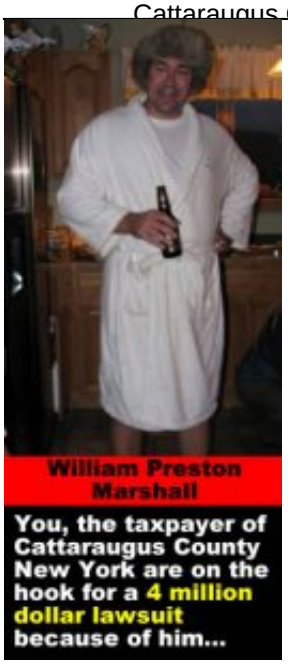
Cattaraugus County District Attorney's Office Attorney's, Conspiracy and Mental Health, who has conspired against who and who needs a mental examination?

While the Cattaraugus County Court Clerks Office is a den of lairs and thief's, **the latest evidence will clearly show that many individuals within the District Attorney's Office of Cattaraugus County New York are in need of a mental exam.** This is no joke, **almost all of the Attorney's there have displayed a serious lack of mental reasoning ability by their complete disregard to abide by the law.** It is so bad in fact that in a four million dollar lawsuit filed by one of their victims the lawsuit contends that Cattaraugus County is accused of being negligent in the hiring of the aforesaid agents, servants and/or employees in that they knew, or in the exercise of reasonable care should have known, that said agents, servants and/or employee's, **did not possess the temperament and psychological makeup to properly carry out their duties as responsible government officials.** You can't make this stuff up folks...

When a Pro-se litigant who is exposing vast corruption in Cattaraugus County, New York, was force to go to court in April, one William Preston Marshall, AKA Preston Marshall, AKA Bill Marshall (he keeps coming up with variances on his name, we wonder why), we call him Baby Face Finster, was the one representing the People. Yes that is Baby Face Finster, dressed up pretending he is Tom Cruise of Top Gun. When you are finished with this article you will discover who is in need of a mental exam.



His conduct will clearly show that he is not even capable of representing himself as a janitor in a local McDonald's, let alone the People of the State of New York. This entity is most likely responsible for more carnage and innocent people being destroy then anyone else in the county, except of course for Lori Rieman, his boss who, along with the county, has been named in a lawsuit for her failing to properly train her employees.

Recently a ADA was let go because word had it he was losing to many cases. Was the ADA really losing to many cases, or was he actually obeying the law and lawyer ethics and not playing along with the overwhelming corruption in the district attorney's office and District Attorney Lori Rieman did not like it?

So how many Attorney's are in the Cattaraugus County DA's Office?

There appear to be a total of six (click here for the official cat county DA website page) , here they are;

1. Lori P Rieman
2. Amber Kerling
3. Elizabeth Ensell
4. Kelly Balcom
5. William Preston Marshall, *AKA Baby Face Finster*
6. Erich Weyand. There is no evidence that this individual has engaged in any type of questionable activity at this time.

We will identify which ones have engaged in criminal activity and provide you with the facts on what type of criminal activity they engaged in.

LORI RIEMAN: As the supervisor and respondant superior she is the one ultimately responsible for the actions of her employees. She is also responsible for the supervision, training and discipline of them. Her, as well as the counties failure to do so has led to a 4 million dollar lawsuit which names her in her official and individual capacity. What is so sad about this is the fact that it appears that Lori engaged in another illegal action against the individual who brought the 4 million dollar lawsuit which could lead to another lawsuit against the county. Yes, that's right, if at first you don't succeed in criminal conduct, try, try again! In this serious second matter Rieman allegedly amended a second violation of probation to the first violation of probation, however the second alleged violation of probation allegedly took place in November

of 2012 yet the individual was never informed of the alleged violation until he came to what he thought was a hearing on his appeal on September 16th, 2013, almost one year later! This is a complete violation of CPL 410.70

Here is were it gets interesting, in the September 16th hearing the probation department adult supervisor Michael Sharbaugh testified in September 16, 2013 to the fact that there was only one violation of probation and it was for the original assault charge. Further the Court Clerk Jane St John also stated for the record at the September hearing that there was only one violation of probation. No mention was even made of the alleged second violation, amended or otherwise, though the individual appeared at numerous other actions between November 2012 and September 2013 concerning his appeal, that is, until the the Sept 16th hearing. Further at this September hearing the County Judge, knew, or should have known that Appellant was being represented by consul and when consul failed to appear at said hearing, the Court proceeded with the hearing and forced the Appellant to act pro-se without counsel. The Court knew, or should have known that it should have adjourned the matter for a later date when consul for the appellant was available and could have appeared with appellant. **THIS CAN LEAD EASILY TO ANOTHER LAWSUIT BY THE SAME INDIVIDUAL AGAINST THE COUNTY.** After talking to the individual about this second lawsuit he in more interested in holding these criminals accountable for their crime's then he is a second lawsuit at that point when we talked to him. Further by Rieman claiming it was amended to the first probation violation it became part of it. They become one.

