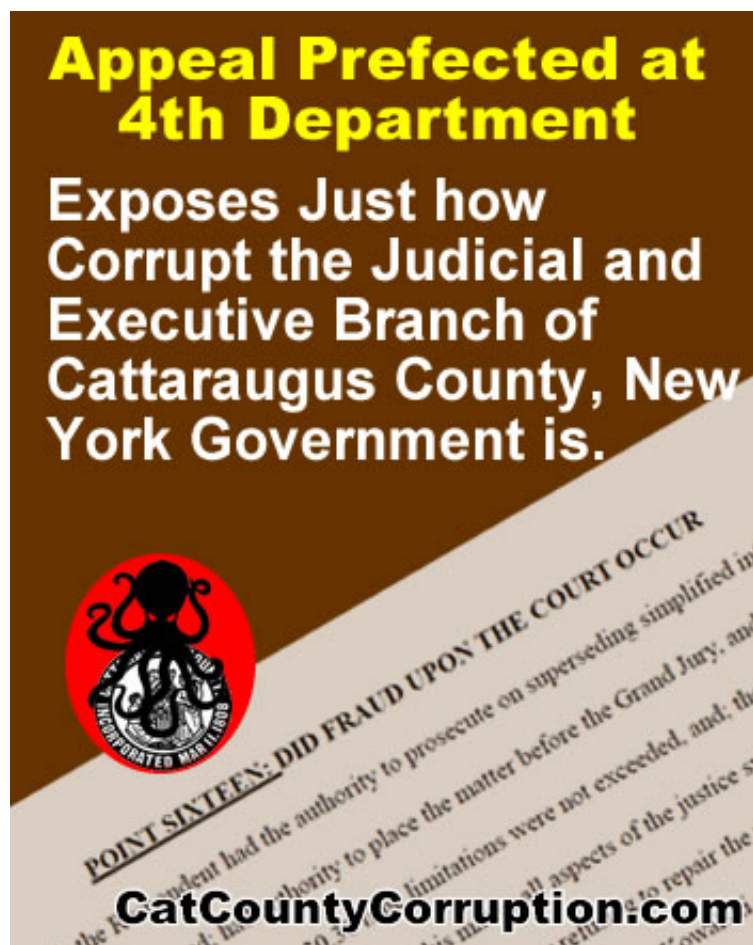
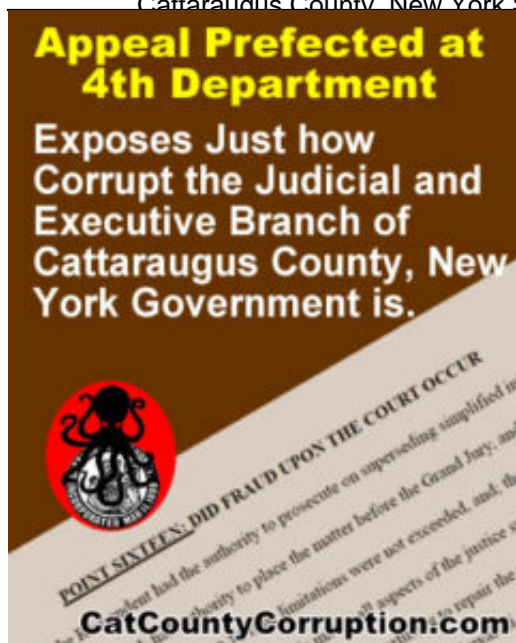


Appeal in the 4th Department Perfected. Exposes Just how Corrupt the Judicial and Executive Branch of Cattaraugus County Government is.



The Appeal to the 4th Department, of the Unified Court System on New York, in Rochester exposes the absolute criminal corruption of the identified elements of the local deep state that exist in the Judicial and Executive Divisions of the Cattaraugus County New York government. The Appeal has been “[perfected](#)”, *i.e. it falls within the requirements of the layout requirements to be heard on the merits, all the requirements of the record on appeal have been met, whether or not it meets the number of pages, size of the font, space between the font, record requirements, etc...*even though a self-represented ‘[person](#)’ does not have to follow the ‘guidelines’ based US Supreme Court Rulings, one of which is [1] [Haines v. Kerner 404 U.S. 519](#) (1972)[2],[3]. However, you have the issues of corruption, is there corrupt elements in the 4th Department?



