

JUDGE, DA, ADA AND COURT CLERK in CATTARAUGUS COUNTY ASSASSINATE LADY JUSTICE

JUDGE, DA and COURT CLERK ASSASSINATE LADY JUSTICE

Cattaraugus County has the most corrupt county court in the state of New York. In one case that occurred in 2017 one of the jurors was dead since 2010 and 50% of the jury were local government employees and another 16% were related to them, or had a predisposed bias. The judge would even appoint a county employee the jury foreperson over the case in which a victim of the corruption was set up on a bogus charge and almost murdered in the process. You haven't seen a rigged jury until you sit in on a trial in Cattaraugus County New York.... Judge Claims it's a Conspiracy and he doesn't swear in the jury! This is all on the certified public record folks, and then some....



The victim's car was boxed in, in violation of police policy by a Police Officer and the Officer pulled his gun on the victim as soon as he exited his patrol car and shot at the victim blowing out his window about thirty seconds later. The jury knew all of this...



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Cattaraugus County Chief Court Clerk Rigs Jury in Kochan case. **ONE JUROR DEAD SINCE 2010. 50% of the jury were local government employees**, and another 16% were related to them, or had a predisposed bias. The 'judge' even appointed a county employee the jury foreperson who lives in the small town of Portville New York, the same location of the Assistant District Attorney is from to ensure guilty verdict. **You haven't seen a rigged jury until you sit in on a trial in Cattaraugus County New York....** Judge Claims it's a Conspiracy and he doesn't swear in the jury! This is all on the certified public record folks, and then some....

“Judges will not shut their minds to truths that all persons can understand”

D.C.Pa. 1949 Porter v. Sunshine Packing Corp of Pa., 81 F. Supp 566, 24 Pa D 2d-383.

In the ongoing quagmire of corruption that permeates Cattaraugus County New York where every facet of the criminal justice system is so corrupt even the blind and deaf can see it, unless they refuse to because they can't handle it, a victim of the corruption in Cattaraugus County, victimized because he is shining a light on it, was found guilty of eight of ten charges on June 8, 2017 that he was [indicted in May of 2016](#) when District Attorney [illegally brought the traffic violations to a Grand Jury](#). One of the charges the victim [was never charged with](#). May God have mercy on their Souls.

Nine of the ten charges (called counts on indictments) were traffic violations and the tenth charge, one misdemeanor, was for “Obstruction of Governmental Administration” for not stopping where the cops wanted him to stop and not unlocking the door and opening it within 30 seconds with handguns pointed at him and his hands in the air. The victim was never charged with Obstruction that evening. That charge would be fabricated months later after [Rieman](#) and [Ensell](#) realized they didn't have a case. What was

another shocking event is when the Jury fore person read the verdict the victim could barely hear he and when he protested that he could not hear her he was ignored. 'ADA' Elizabeth Ensell would claim that because it happened on a 1.7 mile stretch of road it needed to go to the county court and not a local town court.

The victim's car was boxed in, in violation of police policy by Ellicottville "Police Officer" Cori Kowalski and Kowalski pulled his gun on the victim as soon as he exited his patrol car and [shot at the victim blowing out his window](#) about thirty seconds later because the victim, with his hands in the air and not hearing what Kowalski was saying could not open the door fast enough. ADA Elizabeth Ensell would then seize the victim's car and not allow it to be released for close to a week, just enough to cover up the damage done by the gun.

Further Kowalski would admit that he had made eye contact with his victim so he had completed all of the procedural requirements to stop his pursuit and fall back which he did not do and instead violated departmental policy and then illegally proceeded to block in Mr. Kochan's car.

Thirty seconds after that the victim was pulled from the car, thrown to the ground, knocked out and stomped upon by Ellicottville, Salamanca, Franklinville and Hamburg Police Officer Cori Kowalski (yes that's right, he is employed at four different locations and Kowalski testified at court he did not know what jurisdiction was).

The victim was transported to the Olean General Hospital where they assisted in the cover up claiming Mr. Kochan walked in and had no head injuries, that his "auditory canals" were clear. The [youtube video](#) clearly shows otherwise.

This was all let into evidence and Mr. Kochan was still found guilty of the obstruction charge for not opening his window fast enough. Gone in 60 seconds.... And did didn't stop there...

To add to the pain and suffering into the mix "someone" (we know who they are) in Olean area would call into ECMC and cancel his follow up appointments with real specialist and it would take close to a year to actually get into see a specialist well after the strokes he had suffered from.

Back to the trial...according to legal doctrine government employees who are jury members can be fair and unbiased in their deliberation process concerning criminal matter that involves the police who are also government employees, in this case the Town of Ellicottville and the County of Cattaraugus, however in the Kochan Matter "ADA" Elizabeth Ensell provided absolute proof that she knew they are biased and indeed favorable to the local government, the very entity they depend on for their very survival. During the jury selection process Ensell used one of her preemptory privileges to remove a juror from the trial. It's not the fact that she used a preemptory, but who she used it on.

