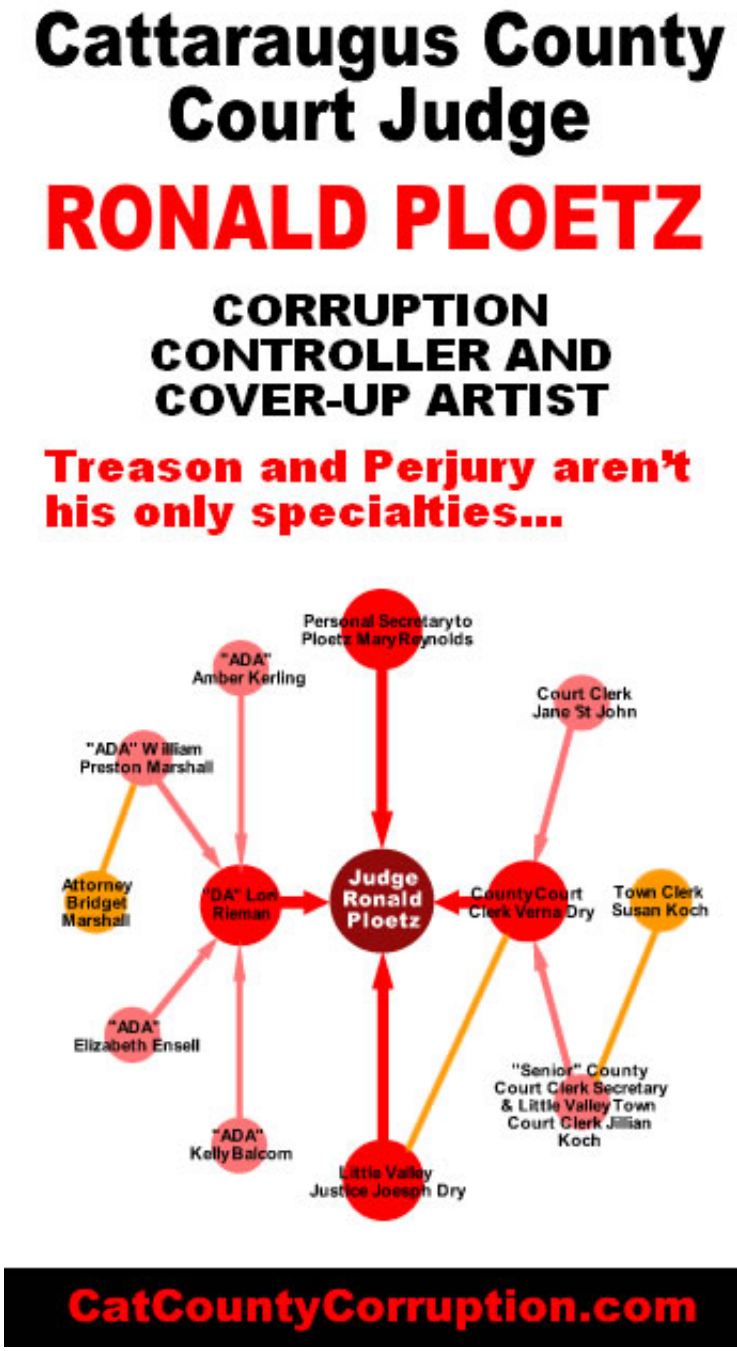
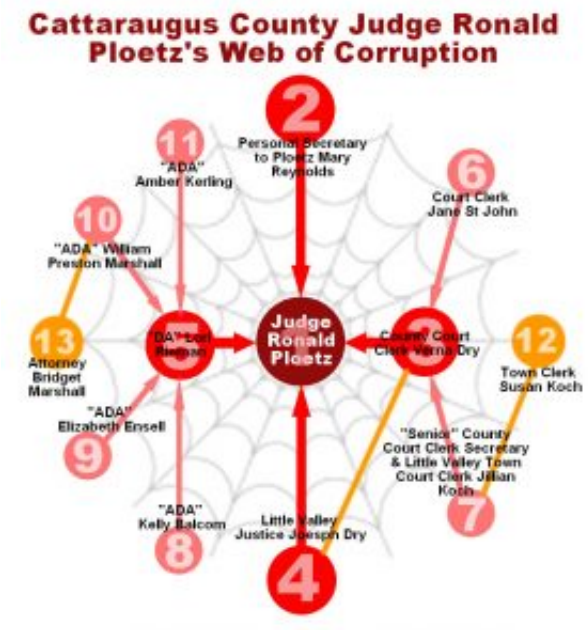
CATTARAUGUS COUNTY COURT JUDGE RONALD PLOETZ, Treason and Perjury aren't his only specialties…



By default Cattaraugus County Judge Ronald Ploetz is the head dragon that controls the public corruption that permeates Cattaraugus County, New York. Being a judge he can easily put an end to it by simply obeying the law which in fact he ignores and does the exact opposite. He exemplifies the very type of person that the American public has grown to disdain and just voted out of office in November of 2016. This article will detail his acts of treason and perjury as he attempts to cover up the crimes the corrupt District Attorney's Office and other corrupt elements of Law Enforcement instead of obeying the law, his oath of office and holding our public officials accountable for their violations of oaths of office and other violations of our rights. This article is for all individuals, however it focuses on the state, national and international audience.



This article will provide you with the prima facie evidence of how "Cattaraugus County Court Judge" Ronald Ploetz J.C.C. calls the shots on corruption and cover-up in the county. You will discover how practically everyone he is connected to on a official level engages in criminal conduct to cover up their own crimes and how he helps cover it up. This is the definition of public corruption and he is at the center of it and takes advantage of his position to cover it up. Ploetz, unlike former County Judge Larry M. Himelein who actually held public employees accountable for their crimes like Salamanca Police Officer Ronda Stanton Bush when he found that she had committed perjury. Ploetz on the other hand gave Ellicottville Police Officer a free ride when he committed perjury at hearing at the county court on November 16th, 2016 and then ruled against another one of his victims.

Judges are to remain impartial, which means they are to act as a referee between the two parties, neutral, like Switzerland. They are not supposed to conspire with either party to assist them in any manner. In Leslie W. Abramson's Symposium on Civility and Judicial Ethics: Professionalism in the Practice of Law Deciding Recusal Motions: Who Judges the Judges?, Mr. Abramson sums it up the best ***"Judicial impartiality is a significant element of justice"*,** which does not exist in his Cattaraugus County Court (28 Val. U.L. Rev. 543 (1994)).

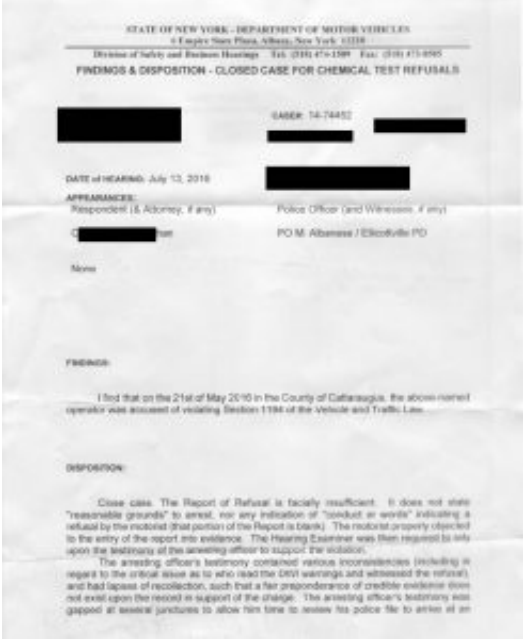
Ploetz's spiderweb of corruption is provided in a visual diagram that makes it easy to understand how he and his co-conspirators work and each of them are identified with a number in the diagram to help the reader associate the crimes of each of the individuals that work or are associated with Ploetz. The "official" capacity/duty connections are in a red/pink color, while the family connections (nepotism) are in an orange color. While this saga had it's origins in Chautauqua County, New York when the victim first attempted to exercise his rights over a decade ago, something in those days that could get you killed, however we will be focusing on the issues of the present.

