and pertaining to Texas COA Case No. 01-16-00052-CV**

The significance of the above-referenced “*Ex-Parte Writ of Error...*”, as well as the fraud used by Russell Lloyd and his cohorts of other “*judicial usurpers*”, cannot be understated given that the second fraudulent “*Memorandum Opinion*”, which was constructed but not signed by Lloyd, continually justified the upholding of the lower trial court ruling against *Grievant/Crime Victim/Claimant* David Schied by referencing the very “*court record*” that Mr. Schied had repeatedly established was erroneous, and was being fraudulently maintained by the court clerk(s) “*in violation of Texas Government Code 51.204 and [Texas Rules of*

*Appellate Procedure*] TRAP 34.5”. This “*clerk*” Stanart did knowing that his actions would prejudice this case against *Grievant/Crime Victim/Claimant* David Schied; and to provide an intentionally *constructed* means by which his “*peer group*” of these Court of Appeals “*agents*” could inevitably manipulate the contents of these erroneous records so as to deny Mr. Schied substantive due process and meaningful access to the Court *under color of law and procedure*, while blaming *Grievant/Crime Victim/Claimant* David Schied for the results of these devious actions by these Texas “*government*” usurpers. (Bold emphasis added)

The actual 30-page “*pleading*” of the “*Ex-Parte Writ of Error*”, inclusive of nine (9) additional pages consisting originally of a proper “*Table of Contents*,” a table of “*Authorities Cited*,” and “*Cases Related to Public Dissemination of Nonpublic Texas Clemency Documents, As Left Unresolved Except By State And Federal ‘Fraud Upon The Court’*”, which was submitted under a “*Sworn Declaration of Truth*”, is located publicly on the Internet, as of the date of this writing, at:

[http://cases.michigan.constitutionalgov.us/david-schied/2014\\_SchiedvMerrittProbate+TexasCriminalAllegations/051215\\_TexCourtOfAppeals4District1/011716\\_WritErrorClerkFraudonClaimofAmendAppeal/011916\\_WritofErroronClerk&Mot2Remove&Madamus4Relief.pdf](http://cases.michigan.constitutionalgov.us/david-schied/2014_SchiedvMerrittProbate+TexasCriminalAllegations/051215_TexCourtOfAppeals4District1/011716_WritErrorClerkFraudonClaimofAmendAppeal/011916_WritofErroronClerk&Mot2Remove&Madamus4Relief.pdf)

The “Table of Contents” of that Texas Court of Appeals filing by *Grievant/Crime Victim/Claimant* David Schied is reflected as follows in graphic snapshots:

<b>TABLE OF CONTENTS</b>	
Interested Party Appellant / Principal Co-Heir David Schied’s ‘ex-parte’ “ <i>Writ of Error</i> ” against Clerk of the Court Christopher Prine’s <i>fraudulent</i> entry on 12/23/15 of “ <i>Grievant David Schied’s ‘Response in Opposition and Denial to Janette Smith’s and Robin Apostolakis’ ‘Motion to Dismiss’</i> ” based upon criminal fraud upon the lower court and the Texas Court of Appeals...” as being an “ <i>Amended Brief Filed</i> ” underscores Prine’s violation of TRAP Rule 34.....	1
Clerk Prine’s arbitrary and capricious “ <i>Decision</i> ” that Appellees’ “ <i>brief</i> ” is due on 1/29/16” should be <i>stricken</i> , and Grievant / Appellant David Schied should be granted his <i>appeal</i> by “ <i>default</i> ” for failure of Appellees to file any briefs whatsoever (except a <i>fraudulent ‘Motion to Dismiss’</i> ); because, according to Prine’s own ( <i>fraudulent</i> ) docketing record, Appellees’ briefs were due within 30 days after 8/5/15.....	7
Both the lower court records and the Texas COA records reflect that Grievant/Appellant David Schied has gone to an extreme in attempt to find “ <i>justice</i> ” in a simple case that should have never been in probate court except by “ <i>manipulation of title</i> ” – only for Grievant Schied to find instead criminal corruption of judge Loyd Wright, “ <i>fraud</i> ” perpetrated by Appellee Robin Apostolakis’ claim that the “ <i>will is invalid and unenforceable</i> ,” and her co-appellees, attorney David Munson and Michael and Wynde Merritt, undermining due process so to “ <i>milk</i> ” the “ <i>estate</i> ” for all that it was worth.....	9
The “ <i>prima facie</i> ” violations of the “ <i>clerical usurper</i> ” Christopher Prine bear no official “ <i>seal</i> ” of the court, demonstrating “ <i>no process</i> ” as otherwise required by government codes and by Tx. Rules of Appellate Proc.....	14
The “ <i>prima facie</i> ” violations of “ <i>clerical usurper</i> ” Christopher Prine bear no official “ <i>Notice of Electronic Filing</i> ” or “ <i>Notice of Docket Activity</i> ” as authentication instruments for Prine’s superseding “ <i>Directive</i> ” to Grievant on behalf of “ <i>the Court</i> ” requiring Grievant to file an “ <i>amended brief</i> ” when Judge	
Russell Lloyd’s “ <i>Order</i> ” otherwise made it Appellant Schied’s option to file an “ <i>amended brief</i> ”.....	15
The “ <i>prima facie</i> ” violations of the “ <i>clerical usurper</i> ” Christopher Prine bear no official sign of compliance with <i>Government Code</i> § 31.901 requiring action on the part of the “ <i>clerk of the court</i> ” upon “ <i>reasonable basis</i> ” and “ <i>good faith</i> ” that a document, recording, “ <i>Directive</i> ,” or other process is <i>fraudulent</i> .....	19
Clerk Prine’s “ <i>Directives</i> ” were in gross disregard of the substantive purpose of Grievant’s previous filings, and thus warrant the surrender of his bond within 10 days.....	21
Grievant’s documents had presented not only the <i>Evidence of fraud against both the lower and higher court’s ‘clerks’ and the probate court judge Loyd Wright</i> , but Grievant has presented the opportunity for this Texas Court of Appeals judges to rectify this fraud – as well as notice of other interstate fraud and constitutional violations being committed by the corrupt judiciary of the State of Michigan misusing Texas court rulings and documents – through their own independent actions in providing Grievant with immediate remedies.....	22
<i>Conclusion and Mandamus for Relief</i> by way of proper filing and judicial litigating of the merits of Grievant’s claims, correction of the probate and COA court records, investigation into Grievant’s criminal complaints, and surrender of bonds, surety and risk management insurance.....	27
Sworn Declaration of Truth.....	30
Appendix of Exhibits..... (none to list these accompanying 9 referenced exhibits)	

The “Authorities Cited” and the “Cases Related to Public Dissemination of Nonpublic Texas Clemency Documents, As Left Unresolved Except By State And Federal ‘Fraud Upon The Court’” of that Texas Court of Appeals filing by *Grievant/Crime Victim/Claimant* David Schied are reflected as follows below in graphic snapshots:

**AUTHORITIES CITED**

**TEXAS**

Texas Government Code, Chapter 51 ..... 14

Texas Government Code, Chapter 51 § 201 ..... 1, 15

Texas Government Code, Chapter 51 § 301 ..... 15

Texas Government Code, Chapter 51 § 302 ..... 1

Texas Government Code, Chapter 51 § 502 ..... 15

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Texas Government Code, Chapter 51 § 901 ..... 19

Texas Government Code  
(Subchapter J: "Certain Fraudulent Records or Documents") ..... 19

Texas Penal Code §32.48 ..... 14

Texas Attorney General Dan Morales Opinion (DM-349) ..... 25

Texas Attorney General John Cornyn's Opinion (JC-0396) ..... 25

Texas Rules of Appellate Procedure 15.1(a) ..... 14-15

Texas Rules of Appellate Procedure, Rule 21.8 ("Failure to Rule") ..... 12

Texas Rules of Appellate Procedure, Rule 34 ..... 1

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Common Law ..... 3

Constitution of the United States ("Full Faith and Credit") ..... 25-26

Statutes at Large ..... 3

18 U.S.C. §241 ..... 8

18 U.S.C. §242 ..... 8

28 U.S.C. §2331 ..... 9

42 U.S.C. §1983 ..... 8

Federal Rules of Appellate Procedure, Rule 25 ..... 18

Sixth Circuit Court Rules, Rule 25(f)(2) ..... 18

Sixth Circuit Guide to Electronic Filing, 1.8 ..... 1

Sixth Circuit Guide to Electronic Filing, 3.3 ..... 1

Sixth Circuit Guide to Electronic Filing, 8.3 ..... 1

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Sixth Circuit Guide to Electronic Filing, 10.1 ..... 18

Sixth Circuit Guide to Electronic Filing, 10.2 ..... 17

Sixth Circuit Guide to Electronic Filing, 13.1 ..... 17

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**OTHER AUTHORITIES**

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*David Schied v. Martha Daughtrey; David McKeage; Gregory Tatenhore; Stephen Murphy; Terrence Berg; Rod Charles; Andrew Arena; Margaret Love; Michael Mukasey; Maria O'Rourke; and Shanetta Cutlar* ..... 26

*David Schied v. Leonard Rezmierski; David Bolitho; Katy Doerr Parker; Northville Public Schools Board of Education; Larry Crider; Robert Donaldson; Warren Evans; James Gonzales; James Hines; Maria Miller; Benny Napoleon; Wayne County Prosecutor's Office; Wayne County Sheriff's Department; Kym Worthy; Jane Doe; and John Doe* ..... 26

*David Schied v. Northville Public School District* ..... 26

*David Schied v. Sandra Harris and Lincoln Consolidated Schools, et al.* ..... 26

*David Schied v. Scott Snyder; Lynn Mossouan; Kenneth Roth; Richard Fanning, Jr.; David Soebbing; Harvatee Saunto; Donna Paraszkiewicz; Mary Fayud; Susan Liebtrev; Donald Yarab; Catherine Anderle; and Arne Duncan* ..... 26

*David Schied v. State of Michigan; Gov. Jennifer Granholm; Kelly Keenan; Michelle Rich; Michigan State Administrative Board; Attorney General Mike Cox; Commissioner Laura Cox; Wayne County Commission; Wayne County Office of the Prosecutor; Michigan State Police; Northville City Police; Michigan Department of Civil Rights; Michigan Dept. of Education; Wayne County RESA; Northville Public Schools Board of Education; Scott Snyder; Katy Parker; David Bolitho; Leonard Rezmierski; Keller Thoma law firm; Sandra Harris; Lincoln Consolidated Schools Board of Education; Michigan Supreme Court et. & DOES 1-30* ..... 26

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*David Schied v. Michigan State Court Administrator; Michigan Department of Civil Rights; Superintendent and Board of Education for the Michigan Department of Education; Michigan Department of Labor and Economic Growth; Michigan State Administrative Board via the Office of the Michigan Attorney General; DOES 1-20* ..... 26

etc. (there are more)

As matters of significant importance, the “Ex-Parte Writ of Error...”

included the following as separate items in need of address by the Texas Court of Appeals “*justices*” as shown by the “Certificate of Service” time-stamped by Christopher Prine as the “*court clerk*” on 1/21/16:

- 1) “Ex-Parte Writ of Error”;
- 2) “Motion to Remove Clerk(s)”;
- 3) “Motion to Correct the Record’ Against Texas Court of Appeals Clerk Christopher Prine’s and Harris County Clerk Stan Stanart’s Gross Violations of Oath and Bond in Deliberate Maintaining Erroneous Court Records in Violation of Texas Government Code 51.204 and TRAP 34.5”;
- 4) “Motion to Grant Appeal by Default on Appellee’s Failure to Timely File a Brief in Response to Appeal”;
- 5) “Mandamus for Bond Surrender; for Victims’ Relief Under 18 U.S.C. § 3771 and 18 U.S.C. § 4; and for Other Declaratory Relief” by way of ‘Errors and Omissions,’ Malfeasance, and Other ‘Risk Management’ Insurance Coverage Information”

*Time-Stamp*

IN THE FIRST DISTRICT COURT OF APPEALS  
IN THE STATE OF TEXAS

In the Estate of Michael Edward Schied,  
Deceased Case No. 434875  
David Schied, Interested Party Plaintiff / Principal Co-Heir  
vs  
Michael Merritt (named “executor”) and Wynde Merritt (“co-executor” by Janette Renee Smith proxy)  
Robin Apostolakis  
David Munson Co-Defendants/Appellees

*ive-Stamp*

FILED IN  
1ST COURT OF APPEALS  
HOUSTON, TEXAS  
JAN 21 2016  
CHRISTOPHER A. PRINE  
CLERK

FILED IN  
1ST COURT OF APPEALS  
HOUSTON, TEXAS  
JAN 21 2016  
CHRISTOPHER A. PRINE

I hereby certify that on 1/19/16 I sent one “original” (without binding or tabs) and one copy to the Court of Appeals at the address above a full set of the documents listed below, sent by Priority Mail / U.S. Postal Delivery to the Texas Court of Appeals for the First District.  
I also sent a full set of these same copies of the following documents to all of the Appellees listed at the documented address for David Munson as the only attorney of record known representing either one of the Merritts, or both; and to Munson himself as their co-Appellee. I have additionally sent another copy to the “new” law firm of the attorneys of record for the Appellee Jeanette Smith and Appellee Robin Apostolakis at the address cited above:

1) “Interested Party Appellant/Principal Co-Heir David Schied’s Ex-Parte Writ of Error” and “Motion to Remove Clerk(s) 18.51.2031” and “Motion to Correct the Record’ Against Texas Court of Appeals Clerk Christopher Prine’s and Harris County Clerk Stan Stanart’s Gross Violations of Oath & Bond in Deliberate Maintaining Erroneous Court Records in Violation of Texas Government Code 51.204 and TRAP 34.5, and...”  
2) “Motion to Grant Appeal by Default on Appellee’s Failure to Timely File Brief in Response to Appeal”;  
3) “Grievant’s ‘Mandamus for Bond Surrender, for Victims’ Relief Under 18 U.S.C. § 3771 and 18 U.S.C. § 4, and for Other Declaratory Relief’ by way of ‘Errors & Omissions,’ Malfeasance, and Other ‘Risk Management’ Insurance Coverage Information”;  
4) “Transcript of Recorded Phone Conversation Between Appellant David Schied and State of Texas’ First Court of Appeals Clerk Christopher Prine on 12/11/15” (found as “Exhibit D” enclosed);  
5) This “Certificate of Service”

CERTIFICATE OF SERVICE

1/19/16

David Schied – *Sui Juris*  
P.O. Box 1378  
Novi, Michigan 48376  
248-347-1684

Jeanette Smith – co-Appellee  
Robin Apostolakis – co-Appellee  
and attorney of record;  
Steven C. Earl – attorney of record  
Martin, Earl & Stillwell, LLP  
1400 Woodloch Forest Dr., Ste. 590  
The Woodlands, Texas 77380  
281-419-6290

Co-Appellees:  
Michael Merritt (named executor)  
and Wynde Merritt (executor by proxy) and,  
David A. Munson  
2002 Timberloch Pl., Ste. 200  
The Woodlands, Texas 77380  
281-210-3467

Attn: Mr. Christopher Prine, Clerk of the Court  
c/o Court of Appeals for the First District of Texas  
301 Fannin Street  
Houston, Texas 77002-2066

Respectfully submitted,  
*David Schied*

1/19/16

Equally important is the FACT that time-stamped “Certificate of Service” shown as dated on 1/19/16 and time-stamped by the COA “clerk” Christopher Prine as “filed” on 1/21/16, included reference to “Exhibit D” being a “Transcript

of Recorded Phone Conversation Between Appellant David Schied and State of Texas' First Court of Appeals Clerk Christopher Prine on 12/1/15".

The above-referenced transcript of the phone conversation between Grievant/Crime Victim/Claimant David Schied and Clerk Christopher Prine on 12/1/15 is located on the Internet, as of the date of this writing, at:

[http://cases.michigan.constitutional.gov.us/david-schied/2014\\_SchiedvMerrittProbate+TexasCriminalAllegations/051215\\_TexCourtOfAppeals4District1/011716\\_WritErrorClerkFraudonClaimofAmendAppeal/Exhibits/Ex\\_D\\_TranscriptofPhone120115callwithPrine\\_all.pdf](http://cases.michigan.constitutional.gov.us/david-schied/2014_SchiedvMerrittProbate+TexasCriminalAllegations/051215_TexCourtOfAppeals4District1/011716_WritErrorClerkFraudonClaimofAmendAppeal/Exhibits/Ex_D_TranscriptofPhone120115callwithPrine_all.pdf)

Clearly, the Texas Court of Appeals did NOT want to accept the above-referenced transcript of a recorded conversation conducted between their court clerk and Grievant/Crime Victim/Claimant David Schied.

Similarly, they repeatedly ignored a transcript that Grievant/Crime Victim/Claimant David Schied had repeatedly proffered and sent to the Texas Court of Appeals to replace the transcript that the lower Probate Court Stan Stanart continually declined to furnish to the higher court, despite being Mr. Schied repeatedly requesting that it was to be furnish.

Essentially, there were two phone conversations with the “agents” of the lower Harris County Probate Court that were recorded by Grievant/Crime Victim/Claimant David Schied. The first was a formal “*phone hearing*” conducted on 12/19/14 in response to an “*Emergency Motion*” filed by Grievant/Crime Victim/Claimant David Schied in which the agent for the “STATE OF TEXAS”



and the Harris County probate court was “*judge*” Loyd Wright. The second conversation was a full year later on 12/1/15 when *Grievant/Crime Victim/Claimant* David Schied was still trying to dealing with the dereliction and obstinacy of the Texas Court of Appeals “*clerk*” Christopher Prine on numerous motions Mr. Schied had filed for correcting the lower “*probate/trial*” court record and to have the official court transcript of that 12/19/14 “*Emergency Motion*” hearing furnished to *Grievant/Crime Victim/Claimant* David Schied as well as to the higher court for review while “*on appeal.*”

The reason for lower “*probate court*” refusing to provide *Grievant/Crime Victim/Claimant* David Schied and the higher Court with a requested copy of the “*trial court’s*” own transcript of that 12/19/14 lower court proceeding, was because ***Grievant/Crime Victim/Claimant* David Schied was claiming (in 2015 and 2016) that transcript provided “*prima facie*” Evidence that the lower court “*judge*” Loyd Wright had subsequently ruled against his own earlier acknowledgements at the 12/19/17 hearing, proving that the entire lower court “*proceedings*” were constructed as a “*sham*” by a “*kangaroo*” court, to intentionally deprive *Grievant/Crime Victim/Claimant* David Schied of his constitutionally protected rights to due process, while acting merely *under color of law*. (Bold emphasis)**

As a matter of significance, the Texas COA did not want to acknowledge and accept the above-referenced transcript, as constructed from an audio recording created by *Grievant/Crime Victim/Claimant* David Schied to memorialize the event of the 12/19/14 hearing despite that Mr. Schied had submitted his transcript along with a formal “Affidavit of Truth” that effectually “*authenticat[ed] [the] accuracy of [the] audio transcript, crime report, and other documents proving ‘domestic terrorism’ being carried out throughout the court system operating in the State of Texas.*”

See the cover page for this above-referenced “Affidavit of Truth” as time-stamped by the Court of Appeals “*clerk*” Christopher Prine on 12/23/15 as located on the Internet, as of the date of this writing, at:

[http://cases.michigan.constitutionalgov.us/david-schied/2014\\_SchiedvMerrittProbate+TexasCriminalAllegations/051215\\_TexCourtOfAppeals4District1/011716\\_WritErrorClerkFraudonClaimofAmendAppeal/Exhibits/Ex\\_B\\_MemoAtLawAffidTruthCrimRptCertSvc.pdf](http://cases.michigan.constitutionalgov.us/david-schied/2014_SchiedvMerrittProbate+TexasCriminalAllegations/051215_TexCourtOfAppeals4District1/011716_WritErrorClerkFraudonClaimofAmendAppeal/Exhibits/Ex_B_MemoAtLawAffidTruthCrimRptCertSvc.pdf)

See the entirety of the content of the above-referenced “Affidavit of Truth” (as also time-stamped on 12/23/15), as located on the Internet, as of the date of this writing, at:

[http://cases.michigan.constitutionalgov.us/david-schied/2014\\_SchiedvMerrittProbate+TexasCriminalAllegations/TexCourtOfAppeals4District1/MyResp2Mot2Dismiss&BriefSupp&CrimeReport/Time-StampedCOADownload&MyTime-StampedCopies/AffidofTruthonDomesticTerrorism122315inDocket.pdf](http://cases.michigan.constitutionalgov.us/david-schied/2014_SchiedvMerrittProbate+TexasCriminalAllegations/TexCourtOfAppeals4District1/MyResp2Mot2Dismiss&BriefSupp&CrimeReport/Time-StampedCOADownload&MyTime-StampedCopies/AffidofTruthonDomesticTerrorism122315inDocket.pdf)

Note that the above-referenced link includes on the final page (p.98 of 98 pages) of the .PDF download, was captioned, “Statement in Report of State and Federal Crimes (CRIME REPORT)” that was “*sworn and subscribed to*” on 12/18/15 before a Michigan notary public. As any reasonable Internet search will show, the “*form*” used for submitting this “Crime Report” was constructed with the plain language usage standard for formal documents otherwise honored by the State of Texas on “*official*” documents. Yet it was not honored by either of the “Memorandum Opinion(s)” issued by the criminals operating as the “TEXAS COURT OF APPEALS”.

**The UNSIGNED “Memorandum Opinion” Authorized by the “Panel” of All Three “Justices” of Lloyd, Bland, and Brown on 3/3/16 Overlooked the FACT That a Crime Report Had Been Pending in the Texas Court of Appeals**

Not only did the named Texas “*justices*” and the “*clerk of the court*” disregard the above-referenced “Crime Report”, so too did all of the local Texas and federal law enforcement officials to whom these crimes were reported, despite that the “Crime Report” was sent out via email delivery to a plethora of fiduciary “*government*” functionaries named as:

- 1) Harris County District Attorney, Devon Anderson;
- 2) Harris County Sheriff, Ron Hickman;
- 3) Texas Attorney General, Ken Paxton;
- 4) Office of the FBI in Houston, Texas;

- 5) Office of the FBI in Washington, D.C.;
- 6) Supervisory Special Agent David Porter at the Office of the FBI in Detroit, Michigan;
- 7) Office of the United States Marshals

The 5-page “*cover letter*”, dated 12/21/15 and addressed to all of the above-referenced individuals, has been publicly posted on the Internet for over a full year as still located, as of the date of this writing, at:

[http://cases.michigan.constitutionalgov.us/david-schied/2014\\_SchiedvMerrittProbate+TexasCriminalAllegations/TexCourtOfAppeals4District1/MyResp2Mot2Dismiss&BriefSupp&CrimeReport/CrimeReporttoTX&USLawEnforcers.pdf](http://cases.michigan.constitutionalgov.us/david-schied/2014_SchiedvMerrittProbate+TexasCriminalAllegations/TexCourtOfAppeals4District1/MyResp2Mot2Dismiss&BriefSupp&CrimeReport/CrimeReporttoTX&USLawEnforcers.pdf)

The proof of proper emailing the above-referenced “*Crime Report*” to the above-referenced recipients along with the above-reference 5-page “*cover letter*” has also been publicly posted on the Internet for over a full year and still can be found, as of the date of this writing, at:

[http://cases.michigan.constitutionalgov.us/david-schied/2014\\_SchiedvMerrittProbate+TexasCriminalAllegations/TexCourtOfAppeals4District1/MyResp2Mot2Dismiss&BriefSupp&CrimeReport/Formal%20Crime%20Reports%20to%20State%20and%20Federal%20law%20enforcement%20agencies.pdf](http://cases.michigan.constitutionalgov.us/david-schied/2014_SchiedvMerrittProbate+TexasCriminalAllegations/TexCourtOfAppeals4District1/MyResp2Mot2Dismiss&BriefSupp&CrimeReport/Formal%20Crime%20Reports%20to%20State%20and%20Federal%20law%20enforcement%20agencies.pdf)

Importantly, instead of acknowledging that blatantly disregarding the report and evidence of crimes constitutes “*Misprision of Felony*” as dictated by 18 U.S.C. § 4, the author of the “***Memorandum Opinion***” dated on 3/3/16 for Case No. 01-16-00052-CV covered up for this CRIME by wrongly citing the U.S. Code as

**“81 U.S.C. § 4”** on the cover page of that document containing the four-word “*dismissal*” of this crime report as “[W]e deny the petition” without further address of the significance of that document. Note that as of the date of this writing, this “*Memorandum Opinion*” dated on 3/3/16 for Case No. 01-16-00052-CV, being captioned as the case of “*In Re David Schied*” and referenced as a “*petition for a writ of mandamus*” is found publicly posted on the Internet, as of the date of this writing, at:

[http://cases.michigan.constitutionalgov.us/david-schied/2014\\_SchiedvMerrittProbate+TexasCriminalAllegations/041717\\_WritofErrorCoramNobis/TXCOAfraudrulings/030316\\_FraudMemorandOpinion-1-unknownauthor.pdf](http://cases.michigan.constitutionalgov.us/david-schied/2014_SchiedvMerrittProbate+TexasCriminalAllegations/041717_WritofErrorCoramNobis/TXCOAfraudrulings/030316_FraudMemorandOpinion-1-unknownauthor.pdf)

Notably, the “*official*” court transcript of that 12/19/14, which was time-stamped as filed by Christopher Prine in the Texas Court of Appeals on 7/6/15 and served to replace the one submitted to the Texas COA by *Grievant/Crime Victim/Claimant* David Schied, is also publicly posted on the Internet as located, as of the date of this writing, at the following web-link:

[http://cases.michigan.constitutionalgov.us/david-schied/2014\\_SchiedvMerrittProbate+TexasCriminalAllegations/041717\\_WritofErrorCoramNobis/SupportDocs/121914\\_EmergHearingXscript-OfficialbyCOAPrine.pdf](http://cases.michigan.constitutionalgov.us/david-schied/2014_SchiedvMerrittProbate+TexasCriminalAllegations/041717_WritofErrorCoramNobis/SupportDocs/121914_EmergHearingXscript-OfficialbyCOAPrine.pdf)

Equally important is the FACT that the above-referenced “*Crime Report*”, “*12/19/15 Hearing Transcript*”, and other Evidence referenced by the “*Affidavit of Truth*” that was time-stamped and admitted into the “*appellant*”

record for what footnote of the 3/3/16 “Memorandum Opinion” depicted as “[t]he underlying proceeding [being] ‘*In the Estate of Michael Edward Schied, Deceased, Case No. 434875*’...” were INEXTRICABLY INTERTWINED, not only in establishing the basis for the underlying “*appeal*” of the “*ruling*” of “*dismissal*” by the lower “*Probate Court No. 1 of Harris County, Texas, the [Dishonorable] Loyd Wright presiding*”<sup>2</sup>, but ultimately in showing the “*patterns and practices*” of corrupt criminal racketeering behavior at play between the upper and lower Texas “*courts,*” their “*judges and justices,*” and their respective “*clerks of the court.*”

Those *patterns and practices* are further elaborated upon in the subsequent pages herein, beginning with the FACT that “*clerk*” Prine and the “*justices*” separated out the “Affidavit of Truth”, the “Crime Report”, and other *authenticated* documents such as the “*transcript*” that were submitted in the “*appeal*”, while cherry-picking what documents they would re-classify as being in any way connected with the “*appeal brief*”; while otherwise renaming and mischaracterizing a restricted number of those documents “*filed*” by *Grievant/Crime Victim/Claimant* David Schied as a mere “petition for writ of mandamus”.

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<sup>2</sup> See again the cover page for the 3/3/16 “Memorandum Opinion” published without author and “*per curiam*” indicating that it was published by “*unanimous decision*” of the “*tribunal panel*” of Lloyd, Bland, and Brown.

Therefore, as provided by the Evidence of the above, as well as additional Evidence available on “*the record*,” the “*Judgment*” (rendered 7/12/16) and the “*Memorandum Opinion*” issued on 3/3/16 are hereby “*vacated*” because of various substantive forms of “*fraud*” and gross omissions of the above-referenced significant facts in these “*rulings*”.

**The fraudulent “Judgment” rendered on 7/12/16, as Evidence of CRIMINAL conduct by Texas COA judicial usurpers Russell Lloyd, Jane Bland, and Harvey Brown, is located on the Internet as of the date of this writing at:**

[http://cases.michigan.constitutionalgov.us/david-schied/2014\\_SchiedvMerrittProbate+TexasCriminalAllegations/041717\\_WritofErrorCoramNobis/TXCOAfraudrulings/071216\\_FraudJudgment-UncoloredbyBlandBrownLloyd.pdf](http://cases.michigan.constitutionalgov.us/david-schied/2014_SchiedvMerrittProbate+TexasCriminalAllegations/041717_WritofErrorCoramNobis/TXCOAfraudrulings/071216_FraudJudgment-UncoloredbyBlandBrownLloyd.pdf)

**There Were Fraudulent Elements Contained in the “ORDER” Issued by “judicial usurper” Russell Lloyd, acting individually, on 3/1/16 and pertaining to Texas COA Case No. 01-16-00466-CV**

The “*court record*” for “*Appellate case number: 01-15-00466-CV*” should reflect an “ORDER” issued by Russell Lloyd, in his individual capacity, which effectively “*DENIED*” the purported “*motion*” filed by *Grievant/Crime Victim/Claimant* David Schied captioned as, according to Lloyd, “*Appellant’s Ex-Parte Writ of Error, Motion to Remove Clerk(s) (§ 51.203)*” and accompanying “*Motion to Correct the Record*”. Notably, Lloyd furnished no reasoning

whatsoever to support his outright “*denial*” of these important items and their related Evidence relative to the case. When considering the Statements and Evidence inherent within those documents however, it is clear that Lloyd’s “*reasoning*” was to criminally cover-up the *treasonous* acts of his fellow State BAR of Texas members as attorneys and the lower probate court “*judge*” in Harris County by the name of Loyd Wright.

Incidentally, the “Order” published by Russell Lloyd, purportedly “*acting individually*” which was dated on 3/1/16, is posted publicly on the Internet, as of the date of this writing, at:

[http://cases.michigan.constitutionalgov.us/david-schied/2014\\_SchiedvMerrittProbate+TexasCriminalAllegations/041717\\_WritofErrorCoramNobis/TXCOAfraudrulings/030116\\_FraudOrderofRussellLloyd.pdf](http://cases.michigan.constitutionalgov.us/david-schied/2014_SchiedvMerrittProbate+TexasCriminalAllegations/041717_WritofErrorCoramNobis/TXCOAfraudrulings/030116_FraudOrderofRussellLloyd.pdf)

As an incriminating “*point of fact*” when listing these items filed by Grievant/Crime Victim/Claimant David Schied, the alleged “*domestic terrorist*” – Russell Lloyd – intentionally withheld from the “*official*” ruling, the true name of the so-called “*Motion to Correct the Record*” which was otherwise significantly time-stamped as “*filed*” – as portrayed graphically above in this instant “*Writ of Error Coram Nobis...*” – with the captioning as follows:

**“*Motion to Correct the Record’ Against Texas Court of Appeals Clerk Christopher Prine’s and Harris County Clerk Stan Stanart’s Gross Violations of Oath and Bond in Deliberate Maintaining Erroneous Court Records in Violation of Texas Government Code 51.204 and TRAP 34.5*”**



Actually, all of the actions related to the above-referenced “*motion*” that was time-stamped by the Texas COA “*clerk*” Christopher Prine as “*filed*” by *Grievant/Crime Victim/Claimant* David Schied on 1/21/15 were, again, “*inextricably intertwined*”, meaning that each “*cause*” and “*action item*” listed in the filing built upon, supported, and gave meaning to one another. (Bold emphasis) The “*pattern and practice*” used by the alleged “*domestic terrorist*” Russell Lloyd was to separate out each of these items and then to summarily dismiss them without any stated reasoning whatsoever; but simply by the unconstitutional abuse of his own corrupt “*discretion*”.

The actual basis and stated “*reasoning*” for *Grievant/Crime Victim/Claimant* David Schied having filed these “*causes of action*” to begin with is best depicted by incorporating the content of those sections of that filing herein, as cited below in graphic excerpts directly from that filing.

(See the graphic images of the relevant pages of that previous Texas COA filing by *Grievant/Crime Victim/Claimant* David Schied beginning on the next page)

**INTERESTED PARTY APPELLANT / PRINCIPAL CO-HEIR DAVID SCHIED'S**  
**"EX-PARTE 'WRIT OF ERROR'" AGAINST CLERK OF THE COURT**  
**CHRISTOPHER PRINE'S FRAUDULENT ENTRY ON 12/23/15 OF**  
**"GRIEVANT DAVID SCHIED'S 'RESPONSE IN OPPOSITION AND DENIAL TO**  
**JANETTE SMITH'S AND ROBIN APOSTOLAKIS' 'MOTION TO DISMISS'**  
**BASED UPON CRIMINAL FRAUD UPON THE LOWER COURT AND THE**  
**TEXAS COURT OF APPEALS...."** AS BEING AN **"AMENDED BRIEF FILED"**  
**UNDERScores PRINE'S VIOLATION OF TRAP RULE 34**

Grievant David Schied herein submits his formal "*Writ of Error*" based upon the reasons cited below. In short, this "*writ*" is being written based upon the actions of "*Clerk of the Court*" Christopher Prine, who according to Texas Government Code, Chapter 51 § 201 and/or § 302 has sworn, subscribed to, and formally submitted his written Oath to support and uphold the Constitution of and for the United States of America, and posted a bond as surety as required by law.