Preemptory challenges are for removing a potential juror for no reason at all unlike challenges for cause such as potential juror Peggy Root. However with preemptory removal you are limited in the amount you are allowed to eliminate, in this case each side only had only ten. Two jurors played a critical role in proving once and for all that the doctrine that local government employees can remain neutral at a jury trial is a complete lie. One of the Jurors, from the Hinsdale area and a retired employee of the county had her house broken into and the perpetrator was never caught. Another juror had the same thing happen to him, however he was a private citizen. Ensell exercised a Preemptory challenge on the private citizen but not

the retired local government employee. Ensell is well aware that local public employees are biased in favor of the government and her removal of the private citizen using a peremptory challenge proves it. Further the retired public employee she did not remove would lie during [voir dire \(jury selection\)](#). Have you ever noticed how there is a over abundance of government employees that get picked for jury duty all the time and normal average everyday folks who have lived here there whole life don't?

As an example of just how corrupt the jury selection process is in Cattaraugus County and most likely Western New York because of [Andrew Isenberg](#), potential Juror Peggy Root, who was on the first panel and the second person to speak lied in the presence of the whole jury pool to purposely taint the other members of the pool when Ensell craft fully brought up the name of the website hen she should have just limited it to **“have you read anything about the corruption occurring in the county?”** Root immediately spoke up and claimed CatCountyCorruption slandered her husband who is a sergeant at the Cattaraugus County Sheriff's Department.

No one at CatCountyCorruption had ever heard of her husband, or her for that matter, before the trial and no article had ever been published with the Root name anywhere, until now. She would also claim that CatCountyCorruption people would follow public employees around, another lie by her. However it is strange how public employees don't like to get followed around but it okay for cops to follow a private citizen around and [harass them all of the time](#).

The most damning and revealing aspect statement of Root was; ***"I don't always look at it all of the time -- it was the Cattaraugus County Corruption website that I had seen. Like I said, it's been a long time since I even looked at it,..."*** (Page 55 Line 20). In one breath Root is claiming that she looks at it frequently, then she claims she had not looked it in a long time. Based on the fact she claims she doesn't ***"always look at it"***, which would imply daily, then goes on to state ***"...it's been a long time since I even looked at it,..."*** So, it appears that she had looked at it for maybe a week or two.

But did it really matter? **50% of the jury were local government employees**, and another 16% were related to them, or had a predisposed bias. Like we said from the beginning it was a no win situation no matter what Mr. Kochan and now we have prima facie proof of it. They needed a conviction and they broke every law in the book to get it. Everything the founding fathers fought and died for is thrown out the window as soon as you enter Cattaraugus County New York.

[Peggy Root also works for the Village of Little Valley](#), and is good friends with one of the potential witnesses at the Kochan trial and she is also good friends with District Attorney Lori Rieman. [Susan Koch, destroyer of critical evidence in the case](#) also works for the [Village of Little Valley as the Registrar](#) and at the [Town of Little Valley as the clerk](#). She is the mother of [Jillian Koch, the Town of Little Valley Court Clerk](#) and Jillian also works for at the County Court Clerks Office under Verna Dry and Jane St John. Verna is related to [Little Valley Town Justice Joseph Dry](#). Jillian illegally edited out of the audio transcript of the assault upon the victim by Assistant District Attorney William Preston Marshall's wife Bridget Marshall, herself an attorney. You can't make this stuff up... That's how deep the corruption goes in Cattaraugus County. It multi-generational.

For those unfamiliar with the proper jury selection process, here is how it is supposed to work. As you will see this is not the case in Cattaraugus County New York; A pool of potential citizens for jurors are selection from various records, including tax records, voter registration, etc... The pool can be anywhere from 70 to 100 people. In legal terms it is called a “cross section” of citizens. In Cattaraugus County there are about 60,000 people to choose from and about 13% are government employees, so that means out of 12 people 2 should be government employees. The pool is divided into smaller groups called panels of fourteen. Each panel is then questioned then individuals in the panel are selected or remove for a

various reasons.

Because of the importance of preventing undue influence on a jury, jury tampering is a serious crime, whether attempted through bribery or control and rigging of the jury selection process, or deliberations themselves. Jurors themselves can also be held liable if they deliberately compromise their impartiality. As early as 1933, Justice Benjamin Cardozo, writing for a unanimous Supreme Court, declared that a juror who lies his way into the jury room is not a juror at all. *"If the answers to the questions are willfully evasive or knowingly untrue, the talesman, when accepted, is a juror in name only."* Cardozo continued, *"His relation to the court and to the parties is tainted in its origin; it is a mere pretense and sham."*

In the Kochan matter a overabundant number of jurors who were local government employees who compromised the mode of proceeding thereby making the trial a sham and a joke of the State, in not the nation and world.