On February 27th, 2016 a local individual who is exposing the vast corruption that exist within the local governments of Cattaraugus County, including the county itself, survived a murder attempt by Ellicottville Police Officer Cory Kowalski and Sheriffs Deputy William Hunt when they boxed him in, guns immediately drawn and pointed at the victim and his window is either knocked out or shot out by Kowalski and/or Hunt. **The victim was then violently pulled from his automobile and thrown to the ground and knocked out in the process. It then appears that Kowalski and Hunt engaged in beating the victim and as fate would have it, it appears they were stopped by other motorists who happened upon the attempted murder scene.** The victim only wished to get to a safe location before he stopped do to the fact at the last encounter with the criminal elements of the Cattaraugus County Sheriffs Office and others he was handcuffed to a chair and beat up and knocked out by Sheriff's Deputy Bryan H Schwabenbauer

who has a history of such conduct as well as perjury. The victim was also refused medical care in the 2014 assault. One of the startling allegations in this other lawsuit against Schwabenbauer was that Schwabenbauer acted in a retaliatory manner against his victim. The victim was asked if he wanted to file a complainant against Schwabenbauer due to his conduct. The victim refused, he just wanted to move on with his life and let bygones be bygones, but not Schwabenbauer, he retaliated and at that point the individual appeared do determine that he needed to be held accountable. It is very apparent that the Supervision at the Sheriff's Department actually promotes this kind of behavior because Schwabenbauer received a raise. That shows you just how corrupt the supervision at the Sheriffs department is.

The victim, we will call him Mr. C, was heading home after meeting up with another individual, we will call him Mr. D, who had recently won, by unanimous decision, an appeal to the 4th Department Appellant Division against Judge Ronald Ploetz. The meeting involved the evidence that was being discovered concerning the connections between the Law Firm that was representing Mr. D and Ronald Ploetz. **When Mr. D accepted this law firm to represent him in the legal action against the DA the lawyer that was assigned to him was one Attorney Glenn Pincus who was the lead lawyer in the case.** Mr. D started to discover issues with the way his case was being handled by the firm. He contacted them numerous times to resolve the issue but to no avail. **After digging into the back ground of Attorney Pincus he discovered that Picus and Ploetz were college classmates. Soon after this discovery Mr. D confronted Pincus and the law firm withdrew from the case citing the failure of Mr. D to communicate with the law firm.** That was what was in the notice to the federal court on the subject of withdrawal. One thing Mr. D is good at is communications and he has shown us over 150 e-mails to Pincus's law firm. The federal case was dropped soon after. **The next thing you know this law firm opens up a practice in Ellicottville. I'm sure we can all do the math.**

Ploetz's actions in a former matter establish the pattern and practice of corruption that Ronald Ploetz routinely engages in to deny a citizen of their civil and constitutional rights. Mr. C, we will also refer to him as the victim, in the 2014 incident where he was assaulted, the criminal cop, one Matthew Albanese refused to sign three of the charges, however he did sign the one in which he accused Mr. C of remaining silent. **Yes, that's right, in Cattaraugus County New York, the right to remain silent is illegal and you can get charged for it.** Even their own paperwork states you have the right to remain silent but they can still charge you for it. Goes to show you just how corrupt they are.



STATE OF NEW YORK - DEPARTMENT OF MOTOR VEHICLES
Division of Safety and Business Hearings

FINDINGS & DISPOSITION - CLOSED CASE FOR CHEMICAL TEST REFUSALS

[redacted]

CASE#: 14-74452

[redacted]

DATE of HEARING: July 13, 2016

[redacted]

APPEARANCES:
Respondent (& Attorney, if any)

Police Officer (and Witnesses, if any)

[redacted]

PO M. Albanese / Ellicottville PD

None

FINDINGS:

I find that on the 21st of May 2016 in the County of Cattaraugus, the above-named operator was accused of violating Section 1194 of the Vehicle and Traffic Law.

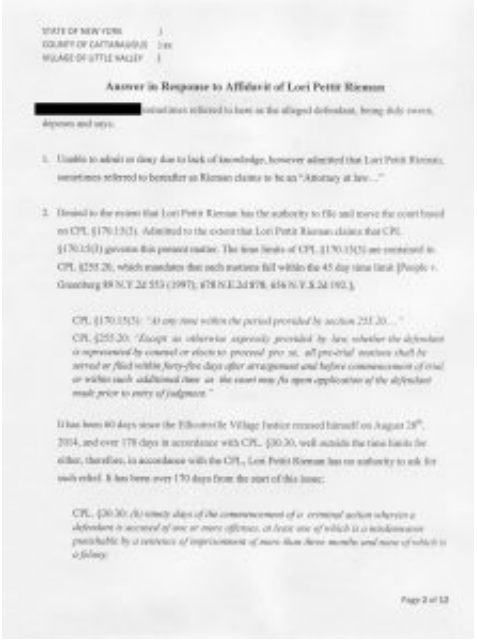
DISPOSITION:

Close case. The Report of Refusal is facially insufficient. It does not state "reasonable grounds" to arrest, nor any indication of "conduct or words" indicating a refusal by the motorist (that portion of the Report is blank). The motorist properly objected to the entry of the report into evidence. The Hearing Examiner was then required to rely upon the testimony of the arresting officer to support the violation.

The arresting officer's testimony contained various inconsistencies (including in regard to the critical issue as to who read the DWI warnings and witnessed the refusal), and had lapses of recollection, such that a fair preponderance of credible evidence does not exist upon the record in support of the charge. The arresting officer's testimony was gapped at several junctures to allow him time to review his police file to arrive at an

Needless to say, he no longer works for the Ellicottville Police Department and he also lost the civil case against the Victim concerning the DVM refusal hearing appeal in which the judge ruled in the Victim's favor. **Anyone familiar with** DMV refusal hearings understands they are pretty difficult to win, even for seasoned Attorney's, **and especially appeals, and the Victim handled it on his own without the help from anyone. So if anyone from the DA's Office or other public officials are telling you the Victim does not know what he is talking about they are lying out their teeth. When you have a fair and impartial judge you can win if you have the truth, evidence to back up your claims and some good experience.**

In the 2014 matter Poletz was made well aware that "DA" Rieman (5) broke the law when she filed a motion to change venue from Ellicottville to Machias. The judge in Ellicottville had voluntary recused himself on 28AUG14. Once the recusal occurred either party, but more specifically the "DA", had the ability to file a motion to change venue within 45 days of the recusal. The DA actually has a duty to move the matter forward. This law is described in CPL § 255.20 via CPL §170.15 (3). People v. Mongielo (41 Misc. 3d 1226(A), 981 N.Y.S.2d 637, 2013 N.Y. Misc. LEXIS 5242) laid it out in simple to understand terms; *"Even though §170.15(3)(b) had been interpreted by Appellate County Courts to allow a change of venue, the Section itself requires a motion should be made within the time limits prescribed under §255.20 of the Criminal Procedure Law…The court, in this matter, set October 15, 2013, as a filing date for all motions by the defendant. This date is far beyond statutory time limits but has been extended due to Counsel's late appearance for the defendant who previously was Pro Se. In any event, even if this court was to find cause for a change of venue under §170.15(3)(b), it is without any authority to transfer the matter."*



Answer in Response to Affidavit of Lori Pettit Rieman

Rieman **(5) filed and served the Motion to Change Venue on October 30th, 2014, about 60 days after the Judge recused himself, about 14 days after the law allowed. When a public official violated the law, they violate the constitutional rights of the victim, in this case the Victim. CPL § 255.20 via CPL §170.15 (3) are the constitutional rights codified for someone accused.** Once they are violated they have to be addressed and Ploetz ignored it and in doing so he violated his oath of office. **Not only was the "DA" without the authority to move the matter and Ploetz knew it, Ploetz was also aware that the 2014 simplified informations were not signed.** This is just one example how truly evil this man is. The "DA" had no authority to do anything except dismiss it and he knew it. The Victim would also bring up the issue of the time limits again in his Motion to Reargue and Poetz would ignore this serous threshold jurisdictional issue and taking advantage of The Victim's lack of courtroom hearing experience would move it to Little

Valley after the judge in Machias voluntary recused himself. The event that led up to the recuse (The Victim only appeared once) was "ADA" Kelly Balcom's (8) criminal conduct in the matter. Balcom and making numerous false statements before the Ellicottville Court and Machias Court in violation of the New York Lawyer's Code of Professional Responsibility DR 7-102 [1200.33][A][5]. Some of the most outrageous were the claim was that the District Attorney's office was never present at many of the proceedings in the original 2014 matter.