**Grievant hereby accepts such Oath for value and makes claim upon that bond for the reasons cited below.**

On 12/23/15, Christopher Prine intentionally issued an erroneous entry into the Appellate docketing record, officially mislabeling and officially misconstruing the actual documents filed as an "*Amended Brief*" on an "*Interlocutory*" case now on Appeal. The actual documents that were filed are twofold and captioned as follows: (See **EXHIBIT A** as time-stamped cover pages of these documents)

- 1) *Grievant David Schied's "Response in Opposition and Denial" to "Janette Smith's and Robin Apostolakis' Motion to Dismiss" Based Upon Criminal Fraud Upon the Lower Court and the Texas Court of Appeals and Refusal of Either Court to Properly Respond to Interlocutory and Final Judgment Appeals or to Even Honore Previous Notices and Requests for Designation of Additional*

Item(s) to Be Included in the Official Court Record or to Correct Documented Inaccuracies in the Trial Court 'Docketing' Records";

- 2) Grievant David Schied's '**Brief in Support of Response in Opposition and Denial**' to "Janette Smith's and Robin Apostolakis' 'Motion to Dismiss'" Based Upon Criminal Fraud Upon the Lower Court and the Texas Court of Appeals and Refusal of Either Court to Properly Respond to Interlocutory and Final Judgment Appeals or to Even Honor Previous Notices and Requests for Designation of Additional Item(s) to Be Included in the Official Court Record or to Correct Documented Inaccuracies in the Trial Court 'Docketing' Records";

As shown by "**EXHIBIT B,**" the above-listed documents were also to have been filed with the Texas Court of Appeals along with the following additional documents, as shown by the time-stamped cover pages and "Certificate of Service" for the following:

- 3) Grievant David Schied's 'Memorandum of Law' in Support of Grievant's Previously Filed 'Interlocutory Appeal' and 'Appeal' With Questions of Law Pertaining to Whether Judicial Independence Authorizes 'Bad' Behavior; and Whether 'Substantive' Evidence Can Be 'Procedurally' Stricken; and Whether Evidence of a 'Pattern & Practice' of Government Coercion Constitutes Treason and/or Domestic Terrorism";
- 4) "Affidavit of Truth Authenticating Accuracy of Audio Transcript, Crime Report, and Other Documents Proving 'Domestic Terrorism' Being Carried Out Through the Court System Operating in the State of Texas ;"
- 5) Sworn and notarized "Statement in Report of State and Federal Crimes" ("Crime Report") dated 12/18/15;
- 6) "Certificate of Service" on all of the above.

The Evidence demonstrating that Christopher Prine fraudulently entered any one or more of the above documents into the Texas Court of Appeals docketing record as wrongfully being an "Amended Brief" is twofold, as both found in Prine's mailed notice to Grievant David Schied that is shown to be not mailed to Grievant until 1/5/16; and as found in the first two pages of the downloaded docketing sheet. (See "**EXHIBIT C**" as both the notice and docket pages.)

From the Evidence provided, it is clear that Christopher Prine had full knowledge of the above when constructing a fraudulent record in claim that Grievant/Appellant David Schied had filed an “amended brief” when that was clearly not the case. **Grievant therefore accepts the Oath of Christopher Prine for value and makes claim upon his bond for the same reasons cited above as evidence of his working tortuously to deprive Grievant of his natural rights in Texas Law, in Common Law, and under the federal Statutes at Large.**

**THE EVIDENCE SHOWS CLERK CHRIS PRINE DEFRAUDED THIS TEXAS COURT OF APPEALS TO COVER UP FOR HIS PREVIOUS CONSPIRACY WITH APPELLEES TO DEPRIVE GRIEVANT SCHIED OF HIS RIGHTS THROUGH A PREVIOUS CONSTRUCT OF A FRAUDULENT COURT RECORD WHICH REFLECTED PRINE’S OWN CHANGE OF A JUDICIAL COURT ORDER DATED 6/23/15 TO UNLAWFULLY ALLOW APPELLEES MORE TIME TO FILE THEIR RESPECTIVE “BRIEF(S) ON APPEAL” BY APPLYING UNLAWFUL FORCE AGAINST GRIEVANT / APPELLANT DAVID SCHIED**

As noted in the time-stamp affixed to Grievant’s filing on Grievant Schied’s recent 12/23/15 filing of “Affidavit of Truth Authenticating Accuracy of Audio Transcript, Crime Report, and Other Documents Proving ‘Domestic Terrorism’ Being Carried Out Through the Court System Operating in the State of Texas” contained reference to a transcript made of Grievant’s recorded phone conversation with Christopher Prine, in which Prine had first notified Grievant Schied his having filed a Court of Appeals “Sue Sponte Order” – **which otherwise availed**



**discretion to Grievant as to when he “may” file an “*Amended Brief*”** – which *fraudulently* was entered by Prine and/or his *agents* on 6/23/15 into the docketing record as a **mandate** from the judge for Grievant Schied to submit an “*Amended Brief*” on 8/5/15. (See again the docket entries for the 6/23/15 “*sue sponte order*” and for the 8/5/15 fraudulent “*due date*” for “*amended brief*.”)

The specific lines of page 12 that “*Transcript of Recorded Phone Conversation Between Appellant David Schied and State of Texas’ First Court of Appeals Clerk Christopher Prine on 12/1/15*” demonstrate and clarify the nature of Prine’s “*fraud upon the Court*” as well as his fraud upon Grievant/Appellant David Schied. (See **“EXHIBIT D”** as the entirety of that transcript of the 12/1/15 telephone conversation, as also entered into the Court of Record as “*Exhibit #13*” of Grievant’s previously-filed “*Brief of Support of Response in Opposition and Denial...*” shown above time-stamped on 12/23/15.)

The FACT of the matter is what Prine clearly stated during that phone conversation as follows in direct quote submitted to this Court under “*Affidavit of Truth*”:

Chris Prine: Yeah. There was an order entered June 23<sup>rd</sup> that **you needed to file an Amended Brief** once the court reporter’s record was filed. I don’t show that you filed that Amended Brief. So the parties aren’t going to respond until you file that Amended Brief.

David: Is there a reason why I have to um...**if I’ve already filed a brief, why would I have to file an Amended Brief if nothing’s changed?**

Chris: **You need to let us know you’re not going to.**

David: Well, would the fact that I just don't...I have to let you know...I must let you know that...that I'm not filing an Amended Brief?

Chris: **I'm reading the order, it says... 'If appropriate (unintelligible, sounds like "subject") may file an Amended Brief...'** (keeps on reading so unintelligible)...

David: **If appropriate 'may'**...did I just...excuse me...I...I'd just like to stop you because I don't have that 'order' right here in front of me. I could take about fifteen minutes to...

Chris: **I'm going to have to ask that we stop the conversation here.** You're going to have to read everything we sent you 'cause...(unintelligible as he continued talking as David interrupted)

David: **Didn't you just say 'may'? Didn't you just say 'may'?**

Chris: (unintelligible as he continued talking)

David: If you're reading something...

Chris: Sir, hold on.

David: Yeah

Chris: Sir, stop for a second. Stop. The final paragraph says Appellees' brief, if any, will be no later than thirty days after the filing of Appellant's Amended Brief. **So if we don't know you're not gonna' file one, their no...then their brief is not due. So their brief's not due unless you say, "I'm not gonna' file an amended brief." Cause the order said...that theirs' was due thirty days after you DO file one. It didn't say you don't have to.** You can...you know...you would think something in the recorder's record or some of these other records you're looking for would be necessary for you prevail on appeal. So the thing that you filed looking for more records, it seems that you would want to amend you brief to include those...unless they're filed with the court. Then maybe not. They're not...(unintelligible five syllables).

**(Bold and/or underlined emphasis added)**

As shown above in excerpt from the transcript submitted already to the Court of Appeals by sworn Affidavit in truthfulness of accuracy of the recorded telephone conversation, Prine has construed – and by implication of action of

unilaterally setting a “*due date for Appellee briefs*” of January 19<sup>th</sup>, 2016 when the judicial *Order* (“**EXHIBIT #E**”) of the Court of Appeals judge Russell Lloyd otherwise stated clearly indicated that “*if necessary and appropriate, appellant may file an amended appellant’s brief without leave of the court no later than 30 days after the court reporter files the reporter’s record with this Court...*”

**Based upon the above actions by Russell Lloyd – acting individually – ONLY one clear conclusion can only be drawn about Grievant David Schied: Either Mr. Schied believed there to be no need whatsoever to file an “*amended brief*” or Mr. Schied was of the position that the lower court “*reporter’s record*” was still not complete; or both. (Bold emphasis added)**

By contrast, ONLY one clear conclusion can be drawn about the acts of Christopher Prine – given the Evidence – on behalf of the Texas Court of Appeals: **a) Either Christopher Prine was abusing his position as “*Clerk of the Court of Appeals*” by engaging in ex-parte communications with attorneys for the appellees and committing fraud upon the court to punish Grievant / Appellant David Schied for Mr. Schied for formally accusing the lower court clerk Stan Stanart of maintaining inaccurate, deceptive or otherwise fraudulent lower court docketing records; or, b) Christopher Prine was abusing his position as “*Clerk of the Court of Appeals*” to continually deny Grievant / Appellant David Schied his right to have that lower court record – to also include the**

court reporter's record – finally cleaned up, corrected and be made complete before going on review by the judicial tribunal of the Texas Court of Appeals; or c) both. (See **“EXHIBIT #F”** as a sworn and notarized crime report as submitted to the Harris County Prosecutor, the FBI, and to U.S. Marshals as also received by Prine just prior to his committing yet another criminal act of FRAUD upon this Court of Appeals.)

**CLERK PRINE'S ARBITRARY AND CAPRICIOUS “DECISION” THAT APPELLEES’ “BRIEF IS DUE ON 1/29/16” SHOULD BE STRICKEN; AND GRIEVANT/APPELLANT DAVID SCHIED SHOULD BE GRANTED HIS APPEAL BY “DEFAULT” FOR FAILURE OF APPELLEES TO FILE ANY BRIEFS WHATSOEVER (EXCEPT A FRAUDULENT “MOTION TO DISMISS”); BECAUSE, ACCORDING TO PRINE'S OWN (FRAUDULENT) DOCKETING RECORD, APPELLEES’ BRIEFS WERE DUE WITHIN 30-DAYS AFTER 8/5/15**

Though Grievant/Appellant Schied remains of the position that the near entirety of the lower court record is tainted and fraudulent, and that Christopher Prine's actions has ensured that the Texas Court of Appeals' ("COA") records are also tainted and fraudulent, those COA docketing records themselves reflect that Appellees have defaulted and waived their right to file their "*brief on appeal*" within a reasonable period following the "due date" for which – "**IF**" Grievant were to file an amended appeal – that "*amended appeal*" was due on 8/5/15, a full year after the decedent MICHAEL EDWARD SCHIED had died and left his unencumbered "*estate*" – being principally his financial accounts and home – to



be equally split between Grievant/Appellant David Schied and co-Appellee Janette Smith.

Clearly, it is Prine's position – an *arbitrary and capricious* position upon which he has taken clear action to strongly prejudice Grievant's legal position – that the Appellees, as greedy and corrupted attorneys, be given an ADDITIONAL 5 FULL MONTHS in which to construct and file their responsive “*brief on appeal.*” **Having done so using “*color of law and/or procedure*” to undermine Grievant's substantive rights to due process is not only a federal constitutional violation (42 U.S.C. §1983) but also a felony federal criminal offense (18 U.S.C. §242). Were the COA judge Russell Loyd – acting in his *individual* capacity – be also implicated by this criminal offense, it would also constitute a “*conspiracy to deprive of rights under color of law*” (18 U.S.C. §241). (Bold emphasis added)**

**BOTH THE LOWER COURT RECORDS AND THE TEXAS COA RECORDS REFLECT THAT GRIEVANT/APPELLANT DAVID SCHIED HAS GONE TO AN EXTREME IN ATTEMPT TO FIND “JUSTICE” IN A SIMPLE CASE THAT SHOULD HAVE NEVER BEEN IN PROBATE EXCEPT BY “MUNIMENT OF TITLE” – ONLY FOR GRIEVANT SCHIED TO FIND INSTEAD CRIMINAL CORRUPTION OF JUDGE LOYD WRIGHT, “FRAUD” PERPETRATED BY APPELLEE ROBIN APOSTOLAKIS’ CLAIM THAT THE “WILL IS INVALID AND UNENFORCEABLE,” AND HER CO-APPELLEES, ATTORNEY DAVID MUNSON AND MICHAEL AND WYNDE MERRITT, UNDERMINING DUE PROCESS SO TO “MILK” THE “ESTATE” FOR ALL THAT IT WAS WORTH**

From the very beginning up to this point in “*litigation*,” Grievant/Appellant has meticulously documented the actions of the co-Appellees, the lower court judge and clerk of the court, and now the clerk of the Texas Court of Appeals. Moreover, Grievant/Appellant David Schied’s documentation – as submitted to the Court at each stage of activity – has shown that at every point in the only system available that is designed for due process of law, attorneys, judges, and clerks have used each step in that process as their opportunity to undermine that process and to commit criminal offenses against Grievant Schied, using the force of “*color of law*.” **This constitutes DOMESTIC TERRORISM by definition.**

28 U.S.C. §2331 is the federal code that defines “*domestic terrorism*” in relevant part as follows:

***(5) the term “domestic terrorism” means activities that — (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;***

As demonstrated in the transcript of the recorded phone conversation from 12/1/15 found as “Exhibit D,” Texas COA “clerk” Christopher Prine acknowledged his having received and retained copies of Grievant/Appellant’s filings of the following documents by which he has otherwise directed no action to be taken, in violation of Grievant’s substantive rights to have a “correction of the record on appeal”:

- 1) *“Petition for ‘Designation of Additional Items’ and for Correcting Dates of ‘Filing’ and Document Captions;”*
- 2) *“Petition in ‘Motion and Affidavit of Notice of Incorrect Record’ and ‘Need to Correct by Addition of Names David Munson and Robin Apostolakis as Co-Appellees.’”*

(See “EXHIBIT G” for time-stamped cover pages of the above documents.)

As shown by “Exhibit D,” when entering into a discussion about the above-two filings, and when asked to supply any rational reason why the Texas Court of Appeals had not taken any action upon the content of these two “Petitions” not only filed with but ADDRESSED TO the Texas Court of Appeals (as shown on the face of these documents), Christopher Prine had nothing to say other than to claim (i.e., see p. 9 of “Exhibit D”) that “You have to file in the trial court...”

As also shown by that continuing phone discussion (i.e., see again p. 9 of “Exhibit D”), when Grievant Schied asked, “Is there a reason why you did not notify me that or return my filings and with that notice?” Christopher Prine replied, “It’s not unusual...for a party to file a copy with us.” Yet as shown by the phone



discussion, even after Grievant/Appellant Schied had notified Prine (i.e., see p. 11 of **“Exhibit D”**), “Well, see I’ve already taken all of those steps...” all Prine did was to sidestep the issue by stating, “I don’t know if you have or not.”

Herein, Grievant/Appellant provides the Evidence in **“EXHIBIT H”** showing that Grievant Schied tried to resolve the issue of erroneous recordkeeping and the need for “*additional items*” to be added to the lower court record before that erroneous was ever sent over to the Texas COA, and with neither the lower court nor the lower court “clerk” Stan Stanart ever responding to that “*Notice*” and “*Request*.”

Herein, Grievant/Appellant provides the Evidence in **“EXHIBIT I”** that just one month later the COA “clerk” Christopher Prine exhibited the very same “*pattern and practice*” of tyrannical behavior of grossly disregarding the FACT that Grievant had notified him about all of the above and more in a letter dated 6/5/15 that Grievant sent via certified mail and had time-stamped in proof of Prine’s receipt of that communication.

Significantly, the pages of **“Exhibit I”** clearly show that Grievant was very specific about what had transpired at the lower “*probate court*” between the “clerk” Stan Stanart and the “judge” Loyd Wright. Those specifics include the following as provided by page number (of **“Exhibit I”**) and sub-section captions as

found in Grievant's 6/5/15 letter to Prine which Prine's office time-stamped on his behalf on 6/11/15:

- 1) *"Your (Chris Prine) letter dated May 21, 2015 indicates that the Appeals court believes that the 'trial court signed the final judgment or other appealable order on April 7, 2015' is the only 'order' on appeal; and importantly, fails to acknowledge clear notice that I provided in my 'Notice of Appeal...' filing that there are numerous other 'applicable order(s)' that were also constructively 'denied' by the lower court judge under Rule 21.8 ("Failure to Rule") which I had listed on pp.3-4 of that 9-page 'Notice of Appeal...' (See bottom half of p.2 of **"Exhibit I"** in bold)*
- 2) *"Your (Chris Prine) letter dated May 21, 2015 (bottom of p.2) states that I (as 'appellant') 'should inform the Court as soon as possible if...there is disagreement about...the date the trial court signed the final judgment or appealable order...' Note that because of the manner in which the 'appealable order(s) listed in 'C' above were constructively denied by the judge under Rule 21.8 ("Failure to Rule") there may be some disagreement with opposing parties about the exact dates by which each one of the listed UNSIGNED 'order(s) of' DENIAL were actually 'executed'..." (See top quarter of p.3 in bold of **"Exhibit I"**)*
- 3) *"Your (Chris Prine) letter dated May 21, 2015 (bottom of p.2) states that I also should inform you whether was a 'request for findings of fact and conclusions of law [that] was timely filed in the trial court.' NOTE: By this instant letter, I hereby notify you (as 'clerk of the court') that, as shown by 'Exhibit #5' above, on 3/18/15 just such a 'request for findings of fact and conclusions of law [that] was timely filed in the trial court' was filed by way of my filing of the following captioned documents: (See again 'Exhibit #5' for time-stamped cover page for) **'Motion for Interlocutory Appeal on Questions of Law' Pertaining to Actions of Harris County Probate Court Judge Loyd Wright and His 'Agents' Against Interested Party Plaintiff/Co-Heir David Schied in Diversity Case With Evidence of Denial of Court Access and the Appearance of Prejudicial Bias and Due Process Violations Against 'Pauperis' Litigant Without Attorney'** as served upon all other parties on 3/16/15 but which was never 'answered' by any of the parties or the judge." (See middle of p.3 in bold of **"Exhibit I"**)*
- 4) *"Your (Chris Prine) letter dated May 21, 2015 (paragraph 2 of p.3) indicates that 'a party may request to supplement the record with an*

*item,' which I have done as demonstrated by the time-stamped (5/12/15) 'Notice of Appeal' (see 'Exhibit #6') which was served on all other parties on 4/30/15 and time-stamped as received by the trial court on 5/12/15. Notably, none of the parties has responded to my accompanying filing of 'Request for Designation of Additional Items(s) to Be Included in the Official Court Record,' and similarly, there has been no address of this 'request' by the lower ('trial') Court." (See bottom quarter of p.3 in bold of **"Exhibit I"**)*

- 5) *"Your (Chris Prine) letter dated May 21, 2015 does not in any way address the 'Notice of Inaccuracies in the Trial Court 'Docketing' Record in Need to Correct Dates of 'Filing' and Document Captions'"... (See bottom quarter of p.4 in bold of **"Exhibit I"**)*
- 6) *"Your (Chris Prine) letter dated May 21, 2015 does not in any way address the actual number of 'Defendants' that were actually named early on in this case as 'Defendants' being: 1) Michael Merritt; 2) Janette Smith; 3) Wynde Merritt; 4) Robin Apostolakis; and, 5) David Munson...." (See bottom of p.4 in bold of **"Exhibit I"**)*

As an added matter of significance, despite having all of the above and continuing in dereliction of his duty to act upon this information, despite time-stamping the receipt of this very important information written in response to Prine's earlier correspondence requesting specific information about the documents filed in the lower court (i.e., to ensure that the COA's "*record on appeal*" is accurate and complete), Christopher Prine deceptively entered Grievant's correspondence into the COA's "*docketing record*" as merely a "*letter filed*" by "*Appellant*".

Hence, the above demonstrates that not only is Christopher Prine acting tortuously in usurping the power and authority of his office as "*clerk*" to deprive Grievant of his due process rights, he is doing so with clear motivation to



criminally “*aid and abet*” his peer group of attorneys David Munson and Robin Apostolakis in their ongoing state crime of “*simulating legal process*” (Texas Penal Code §32.48) and their federal crimes of “*fraud upon the court,*” “*obstruction of justice,*” and “*conspiracy to deprive of rights under color of law.*”

**THE “PRIMA FACIE” VIOLATIONS OF “CLERICAL USURPER” CHRISTOPHER PRINE BEAR NO OFFICIAL “SEAL” OF THE COURT; DEMONSTRATING “NO PROCESS” AS OTHERWISE REQUIRED BY GOVERNMENT CODES AND BY TX. RULES OF APPELLATE PROC.**

A. **The “acts” of Christopher Prine bears no “Seal of the Court,”** as required under Texas Rules of Appellate Procedure 15.1(a) and Chapter 51 of Texas Government Codes.

It is clear by the Evidence submitted herein that by entering information into the Texas Court of Appeals’ records that **substantively changed** the judge Russell Lloyd’s “*Order*” from making it an *option* for Grievant Schied to file an “*amended brief*” to making that a requirement encumbering to Grievant, being a stipulation that *punishes* Grievant for merely electing not to file an amended brief as provided by Russell Lloyd’s “*order,*” **Christopher Prine has unlawfully usurped power not otherwise provided to him by “We, The People” of the Texas republic.**

(Bold emphasis added)

Besides the obvious signs of such criminal usurpation of power by Prine as depicted above Statement as supported by the Evidence, there are other giveaways

in Evidence of such usurpation by violations of Texas Government Codes and the Texas Rules of Appellate Procedure. For instance,

Government Code 51.201 (“*Clerks of the Court of Appeals – Appointment; Residence; Bond; Seal*”) states, “(d) Each clerk shall provide a seal for the use of the court. The seal must have a fivepointed star and must be engraved with the words “Court of Appeals of the State of Texas.”

§ 51.301 (“*Vacancy; Bond; Seal; Signature of Clerk*”) states, “(c) An appointee to fill a vacancy in the office of district clerk must qualify and give a bond. The seal shall be impressed on all process issued by the court except subpoenas and shall be kept and used by the clerk to authenticate official acts. The seal may be created using an electronic means, including by using an optical disk or another electronic reproduction technique, if the means by which the seal is impressed on an original document created using the same type of electronic means does not allow for changes, additions, or deletions to be made to the document. (e) The signature of the district clerk may be affixed on an original document using electronic means, provided that the means by which the signature is affixed meets the requirements of Subsection (d) with respect to creating a seal by electronic means.”

§ 51.502 (“*SEAL*”) states, “A joint clerk performing the duties of the district clerk and the county clerk shall use the district court seal to authenticate official acts for the district court and the county court seal to authenticate official acts for the county court.”

Texas Rules of Appellate Procedure 15.1(a) states, “A writ or process issuing from an appellate court must bear the court's seal and be signed by the clerk.”

**THE “PRIMA FACIE” VIOLATIONS OF “CLERICAL USURPER” CHRISTOPHER PRINE BEAR NO OFFICIAL “NOTICE OF ELECTRONIC FILING” OR “NOTICE OF DOCKET ACTIVITY” AS AUTHENTICATION INSTRUMENTS FOR PRINE’S SUPERSEDING “DIRECTIVE” TO GRIEVANT ON BEHALF OF “THE COURT” REQUIRING GRIEVANT TO FILE AN “AMENDED BRIEF” WHEN JUDGE RUSSELL LLOYD’S “ORDER” OTHERWISE MADE IT APPELLANT SCHIED’S OPTION TO FILE AN “AMENDED BRIEF”**

The “clerical usurper” Christopher Prine is well aware that Grievant /Appellant is operating in diversity from Michigan, is operating exclusively by



mail, and otherwise has no access to the electronic filing system being maintained *by and/or as or on behalf of* “the Court.” Therefore, it is incumbent upon Prine to provide Grievant Schied with independent Evidence by mail that the actions he is carrying out on the Docket Activity be authentically proven. Yet he has failed to do so.

Texas Government Code Sec. 51.804 (COMPLETION OF ELECTRONIC FILING) states, “*To complete an electronic filing: (1) the person filing an instrument with the district or county clerk or the clerk of a court of appeals must transmit the instrument electronically; (2) the receiving station must transmit acknowledgment to the sending party by encoding electronic receipt of the transmission; (3) the sending station must encode validation of the encoded receipt as correct; and (4) the receiving station must respond by encoded transcription into the computer system that validation has occurred and that the electronic transmission has been completed.*”

Thus, the State of Texas acknowledges the need for the “*sending station*” to have an “*encode validation*” and “*encoded receipt*” that authenticates and validates electronic activity on the docketing record. Further, the signature of electronic transmissions of docketing activity must bear a signature in numerical form.

Sec. 51.806. (SIGNATURE ON ORIGINAL) states, “*(a) If the supreme court determines that each document filed by electronic transmission must be signed in the original, that requirement is satisfied if the sending station at the point of origin maintains a hard copy with the original signature affixed that, on order of the court, shall be filed in original hard copy medium. The electronic transmission of the data to be filed must bear a facsimile or printing of the required signature. The signature may be represented in numerical form. The electronically reproduced document must bear a copy of the signature or its representation in numerical form.*”

The federal courts employ a similar system for Grievant/Appellant’s area of this nation, the Court of Appeals for the Sixth Circuit, as found in the Sixth Circuit

Court's own Rules and the Sixth Circuit Guide to Electronic Filing (Sections 9, 10, and 13) which altogether state that:

- 1) **9.1** – “*The electronic transmission of a document, together with transmission of the NDA (a.k.a. “Notice of Docket Activity”) from the court, in accordance with the policies, procedures, and rules adopted by the court, constitutes the filing of the document under the Federal Rules of Appellate Procedure and constitutes the entry of that document onto the official docket of the court maintained by the clerk pursuant to Fed. R. App. P. 45(b)(1).*”
- 2) **9.2** – “*A document submitted electronically is deemed to have been filed on the date and at the time indicated in the system-generated NDA.*”
- 3) **10.2** – “*Any order, opinion, judgment, or other court-issued document filed electronically without the signature of the judge, clerk, or authorized deputy clerk has the same effect as if the judge or clerk had signed a paper copy of the filing.*”
- 4) **13.1** – “*An electronically filed document is deemed filed upon completion of the transmission and issuance by the court's system of an NDA.*”

Therefore, **there is Evidence of gross negligence, dereliction of duty, and malfeasance of the Clerk of the Court in failing to send proofs of completed transmissions about docketing activity, and failing to properly notify and authenticate such activity to Grievant / Appellant Schied about his superseding “directive” changing Judge Russell Lloyd’s stipulation of “may file an amended brief by 8/5/15” on appeal to “need to file an amended brief or the Appellees do not have to file indefinitely and into perpetuity.”**

Such failures have caused Grievant not to even become aware of such activity until 12/1/15 when Grievant himself took proactive steps to contact Christopher Prine directly by phone to discover (as shown by the “certified authentic” phone transcript as **“Exhibit D”**) that “clerk” Prine had committed

FRAUD upon this Texas Court of Appeals as the official Court of Record, by Prine's intentional refusal to obey the DUTY to provide Grievant with proof of the following:

- a) Any proof that his own personal and/or official "*directive*" (i.e., that Grievant "needed" to file an "*amended brief*" in overruling the judge's stipulation of "may" file an amended brief) was actually electronically "filed" (implying his actions was in accordance with authorized Texas Supreme Court electronic filing procedures and TRAP).
- b) Any actual proof of "*electronic filing*" of the "Directive" document by evidence of the required "*transmission of the NDA*" of the Court;
- c) Any "Certificate of Service" for the actual "*date and time*" of the electronic filing of Prine's "Directive" to Grievant that he "needed" to file an "*amended brief*". (Note that The Sixth Circuit Court's **[Rule 25(f)(2)]** and the *Sixth Circuit Guide to Electronic Filing (Section 10.1)* makes clear that, "*A certificate of service is required for all documents;*" and, "*[T]he Notice of Docket Activity generated by the ECF system does not replace the certificate of service required by Fed. R. App. P. 25.*"
- d) Any actual verification that the signature of the Clerk of the Court was authentic, or that the electronic filing – whether filed with or without a



signature – was somehow validated as authentic, such as by “checksum strings” (a.k.a. “electronic document stamp”);

**THE “PRIMA FACIE” VIOLATIONS OF “CLERICAL USURPER” CHRISTOPHER PRINE BEAR NO OFFICIAL SIGN OF COMPLIANCE WITH GOVERNMENT CODE § 51.901 REQUIRING ACTION ON THE PART OF THE “CLERK OF THE COURT” UPON “REASONABLE BASIS” AND “GOOD FAITH” THAT A DOCUMENT, RECORDING, “DIRECTIVE,” OR OTHER PROCESS IS FRAUDULENT**

**Texas Government Code (Subchapter J: “Certain Fraudulent Records or**

**Documents”) makes clear the following:**

Sec. 51.901. FRAUDULENT DOCUMENT OR INSTRUMENT. (a) *If a clerk of the supreme court, clerk of the court of criminal appeals, clerk of a court of appeals, district clerk, county clerk, district and county clerk, or municipal clerk has a reasonable basis to believe in good faith that a document or instrument previously filed or recorded or offered or submitted for filing or for filing and recording is fraudulent, the clerk shall:*

- (1) *if the document is a purported judgment or other document purporting to memorialize or evidence an act, an order, a **directive**, or process of a purported court, provide written notice of the filing, recording, or submission for filing or for filing and recording to the stated or last known address of the person against whom the purported judgment, act, order, **directive**, or process is rendered;*
  - (2) (b) *A clerk shall provide written notice under Subsection (a): (1) not later than the second business day after the date that the document or instrument is offered or submitted for filing or for filing and recording; or (2) if the document or instrument has been previously filed or recorded, not later than the second business day after the date that the clerk becomes aware that the document or instrument may be fraudulent.*
- (c) *For purposes of this section, a document or instrument is presumed to be fraudulent if:*
- (1) *the document is a purported judgment or other document purporting to memorialize or evidence an act, an order, a **directive** or process of:*
    - (A) *a purported court or a purported judicial entity not expressly created or established under the constitution or the laws of this state or of the United States; or*
    - (B) *a purported judicial officer of a purported court or purported judicial entity described by Paragraph (A);*

(2) *the document or instrument purports to create a lien or assert a claim against real or personal property or an interest in real or personal property and:*

*(A) is not a document or instrument provided for by the constitution or laws of this state or of the United States;*

*(B) is not created by implied or express consent or agreement of the obligor, debtor, or the owner of the real or personal property or an interest in the real or personal property, if required under the laws of this state, or by implied or express consent or agreement of an agent, fiduciary, or other representative of that person;*

*(d) If a county clerk believes in good faith that a document filed with the county clerk to create a lien is fraudulent, the clerk shall: (1) request the assistance of the county or district attorney to determine whether the document is fraudulent before filing or recording the document;*

**The “directives” issued by Christopher Prine, both being in the gross error and omission to notify Grievant/Appellant David Schied about them until 12/1/15 include the following:**

- 1) Christopher Prine’s undated and undocumented (except by Grievant’s submission of **“Exhibit D”** as a transcript of a telephone recording) initial **“directive”** – that superseded the judge’s previous **“order”** otherwise giving discretion to Grievant as to whether or not to file a **“amended brief”** by 8/5/15 and giving Appellees 30-days after that in which to file their **“brief on appeal”** – mandating that Grievant / Appellant file an **“amended brief”** and giving Appellees unlimited time in which to file their responsive **“brief on appeal”** as predicated upon whatever date Appellant might file his **“amended brief.”**
- 2) Christopher Prine’s 1/5/16 **“directive”** to the Appellees as found in the first page of **“Exhibit C”** as the postcard notice postmarked as sent by the



Texas Court of Appeals on 1/5/16 notifying parties that Christopher Prine is personally providing Appellees until 1/29/16 in which to file their “*brief(s) on appeal.*”

**CLERK PRINE’S “DIRECTIVES” WERE IN GROSS DISREGARD OF THE SUBSTANTIVE PURPOSE OF GRIEVANT’S PREVIOUS FILINGS; AND THUS WARRANT THE SURRENDER OF HIS BOND WITHIN 10 DAYS**

In the context presented herein as based in FACT, it could not be clearer that **the intent of Clerk Prine was and remained a “*bad faith*” effort to commit a constructive *fraud* upon this Texas Court of Appeals as an official “*Court of Record.*”**

Henceforth, any administrative dereliction, gross negligence, and malfeasance of other “*agents*” for the Texas Court of Appeals in affirmatively refusing to apply the above Rules and others applicable to THEM will produce the effect of again depriving Grievant of his right to due process *under color of law* and *simulated legal process.* **This has both constitutional and criminal implications in Common Law.** For the Texas Court of Appeals judges to allow this constructive fraud upon the court to continue will again constitute felony aiding and abetting and/or accessory after the fact. In any event, **it also constitutes an ongoing obstruction of justice if left unabated.** (Bold emphasis added)

As such, by this instant filing in explanation of the FACTS, Grievant herein calls for the surrender of the bond of Christopher Prine guaranteeing his faithful performance to his duties of office in accordance with his Oath to uphold the guarantees to “*We, The People*” as provided by the constitutions of the State of Texas and the United States. Such surrender of Prine’s bond must be made to Grievant within 10 days of receipt of this instant filing.