On top of the us getting the Root of that issue, you had another juror [who has been dead since 2010](#), who if he is not dead and the background report was incorrect he is alive, then he failed and/or refused to tell the parties during jury selection that he was a publicly elected official in Cattaraugus County. This juror, who made it to the trial jury is [Richard Westfall of Farmersville](#). We will not be naming the jurors who were private citizens, they deserve their privacy because they are the only real taxpayers. Other than that we will only be naming the ones who are, or were public employees because of the rigging that occurred to ensure Rieman got her illegal verdict based on [Rieman](#), [Ensell's](#) and [Ploetz's](#) criminal conduct. These three fully understand that they are immune from prosecution through both [judicial immunity](#) and [prosecutorial immunity](#) and these use it as a weapon to violated their oaths of office and the rights of Defendants, whether they be guilty or not.

As an example that Prosecutors can lie and violated any and all of your rights and you can't do anything about it. When you are dealing with an ethical prosecutor that's alright because they don't lie and rob you of your rights. But when you are dealing with an unethical ones, such as the ones found in the Cattaraugus County District Attorney's Office they will use every crime in the book to destroy your life and take everything you hold dear. The case cited below is [Norton vs Town of Brookhaven \(47 F.Supp.3d 152 \(2014\)\)](#), from right here in New York and it lays it out perfectly; In [Pinaud v. County of Suffolk, 52 F.3d 1139](#), 1148 (2d Cir. 1995), the Second Circuit granted absolute immunity to prosecutors who allegedly violated the plaintiff's rights under the Fourth, Fifth, Sixth and Eighth Amendments by: seeking improperly to increase the plaintiff's bail; making false representations to prompt a plea agreement, and then breaching that agreement; manufacturing a bail jumping charge; making misrepresentations to the Bureau of Prisons; and unnecessarily transferring the plaintiff from county to state jail. 52 F.3d at 1149. ***These alleged acts, while "unethical, deviant, and violative of the plaintiffs' constitutional rights, were 'components of the initiation and presentation of a prosecution, and therefore . . . protected by absolute immunity.'***" Phillips, 81 F.3d at 1213 (citing Pinaud). ***"In short, absolute immunity insulates prosecutorial misconduct — however outrageous — so long as the misconduct is prosecutorial."*** Phillips, 81 F.3d at 1213.

Mr. Kochan has filed a Motion to Appoint a Special Prosecutor due to the misconduct of Rieman and Ensell;

- [Click for a certified copy of the Motion to Renew for Special Prosecutor](#)
- [Click for a certified copy of the Exhibits for Motion for Special Prosecutor](#)

Back to Mr. Westfall, he was Juror number six and has supposedly been dead since 2010. We now believe Westfall is not dead and he is an [elected official in Farmersville New York](#).

That being the case Judge Ploetz made it very clear in the jury instructions that; **“Under our system, it's members of the community and not a government official that decides whether a person accused of a crime by the government is guilty or not guilty.”**

So if he is actually alive then he was not allowed on the jury... and Ploetz's admitted to that... that's not the only thing that made this criminal stand out...

Westfall would also be the one making it appear as if he was paying close attention to the process and looking very impartial, however he would also be the one to push for the charges to be deliberated backwards, so the most serious charge, the bogus obstruction of justice would be the last one left after the jury had deliberated strenuously on the nine other charges. So how does a person who has never served on a criminal jury before understand the process to the extent to come up with a question like that? By leaving the most serious charge last it was a perfect way to create a stressful, worn out environment to manipulate the jury in an already delayed and drawn out trial who just wanted it over so they could call it quits and go home for good.



Another juror who had just as many connections to the county government was allowed to sit on the jury. Ploetz could have recused her but failed to do so and Ensell, based on the fact that she too removed for cause Root (Ensell needed to make it appear that she was being fair and unbiased). Root accomplished her task so she was no longer needed anyways.

Ensell, by having Root removed for cause, set her standard by which she should have removed any other potential juror that exhibited the same profile which she did indeed do with one more individual. However another juror, herself a public employee who also has a son who works at the sheriff's department and also lives in Portville NY would not get any attention from anyone and she would be seated as a trial juror.

Imagine the odds of that, two sitting jurors were from Portville, the same location of the embedded [Ensell family](#). We will not be providing her full name because it appears that she was truthful in the selection process and it was the responsibility of Ensell and/or Ploetz to remove her.

