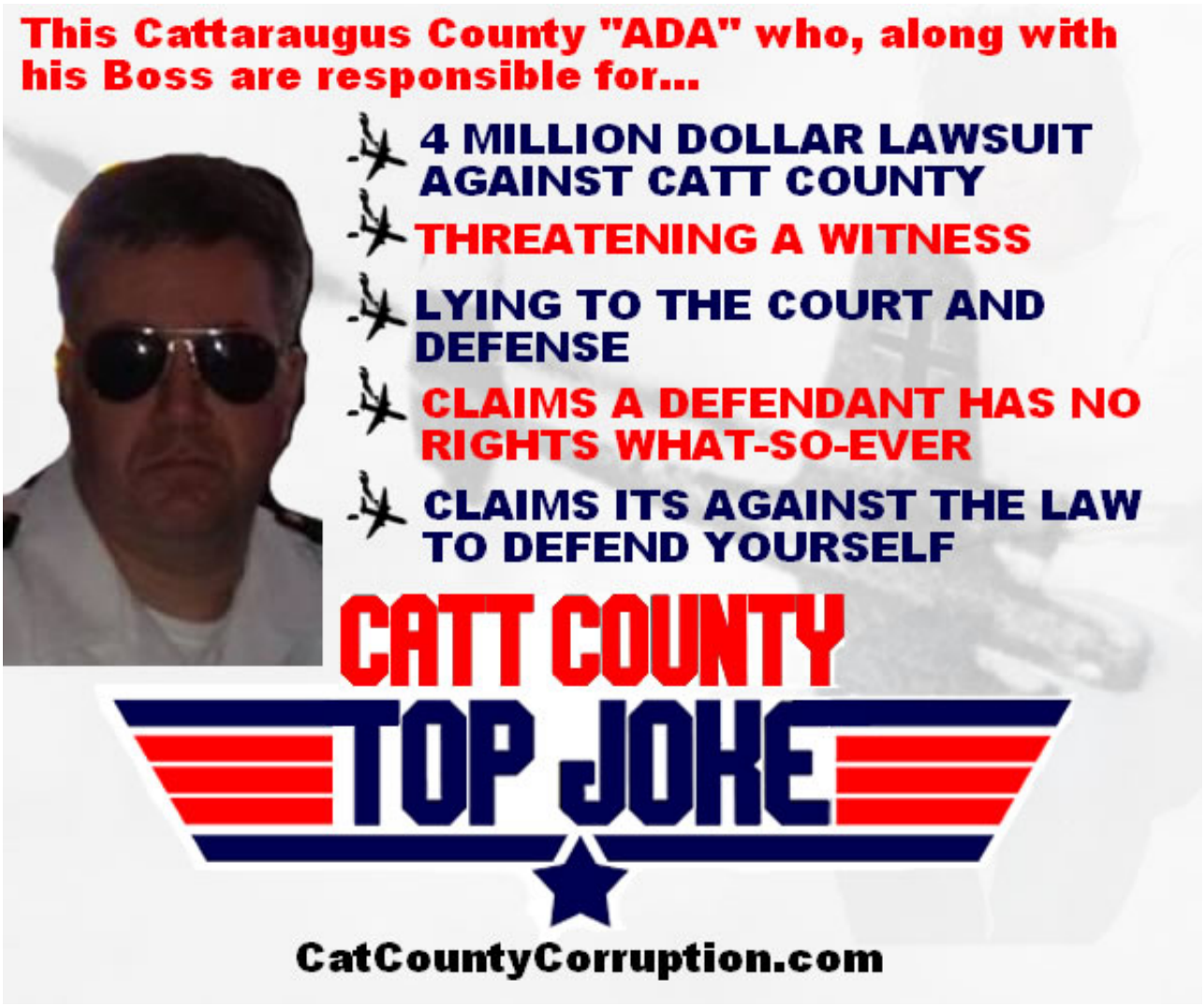
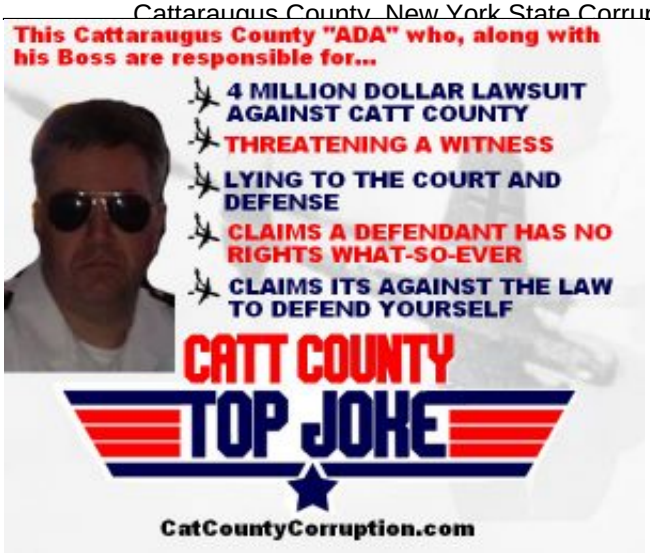
UPDATE: William Preston Marshall, AKA, Preston Marshall, AKA, Bill Marshall; Criminal Extraordinaire