The exhibits/evidence are/is found by using the adobe PDF viewer page location finder. The semicolon separates the pages (38;39) found in the brief. If there are parentheses, the first number indicates the location using adobe page finder and the second within the parentheses indicates the location within the record on appeal(ex...1463(1335)). [The appeal can be downloaded here.](#)

The main culprits in this appeal are “[Judge](#)” [Ronald Ploetz](#), “[DA](#)” [Lori Rieman](#) and “[ADA](#)” [Elizabeth Ensell-LaFleur](#). However, we now have evidence that Rieman is losing control. **BTW, what public servants are responsible by oath of office/law to hold other public servants accountable once they are ‘noticed’ of the crimes of said public employees?**

The appeal is based on a February of 2016 incident in which a local Constitutional Rights activist had traveled to Buffalo New York to meet up with another victim of the local county deep state corruption. It was just “[perfected](#)” at the 4th appellant division in Rochester New York ([click here to see the order](#))

On his way home he was stopped by EPD when his car being boxed in after taking evasive maneuvers to avoid any type of contact [based on the last encounter with those things](#). [He had guns drawn on him in 2 seconds](#) and his window shot or knocked out by EPD “police officer” [Cori Kowalski](#) (13;49;50 ;54). The activist was then violently pulled from the car and thrown to the cold hard pavement head first and rendered unconscious. He awoke in handcuffs with someone stomping on him.

What was the real reason for the failed attempt of murder? The activist was carrying with him certified copies of an appeal that was before the 4th department in Rochester. The documents were in sealed envelopes which he was given by another victim who stood up against the corruption in Cattaraugus County. That victim had also suffered greatly at the hands of the local deep state criminals.

The corrupt agent in charge of that treason was none other than “[ADA](#)” [William Preston Marshall](#). It was a complete failure. Marshall has never had a real ob. He always had to rely on the government. He was so desperate he showed up at the victim’s house in the middle of the trial and actually threatened the victims wife that he would take away the victims minor children if the his wife did not testify to something she did not see.

That [appeal was won by unanimous decision against Ploetz](#). It found that Ploetz did not know what a question or an arrest was, which is ironic because Ploetz claimed in this appeal that the activist was not ‘arrested’ at the scene when he had guns drawn on him in 2 seconds, his window knocked out or shoot out in 30 seconds, pulled violently from the car, thrown to the ground, knocked out and awoke in handcuffs

and was not free to leave.

In a brief uttering of honesty Kowalski admitted that the activist was not free to leave, i.e. he was under arrest, however Ploetz claimed Kowalski was basically an idiot and he did not know he had arrested the activist (186(58)).

When the murder attempt failed, the cover up began. The activist was then sent to the hospital where his head injury(s) were completely covered up. The hospital claimed he walked in when in fact he was handcuffed to the ambulance gurney and wheeled in (67; 886(758);1746(1618)). He also left the hospital with the blood still coming from his left ear, a sign of a skull fracture or serious head injury. There was no mention in the medical records of it whatsoever. Soon after he suffered a stroke, or stroke like symptoms (14;57;1818 (1690)) and it took close to a year to see a specialist (someone in the know had cancelled the original follow-up for June (1714(1842))).

The other victim that the activist met up with in Buffalo was also soon arrested on bogus charges. The cops claimed he ran into a guardrail which was a complete lie and they took it to the Grand Jury. The Grand Jury refused to indict and the original charges were dropped. On top of that, the Activist's attorney was also arrested during the activist's trial (26;27), which cause a serious delay in the trial and the lose of one of the jury members. This is now part of the appeal. The arrest of his attorney and the delay should have been an automatic mistrial, but this is Cattaraugus County New York after all, where justice goes to die and the law is on permanent vacation.

In this matter "DA" Rieman, of the sad and infamous [Metcalf murder cover-up\[4\]](#) would take traffic violations of the Activist to a Grand Jury with the blessings of "Judge" Ronald Ploetz [which by law is not allowed](#).

The Activist was indicted on 10 counts/charges, two which were multiplicitous (38;39;40;61;1463(1335)) and one of which had been ruled unconstitutional years before (38;39;40;61;1051(923);1052(924);1075 (947)).

Multiplicitous is a term used when you charge a person for the same crime over and over again ([Maybe Elizabeth Ensell-LaFleur knows someone that she could use as an example?](#)). For example; A person stabs someone, the stabbing incident maybe lasts 30 seconds and that victim is stabbed 3 times. That real criminal cannot be charged with 3 separate counts of assault with a deadly weapon. She can only be charged once. If she was charged 3 times, that is what is called Multiplicitous charges, but if she walks away and comes back say 40 minutes later and stabs the victim again then she could be charged again.

Also, there were no Grand Jury instructions provided with the Grand Jury minutes. Gee... we wonder why... The indictment should have been thrown out right there (21;22;41;43;61;66), but who really knew the rhyme or Rieman to their Ploetz's.

After numerous attempts to shut down the appeal process, including the refusal of the Cattaraugus County Court Clerks Office to provide the Activist with a certificate of conviction (30;82(XII,XIII,XXXII; 1917(1789)) (even though the law does not require it on appeal), the Appeal was "Perfected" to the 4th Department ([Click here to review the perfection of the appeal](#)) in the Activist matter.

THE APPEAL

There are 18 points in all, seventeen of them are described below. The juror's names have been redacted (a term we Americans should be very similar with) except for employees of any municipal corporation, which would included Westfall and Pihlblad, who stood out as attempting to control the jury (Click here to review the brief and record on appeal). We are sure there are some mistakes. The victim is still suffering

from the effects of the attempted murder and cover up, especially vision. Its over 2000 pages long and 12, plus the original(s) and a copy for the victim. That is close to 30,000 pages.