Please note that the appeal from the original assault charge was still pending, i.e. it was not decided yet. The appeal was won in December, the assault charge was thrown out and so was the first violation of probation. So how could the alleged 'amended' second violation of probation be separated form the first one? Simple, it could not and there is no provision in law that would allow Rieman and her employees to do so. IT WAS ANOTHER COMPLETELY ILLEGAL ACTION BY RIEMAN AND HER EMPLOYEES. PERIOD! This is another lawsuit waiting in the wings folks!

Rieman in the lawsuit, (click here for the eye opening details), one of the allegations is that Cattaraugus County is accused of being negligent in the hiring of the aforesaid agents, servants and/or employees in that they knew, or in the exercise of reasonable care should have known, that said agents, servants and/or employee's, *i.e. Lori Rieman,* **did not possess the temperament and psychological makeup to properly carry out their duties as responsible government officials [see complaint page 17 line 96].**

Now the Pro-se's matter: Rieman committed many crimes in the matter, when the judge in the original matter recused himself from the matter the criminal Rieman had 45 days to move it to another court as mandated by CPL 170.15 and CPL 255.20. Not only did she fail to do that which because she failed she lost the authority to move the matter, she also had the audacity to schedule the hearing to move the matter in 10 days after she served and filed it. This is another violation of law. You must give the opposing party at least 13 days before a hearing is scheduled to respond pursuant to CRR-NY 1000.13 and CPLR 2103[b][2].

Further she would stated in the proposed order of the motion (when you file a motion you must also provide a proposed order) that there was "no opposition" the the change of venue, i.e. location, You have to look at the logic of that statement folks, the motion was created filed and served on the Pro-se , *i.e. the Pro-Se did not even know it existed until he received a copy of it,* so how could Rieman even claim that there was going to be "no opposition" to it until the Pro-Se had time to read and respond to it. Simple, she could not have unless she could see into the future and discover that the Pro-Se was not going to oppose it. Rieman also violated the "notice and opportunity to defend" mandates, *i.e. the law,* by scheduling the hearing in the hopes of not allowing the Pro-Se to have the time to challenge/oppose it, or maybe she

made this statement thinking the the Pro-Se did not dare oppose a motion in 'county court'? Who knows what lurks in the minds of the criminally insane (see 22 CRR-NY 1000.13 and (CPLR 2103[b][2])).

Further when the Pro-Se received a copy of the transcript of the original motion to change venue hearing it stated that the Pro-Se had been indicted. it appears that no grand jury was ever formed in the matter so the Pro-Se appears to be the first person in the history of New York and the United States to be indicted without a grand jury ever being formed.

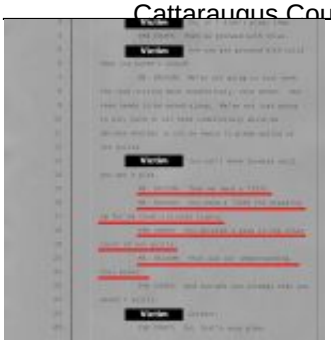
AMBER KERLING: Amber is also involved in both matters. Amber is the individual who was responsible for representing the people in the appeal of the original assault charge which the individual who is now suing the county won, as well as representing the people in the illegal action of the second alleged violation of probation. She is also the one who took advantage of the Pro-Se's lack of courtroom experience to illegally move the matter to the 2nd court and also confuse him in the motion to reargue/renew to move it to a third court. She knew, or should have known that the actions of her boss were illegal and was therefore required to report her bosses activity and come to the aid of the Pro-Se by actually reviewing the matter and basing her actions on the law and not on the pre-determined agenda she appeared to be aware of by here actions. She in fact conspired with Rieman to deny the Pro-Se his rights through deception, confusion and trickery and in doing so violated her oath of office.

"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 The People of the State of New York, Respondent, v. Maurice E. Connolly and Frederick Seely, Appellants253 N.Y. 330; 171 N.E. 393; 1930 citing People v. Miles, 123 App. Div. 862, 875; affd., 192 N. Y. 541."

"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.)

ELIZABETH ENSELL: You may or may not remember Elizabeth Ensell. She is the one that could have stopped the Pro-Se's matter right from the very beginning. She is the one that admitted to the Pro-Se over the phone that he was assaulted by Bryan H Schwabenbauer a known assaulter and perjurer and would state in court to the Pro-Se that it is "alright for "Police Officers to assault people". She would also swear under penalties of perjury that the Pro-Se was not allowed to file any motions pursuant to *"Omnibus Motion Rule, Article 55 of the Criminal Procedure Law"*. A law that does not exist and is a complete fiction. This is a punishable offense which includes jail time as well as being disbarred. read more about it by clicking here.