We have included the transcripts transcripts of the trial (which cost close to \$2000.00) for the public to review if they wish. For the specific areas that maybe of interest is;

- [May 31, 2017](#) – Jury Selection and Rieman lying about Mr. Kochan of having multiple lawsuit against the county, starts on page 204
- [June 1, 2017](#) - Testimony from cops
- [June 7, 2017](#) – Missing location of jury instruction decisions and assault by Schwabenbauer statement, starts on page and starting on page 144 and ending on page 158

- [June 8, 2017](#) – Separating the statements of one juror into multiple statements to make it appear as if the statements came from separate jurors. It was juror number 4 who appeared to be running the show and not the jury for person. Starts on page 49

Not only that, Verna Dry, the Commissioner of Jurors, who is also the County Court Clerk, who created the jury pool from which the jurors were chosen, is mandated to use numerous source to compile the pool of prospective jurors ([JL § 506](#)) and they must be randomly selected ([JL § 507](#)). **Juror questionnaires also ask for employment of a perspective juror.**

The demographic/employment profile of Cattaraugus County is as follows;

- Total Population: [77,677 according to the US census](#)
- Total Government Employees in Cattaraugus County: 10,100 or 13.00% of the population of Cattaraugus County according to the [New York State Department of Labor Statistics](#). Based on these numbers the total amount of jurors that should have been on the jury should have been TWO, not six
- Total number of individuals 18 years or older in Cattaraugus County: 60,045 [according to the US census](#)
- Demographic/employment profile of trial jury ([31MAY17 transcript in general](#)) including two alternates;
 - Present or retired municipal corporation public employee comprised of six individuals (50%) on the jury;
 - Present or retired corporation public employed employee with direct or indirect interests was 1 (8%) on the jury (Family member employed, or friend of individuals employed, or works in private industry with direct ties to local governmental agencies);
 - Potential predisposed biased 1 (8%) on the jury due to job requirements;
 - Private: 4 (33%) on the jury.

So in all 50% (on the safe side) were public employees, either presently employed or retired, which is about FIVE times the amount that should have been on the Jury thereby depriving Mr. Kochan of an impartial Jury by not providing the proper cross section.

However the panels were worse. In this case it was broken into 4 panels of 14 jurors each. The parties (People and Defense) were given 10 preemptory's, which allows for the parties to dismiss a juror for no reason. The profile of the first two panels was as follows;

Panel 1:

- Present Public Employees: 64%
- Retired Public Employees: 14%
- Personally Know District Attorney and/or law enforcement and/or related to one or more: 7%

In all 85% of panel 1 of the potential jurors had a potential favorable bias towards other employees of municipal corporations, i.e. the People. This type of biased can easily be seen in social media where employees or relatives of municipal corporation and/or private business that own their livelihood through government regulations, such as insurance companies, support and defend the actions of other municipal corporation employees. This was easily seen when an article from CatCountyCorruption.com concerning 'ADA' Elizabeth Ensell's vehicular assault on a handicapped pedestrian in the city of Olean was posted to the [facebook Olean area traffic and community safety alliance](#).

Panel 2:

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- Present Public Employees: 50%
- Personally Know District Attorney and/or law enforcement and/or related to one or more: 29%

In all 79% of panel 2 of the potential jurors had a potential favorable bias towards other employees of municipal corporation.

The Juror who was appointed by Ploetz, who also lives in Portville New York also has deep historical ties to the area. [John Ensell, Elizabeth Ensell's father lives in Portville](#). I'm sure you are getting the picture. Like we said, it was rigged from the beginning and it proves just how corrupt the court system is in Cattaraugus County.

This are just some of the many examples just how rigged the proceeding was against Mr. Kochan.

The trial began on May 31, 2017 and ended on June 8, 2017 for one misdemeanor and nine traffic violations. It was delayed about one week because Mr. Kochan's lawyer ran into some problems which should have resulted in a mistrial by Ploetz which he did not do but failed to do so. The circumstances that caused the delay appears to be another first for the history books in New York State.

On to the [kangaroo court](#) trial....

Ensell in her opening statement would push would push "driver responsibility" as the main theme. She herself should be sitting in jail right now for hitting a [pedestrian in a clearly marked cross walk](#) in the city of Olean, New York. The pedestrian she ran into appears to be a sufferer of [cerebral palsy](#) and was hospitalized after Ensell struck her and the Olean Police Department covered it up. [Yes that's right in Cattaraugus County of you're a corrupt public employee who works for the corrupt district attorney's office and you hit a handicapped person in a clearly marked cross walk and hospitalize them the Olean Police Department will cover it up for you](#). It was clear that Ensell was not paying attention to her driving that morning as a witnesses statement clearly showed she was looking down when she struck the pedestrian unlike the Newspaper who said she was looking to the right. what are most people doing when they are looking down, why like texting? Which the Olean Police Department refused to press charges.

Rieman would sit as second chair to assist Ensell. At the end of the May 31, 2017, after the jury had been chosen and dismissed for the day Rieman in an emotional and outrageous outburst would claim that Mr. Kochan had multiple lawsuits against the county.