**GRIEVANT’S DOCUMENTS HAD PRESENTED NOT ONLY THE EVIDENCE OF FRAUD AGAINST BOTH THE LOWER AND HIGHER COURT “CLERKS” AND THE PROBATE COURT “JUDGE” LOYD WRIGHT; BUT GRIEVANT HAS PRESENTED THE OPPORTUNITY FOR THIS TEXAS COURT OF APPEALS JUDGES TO RECTIFY THIS FRAUD – AS WELL AS NOTICE OF OTHER INTERSTATE FRAUD AND CONSTITUTIONAL VIOLATIONS BEING COMMITTED BY THE CORRUPT JUDICIARY OF THE STATE OF MICHIGAN MISUSING TEXAS COURT RULINGS AND DOCUMENTS – THROUGH THEIR OWN INDEPENDENT ACTIONS IN PROVIDING GRIEVANT WITH IMMEDIATE REMEDIES**

Grievant Schied has submitted many previous filings that provide Evidence of a long history of *malfesance*, *gross errors and omissions*, and *fraud* by the judiciary system operating in what is known as “*Harris County*” that arguably goes all the way back to 1979 when Grievant received a “*discretionary-type*” of “*set aside*” captioned “*Early Termination of Probation Dismissing the Cause*” issued by the former Judge Joseph Guarino (now also deceased).

Given the FACTS as documented in the judiciary of this same Harris County since the death of Michael Edward Schied, **there is a “*rational basis*” for**

In short, the above previous filing(s) of *Grievant/Crime Victim/Claimant* David Schied into the hands of the so-called “*clerk*” Christopher Prine and the so-called “*justices*” of the so-called “*Texas Court of Appeals*”, which were grossly misrepresented, and portrayed fraudulently with “*gross errors and omissions*” as matters of *official public record*, provide Evidence of the following in summary, as fully supported by the Evidence herein and about that “*official court record*”.

**“Judicial Imposter” Russell Lloyd Intentionally Disregarded the FACT That the Lower Court Record Was Chock Full of Evidence of Grievant/Crime Victim/Claimant David Schied Having Enjoined and Served All of the Named Co-Defendants With the Full Scope of His Complaint Against Each, While Also Timely Addressing the Lower Court “Judicial Imposter” Loyd Wright’s Actions of Criminal Deprivation of Rights Under Color of Law and Robbing Mr. Schied of His First Amendment Guarantee to “Access the Court” by the Pattern and Practice of Using “Procedure Over Substance”**

On 3/18/15, *Grievant/Crime Victim/Claimant* David Schied filed an “*Interlocutory Appeal...*”, what might be classified as a “*stop-hold*” on any future proceedings on the case and a “*request for post judgment relief from the trial court,*” something that judicial usurper Russell Lloyd **falsely** claimed in his unsigned “*Memorandum Opinion*” dated 7/12/16 that did not happen.<sup>3</sup> This “*request for post-judgment relief*” was actually written by *Grievant/Crime*

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<sup>3</sup> See page 3 of Lloyd’s, Bland’s and Brown’s “*Memorandum Opinion*” dated 7/12/16 as purportedly published by Lloyd, which states “*On April 8, 2015, the probate court granted Merritt’s no-evidence motion for summary judgment.....The record reflects that appellant did not file a motion for new trial or request any post-judgment relief from the trial court.*”



*Victim/Claimant* David Schied on the very day that had been scheduled for a “*final disposition*” hearing on a “*no-evidence*” motion filed by Merrick, being on 3/12/15.

The location on the Internet where that “*Interlocutory Appeal*” is to be found, as of the date of this writing, is at:

[http://cases.michigan.constitutional.gov.us/david-schied/2014\\_SchiedvMerrittProbate+TexasCriminalAllegations/HarrisCountyProbateCourt1/InterlocutoryAppeal/InterlocutoryAppeal.pdf](http://cases.michigan.constitutional.gov.us/david-schied/2014_SchiedvMerrittProbate+TexasCriminalAllegations/HarrisCountyProbateCourt1/InterlocutoryAppeal/InterlocutoryAppeal.pdf)

The actual title of that “*Interlocutory Appeal*” filing in the lower probate court appeared as follows on the face of the above-referenced document:

“*Motion for Waiver of Fees and Costs on This Instant Filing and Motion for Interlocutory Appeal on Questions of Law Pertaining to Actions of Harris County Probate Court Judge Loyd Wright and his ‘Agents’ Against Interested Party Plaintiff/Co-Heir David Schied in Diversity Case With Evidence of Denial of Court Access and the Appearance of Prejudicial Bias and Due Process Violations Against ‘Pauperis’ Litigant Without Attorney*”

The Internet address where the time-stamped “*Certificate of Service*” for “*filing*” of the *Interlocutory Appeal* to the Harris County “*Probate Court No. 1*” on 3/18/15 is found, as of the date of this writing, at:

[http://cases.michigan.constitutional.gov.us/david-schied/2014\\_SchiedvMerrittProbate+TexasCriminalAllegations/HarrisCountyProbateCourt1/InterlocutoryAppeal/DownloadTimestampedCertofServiceforInterlocAppeal.pdf](http://cases.michigan.constitutional.gov.us/david-schied/2014_SchiedvMerrittProbate+TexasCriminalAllegations/HarrisCountyProbateCourt1/InterlocutoryAppeal/DownloadTimestampedCertofServiceforInterlocAppeal.pdf)

As explained in the “*Interlocutory Appeal...*”, *Grievant/Crime Victim/Claimant* David Schied was filing it because all of the Defendants and the lower probate court “*judicial usurper*” Loyd Wright had altogether disregarded the FACT that, in filing his “*no-evidence*” motion for summary disposition hearing on

behalf of Defendant(s), attorney **David Munson never properly served Mr. Schied with the motion for that hearing.** As pointed out by *Grievant/Crime Victim/Claimant* David Schied in his “Interlocutory Appeal...”, this had been a “*pattern and practice*” of attorney Munson since the onset of Munson filing his “Answer” and “Amended Answer” to Mr. Schied’s initial filing at the onset of this case. This was a practice that Mr. Schied had also pointed out was in violation of the Harris County Local Rules of District Courts Concerning the Electronic Filing of Court Documents, which maintain that, “***Documents may be electronically served upon a party ONLY where that party has agreed, in writing to receive electronic service in that case;***” and which also maintain, “***The agreement must be filed with the court and the form must be served on all other parties.***” (Bold emphasis added)

The above, from the time of his filing this “Interlocutory Appeal...” in the lower “*trial*” court and continuing throughout the entire appeal process in the higher Texas Court of Appeals, was a central focus for *Grievant/Crime Victim/Claimant* David Schied. **The cause for that focus was based upon the FACT that certain cooperative actions being carried out between the “*clerk of the ‘trial’ court*” Stan Stanart, Defendant Michael Merritt’s BAR attorney David Munson, Munson’s fellow BAR members, attorney Robin Apostolakis and “*trial’ court judge*” Loyd Wright, and Wright’s own staff of “*clerks*”,**

were all having a substantive effect of prejudicing Mr. Schied's position and case, simply because he was a pauper attempting to litigate the matter without an attorney while domiciled in Michigan. (Bold emphasis added)

Both the records of the lower "trial" court and the Texas Court of Appeals are chock full of Evidence that Mr. Schied had been making a big issue of not being properly "served" by the Defendant(s) in accordance with "Harris County Local Rules of District Courts Concerning the Electronic Filing of Court Documents". Yet, after an "emergency hearing" that was held on 12/19/14, Mr. Schied was compelled to file an entirely new "Counter-Complaint.../ 'Joinder Complaint' ..." to replace his original filing of "Complaint and Brief...and Motion for Order to Show Cause..." that the lower court judicial usurper Loyd Wright had, at that 12/19/14 TELEPHONE hearing with *Grievant/Crime Victim/Claimant* David Schied in attendance, fraudulently relegated to a status of a simple "Answer" in opposition to Michael Merritt's initial filing of "Application to Probate Will and for Letters Testimony". **Importantly, this was a hearing at which point Grievant/Crime Victim/Claimant David Schied was requesting a "Default Judgment" in his favor based upon the "Defendant" Merritt failing to answer that original "Complaint and Brief...and Motion for Order to Show Cause..." through his attorney, Munson, in accordance with the "Harris County Local**

**Rules of District Courts Concerning the Electronic Filing of Court Documents.”**

(Bold emphasis added)

The location on the Internet where the above-referenced ORIGINAL “*Complaint and Brief...and Motion for Order to Show Cause...*” can be found as filed along with fully 19 itemized articles of supporting Evidence, is at:

[http://cases.michigan.constitutionalgov.us/david-schied/2014\\_SchiedvMerrittProbate+TexasCriminalAllegations/HarrisCountyProbateCourt1/FirstFilingComplaintinOpposition/](http://cases.michigan.constitutionalgov.us/david-schied/2014_SchiedvMerrittProbate+TexasCriminalAllegations/HarrisCountyProbateCourt1/FirstFilingComplaintinOpposition/)

The location on the Internet where the audio recording of that 12/19/14 hearing is to be found, as recorded by *Grievant/Crime Victim/Claimant* David Schied in the presence of witness Cornell Squires at Mr. Schied’s home in Michigan, is at:

[http://cases.michigan.constitutionalgov.us/david-schied/2014\\_SchiedvMerrittProbate+TexasCriminalAllegations/121914\\_EmergencyMotHearing/121914Hearing.wav](http://cases.michigan.constitutionalgov.us/david-schied/2014_SchiedvMerrittProbate+TexasCriminalAllegations/121914_EmergencyMotHearing/121914Hearing.wav)

The transcript of the above-referenced recording of that 12/19/14 Texas “*probate court emergency hearing*” motioned by *Grievant/Crime Victim/Claimant* David Schied, as attested to accuracy and truthfulness by Mr. Schied who recorded that hearing from his home, is located on the Internet, as of the date of this writing, at:

[http://cases.michigan.constitutionalgov.us/david-schied/2014\\_SchiedvMerrittProbate+TexasCriminalAllegations/TexCourtOfAppeals4District1/Mot2DismissAppellees/AppelleesMot2Dismiss/DSchiedFilingofResponse&Exhibits/Exhibits/Ex\\_7\\_TranscriptofHearing121914.pdf](http://cases.michigan.constitutionalgov.us/david-schied/2014_SchiedvMerrittProbate+TexasCriminalAllegations/TexCourtOfAppeals4District1/Mot2DismissAppellees/AppelleesMot2Dismiss/DSchiedFilingofResponse&Exhibits/Exhibits/Ex_7_TranscriptofHearing121914.pdf)

In addition to the sworn and notarized Affidavit (certifying the legitimacy and accuracy of the transcripts created from the audio recording referenced above) of *Grievant/Crime Victim/Claimant* David Schied, which was signed and notarized on 4/30/15 before being submitted to the lower probate court and to the Texas Court of Appeals (four months later about the date of 8/15/15), each along with a request for a “correction of the lower court Record”, there was yet another formal “Affidavit” of history of the case that was submitted to the Texas Court of Appeals, which was also signed and notarized on 4/30/15.

The first sworn and notarized Affidavit (certifying the legitimacy and accuracy of the transcripts created from the audio recording referenced above) is found publicly posted on the Internet, as of the date of this writing, at:

[http://cases.michigan.constitutionalgov.us/david-schied/2014\\_SchiedvMerrittProbate+TexasCriminalAllegations/TexCourtOfAppeals4District1/Mot2DismissAppellees/AppelleesMot2Dismiss/DSchiedFilingofResponse&Exhibits/Exhibits/Ex\\_8\\_043015\\_AffidavitinSupportofTranscript&Proceedings.pdf](http://cases.michigan.constitutionalgov.us/david-schied/2014_SchiedvMerrittProbate+TexasCriminalAllegations/TexCourtOfAppeals4District1/Mot2DismissAppellees/AppelleesMot2Dismiss/DSchiedFilingofResponse&Exhibits/Exhibits/Ex_8_043015_AffidavitinSupportofTranscript&Proceedings.pdf)

The second sworn and notarized Affidavit (certifying the “*history of the case*” as well as the legitimacy and accuracy of the transcripts created from the audio recording referenced above) is found publicly posted on the Internet, as of the date of this writing, at:

[http://cases.michigan.constitutionalgov.us/david-schied/2014\\_SchiedvMerrittProbate+TexasCriminalAllegations/TexCourtOfA](http://cases.michigan.constitutionalgov.us/david-schied/2014_SchiedvMerrittProbate+TexasCriminalAllegations/TexCourtOfA)

[ppeals4District1/Attempt2CorrectLowerCourtRecords/Motion2CorrectRecord/Ex\\_B\\_AffidavitofHistory.pdf](#)

The third “*Affidavit of Truth*” was time-stamped on 12/23/15, which was sworn to “*under penalty of perjury*”, was addressed to the Texas Court of Appeals in accompaniment of other documents in responsive “*answer*” to attorney Robin Apostolakis’ “*Motion to Dismiss*” *Grievant/Crime Victim/Claimant* David Schied’s appeal of “*judge*” Loyd Wright’s second unlawful dismissal of *Grievant/Crime Victim/Claimant* David Schied’s second filing of “*Counter-Complaint and/or Cross-Complaint...and Formal ‘Joinder’...*” The full captioning of that “*Affidavit of Truth*” is detailed as follows:

***“Affidavit of Truth Authenticating Audio Transcript, Crime Report, and Other Documents Proving ‘Domestic Terrorism’ Being Carried Out Throughout the Court System Operating in the State of Texas”*** (Bold emphasis)

This third “*Affidavit of Truth...*” named above is found on the Internet, as of the date of this writing, at:

[http://cases.michigan.constitutionalgov.us/david-schied/2014\\_SchiedvMerrittProbate+TexasCriminalAllegations/TexCourtOfAppeals4District1/MyResp2Mot2Dismiss&BriefSupp&CrimeReport/Time-StampedCOADownload&MyTime-StampedCopies/AffidofTruthonDomesticTerrorism122315inDocket.pdf](http://cases.michigan.constitutionalgov.us/david-schied/2014_SchiedvMerrittProbate+TexasCriminalAllegations/TexCourtOfAppeals4District1/MyResp2Mot2Dismiss&BriefSupp&CrimeReport/Time-StampedCOADownload&MyTime-StampedCopies/AffidofTruthonDomesticTerrorism122315inDocket.pdf)

As indicated above, both the lower (“*probate/trial*”) court and the Texas “*Court of Appeals*” were both put on notice that, by the time the case was heading to the COA “*on appeal*”, the lower court record itself was chock full of “*errors*” that needed correcting. **This was significant to *Grievant/Crime Victim/Claimant***

**David Schied because the errors demonstrated a disparity of treatment by “*the court*” and all of its various “*agents*” ranging from the “*clerk*” Stan Stanart to the “*judge*” Loyd Wright and their numerous subordinate administrative clerks and/or administrative case managers.** (Bold emphasis added)

The disparity of treatment demonstrated more than “*the appearance*” of preferential treatment toward the BAR attorneys David Munson and Robin Apostolakis and their respective clients. It demonstrated a distinct bias against *Grievant/Crime Victim/Claimant* David Schied as a “*pauperis*” and “*out-of-state*” litigant without the money or the inclination to pay a fellow BAR attorney to handle this matter in Texas that, by the admission of Loyd Wright himself “*on the record*” during the telephoned “*emergency hearing*” on 12/19/15, might otherwise qualify as a simple “*muniment of title*” proceeding rather than a full-blown lawsuit leading to a jury trial. The problem was that Wright was allowing that choice to be up to the discretion of the “*Defendant*” Michael Merritt and his attorney, Merritt’s co-Defendant David Munson, as the first of two appointed “*executors*” named by “*the Deceased*” to manage the distribution of property allocated by the decedent’s Will.

Many of the actions that both gave the appearance of prejudicial treatment in favor of the BAR attorneys and against *Grievant/Crime Victim/Claimant* David

Schied pertained to the filing of records and the “*service*” of process on those “*filed*” documents, whether by mail or by electronic filing; and whether the process used was according to the “*letter*” and “*spirit*” of the laws and “*rules*” of “*filing*” and “*servicing*” procedure, given the distinction of status between the litigants (i.e., those in state “*represented*” by BAR attorneys, and *Grievant/Crime Victim/Claimant* David Schied “*presenting*” himself to the court(s) from his home in Michigan.

The “*Notice of Incorrect Record...*” that was filed in the Texas Court of Appeals is located on the Internet, as dated 8/5/15, is located in its entirety on the Internet, as of the date of this writing, at:

[http://cases.michigan.constitutionalgov.us/david-schied/2014\\_SchiedvMerrittProbate+TexasCriminalAllegations/TexCourtofAppeals4District1/Attempt2CorrectLowerCourtRecords/Motion2CorrectRecord/AllCovr&BriefofMotion2AddNames.pdf](http://cases.michigan.constitutionalgov.us/david-schied/2014_SchiedvMerrittProbate+TexasCriminalAllegations/TexCourtofAppeals4District1/Attempt2CorrectLowerCourtRecords/Motion2CorrectRecord/AllCovr&BriefofMotion2AddNames.pdf)

The above “*Notice of Incorrect Record...*” was necessarily filed along with an accompanying “*Petition for Designation of Additional Items and for Correcting Dates of ‘Filing’ and Document Captions*”, which is found in its entirety on the Internet at:

[http://cases.michigan.constitutionalgov.us/david-schied/2014\\_SchiedvMerrittProbate+TexasCriminalAllegations/TexCourtofAppeals4District1/Attempt2CorrectLowerCourtRecords/Mot4AddItem&Correctdates/Covr&BriefonMotion2AddItem&CorrectDates.pdf](http://cases.michigan.constitutionalgov.us/david-schied/2014_SchiedvMerrittProbate+TexasCriminalAllegations/TexCourtofAppeals4District1/Attempt2CorrectLowerCourtRecords/Mot4AddItem&Correctdates/Covr&BriefonMotion2AddItem&CorrectDates.pdf)



Furthering the disparity between how the judicial usurper Loyd Wright's fellow BAR attorneys were being treated in-state and how *Grievant/Crime Victim/Claimant* David Schied was being treated out-of-state by BOTH the lower and higher "courts" pertained to the scheduling of the "no-evidence motion" and "hearing" that was used by "judge" Wright to inevitably dismiss the second "Complaint..." (i.e., the "Counter-Complaint and/or Cross-Complaint....and Formal 'Joinder'...") that was proven as having been adequately "served" by a 3<sup>rd</sup> party upon all of the named co-Defendant/Appellees appearing in the captioning of this instant "Writ of Error Coram Nobis" but significantly ignored altogether in the lower court proceedings by both attorneys, Munson and Apostolakis, and the so-called "judge" Wright. (Bold emphasis added)

**The Texas Court Appeals Tribunal of Russell Lloyd, Jane Bland, and Harvey Brown Having Intentionally Disregarded the Criminal Methodology Used by Probate Court No. 1 "judge" Loyd Wright – to Conduct an "Emergency Hearing" on 12/19/14 So As To DENY Legitimacy to All Filings by Grievant/Crime Victim/Claimant David Schied – Constitutes "Misprision of Felony", "Misprision of Treason", "Aiding and Abetting" in the "Obstruction of Justice", and "Domestic Terrorism" as All Are Defined by the United States Congress**

Importantly, among other significant issues being addressed by that 12/19/14 "Emergency Hearing" motioned by *Grievant/Crime Victim/Claimant* David Schied was the FACT that on that date (12/19/14) the so-called "judge" Loyd Wright established "*on the record*" that *Grievant/Crime Victim/Claimant*

David Schied did **“NOT want to be served by e-mail at all”**, because Mr. Schied wished to exercise such right in accordance with the above-referenced **“Harris County Local Court Rules...Concerning the Electronic Filing of Court Documents”**. Just prior to Mr. Schied making that assertion in answer to Loyd’s questioning him about his wishes, Loyd Wright himself had previously asserted *on the record* that the *“bottom line”* for him as *judge* was in just simply *“know[ing] that [a litigant] ha[s] gotten something so that [litigant] can respond to it and that [litigant will] know what’s going on...”* (Bold emphasis added)

Notably, in the months that followed however, Wright – who was then followed a year later by Russell Lloyd – turned around and disregarded the **FACT** that Evidence was abundant that the Probate Court and all of the named co-Defendants in this case were all **“served”** by *Grievant/Crime Victim/Claimant* David Schied from out-of-state in Michigan by a 3<sup>rd</sup> party with an entirely new **“Counter-Complaint and/or Cross-Complaint....and Formal ‘Joinder’...”** in January 2015, with Texas COA *judicial usurper* Russell Lloyd setting forth the reason as being because – **procedurally** – a proper **“citation”** had not issued **BY THE PROBATE COURT “CLERK”** in accordance with the **“Rules of Procedure”** on that filing prior to being **“served”** by a third party from Michigan. (Bold emphasis)

Also, crucial throughout the appeal process was the FACT that *Grievant/Crime Victim/Claimant* David Schied was also pointing out that, because *judicial usurper* Loyd Wright had, at that very same 12/19/14 hearing, determined that he would treat Mr. Schied’s initial filing of the ORIGINAL “Complaint and Brief...and Motion for Order to Show Cause...” as nothing more than an “Answer” by Mr. Schied – which he said would serve as nothing more than a mere *objection* to Defendant Merritt’s “Application to Probate Will and for Letters Testimony” – while stating that day “*on the record*” that because of Mr. Schied’s “*answer*” did not constitute an initial filing of a new “*complaint*” or “*counter-complaint*”, **he would be DENYING “everything [Grievant/Crime Victim/Claimant David Schied] had filed up to that point”, including Mr. Schied’s “Motion for Default Judgment...”** despite Defendant Merritt’s failure to adequately or timely “*answer*” *Grievant/Crime Victim/Claimant* David Schied’s original “Complaint and Brief...and Motion for Order to Show Cause...” prior to Mr. Schied “*filing*” his “Motion for Default Judgment...”<sup>4</sup> Note that *Grievant/Crime*

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<sup>4</sup> The issue of the timeliness and exact date of “*service*” to “*the court*” was a critical issue in the “*dismissal*” of *Grievant/Crime Victim/Claimant* David Schied’s “Motion for Default Judgment...” as filed on 12/18/14 because David Munson received his package before the probate court clerk could time-stamp their receipt of the filing, and Munson was thus able to use the electronic filing system to submit a single-page “Answer” and “Amended Answer” to the “*unanswered*” ORIGINAL “Complaint...” before the clerks of the probate court employed by Stan Stanart could process the incoming Motion for

Victim/Claimant David Schied's "Motion for Default Judgment...", which was dated as mailed on 12/8/14 and thus "served" on that date, was nevertheless not

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Default Judgment..." sent to the court by Grievant/Crime Victim/Claimant David Schied by mail.

Importantly, during the "Emergency Hearing" the judicial usurper Loyd Wright addressed that issue in tongue-in-cheek fashion, giving credit to his BAR attorney cohort for utilizing his own timely "electronic filing" advantage to the benefit of his client. As such, Wright did NOT act in the interest of "justice" in the matter because it was clear that the single-page "Answer" or "Amended Answer" was completely inadequate to address the content of Grievant/Crime Victim/Claimant David Schied's ORIGINAL "Complaint...and Motion for Order to Show Cause..." that was submitted with 19 articles of Evidence showing the substantive dereliction of Defendant Michael Merritt as "executor" of the Michael Edward Schied estate in distributing the bulk of "the Deceased" property PRIOR TO filing his initial "Application to Probate Will and for Letters Testimony".

Similarly, the documents filed by Mr. Schied showed that Janette Renee Smith and her attorney Robin Apostolakis were of the position that the "Will" of "the Deceased" was "invalid" and altogether "unenforceable" AFTER Smith and Merritt had ransacked the home of Michael Edward Schied and already taken out valued items mentioned in the "Will". Note that a copy of Apostolakis' FRAUDULENT letter is found on the Internet, as of the date of this writing, at:

[http://cases.michigan.constitutionalgov.us/david-schied/2014\\_SchiedvMerrittProbate+TexasCriminalAllegations/TexCourtofAppeals4District1/Mot2DismissAppellees/AppelleesMot2Dismiss/DSchiedFilingofResponse&Exhibits/Exhibits/Ex\\_2\\_LetrfromRobinAof091114.pdf](http://cases.michigan.constitutionalgov.us/david-schied/2014_SchiedvMerrittProbate+TexasCriminalAllegations/TexCourtofAppeals4District1/Mot2DismissAppellees/AppelleesMot2Dismiss/DSchiedFilingofResponse&Exhibits/Exhibits/Ex_2_LetrfromRobinAof091114.pdf)

Instead, "judge" Wright ruled to render all of Grievant/Crime Victim/Claimant David Schied's filings as a legal nullity as an "Original Complaint" and DENYING altogether – without proper litigation – Mr. Schied's "Motion for Show Cause..." accompanying that ORIGINAL "Complaint", and moving on to also DENY Mr. Schied's "Motion for Default Judgment" while applauding the manner in which attorney Munson had undermined Mr. Schied's timely filing of that "Motion for Default Judgment" by using a "gotcha" strategy once he was served (to get in his "answer" electronically to the clerk before the same mailing of "Motion for Default Judgment" by Mr. Schied was processed by the probate court clerk's office).

time-stamped by the probate court “*clerk*” Stan Stanart until more than a week later on 12/16/14. The full captioning of that document title was:

“*Motion for Waiver of Fees, for Default Judgment, and to Expedite Court Action Within 10 Days Without Hearing*”

The above-referenced document, showing proof that it was mailed on 12/4/14 but not time-stamped by the “*clerk*” of the probate court until nearly two weeks later on 12/16/14, is posted publicly on the Internet, as of the date of this writing, at:

[http://cases.michigan.constitutionalgov.us/david-schied/2014\\_SchiedvMerrittProbate+TexasCriminalAllegations/041717\\_WritofErrorCoramNobis/SupportDocs/120416\\_Mot4DefaultJudgment.pdf](http://cases.michigan.constitutionalgov.us/david-schied/2014_SchiedvMerrittProbate+TexasCriminalAllegations/041717_WritofErrorCoramNobis/SupportDocs/120416_Mot4DefaultJudgment.pdf)

The “*Emergency Motion in Demand for Immediate Hearing.....*” that was thereafter dated on 12/16/14 and sent via Federal Express delivery on that same date to the Harris County, Texas Probate Court No. 1 in Houston from *Grievant/Crime Victim/Claimant* David Schied in Michigan to be time-stamped by that “*court*” on 12/18/14, is posted publicly on the Internet, as of the date of this writing, at:

[http://cases.michigan.constitutionalgov.us/david-schied/2014\\_SchiedvMerrittProbate+TexasCriminalAllegations/041717\\_WritofErrorCoramNobis/SupportDocs/121814\\_EmergMot&Mot4DefaultJudgment.pdf](http://cases.michigan.constitutionalgov.us/david-schied/2014_SchiedvMerrittProbate+TexasCriminalAllegations/041717_WritofErrorCoramNobis/SupportDocs/121814_EmergMot&Mot4DefaultJudgment.pdf)

The full captioning of that “*Emergency Motion...*” document title was:

“*Emergency Motion in Demand for Immediate Hearing (Prior to 12/19/14 Scheduling Conference) Upon This Instant Report of Fraud in the Court Record; for Declaratory Ruling of the Truthfulness of Texas Probate Court*”

**Clerk Kimberly Hightower's Assertion that a Hearing is Required on Previously Filed 'Motion to Expedite Court Action Within 10 Days Without Hearing and for Judgment of Default' in Accordance with the Previously Filed 'Motion for Default Judgment' That Was For Some Reason Never Filed Yet 'Served' and Based Upon Other Parties' Failure to Properly 'Answer' and 'Serve' Within the Required Time Guidelines for Proper Response'**

Importantly, the action by judicial usurper Wright at that “Emergency Motion” hearing held by phone with *Grievant/Crime Victim/Claimant* David Schied on 12/19/14 – to altogether disregard all of the ORIGINAL “Complaint and Brief...and Motion for Order to Show Cause...” documents that had been proven as effectively “*served*” upon the initial co-Defendants of Michael Merritt and Janette Renee Smith – prejudicially rendered important Evidence presented and preserved in all of those documents filed by *Grievant/Crime Victim/Claimant* David Schied as impotent, ineffective and “*moot*”. As the transcripts of that hearing show, rather than to honor the filings of *Grievant/Crime Victim/Claimant* David Schied, *judicial usurper* Loyd Wright commanded Mr. Schied to otherwise engage in a full-blown, lengthy and expensive lawsuit in order to determine whether the first (Michael Merritt) of two of “*the Deceased*” appointed “*executors*” was suitable for handling the estate matter, and on a case that otherwise was so small that it should not be subject to such a “*full blown lawsuit*” but subject to simplified “*muniment of title*” proceedings instead from the start.

**As a result of Probate Court “*judge*” Loyd Wright’s unethical, prejudicial and CRIMINAL actions at that “Emergency Motion” hearing,**

**Grievant/Crime Victim/Claimant David Schied was compelled to re-file his original “Complaint and Brief...and Motion for Order to Show Cause...” by 1/19/15, in accordance with the “Docket Control Order” by Loyd Wright issued immediately following that 12/19/14 hearing, as a “Joinder” case to include Janette Renee Smith, Wynde Smith, Robin Apostolakis, and David Munson, all in their private capacities.**

The name of that new “*joinder*” filing was captioned as follows:

*“ ‘Counter-Complaint’ and/or ‘Cross-Complaint’ and Brief in Support of Opposition to Michael Ray Merritt’s ‘Application to Probate Will and for Letters Testimony’ and Formal ‘Joinder’ of Janette Renee Smith as Co-Defendant in Case in Which Argument Has Already Been Presented by Plaintiff/Co-Heir David Schied in Favor of Probating the Will as ‘Muniment of Title’ So to Preserve Assets of the Estate of Michael Edward Schied”*

The public location on the Internet where that filing can be found, as of the date of this writing, is at:

[http://cases.michigan.constitutionalgov.us/david-schied/2014\\_SchiedvMerrittProbate+TexasCriminalAllegations/011415\\_AfterJoinder&CounterComplaint/CounterComplaint&Joinder.pdf](http://cases.michigan.constitutionalgov.us/david-schied/2014_SchiedvMerrittProbate+TexasCriminalAllegations/011415_AfterJoinder&CounterComplaint/CounterComplaint&Joinder.pdf)

Note that the time-stamped cover page for the above filing, as shown on the “Certificate of Service” that was mailed via “Certified Mail” delivery and “*served*” upon the Probate Court on 1/14/15, was not time-stamped until over two weeks later on 1/27/15 showing a criminal gross negligence of duty on the part of the lower “*trial*” court clerk Stan Stanart, and a clear prejudicing of my case by such an “*obstruction*” of my timely filings “*as a matter of official court record.*” The

Evidence of this criminal activity and a “*conspiracy to deprive of right*” to equal treatment in accuracy of the “*service*” date on these filings as shown on this “*Certificate of Service*”, is posted publicly on the Internet, as of the date of this writing, at:

[http://cases.michigan.constitutionalgov.us/david-schied/2014\\_SchiedvMerrittProbate+TexasCriminalAllegations/041717\\_WritofErrorCoramNobis/SupportDocs/011415\\_filingswronglytimestamped012715.pdf](http://cases.michigan.constitutionalgov.us/david-schied/2014_SchiedvMerrittProbate+TexasCriminalAllegations/041717_WritofErrorCoramNobis/SupportDocs/011415_filingswronglytimestamped012715.pdf)

The “*Docket Control Order*” issued by Loyd Wright on 12/19/14 giving all parties until 1/19/15 to file “*Joinders*”, while never stipulating that “*citations*” would need to be served but instead stating only that “*a copy of this docket control order*” need be served, is to be found posted on the Internet, as of the date of this writing, at:

[http://cases.michigan.constitutionalgov.us/david-schied/2014\\_SchiedvMerrittProbate+TexasCriminalAllegations/051215\\_TexCourtOfAppeals4District1/090215\\_Mot2DismissAppellees/090215\\_AppelleesMot2Dismiss/ExA\\_DocketControlOrder.pdf](http://cases.michigan.constitutionalgov.us/david-schied/2014_SchiedvMerrittProbate+TexasCriminalAllegations/051215_TexCourtOfAppeals4District1/090215_Mot2DismissAppellees/090215_AppelleesMot2Dismiss/ExA_DocketControlOrder.pdf)

Again, what is outlined above is just a portion of the many events occurring at the lower “*probate/trial*” court level that was completely and CRIMINALLY overlooked by the probate “*judge*” Loyd Wright prior to his dismissing the case altogether, and again CRIMINALLY overlooked by Texas Court of Appeals tribunal of “*justices*”, being Russell Lloyd, Jane Bland, and Harvey Brown, in the months after that lower court “*domestic terrorist*” event against *Grievant/Crime*



*Victim/Claimant* David Schied took place. Therefore, the “ORDER” issued by “*judicial usurper*” Russell Lloyd, purportedly while “*acting individually*” on 3/1/16 and pertaining to Texas COA Case No. 01-16-00466-CV, is hereby rendered VOID, a NULLITY, and VACATED.

