

# Law & Disorder: Cattaraugus County New York, Where Justice Goes to Die. Stahlman Trial Update



In the ongoing Stahlman case, where a father and son of the Seneca Nation were each charged with three different felony crimes, the **Court Gallery, i.e. the public, was removed from court**, which was in violation of both the New York State Constitution ([cite one](#), [cite two](#)) and US Constitution ([cite one](#) [cite two](#) [cite three](#)). We have never seen that before. Here are some other firsts we have never seen before in court, which occurred in the Seneca Stahlman Trial, here in Cattaraugus County, New York, where Justice Goes to Die. As the Law & Order series is remembered by “*ripped straight from the headlines*” the trial of the Stahlman family, in which a father and son were accused of horrendous crimes, was supposed to end on Friday, January 29<sup>th</sup>, 2016, but it didn’t, why? Because in Cattaraugus County, New York, the justice system is for the most part rigged. It’s nothing more than a Kangaroo Court system where the decision of guilty has already been made and the average folks will only find justice based in some of the uncorruptible old-timer judges at the lower levels and honest lawyers who understand the term justice and are willing to stand up for it, something you will not find at the County or Supreme Court Level here in Cattaraugus. It should have ended on Friday with a predetermined outcome, however a courageous young attorney from Buffalo made sure that didn’t happen...

**What was the reason the Gallery was kicked out?** It was an argument over whether to allow the fact that was the defense allowed to bring up the fact that one of the prosecutions star witnesses, one [Salamanca Police Officer Ronda Stanton Bush](#) committed perjury in the past that caused two innocent teenagers to spend 170 days in jail that ended in a federal lawsuit which the city and Bush lost. What does the law and/or legal experts have to say about that?

**Impeachment is the process by which a witness's veracity is called into question for the purpose of showing that the witness lacks credibility, and therefore, their testimony is not worthy of belief.** There are several methods by which counsel may impeach the credibility of a witness [1]. A witness is usually impeached through prior inconsistent statements, partiality, and character [2], [3]. The character of a witness may be attacked through past untruthfulness, and other prior bad acts [4]. The majority of jurisdictions have codified the rules to allow such evidence to be brought up, and most have modeled them after the Federal Rules of Evidence. **However in [good old corrupt New York](#), it is one of the few jurisdictions that this type of evidence remains routed primarily by case law [5].** However, decisions in New York are in line with the direction of the Federal Rules of Evidence that allow a witness to be cross examined as to the truthfulness of their conduct. One of the many roles of the jury, as the finder of fact, is to weigh the veracity of a witness and character evidence is one of the most vital [6]. It has been said before that police officers occupy a unique role in our society which requires the highest standard of integrity so that confidence in law enforcement may be maintained (see Matter of Halloran v Kirwan, 28 N.Y.2d 689. This court has had occasion to comment on the conduct of those participating in the legal

process who distort or conceal evidence or hinder the courts in the lawful performance of their duties. Courts have condemned such acts, for they strike at the very heart of our system for the administration of justice (see Matter of Hall, 43 A.D.2d 465, 475-476; Matter of Dallal, 31 A.D.2d 442, 447), see also People v. Testa and Riggio, 40 N.Y.2d 1018 (1976)].

In the Halloran case, the court stated that ***"A police officer is guilty of serious fault when he does an act even without evil intent which tends to destroy confidence in his integrity and honesty."*** MATTER OF HALLORAN v. KIRWAN 28 N.Y.2d 689 (1971). In United States v. Giglio, 405 U.S. 150 (1972), the Supreme Court Ruled that "all evidence which tends to impeach the credibility of any prosecution witness" can be used to impeach the witness. In People v. Vasquez, 49 A.D.2d 490 (2nd Dept. 1975)]. the court ruled that ***"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"*** maybe used to impeach the law enforcement officer.

**I think we did a good job of covering the fact that the Gallery had the right to view the proceedings concerning the argument over whether or not the impeachment evidence against Ronda Stanton Bush was allowed to be entered, and the fact that the Defense had the right to bring it in.**

However County Judge would not allow the public to watch the proceedings (the jury was not allowed either). **The purpose of this star chamber proceeding was to determine whether or not the defense was allowed to even bring up the issue of perjury by the prosecution's star witness upon cross examination, which is a typical tactic of a completely corrupt justice system. It must be noted that after the first charges were thrown out, the DA in the 2009 case did bring up the matter in front of the grand jury again for a second time, however the Grand Jury refused to indict because of Bush's conduct.** The teenagers ended up filing a lawsuit against the city of Salamanca and police officer Ronda Stanton Bush which was settled out of court. If law enforcement were doing their jobs in the first place and were held accountable for their prior bad acts what is happening now may have never occurred.