Make false statements is punishable by being suspended from practice and if operating in an official capacity is also an act of official misconduct. The Matter of Berg, 54 A.D.3d 66 lays it out in clear terms; *"Finally, he admits with respect to that client that... he made false statements in the complaint and in responsive motion papers."*

Challenges to jurisdiction are very serious. When Jurisdiction is challenged the courts have to act Sua Sponte. In People v Barber, 42 Misc. 3d 1225(A) 992 N.Y.S.2d 159; 2014 N.Y. Misc. LEXIS 638; 2014 NY Slip Op 50193(U) the court held;

"Accordingly, the Court has an independent obligation to review for facial sufficiency as a means of assuring that it retains subject matter jurisdiction… Having undertaken a sua sponte review of the Information, the Court readily concludes that it is facially insufficient as to Counts One and Three, as well."

The Victim on February 17th, 2015, involuntary visited the Cattaraugus County Court Clerks Office to obtain certified copies of the various documents in the Cattaraugus County Court file on the venue matter. The Court Clerk did not appear to be there at the time. Mr. C was asked to wait. The Victim waited about thirty minutes when a lady came to the counter and said she could be of assistance. **The Victim would discover that it was one** Mary Reynolds (2)**, personal secretary to the Judge Ploetz.** The Victim stated his needs and Reynolds **stated what he could and could not make copies of in the file. Reynolds would not even let him look at what was in the complete file.** The Victim then asked politely again to review the complete file. Reynolds started to review and remove documents from the file and started placing them into two groups. Ones the Defendant could have copies of, and ones the the Victim could not. The Victim objected this action however in fear for his well-being he did not argue anymore on the issue of separation. The Victim then asked for certified copies that he could the actual file with him down stairs to the county clerk's office to get certified copies. **I will repeat that again,** Reynolds **stated that the Victim could take the ACTUAL COURT FILE with him down to the county clerks office. She is the personal secretary to Ploetz, if anyone should know how to handle court files it should be her.** This shows you the compete lack of discipline that Ploetz maintains in his sphere of authority and influence.

But this is Cattaraugus County after all…

Reiman had to know she was in trouble in this matter so in an attempt to cover up her crimes even more she sent in the most corrupt and evil couple that live in Cattaraugus County New York. Their names are William Preston Marshall (10) **and his wife Bridget(13),** William being a assistant district attorney and is wife also being an attorney. The Criminal William would then utilize a CPL 730.30 action as a Stalinist error tactic in an attempt to get the Victim committed permanently to a mental institution claiming he did not have the ability to represent himself or assist his attorney, remember the Victim won his DMV appeal so that proof he is more than capable of represent himself or assist his attorney. Every time the Victim would appear for any actions in the local corrupt court system he would always be surrounded by numerous law enforcement personal in an act of intimidation and harassment. Further his case would always be heard outside of normal court hearing hours when no other cases were scheduled, basically a star chamber. the corrupt don't like the

citizens of this county to see what is going on. At one of his involuntary appearances was threaten with up to 90 days incarceration and carted off to ECMC CPEP under a bogus MHL 9.43 order claiming he was a danger to himself and others. **The doctors promptly released him within 16 hours and the doctor of record actually admonished the judge for sending him there.** At the next appearance for the same 730 action, **"ADA" William Preston Marshall (10) would enlist the help of his wife Bridget Marshall (13) who would take a seat right behind the Victim so she could overhear the privileged communications between the Victim's Attorney and himself. She would report this back to "ADA"** Elizabeth Ensell (9) another co–conspirator **who has engaged in many criminal acts in this matter also. Bridget Marshall would actually hit the Victim in this hearing which the Victim would object to, his Attorney would also and others.** Jillian Koch (7) would illegally edit out these objections **from the transcript audio. Jillian's mother Susan Koch (12), who works as the Town of Little Valley clerk would assit her daughter in covering up the crimes by allowing for the destruction of video tapes of the criminal activity that had occurred in the Courtroom and surrounding area.**

The Little Valley court issued another bogus ordered, this time a CPL 730 Final Orders of Observation claiming that the Victim was not able to defend himself or assist his attorney. This caused the Victim to be taken to the Elmira Psychiatric Center, which could have become permanent stay, **however once he was seen by real doctors he was released within 24 hours,** just like ECMC CPEP, the quacks the County had hired failed in their attempt to lock him up but that was not before he languished 6 days in the County Jail where **"DA" Lori Rieman (5) would taunt the Victim by walking by him and waving and laughing at him as she walked by where he was being held.** The Victim asked via FOIL request of a copy of the video however it was destroyed. By state law once a CPL 730 Final Orders of Observation order was issued the person must immediate sent to the observation facility.

CPL 730 actions are the same type of tactics employed in the former soviet union employed against individuals it deemed enemies of the state **which locked up individuals like** Aleksandr Solzhenitsyn**.** We see where that led the Soviet Union. Is it any wonder why New York State is considered the most corrupt

and least free state in the Country? **This tactic appears to be commonly applied tactic by corrupt DA's and Courts in New York State.** Bill Bastuk is another victim of just such a Soviet tactic (and there are more). Bill is the gentleman who is spearheading a bill in the legislator to create a committee specifically for District Attorney and Assistant District Attorney misconduct. The bill is gathering wide support.

The County jail would then destroy the videos of these types of events in an attempt to cover up her sadistic nature. They would also destroy the booking event. These are violations of the State Records Retention and Disposition Schedule CO-2 **which is an ongoing deeply embedded pattern and practice of criminal activity and its cover up by the Cattaraugus County Sheriff's Department.** This is the very definition of RICO that Sheriffs department personal are more than happy to violate constantly. They have already been caught illegally editing out other videos in order to cover-up their criminal conduct. What do the courts of NY have to say about the preservation of video evidence?

In People v Sweeney 18 Misc 3d 1134(A), it was laid out on detail; ***"There is no question that the video recording of the defendant is discoverable*** *(see People v. Marr, 177 AD2d 964 [4 Dept 1991]; People v. Karns, 130 Misc 2d 247 [1985]; see also CPL 240.20 [1] [d], [g] and [h]). It is well- settled that,* ***"where the People are in possession of discoverable material, they are duty bound to preserve such evidence [] and, in the event such evidence is lost or destroyed, sanctions will be imposed"*** *(People v. Torres, 190 AD2d 52, 54 [3 Dept 1993], citing People v. Kelly, 62 NY2d 516 [1984]; see People v. Okehoffurum, 201 AD2d 508, 509 [2 Dept 1994]). As the Court of Appeals has noted,* ***"[a] necessary corollary of the duty to disclose is the obligation to preserve evidence until a request for disclosure is made [as] [a]ny other rule would facilitate evasion of the disclosure requirements"*** *(People v. Kelly, supra at 520, citing United States v. Bryant, 439 F.2d 642 [DC Cir.1971], revd on other grounds, 488 U.S. 51 [1988]).* ***Therefore, "where discoverable evidence gathered by the prosecution or its agent is lost, the People have a heavy burden of establishing that diligent, good-faith efforts were made to prevent the loss"*** *(People v. Kelly, supra at 520).*

The People offer several arguments to justify their failure to preserve the video recording. The People first state that they had no duty to preserve the video recording because they "were not aware that this case would be moving towards trial [and] that the case was going to be resolved." Under the Criminal Procedure Law, the People's obligation to preserve discoverable evidence does not rest upon whether or not a case will proceed to trial, nor does the likelihood of a plea bargain lessen this duty.

As you can see it is very clear what the courts/law require for preservation of evidence and Cattaraugus County violates it on a continuing basis. While some of the audios and videos were turned over to the Vicitm, Ploetz would deny him other videos and/or audios of the 2016 incident in which he was almost murdered. Some of the parts of the dispatch audios can clearly be heard on the videos the "DA" provided. The Vicitm pointed this out to Ploetz which Ploetz ignored.

This brings us up to the 2016 event in which Ploetz, besides committing treason and perjury, is helping to cover up, along with others, the murder attempt by Ellicottville Police Officer Cory Kowalski and Cattaraugus County Sherriff's Deputy William Hunt.

