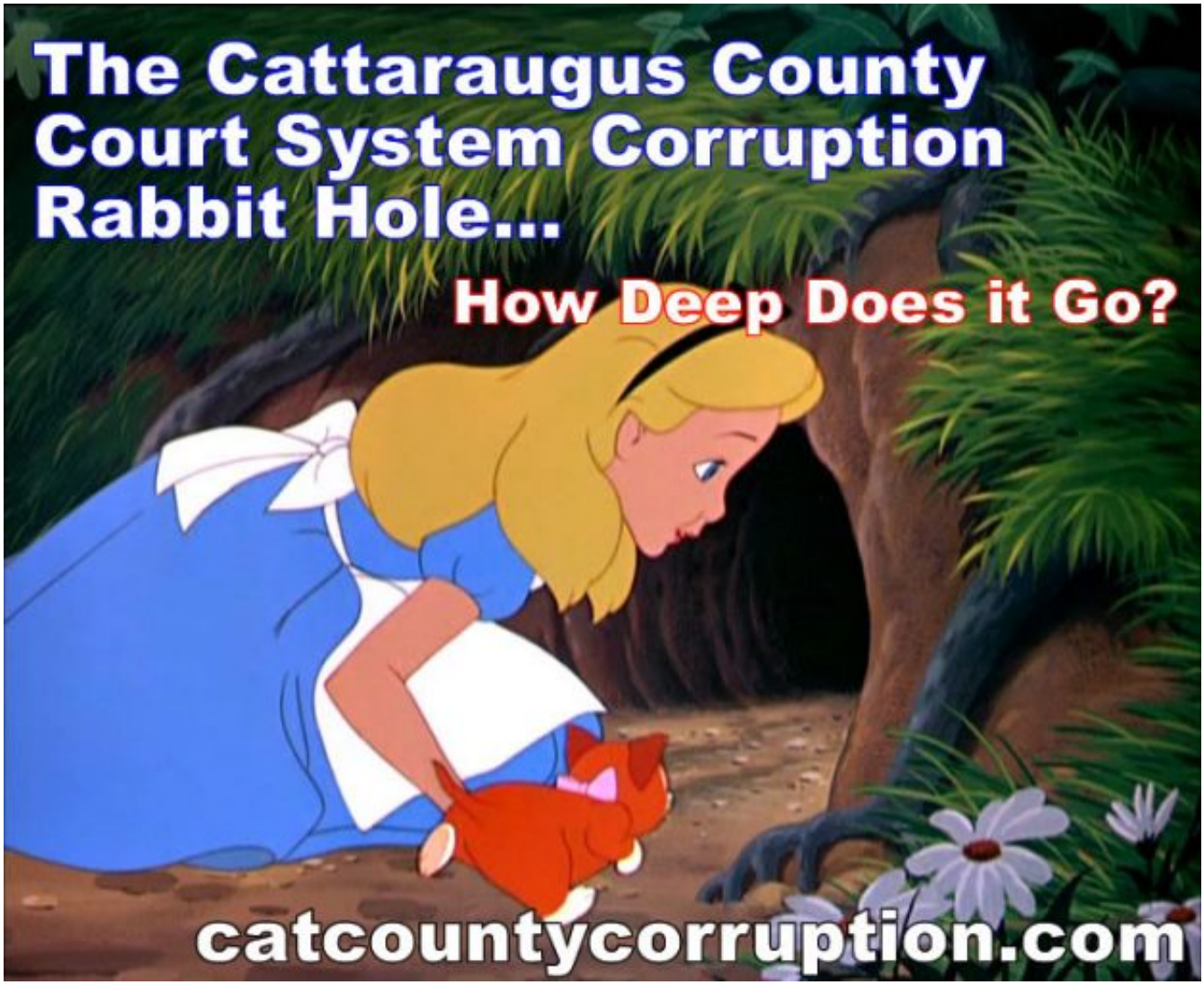
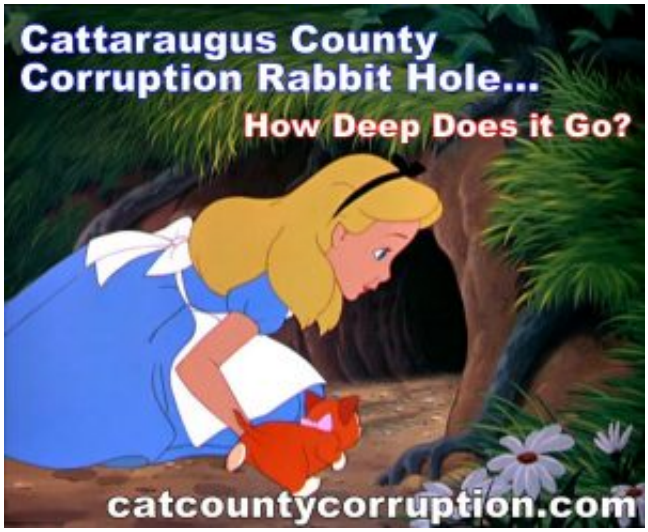
Cattaraugus County New York Court Clerk Claims it is Illegal to Document Corruption & Crime