**One has to wonder if Ronda was held accountable for her conduct. We doubt it because we have discovered that Sheriffs [Bryan H Schwabenbauer](#) was sued in federal court for perjury and roughing up an citizen was actually given a raise, he was the one who assaulted and knocked out the Pro-Se while he was handcuffed to a chair. [William Preston Marshall](#), AKA Preston Marshall, AKA Bill Marshall, AKA Baby Faced Finster, the ADA who is illegally prosecuting the Por-Se also keeps coming up with new names for himself, it appears he is trying to distance himself from his past criminal conduct, so we are going to cut him off at the past, we came up with some suggestions for him, that he may attempt to use in the future; Pres Marshall and Will Marshall, just to insure that his karma follows him wherever he may go.**

**In the Pro-Se case Marshall stated that the Pro-Se was not allowed to use any prior bad acts of law enforcement in his case. The Pro-Se wanted to bring up the fact that Schwabenbauer committed perjury and roughed up a citizen and he assaulted and knocked out the Pro-Se while he was handcuffed to a chair and also committed perjury in the Pro-Se's matter (and there is evidence to prove it). It must further be noted that it was [Marshall's](#) illegal conduct, that was ruled illegal by a judge is the cause of a [four million dollar lawsuit](#) against the county that we the taxpayers on the hook for. In the Pro-Se's case Marshall stated that the Pro-Se had no rights whatsoever.**

**The Pro-Se was also forced to see FIVE separate psychologists because ["Preston" Marshall claimed the Pro-Se did not understand the law and therefore could not defend himself.](#) Two of the "psychologists", who did not even appear to be board certified, hired by the county, claimed he was NOT competent to stand trial, and the three the Pro-Se had to pay for (one of which use to run a county community health services department, the place you go to for 'mental' issues) all stated the Pro-Se was**

more than capable. The Pro-Se did hire Matthew Albert and Mr Albert even said he was one of the most helpful and knowledgeable clients he had ever had. How [Marshall](#) is still employed by the county is beyond us. The Judge that was involved in the 4 million dollar lawsuit case left office before his first term was finished. Word has it he was ordered to step down.

**The hearing on keeping out Bush's prior misconduct lasted for about thirty minutes and Mr. Albert, the courageous lawyer from Buffalo for Bryce Stahlman, and the public defender for Brad Stahlman, managed to get the prior conduct of "Officer" Bush in.**

The beginning of the trial clearly established that both Bryce's mother and the car driver had been drinking. Evidence in the form of electronic communication showed that the car driver was going to a party around 1:00 PM that day, before he ended up picking up Bryce's mother later that evening. There is a bar video of them sitting together and leaving right before the bar closes. Further there are photos of the "mobile liquor store" which shows numerous one ounce liquor bottles all over the front seat. **As a matter of fact the defense had one of the officers who testified count the amount of liquor bottles shown in the pictures. He counted SEVENTEEN of them, yet what was mysteriously missing from the photo's was the pictures of the opened and empty bottles and cans.** Bryce and Brad both maintain that pictures are missing and we believe them.

**This was not the only issue concerning "Officer" Bush. The other was what happened to the blood sample of the car driver, who as the defense claimed, turned his car into a lethal weapon? The officer who placed all the blood samples in the evidence refrigerator testified that all three samples were placed by him the refrigerator yet only Brad's and Bryce's made it to the lab. Which theirs came back negative, no BAC, yet the car driver's did not. Now why would that be?** The Salamanca PD also let the car sit in the driveway of Bryce's mother's house for a couple of days before taking it to a secure location. That is scary. To leave such an important piece of evidence sitting in a publicly accessible area and not have secured it right away, there should be some discipline here, but most likely the individuals will get a promotion or raise, this is Cattaraugus County after all.