So how will it be handled? What will be the outcome? Will Rieman and Ploetz finally be held accountable? How about Kerling or Ensell? [Will Ensell-LaFleur go on Death Race 2019 rampage by seeing how many pedestrians she can run over and have OPD cover it up?](#) Or will justice finally prevail?

The big one is the [fraud upon the court](#) (point sixteen). It is very apparent it occurred in this matter (as well as many others). There are a lot of innocent people sitting in the county or state jails right now for crimes they did not commit because of Rieman, or sentenced to unjust terms who won't be spending any holidays with their family and friends because of the corruption that no one at the proper levels seem to be doing, or are mandated to do, anything about.

Points are what are argued in appeals based on what the courts like to call 'mistakes' by the prosecution, the court, or sometimes the defendants attorney. In this matter the 'mistakes' were out right treason by those sworn to uphold the Constitution of the these united States of American.

- **POINT ONE:** WERE THE SIMPLIFIED TRAFFIC INFORMATIONS INVALID AND THEREFORE NO AUTHORITY PROSECUTE. THE COURT BELOW DISAGREED WITH APPELLANT
- **POINT TWO:** WAS THE SEARCH WARRANT VALID. THE COURT BELOW DISAGREED WITH APPELLANT
- **POINT THREE:** DID THE RESPONDENT HAVE THE AUTHORITY TO PLACE THE MATTER BEFORE THE GRAND JURY. THE COURT BELOW DISAGREED WITH APPELLANT
- **POINT FOUR:** WAS THE GRAND JURY PROCESS SUFFICIENT. THE COURT BELOW DISAGREED WITH APPELLANT
- **POINT FIVE:** DID RESPONDENT RUN OUT OF TIME PURSUANT TO CPL § 30.30. THE COURT BELOW DISAGREED WITH APPELLANT
- **POINT SIX:** WAS THE JURY STACKED IN FAVOR OF THE RESPONDENT. THE COURT BELOW DISAGREED WITH APPELLANT
- **POINT SEVEN:** DID JURORS ENGAGE IN MISCONDUCT. THE COURT BELOW DISAGREED WITH APPELLANT
- **POINT EIGHT:** WAS THERE SUFFICIENT EVIDENCE TO FIND RESPONDENT GUILTY OF COUNT I, OBSTRUCTION OF GOVERNMENTAL ADMINISTRATION. THE COURT BELOW DISAGREED WITH APPELLANT
- **POINT NINE:** CAN APPELLANT BE HELD ACCOUNTABLE FOR INVOLUNTARY ACTS CONCERNING COUNTS II, III, IV AND VIII. THE COURT BELOW DISAGREED WITH APPELLANT
- **POINT TEN:** WERE COUNTS V AND IX MULTIPLICIOUS/DUPLICIOUS. THE COURT BELOW DISAGREED WITH APPELLANT
- **POINT ELEVEN:** WAS COMPLAINANT WITNESS QUALIFIED TO TESTIFY AS A EXPERT WITNESS. THE COURT BELOW DISAGREED WITH APPELLANT
- **POINT TWELVE:** WAS APPELLANT ARRESTED AND IN CUSTODY AT THE SCENE AND THEREFORE SHOULD VIDEOS AND STATEMENTS HAVE BEEN EXCLUDED. THE COURT BELOW DISAGREED WITH APPELLANT
- **POINT THIRTEEN:** SHOULD MISTRIAL HAVE BEEN DECLARED DUE TO APPELLANT'S ATTORNEY ABSENCE FOR ONE WEEK. THE COURT BELOW DISAGREED WITH APPELLANT
- **POINT FOURTEEN:** WAS THE PRESIDING JUDGE REQUIRED TO RECUSE HIMSELF. THE COURT BELOW DISAGREED WITH APPELLANT
- **POINT FIFTEEN:** SHOULD HAVE A SPECIAL PROSECUTOR BEEN APPOINTED. THE COURT BELOW DISAGREED WITH APPELLANT
- **POINT SIXTEEN:** DID FRAUD UPON THE COURT OCCUR

• **POINT SEVENTEEN: DID RESPONDANTS COMMIT MISCONDUCT**

[1] <https://supreme.justia.com/cases/federal/us/404/519/>

[2] Laura K. Abel, Evidence-Based Access to Justice, 13 U.PA. J.L. & SOC. CHANGE 295 (2009).
<https://scholarship.law.upenn.edu/jlasc/vol13/iss3/3/>

[3] <http://www3.law.harvard.edu/journals/hlpr/files/2013/06/Turner-v-Rogers-and-the-Essential-Role-of-the-Courts-in-Delivering-Access-to-Justice.pdf>

[4] <https://buffalonews.com/2018/02/11/prosecutor-delayed-release-of-metcalf-decision-until-after-election-day/>