On April 22nd, 2015, on, or about 10:15 AM a Pro-se litigant involuntarily visited the Cattaraugus County Court Clerk's Office on the second floor of the county building to review file that concerned his issue. The Pro-se is another victim of Lori Riemans corruption and her criminal activity. The purpose of the visit was the change of venue issues that were occurring in his case. Three judges have already recused themselves from the matter in the lower "courts" which is an historical first...



and Rieman moved the matter with complicity of the county court outside of the law, see CPL § 255.20

and 170.15. Rieman herself took personal responsibility to break the law when she filed, and served it on October 30th, 2014 the motion, as well as scheduled a hearing on the matter on November 10th, 2014, based on the original judge recusing himself on, or about August 28th, 2014, which is well outside of the law;

CPL §170.15 mandates;

Under circumstances prescribed in this section, a criminal action based upon an information, a simplified information, a prosecutor's information or a misdemeanor complaint may be removed from one local criminal court to another provided:

*"(3): **At any time within the period provided by section 255.20**, where a defendant is arraigned upon an information, a simplified information, a prosecutor's information or a misdemeanor complaint pending in a city court, town court or a village court having trial jurisdiction thereof, **a judge of the county court of the county in which such city court, town court or village court is located may, upon motion of the defendant or the people, order that the action be transferred for disposition from the court in which the matter is pending to another designated local criminal court of the county,** upon the ground that disposition thereof within a reasonable time in the court from which removal is sought is unlikely owing to:*

(a) Death, disability or other incapacity or disqualification of all of the judges of such court; or"

Section § 255.20 mandates;

*"Except as otherwise expressly provided by law, whether the defendant is represented by counsel or elects to proceed pro se, **all pre-trial motions shall be served or filed within forty-five days after arraignment and before commencement of trial**, or within such additional time as the court may fix upon application of the defendant made prior to entry of judgment."*

Notice the comma after 'pro se' and before 'all'? This is a separation of thought, therefore this includes both the People and the Defendant "pre-trial motions". This is further substantiated by CPL §170.15; "*upon motion of the defendant **or the people***" Then you have the fact that Rieman knew, or should have known that serving the motion and scheduling the hearing on the motion before 13 days as mandated by law (she scheduled it in 10 days), she was in direct violation of 22 CRR-NY 1000.13 and (CPLR 2103[b][2]), which specifically states;

(ii) When motion papers are served by regular mail, at least 13 days notice shall be given (CPLR 2103[b][2]).

The Notice of Motion and Affidavit of "The People" in this 'Motion to Change Venue' proceeding clearly shows it was "District Attorney" Lori Rieman herself who created, executed and filed this motion, as such she herself violated 22 CRR-NY 1000.13 and (CPLR 2103[b][2]). This is why you see the term *"individual and official capacity"* used most frequently in lawsuits against corrupt criminally minded public officials such as Rieman. Further absent a specific CPL the CPLR is controlling.