The February 27th, 2016 was previously discussed, in that matter **Kowalski would file three alleged changes in the form of simplified traffic informations;** WST25CXCWC (VTL-11923 – A misdemeanor), WST25CXDQG (VTL-3752A1 - violation), WST25CXDSW (VTL-1163C - violation). VTL-11923 was a DWI charge. These types of charges are also call Uniformed Traffic Tickets (UTT) and commonly contain three items; (1) the appearance ticket (which is not the charge), and; (2) simplified information which is the charged filed in court, and; (3) the supporting deposition which describes the actions of the accused which

led to the specific charge. We will focus on only the alleged misdemeanor charge VTL-11923 (WST25CXCWC), which is a common law DWI charge. The Victim's blood was taken at the Olean General Hospital. **In the process of taking the blood sample the blood technician violated the standard procedure for taking samples including swabbing down the area the blood was drawn from with copious amounts of rubbing alcohol which is a violation of** 10 CRR-NY 59.2 (d)**;** *"If a blood specimen is to be collected for analysis, an aqueous solution of a nonvolatile antiseptic shall be used on the skin. Alcohol or phenol shall not be used as a skin antiseptic."* Further, the rubbing alcohol was not even dry when the needle punctured the skin. The purpose of this was for spiking the sample in an attempt to produce a higher BAC reading. The procedures flowed/violated are described in detail in this article. Even with the tainted samples the test results showed that the Victim's BAC was below even the lower DWAI threshold, so the Victim could not have even been charged with any type of driving while intoxicated. The law is very clear on that;

VTL 1195 (2) (a); *"Evidence that there was .05 of one per centum or less by weight of alcohol in such person's blood shall be prima facie evidence that the ability of such person to operate a motor vehicle was not impaired by the consumption of alcohol, and that such person was not in an intoxicated condition."*

10 CRR-NY 59.5 (e) *"only allows for two decimal places. "Results of an analysis of breath for alcohol shall be expressed in terms of percent weight per volume, to the second decimal place as found; for example, 0.237 percent found shall be reported as 0.23 percent.""*


[redacted]
Results of Toxicological Examination
[redacted]

However by law the sample must be tested at a forensic laboratory. **The standard procedure is to send the sample to the New York State Police Lab for forensic analysis. The results take anywhere from three to five month. However in this matter they sent it to the Erie County Medical Examiners Laboratory and had the results back in two days. The murder attempt took place on a Saturday and they had the results back on Monday.** That speaks volumes on how bad the criminal elements within the county were out to get the Victim. **These results showed even a smaller volume of 0.04% BAC to be exact, thereby validating the Victim's claim that the samples were tainted.** "DA" Rieman and her corrupt crew also ordered that for drugs to be tested which came back negative, any reasonable person can clearly see a vendetta being carried out.

What was another important aspect of the "Hospital" visit was how the Olean General Hospital attempted to cover up the other injuries the Victim sustained during the murder attempt. When he

was violently pulled from his car he was slammed to the ground head first his left side of his head hitting the ground first and knocking him out. Blood flowed from his ear drum which at a minimum is a sign of a concussion and at a maximum a sign of a skull fracture. All personal on the scene clearly were worried.

The videos taken by people on the scene which included law enforcement and the Victim's own shows it. They even took pictures of it.

The EMT took one look at it and took him to the Ambulance. From that point on the actual injury that caused him to be sent to the hospital was completely ignored. Not one mention of the injury anywhere in their Hospital or EMT reports. However the Hospital did claim that his *"auditory canals were clear"*. The Hospital didn't even look at it and he left Olean General Hospital with the dried blood still present.

Olean General Hospital would actually have the gall to claim that the Victim walked in. The next day he noticed a slight yellowish discoloring of his cheekbone as well as slight black lines about two inches long appearing on the outside of each

eye not to mention other injuries that were not documented by the proper personal but were by him. The picture shows what appears to be how Olean General Hospital defines a "walk-in".

So Kowalski takes the Victim back to the Ellicottville court to answer for the alleged WST25CXCWC (VTL-11923 – A misdemeanor), WST25CXDQG (VTL-3752A1 - violation), WST25CXDSW (VTL-1163C - violation) simplified traffic information (STI's) charges. **However the next day (or was it, could they have been back dated?) Kowalski, attempting to cover up his criminal conduct replaces the alleged simplified traffic information charges with new ones.** The same alleged charges yet different simplified traffic information. The replacing charges were WST25D3Q97 (VTL1163C), WST25D3QCB (VTL11923) and WST25D3N3L (VTL3752A1), again we will focus on the WST25D3QCB VTL-11923 charge. **The victim also noticed that the facts on the original STI's were changed out outright missing in the superseding ones. Kowalski left out part of the original location and any facts on the supporting**

deposition. This is how criminally natured cops charge the evidence in order to fit their false narrative, which is another crime.

In New York when you replace a charge it is called superseding. However the Criminal Procedure Law does not provide for the filing of a superseding simplified traffic information. Pursuant to CPL 100.50**, only informations, prosecutor's informations and misdemeanor complaints may be superseded by another information or prosecutor's information. The only thing you are allowed to do is amend any errors that may have occurred. Pending Simplified traffic informations can only be amended*. "It is well settled that a simplified traffic information can only be amended to cure amendable defects."*** In People v Tate (Stephanie), 45 Misc. 3d 131(A), 3 N.Y.S.3d 286. **Names are considered an amendable defect. *"Amendment is usually sought in order to change a date or time or location or to change a first name or surname…"*** CPL 170.35 (1) (a) *"It is not sufficient on its face pursuant to the requirements of section 100.40; provided that such an instrument or count may not be dismissed as defective, but must instead be amended, where the defect or irregularity is of a kind that may be cured by amendment and where the People move to so amend"*, see People v. Kurtz, 175 Misc. 2d 980, 670 N.Y.S.2d 1008. If amending cannot occur thy can be dismissed and new ones refiled. **The law**

does not allow the DA or the court to void the original simplified traffic informations charges (Victims Omnibus 28JUL16, exhibit 1). They can only be dismissed if they have a fatal defect, which in this matter they did not.

By voiding the original simplified traffic informations and superseding them with new ones Kowalski**, at a minimum committed an act of official misconduct, a violation of** PL 195.00**, which carries up to a one year sentence. He also committed perjury of oath of office, a violation of** PL 210.10 **which carries up to a sentence of up to 7 years in prison.** This replacing was well covered in the Victim's Omnibus Motion, 30.30 Motion and Motion to Recuse. This issue goes right back to the jurisdictional issue of the event in 2014 where Mr. C was assaulted by Schwabenbauer which Ploetz ignored.

In June of 2016 "District Attorney" Lori Rieman (5), County Court Clerk Secretary & Little Valley Court Clerk Jillian Koch (7) and Personal Secretary to Ploetz (1) one Mary Reynolds (2) would file bogus complaints against this website's hosting service claiming that it was providing personal and/or private information about them, which is a complete lie. **The Supreme Court Case - New York Times v. Sullivan, 376 U.S. 254, 84 S.Ct. 710, 11 L.Ed.2d. 686 (1964)** decided that to protect "uninhibited, robust, and wide-open" debate on public issues, the Supreme Court held that no public official may recover "damages for a defamatory falsehood relating to his official conduct unless he proves that the statement was made with 'actual malice'--that is, with knowledge that it was false or with reckless disregard of whether it was false or not." As readers of this site we provide prima-facie evidence in the form of public officials own paperwork and own words in the form of audios and videos which you can review them by clicking here To read up on this violation of the 1st Amendment by Rieman, Koch and Ploetz Personal Secretary Reynolds click here.

Ploetz, in his decision and order dated October 26th, 2016, click here to download it**, failed and/or refused to place sanctions upon ADA Elizabeth Ensell (9) for her numerous violations of both ethics and the law (16-116 Omnibus 28JUL16, par 18, 20, 21 22, 66, 67 (f) (6)).** Further the Ploetz failed and/or refused to provide any authority cites to substantiate his claim that Sanctions should not be applied. A perfect example of this biased nature of the Court concerning the sanctions request is found on page 2, paragraph three where the court describes the allegedly late/incomplete discovery responses of the people. By law Ensell were required to file and serve her responses (Def sur-reply 29AUG16, par 6) and Ensell remained completely silent in providing compelling reasons as to why the responses were filed late. Further even if "ADA" Elizabeth Ensell failed to make the deadline of 11JUL16 for filing and serving her responses, she were mandated by N.Y. CPLR 2214 via CPL 60.10 to filed and serve said responses 8 days before the return date of 15AUG16 which they failed and/or refused to do so. **Further Ensell would also claim in her response to the victims Omnibus Motion that he was not allowed to file any other motion whatsoever, which is another false statement by Ensell in violation of** NY DR 7-102(A)(5) **and Defendant's due process rights.** These false statements by Ensell (9) were clearly spelled out in the victims sur-reply 29AUG16, par 47 which the Ploetz chose to ignore. ***"The prosecutor's job isn't just to win, but to win fairly, staying well within the rules."*** (U.S.v. Kojayan (9th Cir. 1993) 8 F.3d 1315, 1323. Misconduct is part *"of an alarming trend"* (People v. Pigage (2003) 112 Cal.App.4th 1359, 1374.). By failing to sanction "ADA" Elizabeth Ensell for these clear violations of both law and ethics Ploetz is in fact condoning them and is therefore acting as an accessory to the violations of victims due process rights of being treated equally before they law.

