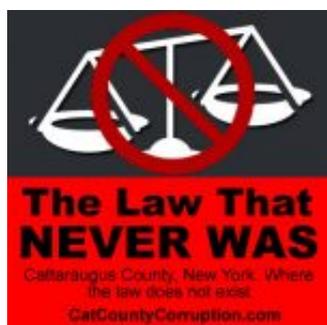


The Law That Never Was - Cat County DA's Cite Law That Does Not Exist



If it was desperation in the cusp of madness by Cattaraugus County District Attorneys Ensell and Balcom when they [tag-teamed a single pro-se litigant](#), they are beyond the point of desperation now. They have past into the twilight zone... well into the criminal side of it....

In the hearing in late August "ADA's" Elizabeth Ensell and Kelly Balcom, besides tag-teaming a single pro-se litigant, in order to confuse and misdirect him, filed a 'response' against the pro-se's omnibus motion.

At the hearing Balcom specifically pointed out paragraphs 38 and 39 in their response. They, meaning both Balcom and Ensell cited a law that they claim give the authority to deny the Pro-Se litigant the ability to file further motions.

The only problem is the law they cited does not exist.

In paragraph 38, they cited CPL Article 55 (Criminal Procedure Law § 55), as giving them the authority to deny a defendant to file motions. "ADA" Elizabeth Ensell specifically states that the Pro-Se is not allowed to file **"any and all future motions, as the same would be in violation of the Omnibus Motion Rule of Article 55 of the Criminal Procedure Law."** So Ensell and the rest of the Cattaraugus County District Attorney's office cannot say it was a mis-cite/mis-quote.

Go ahead and look it up yourself, you can't find it. It does not exist. What these two criminals (Ensell and Balcom) attempted to do is deny the Pro-Se his constitutional rights of due process through perjury, fraud and deception. Looks like the county will be held liable again at the taxpayers expense. The Pro-se had every right to file more motions, such as a 30.30 motion as well as challenge to jurisdiction. This is just more evidence of the criminal conduct and natures of the Cattaraugus County District Attorney's Office, specifically "ADA's" Elizabeth Ensell and Kelly Balcom.

[These two have already fabricated of evidence](#) and now citing laws that don't exist. Welcome to Cattaraugus County, New York, where the rule of law does not exist and its the criminals who are running the show.

So who needs to have a psychological evaluation?

However, It gets even better...

Then in paragraph 39, the directly contradicted themselves by demanding that the court, if it allows the Pro-Se litigant to file additional motions, the pro-se should be limited on how he can respond. They wanted to place a page limit on the responses, of course they could cite no law that would allow them to make that claim either. See, you as a [natural person](#) cannot be deprived of your ability to do anything unless there is a law that would allow a public official to do it. However, it has to be law and if there is no law, then they are not allowed to do it and that is called **"operating under the color of law"** and ANY public official who operates under the color of law becomes liable, both in their official capacity (you can sue the organization they claim they work for) and individual capacity (take their personal assets, like their home, stocks, etc...). The funniest thing about this is they claim the court can ignore the law by contradicting themselves in paragraph 39. If it's the law, it's locked (except for [jury nullification](#)) in paragraph 38, the court can't overrule it. The court is not allowed to, yet in the next sentence they claim the court can overrule the law (paragraph 39).... OK, ground control to Major Tom...

Can you say, fraud upon the court and the defense?

Gee, I wonder how many laws they broke with this one and [canons](#) too?

But lets not forget that they also asked for 45 days to answer any motions that the Pro-se filed, which by law they are only allowed 10 days, unless the defense (pro-se) and the court allow them to. However, they could not even meet that requirement, the 45 days came and went and nothing from them, however, on the 55 day they force their answer on the pro-se, both of them. So who is doing right and wrong in this matter?

In Matter of Dallal, it was clear that an attorney's who filed a false statement(s) are guilty of criminal activity *"persuaded one Wayne Jones to sign an affidavit for use in litigation knowing that statements therein were false..."* [see Matter of Dallal 31 A.D.2d 442 (N.Y. App. Div. 1969)].

DR 1-102 [1200.3] Misconduct.

A. A lawyer or law firm shall not:

1. **Violate a Disciplinary Rule.**
2. **Circumvent a Disciplinary Rule through actions of another.**
3. **Engage in illegal conduct that adversely reflects on the lawyer's honesty, trustworthiness or fitness as a lawyer.**
4. **Engage in conduct involving dishonesty, fraud, deceit, or misrepresentation.**
5. **Engage in conduct that is prejudicial to the administration of justice.**
6.
7. **Engage in any other conduct that adversely reflects on the lawyer's fitness as a lawyer.**

Rule 3.3 Conduct Before a Tribunal

(a) A lawyer shall not knowingly:

1. **make a false statement of fact or law to a tribunal or fail to correct a false statement of material fact or law previously made to the tribunal by the lawyer;**
2. ...
3. **offer or use evidence that the lawyer knows to be false. If a lawyer, the lawyer's client, or a witness called by the lawyer has offered material evidence and the lawyer comes to know of its falsity, the lawyer shall take reasonable remedial measures, including, if necessary, disclosure to the tribunal. A lawyer may refuse to offer evidence, other than the testimony of a defendant in a criminal matter, that the lawyer reasonably believes is false.**

Truly bazaar.

Cattaraugus County and New York State Corruption

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