**We also learned the injuries sustained by Bryce Stahlman's mother and the pain and suffering she had to endure in order to get the proper treatment. This was the second most egregious issue we discovered. We will give you a simple rundown on what happened....**

Woman meets man, woman talks to man over a long period, woman discovers man has similar interests, woman accepts invitation for first night out to socialize, woman goes out and socializes with man, they go to bar, both have maybe too much to drink, man takes woman home, man becomes aggressive, way toooooo aggressive, woman leaves car and walks around car because the design of the landscape requires it, woman notices driver had left the vehicle and driver's car door blocks escape route for woman, woman is then molested by the car driver (we will just leave it at that, it got kind of verbally graphic) and by divine providence the woman's son and ex husband were driving by at the time and notice something was wrong. Car driver freaks out, jumps back into his car, throws his car in reverse with his door still opened striking woman so hard it shatters her arm in three places and lifts her off her feet throwing her down the driveway where she lands and she rolls down into the street. She also sustains upper back and neck injuries. The car then smashes into the Son's new truck and Ex-Husband and son exit the truck. Ex-Husband runs over to his former wife and drags her out of harm's way, and in the process he gets hit by the out of control car who is trying to escape. What happens next is still not clear. It appears that Bryce may have got into an altercation with the out of control driver who had just almost killed his mother and also injured his father. What would you have done? However what happened next is not in dispute. It was Bryce who called 911 and asked for help. This shows you the level of how criminally evil minded the District Attorney's Office is. One of the charges that both Bryce and Brad were hit with was deprived indifference to life, [assault in the first degree](#). Here is the [second cite because it appears that ypdcrimes.com may be blocking links](#) to their site coming from catcountycorruption.com. **This carries up**

**to a 25 year sentence.** Bryce called 911 for help, the ambulance showed up first, well that was according to one of the prosecutions witnesses, however other witnesses for the prosecution, mainly law enforcement, would state the opposite, that they were there first. In other words, the prosecution's witnesses are all over the place on what happened that morning.

The important thing to remember here is the term "deprived indifference". It is a state of mind that the prosecution must prove beyond any reasonable doubt. A person with "deprived indifference" would not be calling 911 for help and the police. **The Supreme court as well as the Court of Appeals in New York have always ruled unanimously that you can only have one state of mind when committing a criminal act. Here is the catch, both Brad and Bryce were charged with two other crimes by the Grand Jury;** (1) Reckless endangerment and (2) Intent to do bodily harm. Each one of these charges require a different state of mind, **so the DA is claiming that both victims of her conduct had three different states of mind when they were allegedly commit a single criminal act, that's impossible, they contradict each other.** In other words the Grand Jury should have never been asked to charge them with these three crimes, it should have only been one. It can't be all of them. [The Grand Juries in this county need to really understand what their rights and powers are.](#) This goes to show you how messed up the Grand Jury Proceeding was in this matter. This should have been thrown out, like the case in 2009 that led to the lawsuit in which the ADA handling that case in that matter was Lori Reiman. We wonder if that was brought up in the star chamber.

**Another outrageous act by the prosecution was calling Bryce's mother to the stand in order to impeach her credibility. This was the first time she was called and the defense had not had their time up to call theirs. She was the prosecutions witness and they tried to impeach her. The law is very clear on that issue, you are not allowed to impeach your own witnesses, only the opposition can do that on cross examination. But not in Cattaraugus County, where justice goes to die. It appeared to have backfire.** The prosecution attempted to use a statements in a deposition by Bryce's mother in order to impeach her. That opened the door for his mother to state how the deposition came about. It was through the conduct of "Officer" Bush, who happened to show up at Bryce's grandmothers house while Bryce's mother was there. See, after Bryce's mother was injured that early morning she had attempted numerous times to get the insurance information from the car driver who ran her over but the Salamanca Police Department would not give it to her. **She called numerous times, e-mailed and even hired a lawyer to get it, but the Salamanca Police Department refused to provide with it. It even got to the point that if she did not receive physical therapy and other treatment she would have been left with serious permanent health issues.** Bush told her that if she filled out the disposition she would finally provide the statement and she followed Bush's instructions on how to complete the statement "properly" in order to receive the treatment she so desperately needed. So nice of "Officer" Bush, isn't it?

This is what the Stahlman Family has been going through folks, and it's not just happening to them but a lot of other people too. The District Attorney's office are equal opportunity racists, they don't care, they just want conviction, conviction, conviction so they look good on paper, the law be damned.

**This gets us to the final outrageous act of the day. The missing blood sample.** Throughout this whole trial this has been another point of contention. The Officer who placed it in the evidence refrigerator stated at that it was "Officer" Bush's investigation from that point forward, yet it was not to be found, and guess what **happens? It mysteriously appears TWO AND HALF YEARS LATER in court.** Neither of officers "followed up" on the results of the car driver and both would blame each other for the failure. See how it works, this is a typical tactic that brings about confusion in an attempt to benefit the prosecution.