While it was only a couple of days before she met the time limit, it was a Pro Se defendant, someone who dose not spend his time "practicing law". Further she was still mandated to follow the law, PERIOD. If those who enforce the law refuse to obey it, then what is the purpose of law?

Now back to the present, *i.e. instant,* issue;

Upon coming to the desk of the court clerks office one Jillian Koch assisted the Pro Se and brought forward the file which the Pro Se started to review. The Pro Se noticed a couple of papers he did not see or notice in it when he earlier reviewed the file and asked for copies which Koch provided him with. **Mind you, this is the same clerk who months before would deny the Pro-Se with a copy of the notice that the County Judge GRANTED the order/motion of Rieman transferring the case from the original location to Machias before the hearing on the matter actually occurred. NOTE: THE PRO-SE WENT TO REVIEW THE COUNTY COURT FILE WELL BEFORE THE DAY OF THE HEARING AND THE ORDER WAS ALREADY SIGNED. IT WAS A DONE DEAL BEFORE IT WAS SUPPOSE TO BE A DONE DEAL. COMPLETELY CORRUPT AND PROOF THAT THE DECISION HAD ALREADY BEEN MADE BEFORE IT WAS ALLOWED TO BE MADE.**

Back to April 22nd, 2014; the Pro Se only saw three ladies behind the clerk counter area, none of which was the Chief Court Clerk Verna Dry. Verna Dry is also the jury commissioner for Cattaraugus County. Nice, you have one individual who is in charge of all of the legal paperwork as well as in charge of the jury who has the right to review all of the legal paperwork of a proceeding. Only in Cat County!

Upon receiving the copies the Pro Se requested, he set up his video camera to document what exactly was in the file. He started to video tape the contents. The Pro-Se had completed this same procedure on at least two occasions before in this same room, with the same people present with no issues. The purpose of him videotaping all of the contents in the file is to maintain an accurate record of what is in the file based on his belief and evidence that court records in the lower courts as well as the county court have been tampered with in violation of 18 U.S.C. § 1519 and CPL § 175.25, which is a crime and gets public officers thrown in jail.

Further at an earlier proceeding on April 8th, 2015 in the Town of Little Valley Court the Pro Se discovered that his file had been tampered with. That is the subject of an already completed article that will be released shortly.

When in the process of videotaping a lady came to the clerk's side of the desk and claimed that the Pro Se was not allowed to video tape the contents of the file. The first thing the Pro Se noticed was that her identification tag was backwards and did not show what her name was or who she was, but the Pro-se knew it was Verna Dry, the Cattaraugus County Chief Clerk from previous 'encounters'. Verna Dry is also related to "Judge" Joseph Dry, the Little Valley Town Judge who the Pro-Se's matter is now in front of. His actions are the subject of another already completed article which is being added too constantly...

Verna claimed that she had been on contact with chief clerk of the 8th judicial district that the Pro-Se was not allowed to video tape the contents of the file.

Verna showed the Pro Se a copy of the alleged law (Rule of Court § 29.1) that she claimed as the authority that would not allow the Pro Se to document the entire file for the purposes of ensuring it has not been tampered with. Further the copy she showed the Pro-Se had hand writing upon it. **This is where it gets interesting...**

Here is the title of that 'rule' ; *"PART 29. Electronic Recording And Audio-visual Coverage In Court Facilities And Of Court Proceedings"* if you review the rule you will see it is specific for news coverage of actual court proceedings, not the exercising of one rights to not only document corruption but to document what is occurring in one's own matter. Further it even states that you are allowed to, part (b) of this specifically points to this fact;

(b) This section shall not apply to:

(2) .... for photographing, taping or videotaping by or on behalf of the parties to the litigation...

However there is wording in this part that states *"applications made to the appropriate court for photographing, taping or videotaping..."*

The rules claim you have to make an "application" to videotape, photograph, etc... lets see what the supreme court has to say about that;

The US Supreme Court has ruled, on documenting corruption and criminal activity of public officials;

The Supreme court let stand a ruling by a lower appeals court on the right to film 'government officials", so the supreme court ruled that the lower court was correct.