IMPORTANT UPDATE: We just had to update the criminal activity of one of Cattaraugus County's top criminals William Preston Marshall, AKA Preston Marshall, AKA Bill Marshall (he keeps coming up with variances on his name, we wonder why) The page was hacked and a lot of the important information was deleted. It has been restored. We wanted to expose more of his criminal state of mind and conduct of him, as well as the DA and courts, **including the fact that the people claim they were represented by a ADA who does not exist and the other claim that the charges originated out of the town in New York called Elkin, a town that does not exist in the state of New York or any surrounding states for that matter** This update will show you just how demented this thing is...



We are just add to Finsters Baby's Pièce De Résistance criminal conduct. There are three other counts. To read up in detail on this thing click here.

COUNT 1

Not allowed to bring up exceptionally serious misconduct of law enforcementat trial. On page 15 William Preston Marshall made the false statement that the Pro-Se is not allowed to bring up the exceptionally serious misconduct of the Matthew Albanese, Bryan H Schwabenbauer and the other public official criminals. The law shows otherwise;

- People v. Testa and Riggio, 40 N.Y.2d 1018 (1976); *"Any information affecting the credibility of any witness which the prosecution intends to call at trial including, but not limited to, prior bad acts or immoral acts."*
- People v. Vasquez, 49 A.D.2d 490 (2nd Dept. 1975); *"Any information concerning any law enforcement officer involved in the investigation or prosecution of this case who has been cited for any type of misconduct including, but not limited to, any violation of Police Department regulations and civilian complaints resulting in disciplinary action of any kind."*
- People v. Mgynard, 80 Misc. 2nd 279 (Sup. Ct. N.Y. Cty. 1974); "*Any information concerning treatment or institutionalization for psychiatric or psychological disorders of any witness the prosecutor intends to call at trial, including date, place and nature of treatment."*

Not only can you bring exceptionally serious misconduct of cops, you can bring up the conduct of the prosecutors as well ;

- People v Schellenbach 67 AD3d 712; "dissatisfaction with the prosecutor's handling of the plea negotiations"

COUNT 2

Preston claimed that there was no pleas on the table. Really Finster? At the December 3th, 2014 hearing. The one in which 'ADA' Kelly Balcom made numerous false statements, including pointing out in another hearing that the pro-se was not allowed to file anymore motions pursuant to Omnibus Motion Rule of Article 55 of the CPL. Balcom stated in court that if the Pro-Se pleads guilty to one charge, a charge that would give him up to one year in jail, they would drop the other charges, including the charge of remaining

silent (yes, that's right in New York it is against the law to remain silent).

An important note; when you review this transcript page, you will see that the alleged 'ADA' who was representing the people in this matter was one "Ms Falkin". There is no Ms. Falkin who works in the ADA's office, she does not exist. Further the town in which the events allegedly occurred was claimed to be Elkin.

This is how they are trying to hide and cover up their criminal conduct. see Finster baby would then claim that it was in the town of Machias, on December 3rd, 2014 (page 11, line 13 of the same transcript), that the Pro-Se was allegedly arraigned, which was another lie by him

The Pro-Se could have been sentenced to one year in jail if he would have accepted the plea bargain, the same amount of time he would have had served if he was found guilty of the other charges. Does that sound like plea bargaining to you?

See when you plea bargain you are supposed to enter into negotiations, it's called due process, except this is Cattaraugus Count New York, where the rule of law does not apply.

The criminal Rieman and the rest of her cohorts never negotiation anything with the Pro-se. They ambushed him at the December 3rd action with an on the spot 'take-it-or-leave-it' proposition. That's not plea bargaining, that is criminal activity by the DA and ADA's. Finster would lie to the court and state that there was no talk at the DA's Office. So what was it Finster? Was there actual talk about in your Cabal heads office or was there not?