Then ADA Amber Kerling pulls the old blood sample out of the hat trick. **Please note that it was Amber Kerling, as well as Judge Poletz, that illegally moved the Pro-Se's trial from one location to another after the law would not allow it. The Pro-Se made that very clear to both of them which**

they ignored the law again, nothing new. This move occurred after the two judges recused themselves voluntarily from the Pro-Se case, which would have made a total of three judges voluntarily rescuing themselves from the case, which looks like a historical first in the State of New York. Karma's a bitch.

So Kerling pulls the blood sample out of the hat. Mr. Albert, the defense lawyer turns the tables on Kerling, he instantly recognizes it is Brandy Materiel, and declares it is as such. Brady Material is evidence that is mandated by law to be turned over right at the beginning and Mr. Albert moves for a mistrial, which was denied. Mr. Albert then goes on to state that it was two and a half years and that the Statute of Limitations for DWI charges had run out against the driver. It appeared he was getting slightly frustrated with what was going on. Can anyone blame him?

**At no time did the prosecution provide good hard "prima facie" evidence that the accused did what the prosecution claimed they did. The prosecution appeared to focus on one thing only, the injures of the car driver, not who or what caused it, but the injures themselves. This is a standard pattern and practice of the Cattaraugus County District Attorneys office and county court, to flood the minds of the jury with so much irrelevant information in order to invoke their sympathy in a attempt to find guilt. Where was the sympathy for Bryce's Mother? The People have as yet to prove their case. It should have been thrown out at the beginning, or at least on a motion before it is handed over to the jury. If a motion is made, how do you think Ploetz will rule?**

So what we have here folks is a man picks up a woman, the man may have been already drinking, they go to a bar and they both drink for some time, the man takes the woman home, they stay in the car for a while to talk and drink some more, the man gets aggressive, the woman exits the car and attempts to get in to the house, the man blocks the path to her house and starts groping her, the woman's family members show up, the man appears to have panic and attempts to flee the scene, and in doing so he seriously injures the woman to the point where she is hospitalized for her injuries, hitting her so hard he fractures her arm in three places and it appears the car door was also damaged because of this. The man runs into a family members new truck, hits another family member and a family member then calls 911. The car driver also ends up in the hospital with no charges and only the family members are charged with a crime. Is that adding up to you folks?

### **Cattaraugus County New York, Where Justice Goes to Die.**

This event exemplifies what is wrong with the county. Yes there are good public employees, however it appears to be corrupt right at the top, so these good employees most likely live in fear of doing what is right, i.e. standing up for the average everyday citizen. That can be easily seen in the Pro-Se's case, where three judges voluntary recused themselves from the matter. They did not dare go against the high level of corruption in the county. When you boil it right down, this is not a battle over race, color or creed, which is used by them to separated us and keep us fighting among ourselves, so we don't keep focused on the bigger picture, which is control. This is a battle between good and evil, and by their fruits yee shall know them, and it is pretty clear who are the evil ones in this matter.

**The trial is to recommence at, or around 1:30 PM on Monday, February 1<sup>st</sup>, 2016. See you all there, "ripped straight from the headlines"**

[1] See Steven Lubet, *Understanding Impeachment*, 15 AM. J. TRIAL ADvoc. 483, 485 (1992).

[2] WILLIAM P. RICHARDSON, *RICHARDSON ON EVIDENCE* § 501, at 486 (10th ed. 1973 & Supp. 1972-85).

[3] See Thomas Black, *Witnesses Commentary*, 30 Hous. L. REV. 673, 719 (1993).

## **Cat County Corruption**

~~Cattaraugus County, New York State Corruption & the Powers of the NYS Jury & Grand Jury System~~

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[4] See Lubet, *supra* note 1, at 530

[5] Barbara C. Salken, To Codify or Not to Codify-That is the Question: A Study of New York's Efforts to Enact an Evidence Code, 58 BROOK. L. REV. 641, 642 n.2 (1992).

[6] SAUL M. KASSIN & LAWRENCE S. WRIGHTSMAN, THE PSYCHOLOGY OF EVIDENCE AND TRIAL PROCEDURE 164(1985) Uviller, note 3, at 776.