In Glik v. Cunniffe, 655 F.3d 78 (1st Cir. 2011) the court at the United States Court of Appeals for the First Circuit held that a private citizen has the right to record video and audio of public officials in a public place, like the Cattaraugus County Court House Court Clerks Office, what Verna now claim's is it is illegal to videotape/photograph your own court files as evidence of public officials tampering with public records, *i.e. public official criminal activity*;

Here is the essence of the ruling;

"The filming of government officials engaged in their duties in a public place, including police officers performing their responsibilities, fits comfortably within these principles [of protected First Amendment activity]. Gathering information about government officials in a form that can readily be disseminated to others serves a cardinal First Amendment interest in protecting and promoting the free discussion of governmental affairs."

So any government official that claims you cannot tape them while they are engaged in their public duties just violated your constitutional rights and if they claim any law that allows them to deny you that right, the law/rule itself is unconstitutional according to the supreme court. It will be interesting to see what the 8th Judicial District Appellant Division has to say about this. Further because it is violation of a 1st amendment right it becomes a title USC Title 42 § 1983 action against the public official denying you the ability to videotape and you can sue them both in their official and individual capacity.

So, what Verna actually did, by her conduct in denying the Pro-Se his right to videotape the contents of his matter, is proof that she and/or others in her office are in fact tampering with public records. At a minimum she is aware of it because she is the one who denied the Pro-Se his ability to videotape the file.

I mean if everything is on the up and up, then why would they have a problem with someone video taping their own file? They are always shoving it down our throats with the... *"I didn't do anything wrong, so I have nothing to hide, go ahead and search/watch me"* mentality...

Slaves are made in such ways...

And look where it got these people...

The Pro-Se asked for a copy which Verna said she would provide the Pro-Se with, however she did not make a copy of the page she showed the Pro-Se that had the hand writing upon it. The copy machine was directly behind her, yet she left the room with the copy and walked out into the hallway and appeared to go to the right as she existed, which the law library is to the left, where the Rules of Court book would be as you leave the room.

One must wonder what Verna is trying to hide? Simple, the truth is that they engage in tampering with public records constantly in order to hide their crimes and to find innocent people guilty. So the next time you go and review any record in Cattaraugus County and they claim you are not allowed to videotape it, make sure the Clerk is with you and you describe each piece of paper and write down its description and you make the clerk signs it. If they don't they have just admitted that there is documents missing from the file and therefore it has been tampered with.

I**n a 4 million dollar lawsuit that the** County and Lori Rieman are being sued **for, there has been absolute proof that the county court clerks office has tampered, or is allowing tampering with the evidence/public record.** In this tampering with the public record incident Rieman claimed in court that her victim (the one that is now suing her) committed two separate violations of probation when in fact the recorded clearly showed he only had allegedly committed one.

When a violation of probation occurs the probation department creates a verified notice that goes in front of a judge. If the judge finds grounds that a violation allegedly occurred then the judge can

revoke probation with a warrant of arrest, or alike, and will issue it, and the individual is placed in jail again.

In this case Reiman's victim allegedly violated probation for an assault charge that was later thrown out, so anything that emanated therefrom, like the violation of probation, was also thrown out because it was a direct result and arose from the original assault charge.

In the second VOP/tampering incident, Riemans victim allegedly failed to report contact to the probation department with a police officer with in 48 hours. This alleged incident, in November of 2012 occurred when he went down to vote and to get a copy of his transcript at the same time (his lawyer asked him to get a copy). The clerk of the court yelled at him telling him she didn't have time to get his "stupid" transcripts and told him he was not allowed to vote and ordered him to leave the property. Rieman's victim played it safe and called the probation department as well as payed a visit to the probation department within 48 hours, which there are witnesses to that effect. He was also on the phone with his attorney's secretary at the time of the incident.