On April 14th the victim appears to complete arraignment, however on April 18th, 2016 the victims Attorney at the time is served with a notice of presentment. DA Lori Reiman decided she was going to take it to the Grand Jury utilizing CPL 170.20 [2]. CPL 170.20 [2] mandates that a misdemeanor charge is needed to allow the prosecutor to take a matter before the grand jury;

CPL 170.20 [2] *"At any time before entry of a plea of guilty to or commencement of a trial of an accusatory*

instrument specified in subdivision one, the district attorney may apply for an adjournment of the proceedings in the local criminal court upon the ground that he intends to present the misdemeanor charge in question to a grand jury with a view to prosecuting it by indictment in a superior court."

Once an indictment is passed down a divestiture of jurisdiction occurs pursuant to CPL 170.20 [2] [a]

CPL 170.20 [2] [a] *"If such charge is presented to a grand jury within the designated period and either an indictment or a dismissal of such charge results, the local criminal court is thereby divested of jurisdiction of such charge, and all proceedings in the local criminal court with respect thereto are terminated."*

STATE OF NEW YORK
COUNTY COURT COUNTY OF CATTARAUGUS

THE PEOPLE OF THE STATE OF NEW YORK

-vs- NOTICE OF GRAND JURY PRESENTATION

[redacted] Defendant.

PLEASE TAKE NOTICE that it is the intention of the Cattaraugus County District Attorney's Office to present evidence against the above-named defendant to the Grand Jury on the charges of Obstructing Governmental Administration, Failure to Yield to an Emergency Vehicle, Operating with No or Insufficient Headlights, Failure to Use Turn Signal, Failure to Keep Right, Parking on Pavement, Failure to Use Four-Way Flashers. Said charges alleged to have occurred in the jurisdictions of Town of Ellicottville, Town of Mansfield, and Town of Little Valley, Cattaraugus County, New York.

The Matter is to be heard in the Cattaraugus County Center, 303 Court Street, Little Valley, New York on April 21, 2016 at 9:30 a.m.

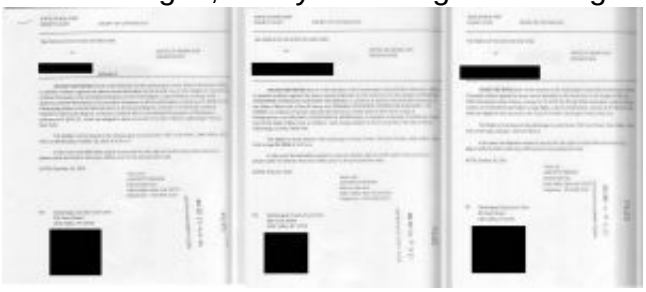
In the event the defendant wishes to exercise his/her right to testify before the Grand Jury, please notify the District Attorney's Office prior to the presentment date.

DATED: April 18, 2016

Yours, etc.
LORI PETTIT RIEMAN
District Attorney
Little Valley, New York 14755
Telephone: (716) 938-2320

TO: Cattaraugus County Court Clerk
303 Court Street
Little Valley, NY 14755

However, there was only problem was there were no charges so Rieman made one up. She claimed that the victim was charged with Obstruction of Governmental Administration 2nd, which he was not so that rendered her ability to take it to the Grand jury null and void, but this being Cattaraugus County and Ploetz having no problem covering up for Rieman's criminal conduct, he had no problem with it. Further the Notice of Presentation was served on April 18th and the victim had to appear on the April 21st giving him about one day to prepare. Not only that the Presentation did not cite the actual charges, it only used vague wording that



could be misinterpreted. Rieman did this in order to confuse the victim unlike all other Notices that she had filed in the past that actually cited the alleged laws violated which was another violation of the victim's due process rights. Ploetz was made well aware of this.

That's right a misdemeanor, something never taken to a Grand Jury. **A judge even stated on record that misdemeanor's are not taken to the Grand Jury.**

So Rieman illegally takes it to the Grand Jury and the Grand Jury comes back with 10 counts all of which are all alleged minor traffic violations and one misdemeanor charge/count the Obstruction of Governmental Administration 2nd .

On March 10th 2016 the victim involuntary appears at the Ellicottville court one more time where he notices Ensell (9) and the lower court that Ensell did not have the authority to take it to the grand Jury because there was no misdemeanor. Ensell stated that a divestiture of jurisdiction occurred so she could not speak anymore completely ignoring the law again. Nothing new for the completely corrupt "DA's" office. So the victim appears again and is arraigned on the new bogus counts, he files his Omnibus Motion because Ensell refused to file the responding papers on time according to the law. So all goes quite for a little while, than in mid July the victim is reviewing his case, which is contained in case file 19720 and discovers the missing Divestiture of Jurisdiction form and his alleged rap sheet. He gets copies and takes them home to review them. **Upon review he discovers some interesting information.**

On the upper right side of the Divestiture of Jurisdiction he notices number 19741, which appears to represent another case file. He also notices on the alleged rap sheet a post it note that stated on it *"Ask if DWI Covered! Has two files"*(alleged-rap-sheet). So the victim goes back to the court clerk and discovers that there was a completely separate illegal parallel criminal proceeding occurring on the same charges and event which is a complete violation of the double jeopardy clause of the US Constitution. **What it appeared had occurred is because the victim caught** Ensell **and the District Attorney's Office committing a crime by using a non-existent misdemeanor charge to the Grand Jury that rendered them without the authority to take it before the Grand Jury a cover up ensued.**

This is standard practice the County Court Clerks Office personal engage in. Jane St John fabricated a "Uniformed Sentence and Commitment Report" dated 11/29/10 which it appears she whited out a judges signature, wrote over it judge "Ronald Ploetz", a date in which "Ronald Ploetz" was not even a judge at the time.

Jane St John (6), when defendant was asking for her to search the file to determine if a document was present and if not provide a letter stating it was not claimed that Defendant is not allowed to ask her to perform such duty which is a clear violation of Judicary Law § 255. This occurred around the time Defendant had discovered a parallel case that violated double jeopardy. Judiciary Law § 255 states;

Judiciary Law § 255 *"Clerk must search files upon request and certify as to result. A clerk of a court must, upon request, and upon payment of, or offer to pay, the fees allowed by law, or, if no fees are expressly allowed by law, fees at the rate allowed to a county clerk for a similar service, diligently search the files, papers, records, and dockets in his office; and either make one or more transcripts or certificates of*

change therefrom, and certify to the correctness thereof, and to the search, or certify that a document or paper, of which the custody legally belongs to him, can not be found."

When the victim discovered in mid July of 2016 an unlawful and illegal parallel criminal trial on the same simplified traffic informations alleged charges contained in file number 19741, was occurring at the county level, which is a violation of Double Jeopardy, and started gathering evidence on it, St. John (6) in the presence of the victim, would illegally move, over victim protests, the simplified traffic information alleged charges from 19741 to 19720 which at the time 19720 did not contain any UTT charges whatsoever close to two months after it had been filed. The victim would so inform the court of this criminal conduct (as instructed by the court) by sending an e-mail detailing the criminal conduct to Judge Ronald Ploetz's law clerk Jennifer Widger on July 21, 2016.

Jillian Koch a "senior" court clerk secretary would also fabricate a "Uniformed Sentence and Commitment Report" for the same Defendant that Jane St John fabricated one for in which she claimed that the defendant plead guilty to a violation of probation when in fact he did not and appealed it to the 4th Department which the 4th Department found unanimously in Defendants favor.

In his Decision and Order Ploetz denied the victim his request for handwriting samples of the court clerk due to the fact of the prior well documented misconduct by court personnel. The reason why he requested this was he wanted to compare the handwriting of each clerk to determine who added the second illegal proceeding to the "Index to Criminal Actions & Proceedings" Book, this is a index of all actions occurring in the County Court. The victim also discovered that case file 19741 was also entered into this book indicating there was in fact a second illegal parallel proceeding taking place. On top of that the Victim also discovered a entry made on the inside cover of case file folder 19741 that stated "7/14/16 DA Said DWI is covered by Ind 16-116". Notice the date and what it said, right around the same time when the victim discovered the illegal proceeding. Further when the Clerks knew he was on to them the Divestiture of Jurisdiction form disappeared from case file 19720. Both Koch and St. John are supervised by Verna Dry (3), who's is related to the recently retired Judge Joseph Dry (4) who was the judge who was originally handling the CPL 730.30 matter in the town of Little Valley who also engaged in numerous acts of official misconduct.