"And I also don't think that that makes the defendant suing the county on multiple cases, if they're attacking our bias -- I'm in here because this is her first trial in County Court, but yes, the defendant has filed numerous lawsuits that certainly had nothing to do with him being charged but have a lot to do with us paying attention to what's going on in the courtroom because it's an issue of county liability,"

Mr. Kochan only has one lawsuit against the officers involved in the illegal arrest which the Department of Motor Vehicles upheld Mr. Kochan's Pro-Se Appeal the subsequent re-hearing on the matter. Numerous other people have lawsuits against the county, anyone can discover that thought research and most of it relates back to the county not doing its job on holding corrupt employees accountable for their conduct, like [Jillian Koch](#) and [Bryan H Schwabenbauer](#). This was another false statement before a tribunal by District Attorney Lori Rieman in violation of her [code of conduct 3.3 \(a\) 1](#) and therefore [JL § 487](#). "A lawyer shall not knowingly: make a false statement of fact or law to a tribunal..." . A trial by jury is a tribunal [[People v. Adames 83 N.Y.2d 89 \(1993\)](#), [629 N.E.2d 391](#), [607 N.Y.S.2d 919](#); [People v. Catten 69 N.Y.2d](#)

[547.553](#) (N.Y. 1987)].

At the opening statement part of the proceedings Ensell would object to Mr. Kochan's attorney opening statements and Ploetz would sustain them. The transcript we are showing concerning this objection was because Ensell claimed Mr. Kochan's Attorney was bringing up a challenge to jurisdiction. The law is very clear on the subject, challenges to jurisdiction can be made at anytime, which wasn't what Mr. Kochan's Attorney was saying. "[w]ant of jurisdiction is a basic defect, it may be raised at any time and can never be waived." [People v. Nicometi, at 431, 240 N.Y.S.2d 589, 191 N.E.2d 79](#), see also [People v Hohmeyer, 70 NY2d 41](#), 43 (1987); [People v Peacock, 68 NY2d 675](#) (1986); [People v Alejandro, 70 NY2d 133](#) (1987). Opening statements introduce the jurors to the parties' competing theories of the case and focused on the key facts that will presented. *People v. Kurtz*, 414 N.E.2d 699 (N.Y. 1980). In the Kochan matter Ensell made numerous objections to Mr. Kochan's attorney's opening statements, which is a rarity as you can see by the transcript example.

Ensell in her closing argument/summation created a power-point visual presentation that was displayed on the large screen TV for the jury to view to hit all of their senses hard where she would lie some more. Ensell would also falsely claim that Mr. Kochan gave evasive answers to questions can be inferred as the intent to obstruct government administration, however as the record showed, the alleged "evasive answers" only occurred after the alleged obstruction conduct occurred and there is no provision in law for a Ensell to make that claim, further "*It is well established that a person has no obligation to cooperate with police efforts to investigate suspected criminal activity [alleged or otherwise]*" [[People v Brown 46 Misc 3d 1212\(A\)](#)]. However Mr. Kochan was not giving "evasive answers", he was giving intelligent answers that did not provided Kowalski any ability to interpret them as providing evidence.

Ensell would also in another slide that Mr. Kochan made a statement "*I've been through this before*" during his testimony, which does not appear anywhere on the transcripts and does appear to relate back to the 2014 false statements by 'Police Officer' Matthew Albanese who was proven in the NYDMV of not telling the truth.

In her presentation for the Obstruction of Government administration (OGA) charge Ensell failed and/or refused to cite the complete charge leading any reasonable person to believe that a individual is guilty of OGA "*by means of interference*" only, however as the case law clearly states the statue clearly reads "by physical force and interference"

"If it be "interference", then it must be physical interference, as "physical" modifies "interference" in the statute. The word "interference" is not cast in isolation, it is part of the phrase "physical force or interference", a phrase separated from the rest of the sentence by comma punctuation. The disjunctive "or" in said phrase joins "force" and "interference" and is distinct from the "or" following the word "interference", which latter disjunctive is placed before the last in the series of the obstructive means. It simply makes no sense to read "interference" in solitary, apart from its modifier "physical", for by so doing the reader must of necessity disregard the punctuated structure of the statute." [People v. Case 42 N.Y.2d 98 \(1977\)](#)

In other words it must be interference brought on by physical force which clearly did not happen in this matter. What was even more appalling and proof Judge Ploetz was in on it was Ensell's own papers and the cite she used for justifying the Obstruction of Governmental Administration. See cites the [Matter of Davan L., 689 N.E.2d 909 \(NY 1997\)](#). The case clearly points out that the individual had intent to interfere with the police. Intent is one of the elements of the Obstruction charge. The individual charged was on a bike, was circling around the area where there was police presence for undercover narcotics "buy operation" drug activity and the individual starting yelling out "*cops, cops * * * watch out, Five-0, police are*

coming." In this matter Mr. Kochan only wanted to get to a safe location, he had no intent to interfere in any manner what so ever and this was because of his distrust of the police in the area from the beating by Deputy [Bryan H Schwabenbauer](#) and the criminal conduct of District Attorney's Office. This is part of what was going through his mind and caused him to proceed under the speed limit to a safe location before he pulled over, which Kowalski in violation of Ellicottville Departmental procedure did not allow him to do. Part of the policy is to back off once they make visual contact with the driver which Kowalski admitted to.