**THE “JUDGMENT” AND “MEMORANDUM OPINION” RENDERED 7/12/16 ARE HEREBY “VACATED” BECAUSE OF ADDITIONALLY SUBSTANTIVE FORMS OF “FRAUD” AND GROSS OMISSIONS OF SIGNIFICANT FACTS IN THESE “RULINGS”**

As the so-called 1-page “JUDGMENT” issued on 7/12/16 by the so-called “*panel of justices*” (Lloyd, Bland and Brown), being devoid of acknowledgment of the details of the “*predicate*” CRIMES reported by *Grievant/Crime Victim/Claimant* David Schied as having been committed by their peer group of “*court officers*”, being “*clerks*” Stan Stanart and Christopher Prine and their agents, being “*judge*” Loyd Wright and his clerical agents, and being attorneys David Munson and Robin Apostilakis and their associate law firms and clients, that FRAUDULENT “*Judgment*” is hereby rendered VOID, a NULLITY, and VACATED as a worthless page of “*bullshit.*”

Similarly, and based upon the same reasons as cited above concerning the so-called “*judgment,*” the 17-page “MEMORANDUM OPINION” written by Russell Lloyd on behalf of the “*panel*” is “*bullshit*” and so also rendered VOID, a NULLITY, and VACATED. Cited below are the details behind this reasoning.

**The “Background” Entered Into the “Official Court Record” by Russell Lloyd is Fraudulent on Its Face As It Failed to Detail – or Even Refer to – ANY of the Above-Referenced Significant FACTS of the case**

As a matter of significant FACT, the “Background” of the 7/12/16 “Memorandum Opinion” written by Russell Lloyd was completely devoid of any reference to the “Emergency Motion” and hearing that took place on 12/19/14 in which the probate “judge” Loyd Wright relegated *Grievant/Crime Victim/Claimant* David Schied’s “Complaint and Brief in Support of Opposition...” and “Motion for Order to Show Cause and to Compel Documents...” – despite that these filings were supported by 19 full documents of underlying Evidence – a worthless nullity and nothing more than a simple 1-page “answer” to Merritt’s “Application to Probate Will...”. That **act of deception and coercion** gave needed cause for Mr. Schied to rewrite his entire “Original Complaint...” (and accompanying “Motion for Show Cause...”) filing in January 2015 as a “Counter-Complaint and/or Cross-Complaint....and Formal ‘Joinder’...”<sup>5</sup>

Instead of detailing the criminal events that took place during that “emergency” hearing, and all of the otherwise detailed issues previously raised

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<sup>5</sup> Again, the full title of that filing that was proven as having been “served” to the Probate Court and to all of the “joinder” co-Defendants through a third party from Michigan were captioned, “‘Counter-Complaint’ and/or ‘Cross-Complaint’ and Brief in Support of Opposition to Michael Ray Merritt’s ‘Application to Probate Will and for Letters Testimony’ and Formal ‘Joinder’ of Janette Renee Smith as Co-Defendant in Case in Which Argument Has Already Been Presented by Plaintiff/Co-Heir David Schied in Favor of Probating the Will as ‘Muniment of Title’ So to Preserve Assets of the Estate of Michael Edward Schied”

therein by *Grievant/Crime Victim/Claimant* David Schied regarding the problems stemming from the differential treatment being provided by the lower court “*clerk*” Stan Stanart in favor of Defendant/Attorney David Munson and against Mr. Schied, “*judicial usurper*” Russell Lloyd and his cohorts simply whitewashed over all of those details. Similarly, Lloyd and his fellow “*domestic terrorists*” failed to include the Evidence that was generated from that “*emergency*” hearing, being the basis for *Grievant/Crime Victim/Claimant* David Schied providing motions to BOTH the lower and the higher courts to “*correct the record*”, which similarly were disregarded without explanation.

Furthering that FRAUD, Lloyd and his remaining “*panel*” of judicial usurpers MISREPRESENTED that *Grievant/Crime Victim/Claimant* David Schied had “*not filed a response*” to attorney David Munson’s deceptive “*no-evidence*” motion, while grossly neglecting to address the TRILOGY OF FACTS that:

- 1) “*the court record*” was already chock full of both Statements and Evidence opposing the “*Application to Probate Will...*” in the first place; and,
- 2) *Grievant/Crime Victim/Claimant* David Schied had established clear claim, at both the lower and the higher court levels, that David Munson had NOT properly “*served*” his “*no-evidence*” motion and hearing notice; and,
- 3) Throughout this period of time the problems associate with Stan Stanart’s delayed filings of *Grievant/Crime Victim/Claimant* David Schied’s documents

and the prejudicial treatment of the “*clerks*” and “*judge*” of the Probate Court No. 1 were still a significant issue, and being so much so that ***Grievant/Crime Victim/Claimant David Schied was compelled to file documents in protest that the “judge” Loyd Wright – acting through his personal clerk Kimberly Hightower – was compelled to protest the FACT that Wright had refused to conduct the “no evidence” hearing with Grievant/Crime Victim/Claimant David Schied by telephone as was previously done with the “Emergency Motion” hearing on 12/19/14.*** (Bold emphasis added)

As shown below, the other Evidence of filings completely ignored and relegated as unimportant by Russell Lloyd and his fellow “*domestic terrorists*”, demonstrate beyond any reasonable doubt that these CRIMINALS have usurped the power and authority of “*the People*” of Texas by collecting salaried incomes and calling themselves “*justices*” of the Texas Court of Appeals, otherwise subject to constitutional limitations and duties.

**“Domestic Terrorist” Russell Lloyd and His Co-Conspirators Intentionally Hid the FACT That the “No-Evidence” Hearing Date Was Actually Set Up by Grievant/Crime Victim/Claimant David Schied as Yet Another “Motion for Default Summary Judgment...” and “Motion for Order to Show Cause and to Compel Documents...” and a “Motion for Declaratory Ruling on the Degree of Legitimacy of Actions Taken in Effort to Construct ‘Joinder’ of Other named ‘Co-Defendants’...”**

Key Evidence that was never acknowledged and never addressed in Lloyd’s fraudulent 7/12/16 “Memorandum Opinion” resides in the FACT that on 2/23/15 Grievant/Crime Victim/Claimant David Schied addressed and sent a cover letter to Harris County “clerk” Stan Stanart, in accompaniment by a “Notice of Hearing”, a “2<sup>nd</sup> Proof of Service”, and numerous other documents pertaining to documents which had been previously sent to the Probate Court through Stanart several days earlier while expecting that Stanart would be derelict in timely “filing” those documents and thus, furthering his previous prejudicial treatment in favor of Defendants and against Grievant/Crime Victim/Claimant David Schied. A copy of the cover letter to Stanart and the “Notice of Hearing” of hearing and “2<sup>nd</sup> Proof of Service”, which were both time-stamped by Stanart about 10 days later, are to be found posted publicly on the Internet, as of the date of this writing, at:

[http://cases.michigan.constitutionalgov.us/david-schied/2014\\_SchiedvMerrittProbate+TexasCriminalAllegations/041717\\_WritofErrorCoramNobis/SupportDocs/022315\\_MailStanartNotofHearing&2ndCertificateofServ.pdf](http://cases.michigan.constitutionalgov.us/david-schied/2014_SchiedvMerrittProbate+TexasCriminalAllegations/041717_WritofErrorCoramNobis/SupportDocs/022315_MailStanartNotofHearing&2ndCertificateofServ.pdf)

The “2<sup>nd</sup> Proof of Service” provided the rationale for why Grievant/Crime Victim/Claimant David Schied was carrying out the delivery of the documents that

he was “*servicing*” upon the “*court*” and to the “*co-Defendants*” as follows in graphic excerpts taken directly from those filings:

IN THE PROBATE COURT NO. 1  
OF HARRIS COUNTY, TEXAS

In the Estate of Michael Edward Schied,  
*Deceased*

David Schied,  
*Interested Party Plaintiff /  
Principal Co-Heir*

Case No. 434875

RECEIVED  
2015 MAR -2 PM 5:51  
HARRIS COUNTY, TEXAS  
Clerk  
Christina

vs

Michael Merritt (named “*executor*”) and Wynde Merritt (“*co-executor*” by  
Janette Renee Smith *proxy*)  
Robin Apostolakis  
David Munson  
*Co-Defendants*

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2<sup>nd</sup> PROOF OF SERVICE

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On 2/13/15, taking into account the long delay of the “*Clerk*” of the Probate Court No. 1 in time-stamping and further delaying the actual “*filing*” of the documents into the Docket Record – *and given the preferential treatment provided by the Court to the Co-Defendants and their BAR attorneys when giving them “dated” credit for “filing” documents within no more than 24 hours, and the impact that discrepancy in treatment has upon the accuracy of Docketing records when attorney entries into the Docket reflect an “earlier” filing date than the actual date of David Schied’s “date of service” upon either the Court or to the Co-Defendants* – I promised to “*serve*” the above-referenced documents to the below-listed Co-Defendants within 10 days and to provide an alternate “*Proof of Service*” to be additionally filed with the Court at that later time, and at which time I would also be requesting a Hearing Date on these Motions if the Court fails to proactively offer me such a date before the Ordered date to complete Mediation.

As expected, on Thursday 2/19/15 the Clerk – A. Simpson – finally picked up and/or signed for receipt of the package that had arrived at the Houston post office on 2/15/15, and on that day also entered that as the date of filing. Subsequently, the very next day, on Friday, 2/20/15, telephoned the Court and, finding the “*coordinator*” Hightower out of her office until today, received a “*Hearing*” date scheduled for 3/12/15 at 10:00am (“*Texas time*”) from the clerk “*Christina*”. I therefore affirm that today, 2/23/15, I sent by Priority First Class Mail – with Delivery Tracking – a copy of the following to the below-listed Co-Defendants:



- 1) "Motion for Waiver of Fees and Costs on This Motion Filing;"
- 2) "Motion for Default Summary Judgment and Order to Compel Documents by Failure of Defendants to 'Answer' Counter-Complaint by Monday Following 20-Days After Being Properly 'Served';"
- 3) "(Motion for...) If Default Summary Judgment and Order are for Any Reason 'Denied,' to Instead Provide Waiver of Fees and Costs to David Schied in Order to Comply with the Order of This Court Compelling Mediation on or Before 2/27/15 and Hearing for 'Motion for Order to Show Cause and to Compel Documents' and for Injunctive, Declaratory, and Other Relief and to Determine the Actual Necessity and Degree of Need for this Court's Further Involvement in the 'Probating' of the Remaining Terms of Mickey Schied's Last Will and the Last Aspects of 'Administration' of Mickey Schied's Estate."
- 4) "'Motion for Waiver of Fees and Costs on This Motion Filing' and 'Motion for Declaratory Ruling on the Degree of Legitimacy of Actions Taken in Effort to Construct 'Joinder' of Other Named 'Co-Defendants' To Be Added to This Case by 'Pro Per' and 'Forma Pauperis' Petitioner' and '(Motion for...) If Such Action is Ruled 'Insufficient' Then For This Court to Take Such Action Necessary to Ensure by 'Order' That the 'Clerk' of the Court 'Properly' Provide the Appropriate Number of Copies and 'Service' to These Named 'Co-Defendants' of the Documents Already in the Court's Possession for This Past Month (as Provided by Rule 99, Texas R. Civ. Proc.)";
- 5) "Affidavit(s) of Truth;"
- 6) "Proof of Service" (dated 2/13/15)
- 7) This instant "2<sup>nd</sup> Proof of Service"
- 8) Notice of Hearing

Jeannette Smith – co-beneficiary  
and Robin L. Apostolakis, attorney  
Gaunte, Earl, & Binney, LLP  
1400 Woodloch Forest Dr., Ste.575  
The Woodlands, Texas 77380  
281-367-6555, and 479-451-8692  
203 McNair St.  
Pea Ridge, Arkansas 72751

Michael (*named executor*) and Wynde  
Merritt (*executor by proxy*)  
and David A. Munson 281-210-3467  
2002 Timberloch Pl., Ste. 200  
The Woodlands, Texas 77380  
281-855-2714, and 713-430-6286  
8526 Hot Springs Dr.  
Houston, Texas 77095

by:  
DATED: 2/23/15



David Schied – *Pro Per*  
P.O. Box 1378  
Novi, Michigan 48376  
248-347-1684  
NOTE NEW NUMBER  
[deschied@yahoo.com](mailto:deschied@yahoo.com)

As a significant matter of FACT however, that 2<sup>nd</sup> Proof of Service was NEVER ENTERED by Stanart or his agents as shown below by the screenshot image of the “*official court record*” as captured at the time of this writing on 4/9/17:

		COSTS ON THIS INSTANT FILING AND MOTION FOR INTERLOCUTORY APPEAL ON QUESTIONS OF LAW PERTAINING TO ACTIONS OF HARRIS COUNTY PROBATE COURT JUDGE LOYD WRIGHT AND HIS "AGENTS" AGAINST INTERESTED PARTY PLAINTIFF/CO-HEIR DAVID SCHIED IN DIVERSITY CASE WITH EVIDENCE OF DENIAL OF COURT ACCESS AND THE APPEARANCE OF PREJUDICIAL BIAS AND DUE PROCESS VIOLATIONS AGAINST "PAUPERIS" LITIGANT WITHOUT ATTORNEY Film code number PBT-2015-89418	Application of Miscellaneous kind	47
03/18/2015	Certificate	OF SERVICE Film code number PBT-2015-89410	Certificate	2
03/12/2015	Order to Strike	THIS INSTRUMENT RETURNED UNSIGNED BY JUDGES OFFICE Film code number PBT-2015-83882	Order to Strike	9
03/12/2015	Proof of Misc. Types	PROOF OF SERVICE ON NOTICE TO STRIKE Film code number PBT-2015-83880	Proof of Misc. Types	2
03/09/2015	RECEIPT			
03/06/2015	Electronic Filing Fee			
03/06/2015	Application for Summary Judgement		Application for Summary Judgement	5
03/06/2015	RECEIPT			
03/06/2015	Electronic Filing Fee			
03/06/2015	Application to Strike		Application to Strike	9
03/02/2015	Notice of Hearing		Notice of Hearing	4
02/19/2015	Application of Miscellaneous kind	MOTION FOR WAIVER OF FEES AND COSTS ON THIS MOTION FILING, ET AL Film code number PBT-2015-58341	Application of Miscellaneous kind	75
02/19/2015	Proof of Misc. Types	PROOF OF SERVICE Film code number PBT-2015-58340	Proof of Misc. Types	2
02/19/2015	Application of Miscellaneous kind	MOTION FOR WAIVER OF FEES AND COSTS ON THIS MOTION FILING, ET AL Film code number PBT-2015-58339	Application of Miscellaneous kind	15
02/19/2015	Affidavit	OF TRUTH Film code number PBT-2015-58337	Affidavit	1
02/12/2015	RECEIPT			
02/12/2015	Designation		Designation	2
02/12/2015	Electronic Filing Fee			
02/02/2015	No Fee - Other	SUMMONS AND "COUNTER-COMPLAINT" AND/OR "CROSS-COMPLAINT" IN CITATION (RULE 99) Film code number PBT-2015-34828	No Fee - Other	5

The above is *prima facie* Evidence of CRIMINAL “*fraud upon the court*” as committed by Stan Stanart, Loyd Wright, and the “*panel*” of other so-called “*judges*” of the Texas Court of Appeals, being Russell Lloyd, Jane Bland, and Harvey Brown. At minimum, it presents the “*appearance of impropriety*” needed to render the lower “*Probate Court No. 1*” and the “*Texas Court of Appeals*” rulings as complete “*nullities*”. Note that the following were never shown as “*filed*” by the “*clerk of the court*” Stan Stanart, despite that the “2<sup>nd</sup> Proof of Service” showing the delivery of these documents bears the time-stamp of the lower “*probate/trial*” Court as dated 3/2/15.

Although the content of the lower court filings referenced by the “Notice of Hearing” and “2<sup>nd</sup> Proof of Service” is too extensive to elaborate upon herein, the following filings as referenced by the “Notice of Hearing” and “2<sup>nd</sup> Proof of Service”, along with their respective “Exhibits of Evidence” are found on the Internet, as of the date of this writing, as designated below:

- 1) “Motion for Waiver of Fees and Costs on This Motion Filing; and, Motion for Declaratory Ruling on the Degree of Legitimacy of Actions Taken in Effort to Construct a ‘Joinder’ of Other Named ‘Co-Defendants’ to be Added to This Case by ‘Pro Per’ and ‘Forma Pauperis’ Petitioner; and, If Such Action is Ruled ‘Insufficient’ Then for This Court to Take Such Action Necessary to Ensure by ‘Order’ That the ‘Clerk’ of the Court ‘Properly’ Provide the Appropriate Number of Copies and ‘Service’ to These Named ‘Co-Defendants’ of the Documents Already in the Court’s Possession for This Past Month (as Provided by Rule 99, Texas R. Civ. Proc.)”

[http://cases.michigan.constitutionalgov.us/david-schied/2014\\_SchiedvMerrittProbate+TexasCriminalAllegations/041717\\_Writ](http://cases.michigan.constitutionalgov.us/david-schied/2014_SchiedvMerrittProbate+TexasCriminalAllegations/041717_Writ)

- 2) “Motion for Waiver of Fees and Costs on This Motion Filing; and, Motion for Default Summary Judgment and Order to Terminate Application of Michael Merritt and to Compel Documents by Failure of Defendants to ‘Answer’ Counter-Complaint by Monday Following 20-Days After Being Properly ‘Served’; and If Default Summary Judgment and Order Are For Any Reason ‘Denied’, to Provide Waiver of Fees and Costs to David Schied in Order to Comply With the Order of This Court Compelling Mediation on or Before 2/27/15; and, Hearing for ‘Motion for Order to Show Cause and to Compel Documents’ and for Injunctive, Declaratory and Other Relief in Actions Taken Thus Far Against Plaintiff’s Survivorship Rights, and to Determine the Actual Necessity and Degree of Need for This Court’s Further Involvement in the ‘Probating’ of the Remaining Terms of Mickey Schied’s ‘Last Will’ and the Last Aspects of ‘Administration’ of Mickey Schied’s Estate”

The above-referenced “...Motion for Default Summary Judgment and Order to Terminate Application of Michael Merritt and to Compel Documents by Failure of Defendants to ‘Answer’ Counter-Complaint by Monday Following 20-Days After Being Properly ‘Served’” can be found on the Internet along with its referenced “Exhibits of Evidence”, as of the date of this writing, at:

[http://cases.michigan.constitutionalgov.us/david-schied/2014\\_SchiedvMerrittProbate+TexasCriminalAllegations/041717\\_WritofErrorCoramNobis/AllReferencedDocsinWritErrorCoramNobis/Page-72\\_021315\\_Mot4DefaultSumJudg&2CompelDocsbyFail2Answr.pdf](http://cases.michigan.constitutionalgov.us/david-schied/2014_SchiedvMerrittProbate+TexasCriminalAllegations/041717_WritofErrorCoramNobis/AllReferencedDocsinWritErrorCoramNobis/Page-72_021315_Mot4DefaultSumJudg&2CompelDocsbyFail2Answr.pdf)

The above-referenced TIME-STAMPED filings, along with their supporting “Exhibits of Evidence” demonstrate the degree that *Grievant/Crime Victim/Claimant* David Schied had to extend himself in the pursuit of substantive justice, and by attempt to ensure that his documents were timely filed in the Court

in comparison to when the co-Defendants were “*served*” copies of the same documents. **Thus, the FACT that Russell Lloyd’s, Jane Bland’s, and Harvey Brown’s “Judgment” and “Memorandum Opinion” did nothing to address the above-two “*filings*” demonstrate their “*sedition conspiracy*” to “*obstruct justice*” and to commit “*treason,*” and “*misprision of treason*” by their “*conspiracy to deprive of rights*”, among other RICO offenses involving a the Texas Court of Appeals as a “*continuing financial crimes enterprise*”. (See Title 18 U.S.C., Sections 2384, 1503, 2381, 2382, 242, 241, 1962-1965, and 225 corresponding to each of the criminal “*charges*” cited in this paragraphs.)**

Significantly, the above-two sets of documents, as listed in the “Notice of Hearing” and “2<sup>nd</sup> Proof of Service” provide measure for how far the higher and lower court “*clerks*” and “*judges*” are also willing to extend themselves into *secondary-level* crimes to cover up “*predicate*” crimes, and engage in unlawful conduct related to the criminal theft of private “*Estate*” property, of defrauding the Court and “*the People*” whose power and authority are delegated to these “*public functionaries*” as those otherwise on salaries as sworn and bonded “*fiduciaries*” of those courts. (Bold emphasis)

**Nowhere in the Memorandum Opinion of 7/12/16 did Judicial Usurpers/Domestic Terrorists Russell Lloyd, Jane Bland, and Harvey Brown Mention That Grievant/Crime Victim/Claimant David Schied was a Pauper Handling This Matter Himself From Michigan While Reporting Crimes Against the People of the State of Texas by the so-called “government” of Michigan**

From front to back of the *Memorandum Opinion* presented by the tribunal “panel” of Russell Lloyd, Jane Bland, and Harvey Brown, as written on 7/12/16 but never signed by Russell Lloyd, the document is saturated with various forms of FRAUD. Such fraud consists of misrepresenting and omitting significant facts through deceptive choices of descriptive words, through vague or generalized details, and through falsification, downplaying and a cherry-picking of particulars. As such, this document is deemed FRAUDULENT and is, *prima facie*, rendered a legal nullity, being only good for proving a *Seditious Conspiracy to Treason* and “domestic terrorism” by those named above as responsible for its content.

On page 2, Lloyd *et al* misrepresented the significance of all of the previously filed *motions, writs*, and other actions of *Grievant/Crime Victim/Claimant* David Schied in effort to *move* the lower and higher courts to address the wrongdoings of the “*court clerks*” and “*judges*” by merely stating “[a]ppellant...*filed other motions and pleadings seeking various types of release and attempting to formally enjoin [the other named co-Defendants Smith, Apostolakis, Merritt, and Munson]*”. The downplay of significance of those filings, in *Grievant/Crime Victim/Claimant* David Schied also pointing out in those

“*motions and pleadings*” the unlawful methods in which those various filings were tortuously undermined or ignored, or maliciously thrown out by the judge without proper address, constitutes FRAUD, a secondary level crime under the RICO act. It also constitutes TREASON, and by practical definition, “*domestic terrorism.*”

On page 3, Lloyd *et al* committed “*FRAUD UPON THE COURT*” when falsely claiming that “*Appellant did not file a response to the [‘no evidence’] motion by Merritt [and Munson]*” without acknowledging the “*Interlocutory Appeal...*” and other subsequent filings *Grievant/Crime Victim/Claimant* David Schied filed just prior to and in response to that action by the co-Defendants.

Beginning on page 3 and continuing into page 5, Russell Lloyd maliciously cited case law supporting his need as a “*judge*”, as well as the lower court judge Loyd Wright – by law – to ensure that one litigating party not gain an “*unfair advantage*” over the other, yet the “*pattern and practice*” these “*justices*” exhibited demonstrated a constructive intent to do exactly that CRIMINALLY “*under color of law*” and by *misrepresentation of the facts*. Within these pages, *Loyd et al* claimed *Grievant/Crime Victim/Claimant* David Schied’s filings contained only “*conclusory statements unsupported by legal citations*” and with no “*clear and concise*” statements about the facts.

Rather than to acknowledge the FACTS and cite examples of how the many filings of *Grievant/Crime Victim/Claimant* David Schied exhibited no “*clear and*



*concise statements,*” Lloyd cited a litany of case law that in no way reflected the actual FACTS existing in either the content or the written delivery of *Grievant/Crime Victim/Claimant* David Schied’s work. The fact is that this *pattern and practice* was outright FRAUDULENT on the part of these Texas “*justices*” given that while Mr. Schied is not an attorney, he does have well over a decade of practical legal experience, a Bachelor’s Degree and Master’s degree from two top-tier universities of the University of Southern California (USC) and the University of Michigan (UM), and PH.D. level research and writing in his background. Thus, the focus of Lloyd et al upon legal citations rather than the presentation of FACTS presents sufficient Evidence of a conspiracy to deprive Mr. Schied of his rights to *due process* and “*access to the court*” under the “*color of law,*” a federal FELONY.

**Judicial Usurpers/Domestic Terrorists Russell Lloyd’s, Jane Bland’s, and Harvey Brown’s Barring Grievant/Crime Victim/Claimant David Schied From Incorporating Arguments and Evidence From Previous Filings and Include the Entire Lower Court Record Constitutes “Domestic Terrorism” by a Blatantly Treasonous Coercion of Both Constitutional Due Process and the Rules Governing Legal Procedure in the Presentation of Facts**

Between pages 5 through 7 of their “*Memorandum Opinion*” of 7/12/16, the “*three stooges*” of Texas Court of Appeals, Lloyd, Bland and Brown, used coercive arguments to CRIMINALLY cover up the significant content of the names, the contents, and the relevant importance of *Grievant/Crime*

*Victim/Claimant* David Schied’s previous filings, in both the lower and the higher courts; while doing so “*under color of law [and procedure]*”. They claimed that “*incorporating the referenced arguments made in another document does not present an issue for appellate review...[and]...[A]ccordingly, we will not consider any arguments raised in any of the documents appellant has attempted to incorporate by reference ....*” Nevertheless, these “*three stooges*” disregard that the purpose of incorporating those previous filings was for the EVIDENCE of previous arguments and FACTS that were intentionally overlooked and ignored, misrepresented, and undermined by the lower court “*clerks*” Stan Stanart and his agents, and the “*judge*” Loyd Wright and his clerical and case management agents.

Most importantly, these “*three stooges*” (Lloyd, Bland and Brown) disregarded the Supremacy Clause of the Constitution of and for the united States, as well as the Rules Enabling Act of 1934 which altogether bar judges from effectively using *rules of procedure* to undermine and preempt the substantive rights of litigants. This they otherwise did, repeatedly and in spades, with the criminally “*aiding and abetting*” of their so-called “*clerk of the court*” Christopher Prine.

A “*chain pattern*” of criminal RICO activity was clearly established by *Grievant/Crime Victim/Claimant* David Schied’s previous filings, with each of his filings firmly elaborating upon and depicting the exact process by which each of

the lower and higher Texas courts procedurally stalled, then manipulated, then *fraudulently* determined “*under color of law [and procedure]*” the consequential outcomes for *Grievant/Crime Victim/Claimant* David Schied. Of course these government “*actors*”, acting *treasonously* as *domestic terrorists*, were motivated to first break up that “*chain*” (of Statements and Evidence) and then to cover up each element (i.e., each “*link*” of the chain) of these multiple acts of CRIMINAL TRESPASS.

As such, it is important to scrutinize how this was done by review of the “*post-judgment*” activities that occurred in the lower and higher courts immediately preceding and in the extended number of months following “*judge*” Loyd Wright’s “*ruling*” to dismiss all of *Grievant/Crime Victim/Claimant* David Schied’s previous lower court filings under a “*no evidence*” motion without any apparent “*hearing*” taking place.

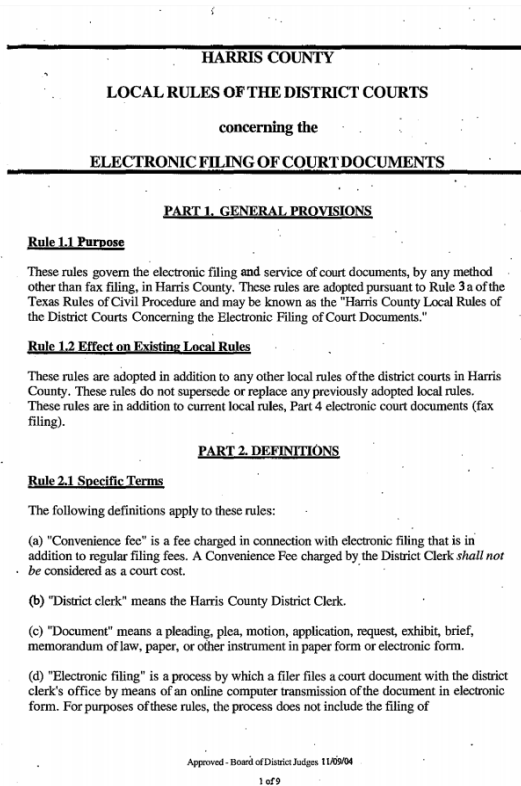
**Notwithstanding the Documents Referenced Above Listed in the “*Notice of Hearing*” and “*2<sup>nd</sup> Proof of Service*,” the Following List of Sequential Filings by *Grievant/Crime Victim/Claimant* David Schied About the Time of Merritt’s**

**“No-Evidence Motion for Summary Disposition” on the Probate Court Case No. 434,875, and for the Following Months in the Texas COA, Reflects the High Degree of FRAUD Perpetrated by “Domestic Terrorists” Loyd Wright, Stan Stanart, Christopher Prine, Russell Lloyd, Jane Bland, and Harvey Brown, as Portrayed in Their Collective “Memorandum Opinion(s),” “Order,” and Final “Judgment” to “Affirm the Trial Court’s Judgment”**

Any person reviewing the following list of events should also consider that any documents “served” by co-Defendants Michael Merritt through or along with his “counsel” and co-Defendant attorney David Munson, were NEVER RECEIVED by Grievant/Crime Victim/Claimant David Schied “as a matter of record” because the record had already shown that Mr. Schied was not approving of “service” through email correspondence and was instead relying upon the Harris County Local Rules of District Courts Concerning the Electronic Filing of Court Documents, which maintain that, “**Documents may be electronically served upon a party ONLY where that party has agreed, in writing to receive electronic service in that case;**” and which also maintain, “**The agreement must be filed with the court and the form must be served on all other parties.**” (Bold emphasis added)

Evidence of the existence of the above written Rule, which was NEVER disputed but instead repeatedly ignored by Merritt and his co-Defendant attorney Munson, is found below in graphic images directly from the official text of the Harris County Local Rules of District Courts Concerning the Electronic Filing of

Court Documents as referenced by *Grievant/Crime Victim/Claimant* David Schied in both the lower Probate Court No. 1 and the higher Texas Court of Appeals:



(b) The district clerk may maintain and make available electronically-filed documents in any manner allowed by law.

**Rule 4.7 E-mail Address Required**

In addition to the information required on a pleading by TEX. R. CIV. P. 57, a filer must include an e-mail address on any electronically-filed document.

**Rule 4.8 Document Format**

(a) Electronically-filed documents must be computer-formatted as specified by TexasOnline. Electronically-filed documents must also be formatted for printing on 8 1/2-inch by 11-inch paper.

(b) An electronically-filed pleading is deemed to comply with TEX. R. CIV. P. 45.

**PART 5. SERVICE OF DOCUMENTS OTHER THAN CITATION**

**Rule 5.1 Electronic Service of Documents Permissible**

(a) In addition to the methods of serving documents (other than the citation to be served upon the filing of a cause of action) set forth in TEX. R. CIV. P. 21a, a filer may serve documents upon another party in the case by electronically transmitting the document to that party at the party's email address. Service in such a manner is known as "Electronic service," and is permissible in the circumstances set out in paragraph (b) below.

(b) Documents may be electronically served upon a party only where that party has agreed, in writing to receive electronic service in that case. The clerk shall adopt a standard form of agreement which provides that the party has agreed to electronically accept service, sets out the e-mail address where service should be sent, and informs the party of the right to rescind the agreement by subsequent notice to the court. The agreement must be filed with the court and the form must be served on all other parties.

(c) By virtue of electronically filing a document or serving a document or by agreeing to accept service, a filer additionally agrees to provide information regarding any change in his or her e-mail address to TexasOnline, the district clerk, and all parties in the case.

(d) A party who electronically files a document is not required to electronically serve documents upon other parties. Electronic service of documents is an optional method of service.

(e) A filer may electronically serve a document in instances where the document is traditionally filed as well as in instances where the document is electronically filed.

Importantly, the above-referenced pages were not only found and being used independently by *Grievant/Crime Victim/Claimant* David Schied at the time he was attempting to "litigate the merits" of his probate case as "Interested Party Plaintiff/ Co-Heir" to the modest "estate" of Michael Edward Schied, these very same referenced pages <sup>6</sup> were also being used in professional legal training of attorneys, as shown in the 2014 training manual, "Views From the Bench..." as

<sup>6</sup> See specifically page 14 of the referenced training manual as found on 4/11/17 at: <http://docplayer.net/3105391-Views-from-the-bench-part-1-insights-from-three-trial-judges-on-best-practices-for-trial-lawyers-in-insurance-cases.html>

presented by the State BAR of Texas' 11<sup>th</sup> Annual "Advanced Insurance Law Course" in the very same city of Houston, Texas where these "judicial CRIMES" are proven to have occurred as described in these pages by *Grievant/Crime Victim/Claimant* David Schied.