KELLY BALCOM: Kelly Balcom was also involved in the Pro-Se case, she specifically pointed out *"Omnibus Motion Rule, Article 55 of the Criminal Procedure Law"* to the original court in August of 2014 at the second pre-trial conference. The judge recused himself only two days after this hearing (can you blame him?) This was the hearing in which the People, by and through Kelly Balcom served and filed Elizabeth Ensell's bogus response to the Pro-Se's Omnibus motion which contained the none exisitant *"Omnibus Motion Rule, Article 55 of the Criminal Procedure Law"*



Balcom at the third pretrial conference, which was the first action in the town of Machias attempted to move for a 730.30 motion against the Pro-Se for defending himself. This led to both judges recusing themselves from the matter. One of the judges it was never in front of, another first in the history of justice in New York.

This is just like in the days of Stalinist Russia, who locked up the likes of some of their greatest thinkers of the day, like Aleksandr Solzhenitsyn, who dare questioned the state…

In all court cases that we have uncovered, a CPL 730.30 proceeding is based upon an individual committing a violent act against another individual(s) and their own attorney tries to get them labeled as crazy see PEOPLE v. GELIKKAYA, 84 N.Y.2d 456.

Balcom would also claim in court that day that they were not there for most of the proceedings, and they don't usually cover the original court this matter arose in, so if they were not there, then who was, Elvis?

Balcom appearing in court, for the people, on August 26th, 2014

Ensell appearing in court on this matter, for the people, on June 24th, 2014

Here Balcom is claiming, on December 3rd, 2014, they weren't there for most of the proceedings.

The judge would recuse himself soon after the first action and the other judge of the town would also recuse herself and the matter was not even in front of her, which appears to be another first in the history of NY!

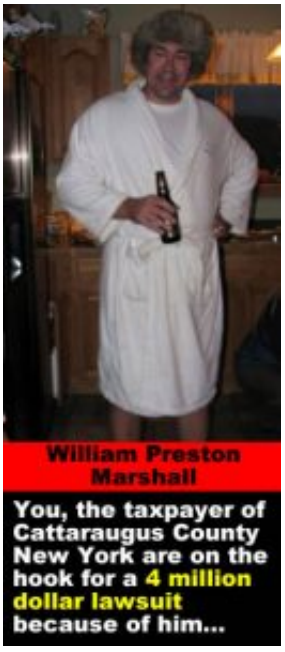
Verna Dry would claim that the Pro-Se was not allowed to film the contents of his file when he had no problem doing it before.

The county court would move the matter from the original court it was in to the Little Valley court, the court it was supposed to be in. You can't move it from a court it is not in to a court it is supposed to be in

and last but not least....

WILLIAM PRESTON MARSHALL, AKA Baby Face Finster, out of all the individuals in the DA's Office we are having a hard time determining if he is the number one criminal, or number two, right behind Rieman. While it was Riemans lack of training, supervision and discipline that led to the four million dollar lawsuit (as well as other potential ones), it was this 'entities' conduct that led to the lawsuit.

In this matter that led to the lawsuit the individual who is now suing was arraigned in the Town of Yorkshire Court on or about July 19, 2011 on a misdemeanor assault charge, on October 13, 2011, Plaintiff's defense counsel moved to dismiss the class A misdemeanor charge of assault in the third degree against Plaintiff. **The Assistant District Attorney (ADA) Preston Marshall, announced the People did not oppose the motion, stating, *"I have no argument against that, Judge"* and additionally admitted, *"I've . . . had no contact with [the complainant]."*** So here you actually have the ADA agreeing to have the charges dismissed. More on Marshall later, he is a really interesting fellow. Thereupon on October 13, 2011 the Yorkshire Town Court, Hon. Deborah L. Titus, T.J., granted the Plaintiff's motion to dismiss the misdemeanor charge of assault in the third degree, and, addressing the Plaintiff, Ordered that ***"the charges***



are dismissed. Everything will be cleared from your record, sir." On or about October 31, 2011, approximately fourteen (14) days after the expiration of the People's "speedy trial time," the Cattaraugus County District Attorney's Office, knowing the "speedy trial time" for this case had elapsed, unlawfully

moved to “restore” to the trial calendar the misdemeanor criminal prosecution of the Plaintiff, which had been previously dismissed by the Court on October 13, 2011. However it appears that Finster was worried that the Judge who had dismissed the case would laugh at Finster's attempt to restore it and thrown it out again. So what did Finster do?

it appears that Finster was aware that the judge who just threw out the charges was not going to run for office again, so he waited for the new judge to be elected and when the new judge was sworn in the 'restored' charges mysteriously appeared on the court schedule again, well after the 90 day time limitations ran out pursuant to CPL 30.30 time ran out and not to mention the fact that there was no law that allowed Baby Face Marshall to restore the charge. How convenient for Finster! it was illegal, but what does that matter , this is after all Cattaraugus County New York where the rule of law, reason and integrity are on permanent vacation.