COUNT 3

730.30 Motion; This was the biggest criminal act of all. Finster Baay, when he could not get what he wanted pulled the old Uncle Joe Stalin 730.30 Motion Card. This is what criminals do when they can't get what they want. Let's look at the sequence of events that led up to Marhsall crying for a 703.30 Motion;

1. Pro-Se files motion for judge to recuse himself, judge ignores it, states it is going to trial (Finster Marshall has already been implicated in rigging the jury that caused the 4 million dollar lawsuit against the county).
2. Pro-Se files motion to dismiss for lack of jurisdiction, judge ignores it, states it is going to trial.
3. Pro-Se files motion to dismiss for failure to prosecute on time (30.30 Motion), judge ignores it, states it is going to trial.
4. Pro-Se states that if the court and the DA office is going to move ahead with a illegal and unlawful trial that the Pro-Se will need to subpoena witnesses, which will include the other ADA's who lied numerous times, the county court judge who lied on his orders to move the trail, as well as Rieman herself and others.Further he asked when he should provide the evidence he intends to use at trial to the People so they have a chance to review it, unlike the People who have failed and/or refused to provide the Pro Se with any evidence he requested.
5. Marshall cry out for a 730.30 Motion.

See how that works? The Pro-Se shows he is ready to proceed with the illegal and unlawful rigged trail and Finster cry 730.30!, 730.30! But lets get into the time line of what happened right after this event of June 18th, 2015 and it shows you just how much the court collude with the DA's office;

- 6/19/2015 8:38 AM; Jillian Koch, the Little Valley Town Court Clerk responds that she set up an

appointment for Monday to review the underlying matter file and confirms she did receive petitioners request for transcript;

- 6/19/2015 9:42 AM; Koch response and confirms motions have been received and once a decision has been made a written response will be sent out;
- 6/22/2015 9:10 AM; Pro-Se discussed subpoena issues with Ms. Koch twice up to this point in time;
- 6/26/2015 12:34 PM; Pro-Se filed Article 78 against Defendants- Respondents;
- 6/26/2015 1:28 PM; Pro-Se e-mailed Koch copies of the Motion to Adjourn based on the alleged lower court actions based on a number of issues/facts stated herein;
- 6/26/2015 2:31 PM; Pro-Se e-mailed Koch with request to set up meeting for subpoenas just in case TRO (temporary restraining order against Rieman and the Town of Little Valley Court) is not granted;
- 6/26/2015 2:52 PM; Koch responds stating that the trial has been cancelled until a "determination has been made by the Cattaraugus County Department of Mental Health."The Pro-Se finds it hard to believe, as should any reasonable person, that Pro-Se had engaged in conversations with one of Defendant Dry's employees and/or agents and/or servants Koch over a 7 day time span, about the alleged trial and matters related thereto in the underlying matter, and on the same day that Pro-Se files a Article 78 against the Defendants- Respondents the alleged 730.30 Motion mysteriously appears again. This cannot be a coincidence and the facts of this instant matter supports this claim. Further the 730.30 motion is a Stalinist error tactic employed by Defendant Rieman, her employees, agents and servants as a attempt to have Petitioner copulate to their bad faith conduct so they may absolve themselves of official and personal liability in this matter. It must be noted again that it was "ADA" William Preston Marshall that motioned the court for the 730.30 motion and Marshall lied both to the court as well as Petitioner when he claimed on June 18th, 2015 that the simplified traffic informations were verified and that the Petitioner was allegedly arraigned in the Machias Court on December 3rd, 2014, when in fact the record clearly shows the XXXXXXXXXville Court, a town that exist in the same county as Machias, claimed the Pro-Se was allegedly arraigned on June 3rd, 2014. There were also many strange anomalies found in the transcript made of December 3rd, 2014 as well as many false statements made by "ADA" Kelly Balcom. When Petitioner received the first copy of this transcript it stated that one "Ms. Falkin" was representing "the People", a person that does not exist at the Cattaraugus County District Attorney's Office at all. Further the transcript would also state that original matter was moved from the town of "Elkin" or "Elkinville" a town, city, village that does not appear to even exist in the State of New York or any boarding states for that matter. Balcom would deliberately lie to the court when she stated that the motions Petitioner had filed were already decided when in fact they were not then she would go on to directly contradict herself when she stated that the court could decided on the motions that the Pro-Se had filed.Balcom would make another false statement when she attempted to make it appear as if the matter had been moved from a location outside the county, or state, or who knows where when she stated *"We weren't there for the majority of this, Your Honor. We came in at the end. So, I couldn't speak to everything that the other court has done. That is not one of the court's that we generally cover."* (Exhibit K, Page 13, lines 11 through 15). These statements coupled with the fact that "ADA" William Preston Marshall false statement that "the People" claimed that Pro-Se was allegedly arraigned in Machias shows that the Defendant Rieman as well as her employees and/or agents and/or servants have attempted to cover up the prior alleged arraignment according to the Ellicottville court and the events that contested events that caused it to be allegedly moved to Machias. Petitioner believes one for the purposes for this attempted cover up of the alleged arraignments was to reset the time limits so the people could fraudulently claim they were ready to proceed to trial within the 90 day window as required by law. It must be further noted that the Omnibus motion(s) that the Pro-Se had filed in Ellicottville had not been decided until it had allegedly been moved from Ellicottville to Little Valley according to the county court, which the county court left out the fact that it was allegedly moved from Ellicottville to Machias then onto Little Valley;