Ensell would also state to the jury on June 7, 2017 **"...Judge, I think I want to ask if we can approach real quick just because of the way inconsistent statements work."** Here Ensell implied that what she was about to provide to the Jury was an example using the Defendant's testimony and article ([click here for the actual article she attempted to used](#)) to show them a perfect example of what inconsistent statements are, however Ensell failed in the attempt and refused to enter the article into evidence, however the jury not being knowledgeable of the ploy she just committed did not catch her criminal conduct in the matter. PIC evidence-sheet On top of that she even admitted during jury instruction deliberations that no inconsistent statements were made. Also it must be noted that the exhibit entry sheet for the trial, for the defense does not describe the exhibits entered for the defense, unlike the type written ones for the People. This will allow the court clerks to alter the exhibits for the defense, which [they have been caught fabricating or altering evidence in the public record on multiple occasions.](#)

On to Ploetz...

In Ploetz's March 22, 2017 Decision and Order Ploetz would directly contradict himself by stating for the record that *"Defendant was not under arrest or in custody..."* at the scene on page two of his order concerning Mr. Kochan's alleged statements, yet in the same order on page seven Ploetz would claim Mr. Kochan was arrested at the scene *"because the chemical test taken three hours after defendants arrest..."*

A contradiction is considered perjury [[People v Lillis 3 A.D.2d 44 \(N.Y. App. Div. 1956\)](#)]. Further if Mr. Kochan's alleged arrest occurred at 2:44 AM as the Bill of Particulars clearly shows and blood draw was at 5:30 AM according to Ploetz, Mr. Kochan was arrested at 2:30 AM before the incident occurred, which is impossible. But this is Cattaraugus County after all.

Ploetz even failed to swear in the Jury. Nowhere in the record does it show that Ploetz swore in the jury individually as shown in the [New York Petit Jury Handbook page 13](#) Said Petit Jury Handbook is signed by the New York State Chief Judge Janet DiFiore.

Ploetz would also allow Kowalski to testify as an expert witness over the objections of Mr. Kochan's Attorney allowed Kowalski to testify on reverse extrapolation Kowalski admitted he was not an expert witness in the subject [07JUN117 transcript, page 98, line 18] and further Kowalski's allegation that the body metabolizes alcohol at a .02% rate per hour was not accurate. Studies show it varies widely on a number of factors. Further witnesses are limited to testifying on the facts, which his testimony on his theoretical BAC metabolizes rate was not. *"... testimony is equivalent to an opinion that the defendant is guilty, and the receipt of such testimony may not be condoned"* [[People v Williams, 6 NY2d 18, 23 \[1959\]](#); [People v Higgins, 5 NY2d 607, 627-628 \[1959\]](#); [People v Gradon, 43 AD2d 842 \[2d Dept 1984\]](#)]. [People v Ciaccio, 47 NY2d 431, 439 \[1979\]](#)].

This limitation is also found in the [New York State Unified Court System Jury Instructions](#) **"witness is limited to testifying about facts and is not permitted to give an opinion."** **"The line is crossed not when a witness relates facts that may be prejudicial, but when he or she conveys-either directly or**

indirectly-a personal opinion regarding the defendant's criminal guilt (citations omitted).... What was impermissible about the testimony was that its sole purpose was to bolster the testimony of another witness by explaining that his version of the events was more "believable" (citation omitted). It was thus the equivalent of an opinion that the defendant was guilty, which is impermissible." [[People v Kozlowski, 11 NY3d 223](#), 240 [2008]], Still further the court admitted when discussing the closing instructions in the Law Clerks Office that no expert witness was called at the trial [07JUN117 transcript, page 106, line 20] and thereby precluded the jury instructions on it. This also allowed for Mr. Kochan to be placed on trial for a something he was not charged with on the indictment. The Mr. Kochan can only be tried for 'crimes', *i.e. counts*, found in the indictment. In [People v Dawson 79 AD3d 1610](#) "**the 'right of an accused to be tried and convicted of only those crimes and upon only those theories charged in the indictment is fundamental and nonwaivable'**" ([People v Burnett, 306 AD2d 947](#), 948 [2003], quoting *People v Rubin*, 101 AD2d 71, 77 [1984], lv denied 63 NY2d 711 [1984]; see *People v Greaves*, 1 AD3d 979, 980 [2003]).