VIEWS FROM THE BENCH (PART I): INSIGHTS FROM THREE  
TRIAL JUDGES ON BEST PRACTICES FOR TRIAL LAWYERS IN  
INSURANCE CASES

*Moderator*

STEPHEN A. MELENDI, *Dallas*  
Tollefson Bradley Mitchell & Melendi

HON. NANCY K. JOHNSON, *Houston*  
U.S. Magistrate Judge  
Southern District of Texas

HON. GRAY H. MILLER, *Houston*  
U.S. District Judge  
Southern District of Texas

HON. JEFFREY A. SHADWICK, *Houston*  
Judge, 55<sup>th</sup> Civil District Court

State Bar of Texas  
11<sup>TH</sup> ANNUAL  
ADVANCED INSURANCE LAW COURSE  
April 24-25, 2014  
Houston

CHAPTER 9

**THE FIRST "ACT OF TREASON" AND MAJOR "ACT OF DOMESTIC  
TERRORISM" WAS COMMITTED BY LOYD WRIGHT VIA HIS  
INTENTIONAL AND CRIMINAL "DEPRIVATION OF RIGHTS UNDER  
COLOR OF LAW", WHICH OPENED UP THE NEED FOR "SECONDARY"  
LEVEL ACTS OF THE SAME BY THE FIDUCIARY APPELLATE  
"PANEL" AND THEIR "AGENT" OF "CLERK OF THE COURT"**

Clearly, any proper "*panel review*" of the Texas Court of Appeals should not only have considered what is outlined above, but also should have considered the events that took place following after *Grievant/Crime Victim/Claimant* David Schied's filing of his "Counter-Complaint.../ 'Joinder Complaint' ..." on or about

1/14/15 and just prior to the deadline of 1/19/15 imposed by the Docket Control Order issued by Loyd Wright on 12/19/14.

- 1) **FILED** – 2/13/15 (time-stamped 2/20/15) – filed by *Grievant/Crime Victim/Claimant* David Schied in the lower Probate Court – *See again* above for the direct link to the document posts listed here as posted to the Internet at:  
[http://cases.michigan.constitutionalgov.us/david-schied/2014\\_SchiedvMerrittProbate+TexasCriminalAllegations/041717\\_WritofErrorCoramNobis/AllReferencedDocsinWritErrorCoramNobis/Page-72\\_021315\\_Mot4DefaultSumJudg&2CompelDocsbyFail2Answr.pdf](http://cases.michigan.constitutionalgov.us/david-schied/2014_SchiedvMerrittProbate+TexasCriminalAllegations/041717_WritofErrorCoramNobis/AllReferencedDocsinWritErrorCoramNobis/Page-72_021315_Mot4DefaultSumJudg&2CompelDocsbyFail2Answr.pdf)  
and at:  
[http://cases.michigan.constitutionalgov.us/david-schied/2014\\_SchiedvMerrittProbate+TexasCriminalAllegations/041717\\_WritofErrorCoramNobis/AllReferencedDocsinWritErrorCoramNobis/Page-71\\_022315\\_Mot4DeclarFilingforJoinderOrderofSufficiency.pdf](http://cases.michigan.constitutionalgov.us/david-schied/2014_SchiedvMerrittProbate+TexasCriminalAllegations/041717_WritofErrorCoramNobis/AllReferencedDocsinWritErrorCoramNobis/Page-71_022315_Mot4DeclarFilingforJoinderOrderofSufficiency.pdf)
- a) "Motion for Default Summary Judgment and Order to Compel Documents by Failure of Defendants to 'Answer' Counter-Complaint by Monday Following 20-Days After Being Properly 'Served'";
- b) "(Motion for...) If Default Summary Judgment and Order are for Any Reason 'Denied, , to Instead Provide Waiver of Fees and Costs to David Schied in Order to Comply with the Order of This Court Compelling Mediation on or Before 2/27/15 and Hearing for 'Motion for Order to Show Cause and to Compel Documents' and for Injunctive, Declaratory, and Other Relief and to Determine the Actual Necessity and Degree of Need for this Court's Further Involvement in the 'Probating' of the Remaining Terms of Mickey Schied's Last Will and the Last Aspects of 'Administration' of Mickey Schied's Estate."
- c) "'Motion for Waiver of Fees and Costs on This Motion Filing' and 'Motion for Declaratory Ruling on the Degree of Legitimacy of Actions Taken in Effort to Construct 'Joinder' of Other Named 'Co-Defendants' To Be Tried to This Case by 'Pro Per' and 'Forma Pauperis' Petitioner'"
- d) "(Motion for ...) If Such Action is Ruled 'Insufficient' Then For This Court Take Such Action Necessary to Ensure by 'Order' That the 'Clerk' of the Court 'Properly' Provide the Appropriate Number of Copies and 'Service' to These Named 'Co-Defendants' of the Documents Already in the Court's Possession for This Past Month (as Provided by Rule 99, Texas R. Civ. Proc.)"
- e) "Affidavit(s) of Truth;"



- 2) **FILED** – 2/23/15 (time-stamped 3/2/15) – filed by *Grievant/Crime Victim/Claimant* David Schied in the lower Probate Court –
- a) “*Notice of Hearing...*” (i.e., see above for details)
  - b) “*2<sup>nd</sup> Proof of Service*” (i.e., see above for details)

See again the above two-referenced documents are publicly posted and can be found on the Internet, as of the date of this writing, at:

[http://cases.michigan.constitutionalgov.us/david-schied/2014\\_SchiedvMerrittProbate+TexasCriminalAllegations/041717\\_WritofErrorCoramNobis/SupportDocs/022315\\_MailStanartNotofHearing&2ndCertofServ.pdf](http://cases.michigan.constitutionalgov.us/david-schied/2014_SchiedvMerrittProbate+TexasCriminalAllegations/041717_WritofErrorCoramNobis/SupportDocs/022315_MailStanartNotofHearing&2ndCertofServ.pdf)

and also at:

[http://cases.michigan.constitutionalgov.us/david-schied/2014\\_SchiedvMerrittProbate+TexasCriminalAllegations/041717\\_WritofErrorCoramNobis/AllReferencedDocsinWritErrorCoramNobis/Page-83\\_022315\\_MailStanartNotofHearing&2ndCertofServ.pdf](http://cases.michigan.constitutionalgov.us/david-schied/2014_SchiedvMerrittProbate+TexasCriminalAllegations/041717_WritofErrorCoramNobis/AllReferencedDocsinWritErrorCoramNobis/Page-83_022315_MailStanartNotofHearing&2ndCertofServ.pdf)

**The Indisputable FACTS in the Court’s Own Records Show That Texas Probate Court “Judicial Usurper” Loyd Wright Conspired CRIMINALLY With His Fellow BAR Attorney David Munson to Deprive Grievant/Crime Victim/Claimant David Schied of His Right to “Discovery” in Violation of Wright’s Own “Docket Control Order”**

- 1) **FILED** – captioned as “*Motion for No Evidence Summary Judgment*”, this document was **FRAUDULENTLY** filed by Texas BAR attorney David Munson and NEVER “*served*” to Grievant/Crime Victim/Claimant David Schied. It was dated 3/6/15 and time-stamped by the “*clerk of the Probate Court No. 1*” on 3/9/15. It is found on the Internet, as of the date of this writing, at:

[http://cases.michigan.constitutionalgov.us/david-schied/2014\\_SchiedvMerrittProbate+TexasCriminalAllegations/041717\\_WritofErrorCoramNobis/AllReferencedDocsinWritErrorCoramNobis/Page-84\\_030615\\_MunsonMot4NoEvidSumJudg+FraudCertofServ.pdf](http://cases.michigan.constitutionalgov.us/david-schied/2014_SchiedvMerrittProbate+TexasCriminalAllegations/041717_WritofErrorCoramNobis/AllReferencedDocsinWritErrorCoramNobis/Page-84_030615_MunsonMot4NoEvidSumJudg+FraudCertofServ.pdf)

**NOTE:** This is a document that blatantly opposes the “Docket Control Order” issued by Loyd Wright referenced above which stipulated that “05/15/2015 – DISCOVERY PERIOD ENDS. All discovery must be conducted before the end of the discovery period. Parties seeking discovery must serve requests sufficiently far in advance of the end of the discovery period...” (Bold emphasis added)

In this formal court filing Texas BAR attorney David Munson submitted numerous blatantly (i.e., “*prima facie*”) FRAUDULENT claims, referenced as follows:

- a) That “[o]ver three month (sic) ha[d] passed” since Grievant/Crime Victim/Claimant David Schied had filed his “*pleading*” – **NOTE:** Attorney Munson FRAUDULENTLY referenced the “*pleading*” as Mr. Schied’s original 11/10/14 filing of “Complaint and Brief...and Motion for Order to Show Cause...” while completely **misrepresenting to the Court** the FACT that Munson had been “*served*” by a 3<sup>rd</sup> party, along with his co-Defendants, with the “Counter-Complaint and/or Cross-Complaint....and Formal ‘Joinder’...” on 1/14/15; and while completely **misrepresenting to the Court** the FACT that Munson and his co-

Defendants had also been subsequently *served* with a "*Motion for Default Summary Judgment and Order to Compel Documents by Failure of Defendants to 'Answer' Counter-Complaint by Monday Following 20-Days After Being Properly 'Served'*" on 2/20/15 when they each failed to "answer", or even acknowledge, the previous 1/14/15 filing. Even further, Munson's 3/15/15 filing of "*Motion for No Evidence Summary Judgment*" also **misrepresenting to the Court** the FACT that Munson and his co-Defendants had been served, along with the Probate Court, with *Grievant/Crime Victim/Claimant* David Schied's "*Notice of Hearing*" and "*2<sup>nd</sup> Certificate of Service*" on 2/23/15 with notice to Munson *et al* that a hearing on the unanswered "*Counter-Complaint and/or Cross-Complaint....and Formal 'Joinder'...*" filed on 1/14/15 was scheduled for a "[presumed "phone"] hearing" on 3/12/15.

- b) That Texas BAR attorney David Munson had falsely claimed to have "served" [Grievant/Crime Victim/Claimant David Schied] with "*a true and correct copy of [his 'Motion for No Evidence Summary Judgment' document]*" on 3/6/15 when that is FRAUDULENT information provided by Munson to that Texas Probate Court No. 1, since *Grievant/Crime*

*Victim/Claimant* David Schied was NEVER served with that document at all.<sup>7</sup>

- 2) **CONTENT OF EMAIL COMMUNICATIONS WITH LOYD WRIGHT'S "CHAMBER CLERK" KIMBERLY HIGHTOWER** – as dated between 3/10/15 and 3/11/15:
- a) **First Email From Grievant/Crime Victim/Claimant David Schied on 3/10/15** pertaining to the **"Notice of Hearing"** (referenced above) which scheduled what was intended to be a **"telephone hearing"** for just two days later on 3/12/15, which was to be similar to the one held on 12/19/14 as performed by Loyd Wright (as described above and in the referenced Internet links in much more detail) – Essentially, this first email addressed to the *"judge's clerk"* Kimberly Hightower requested information about whether the *"judge"* Wright was to telephone Mr. Schied like before at the hearing on 12/19/14, or whether Mr. Schied should call in for that hearing scheduled by *Grievant/Crime Victim/Claimant David Schied*.
  - b) **Return Email from Kimberly Hightower on 3/10/15** – This email reply stated in relevant part, *"You are required ...Thursday, March 12, 2015 to appear in person if you would like to present oral argument...[and]...you must contact the court with your submission date and give at least (10) days notice to all counsel"*.

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<sup>7</sup> As only discovered much later – i.e., during the appeal process – when *Grievant/Crime Victim/Claimant* David Schied was able to finally obtain access to the Internet for the purpose of accessing the Munson's *fraudulent* filing, Mr. Schied found out that the **"Notice of Hearing"** had referenced 4/2/15 as the date when a hearing was supposed to take place, as shown on Munson's **"Certificate of Service"** page which included a **"Notice of Hearing"** fraudulent filing of **"Motion for No Evidence Summary Judgment"**. **Importantly, that "Notice of Hearing" filed by Munson was TWO FULL WEEKS beyond the date that Mr. Schied's previously filed "Notice of Hearing" had stated was to take place on 3/12/15. That hearing noticed by *Grievant/Crime Victim/Claimant* David Schied was the one for his **"Motion for Default Summary Judgment and Order to Compel Documents by Failure of Defendants to 'Answer' Counter-Complaint by Monday Following 20-Days After Being Properly 'Served'"**, which Mr. Schied had filed on 2/20/15, nearly a month prior to Munson's, but which Loyd Wright NEVER **"heard."** (Bold emphasis added)**

- c) **Second Email From Grievant/Crime Victim/Claimant David Schied on 3/10/15 sent in reply to Hightower** – Mr. Schied’s email pointed out the following as excerpted from that email verbatim,

*“As I have provided by Affidavit, which is included in my written motions, it takes your court no less than 10 days itself to file anything that I send to it by mail in receipt of 2-3 days. I therefore have no means of getting information ‘filed’ with the court before the scheduled hearing on Thursday.*

*I have noted once again that, in good faith, I have requested a phone number to contact the Court at the time of the hearing and you have refused to provide me with that information. Similarly, by sworn and notarized Affidavit, I have notified the Court that I have not even received any mailing of the written ruling issued by Judge Loyd Wright last December 19<sup>th</sup> when he purportedly denied my motion(s).*

*Additionally, I have reviewed all of our correspondence and neither you nor Judge Loyd Wright EVER stated to me that the ‘courtesy’ of having my appearance be by phone was ONE TIME ONLY and never to be accommodated to me again as a pauper. I have documented by Affidavit that when attempting to file motions with the Court for ruling without hearing, you have informed me that I must have hearings on my motions. This was an issue I took up before. I have a right to access the judicial system and it becomes a federal issue for you to participate in such a denial of my rights.*

*I have not been “served” with anything to indicate there is any ‘further hearings’ scheduled than what I have otherwise arranged in good faith expectation that I would be making my appearance by telephone. I hereby request another such accommodation. Please provide this information to the judge and let him know that, due to the ‘Court’s’ failure to provide me with that expected information before today, I will need to either telephone the court for that hearing or be provided the same accommodation.*

*Please also make note that the first issue I will need to have addressed is the fact that I am not being sent anything by any other parties nor anything by the Court. Further, by Affidavit I have notified the Court that I cannot access or download any files from the Harris County Clerk’s website, and that when I have notified the Court about this by email that I have received no return call of assistance.”*

- d) **(Final) Return Email from Kimberly Hightower on 3/11/15** – This email reply stated in relevant part, *“I have again spoken with Judge Wright and he affirms my email communication with you dated 3/10/15. As for your motion and the response of Mr. Munson that is*

currently set for 3/12/15...*the motion will be considered as it stands*<sup>8</sup>. As stated previously, the court does not generally entertain hearings by phone and as this matter has become contested, will not longer communicate via email concerning this case....The Court also recommends, once again, that you retain an attorney to represent your interests. Additionally, any issues concerning filing, service or posting should be directed to Stan Stanart's office."

Note that the email Evidence of the above-referenced two-day conversation has been posted publicly on the Internet, as of the date of this writing, at:

[http://cases.michigan.constitutionalgov.us/david-schied/2014\\_SchiedvMerrittProbate+TexasCriminalAllegations/041717\\_WritofErrorCoramNobis/AllReferencedDocsinWritErrorCoramNobis/Page-88\\_031015\\_EmailsWithClerkHightoweronDenialPhoneHearing.pdf](http://cases.michigan.constitutionalgov.us/david-schied/2014_SchiedvMerrittProbate+TexasCriminalAllegations/041717_WritofErrorCoramNobis/AllReferencedDocsinWritErrorCoramNobis/Page-88_031015_EmailsWithClerkHightoweronDenialPhoneHearing.pdf)

- 3) **FILED** – 3/14/15 (time-stamped on 3/18/15) – filed by *Grievant/Crime Victim/Claimant* David Schied in the lower Probate Court –
  - a) "*Motion for Interlocutory Appeal on Questions of Law Pertaining to Actions of Harris County Probate Court Judge Loyd Wright and his "Agents" Against Interested Party Plaintiff/Co-Heir David Schied in Diversity Case With Evidence of Denial of Court Access and the Appearance of Prejudicial Bias and Due Process Violations Against 'Pauperis' Litigant Without Attorney*" as located on the Internet, as of the date of this writing, at:  
[http://cases.michigan.constitutionalgov.us/david-schied/2014\\_SchiedvMerrittProbate+TexasCriminalAllegations/HarrisCountyProbateCourt1/InterlocutoryAppeal/InterlocutoryAppeal.pdf](http://cases.michigan.constitutionalgov.us/david-schied/2014_SchiedvMerrittProbate+TexasCriminalAllegations/HarrisCountyProbateCourt1/InterlocutoryAppeal/InterlocutoryAppeal.pdf)
  - b) The time-stamped "*Certificate of Service*" in Evidence of that filing and the above-referenced "*Motion for Interlocutory Appeal*" and an accompanying

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<sup>8</sup> **Importantly, there is NO EVIDENCE WHATSOEVER that the Motions (i.e., "motions" entered into the lower Probate Court No. 1 record WERE EVER "HEARD" or "litigated on the merits". In fact, the "fraudulent order of Loyd Wright dated 4/7/15" makes no reference whatsoever to the filings of *Grievant/Crime Victim/Claimant* David Schied entered into the record of the Probate Court No. 1 the previous month of March (18<sup>th</sup>) 2015.**

“Affidavit of Truth” in support of the accuracy of the being time-stamped on 3/18/15, as downloaded also from the “*clerk of the court*” docketing records of the Harris County Probate Court, is located on the Internet, as of the date of this writing, at:

[http://cases.michigan.constitutionalgov.us/david-schied/2014\\_SchiedvMerrittProbate+TexasCriminalAllegations/HarrisCountyProbateCourt1/InterlocutoryAppeal/DownloadTimestampedCertificateofServiceforInterlocAppeal.pdf](http://cases.michigan.constitutionalgov.us/david-schied/2014_SchiedvMerrittProbate+TexasCriminalAllegations/HarrisCountyProbateCourt1/InterlocutoryAppeal/DownloadTimestampedCertificateofServiceforInterlocAppeal.pdf)

4) **FILED** – 3/16/15 (time-stamped 3/25/15) – filed by *Grievant/Crime*

*Victim/Claimant* David Schied in the lower Probate Court – This was an attempt by Mr. Schied to file documents with the Court in a timely fashion while taking into account the persistent delays of the Probate Court clerk in getting filings “*entered*” into the record was giving the co-Defendants an unfair advantage in receiving documents “*served*” upon them and their having the time to file an “*answer*” or “*response*” before the original filing by Mr. Schied to the court was processed by the lower court “*clerk*” Stan Stanart and his agents.

As such, document is captioned similar to the one referenced above as yet another “2<sup>nd</sup> Certificate of Service” listing the documents sent on 3/16/15 through the mail, is further explained on the time-stamped (3/25/15) “*cover*” page as follows in a graphic snapshot of the two pages of that filing, which is also found on the Internet, as of the date of this writing, at:



[http://cases.michigan.constitutionalgov.us/david-schied/2014\\_SchiedvMerrittProbate+TexasCriminalAllegations/041717\\_WritofErrorCoramNobis/AllReferencedDocsinWritErrorCoramNobis/Page-89\\_031615\\_2ndCertofServiceonInterlocAppealQuestofLaw.pdf](http://cases.michigan.constitutionalgov.us/david-schied/2014_SchiedvMerrittProbate+TexasCriminalAllegations/041717_WritofErrorCoramNobis/AllReferencedDocsinWritErrorCoramNobis/Page-89_031615_2ndCertofServiceonInterlocAppealQuestofLaw.pdf)

IN THE PROBATE COURT NO. 1  
OF HARRIS COUNTY, TEXAS

In the Estate of Michael Edward Schied,  
*Deceased*

David Schied, Case No. 434875  
*Interested Party Plaintiff /  
Principal Co-Heir*

vs

Michael Merritt (named "executor") and Wynde Merritt ("co-executor" by  
Janette Renee Smith proxy)  
Robin Apostolakis  
David Munson  
*Co-Defendants*

2ND CERTIFICATE OF SERVICE

David Schied – <i>Pro Per</i> P.O. Box 1378 Novi, Michigan 48376 248-347-1684	Jeannette Smith – co-beneficiary and Robin L. Apostolakis, attorney Gaunte, Earl, & Binney, L.L.P. 1400 Woodloch Forest Dr., Ste.575 The Woodlands, Texas 77380 281-367-6555	Michael (named executor) and Wynde Merritt (executor by proxy) and David A. Munson 2002 Timberloch Pl., Ste. 200 The Woodlands, Texas 77380 281-210-3467
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Jeannette Smith – co-beneficiary  
203 McNair St.  
Pea Ridge, Arkansas 72751  
479-451-8692

Michael Merritt and Wynde Merritt  
8526 Hot Springs Dr.  
Houston, Texas 77095  
281-855-2714  
713-430-6286

I affirm that on March 16, 2015, I sent by United States Post Office first-class mailing a copy of the following to the above-listed Joinder co-Defendants in accordance with the Scheduling Order mandating that all "Interlocutory Appeal" matters be "considered" by that date. Enclosed with each of those mailings was the attached "Certificate of Service" dated 3/14/15 pertaining to Court mailings, and this instant "2<sup>ND</sup> Certificate of Service" on the Joinder co-Defendants.

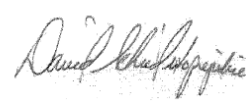
The documents now having been properly and timely served upon the Probate Court and to the Joinder co-Defendants are as follows below:

- 1) "Motion for Waiver of Fees and Costs on This Instant Filing"
- 2) "Motion for Interlocutory Appeal on Questions of Law Pertaining to Actions of Harris County Probate Court Judge Loyd Wright and his 'Agents' Against Interested Party Plaintiff/Co-Heir David Schied in Diversity Case with Evidence of Denial of Court Access and the Appearance of Prejudicial Bias and Due Process Violations Against 'Pauperis' Litigant Without Attorney"

3) Signed "Affidavit of Truth" dated 3/14/15  
4) Certificate of Service;

Respectfully submitted on 3/16/15.

Dated: 3/16/15



5) **FRAUDULENT ORDER OF LOYD WRIGHT dated 4/7/15** – which disregarded all of the above documents filed with the Probate Court No. 1 captioned above as: **a)** *“Motion for Declaratory Ruling on the Degree of Legitimacy of Actions Taken in Effort to Construct a ‘Joinder’ of Other Named ‘Co-Defendants’ to be Added to This Case by ‘Pro Per’ and ‘Forma Pauperis’ Petitioner”*; and, **b)** *“Motion for Default Summary Judgment and Order to Terminate Application of Michael Merritt and to Compel Documents by Failure of Defendants to ‘Answer’ Counter-Complaint by Monday Following 20-Days After Being Properly ‘Served’”*

This FRAUDULENT ORDER of Loyd Wright dated 4/7/15 has been posted publicly on the Internet, as of the date of this writing, at:

[http://cases.michigan.constitutional.gov.us/david-schied/2014\\_SchiedvMerrittProbate+TexasCriminalAllegations/TexCourtofAppeals4District1/Mot2DismissAppellees/AppelleesMot2Dismiss/DSchiedFilingofResponse&Exhibits/Exhibits/Ex\\_6\\_Ordr4SummJudgment\\_040815.pdf](http://cases.michigan.constitutional.gov.us/david-schied/2014_SchiedvMerrittProbate+TexasCriminalAllegations/TexCourtofAppeals4District1/Mot2DismissAppellees/AppelleesMot2Dismiss/DSchiedFilingofResponse&Exhibits/Exhibits/Ex_6_Ordr4SummJudgment_040815.pdf)

and at:

[http://cases.michigan.constitutional.gov.us/david-schied/2014\\_SchiedvMerrittProbate+TexasCriminalAllegations/041717\\_WritofErrorCoramNobis/AllReferencedDocsinWritErrorCoramNobis/Page-90\\_040715\\_WrightFraudOrdr4SummJudg.pdf](http://cases.michigan.constitutional.gov.us/david-schied/2014_SchiedvMerrittProbate+TexasCriminalAllegations/041717_WritofErrorCoramNobis/AllReferencedDocsinWritErrorCoramNobis/Page-90_040715_WrightFraudOrdr4SummJudg.pdf)

Note that this “*FRAUDULENT ORDER of Loyd Wright dated 4/7/15,*” captioned as “*Order Granting Motion for No Evidence Summary Judgment*” commits yet another level of *fraud* and thus “*treason*” because it directly contradicts with the statements made by Wright “*on the record*” during the 12/19/14 “*Emergency [telephone] Hearing*” and the filings entered “*into the record*” from the beginning of 2015 pertaining to “*process of service*” of an entirely new and/or “*amended*” filing of “*Counter-Complaint and/or Cross-Complaint....and Formal ‘Joinder’...*” which was NEVER ANSWERED and ultimately led to Mr. Schied filing the above-two referenced “*Motions*” (i.e., “*...for Declaratory Ruling....*” and “*...for Default Judgment*”) as recorded by the clerk Stanart on 3/18/15...which were also never answered or addressed in any way by any of the co-Defendants after being *served* upon them. (Bold emphasis)

Hence, by the Evidence above as referenced hereby by this instant “*Writ of Error Coram Nobis*”, it is clear that the so-called “*judge*” Loyd Wright

completely, and thus CRIMINALLY, disregarded the formal action “*filed*” by *Grievant/Crime Victim/Claimant David Schied* as a “*Motion for Interlocutory Appeal on Questions of Law...*” before then “*granting*” the ONE (of multiple) Defendant(s)’ supposed “*Motion for No-Evidence Dismissal*” which was NEVER EVEN SERVED upon *Grievant/Crime Victim/Claimant David Schied*, and certainly never proven as served according to the *Harris County Local Rules of District Courts Concerning the Electronic Filing of Court Documents*, either before or after Wright’s act of criminal conspiracy. (Bold emphasis)

Notably, as a matter of important significance, the above-referenced “*Order Granting Motion for No Evidence Summary Judgment*” was NEVER SERVED to *Grievant/Crime Victim/Claimant David Schied* by either the Probate Court “*judge*” Loyd Wright or by the “*clerk*” Stan Stanart. Even if it had, it would still reflected a blatant violation of *Grievant/Crime Victim/Claimant David Schied*’s right to complete his “*discovery*” in accordance with the *Docket Control Order* issued by Loyd Wright himself as depicted above.

As a result, on 4/8/15 *Grievant/Crime Victim/Claimant David Schied* mailed out his *timely* “*discovery*” documents to the Probate Court, as well as to each of the named co-Defendants. The Evidence of that mailing, as well as the entirety of these “*Discovery*” documents, as tailored with individualized “*Interrogatories*” and “*Requests for Admissions*”, are all found posted on the Internet, as of the date

of this writing, at the following segregated locations along with respective

“Certificate(s) of Service”:

Evidence that Stan Stanart at the Probate Court No. 1, as well as MICHAEL MERRITT and WYNDE MERRITT were served with “Interrogatories” (47 pages) and the “Request for Admissions” (13 pages) for these two co-Defendants:

[http://cases.michigan.constitutionalgov.us/david-schied/2014\\_SchiedvMerrittProbate+TexasCriminalAllegations/041717\\_WritofErrorCoramNobis/AllReferencedDocsinWritErrorCoramNobis/Page-98\\_040615\\_Interr&Req4Admit2MikeWyndeMerritt.pdf](http://cases.michigan.constitutionalgov.us/david-schied/2014_SchiedvMerrittProbate+TexasCriminalAllegations/041717_WritofErrorCoramNobis/AllReferencedDocsinWritErrorCoramNobis/Page-98_040615_Interr&Req4Admit2MikeWyndeMerritt.pdf)

Evidence that Stan Stanart at the Probate Court No. 1, as well as DAVID MUNSON were served with “Interrogatories” (45 pages) and the “Request for Admissions” (19 pages) for these two co-Defendants:

[http://cases.michigan.constitutionalgov.us/david-schied/2014\\_SchiedvMerrittProbate+TexasCriminalAllegations/041717\\_WritofErrorCoramNobis/AllReferencedDocsinWritErrorCoramNobis/Page-98\\_040915\\_Interr&Req4Admit2Munson.pdf](http://cases.michigan.constitutionalgov.us/david-schied/2014_SchiedvMerrittProbate+TexasCriminalAllegations/041717_WritofErrorCoramNobis/AllReferencedDocsinWritErrorCoramNobis/Page-98_040915_Interr&Req4Admit2Munson.pdf)

Evidence that Stan Stanart at the Probate Court No. 1, as well as JEANETTE SMITH and ROBIN APOSTOLAKIS were served with “Interrogatories” (64 pages) and the “Request for Admissions” (29 pages) for these two co-Defendants:

[http://cases.michigan.constitutionalgov.us/david-schied/2014\\_SchiedvMerrittProbate+TexasCriminalAllegations/041717\\_WritofErrorCoramNobis/AllReferencedDocsinWritErrorCoramNobis/Page-98\\_040915\\_Interr&Req4Admit2Smith&Apostolakis.pdf](http://cases.michigan.constitutionalgov.us/david-schied/2014_SchiedvMerrittProbate+TexasCriminalAllegations/041717_WritofErrorCoramNobis/AllReferencedDocsinWritErrorCoramNobis/Page-98_040915_Interr&Req4Admit2Smith&Apostolakis.pdf)

**THE SECOND “ACT OF TREASON” AND MAJOR “ACT OF DOMESTIC TERRORISM” WAS COMMITTED BY CHRISTOPHER PRINE, IN CONJUNCTION WITH RUSSELL LLOYD, JANE BLAND, AND HARVEY BROWN THROUGH A SERIES OF “CLERICAL” AND “ADMINISTRATIVE” ACTS DESIGNED TO EFFECTIVELY RESULT IN THE GRAND SCHEME OF “DEPRIVING OF RIGHTS UNDER COLOR OF LAW”**

Loyd Wright had dismissed Mr. Schied’s entire case without ever “*litigating*” any of the following matters as properly reported by *Grievant/Crime Victim/Claimant* David Schied to the lower “Probate Court No. 1” through time-stamped filings:

- a) The FACT that attorney David Munson had not EVER followed the directives of *Harris County Local Rules of District Courts Concerning the Electronic Filing of Court Documents*, even after Loyd Wright and *Grievant/Crime Victim/Claimant* David Schied had both established on the lower court record – as reflected in the transcript(s) of the 12/19/14 “*Emergency Hearing...*” – that Mr. Schied had NOT issued permission to be served by email, and in fact, had explicitly stipulated for the record that he wished to be served documents by mail in accordance with the local rules for “*electronic filing.*”
- b) The FACT that Mr. Schied should otherwise have had pending – before Munson’s filing of “*Motion for No-Evidence Dismissal* (or ‘*Summary Judgment*’)” – two “*motions*” that were NEVER addressed

by Wright, being 1) “*Motion for Declaratory Ruling on the Degree of Legitimacy of Actions Taken in Effort to Construct a ‘Joinder’ of Other Named ‘Co-Defendants’ to be Added to This Case by ‘Pro Per’ and ‘Forma Pauperis’ Petitioner*”; and, 2) *Motion for Default Summary Judgment and Order to Terminate Application of Michael Merritt and to Compel Documents by Failure of Defendants to ‘Answer’ Counter-Complaint by Monday Following 20-Days After Being Properly ‘Served’*”;

- c) The FACT that, as referenced in the above two motions, *Grievant/Crime Victim/Claimant David Schied* had provided ALL of the NAMED co-Defendants in this appellate case with ample notification – in accordance with Loyd Wright’s assertion “*on the record*” as recorded on transcript(s) of the “*Emergency Hearing...*” that what he mainly cared about was knowing that the party being “*served*” actually got the information and was adequately apprised about the cause of action – that Mr. Schied had re-filed his original “*Complaint and Brief...and Motion for Order to Show Cause...*” as a “*Counter-Complaint.../ ‘Joinder Complaint’ ...*”, which was NEVER ANSWERED by any of the named co-defendants.

d) The FACT *Grievant/Crime Victim/Claimant* David Schied had (as shown above) already properly served (by mail on 4/6/15 and 4/9/15) the Probate Court clerk and all of the co-Defendants named in the “Counter-Complaint.../ ‘Joinder Complaint’...” with copies of “Interrogatories” and “Request(s) for Admissions” in timely accordance with the “Docket Control Order” issued on 12/19/14 giving all parties until 5/19/15 to complete *“discovery”* on one another.