However Finster knew he was in trouble, so a day before the trial he called the mans wife and threatened her that if she did not testify against her husband the state would take there minor children away from them. The wife never saw the alleged assault occur so how could she testify to anything. But that did not matter for Finster, why should he care about the truth and actually upholding his oath of office. **In New York state, by law, a wife is not required to testify against her husband and she did not see anything anyways. I wonder if Preston understands** CPL 215.11 Tampering with a witness?

The next day, May 8th, 2012, at the trial after they picked the jury, Preston Marshall and a state trooper show up at the victims house under false pretenses, Preston claimed the victim drove his car illegally from the court, which he did not, he lives about a minute away from the court house and walked, and even the trooper acknowledge that he did not see the victim drive his car home. Preston walks into the victims house without a warrant and then demanded that his wife step outside to talk to him and the trooper.

She goes outside and then Preston threatens her with CPS (Child Protective Services), that their minor children will be removed from the home if she does not testify against the victim (her husband). She was completely terrified and crying at this time. Real nice guy this Preston, isn’t he?

Then he turned to the victims adult son and threatens him with illegal surveillance, by claiming he will have state troopers follow him when he was traveling throughout the state. The victim gets his family members back in the house and Preston, and the trooper enter the house again, and again Preston threatens both the victim and his wife that they will lose their children if she does not testify against him. So, the family being completed terrified by the illegal bullying tactics of Preston Marshall all go back to the court and they start the trail.

Before the verdict is even rendered, the victims wife goes out in the hallway where she is forced to go into a small room by the constable. The constable who told her she had to talk to a “client victims / battered women’s representative ” who was there that day. She was shuffled into a small room to talk where we talked to each other.

The “representative” tried to claim and make it appear to me that her husband was very abusive towards his wife and the children which she stated he was not. It appeared as if the representative was trying to convince here, *i.e. put words in her mouth,* that her husband was a bad person and that she should make statements admitting to that effect, which she knew he was not and refused to “play along”. At this point the representative threatened the wife with calling CPS (Child Protective Services) that the “incident” was reportable and that if I was going to stay with her husband she could lose her children to the state. About this time Marshall and the Constable walked into the room and told her she had to leave with the children immediately. Marshall stated in her presence that the jury had just found her husband guilty **(BEFORE THE VERDICT IS EVEN REACHED, Can you say “rigged jury”)** and they also claimed that he was

"freaking out" and very angry with her and that is why I she had to leave. This happened on, or about 2:15 PM.

So she went back home and the representative followed her back to her house to gather her children and take them to the "safe house" as demanded by the representative. They had there one adult son was watching the two year old baby and when there 10 year old returned home from school they gathered up some of their belongings and headed to the 'safe-house' . The wife followed the representative for about an hour until they arrived at the supposed safe house.

At this point she was in complete and utter terror. She did not know where she was or the nature of the people I was dealing with. She was placed into what appeared to be an office area. **A women appeared and took her children from her, and woman and the children disappeared from her view behind a door.**

They asked her a series of questions and laid down the rules for the safe house, one of which was she had to quit my job. Her children were still nowhere to be seen. She took a tour of the safe house and then again she was led into the office. About that time is when the personal received the phone call from "William" Preston Marshall which the personal stated that her husband had just been found guilty. She believed around 4:30 PM that this occurred well after the earlier point in the day when "William" told her they had found her husband guilty. **Rigged jury for sure…** At this point she realized that something was not right. She was then given a stack of papers and after reviewing the papers she realized that what they were attempting to get her to do was completely voluntary. She told the 'personal' that "I don't have to stay here, do I?", and they stated no, you can leave at anytime. She located her children and left immediately and went to a relative's house because she was to afraid that if she went home the county, would show up and take their children. **Didn't they do this back in Nazi Germany?**

Lets review another case that Baby Face Finster was representing the people in.

Below are the excepts from transcripts of a case in which a Pro-Se litigant is exposing vast corruption in cattaraugus county.

Here are some of the highlights of William Preston Marshalls illegal and unlawful conduct;

Pro-se not allowed to bring up exceptionally serious misconduct of law enforcement at 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, especially in plea negotiations ;

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

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.

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?

When the Criminal Marshall does get want he wants, he reverts to a Soviet Era Stalinist tactic, a 730.30 motion. This was the biggest criminal act of all. Finster Baby, 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 cries 730.30!, 730.30! For a time line run down of these events that led up to the 730.30 motion and exam being filed click here. We have another article already waiting in the wings for this one, which includes absolute proof who was telling the truth and who was not.