On September of 2013, almost a year after the 2012 voting incident, the victim goes to court, thinking he is there about his appeal on the assault charge (which was still pending at the time) and his lawyer failed to show up at court on that day, The Probation department is there as well as Rieman, she asks the Probation department if they amended the probation violation with the new one that allegedly occurred in November of 2012. **Notice how she claimed it had to be "amended"? (see the image of the transcript below)**

The original alleged violation took place about one year before so this latest 'violation' was a completely separate incident so by law it had to be looked at separately, **and yes there is a common law court cite about separate incidents which were NO MORE THEN FIVE MINUTES APART right here in cat county. So in cat county they can declare that you need no more than five minutes to claim a separate incident, yet they can also claim that a separate incident can take place over a year. OK, I just sold a bridge in the middle of the Arizona desert, and it is from London.**

Plain and simple; it could not be 'amended' to the original violation that was thrown out. Here is the issue; If it is 'amended' it i made part of the same case and therefore the same file. In this matter a whole separate case/file was created, which if it was an actual legitimate violation that is exactly what should have happened. So you now have two separate actions going on in two separate files/dockets yer Reiman claims they are one and the same, so therefore it is considered an 'amended' action,, yet there are tow separate files. Confused yet?

Now it gets interesting…. The County Probation department acknowledged this, that there is not an second violation, and there is not one mention of this 'violation' for entire year while the appeal was at the county court for the Town of Yorkshire assault charge conviction. On this day in September 2013, the victim shows up but his lawyer fails to appear. The victim tells the court that his lawyer failed to appear, so, in the interest of justice, the court should have adjourned the hearing at that point. What did they do? They claimed the victim was acting pro-se and moved the hearing forward.

Here is where it gets more interesting; The Probation department officer testified at this September 2013 hearing that ***"There is only one probation sentence, there is only one sentence. It was based on the conviction for assault third in the Town of Yorkshire" that occurred in 2011 .*** The victim had no idea what they were talking about, he was totally confused at the time.

How could the court move forward with this hearing when there is no other "violation" in

November 2012 and the probation department even admitted it in 2013 at a hearing that no violation occurred in 2012 (see the transcript). You will also notice that there is no court date stamp on the May 2012 VOP, but there is one on the November 2012 VOP. Only the court clerks have the authority to use this stamp, so it shows direct involvement with the court clerks office.

If the probation department testified in 2013 that there was no second violation in 2012, how could there be a second notice of violation for the 2012 'voting' incident if they testified in 2013 it did not exist?

How could a second notice, date stamped November 2012 mysteriously appear in the file if it did not exist in 2013? Simple it couldn't unless the record was tampered with. Gee Verna, your the chief clerk of the court, guess who bares the ultimate responsibility? It's called the respondeat superior doctrine...

Further if Reiman stated on the record that it was "amended" to the original violation, which was part of the first case, *i.e. the assault,* then why was a second file/docket/case created when it should have been included in the first one and how could it have been created when the original case/charge was thrown out?

Simple; if it was amended to the original case/charge and the original case/charge was thrown out, there could not be a 'second' case/charge/VOP.

Not only that, in late winter of 2014 the victim who is now suing the county and Rieman paid a process service to send one of their servers down to the County Court Clerks office and review the file to document if there was in fact a warrant as well as the other proper paperwork that would follow a notice/POV being issued for the alleged second violation. The written request listed the file to be reviewed. In this matter there were two files. The first file being the assault charge and the second file being the alleged second 'voting' probation violation incident. The first file was sealed because Rieman's victim had won the appeal. The second one was not, each file had to have a different docket number associated with it.

It was Verna Dry who 'assisted' the process server that day in his attempt to inspect the record to document if a warrant and the other follow up paperwork had been issued for the second alleged violation.

Guess what Verna did? She brought out the sealed file and told the process server that the file was sealed so the process server could not review it. This is how she and her office operates, cover up, confuse, misdirect and violate...