Only testimony from qualified experts maybe admitted on reverse extrapolation;

"We reach a similar conclusion with respect to defendant's generalized challenge to the theory of reverse extrapolation—the process by which an expert, taking into consideration, [1169] among other things, an individual's known BAC at a particular point in time, renders an opinion as to the individual's BAC at an earlier point in time. Assuming the expert in question is qualified and a proper foundation has been laid for such opinion, reverse extrapolation testimony may be admitted (see e.g. [People v Dombrowski-Bove, 300 AD2d 1122](#), 1123, 753 NYS2d 259 [2002]; [People v O'Connor, 290 AD2d 519](#), 520, 738 NYS2d 55 [2002], lv denied 97 NY2d 758, 769 NE2d 365, 742 NYS2d 619 [2002]; *People v Cross*, 273 AD2d 702, 703, 711 NYS2d 533 [2000]; [People v MacDonald, 227 AD2d 672](#), 674-675, 641 NYS2d 749 [1996], affd 89 NY2d 908, 675 NE2d 1219, 653 NYS2d 267 [1996]). It is simple to see Ensell did not lay the proper foundation to admit Kowalski's testimony and she, Kowalski and the court admitted it, therefore Mr. Kochan's Attorney's objection in this regard should have been sustained [[People v Menegan, 107 A.D.3d 1166](#)]

Even if Kowalski was a qualified expert the People are required to lay a factual foundation for an expert's reverse extrapolation opinion, which they did not do;

"The record reflects some dispute as to the precise information that Holland needed in order to accurately perform this calculation—with the parties debating the extent to which defendant's extrapolated BAC was or could have been affected by her height/weight, past drinking practices/experience, the type of alcohol/number of drinks she consumed, the amount/type of food, if any, present in her stomach while she was drinking and the time at which she started/stopped drinking on the night in question. We need not decide, however, which of the cited variables Holland should have taken into consideration in performing his analysis. Rather, it is sufficient for purposes of this appeal that the People failed to lay an adequate factual foundation for the variables upon which Holland did rely." [[People v Menegan, 107 A.D.3d 1166](#)]. Further forensic BAC results from two separate point in time are also required [[People v. Elysee, 12 N.Y.3d 100](#)], which did not occur in this matter.

As we had stated in a previous article the blood test results were rigged also and we have proof of that. [Click here for that article.](#)

But Ploetz didn't stop there... he even used the term 'conspiracy theory' in front of the jury when describing Mr. Kochan's Attorney's summation. Ensell is allowed to use article from [CatCountyCorruption.com](#) but Mr. Kochan isn't. That's how it works in Cattaraugus County.

On one hand Ensell is allowed to use the article that described the events of that evening to make it falsely appear that Mr. Kochan was giving inconsistent statements, but on the other hand Ploetz is saying it is 'conspiracy theory' and as such should not be considered. [Click here to read the article](#) with comments on the section Ensell attempted to use to make it appear as if Mr. Kochan was giving inconsistent statements.

I'm sure that term went over well with the local government employee jury members. It was meant to inflame the emotions of the jury by Ploetz when he described CatCountyCorruption.com. This nation was founded by "conspiracy" theorists on a "conspiracy theory" and proof of this is engrained in The Declaration of Independence, which recites a number of conspiracies, one of which is as follows: ***"When a long train of abuses and usurpations, pursuing invariably the same object evinces a design to reduce them under absolute Despotism ..."*** The term "conspiracy theory" was coined by government employees in the 1960's to discredit critical thinkers who questioned the official government narrative concerning events that were at the top of the minds for most Americans, like the Kennedy assassination, quote from the book; *"The CIA's campaign to popularize the term 'conspiracy theory' and make conspiracy belief a target of ridicule and hostility must be credited, unfortunately, with being one of the most successful propaganda initiatives of all time."* [Conspiracy Theory in America, [political scientist Lance deHaven-Smith](#), University of Texas Press 2013].

Ploetz's statement was highly prejudicial and inflammatory to Mr. Kochan especially in the fact that over 50% of the jury were present or retired government employees and/or related or had relationships to one or more and depend on it for their and their families' very survival.

If it was 'conspiracy theory' as Ploetz claimed why did his personal secretary, one Mary Reynolds, District Attorney Lori Reiman and Clerk Secretary Jillian Koch file fraudulent complaints with the CatCountyCorruption.com hosting service which led to the shutdown the Thursday before Mr. Kochan's alleged arraignment the following Monday on the bogus indictment. [Click here to read the article concerning that event.](#) This set a chilling precedent for all American's first amendment rights [Norton v. Town of Brookhaven 33 F.Supp.3d 215 (2014); 47 F. Supp. 3d 152]. Rieman, Koch and Reynolds were required to send a copy of their drivers license to the hosting service to verify their identity. This alone is proof of an existence of a conspiracy to deprive Defendant of his First Amendment Rights and is shocking to the conscience that a sitting judge's personal Secretary and a District Attorney would engage in such conduct.