Thus, having intentionally overlooked the above substantive FACTS throughout the subsequent *“appellate”* proceedings, the *“clerk of the court”* Christopher Prine, in conjunction with the constructive fraudulent actions of **the Texas Court of Appeals “panel” of Russell Lloyd, Jane Bland and Harvey Brown, committed criminal FRAUD, as a matter of record, by disregarding or misrepresenting that the following actions – which took the form of formal “filings” of Grievant/Crime Victim/Claimant David Schied – had also taken place in the higher “appellate” court AFTER the lower case “dismissal”:**

- 1) **FILED** – 4/30/15 (certified as mailed but time-stamped 5/12/15) – filed by *Grievant/Crime Victim/Claimant* David Schied in the lower Probate Court –
  - a) “Notice of Appeal on Interlocutory and Final Judgment Matters”
  - b) “Request for Designation of Additional Items to Be Included in the Official Court Record”



- c) “Notice of Inaccuracies in the Trial Court Docketing Record in Need to Correct Dates of ‘Filing’ and Document Captions”
- d) “Transcript of Proceedings Recorded on Audio on 12/19/14 in Harris County (Texas) Probate Court No. 1 with Judge Loyd Wright Presiding”

The time-stamped “Proof of Service” is found on the above-referenced documents, as of the date of this writing, at:

[http://cases.michigan.constitutional.gov.us/david-schied/2014\\_SchiedvMerrittProbate+TexasCriminalAllegations/051215\\_TexCourtOfAppeals4District1/011716\\_WritErrorClerkFraudonClaimofAmendAppeal/Exhibits/Ex\\_H\\_TimestampReq2LowerCourtStanart2CorrectRecord&AddItems.pdf](http://cases.michigan.constitutional.gov.us/david-schied/2014_SchiedvMerrittProbate+TexasCriminalAllegations/051215_TexCourtOfAppeals4District1/011716_WritErrorClerkFraudonClaimofAmendAppeal/Exhibits/Ex_H_TimestampReq2LowerCourtStanart2CorrectRecord&AddItems.pdf)

and at:

[http://cases.michigan.constitutional.gov.us/david-schied/2014\\_SchiedvMerrittProbate+TexasCriminalAllegations/TexCourtOfAppeals4District1/Mot2DismissAppellees/AppelleesMot2Dismiss/DSchiedFilingofResponse&Exhibits/Exhibits/Ex\\_3\\_Attempt2CorrectLowerCourtRecord.pdf](http://cases.michigan.constitutional.gov.us/david-schied/2014_SchiedvMerrittProbate+TexasCriminalAllegations/TexCourtOfAppeals4District1/Mot2DismissAppellees/AppelleesMot2Dismiss/DSchiedFilingofResponse&Exhibits/Exhibits/Ex_3_Attempt2CorrectLowerCourtRecord.pdf)

2) **FILED** – 4/30/15 – *Grievant/Crime Victim/Claimant* David Schied filed the following in the higher Texas Court of Appeals –

a) “Affidavit of Indigence and Statement of Inability to Pay Court Costs and Filing Fees on Appeal of Probate Court Ruling” which specifically cited

Texas Rules of Appellate Procedure 20.1(a)(2) (“Establishing Indigence by Affidavit”) stating as follows: (Bold and underlined emphasis)

*“A party who cannot pay the costs in an appellate court may proceed without advanced payment of costs if: a) A party files and affidavit of indigence in compliance with this rule; b) the claim of indigence is not contestable; c) the party timely files a notice of appeal”*

b) “Affidavit” This document, embedded within the one referenced above, being also submitted with a *“timely notice of appeal”*, was also sworn, signed and notarized WITHOUT BEING CONTESTED by anyone EXCEPT BY CHRISTOPHER PRINE HIMSELF. This document detailed how *Grievant/Crime Victim/Claimant* David Schied had been a CRIME VICTIM since events began in 2003 with the “STATE OF MICHIGAN” refusing to provide Mr. Schied with constitutional *“full faith and credit”* to the *“judicial clemency”* (1979) and *“executive clemency”* (1983) awarded by the “STATE OF TEXAS” causing Mr. Schied to lose his personal and professional reputation, his career, and his life savings over the course of the following decade and a quarter in battling Michigan government corruption.

NOTE: This sworn and notarize Affidavit also contained the following statements and Evidence proving Mr. Schied’s indigence, which were otherwise NEVER specifically *“challenged”* by anyone, including *“clerk”*

Prine: (See the following as cited in direct quote from the “Affidavit”)

1. *The nature of my employment when I can get employment, is as a substitute teacher/educator. Notably, I will not be receiving any payments at all during the summer months in which the primary filings for this instant case on Appeal will be submitted and for which fees are otherwise charged by the Court. To date, I have received payments for my labor amounting to no more than \$980 (nine hundred eighty dollars) since January 1, 2015. I do not expect my income level to change substantially in September looking forward for the remainder of this calendar year.*
2. *I have no spouse, and I have no rightful access to the income of my divorced ex-spouse, per the terms of a Michigan court Order of Divorce.*
3. *I continue to own no real property.*

4. *I have little to no available cash or money on deposit in any bank.*
5. *I hold no other assets of any significant worth.*
6. *I have one dependent child to whom I am the biological father.*
7. *All three credit bureaus reflect student loan and credit card debts that are outstanding and not being paid, with varying amounts totaling over \$80,000.*
8. *Monthly expenses include month – to – month payments for rent and utilities amounting to around \$900 per month.*
9. *I am unable to obtain any type of loan to pay court costs.*
10. *No legal services are being provided, on a contingency basis or otherwise.*
11. *No attorney, judge, benefactor, good Samaritan, or other entity has offered to pay for or advance court costs.*
12. *I have no money or credit card to secure or advance costs of electronic filing if there are mandatory costs for such type of filings; and in fact, I relied upon Texas rules governing my right as a litigant without attorney representation, and as an out-of-state filer, to abstain from electronic filing, as clearly shown in the lower court record that I depended entirely upon service of all documents to other parties and to the Probate Court by United State Postal Service.*

**This important filing, proving FRAUD by Christopher Prine by his subsequent “*personal challenge*” in formal claim SIX WEEKS LATER on 6/11/15 that “*Appellant [had not] established indigence*”, was dated, signed and notarized on 4/30/15, and can be found as posted publicly on the Internet, as of the date of this writing, at:**

[http://cases.michigan.constitutionalgov.us/david-schied/2014\\_SchiedvMerrittProbate+TexasCriminalAllegations/TexCourtofAppeals4District1/Mot2DismissAppellees/AppelleesMot2Dismiss/DSchiedFilingofResponse&Exhibits/Exhibits/Ex\\_8\\_043015\\_AffidavitinSupportofTranscript&Proceedings.pdf](http://cases.michigan.constitutionalgov.us/david-schied/2014_SchiedvMerrittProbate+TexasCriminalAllegations/TexCourtofAppeals4District1/Mot2DismissAppellees/AppelleesMot2Dismiss/DSchiedFilingofResponse&Exhibits/Exhibits/Ex_8_043015_AffidavitinSupportofTranscript&Proceedings.pdf)

and at:

[http://cases.michigan.constitutionalgov.us/david-schied/2014\\_SchiedvMerrittProbate+TexasCriminalAllegations/041717\\_WritofErrorCoramNobis/AllReferencedDocsinWritErrorCoramNobis/Page-99\\_043015\\_AffidavitinSupportofTranscript&Proceedings.pdf](http://cases.michigan.constitutionalgov.us/david-schied/2014_SchiedvMerrittProbate+TexasCriminalAllegations/041717_WritofErrorCoramNobis/AllReferencedDocsinWritErrorCoramNobis/Page-99_043015_AffidavitinSupportofTranscript&Proceedings.pdf)

3) The Texas Court of Appeals own records FRAUDULENTLY showed that, while *Grievant/Crime Victim/Claimant* David Schied had “*filed*” his “*appeal*” in the higher court “*on 5/20/15,*” the record created by the “*clerk*” Christopher Prine and his fellow agents of the Texas Court of Appeals had registered the case void of the FACT that Texas BAR attorneys Robin Apostolakis and David Munson were also named as co-Defendants/Appellees alongside “*Michael Ray Merritt, Wynde Merritt, [and] Jeannette Smith.*” (See the above-referenced filing as reasonable proof of this point.) This was done as an intentional act of “*fraud upon the court*” and to provide preferential treatment toward those Mr. Schied otherwise had proof were then engaging in a CRIMINAL OBSTRUCTION OF JUSTICE.

Additionally, despite that *Grievant/Crime Victim/Claimant* David Schied had re-established his indigence with EACH filing of the lower and higher court, as shown by Evidence of each time-stamped document referenced throughout this instant “*Writ of Error Coram Nobis*” located at the above-referenced links, Christopher Prine nevertheless fraudulently asserted on 6/11/15 that “*records show that Appellant [Grievant/Crime Victim/Claimant David Schied] has neither established indigence nor paid the \$195 filing fee*” and “[*u*]nless appellant pays [*the*] filing fee on or before 7/13/15, the Court may dismiss the appeal.”

The Evidence of the above fraudulent recording is found at the following link on the Internet, as of the date of this writing, at:

[http://cases.michigan.constitutionalgov.us/david-schied/2014\\_SchiedvMerrittProbate+TexasCriminalAllegations/041717\\_WritofErrorCoramNobis/AllReferencedDocsinWritErrorCoramNobis/Page-98\\_CaseFiled052015-PrineFraudNotic061115.pdf](http://cases.michigan.constitutionalgov.us/david-schied/2014_SchiedvMerrittProbate+TexasCriminalAllegations/041717_WritofErrorCoramNobis/AllReferencedDocsinWritErrorCoramNobis/Page-98_CaseFiled052015-PrineFraudNotic061115.pdf)

4) **FILED** – On 6/5/15, *Grievant/Crime Victim/Claimant* David Schied submitted a 6-page letter addressed to Christopher Prine memorializing the content of a phone discussion that took place between Prine and Mr. Schied earlier that afternoon. The gist of what was covered in the 6-page letter included the following subcategories of issues as outlined by Mr. Schied’s letter as cited in directed quotes:

- a) Page 1 – “*Your (Chris Prine) letter dated May 21, 2015 in notice that my case may be cancelled after 6/8/15 if I do not pay \$195 does not take into account that the following have already been ‘filed’ in the lower Harris County Probate Court #1 at the same time I filed my ‘Notice of Appeal’ on 5/12/15:”*<sup>2</sup>
- b) Pages 1-2 – “*Your (Chris Prine) letter dated May 21, 2015 indicates that, in accordance with TRAP 35.3(a)(2), and (b)(3) on p.2, I am responsible for transferring the trial court record and court reporter record, per payment to each as incentive to get that job done. As shown on p.8 of ‘Exhibit #3,’ (as well as p.13 of the ‘Affidavit of Indigence...’), I set forth the proper basis for such Order granting fees and costs on Appeal to also apply to that otherwise required of me for getting the trial court record and court reporter record transferred to your office at the Court of Appeals.”*

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<sup>9</sup> Reference is made thereafter to two items of “*exhibits*” being the above-referenced “*Affidavit...*” and the above-referenced “*Proof of Service*”

- c) Page 2 – *“Your (Chris Prine) letter dated May 21, 2015 indicates that the Appeals court believes that the ‘trial court signed the final judgment or other appealable order on April 7, 2015,’ is the only ‘order’ on appeal; and importantly, fails to acknowledge clear notice that I provide[d] in my ‘Notice of Appeal...’ filing that there are numerous other ‘appealable order(s)’ that were also constructively ‘denied’ by the lower court judge under Rule 21.8 (‘Failure to Rule’) which I had listed on pp. 3-4 of that 9-page ‘Notice of Appeal...’.”*<sup>10</sup>
- d) *“Your (Chris Prine) letter dated May 21, 2015 (bottom of p.2) states that I (as ‘appellant’) should inform the Court as soon as possible if...there is disagreement about...the date the trial court signed the final judgment or appealable order...” Note that because of the manner in which the ‘appealable order(s) listed in ‘C’ Above were constructively denied by the judge under Rule 21.8 (‘Failure to Rule’) there may be some disagreement with opposing parties about the exact dates by which each one of the listed UNSIGNED ‘order(s)’ of DENIAL were actually ‘executed’”*<sup>11</sup>
- e) *“Your (Chris Prine) letter dated May 21, 2015 (bottom of p.2) states that I also should inform you whether there was a ‘request for findings of fact and conclusions of law [that] was timely filed in the trial court.’ NOTE: By this instant letter, I hereby notify you (as ‘clerk of the court’) that, as shown by ‘Exhibit #5’ above, on 3/18/15 just such a ‘request for findings of fact and conclusions of law [that] was timely filed in the trial court’ was filed by way of my filing of the following captioned document:”*<sup>12</sup>
- f) *“Your (Chris Prine) letter dated May 21, 2015 (para 2 of p.3) indicates that ‘a party may request to supplement the record with an item,’ which I*

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<sup>10</sup> Reference was made thereafter to at least five items of “*exhibits*” that the judicial usurper Loyd Wright never ruled upon and which were thus, under **Rule 21.8** “*constructively denied*” and therefore being “*appealable*” items which, to this date, were not being acknowledged by the *clerical usurper Christopher Prine*.

<sup>11</sup> Here again, *Grievant/Crime Victim/Claimant David Schied* referred to “Exhibit #4”) which he had attached.

<sup>12</sup> Here, *Grievant/Crime Victim/Claimant David Schied* referred to “Exhibit #5”) which he had attached, being his “Motion for Interlocutory Appeal on Questions of Law...”...” which was never ‘*answered*’ by any of the parties or the judge.

*have done as demonstrated by the time-stamped (5/12/15) ‘Notice of Appeal’ (see ‘Exhibit #6’) which was served on all other parties on 4/30/15 and time-stamped as received by the trial court on 5/12/15. Notably, none of the parties has responded to my accompanying filing of ‘Request for Designation of Additional Item(s) to Be Included in the Official Court Record,’ and similarly, there has been no address of this ‘request’ by the lower (‘trial’) Court.<sup>13</sup>*

- g) *“Your (Chris Prine) letter dated May 21, 2015 does not in any way address the ‘Notice of Inaccuracies in the Trial Court ‘Docketing’ Record in Need to Correct the Dates of ‘Filing’ and Document Captions”<sup>14</sup>*
- h) *“Your (Chris Prine) letter dated May 21, 2015 does not in any way address the actual number of ‘Defendants’ that were actually named early on in this case as ‘Defendants’ being: 1) Michael Merritt; 2) Jannette Smith; 3) Wynde Merritt; 4) Robin Apostolakis; and, 5) David Munson”<sup>15</sup>*
- i) *“Because the TRAP instructed me to report to the Court of Appeals what trial court records were ‘electronically recorded,’ I began that address on p.7 of the ‘Affidavit of Indigence and Statement of...’ (the cover page which can be found as the attached ‘Exhibit #1’)”<sup>16</sup>*

**Importantly, Christopher Prine followed Mr. Schied’s directive to provide him with a time-stamped copy of the above-referenced “6-page Letter dated 6/5/15 to Christopher Prine”, which can be found on the Internet, along**

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<sup>13</sup> Here, *Grievant/Crime Victim/Claimant* David Schied referred to “Exhibit #6” and “Exhibit #7” which he had attached which were fully described within the additional text of p. 4 of this letter.

<sup>14</sup> Here again, *Grievant/Crime Victim/Claimant* David Schied referred to “Exhibit #7” which he had attached to the letter.

<sup>15</sup> Here, *Grievant/Crime Victim/Claimant* David Schied referred to “Exhibit #8” and “Exhibit #9” which he had attached which were fully described within the additional text of p. 5 of this letter.

<sup>16</sup> Here again, *Grievant/Crime Victim/Claimant* David Schied referred to “Exhibit #10” which he had attached to the letter.



with the referenced ten (10) “Exhibits of Evidence” presented to Prine at this time, as time-stamped 6/11/15. These documents can be found, as of the date of this writing, at the web address of:

[http://cases.michigan.constitutionalgov.us/david-schied/2014\\_SchiedvMerrittProbate+TexasCriminalAllegations/051215\\_TexCourtOfAppeals4District1/011716\\_WritErrorClerkFraudonClaimofAmendAppeal/Exhibits/Ex\\_I\\_Letr2Prine060515aboutNeedtoCorrectRecord+additems.pdf](http://cases.michigan.constitutionalgov.us/david-schied/2014_SchiedvMerrittProbate+TexasCriminalAllegations/051215_TexCourtOfAppeals4District1/011716_WritErrorClerkFraudonClaimofAmendAppeal/Exhibits/Ex_I_Letr2Prine060515aboutNeedtoCorrectRecord+additems.pdf)

and,

[http://cases.michigan.constitutionalgov.us/david-schied/2014\\_SchiedvMerrittProbate+TexasCriminalAllegations/041717\\_WritofErrorCoramNobis/AllReferencedDocsinWritErrorCoramNobis/Page-104\\_060515\\_Letr2Prine+10Exhibits-KEYDOC.pdf](http://cases.michigan.constitutionalgov.us/david-schied/2014_SchiedvMerrittProbate+TexasCriminalAllegations/041717_WritofErrorCoramNobis/AllReferencedDocsinWritErrorCoramNobis/Page-104_060515_Letr2Prine+10Exhibits-KEYDOC.pdf)

5) **FILED** – On 6/7/15, *Grievant/Crime Victim/Claimant* David Schied submitted his formal “Docketing Statement” referencing the nature of the Appeal and the exact date filed. It also stipulated therein that there were multiple “judgments” that were being “*appealed*”, with one being “*signed*” and “*multiple unsigned*,” referring to those falling into the category of Rule 21.8 “*Failure to Rule*” being construed as a ruling against. Mr. Schied included a note specifying on page 1 that further details are provided on the matter of unresolved previous motions, including a “Request for Findings of Fact and Conclusions of Law” that were mailed on 4/30/15 and time-stamped 5/12/15 along with “*others*”.

Notably, this formal “*filing*” documented on page 2 that there was “*probably*” the request for “*extraordinary relief*” because of the “intentional deprivation of rights under color of law”, and that *Grievant/Crime Victim/Claimant*

David Schied was at that time *“Request[ing] a grand jury investigation of [the] Harris County court system.”*

Additionally, the *“type of case”* being appealed was specified as being a *“Cross-complaint and Joinder of added defendants”* for which Grievant/Crime Victim/Claimant David Schied was denied *“access to the [summary] proceeding by phone”* after delivering his *“notice of hearing”*; and that the *“opposing attorney David Munson committed FRAUD on the court by claim that he ‘served’ [Mr. Schied] when he actually did not.”* **Finally, on page 3 of this “Docketing Statement”, Mr. Schied wrote that there were “[d]elayed filings by the clerk and disregard by [the] judge and opposing attorney of [the] Supreme Court’s mandate that plaintiff, as an indigent ‘pro se’ litigant [be] excused from E-Filing” and that in doing so “enabled [an] unfair advantage of opposing counsel which was compounded [by] Judge Loyd Wright violating Texas laws and Rules of Civil Procedure to compound [the] destruction of Plaintiff’s due process rights and to constructively deny Plaintiff, domiciled in Michigan, access to the Court.”** (Bold emphasis added)

As a final note, Grievant/Crime Victim/Claimant David Schied added that the events as outlined in the above paragraph, *“constitute[ed] reversible errors and undermined the integrity of the court and the entire judicial proceedings,”* and there should therefore be *“punitive or similar damages”* awarded to Mr. Schied

because “dismissal of [the] case is the most severe form of punitive damages for the Plaintiff”. Also, Mr. Schied asserted the following on the last page of this formal “Docketing Statement” that “the court” clerk insisted must be completed by Mr. Schied for some reason:

*“Thousands of dollars in damages have now accrued due to the refusal of defendants to answer simple questions; due to defendants and their attorneys refusing to answer the Complaint, and subsequently the ‘Counter-complaint and/or cross-complaint and Joinder’ once the judge clarified at open hearing that he was construing the Complaint and 19 exhibits to be nothing more than a simple filing of ‘opposition’ to Michael Ray Merritt’s ‘Application’ to probate case and for letters testimony. I am not asking for my time and costs to be provided in any future settlement or ruling.....The ‘language’ of the trial court judge consists of ‘granting’ a ‘motion’ that was NEVER ‘SERVED’ upon me, and ‘dismissing’ my documents filed 5 months prior without consideration for the ‘Joinder’ and Counter-Complaint that I subsequently filed to replace the ‘Complaint’....Any ‘complexity’ [of the case is due] to the simple fact that defendants refused to answer ANYTHING I submitted [and] is due to the judge and opposing attorneys acting ‘in concert’ to deprive me of rights.*

*Delayed filings by the clerk and gross disregard by the judge and opposing counsel of the Supreme Court’s mandate that plaintiff, as an indigent ‘pro se’ litigant, is excused from E-Filing, enabled an unfair tactical advantage of opposing counsel(s); which was compounded by Judge Loyd Wright violating Texas laws and Rules of Civil Procedure to completely destroy Plaintiff’s due process rights and to constructively deny Plaintiff, domiciled in Michigan, access to the Court. This constitutes reversible errors and undermined the integrity of the court and the entire judicial proceedings. Essentially, the judge ‘processed’ this case based upon the initial paperwork I filed, which he claimed in open court hearing was nothing more than a filing in ‘opposition’ to an application by ONE defendant to administer my brother’s probate case. Then when I followed the Scheduling Order in Joinder and refiling AND SERVING an entirely new ‘Counter-Complaint’ based on the words of the judge at hearing, and then timely filed Interrogatories, the judge dismissed my FIRST FILING based on ‘no evidence’ and despite 19 Exhibits of Evidence in these filings.”*

The entirety of this formal “Docketing Statement” of the Texas Court of Appeals, also time-stamped as “filed” by the Texas COA

“clerk” Christopher Prine on 6/11/15, is posted on the Internet, as of the date of this writing, at:

[http://cases.michigan.constitutional.gov.us/david-schied/2014\\_SchiedvMerrittProbate+TexasCriminalAllegations/041717\\_WritofErrorCoramNobis/AllReferencedDocsinWritErrorCoramNobis/Page-107\\_060715DocketingStatement-filed061115.pdf](http://cases.michigan.constitutional.gov.us/david-schied/2014_SchiedvMerrittProbate+TexasCriminalAllegations/041717_WritofErrorCoramNobis/AllReferencedDocsinWritErrorCoramNobis/Page-107_060715DocketingStatement-filed061115.pdf)

6) **FILED** – On 6/12/15, *Grievant/Crime Victim/Claimant* David Schied submitted a *Cover Letter* addressed to Christopher Prine requesting time-stamped copies of the “cover page” for his “*Brief on Appeal...*” (i.e., his formal “*appeal brief*”) to the Texas Court of Appeals. The formal “*Certificate of Service*” and cover page for this “*Brief on Appeal*” were time-stamped on 6/15/15, which for all legal purposes was SUPPOSED to start the “*clock ticking*” on the co-Defendants’ need to follow the Texas Rules of Appellate Procedure (“*TRAP*”) for responding to this “*appellate brief*” filing. **These time-stamped cover pages for these very important documents – WHICH SERVE TO PROVE FURTHER A “CONSPIRACY TO FRAUD, RACKETEERING AND CORRUPTION” BETWEEN CHRISTOPHER PRINE AND RUSSELL LLOYD – are found on the Internet, as of the date of this writing, at:**

[http://cases.michigan.constitutional.gov.us/david-schied/2014\\_SchiedvMerrittProbate+TexasCriminalAllegations/TexCourtofAppeals4District1/Mot2DismissAppellees/AppelleesMot2Dismiss/DSchiedFilingofResponse&Exhibits/Exhibits/Ex\\_10\\_ProofAppealNoticed2BothCourtLevels.pdf](http://cases.michigan.constitutional.gov.us/david-schied/2014_SchiedvMerrittProbate+TexasCriminalAllegations/TexCourtofAppeals4District1/Mot2DismissAppellees/AppelleesMot2Dismiss/DSchiedFilingofResponse&Exhibits/Exhibits/Ex_10_ProofAppealNoticed2BothCourtLevels.pdf)

The entirety of the “*appellate brief*”, which was dated 6/12/15 (and again, received and time-stamped by the Texas COA “clerk” as “*received*” and “*filed*” on 6/15/15 as shown above) can be found on the Internet, as of the date of this writing, at:

[http://cases.michigan.constitutionalgov.us/david-schied/2014\\_SchiedvMerrittProbate+TexasCriminalAllegations/051215\\_TexCourtofAppeals4District1/061215\\_AppealofProbateRuling/CoverPage&Brief\\_All.pdf](http://cases.michigan.constitutionalgov.us/david-schied/2014_SchiedvMerrittProbate+TexasCriminalAllegations/051215_TexCourtofAppeals4District1/061215_AppealofProbateRuling/CoverPage&Brief_All.pdf)

and with the time-stamped copy also found, as of the date of this writing, at:

[http://cases.michigan.constitutionalgov.us/david-schied/2014\\_SchiedvMerrittProbate+TexasCriminalAllegations/041717\\_WritofErrorCoramNobis/AllReferencedDocsinWritErrorCoramNobis/Page-107\\_061215\\_EntireTime=StampBriefonAppeal.pdf](http://cases.michigan.constitutionalgov.us/david-schied/2014_SchiedvMerrittProbate+TexasCriminalAllegations/041717_WritofErrorCoramNobis/AllReferencedDocsinWritErrorCoramNobis/Page-107_061215_EntireTime=StampBriefonAppeal.pdf)

Importantly, that “*Brief on Appeal*”, which was FRAUDULENTLY ADDRESSED BY THE TEXAS COA “*PANEL*” of so-called “*justices*” Russell Lloyd, Jane Bland and Harvey Brown, was captioned as follows:

“*Brief on Appeal of Harris County Probate Case With Evidence of Deprivation of Right to Due Process Under Color of Law, and Denial of Equal Treatment by Judge Loyd Wright of Litigant Without an Attorney*”

7) **FRAUDULENTLY FILED “ORDER” BY “Judge” Russell Lloyd on**

**6/23/15** – On 6/23/15, Russell Lloyd, while claiming in writing to be “*acting individually*”, constructed and digitally “*signed*” an “Order” that was *prima facie* fraudulent. It was, and remains, fraudulent because it bears the captioning of the case without the names of his fellow Texas BAR attorneys Apostolakis and Munson, both of whom were clearly named in every filing of the lower and

higher court by *Grievant/Crime Victim/Claimant* David Schied since January 2015.

The location on the Internet where Russell Loyd's fraudulent "Order" can be found, as of the date of this writing, is at:

[http://cases.michigan.constitutionalgov.us/david-schied/2014\\_SchiedvMerrittProbate+TexasCriminalAllegations/051215\\_TexCourtOfAppeals4District1/011716\\_WritErrorClerkFraudonClaimofAmendAppeal/Exhibits/Ex\\_E\\_Order062315\\_MAYfileamendbrief.pdf](http://cases.michigan.constitutionalgov.us/david-schied/2014_SchiedvMerrittProbate+TexasCriminalAllegations/051215_TexCourtOfAppeals4District1/011716_WritErrorClerkFraudonClaimofAmendAppeal/Exhibits/Ex_E_Order062315_MAYfileamendbrief.pdf)

Moreover, as shall be seen, the **Order** of Russell Loyd – which appeared to innocently provide *Grievant/Crime Victim/Claimant* David Schied with the OPTION of amending his "*appellant brief*" at a later time simply because the "*court reporter's*" transcript of the "*Emergency Hearing of 12/19/14*" was not yet filed – provided Christopher Prine the impetus to claim later that Mr. Schied's "*amended brief*" had been "*ordered*" to be due at a later date and giving the co-Defendants an added six months in which to take action, while barring *Grievant/Crime Victim/Claimant* David Schied from winning his appeal by default because NONE of the named co-Defendants had filed a timely "*response*" to the "**Appeal Brief**" acknowledged by Lloyd in this "**Order**" as being "*filed*" on 6/15/15.

Prine did this on or about 1/5/16 when he FRAUDULENTLY mischaracterized *Grievant/Crime Victim/Claimant* David Schied's "**Response**" to Defendant/attorney Robin Apostolakis' "**Motion to Dismiss**" as Mr.

Schied's "*Amended Brief*", as Mr. Schied's "*Response to Motion to Dismiss...*" was purportedly "*filed*" on 12/23/15. By that blatantly *fraudulent* action by Prine, being one that was NEVER RECTIFIED OR PROPERLY ADDRESSED by Russell Lloyd, Prine added more to an already *fraudulent* "*Docketing Record*" being maintained by the Texas COA "*clerk's*" office, and ultimately prejudiced the COA "*appeal*" case against Mr. Schied by providing (again) the co-Defendants and Prine's fellow BAR attorneys with preferential treatment and more than six (6) months in which to file their "Appellee's [response] Brief" in response to the "*Appellant Brief*" that was actually otherwise formally registered and recognized as "*filed*" by *Grievant/Crime Victim/Claimant* David Schied on 6/15/15.

Note that the EVIDENCE OF PRINE'S CRIMINAL ACT, being a copy of the above "*misrepresentation*" of Mr. Schied's actual filing on 12/23/15, is found on the Internet, as of the date of this writing, at:

[http://cases.michigan.constitutionalgov.us/david-schied/2014\\_SchiedvMerrittProbate+TexasCriminalAllegations/051215\\_TexCourtOfAppeals4District1/011716\\_WritErrorClerkFraudonClaimofAmendAppeal/Exhibits/Ex\\_C\\_PrineFraudNotice&DocketPages.pdf](http://cases.michigan.constitutionalgov.us/david-schied/2014_SchiedvMerrittProbate+TexasCriminalAllegations/051215_TexCourtOfAppeals4District1/011716_WritErrorClerkFraudonClaimofAmendAppeal/Exhibits/Ex_C_PrineFraudNotice&DocketPages.pdf)

Importantly, Russell Lloyd did NOTHING to either address this prejudicial maneuvering by "*clerk*" Prine, nor did he do anything to rectify the damage done by Prine's wonton actions, making Lloyd a complicit "*accomplice*" in this CRIMINAL deprivation of rights.



**RUSSELL LLOYD’S DIRTY “ORDERS” AND “MEMORANDUM OPINIONS” WRITTEN ON HIS “INDIVIDUAL” BEHALF AND FOR “THE PANEL” OF HIS CRIMINAL CO-CONSPIRATORS BLAND AND BROWN FRAUDULENTLY “OMITTED” AND “WHITEWASHED” OVER THE CRIMINAL UNDERPINNINGS OF HIS TEXAS COHORTS TO USE “PROCEDURAL” ACTS TO “SUBSTANTIVELY” DEPRIVE GRIEVANT/CRIME VICTIM/CLAIMANT DAVID SCHIED OF HIS PROPER FIRST AMENDMENT “RIGHT TO REDRESS” BY BARRING “MEANINGFUL” ACCESS TO THE STATE COURT**

It was on 6/12/15 that *Grievant/Crime Victim/Claimant* David Schied wrote a cover letter and sent his “Certificate of Service” along with his “Brief on Appeal of Harris County Probate Case With Evidence of Deprivation of Right to Due Process Under Color of Law, and Denial of Equal Treatment by Judge Loyd Wright of Litigant Without an Attorney”. That cover letter, addressed to Prine, also followed a day behind Prine’s written “*post card*” notification to Mr. Schied indicating that Prine was tortuously refusing to honor Mr. Schied’s previous “Affidavit of Indigency...” as presented already above and in accordance with Texas Rules of Appellate Procedures.

A copy of the cover-page of Mr. Schied’s cover letter dated 6/12/15, along with a copy of Mr. Schied’s “Brief on Appeal...” time-stamped by Prine and his agents on 6/15/15, as well as a copy of Prine’s malicious post card notice of tortuous disregard for Mr. Schied’s previous filing of “Affidavit of Indigency...”, are all posted on the Internet, as of the date of this writing, at:

[http://cases.michigan.constitutionalgov.us/david-schied/2014\\_SchiedvMerrittProbate+TexasCriminalAllegations/TexCourtofA](http://cases.michigan.constitutionalgov.us/david-schied/2014_SchiedvMerrittProbate+TexasCriminalAllegations/TexCourtofA)

Then on 6/22/15, *Grievant/Crime Victim/Claimant* David Schied wrote a follow-up letter to Christopher Prine, memorializing again the content of the recent phone conversation that took place in which Prine had stated that Mr. Schied should place his request for a copy of the “*clerk’s record*” in writing, as it was supposed to have been sent to the Court of Appeals from the “clerk” Stan Stanart of the lower Probate Court No. 1. That letter, time-stamped as received and filed by Prine on 6/30/15, “*noted that [Mr. Schied] ha[d] still not received any sort of reply back from [Prine’s] office that addresse[d] the content of [Mr. Schied’s] letter sent...as dated 6/5/15.*” Therefore, Mr. Schied copied and re-pasted the contents of that earlier 6/5/15 letter and resent to “*clerk*” Prine, answering also to Prine’s stated doubt (in the phone conversation) that the numerous documents pertaining to Mr. Schied’s “*Motion for Interlocutory Appeal on Questions of Law...*” and other documents associated with Mr. Schied’s “*Notice of Appeal...*” were actually “*in the record*” of the lower Probate Court because they were purportedly not included in what the Texas Court of Appeals had received from the lower court.

It was not until 7/6/15 until the “*court reporter’s record*” was filed with the Texas COA, fully three months after Loyd Wright’s fraudulent “*Order*”

maliciously and tortuously dismissing *Grievant/Crime Victim/Claimant* David Schied's original "Complaint and Brief...and Motion for Order to Show Cause...", and grossly omitting any recognition whatsoever of ANYTHING else that had been placed into the lower "*probate/trial*" court record since the "*Emergency Hearing on 12/19/14*" including, significantly, Mr. Schied's service to the Court and to the co-Defendants of his "Counter-Complaint.../ 'Joinder Complaint'..." and his "*discovery*" documents of "Interrogatories", "Requests for Documents," and "Requests for Admissions".

**Texas COA "Clerk" Prine Operated With Criminal Intent When He Deliberately Delayed Acting Upon Notice That Grievant/Crime Victim/Claimant David Schied Wanted to Memorialize the Events at the "Emergency Hearing on 12/19/14" by "Officiating" His Own Transcript of That Event, Or By Receiving the Lower Court's Copy, Until 10 Months After the Probate Case Dismissal; And Then Using That Filing to Provide Prejudicial Favor And An Otherwise Unauthorized "Extension of Time" for the Co-Defendants to Complete Their "Appellee Brief(s)"**

The Evidence of the filing of the "*reporter's record*" is twofold, being both a "*post card notice*" dated 7/6/15 sent through the mail by Prine, and by way of the transcript itself of the "Emergency Motion for Default Judgment and Declaratory Rulings Hearing" that was brought by *Grievant/Crime Victim/Claimant* David Schied as held on 12/19/14, which was time-stamped as received by the Texas COA "*clerk*" Prine on 7/6/15. NOTE: As shown by the cover letter from Prine to *Grievant/Crime Victim/Claimant* David Schied dated nearly nine (9) months later,

both Prine and the lower Probate Court “*clerk*” Stan Stanart, and the court reporter herself, named as Donald Pylant, altogether withheld these “*official*” transcripts from Mr. Schied despite Mr. Schied’s numerous formal and informal requests as shown throughout the pages above, which he issued while supplanting that KEY EVIDENCE with his own authenticated transcripts of the event from the recording that he had made himself, as also posted at the online Internet links specified above.