Are you confused yet? Cat County Court's and DA's most popular quote;

"Oh What Webs We Weave When First We Practice to Deceive" Shakespeare's line in Hamlet

It is becoming very apparent that all aspects of the DA/county court system engage in a coordinated effort to cover up illegal activity by intentional confusion/misdirection. In the Pro-Se's case they are making it appear as if they don't fully understand what he is asking for in court so they can appear confused and misdirected and then use that tactic to confuse and misdirect the Pros-Se and make it appear as if it is the Pro-Se's fault, when in fact it is theirs...

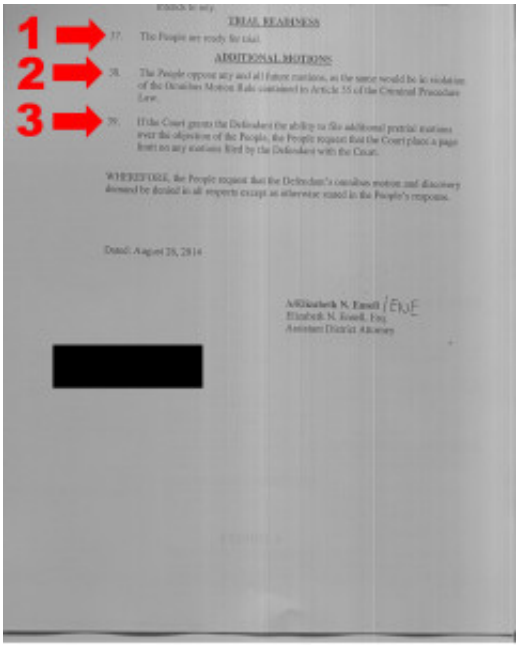
The Pro-Se has only filed only one motion in the matter that was transferred from the Original court to the the Town of Machias Court, then on to the Little Valley Town Court, however the 'order' of the county court ordered that it be transferred from the original Court to the Little Valley Court. You can't move a case from a court it is not in to a court it is supposed to be in. PERIOD. This is just a small example of the criminal collusion between the County Court, the Little Valley Town Court and Rieman as well as others in an attempt to cover up the crimes they have committed and are committing against the Pro-Se defendant. But that is the subject of another article on County Court Corruption.

Further you will notice that the bogus order of January 26th, 2015 and filed on February 13th, 2015 states that the "Court upon reading the affidavit of the Cattaraugus County district attorney and the defendant being heard..." This is a total lie by the court, by and through County Judge Ronald Ploetz. What was heard that day was the Pro-Se's Motion to Reargue/Renew not Riemans bogus motion of October 30th, 2014.

Both orders clearly show the name of the original village court. Gee... can you say conspiracy? There is no judicial immunity for judges who conspire PERIOD, see DENNIS v. SPARKS, 449 U.S. 24 (1980);

"The action against... the private parties accused of conspiring with the judge is not subject to dismissal. Private persons, jointly engaged with state officials in a challenged action, are acting "under color" of law for purposes of 1983 actions." DENNIS v. SPARKS, 449 U.S. 24 (1980)

When the Pro-Se filed his one and only motion in July of 2014 the People, by and through "ADA" Elizabeth Ensell, subscribed and filed a verified answer to the Pro-Se's motion, in it she swore to the fact that the Pro-Se was not allowed to file anymore motions because according to her; "Pursuant to Omnibus Motion Rule of Article 55 of the Criminal Procedure Law" he was not allowed to.


1
2
3
TRIAL READINESS
ADDITIONAL MOTIONS
[redacted]

The only problem with that is *"Omnibus Motion Rule of Article 55 of the Criminal Procedure Law"* does not exist and is a false statement sworn to by Ensell which is perjury and Ensell should be disbarred and thrown in jail because of it, in accordance with the law. If it was you or I where do you think we would be right now???? Further, in another statement she made in this verified perjured answer, she stated that *"If the court grants the Defendant the ability to file additional pretrial motions over the objections of the people, the People request that the Court place a page limit on any motions by the [Pro-Se] with the court."*

Kind of looks like Rieman and her "subordinates" understand the Pro-se's motions very well and what he is doing, *i.e. exercising his rights properly, which any of you can do,* and they are scared out of their minds and will stop at nothing to stop him from proving his point, including murdering him which they have formally admitted in court they intend to do...