Ploetz would also state in its "decision and order" that it is *"difficult to understand how the two dockets, here, are supposed to be "an attempt to cover up fraud".* It is very evident that if two

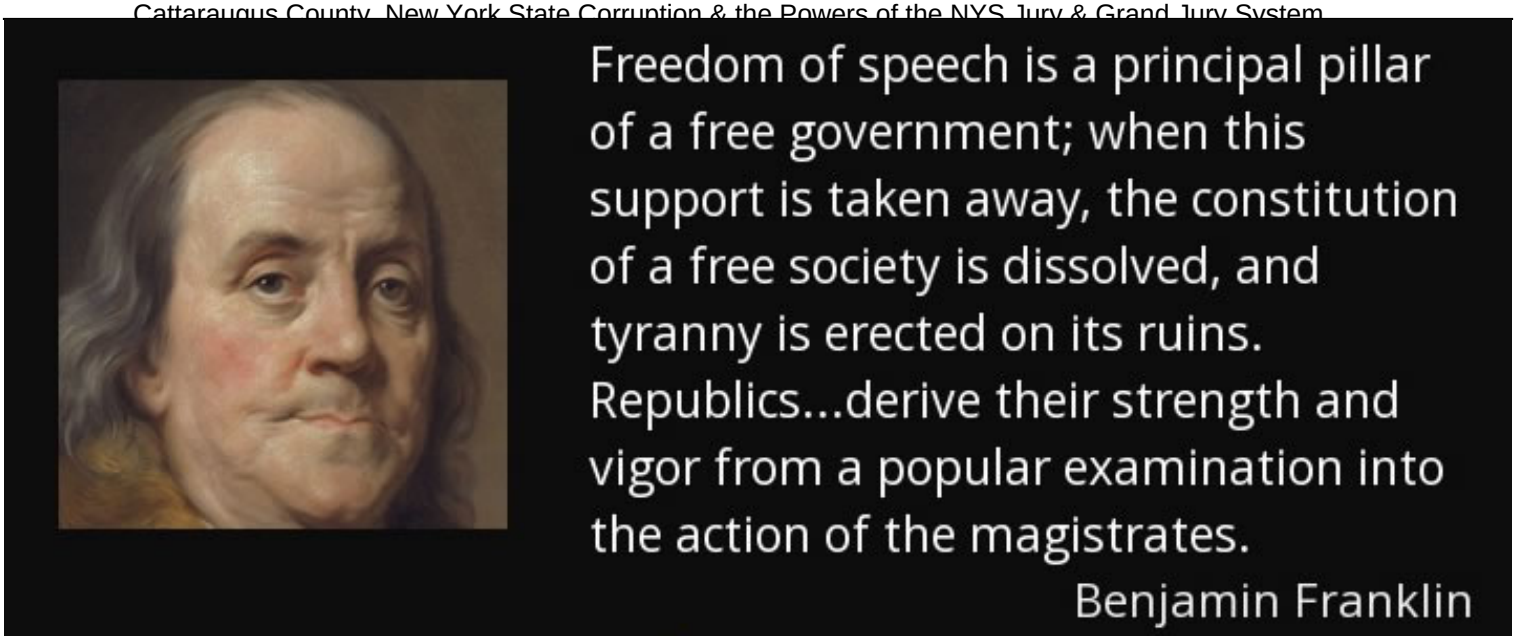
separate dockets exists based on the same alleged criminal transaction, which was alleged in this matter, then a motion to consolidate must be filed to consolidate the charges *"defendant are based upon the same criminal transaction, the motion to consolidate is granted",* *see People v Marcial 25 Misc 3d 1220(A), 901 N.Y.S.2d 909,* and the motion granted in order to consolidate. Further Ploetz has failed and/or refused to provide any authority that would allow the Court Clerks to consolidate the alleged charges (which were rendered invalid in the first place because they were superseded) and therefore his allegation of fraud upon the court still stands.

Further, the evidence is also clear that Ploetz does not want victim to document this misconduct by video and/or audio even though the law allows it and victim has asked Ploetz many times however the court has denied him of that right. If the Court Clerk personal were not engaged in misconduct Ploetz would have no issues in allowing the video and/or audio recordings.

Now problem with the Main Stream Media though, he allows it for them, a media who refuses to do anything to investigate real public corruption that is being exposed by CatCountyCorruption.com.

This speaks volumes on the cover up.

Ploetz is supposed to be guarding the rights of all citizens when in fact the helps cover up the violation of those rights by the very people sworn to uphold them.



The victim also asked that a special prosecutor be brought in due to the personal vendetta and criminal conduct in the District Attorney's Office. There has been numerous occasions in which the victim has brought to the attention of Ploetz the clear pattern and practice of a personal vendetta and the violation of victim's rights by the District Attorney's Office which Ploetz refuses and/or has failed to acknowledge. This vendetta and the violation of Victim's rights were clearly spelled out in previously filed documents location in case file 18994 as well as the present one. This pattern and practice of the vendetta and the violation of the Victim's rights is also described through the Motion to Recuse as well as the 30.30 Motion. Ploetz would completely overlook these exceptionally serious misconduct examples and relied upon a single authority that only because the Victim is suing Ensell (9), which was wrong because he is also suing Marshall (10), Rieman (5) and Balcom (8). He claims there is no ground to appointing a special prosecutor while completely ignoring the clear misconduct clearly goes well beyond the mere appearance of bias and actual bias itself. This misconduct includes, but is not limited to;

- "DA" Lori Reiman by fling of the Motion to Change Venue after the date the law allowed in another matter that concern Defendant. The Victim's Motion in Opposition to Change Venue and Motion to Reargue in case file 18994 clearly spelled that out, and;
- "ADA" Amber Kerling (11), by appearing for the People in the motion to change venue and being made aware that the People lacked jurisdiction to proceed and still proceeded in the County Court as so described here this Motion and terrorizing Victim by specifically pointing him out in the County Court in another matter. The Victim's Omnibus Motion (file #19720) paragraph 46, and;
- "ADA" Amber Kerling (11), by the victim was sitting peacefully and quite in the public gallery in the courtroom on another matter Kerling, while cross examining a witness for the defense in another matter altogether, would point to the victim and accuse him of writing an article that appeared on this website. The purposes of which he did so are unknown to this day except for the effect to terrorize the victim, and;
- "ADA" Kelly Balcom (8) and making numerous false statements before the Ellicottville Court and Machias Court in another matter in violation of the New York Lawyer's Code of Professional Responsibility DR 7-102 [1200.33][A][5] which she is now being sued for.
- "ADA" Elizabeth Ensell (9) having a pattern and practice of making the false statement that Defendant was not allowed to file any and all future motions pursuant to Article 55 of the criminal procedure law in another matter concerning the Victim. A law that does not exist. She would go on and make that same false claim in this matter however she would cite CPL 255 which does not contain the wording "any and all" as it pertains to motions all in violation of the New York Lawyer's Code of Professional Responsibility DR 7-102 [1200.33][A][5]. In one instance she actually stated to Defendant that it was "alright for police officers to assault people". She would also laugh at the Victim when he stated that the Police shot at him.

- "ADA" William Preston Marshall(10) proceeded in another matter in which the People had no authority, which is described herein Motion as well as case file 18994, would motion for MHL 9.43 during a CPL 730.30 hearing and convince the Little Valley Court to grant a MHL 9.43 order. In a continuing action concerning the 730.30 motion "ADA" William Preston Marshall would enlist his wife assist him by taking a seat right behind Victim so she could overhear the confidential communications Victim had with his lawyer and report back to the People the conversation. She would also terrorize Defendant by hitting him which upon the objections of Victim's Attorney, Victim and Victim's family members she would apologize which provided evidence of guilt. The People use, by and through "ADA" William Preston Marshall of a bogus CPL 730.30 action where a MHL 9.43 was also utilized is reminiscent of a Stalinist era tactic to terrorize Victim.
- District Attorney Lori Rieman would use a Obstruction of Government Administration allegation to move the matter to the superior court Victim was never charged with thereby rendering their authority to move it null and void. When Victim discovered this misconduct the Prosecutor they would then attempt to use the invalid superseded Simplified Traffic Informations, both actions in violation of CPL 170 thereby rendering the Prosecutor without the authority to move the matter whatsoever to the County Court. Further the Divesture of Jurisdiction even provides the fact that the Prosecutor attempted to operate under CPL 170, and;
- The District Attorney's Office failure of the People to serve and file responses to Defendants papers on time pursuant to law.