The “*post card notice*”, the time-stamped “*Emergency Motion...*” *Transcript* from Pylant, and the *cover letter* showing Prine finally releasing these transcripts to Mr. Schied full nine months after being released to Prine, are all located online, as of the date of this writing, at:

[http://cases.michigan.constitutionalgov.us/david-schied/2014\\_SchiedvMerrittProbate+TexasCriminalAllegations/041717\\_WritofErrorCoramNobis/AllReferencedDocsinWritErrorCoramNobis/Page-114\\_070615EmergMotXscriptsRelease030216.pdf](http://cases.michigan.constitutionalgov.us/david-schied/2014_SchiedvMerrittProbate+TexasCriminalAllegations/041717_WritofErrorCoramNobis/AllReferencedDocsinWritErrorCoramNobis/Page-114_070615EmergMotXscriptsRelease030216.pdf)

and without the “*post card notice*” at:

[http://cases.michigan.constitutionalgov.us/david-schied/2014\\_SchiedvMerrittProbate+TexasCriminalAllegations/041217\\_WritofErrorCoramNobis/SupportDocs/121914\\_EmergHearingXscript-OfficialbyCOAPrine.pdf](http://cases.michigan.constitutionalgov.us/david-schied/2014_SchiedvMerrittProbate+TexasCriminalAllegations/041217_WritofErrorCoramNobis/SupportDocs/121914_EmergHearingXscript-OfficialbyCOAPrine.pdf)

**As an added note to this unethical and malicious display of tortuous mishandling and persistent delay of service upon Mr. Schied’s numerous requests for the official transcripts of the lower court, is the FACT that, as**

shown by the first page of the documents found at the link above, Christopher Prine once again used the opportunity to MISREPRESENT that *Grievant/Crime Victim/Claimant* David Schied had NOT otherwise already submitted his “Appellant Brief” and that it was therefore “*due*” within “30 days” instead, again allowing the procedural “*clock*” to be extended, prejudicially in the favor of the co-Defendants, on the “*due date*” for their “*Appellee Brief*”. (Bold emphasis)

Thus, as a direct result of BOTH the lower and higher court “*clerks*” Stan Stanart and Christopher Prine withholding the court reporter transcript(s) and the so-called “*judge*” of the probate court and “*justices*” of the Texas COA altogether refusing to act upon previous notices and formal filings in “*pleading*” of correcting the lower court records, *Grievant/Crime Victim/Claimant* David Schied was once again compelled to formalize his “*petition*” and “*motion*” for such correction of a persistently “*incorrect*” record, so to properly recognize that co-Defendants/ Appellees David Munson and Robin Apostolakis had been added as “*joinders*” to the case with the January 2015 filing of “Counter-Complaint.../ ‘Joinder Complaint’ ...”, being also served with “*discovery*” documents of “Interrogatories”, “Requests for Documents,” and “Requests for Admissions” well before the posted deadline for “*discovery*” stipulated by Wright’s own “Docket Control Order”.

As these “*pleadings*” show, the “*petition*” included the “*designation of additional item*” of Mr. Schied’s own transcript of the “*Emergency Hearing on 12/19/14*”, supported by his *Affidavit* of that transcript’s accuracy and truth, and the request that the higher court mandate corrections to the vague terminology used by the lower court “*clerk*” Stanart used for the captioning of Mr. Schied’s filings so as to conceal the true nature and the true dates of what *Grievant/Crime Victim/Claimant* David Schied had all along been actually filing.

The “*Petition in Motion and Affidavit of Notice of Incorrect Record’ and Need to Correct by Addition of Names ‘David Munson’ and ‘Robin Apostolakis’ as Co-Appellees*” can be found on the Internet, along with the “*Certificate of Service*” for this filing, as time-stamped by Texas COA on 8/10/15, as of the date of this writing, at:

[http://cases.michigan.constitutionalgov.us/david-schied/2014\\_SchiedvMerrittProbate+TexasCriminalAllegations/041717\\_WritofErrorCoramNobis/AllReferencedDocsinWritErrorCoramNobis/Page-116\\_080515\\_Mot&AffidtoCorrectRecordsofProbateCrt.pdf](http://cases.michigan.constitutionalgov.us/david-schied/2014_SchiedvMerrittProbate+TexasCriminalAllegations/041717_WritofErrorCoramNobis/AllReferencedDocsinWritErrorCoramNobis/Page-116_080515_Mot&AffidtoCorrectRecordsofProbateCrt.pdf)

The “*Petition for ‘Designation of Additional Items’ and for Correcting Dates of ‘Filing’ and Document Captions*” can be found on the Internet, along with the “*Certificate of Service*” for this filing, as time-stamped by Texas COA on 8/10/15, as of the date of this writing, at:

[http://cases.michigan.constitutionalgov.us/david-schied/2014\\_SchiedvMerrittProbate+TexasCriminalAllegations/041717\\_WritofErrorCoramNobis/AllReferencedDocsinWritErrorCoramNobis/Page-116\\_080515\\_Mot&AffidtoCorrectRecordsofProbateCrt.pdf](http://cases.michigan.constitutionalgov.us/david-schied/2014_SchiedvMerrittProbate+TexasCriminalAllegations/041717_WritofErrorCoramNobis/AllReferencedDocsinWritErrorCoramNobis/Page-116_080515_Mot&AffidtoCorrectRecordsofProbateCrt.pdf)

[ofErrorCoramNobis/AllReferencedDocsinWritErrorCoramNobis/Page-116\\_080515\\_Pet4DesignaAddItems&CorrectDates&Captions.pdf](#)

**While the Harris County Probate Court “clerk” Stan Stanart and Texas COA “clerk” Christopher Prine Continued to Employ *Dereliction, Gross Negligence, Malfeasance, and Other “Stall” Strategies While Conspiring With BAR-Member “Judge” (Wright) and “Justices” Lloyd to Provide Prejudicial Favor to the Co-Defendants/Appellees, Their Cohort, BAR Attorney Robin Apostolakis Operated Under Cover of Another Law Firm, Having Moved From Gaunte, Earl, and Binney, LLP to Martin, Earl & Stilwell, LLP***

On 9/20/15, *Grievant/Crime Victim/Claimant* David Schied notified the Texas COA “clerk” and all the named co-Appellees in the case that he was issuing a “Notice of Stay of Proceedings for 30 Days on Good Cause...” by filing such notice, as time-stamped by the Texas COA on 9/28/15, as captioned below:

*“Notice of Stay of Proceedings for 30 Days on Good Cause in Support of Nonprofit Endeavor to Bring Awareness to Critical Concerns Faced by Veterans and Others Battling Domestic and International Terrorism”*

The entire contents of the above-captioned “Notice of Stay of Proceedings...” is found on the Internet, as of the date of this writing, at:

[http://cases.michigan.constitutionalgov.us/david-schied/2014\\_SchiedvMerrittProbate+TexasCriminalAllegations/041717\\_WritofErrorCoramNobis/AllReferencedDocsinWritErrorCoramNobis/Page-117\\_092015\\_NotStayProceedings092815.pdf](http://cases.michigan.constitutionalgov.us/david-schied/2014_SchiedvMerrittProbate+TexasCriminalAllegations/041717_WritofErrorCoramNobis/AllReferencedDocsinWritErrorCoramNobis/Page-117_092015_NotStayProceedings092815.pdf)

About this time – between the time of the criminal conspiracy of crimes committed by Robin Apostolakis, David Munson, Stan Stanart, and Loyd Wright while Apostolakis was operating from the auspices of the Gaunte, Earl, & Binney, LLP law firm, and the time that *Grievant/Crime Victim/Claimant* David Schied had



filed the above-referenced “Notice of Stay of Proceedings for 30 Days on Good Cause...”, Robin Apostolakis incorporated an entirely different set of attorneys to support her corrupt operation, setting up shop in yet another law firm of Martin, Earl & Stilwell, LLP where she has continued to operate since that time.

The Evidence of this change of law firms, and the Evidence of the collaboration between each of these law firms in the overall CRIMINAL scheme of depriving *Grievant/Crime Victim/Claimant* David Schied of his First Amendment “*right to redress*” and “*meaningful access to the court(s)*” is found in the designated links immediately below.

**First** is the Evidence that the Gaunte, Earl, & Binney, LLP law firm was involved in the attempt to DEFRAUD *Grievant/Crime Victim/Claimant* David Schied out of his “Estate” rights by claim, about the time that co-Defendant Jeannette Smith was pilfering the Estate of Michael Edward Schied with the first-named “*executor*” and his wife, the co-Defendants Michael and Wynde Merritt, by claim that the Decedent’s “*Will*” was “*invalid*” and “*unenforceable*,” which created a “*matter of fact*” that ONLY A JURY COULD DECIDE. This Evidence is to be found on the Internet, as of the date of this writing, at:

[http://cases.michigan.constitutional.gov.us/david-schied/2014\\_SchiedvMerrittProbate+TexasCriminalAllegations/TexCourtOfAppeals4District1/Mot2DismissAppellees/AppelleesMot2Dismiss/DSchiedFilingofResponse&Exhibits/Exhibits/Ex\\_2\\_LetrfromRobinAof091114.pdf](http://cases.michigan.constitutional.gov.us/david-schied/2014_SchiedvMerrittProbate+TexasCriminalAllegations/TexCourtOfAppeals4District1/Mot2DismissAppellees/AppelleesMot2Dismiss/DSchiedFilingofResponse&Exhibits/Exhibits/Ex_2_LetrfromRobinAof091114.pdf)

**Second**, in FACT, the Evidence shows that attorney Steven Earl was directly involved in this case from his office of the Gaunte, Earl, & Binney, LLP law firm all the way up until the date of 9/2/15 when Robin Apostolakis and he COMMITTED “FRAUD UPON THE COURT” against the Texas Court of Appeals by filing a “Certificate of Service” reflecting that the “Motion to Dismiss” written by Steven Earl and Robin Apostolakis was filed and “served” upon *Grievant/Crime Victim/Claimant* David Schied by Earl and Apostolakis from Martin, Earl & Stilwell, LLP law offices, **WITHOUT FILING ANY NOTICE in the Texas Court of Appeals reflecting the changeover of court “appearance” of Earl and Apostolakis from the Gaunte, Earl, & Binney, LLP law offices.**

As such, because there was no “*appearance*” or “*change of appearance*” formalized with the Texas Court of Appeals, **no such “certified” mail was accepted** by *Grievant/Crime Victim/Claimant* David Schied. Thus, no actual “*service*” was made in accordance with the MISREPRESENTATIONS made on that “Certificate of Service” filed with the Court about the time that *Grievant/Crime Victim/Claimant* David Schied otherwise had properly notified all parties – including co-Defendants Robin Apostolakis and Jeanette Schied at their last known addresses “*of record*” – and the Texas COA that he was staying proceedings for 30 days while he was out of state on a mission trip.

A copy of Earl's and Apostolakis' "Jeanette Smith's and Robin Apostolakis' Motion to Dismiss..." is found on the Internet, bearing the **fraudulent** "Certificate of Service" dated 9/2/15 and sent from the evasive "no appearance" law office of Martin, Earl & Stilwell, LLP, as of the date of this writing, as located at:

[http://cases.michigan.constitutionalgov.us/david-schied/2014\\_SchiedvMerrittProbate+TexasCriminalAllegations/TexCourtOfAppeals4District1/Mot2DismissAppellees/AppelleesMot2Dismiss/ApostolakisMot2Dismiss\\_090215.pdf](http://cases.michigan.constitutionalgov.us/david-schied/2014_SchiedvMerrittProbate+TexasCriminalAllegations/TexCourtOfAppeals4District1/Mot2DismissAppellees/AppelleesMot2Dismiss/ApostolakisMot2Dismiss_090215.pdf)

Nevertheless, on 12/19/15, *Grievant/Crime Victim/Claimant* David Schied "filed" a timely response to the above-referenced "Jeanette Smith's and Robin Apostolakis' Motion to Dismiss...", being time-stamped by Christopher Prine on 12/23/15 showing that even by that date Mr. Schied had received no formal "appearance" reflecting Apostolakis at a new address and operating from an entirely different Martin, Earl & Stilwell, LLP law firm in the very same building, on the very same floor, at the previous Gaunte, Earl, & Binney, LLP law offices.

Note that the "cover letter" to Christopher Prine, the "Certificate of Service", the 17-page "Grievant David Schied's 'Response in Opposition and Denial to Jeanette Smith's and Robin Apostolakis' Motion to Dismiss..." and 25-page "Brief of Support..." of the same are all to be found on the Internet, as of the date of this writing, at:

[http://cases.michigan.constitutionalgov.us/david-schied/2014\\_SchiedvMerrittProbate+TexasCriminalAllegations/TexCourtOfA](http://cases.michigan.constitutionalgov.us/david-schied/2014_SchiedvMerrittProbate+TexasCriminalAllegations/TexCourtOfA)

[ppeals4District1/Mot2DismissAppellees/AppelleesMot2Dismiss/DSchiedFiling ofResponse&Exhibits/](http://cases.michigan.constitutional.gov.us/david-schied/2014_SchiedvMerrittProbate+TexasCriminalAllegations/041717_WritofErrorCoramNobis/AllReferencedDocsinWritErrorCoramNobis/Page-121_122315_Time-stampedCvrPgsgforRespons2Mot2Dismiss.pdf)

The time-stamped cover pages for the above-referenced documents are also to be found posted on the Internet, as of the date of this writing, at:

[http://cases.michigan.constitutional.gov.us/david-schied/2014\\_SchiedvMerrittProbate+TexasCriminalAllegations/041717\\_WritofErrorCoramNobis/AllReferencedDocsinWritErrorCoramNobis/Page-121\\_122315\\_Time-stampedCvrPgsgforRespons2Mot2Dismiss.pdf](http://cases.michigan.constitutional.gov.us/david-schied/2014_SchiedvMerrittProbate+TexasCriminalAllegations/041717_WritofErrorCoramNobis/AllReferencedDocsinWritErrorCoramNobis/Page-121_122315_Time-stampedCvrPgsgforRespons2Mot2Dismiss.pdf)

**Russell Lloyd, Jane Bland and Harvey Brown Followed Loyd Wright in CRIMINALLY Disregarding the Well-Established Legal Principles Set Forth in the “Memorandum of Law...in Support of Previously Filed ‘Interlocutory Appeal’ and ‘Appeal...with Questions of Law’” Filed by Grievant/Crime Victim/Claimant David Schied on 12/23/15**

Along with the above-referenced 17-page “Grievant David Schied’s ‘Response in Opposition and Denial to Jeanette Smith’s and Robin Apostolakis’ Motion to Dismiss...” and 25-page “Brief of Support...” submitted to the Texas COA and to all of the co-Appellees as time-stamped by the Court on 12/23/15, was a 55-page “Memorandum of Law...in Support of Previously Filed ‘Interlocutory Appeal’ and ‘Appeal...with Questions of Law’” fully captioned below as follows:

“Grievant David Schied’s ‘Memorandum of Law’ in Support of Grievant’s Previously Filed ‘Interlocutory Appeal’ and ‘Appeal’ With Questions of Law Pertaining to Whether Judicial ‘Legislation’ is Constitutional; and Whether Judicial Independence Authorizes ‘Bad’ Behavior; and Whether ‘Substantive’ Evidence of a ‘Pattern and Practice’ of Government Coercion Constitutes Treason and/or Domestic Terrorism”

The entirety of that 55-page Memorandum of Law...in Support of Previously Filed 'Interlocutory Appeal' and 'Appeal...with Questions of Law'” is found on the Internet, as of the date of this writing, at:

[http://cases.michigan.constitutional.gov.us/david-schied/2014\\_SchiedvMerrittProbate+TexasCriminalAllegations/TexCourtofAppeals4District1/MyResp2Mot2Dismiss&BriefSupp&CrimeReport/Time-StampedCOADownload&MyTime-StampedCopies/MemorandumatLawonInterlocAppeal122315inDocket.pdf](http://cases.michigan.constitutional.gov.us/david-schied/2014_SchiedvMerrittProbate+TexasCriminalAllegations/TexCourtofAppeals4District1/MyResp2Mot2Dismiss&BriefSupp&CrimeReport/Time-StampedCOADownload&MyTime-StampedCopies/MemorandumatLawonInterlocAppeal122315inDocket.pdf)

Importantly, the “Questions Presented” in the above-referenced “Memorandum of Law...” are provided in the graphic pages excerpted below:

#### **QUESTIONS PRESENTED**

##### Question #1:

“Does a Texas Probate Court judge’s failure to observe state and/or interstate laws and court rules governing the judicial obligation to “litigate the merits” of a controversy and/or to investigate a litigant’s (Grievant Schied’s) criminal ‘complaints’ – and does the selective application “judicial discretion” against that same litigant in response to a fellow State BAR of Texas member’s ‘Motion’ to Dismiss” Grievant’s civil claims and criminal allegations and Evidence against the judge’s peer group of other attorneys – constitute a violation of the Rules of Decision Act (June 25, 1948, Ch. 646, 62 Stat. 944) as codified in 28 U.S.C. § 1652” (“The laws of the several states, except where the Constitution or treaties of the United States or acts of Congress otherwise require or provide, shall be regarded as rules of decision in civil action in the courts of the United States, in cases where they apply.”)

Grievant Schied answers “absolutely.”

Appellees would answer “no.”

##### Question #2:

“Is the Texas judiciary barred under the Rules of Decision Act (1948) and the Rules Enabling Act (1934) from using Article I (‘legislative’) rulings to limit or ‘abridge’ substantive state and federally granted rights as was done recently when “judge” Loyd Wright issued his ‘Order’ to summarily ‘dismiss’ the substantive claims and/or criminal allegations, and Evidence that Grievant Schied had entered into the Court of Record in support of Grievant’s “complaint” and/or “counter-complaint” that were factually based upon clear Evidence of theft from the Michael Edward Schied estate and based upon the clear ‘appearance’ corruption and racketeering by the Probate Court presiding “judge” Loyd Wright?”

Grievant Schied answers “absolutely.”

Appellees would answer “no.”

##### Question #3:

“Is the federal judiciary barred from both legislating and adjudicating its own legislation using a Texas judge acting administratively and being thus subject to Article I limitations – on an issue concerning allegations of “bad” and/or criminal behavior against that same Texas judge and his peer group of other Texas State BAR attorneys – as was done in context of “Judge” Loyd Wright summarily and substantially dismissing the incriminating Evidence of Grievant’s filings – by granting attorney’s David Munson’s “Motion for No Evidence Summary Judgment” without adjudicating the ‘merits’ of the controversy?”

Grievant Schied answers “absolutely.”

Appellees would answer “no.”

##### Question #4:

“Does the Texas judiciary have any obligation to ‘independently’ investigate and/or adjudicate controversies against the infringement of rights by government when the judiciary itself – though being constitutionally ‘independent’ is also lawfully ‘bound’ to constitutional guarantees under Article III – is the entity being charged with that unconstitutional behavior?”

Grievant Schied answers “absolutely.”

Appellees would answer “no.”

In consideration for the clearly erroneous FACT that Russell Lloyd’s “Memorandum Opinion” dated 7/12/16 FRAUDULENTLY asserts (p.13-14) that “[A]ppellant has not cited to any legal authorities that support his allegations...”, Grievant/Crime Victim/Claimant David Schied includes the following graphics showing the list of citations excerpted from the “Table of Authorities” that was included with that that 55-page Memorandum of Law...in Support of Previously Filed ‘Interlocutory Appeal’ and ‘Appeal...with Questions of Law’” found in its entirety at the link above on the Internet:

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Rules of Decision Act of 1789.....	12	<u>Forrester v. White</u> , 484 U.S. 219, 229-30, 108 S. Ct. 538, 545-46, 98 L. Ed. 2d 555 (1988).....	9
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<i>Act of June 25, 1948 c. 646, 62 Stat. 991</i> .....	23-24	<u>Meek v. Centre County Banking Co.</u> , 268 U. S. 426, 268 U. S. 434.....	5
Title 18 U.S.C. §4.....	24	<u>Northern Pipeline Co. v. Marathon Pipeline Co.</u> , 458 U.S. 50 102 S. Ct. 2858 (1982).....	7-8
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*United States v. Will*,  
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*Willy v. Coastal Corp.*  
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Article I, §30 of the Texas Constitution.....13

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**OTHER**

Bone, Robert. *Mapping the Boundaries of a Dispute: Conceptions of Ideal Lawsuit Structure From the Field Code to the Federal Rules*, 89 Colum. L. Rev. 1, 21 n.42 (1989).....3

Burbank, Stephen. *The Rules Enabling Act of 1934* (1982) pp. 1018-1197.....3, 9, 16

Carrington, Paul. *Substance and Procedure in the Rules Enabling Act*. Duke Law Journal. (Vol. 1989; No. 2; April).....4, 12, 15

Cook, Walter. *"Substance" and "Procedure" in the Conflict of Laws*. 42 Yale L.J. 333, 335-336 (1933).....16

Cordero, Richard. *Exposing Judges' Unaccountability and Consequent Riskless Wrongdoing*.....22-24

Fields, Gary, and Emshwiller, John. *As Criminal Laws Proliferate, More Are Ensnared* (7/23/11) Wall Street Journal.....22

Fletcher, George. *Parochial Versus Universal Criminal Law*. Journal of International Criminal Justice (Vol. 3) (2005).....18-20

Fletcher, George. *Rethinking Criminal Law* (Oxford: Oxford University Press, reprinted 2000).....20

Fullerton, Maryellen. *No Light at the End of the Pipeline: Confusion Surrounds Legislative Courts*. 49 Brook L. Rev. (1983).....3, 6, 11

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Main, Thomas. *The Procedural Foundation of Substantive Law*. Washington University Law Review, Vol. 87 (2009).....3-4, 16-17, 23

Martin, Michael. *Inherent Judicial Power: Flexibility Congress Did Not Write Into the Federal Rules of Evidence*, 57 Tex. L. Rev. Vol. 2; pp.167-202. (Jan. 1979).....19

Mishkin. *Some Further Last Words on Erie-The Thread*, 87 Harv. L. Rev. 1687 (1974).....9

Redish, Martin and Murashko, Dennis. *The Rules Enabling Act and the Procedural-Substance Tension: A Lesson in Statutory Interpretation*, 92 Minn. L. Rev. 26 (2008).....16

Risinger, Michael. *"Substance" and "Procedure" Revisited: With Some Afterthoughts on the Constitutional Problems of "Irrebuttable Presumptions,"* 30 UCLA L.Rev. at 190, 201 (1982).....16

Scott, *Actions at Law in the Federal Courts*. 38 Harv. L. Rev. 1, 3-4 (1924).....3

Silberman, Linda. *Judicial Adjuncts Revisited: The Proliferation of Ad Hoc Procedure*. 137 Univ. of Penn. L. Rev. (1989) pp. 2131-2178.....2

Weaver, Justice Elizabeth and Schock, David. *Judicial Deceit: Tyranny and Secrecy at the Michigan Supreme Court*.....20-21

Weinstein, Jack. *After Fifty Years of the Federal Rules of Civil Procedure: Are the Barriers to Justice Being Raised?* University of Pennsylvania Law Review. Vol. 137.....2-3

**INDEX OF EXHIBITS** – (There are no exhibits submitted)

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Importantly, the “Table of Contents” of that “Memorandum of Law...” pointed out that page 16 began an address of the FACT that Loyd Wright at the Probate Court had “*cherry-picked*” what facts and laws – and indeed, even which “*filings*” – he would use to “*find*” his way to a predetermined and prejudicial outcome for the case:

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“Today...a Federal Rule of Civil Procedure is not a valid procedural rule under the Rules Enabling Act if it abridges, enlarges or modifies a substantive right.”<sup>38</sup> Inevitably, the distinction that separates *substance* and *procedure* is not only vexing but consequential. It appears that wherever the line is drawn between the two depends upon the purpose for drawing that line.<sup>39</sup> “*But of course flexibility cannot be achieved without severely compromising the values of predictability and uniformity.*”<sup>40</sup> “*Thus, this jurisprudence is largely ad hoc because the categories of*

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*cannot promulgate rules creating rights bearing on behavior external to it without fully taking leave of its assigned function in the constitutional scheme.*” See again, Carrington, p. 287.

<sup>38</sup> See Thomas Main, referring generally to Martin H. Redish and Dennis Murashko, *The Rules Enabling Act and the Procedural-Substance Tension: A Lesson in Statutory Interpretation*, 92 Minn. L. Rev. 26 (2008) and Stephen B. Burbank, *The Rules Enabling Act of 1934*.

<sup>39</sup> See again Main, referring to Walter Wheeler Cook, “*Substance*” and “*Procedure*” in the *Conflict of Laws*, 42 Yale L.J. 333, 335-336 (1933) (arguing that the line between substance and procedure could only be drawn with knowledge of the purpose of the line-drawing). See also, *Hanna v. Plumer*, 380 U.S. 460, 471 (1965) (“*The line between substance and procedure shifts as the legal context changes.*”)

<sup>40</sup> Again Main, referring to Risinger, Michael, “*Substance*” and “*Procedure*” Revisited: *With Some Afterthoughts on the Constitutional Problems of “Irrebuttable Presumptions.*” 30 UCLA L.Rev. at 190, 201 (1982) (suggesting that one commentator’s functional definition is another’s “*linguistic relativism*” or the “*abdication of analysis*”).

While Russell Lloyd and his CRIMINAL “*tribunal*” of other judicial imposters of Jane Bland and Harvey Brown disregarded the above and published a blatantly FRAUDULENT “Judgment” and accompanying “Memorandum Opinion” on 7/12/16 that ignored all of the above, the Texas COA “*clerk*”

Christopher Prine was “officially” misconstruing the entirety of the above-referenced 17-page “Grievant David Schied’s ‘Response in Opposition and Denial to Jeanette Smith’s and Robin Apostolakis’ Motion to Dismiss...” and 25-page “Brief of Support...” (to include the above-referenced 55-page Memorandum of Law...in Support of Previously Filed ‘Interlocutory Appeal’ and ‘Appeal...with Questions of Law’”), which was submitted to the Texas COA and to all of the co-Appellees as time-stamped by the Court on 12/23/15, as an “Amended Brief”. Again, Prine did this FRAUDULENTLY on 1/5/16 so as to undermine Grievant/Crime Victim/Claimant David Schied’s actual filing of “Brief on Appeal...” six months earlier, and so to bar Mr. Schied from automatically winning his appeal by default **because NONE of the named co-Defendants had filed a timely “response” to the “Appeal Brief” acknowledged by Lloyd in this “Order” as being “filed” on 6/15/15.** (Bold emphasis added)

See again, the Internet link that was highlighted above, as found posted with Christopher Prines BLATANT FRAUD in the “*post card notice*” dated 1/5/16 at:

[http://cases.michigan.constitutionalgov.us/david-schied/2014\\_SchiedvMerrittProbate+TexasCriminalAllegations/051215\\_TexCourtofAppeals4District1/011716\\_WritErrorClerkFraudonClaimofAmendAppeal/Exhibits/Ex\\_C\\_PrineFraudNotice&DocketPages.pdf](http://cases.michigan.constitutionalgov.us/david-schied/2014_SchiedvMerrittProbate+TexasCriminalAllegations/051215_TexCourtofAppeals4District1/011716_WritErrorClerkFraudonClaimofAmendAppeal/Exhibits/Ex_C_PrineFraudNotice&DocketPages.pdf)

**By 1/19/16, Grievant/Crime Victim/Claimant David Schied Had Determined That He Had Enough Evidence Against the Lower and Higher Court “Clerks” and “Judges”, Including an Authentic and True Transcript of a Recorded Phone Conversation With Christopher Prine, and Clear Evidence That the Co-Appellees Had Waived Their Filing of an “Appellee Brief”**

On 12/23/15 when *Grievant/Crime Victim/Claimant* David Schied filed all of the documents cited above, he also filed with the Texas Court of Appeals a “*Crime Report*” captioned “*Statements in Report of State and Federal Crimes,*” which was also time-stamped by Christopher Prine on 12/23/15. That time-stamped document, showing clear notice of *felony crimes* and *constitutional violations* having been committed, is found on the Internet, as of the date of this writing, at:

[http://cases.michigan.constitutionalgov.us/david-schied/2014\\_SchiedvMerrittProbate+TexasCriminalAllegations/041717\\_WritofErrorCoramNobis/AllReferencedDocsinWritErrorCoramNobis/Page-127\\_121815\\_CRIMEREPORT-time-stamp122315.pdf](http://cases.michigan.constitutionalgov.us/david-schied/2014_SchiedvMerrittProbate+TexasCriminalAllegations/041717_WritofErrorCoramNobis/AllReferencedDocsinWritErrorCoramNobis/Page-127_121815_CRIMEREPORT-time-stamp122315.pdf)

Moreover, many of the documents supporting that *Crime Report*, as submitted along with Mr. Schied’s are also to be found, as of the date of this writing, at:

[http://cases.michigan.constitutionalgov.us/david-schied/2014\\_SchiedvMerrittProbate+TexasCriminalAllegations/TexCourtofAppeals4District1/MyResp2Mot2Dismiss&BriefSupp&CrimeReport/](http://cases.michigan.constitutionalgov.us/david-schied/2014_SchiedvMerrittProbate+TexasCriminalAllegations/TexCourtofAppeals4District1/MyResp2Mot2Dismiss&BriefSupp&CrimeReport/)

Again, this *Crime Report* was also submitted to the Harris County prosecutor, to the Texas Attorney General, to Texas and Michigan and

Washington, D.C. FBI agents, and to U.S. Marshals and others on 12/21/15, as shown by a previously-referenced link to the Internet at:

[http://cases.michigan.constitutionalgov.us/david-schied/2014\\_SchiedvMerrittProbate+TexasCriminalAllegations/TexCourtofAppeals4District1/MyResp2Mot2Dismiss&BriefSupp&CrimeReport/CrimeReporttoTX&USLawEnforcers.pdf](http://cases.michigan.constitutionalgov.us/david-schied/2014_SchiedvMerrittProbate+TexasCriminalAllegations/TexCourtofAppeals4District1/MyResp2Mot2Dismiss&BriefSupp&CrimeReport/CrimeReporttoTX&USLawEnforcers.pdf)

and at:

[http://cases.michigan.constitutionalgov.us/david-schied/2014\\_SchiedvMerrittProbate+TexasCriminalAllegations/TexCourtofAppeals4District1/MyResp2Mot2Dismiss&BriefSupp&CrimeReport/Formal%20Crime%20Reports%20to%20State%20and%20Federal%20law%20enforcement%20agencies.pdf](http://cases.michigan.constitutionalgov.us/david-schied/2014_SchiedvMerrittProbate+TexasCriminalAllegations/TexCourtofAppeals4District1/MyResp2Mot2Dismiss&BriefSupp&CrimeReport/Formal%20Crime%20Reports%20to%20State%20and%20Federal%20law%20enforcement%20agencies.pdf)

Subsequently, nearly a month later – on 1/19/16 – when no action had yet been taken upon that Crime Report by either state or federal officials of either the executive or judicial branches of so-called “government,” *Grievant/Crime Victim/Claimant* David Schied served the Texas Court of Appeals and all co-Appellees with the following list of documents as cited by the “*Certificate of Service*” time-stamped by Christopher Prine on 1/21/16:

- 1) “*Interested Party Appellant/Principal Co-Heir David Schied’s ‘Ex-Parte ‘Writ of Error’ and ‘Motion to Remove Clerk(s) (§ 51.203)’ and ‘Motion to Correct the Record’ Against Texas Court of Appeals Clerk Christopher Prine’s and Harris County Clerk Stan Stanart’s Gross Violations of Oath & Bond in Deliberate Maintaining Erroneous Court Records in Violation of Texas Government Code 51.204 and TRAP 34.5*”;
- 2) “*‘Motion to Grant Appeal by Default on Appellee’s Failure to Timely File Brief in Response to Appeal’*”;
- 3) “*‘Grievant’s ‘Mandamus for Bond Surrender; for Victims’ Relief Under 18 U.S.C. § 3771 and 18 U.S.C. § 4; and for Other Declaratory Relief’ by way of ‘Errors & Omissions,’ Malfeasance, and Other ‘Risk Management’ Insurance Coverage Information’*”;

- 4) “Transcript of Recorded Phone Conversation Between Appellant David Schied and State of Texas’ First Court of Appeals Clerk Christopher Prine on 12/1/15”;
- 5) “Certificate of Service”

The time-stamped pages for the above-referenced documents, except for the “Transcript of Recorded Conversation...” which Christopher Prine refused to time-stamp and so returned to *Grievant/Crime Victim/Claimant* David Schied without that requested time-stamp, is found on the Internet, as of the date of this writing, at:

[http://cases.michigan.constitutionalgov.us/david-schied/2014\\_SchiedvMerrittProbate+TexasCriminalAllegations/041717\\_WritofErrorCoramNobis/AllReferencedDocsinWritErrorCoramNobis/Page-129\\_011916\\_DocsFiledinCOAtime-stamp012116.pdf](http://cases.michigan.constitutionalgov.us/david-schied/2014_SchiedvMerrittProbate+TexasCriminalAllegations/041717_WritofErrorCoramNobis/AllReferencedDocsinWritErrorCoramNobis/Page-129_011916_DocsFiledinCOAtime-stamp012116.pdf)

and at:

[http://cases.michigan.constitutionalgov.us/david-schied/2014\\_SchiedvMerrittProbate+TexasCriminalAllegations/051215\\_TexCourtOfAppeals4District1/011716\\_WritErrorClerkFraudonClaimofAmendAppeal/TimeStampedDocs/Time-stamped012116.pdf](http://cases.michigan.constitutionalgov.us/david-schied/2014_SchiedvMerrittProbate+TexasCriminalAllegations/051215_TexCourtOfAppeals4District1/011716_WritErrorClerkFraudonClaimofAmendAppeal/TimeStampedDocs/Time-stamped012116.pdf)

The location on the Internet where all of the documents can be found, including the entirety of the “Ex-Parte ‘Writ of Error’ and ‘Motion to Remove Clerk(s)...and Grievant’s ‘Mandamus for Bond Surrender...’”, along with all of the referenced Evidence is found on the Internet, as of the date of this writing, at:

[http://cases.michigan.constitutionalgov.us/david-schied/2014\\_SchiedvMerrittProbate+TexasCriminalAllegations/051215\\_TexCourtOfAppeals4District1/011716\\_WritErrorClerkFraudonClaimofAmendAppeal/](http://cases.michigan.constitutionalgov.us/david-schied/2014_SchiedvMerrittProbate+TexasCriminalAllegations/051215_TexCourtOfAppeals4District1/011716_WritErrorClerkFraudonClaimofAmendAppeal/)

The entirety of the primary document, the “Ex-Parte ‘Writ of Error’ and ‘Motion to Remove Clerk(s)...and Grievant’s ‘Mandamus for Bond Surrender...’” is found on the Internet, as of the date of this writing, at:

[http://cases.michigan.constitutionalgov.us/david-schied/2014\\_SchiedvMerrittProbate+TexasCriminalAllegations/051215\\_TexCourtOfAppeals4District1/011716\\_WritErrorClerkFraudonClaimofAmendAppeal/011916\\_WritofErroronClerk&Mot2Remove&Madamus4Relief.pdf](http://cases.michigan.constitutionalgov.us/david-schied/2014_SchiedvMerrittProbate+TexasCriminalAllegations/051215_TexCourtOfAppeals4District1/011716_WritErrorClerkFraudonClaimofAmendAppeal/011916_WritofErroronClerk&Mot2Remove&Madamus4Relief.pdf)

Importantly, the above-referenced “Ex-Parte ‘Writ of Error’ and ‘Motion to Remove Clerk(s)...and Grievant’s ‘Mandamus for Bond Surrender...’” presented the entirety of the above-cited “Transcript of Recorded Phone Conversation Between Appellant David Schied and State of Texas’ First Court of Appeals Clerk Christopher Prine on 12/1/15” in the context of also summarizing all of the TORTUOUSLY ROTTEN events that had occurred since *Grievant/Crime Victim/Claimant* David Schied had initiated his “Interlocutory Appeal...” at the lower court, and his “Notice of Appeal” and subsequent “Brief in Support of Appeal...” in the higher court over six (6) months prior.