This is just some of the many tactics the Cattaraugus County DA, the Sheriff and the Court system use in an attempt to intentionally inflict so much emotional trauma/stress on their targeted victims

in the hope that their victims give up and surrenders to their criminal activity, or runs away from it. It doesn't take much to figure out what would happen if a person runs, but then again, what individual would walk willing to their own death?

Now do you seeing how evil these people really are?

The Pro Se is not going anywhere until these criminals are brought to justice...

The other interesting aspect is Rieman and her cronies have not answered ANY of the PRO-SE's pleadings, except the very first one which the Pro-Se slammed them on and then they panic and claim that the Pro-Se can't file anymore motions... So, tell me again, who doesn't know what they are doing?

Ohhh... and just in case Reiman, Ensell, Balcom and the rest of the crew claim that the Pro-Se's pleadings had to be properly formatted, and the proper procedure needed to be utilized by the pro-se, in order to be reviewed/recognize, etc... lets review cases on pro-se pleadings...

- *"Allegations such as those asserted by petitioner, however inartfully pleaded, are sufficient"... "which we hold to less stringent standards than formal pleadings drafted by lawyers."* Jenkins v. McKeithen, 395 U.S. 411, 421 (1959); Picking v. Pennsylvania R. Co., 151 Fed 2nd 240; Pucket v. Cox, 456 2nd 233;
- *Pro se pleadings are to be considered without regard to technicality; pro se litigants' pleadings are not to be held to the same high standards of perfection as lawyers.* Maty v. Grasselli Chemical Co., 303 U.S. 197 (1938);
- *"Pleadings are intended to serve as a means of arriving at fair and just settlements of controversies between litigants. They should not raise barriers which prevent the achievement of that end. Proper pleading is important, but its importance consists in its effectiveness as a means to accomplish the end of a just judgment."* NAACP v. Button, 371 U.S. 415); United Mineworkers of America v. Gibbs, 383 U.S. 715; and Johnson v. Avery, 89 S. Ct. 747 (1969);
- *The plaintiff's civil rights pleading was 150 pages and described by a federal judge as "inept". Nevertheless, it was held "Where a plaintiff pleads pro se in a suit for protection of civil rights, the Court should endeavor to construe Plaintiff's Pleadings without regard to technicalities."* Puckett v. Cox, 456 F. 2d 233 (1972) (6th Cir. USCA);
- *It was held that a pro se complaint requires a less stringent reading than one drafted by a lawyer per Justice Black in Conley v. Gibson (see case listed above, Pro Se Rights Section).*Roadway Express v. Pipe, 447 U.S. 752 at 757 (1982)

Back to the issue at hand; let's take up where Verna had just left the Court Clerks Office area; **on que as always, a sheriff's deputy walks in a minute or two later through the same doorway Verna Dry had just exited from.** Guess what Mr. Deputy, you are now a witness for a USC Title 42 § 1983 violation action. This was not the first time this had happened to the Pro-Se. Another time he was there

another sheriff's deputy appeared. This time this sheriff's deputy claimed he wanted a piece of candy and this was the only room in which candy was located in the building. However he did not leave and did enter the secured area of the court clerks office. The Pro-Se believed Verna Dry summoned him to appear and was an attempt to intimidate the Pro Se who was only attempting to exercise his rights that day. What do you think?

It took Verna Dry about 5 minutes to reappear through the doorway she left with the New York State Rules of Court book that contained the same copy she had just shown the Pro-Se minus the handwriting. She then made a copy of the exact same page she had just shown the Pro-Se (minus the handwriting), and the Pro-Se gathered up his belongings and left.

It is very clear the Verna Dry violated the Pro-Se's 1st amendment rights that day and was covering up for someone, possibly herself as well as others, who's handwriting is on that copy Verna???

Hmmm.... See the Pro Se touched and handled that copy with the hand writing on it numerous times so his fingerprints will prove if it is the same copy/handwriting when he demands a true, correct and copy of it.