In "REACHING OUT OR OVERREACHING Judicial Ethics and Self-Represented Litigants," by Cynthia Gray, American Judicature Society offers some virtuous logic and reason when dealing with pro-se litigants;

Page 2; *"In all cases, including those with self-represented litigants, a judge has the discretion to ask questions of witnesses to clarify testimony and develop facts. A judge's clarifying questions do not unfairly disadvantage the represented party by altering the evidence but simply eliminate the unfair advantage a represented party might gain if a self-represented party is unable to present the facts in a way the judge or jury can comprehend. A judge may also use questions to fill a gap in the evidence that is likely to result in a decision other than on the merits. Moreover, a judge may create an informal atmosphere for the acceptance of evidence and testimony, relaxing the formal rules of procedure and evidence for cases involving self-represented litigants. A judge should ensure that a settlement presented for entry as a court order is not unduly one-sided and is understood by all litigants."*

Page 3; *"…and to prevent unfair treatment of pro se litigants from under-mining public confidence in the courts."*

Page 4; *In Canon 2, the code of judicial conduct requires a judge to 'act at all times in a manner that promotes public confidence in the integrity and impartiality of the judiciary' and to avoid conduct that would make an objective, reasonable observer question the judge's impartiality even if the judge is not actually biased.*

Page 4; *Perhaps because judicial neutrality and impartiality so often are extolled, . . . judges who have before them pro se litigants whose pleadings or presentations are deficient in some minor way, sometimes take an unnecessarily strict approach, and, in the name of strict neutrality, compromise fairness, courtesy, and efficiency, which are also hallmarks of an honorable judicial system required by the code of judicial conduct.*

Page 5; *Any judge who agrees that fairness, courtesy, and efficiency are also hallmarks of an honorable judicial system – and most do – should recognize that the judge's role in any case, but particularly in a case involving one or more self-represented litigants, is more than simply "calling balls and strikes." (John*

Greacen, a former court administrator and currently a consultant on court management, reports that in talking with judges about cases involving self-represented litigants, he has "often heard the phrase, 'The job of the judge is to call the balls and strikes, not to throw the pitches.'" Greacen, "Self-Represented Litigants: Learning from Ten Years of Experience in Family Courts," 44 Judges' Journal 24, 26 (ABA winter 2005).)

At all times "Judge" Ronald Ploetz was acting outside the law, *i.e. the color of law,* in this matter except for the ability to dismiss the Indictment and therefore did not have the authority to act within discretion, *"Where there is no jurisdiction over the subject matter, there is, as well, no discretion to ignore that lack of jurisdiction."* Joyce v. United States, 474 F.2d 215, If "Judge" Ronald Ploetz was acting with authority, *i.e. in law,* he seriously abused his discretion as the facts so state herein this complaint.

The forgoing allegations are a pattern and practice of fundamental legal error and therefore is serious misconduct, *see Matter of Jung 11 NY3d 365 373 (2008) citing Matter of Reeves 63 NY2d 105 (1984).*

Further a judge does not have the much abused tool of discretion when jurisdiction is challenged, *see Joyce, supra.* In the matter before him "Judge" Ronald Ploetz was acting outside the law in not just one, but three, the first (1) being the failure and/or refusal to rule and/or find in Victim's favor over the clear and convincing proof that District Attorney Lori Rieman (5) lacked any authority to move the matter from the Ellicottville court to any other location because she clearly acted outside the time allowed by statute to CPL § 255.20 and CPL §170.15 [3] in an early matter, *see case file 18994,* which helps establish the pattern and practice of the People as well as the Court, and; (2) that in the same former matter, *see paragraph 5,* which concerned file 18994, "Judge" Ronald Ploetz was well aware that the simplified traffic informations were not verified therefore the People as well as the court lacked the jurisdiction to proceed to trial, and (3) in this matter the superseded informations were invalid therefore the People could not proceed.

Any reasonable person can easily conclude that a conspiracy clearly exists between the Cattaraugus County District Attorney's Office, Court Clerk Personal and the Ploetz himself of the nature of a personal vendetta against the Victim all for him exercising his constitutional rights. It is not necessary to prove a conspiracy before evidence of specific acts of the alleged conspirators can be received. The conspiracy itself can be established by evidence of particular acts, which, taken together, furnish a basis for a finding that a conspiracy exists, *see People v. Maurice E. Connolly and Frederick Seely, Appellants 253 N.Y. 330; 171 N.E. 393; 1930 citing People v. Miles, 123 App. Div. 862, 875; affd., 192 N. Y. 541.*

Ploetz would claim he does not know what "Brady Cops" in his decision and order concerning the discovery process, yet his order uses the term "Brady demand" and "Brady" in the title itself. This is so preposterous and defies any type of rational explanation. One does not even have to go to a law library to discover the meaning of this term. It is a commonly used term in the courts as well as with prosecutors. A simple search on the internet easily produces numerous results. One such result was a study conducted by Stanford University Constitutional Law Center titled: "Brady's Blind Spot: Impeachment evidence in police personnel files and the battle splitting the prosecution team." Wikipedia.org even discusses them and provides a definition of what a Brady Cop are;

"Police officers who have been dishonest are sometimes referred to as "Brady cops." Because of the Brady ruling, prosecutors are required to notify defendants and their attorneys whenever a law enforcement official involved in their case has a sustained record for knowingly lying in an official capacity." Other well known publications such as policemag.com, officer.com and washingtonpost.com have articles on the subject.

Further numerous District Attorney Offices keep what is called a "Brady Cop" lists. Either the

Court is ignorant of the law or it is attempting to make it appear that Defendant is just making accusations up which he is clearly not. Further impeachment material of witnesses, in this case the Police officers is very much a part Brady material, see People v. Wright, 86 N.Y.2d 591 (1995), 658 N.E.2d 1009, 635 N.Y.S.2d 136.

In Matter of Feinberg 5 NY3d 206 (2205) the court held that a judge should be removed for failure to follow statutory provisions and the court also noted that judges have an obligation to *"maintain professional competence in the law"* (22 NTCRR100.3 [B][1]), Id at 214 and found that judge's "consistent disregard for fundamental statutory requirements of office demonstrates an unacceptable incompetence in the law Id at 215.

It is clear that Ploetz ignored these exceptionally serious acts misconduct of misconduct as mandated by CPL §170.15 (3) (a), § 255.20, 170.20 as well as others as so stated herein, and therefore the Victim's Right to be treated equally secured by the 1st , 5th and 14th Amendment to the US Constitution and Article I § 8, 9 and 11 of the New York State Constitution has also been violated.

It is clear, at least to any reasonable person, *i.e. any rational trier,* of fact could have found the that this matter lacks all the essential elements of the crime beyond a reasonable doubt by the Victim and to the contrary, it clearly establishes crimes committed by "The People" and the Court as well as others, against the Victim, *see Jackson v Virginia, 443 US 307, 319* that "The People", as well as others, at a minimum have engaged in, and conspired with others in actions, both criminals and civil in nature, that are immoral, unfair, unethical and not in the interests of justice for the purposes of confusing, misdirecting, terrorizing the Victim in his defense as well as denied him his Constitutional Rights to being treated equally before the law, due process, freedom of speech, petition and so forth.

In Marshall v. Jerrico, Inc., 446 U.S. 238, 242-43 (1980), the Supreme Court stated that *"decisional independence"* is essential to due process: *"The Due Process Clause entitles a person to an impartial and disinterested tribunal in both civil and criminal cases."* This requirement of neutrality in adjudicative proceedings safeguards the two central concerns of procedural due process, the prevention of unjustified or mistaken deprivations and the promotion of participation and dialogue by affected individuals in the decision making process. In this matter, the respondent denied the Victim his ability to due process by unfairly and unjustly using his position to threaten and/or deny his ability to exercise his rights, in doing so Respondent violated Canons 1, 2(A), 3(B) (1), (3), (4), (8) and (9).