As a matter of significant FACT this “Ex-Parte ‘Writ of Error’ and ‘Motion to Remove Clerk(s)...and Grievant’s ‘Mandamus for Bond Surrender...’” supported the basis for *Grievant/Crime Victim/Claimant* David Schied’s “Motion to Grant Appeal by Default...” by pointing out “...Appellee’s Failure to Timely File Brief in Response to Appeal”. Moreover, *Grievant/Crime Victim/Claimant* David Schied supported his “Mandamus for Bond Surrender; for Victims’ Relief Under 18

U.S.C. § 3771 and 18 U.S.C. § 4; and for Other Declaratory Relief’...” with supporting “Crime Report(s)”, with “Sworn and Notarized Affidavits...” and with true and accurate transcripts of a sample audio-recorded phone conversation with Christopher Prine revealing the basis for Mr. Schied “*mandating*” that he be provided with “Bond Surrender; for Victims’ Relief Under 18 U.S.C. § 3771 and 18 U.S.C. § 4; and for Other Declaratory Relief” by way of ‘*Errors & Omissions, Malfeasance, and Other ‘Risk Management’ Insurance Coverage Information*’.

Note that the entirety of the “Transcript of Recorded Phone Conversation Between Appellant David Schied and State of Texas’ First Court of Appeals Clerk Christopher Prine on 12/1/15” is located on the Internet, as of the date of this writing, at:

[http://cases.michigan.constitutionalgov.us/david-schied/2014\\_SchiedvMerrittProbate+TexasCriminalAllegations/051215\\_TexCourtOfAppeals4District1/011716\\_WritErrorClerkFraudonClaimofAmendAppeal/Exhibits/Ex\\_D\\_TranscriptofPhone120115callwithPrine\\_all.pdf](http://cases.michigan.constitutionalgov.us/david-schied/2014_SchiedvMerrittProbate+TexasCriminalAllegations/051215_TexCourtOfAppeals4District1/011716_WritErrorClerkFraudonClaimofAmendAppeal/Exhibits/Ex_D_TranscriptofPhone120115callwithPrine_all.pdf)

Note also that *Grievant/Crime Victim/Claimant* David Schied authenticated the above-referenced “Transcript of Recorded Phone Conervation...Prine on 12/1/15” with a sworn and notarized “*Affidavit of Truth Authenticating Accuracy of Audio Transcript, Crime Report, and Other Documents Proving ‘Domestic Terrorism’ Being Carried Out Throughout the Court System Operating in the State of Texas*” as found on the Internet along



with yet another full copy of the above-referenced “Transcript of Recorded

Phone Converation...Prine on 12/1/15’, as of the date of this writing, at:

[http://cases.michigan.constitutionalgov.us/david-schied/2014\\_SchiedvMerrittProbate+TexasCriminalAllegations/TexCourtofAppeals4District1/Mot2DismissAppellees/AppelleesMot2Dismiss/DSchiedFilingofResponse&Exhibits/Exhibits/Ex\\_13\\_Affidavit&TranscriptofPrineConvers120115.pdf](http://cases.michigan.constitutionalgov.us/david-schied/2014_SchiedvMerrittProbate+TexasCriminalAllegations/TexCourtofAppeals4District1/Mot2DismissAppellees/AppelleesMot2Dismiss/DSchiedFilingofResponse&Exhibits/Exhibits/Ex_13_Affidavit&TranscriptofPrineConvers120115.pdf)

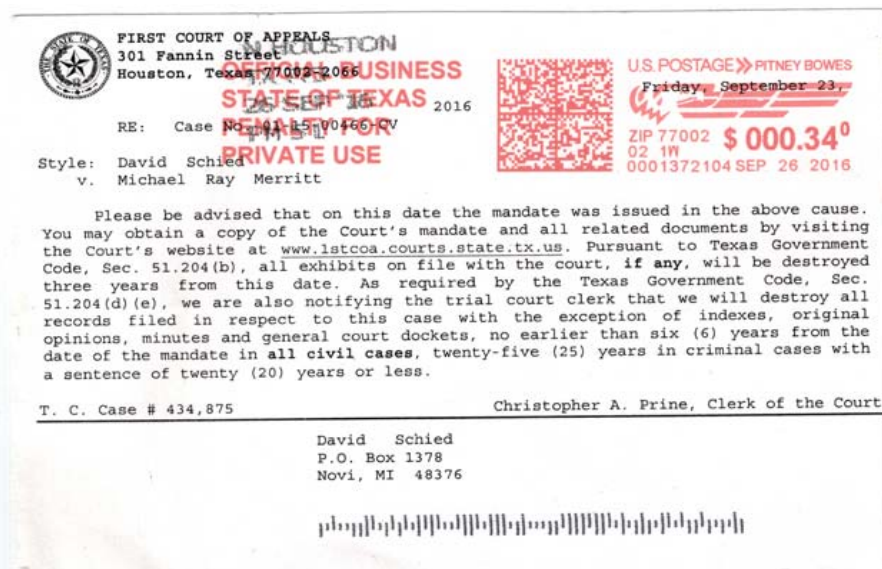
(Bold emphasis)

**THE MANNER IN WHICH ALL OF THE NAMED CO-APPELLEES, THE NAMED LOWER COURT “CLERK” AND “JUDGE” AND THE NAMED HIGHER COURT “CLERK” AND “JUSTICES” WHITEWASHED OVER ALL OF THE ABOVE-DEPICTED STATE AND FEDERAL CRIMES AND CONSTITUTIONAL TORTS AND COMMON LAW TRESPASSES DEMONSTRATES “DOMESTIC TERRORISM” BY COERCION OF THE OTHERWISE FREE “POPULATION” AND CONSTITUTIONAL INTENT OF “THE PEOPLE’S” GOVERNMENT STRUCTURES**

The above filings, submitted to the Texas Court of Appeals on TWO separate occasions (on 12/19/15 and again on 1/21/16) are clearly marked as “Exhibits of Evidence” in the time-stamped “Certificate(s) of Service” filings containing these filings. The FACT that NOBODY responded to these sworn and notarized “official” notices of crimes and authentication of documents, especially within the context of the “Memorandum of Law...” focusing upon the mandate that substantive criminal allegations MUST be acted upon rather than procedurally dismissed, demonstrates the underlying premise that the government “usurpers” presenting themselves publicly as “clerks,” “judges,” and “justices,” are in fact, DOMESTIC TERRORISTS operating by force and

coercion against David Schied as one of the “population”, and against the Supremacy of the U.S. Constitution, the Texas state laws and United States Codes, and even against the numerously cited “court rules”, including but not limited to the Harris County Local Rules of District Courts Concerning the Electronic Filing of Court Documents. (Bold emphasis)

On 9/26/16, “clerk of the court” Christopher Prine sent the following “postcard notice” indicating that one or more “justices” of the Texas court system issued a “mandate” that “all exhibits on file with the court” pertaining to the case “No. 01-15-00466-CV” FRAUDULENTLY cited as “David Schied v. Michael Ray Merritt” “...will be destroyed” three years from 9/26/16. Additionally, this notice states, “we are also notifying the trial court clerk that we will destroy all records filed in respect to this case with the one exception of indexes, original opinions, minutes and general court dockets”.



The following, as well as the above, is therefore constructed to memorialize the exact content of those documents of “Evidence of Domestic Terrorism” that are henceforth being targeted for destruction by the terrorists themselves who have *usurped* legitimate government offices to benefit themselves, their cronies and cohorts, and their peer members of the State BAR of Texas.

**As Demonstrated by the Evidence Above, the Various Assertions by Russell Lloyd, on Behalf of Himself and His Fellow Judicial Usurpers of the Texas COA “Panel” Constitute TREASON by FRAUD**

For obvious reasons already explained above as supported by Evidence, the following statements will remain “*concise statements of FACTS... ’upon which relief can’ and will ‘be granted’ somehow.*” As such, what is provided both above and below substantiate “Claims in Commerce” against the named co-Appellees and “*the Accused*” criminal perpetrators listed in the opening pages of this instant “Writ of Error Coram Nobis”.

In short:

- 1) On page 2 of the 7/2/16 “Memorandum Opinion” FRAUD BY OMISSIONS was perpetrated in the “Background” section of this “*official*” ruling by the FACT that the document covered nothing about either the initial claims about events that transpired between Jeanette Smith, Michael Merritt, and Wynde Merritt in ransacking the Estate of Michael Edward Schied and distributing those assets PRIOR TO Merritt filing his “Application to Probate Will and for

Letters Testimony” as depicted in *Grievant/Crime Victim/Claimant David Schied’s original filing in 2014 of “Complaint and Brief...and ‘Motion for Order to Show Cause...”*

2) On page 2 of the 7/2/16 “Memorandum Opinion” FRAUD BY OMISSIONS was perpetrated in the “Background” section of this “*official*” by the FACT that the purported history depicted by the writing of Russell Lloyd is devoid of the actual history of documents that were actually recorded as “*filed*” into the lower “*Probate Court No. 1*” and the conditions under which *Grievant/Crime Victim/Claimant David Schied* filed those documents, including an entirely new “Counter-Complaint.../ ‘Joinder Complaint’ ...” to replace his original filing, and follow-up “Interrogatories,” “Requests for Documents,” “Requests for Admissions,” and ultimately, his “Motion for Interlocutory Appeal on Questions of Law Pertaining to Actions of Harris County Probate Court Judge Loyd Wright and his ‘Agents’ Against Interested Party Plaintiff/Co-Heir David Schied in Diversity Case With Evidence of Denial of Court Access and the Appearance of Prejudicial Bias and Due Process Violations Against ‘Pauperis’ Litigant Without Attorney”.

3) Of significant mention, on page 2 of the 7/2/16 “Memorandum Opinion” FRAUD BY OMISSIONS was perpetrated in the “Background” section of this “*official*” document by the FACT that no mention whatsoever was made about

*Grievant/Crime Victim/Claimant* David Schied filing his original

“Complaint...” and all subsequent documents, each with a “*Motion for Waiver of Fees and Costs...*” because he was filing as a “*pauper*” from out of state in Michigan.

4) On page 2 and 3 of the 7/2/16 “Memorandum Opinion” FRAUD BY OMISSIONS was perpetrated in the “Background” section of this “*official*” by the FACT that no acknowledgement whatsoever was made for the FACT that throughout the lower case proceedings, and particularly “*on the record*” at the “Emergency Hearing on 12/19/14”, *Grievant/Crime Victim/Claimant* David Schied had been reasserting that:

- a) the lower court “*clerk*” Stan Stanart was providing preferential treatment to the co-Defendant(s) by persistently delaying the registered “*filing*” of Mr. Schied’s documents for over a week once they were shown to have actually been mailed out and “served”;
- b) the co-Defendants Merritt and attorney Munson were repeatedly taking unfair advantage of the “*electronic filing*” process while acting in intentional VIOLATION of the Harris County Local Rules of District Courts Concerning the Electronic Filing of Court Documents which otherwise maintained that “*Documents may be electronically served upon a party ONLY where that party has agreed, in writing to receive electronic service*”

*in that case;*” and which also maintain, “The agreement must be filed with the court and the form must be served on all other parties.”

c) “Judge” Wright acknowledged “*on the record*” that *Grievant/Crime Victim/Claimant* David Schied was asserting his right to be served in accordance with the terms set forth by the Harris County Local Rules of District Courts Concerning the Electronic Filing of Court Documents but disregarded that in favor of congratulating his comrade, fellow BAR attorney Munson, for his having utilized such an advantage on behalf of his client.

5) On page 2 and 3 of the 7/2/16 “Memorandum Opinion” OUTRIGHT FRAUD IN FACT, AND PERJURY was perpetrated in the “Background” section of this “official” publication by the FACT that “*Appellant did not file a response to the [Defendants’] motion [for no-evidence summary judgment]*”, despite all of the Evidence that, having never been actually “served” with that specific “motion” that prior to that *Grievant/Crime Victim/Claimant* David Schied had filed his “Motion for Default Summary Judgment...” and “Motion for Order to Show Cause and to Compel Documents...” and a “Motion for Declaratory Ruling on the Degree of Legitimacy of Actions Taken in Effort to Construct ‘Joinder’ of Other named ‘Co-Defendants’ ...”, even setting a hearing date and sending out a “Notice of Hearing” PRIOR TO the scheduling of a “no evidence” hearing, and

was subsequently DENIED access to the Probate Court on that hearing by “judge” Wright who refused to once again allow *Grievant/Crime Victim/Claimant* David Schied to attend that hearing via telephone from out of state as a “pauper” unable to pay the high cost for the travel to Texas to attend the hearing on his own “Motion for Default Summary Judgment...” and “Motion for Order to Show Cause and to Compel Documents...” and a “Motion for Declaratory Ruling on the Degree of Legitimacy of Actions Taken in Effort to Construct ‘Joinder’ of Other named ‘Co-Defendants’...”.

Moreover, the statement of the 7/12/16 “*Memorandum Opinion*” also GROSSLY OMITTED the FACT that following the finding out that about the time of the filing of the “no evidence” motion *Grievant/Crime Victim/Claimant* David Schied had also filed a “response” to the Court by way of the above-referenced “Motion for Interlocutory Appeal on Questions of Law...” which were also disregarded by the Texas COA “panel” despite being referenced in the “Docketing Statement” on appeal in the higher court. This is despite the FRAUDULENT claim by Lloyd’s “Memorandum Opinion” stating that “[t]he record reflects that appellant did not file a motion for new trial or request any post judgment relief from the train court.”

6) On page 3 of the 7/2/16 “Memorandum Opinion” GROSS

MISREPRESENTATION OF FACT was perpetrated in the “Background”

section of this “*official*” publication by the so-called “*panel*” endorsing Lloyd’s implying that, as a matter of fact, *Grievant/Crime Victim/Claimant* David Schied’s “*filings*” were not “*clear and concise*” or not written in accordance with the court “*rules*” when that certainly is not the case.

- 7) The GROSS MISREPRESENTATION OF MATERIAL FACTS continued on page 5 of the 7/2/16 “*Memorandum Opinion*”, implying that *Grievant/Crime Victim/Claimant* David Schied had not raised similar “*arguments*” in his lower court briefs that he raised in the higher court. Yet again, GROSS OMISSIONS OF FACTS pertaining to all of the issues presented appear to preclude any legitimacy in such a claim. As this “*Memorandum Opinion*” was written, it is not even certain what the actual “*brief*” being fraudulently being discussed in that document really was. Clearly, the lower Probate Court “*judge*” disregarded all of *Grievant/Crime Victim/Claimant* David Schied filings from the beginning of 2015 as non-existent. In “*pattern and practice*” that Texas COA “*justices*” did the same, not revealing exactly which “*brief*” upon which they were adjudicating, whether it was the first or the second “*Interlocutory Appeal*,” whether it was the “*Brief on Appeal*,” or whether it was the mischaracterized “*Response to [Smith’s and Apostolakis’] Motion to Dismissed*” renamed by the criminal, Christopher Prine, as an “*Amended Brief*.”



8) On page 2 of the 7/2/16 “Memorandum Opinion” FRAUD BY OMISSIONS was perpetrated again in the “Parties” section of this “*official*” document by the FACT that the COA “*panel*” appeared to dwell on the idea that “*the appellate record does not reflect that any of [the named co-Defendants added in “joinder” at the beginning of 2015] were properly served...*” while continually disregarding the FACTS that:

- a) The transcripts of the “Emergency Hearing on 12/19/14” clearly show that Loyd Wright had made clear that all that was important to him was that the parties be simply notified of their involvement and know about the allegations;
- b) From the near the beginning of the case and underscored at the “Emergency Hearing on 12/19/14”, *Grievant/Crime Victim/Claimant* David Schied had repeatedly established matters of FACT that neither the Probate Court nor the attorney David Munson were “*properly serving*” Mr. Schied, and that, in FACT, the “*appellate record*” as well as the “*lower court record*” were both “*grossly incorrect*” in what they “*reflected*”.
- c) At the appellate level, *Grievant/Crime Victim/Claimant* David Schied had submitted his “Grievant David Schied’s ‘Memorandum of Law’ in Support of Grievant’s Previously Filed ‘Interlocutory Appeal’ and ‘Appeal’ With Questions of Law Pertaining to Whether Judicial ‘Legislation’ is

Constitutional; and Whether Judicial Independence Authorizes 'Bad' Behavior; and Whether 'Substantive' Evidence of a 'Pattern and Practice' of Government Coercion Constitutes Treason and/or Domestic Terrorism

which addressed the unlawful “*pattern and practice*” of using “*procedure*” to undermine and dismiss “*substance*”, such as what was done by Russell Lloyd and his fellow “*panelists*” with this “Memorandum Opinion of 7/12/16”.

- 9) Another prime example of the Texas COA *judicial usurpers* CRIMINALLY using “*procedure*” over “*substance*” and dismissing such substance “*under color of law [and procedure]*” is found on page 7 of the 7/2/16 “Memorandum Opinion” as Lloyd wrote, “[*Apostolakis*] *does not appear in a case by corresponding with one of the parties involved in the matter, or by being present in the courtroom during proceedings,*” while refusing to acknowledge the significance of that “*correspondence*” claiming, on co-Heir Jannette Smith’s behalf that the Will is “*invalid*” and “*unenforceable*”, and that such presence was not merely “*in the courtroom*” but for the purpose of being “*at that proceedings in the accompaniment of her client Jannette Smith with interest in that particular case*”. Again, covering up and/or GROSSLY OMITTING these significant FACTS constitute “*fraud by omissions*” and thus, invalidates and VACATES this written “*opinion*” and its accompanying fraudulent “*judgment*”.

10) On pages 8-9, Lloyd again uses a combination of “*procedure over substance*” with GROSS OMISSIONS and/or MISREPRESENTATIONS OF MATERIAL FACTS when claiming that *Grievant/Crime Victim/Claimant* David Schied’s “*additional arguments not identified in [the 7/12/16 “Memorandum] opinion were inadequately briefed and preserved nothing for review*” as they pertained to “*the actions of the trial judge, court coordinator, county clerk, and/or other parties depriv[ing] him of due process; and the trial judge, court coordinator, county clerk, and/or other parties violat[ing] canons of the Code of Judicial Conduct, the local rules, and/or rules of procedure.*” Simply stating that all of the Evidence submitted throughout this “Writ of Error Coram Nobis” was “*inadequately briefed*” without supporting such a claim is simply unacceptable, giving reason for this instant filing of “Writ of Error...” based upon constructive and other forms of FRAUD by the higher court’s *judicial usurpers*.

11) On pages 9-10, Lloyd FRAUDULENTLY claimed that *Grievant/Crime Victim/Claimant* David Schied had known “*of the hearing date*” for the summary judgment hearing, so as to effectively nullify Mr. Schied’s (repeated) claim(s) of not being “*served*” with the “*no evidence*” summary disposition motion of Munson, while GROSSLY OMITTING THE MATERIAL FACT that “*the hearing date*” known by Mr. Schied was the very one that he had

scheduled for his “Motion for Default Summary Judgment...” and “Motion for Order to Show Cause and to Compel Documents...” and a “Motion for Declaratory Ruling on the Degree of Legitimacy of Actions Taken in Effort to Construct ‘Joinder’ of Other named ‘Co-Defendants’...” , and NOT the “no evidence” hearing. In FACT, there NEVER WAS EVIDENCE that a hearing was ever held at all on the “no evidence motion” of Munson since ALL transcripts and ALL lower court records were repeatedly requested by Grievant/Crime Victim/Claimant David Schied and nothing was ever produced to prove such a hearing ever took place. Meanwhile, as shown above, Mr. Schied was DENIED ACCESS TO THE COURT by the judge’s refusal to provide him with another means of “appearance” by phone at the “Motion for Default Summary Judgment...” and “Motion for Order to Show Cause and to Compel Documents...” hearing he had schedule, as was done previously for the “Emergency Hearing on 12/19/14” hearing.

- 12) On page 11 of the 7/2/16 “Memorandum Opinion” OUTRIGHT FRAUD IN FACT, AND PERJURY was perpetrated in the “Background” section of this “official” publication by the FACT that Grievant/Crime Victim/Claimant David Schied had not shown that he had filed anything to “preserve the complaint” in the lower court that the “trial court’s decision on summary judgment motion was premature” or that he did not file an “affidavit explaining the need for

*further discovery or a verified motion for continuance.” Such a claim blatantly ignores the numerous “Affidavit(s) of Truth” that were inherently filed along with numerous of the above-referenced filings as found in “*the record*” referenced above as publicly posted on the Internet. These “*filings*” include the TWO “Interlocutory Appeals” that were filed in the lower court, as well as the numerous other “*filings*” and “*affidavits*” that are referenced throughout this “Writ of Error Coram Nobis” and not needed to be repeated in mention again in this paragraph.*

- 13) On page 12 of the 7/2/16 “Memorandum Opinion” Lloyd and his cohorts commit OUTRIGHT FRAUD IN FACT, AND PERJURY along with CONSTRUCTIVE FRAUD BY GROSS OMISSIONS when again disregarding the FACT that *Grievant/Crime Victim/Claimant* David Schied had repeatedly claim NOT to have been EVER “*served*” with the “*no evidence*” motion, while claiming both that Mr. Schied never “*responded*” to that motion, and that “[*Mr. Schied*] *did not file a response....directing the trial court to [his] exhibits. Because appellate failed to file any response to Merritt’s motin, appellant did not meet his burden of proof on this issue, and, therefore, the trial court did not err in granting summary judgment in Merritt’s favor....We overrule appellant’s challenge to the trial court’s granting of Merritt’s no-evidence summary judgment motion.*”

14) Throughout the remainder of the 7/2/16 “Memorandum Opinion” Lloyd and his cohorts TREASONOUSLY piled the FRAUD ever higher and deeper as they went on to falsely claim the following, which are proven false by the Evidence referenced throughout this instant “Writ of Error Coram Nobis”:

- a) That “*the record*” does not reflect that *Grievant/Crime Victim/Claimant* David Schied “*ever argued to the trial court that he was deprived of his right to equal protection or equal treatment*” and that “*even if [Mr. Schied] had raised such arguments to the trial court, appellant has not cited to any legal authority that supports his allegations...*” **Not only are these statements OUTRIGHT FRAUD as proven by the transcripts of the “Emergency Hearing of 12/19/14”, but also by all of the subsequent filings of Grievant/Crime Victim/Claimant David Schied throughout the lower and higher courts.** (Bold emphasis)
- b) That “*the trial court granted summary judgment in Merritt’s favor based on appellant’s failure to present any evidence supporting his claim*” and “*because appellant’s brief does not contain a clear and concise due process argument, with appropriate citations to supporting legal authority and the record, appellant has not preserved any of his due process arguments for [appellate] review.*”

- c) That despite referencing the Harris County Local Rules of District Courts Concerning the Electronic Filing of Court Documents in making his argument for not being properly served with documents at the lower “*trial*” court, that because *Grievant/Crime Victim/Claimant* David Schied “*did not cite to any legal authority holding that the violation of any of these rules constitutes reversible error*” – despite that Mr. Schied had filed a “Request for Findings of Fact and Conclusions of Law” that remained completely ignored and unanswered by “*the court*”, and Mr. Schied had similarly called out as FACT that these actions by the lower court judge did indeed constitute “*reversible error(s)*.”
- d) That “*appellant cannot [expect to] prevail on appeal merely because the appellee does not file a brief*”, despite [the OMITTED FACT] that **the appellees indeed never not only submitted “*appellee brief(s)*” but also NEVER “*answered*” the allegations of *Grievant/Crime Victim/Claimant* David Schied’s “original Complaint” and subsequent “Counter-Complaint...” with anything of substance – not one shred of evidence – to address the original 19 “*Exhibits of Evidence*” submitted by *Grievant/Crime Victim/Claimant* David Schied when initially filing his claims in the Probate Court.** (Bold emphasis added)

**DEMAND FOR COMMON LAW REMEDY AND CIVIL RELIEF BY**  
**“CLAIM IN DAMAGES”**

When the above-referenced case(s) started out in Probate Court No. 1, all that *Grievant/Crime Victim/Claimant* David Schied was asking was that the second named “executor” of the Estate of Michael Edward Schied be the second person named by the “*Will*,” and that his sister, Jannette Smith, turn over basic banking documents after she and co-Defendants Michael and Wynde Merritt had ransacked the home of “*the Decedent*” of all valuables, and otherwise prove the written claim of Robin Apostolakis on Smith’s behalf that the Will was factually and legally “*invalid*” and “*unenforceable*.”

This case epitomizes the extent to which the State BAR of Texas members will go, as “*judges*” and “*justices*” to protect their fellow BAR members’ interests and lack of integrity when dealing with others in the legal forum, who are not BAR members, and who are otherwise acting in the Common Law, with the power of FACTS (not the power of BAR membership), and in accordance with the federal Constitution, deemed the “*Supreme Law of the Land*.” The documentation above, and indeed throughout the lower and higher court records as posted at the above-referenced designated locations on the Internet, as of the date of this writing, is presented herein as an accounting “*ledger*,” being Evidence of the Damage Claims heretofore set forth as an “*Accounts Receivable*” and a “Lien” – “in Commerce” –



upon the real and movable property, malpractice insurance, errors and omissions insurance, terrorism insurance, and performance bonds of all of the following:

- a) All named co-Defendants/Appellees;
- b) The “*clerk(s) of the court(s)*” as clerical *usurpers* of “*the Peoples*” delegated duty, power and authority;
- c) The so-called “*judges and justices*” as judicial *usurpers* of “*the Peoples*” fiduciary duty, power and authority”;
- d) The STATE OF TEXAS, the Texas Department of Public Safety, the Texas Office of the Attorney General, the TEXAS COURT OF APPEALS, Harris County, the Office of the Harris County Sheriff, the Office of the Harris County Prosecutor, Harris County Probate Court No. 1, Harris County Clerk’s Office, the law firm of Gaunte, Earl, and Binney, LLP, the law firm of Martin Earl & Stilwell, LLP, and the State BAR of Texas, along with those individually named in their private capacities as operating these entities “*in commerce*” as corrupt racketeering (“RICO”) enterprises in the private interest of protecting their “*members*” rather than as legitimate “*government*” entities;

Accompanying this instant “*Writ of Error Coram Nobis*”, being also an “*accounting ledger*,” is yet another “*Criminal Complaint*,” being also a “*Brief of Information*,” a sworn and notarized “*Affidavit of Obligation*,” a “*Constitutional*

*Citation,*” and bringing forth “*Claim(s) in Commerce for Damages*” on what is described herein.

The breakdown of accounting for the “*Claim of Damages*” is as follows for ALL of the named “counter-parties” as being charged both individually and collectively for all of the Constitutional violations listed for participating in and conspiring with the overall scheme of – minimally – the following list of *felonious* criminal offenses:

- 1) 18 U.S.C. § 4 – “*Misprision of Felony*”;
- 2) 18 U.S.C. § 2382 – “*Misprision of Treason*”;
- 3) 18 U.S.C. § 242 – “*Deprivation of Rights Under Color of Law*”;
- 4) 18 U.S.C. § 241 – “*Conspiracy Against Rights*”;
- 5) 18 U.S.C. § 1341 – “*Frauds and Swindles*”;
- 6) 18 U.S.C. § 1505 – “*Obstruction of Proceedings Before Departments Agencies and Committees*”;
- 7) 18 U.S.C. § 1512 – “*Tampering With a Witness, Victim or An Informant*”;
- 8) 18 U.S.C. § 1513 – “*Retaliating Against a Witness, Victim or An Informant*”;

As shown in the accompanying documents, “*the civil value of this Complaint/Claim for Damages is calculated as....the number of ‘counts’ at \$10,000 times the number of total lien debtors*”. Notably, there are exactly 100 “*counts*” listed in the ledger valued at \$1,000,000 owed *per named debtor*. There

are minimally listed by the “Criminal Complaint” as lien debtors, making a *subtotal* of \$30,000,000 collectively owed by the counter-parties.

Second, of the above, there are eleven (11) *organizations* and at least fourteen (14) *individuals* that are, by definition of 18 U.S.C. § 225, participating in a “*continuing financial crimes enterprise*” are calculated as follow:

11 x (times) \$20,000,000 = \$ 220,000,000

14 x (times) \$10,000,000 = \$ 140,000,000

Thus, the TOTAL collectively owed by the named counter-parties is:

**\$ 390,000,000.**

As such, **the counter-parties commanded forthwith to pay the demand in the amount shown immediately above within 90 days**, or otherwise prove, on a point-by-point basis by sworn and notarized Affidavit and addressing EACH of the referenced documents and sets of Evidence depicted above (as publicly available on the Internet), as upheld by common law practice, that the allegations, based upon the FACTS, are “*invalid*” or “*unenforceable*”, and not otherwise subject to a “*default judgment.*”

**AFFIDAVIT OF TRUTH**

STATE OF MICHIGAN    )  
  )  
COUNTY OF OAKLAND )

I, David Schied, being the name “*Affiant*”, declare that the above statements, as well as all referenced documents incorporated by reference and/or by attachment to this instant “*Writ of Error Coram Nobis*”, are hereby submitted under penalty of perjury as truthful, accurate, and complete to the best of my knowledge and belief.

If called to testify at legitimate trial or grand jury proceedings, I will be able to reaffirm, verify, and clarify all of the above statements and accounting ledger contained herein in prosecution of the crimes about which I am reporting now and have been persistently reporting for this past full decade and a half since 2003 when first discovering the conspiracy of crimes being committed against me by the STATE OF TEXAS, the Texas Department of Public Safety, the UNITED STATES, the Federal Bureau of Investigations, and the STATE OF MICHIGAN pertaining to fraudulent representations claimed by the STATE OF MICHIGAN about the STATE OF TEXAS’ supposedly fraudulent issuances of both “*judicial*” and “*executive*” clemency in 1979 and 1983 respectively, and more recently with regard to the criminal theft against my brother’s “*Last Will and Testament*” and Estate between 2014 and the present.

David Schied

Date: 4/19/17

Sworn to me this 19<sup>th</sup> day of April, 2017.

Kelsey Ann Walivaara

Notary Public, Oakland County, Michigan acting in Oakland County, Michigan.

My Commission expires: 9/25/2021

KELSEY ANN WALIVAARA  
NOTARY PUBLIC - MICHIGAN  
OAKLAND COUNTY  
MY COMMISSION EXPIRES 09/25/2021  
ACTING IN OAKLAND COUNTY