- 6/29/15; because Pro-Se had not heard anything back from the court on the order to show cause Petitioner filed with county a Emergency Notice requesting that the OSC be signed right away;
- 6/30/15; Pro-Se filed the affidavits of service of the verified petition, OSC, four proposed orders, RJI, exhibits packet, Notice of TRO and TRO Motion/Affidavit with proposed order;
- On, or about July 1st 2015 Petitioner discovered a message was left on a answering machine by Jane St John stating that the OSC was “refused”. Because it was very close to Pro-Se’s “birthday” as well as the 4th of July holiday Petitioner decided he would set aside these matters until after to holiday;
- On July 7th, 2015, on, or about 3:00 PM Pro-Se involuntary went to the County Court to pick up the “refused” OSC. Pro-Se discovered that not only was the OSC refused so was the other four proposed orders. Further all the proposed orders all stated “Court Refused to Sign” with the name stamped HON.JEREMIAH J. MORIARTY III upon it. It must be noted that the name stamp is just that a stamp in what appears to be Arial font and not an actual facsimile signature stamp of the judges name was used;
- On July 7th, 2015 Pro-Se was denied his Right to Petition, via an Article 78 proceeding, utilizing an OSC, according to Cattaraugus Court Clerk Jillian Koch and Jane St. John, by and through Jeremiah J Moriarty. Further, the clerks, nor the judge cited any laws or procedures that would allow him, according to them, to deny the order to show cause as well as the proposed orders. Jillian Koch stated that the Supreme Court did not have jurisdiction over the matter until the lower court heard it. This could be further from the truth. It is very clear that the supreme courts have jurisdiction over the matter and is well spelled out in the verified petition. Jane St. John would state that it was because of procedure that the orders were refused however when asked about what procedure that Pro-Se was allegedly failing to follow both Koch and St. John would claim that they would be providing me with legal advice. It is ironic that Koch would claim she could not provide legal advice as to the procedure the Pro-Se was supposedly not following yet would provide legal advice by claiming that Pro-Se could not utilize an Article 78 proceeding until after the underlying Little Valley court heard the matter which the law clearly shows to the contrary.
- 7/7/15; after reviewing the court fees schedule provided by county clerk personal Pro-Se noticed that there is nothing in the fees schedule that states Pro-Se is required to pay for a Notice of Petition. Petitioner then proceeded with a Notice of Petition, which he filed with the County Clerk on July7th, 2015 at 2:57 PM.
- 7/8/15; Pro-Se would then file four new proposed orders and serve said orders and Notice of Petition upon defendants. Petitioner would also file the Affidavits of service of the proposed orders and notice the same time.
- 7/15/15; Petitioner, because he had not seen and return date for the Notice of Petition he had filed had no choice but to send an e-mail to county court clerk personal about the matter.
- 7/16/15; “Chief County Court Clerk” Verna Dry responded via e-mail stating that “All new supreme court cases are assigned to Judge Moriarty and his office sets the court appearance date and notifies the parties. In order to assist you I checked with their office to see if they have any upcoming dates scheduled for you and was told nothing has been filed that requires an appearance date.”
- 7/16/15; Pro-Se responded a sent a scanned image of the Notice of Petition with the county clerk date/time stamp upon it to the Supreme Court Judges Secretary.
- 7/17/15; Supreme Court Judges Secretary would then respond this day and stated that she had included a return date before the Court. The Pro-Se responded and thanked her for her prompt help in this matter.It is clear, at least to any reasonable person that county court personal are utilizing filing procedures against Petitioner in order to illegally and unlawfully deny him his right to petition as secured by the 1st and 14th Amendments to the US Constitution as well as the Article I § 9 and 11 of the New York state Constitution. The Supreme Court has already ruled on this matter “rules of procedure do not require sacrifice of the rules of fundamental justice.” Hormel v. Helvering 312 U.S. 552 (1941)Due process protects the right to self-representation from arbitrary denial. It ensures a pro se litigant’s claim will be heard despite a litigant’s potential lack of

familiarity with procedure (Haines v. Kerner, 92 S. Ct. 594, 596 (1972)). Pro se litigants, as well as those represented by counsel, are entitled to meaningful access to the courts. Sufficient access to the courts (Bounds v. Smith, 430 U.S. 817, 828 (1977)), a right protected by the due process clause of the fourteenth amendment (Wolff 418 U.S. at 579-80) and the first amendment (Cruz v. Beto, 405 U.S. 319, 321 (1972)), guarantees to all persons use of the judicial process to redress grievances.In REACHING OUT OR OVERREACHING Judicial Ethics and Self-Represented Litigants, by Cynthia Gray, American Judicature Society provides guidelines for judges hearing case in which persons are representing themselves;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).)