This is further proof that CatCountyCorruption.com is not a site based on 'conspiracy' but actual facts that cannot be repudiated by the so name public employees and they had to resort to unlawful and illegal means in violation of their oaths of office to deprive Defendant of 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 [\[The People of the State of New York, Respondent, v. Maurice E. Connolly and Frederick Seely, Appellants 253 N.Y. 330; 171 N.E. 393; 1930 citing People v. Miles, 123 App. Div. 862, 875; affd., 192 N. Y. 541\]](#).

...and if conspiracies were all lies and did not exist then why do all fifty states and the US government have laws on the books concerning conspiracies?

The court transcripts are even tampered with. In any trial when you receive a transcript you have fifteen days to file an amendment stating the things that are incorrect in the transcript. In the Kochan case the stenographer conveniently left out the discussion that occurred in law clerk Ann Widger's office concerning the re-writing of the jury instructions. The transcript made it appear that it occurred in the court room that is open to the public. The honest jury members will remember the parties walking into the law

clerks room because the jury room's door was open at the time. Also not appearing on the transcript was law clerk Jennifer Ann Widger's statements that she did not like re-writing the instructions, which was done in order to confuse the jury and ensure a guilty verdict on the misdemeanor charge of Obstruction.

Another important statements that were also left out is when Mr. Kochan described how he was handcuffed to a chair and beating up by [Deputy Bryan S Schwabenbauer](#), which his name was removed from the transcript. And still another was when Juror number four, one Andrew Pihlblad another a local government employee who is also a coach which in juries you don't want because of leadership skills. These types have the skills to take control jury, which is exactly what Pihlblad did later in the trial when he basically took over as jury foreman and told the court that the jury did not want to view the body cam which they did state in a note to the judge they wanted to review it. That video if pointed out correctly through commentary, which your allowed by law to do, but Mr. Kochan was not, would have proved that the stereo was playing from Mr. Kochan's car which would have confirmed his version of the events that he could not hear what Kowalski was saying because of the music. Mr. Kochan only wanted to make it to a safe location and did not have time to turn off the stereo because of the guns drawn on him.

Ploetz has also claimed Mr. Kochan is no longer allowed to represent himself, he must have an Attorney even though he has done just fine on his own. The last example was when he won a NY DMV refusal appeal and then went on to win the re hearing on the matter. Research the subject for yourself, it's difficult for even seasoned attorney's. Mr. Kochan has filed a Motion to Renew the Removal of Ploetz;

- [Certified Copy of Motion to Renew](#)
- [Certified Copy of Exhibits for Motion](#)

Mr. Kochan has also filed a CPL 330.30 to set aside the verdict based on a number of factors that occurred during the trial due to misconduct and/or outright incompetence of the criminals masquerading as public employees.

- [Certified Copy of CPL 330.30 Motion](#)
- [Certified Copy of Exhibits PART 1](#)
- [Certified Copy of Exhibits PART 2](#)

Since his sentencing is on August 21, 2017 that would mean that he is allowed the copy on Friday, however according to Verna Dry he is only allowed to visit the County Court Clerks Office on Tuesdays and Thursdays so he won't be allowed to pick it up even if it was available even is the probation department would have completed it by Friday. More violations of Mr. Kochan's due process rights, which is the standard pattern and practice of the deep state elements in Cattaraugus County. Mr. Kochan would not be visiting so much if the [court clerks were not fabricating evidence and/or altering it constantly](#), which is a twenty year prison sentence. Mr. Kochan has filed a Motion to adjourn until he has the time to review the PSI report. [Click here to view the the Motion.](#)

Does it even matter? Ploetz is going to arbitrarily and capriciously deny all of Mr. Kochan's pleadings [[Matter of Rossakis v New York State Bd. of Parole 2016 NY Slip Op 07415](#)], just like he has done on many occasions in the past, and sentence Kochan to at least 90 days to ensure he will not be able to perfect his appeal and he may have an 'accident' while in jail by sadistic Correction Officers or their rats, or they will make it appear that he [committed suicide, just like the three suicides that occurred in 2014 within a time span of 6 months](#) that were not investigated, or will they put him on probation? Will they force him on medications? Will they create a false flag event and trace it back to him so they can murder him in what appears a justifiable manner, or will they engage in their normal pattern and practice where they violate someone right before they complete their probation so the victim ends up being thrown in jail and doing the time anyways. Or will Ploetz actually obey the law and grant Mr. Kochan's motions so that justice maybe served

Notice how no one is running against Reiman this election cycle... That's how dictatorships are run...