The neutrality requirement guarantee the foundations upon which this nation was founded on, in that life, liberty and property will not be lost on the basis of an erroneous or distorted conception of the facts or the law. Further it preserves both the appearance and reality of fairness, *"generating the feeling, so important to a popular government, that justice has been done,"* [Jones v. Nuclear Pharmacy Inc 741 F.2d 322] by ensuring that no person will be deprived of his rights, *i.e. interests,* without a proceeding will allow themselves to present their case with assurance that the arbiter is not predisposed to find against him. In this matter the respondent was personally biased against the Victim. The Supreme court has guarded neutrality requirement jealously; This standard also applies to administrative tribunals as well. In Schweiker v. McClure, 456 U.S. 188, 195 (1982), the Court stated: *"As this Court has repeatedly recognized, due process demands impartiality on the part of those who function in judicial or quasi-judicial capacities."* In Withrow v. Larkin, 421 U.S. 35, 46-47 (1975) ("*Concededly, a 'fair trial in a fair tribunal is a basic requirement of due process.' ... This applies to administrative agencies which adjudicate as well as to courts ..." Not only is a biased decision maker constitutionally unacceptable but 'our system of law has always endeavored to prevent the probability of unfairness'".*) Accordingly in Padberg v. McGrath-McKechnie, 203 F.Supp.2d 261, 287-88 (E.D.N.Y. 2002)(with respect to the NYC Parking Violations Bureau the Court noted: *"Due process requires a 'fair trial in a fair tribunal' . . . 'administrative agencies which adjudicate' are bound by this rule as well as courts*"). It is abundantly clear that the Court, by and through Ronald Ploetz favored the People neutral. In the Matter of the Proceedings against William

F. Suglia, a Judge of the Criminal Court of the City of New York, Respondent 36 A.D.2d 326; 320 N.Y.S.2d 352, the court found;

"The appearance from which favored treatment can be deduced, even without real foundation, can be very harmful to the administration of justice. Likewise is providing the opportunity from which an implication of impropriety could be drawn. No matter how innocent respondent's conduct may have been, it unnecessarily and unwisely put a burden of explanation and justification not only on himself but on the judiciary of which he is an officer."

In Harlan L. JACOBSEN, Plaintiff-Appellant, v. Richard FILLER, et al., 790 F.2d 1362, the court ruled *"Affording pro se litigants the procedural protection of the court serves the interest not only of the litigants but also of the court itself"* because "*courts, no less than the parties to a dispute, have an interest in the quality of justice".*

Violations of 22 NYCRR § 100.2 (A) sets forth a nonexclusive list of examples of circumstances that would require removal of a Judge, said examples listed directly below are not all the issues that have occurred in this matter and Defendant reserves the right to bring other events to the attention of the Commission when he so wishes;

- YCRR § 100.2 (A) *A judge shall respect and comply with the law and shall act at all times in a manner that promotes public confidence in the integrity and impartiality of the judiciary.*

In this matter, for but not limited to;

That the Motion to Reargue/Renew clearly alleged that the People did not have the authority to subscribe and verify the original Motion to change Venue on October 30th, 2014 in violation CPL §170.15 (3) (a), § 255.20 and CPL § 255.10(e), in that she subscribed, verified, filed and served said motion 60 days after the Judge of the Ellicottville Court recused himself and the allowed only allowed 45 days to do so, see also 22 CRR-NY 100.3 (A) and (B) (1). Said Motion to Reargue/Renew it incorporated herein as if set forth in full at length.

That the Motion to Reargue/Renew clearly alleged that the People did not have the authority to schedule the hearing on November 10th, 2014, BEFORE the time the law allowed, it was scheduled within 10 days of the service [October 30th, 2014] in violation of 22 CRR-NY 1000.13 which mandates a 13 day minimum, see also 22 CRR-NY 100.3 (A) and (B) (1).

County "Judge" Ronald Ploetz conspired with the People in a attempt to hide the illegal action by them in moving the action to Machias as well as the "action" that occurred on December 3rd, 2014 in Machias concerning this matter by signing of a bogus order dated January 26th, 2015 and having filed said order on February 13th, 2015 knowing, or should of known that the bogus order was false and fraudulent in that you cannot move a matter from a court it is not in to a court it is supposed to be in, see also 22 CRR-NY 100.3 (B) (4). Further in doing so he did commit fraud upon the court.

Not allowed to a copy of the oral testimony of law enforcement concerning the search warrant, see paragraph 20 herein.

County Judge Ronald Ploetz conspired with the People and the County Court Clerks to create and cover-up a second unlawful and illegal criminal proceeding using the same transaction with the same charges that were superseded and when Defendant discovered this misconduct "Judge" Ronald Ploetz attempted to cover up the misconduct by claiming that he had review both file number 19720 and 19741 and did state "File number 19741 contains the divestiture from the local court (with reference made to the three

[UTT] traffic tickets). File 19720 contains the [alleged] indictment, the superseded [UTT] traffic tickets, motions, grand jury minutes (sealed), notices, clerk notes, etc….” Judge Ronald Ploetz failed and/or refused to accept the fact that along with the Divestiture of Jurisdiction the original UTT’s must also be submitted, further Defendant clearly pointed out in how Court Clerk Jane St. John (6) unlawfully and illegally moved the original superseded simplified traffic informations from case file 19741 to 19720 when the law clearly mandates that can only be accomplished through a motion being filed and granted.

Violations of 22 NYCRR Section 100.3 (B) (12) sets forth a nonexclusive list of examples of circumstances that would require removal of a Judge, said examples listed directly below are not all the issues that have occurred in this matter and Defendant reserves the right to bring other events to the attention of the Commission when he so wishes;

- (12) It is not a violation of this rule for a judge to make reasonable efforts to facilitate the ability of unrepresented litigants to have their matters fairly heard.

In this matter;

1. All allegations of the previous defendant are hereby incorporated herein as if set forth in full at length;
2. All allegations of paragraph 3 through 9 are hereby incorporated herein as if set forth in full at length;

The Victim specifically points out to the intentional confusion that the County Court, by and through “Judge” Ronald Ploetz engaged in with the People, by and through the Cattaraugus County District Attorney Office and Court Clerks, see paragraph 12 through 23 herein.

Violations of 22 NYCRR Section 100.3 (C) (2) sets forth a nonexclusive list of examples of circumstances that would require removal of a Judge, said examples listed directly below are not all the issues that have occurred in this matter and Defendant reserves the right to bring other events to the attention of the Commission when he so wishes;

(2) A judge shall be patient, dignified and courteous to litigants, jurors, witnesses, lawyers and others with whom the judge deals in an official capacity, and shall require similar conduct of lawyers, and of staff, court officials and others subject to the judge's direction and control.

In this matter the misconduct of the Court Clerks, the District Attorney’s Office and his personal secretary clearly establish a deeply embedded pattern and practice of misconduct that has not been addressed by Judge Ronald Ploetz and in fact he helps support it and acted with malice aforethought in the denial of the Victim’s civil and constitutional rights of, but not limited to due process.

Any judge who does not comply with his oath to the Constitution of the United States wars against that Constitution and engages in acts in violation of the Supreme Law of the Land. The judge is engaged in acts of treason, *see Cooper v. Aaron, 358 U.S. 1, 78 S.Ct. 1401 (1958);* Common/Case law has shown that when a judge acts outside of his capacity judicial immunity is not absolute. In this matter the Judge failed and/or refused to abide by specific constitutional mandates as so described within this Motion. The Court, by and through Ronald Ploetz knew, or should have known that it lacked authority (jurisdiction) to deprive victim of his Rights and therefore immunity is lost, *see Rankin v. Howard, (1980) 633 F.2nd 844.* Further the assertion of federal rights, when plainly and reasonably made, are not to be defeated under the name of local practice, *see David v. Wechler, 263 U.S. 22, 24; NAACP v. Alabama, 375 U.S. 449;* The presence of malice and the intention to deprive a person of his civil rights, under color of law is wholly opposed with judicial function. When a judge acts intentionally and knowingly to deprive a person of his constitutional rights he exercises no discretion to individual judgment; he acts no longer as a

judge, but as a ‘minster’ of his own prejudices, *see Pierson v. Ray 3986 U.S. 547 1967.* No one in this country is so high that he is above the law. No officer of the law may set that law at defiance with impunity. All the officers of the government from the highest to the lowest are creatures of the law and are bound to obey it, *see Buckles v. King County 191 F.3d 1127 via United States v. Lee, 106 U.S. 196, 220 (1882).*