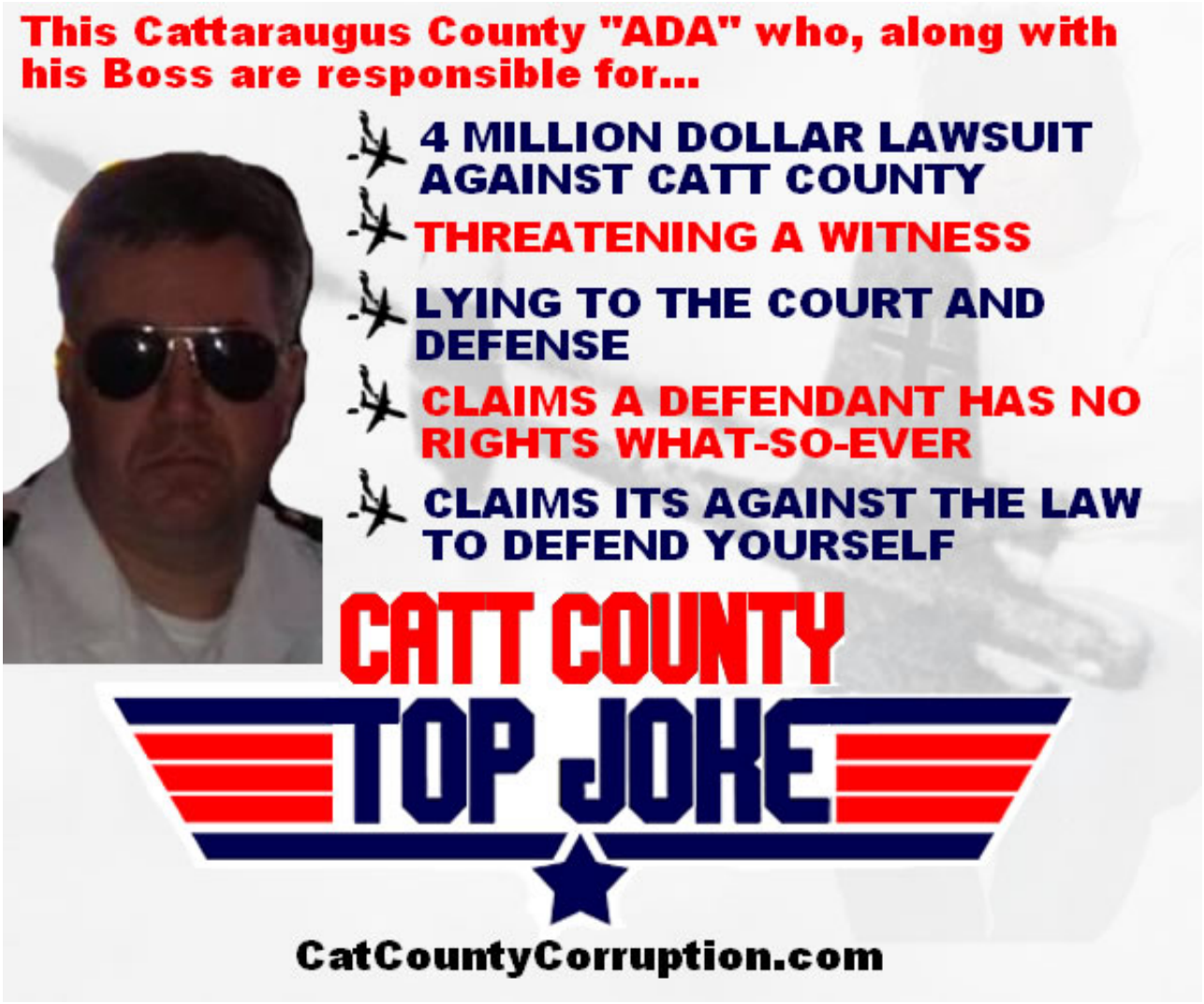
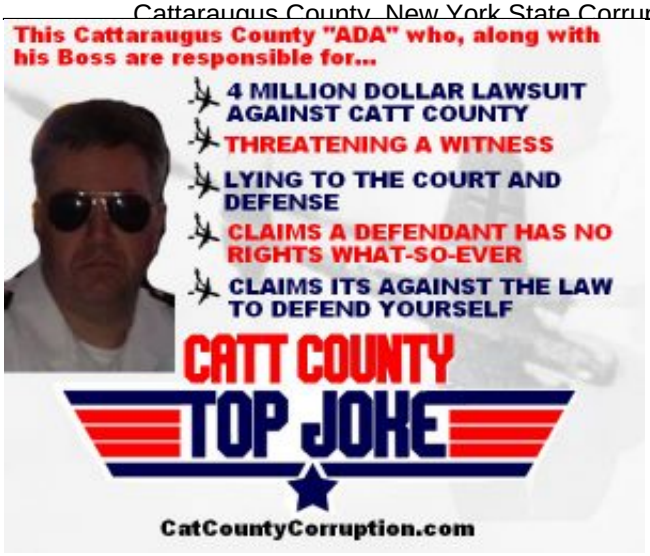
William Preston Marshall, Criminal Extraordinaire



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, is the Cattaraugus County, New York Assistant District Attorney that is responsible for the FOUR (4) million dollar lawsuit. The taxpayers have already lost, we are already paying for it due to the court costs associated with the lawsuit. This article will prove, beyond any reasonable doubt, that neither the District Attorney's Office, nor the legislators of Cattaraugus County have done ANYTHING to alleviate the liability that the District Attorney's office is creating and supporting through the failure to properly train and discipline its employees. This will lead to further substantial liability for the taxpayers because it establishes AGAIN, beyond any reasonable doubt, their is a embedded pattern and practice of exceptionally serious misconduct that exist across many years in the county and nothing is being done about it. Further one judge was already order to "retire", a judge who had not even completed his first term in office. The latest conduct by Finster Baby is another one for the history books....



Website was hacked on August 3rd, 2015 and this article was specifically targeted. Everything below the paragraph highlighted in blue went missing. It has been restored.

When a Pro-se litigant who is exposing vast corruption in Cattaraugus County, New York, was force to go to court in April, Baby Face was the one representing the People. **Yes, that is Baby Face Finster to the left, dressed up pretending he is Tom Cruise of Top Gun.** Tell me again, who has the mental problem? 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.

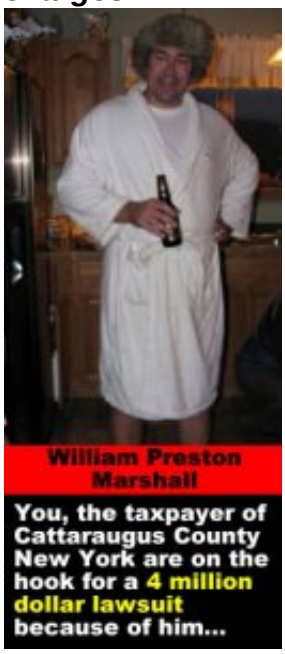
Recently a ADA was let go because word had it he was losing to many cases. Was the ADA really losing too many cases, or was he actually obeying the law and lawyer ethics and not playing along with the overwhelming corruption in the district attorney's office and "District Attorney" Lori Rieman didn't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

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 actual lawsuit.

In the matter that led to the lawsuit the individual who is now suing was allegedly arraigned in the Town of Yorkshire Court on, or about July 19, 2011, on a misdemeanor assault charge. On October 13, 2011, the Plaintiff's defense counsel moved to dismiss the class A misdemeanor charge of assault in the third degree against Plaintiff because Marshall could not produce the victim. **The Assistant District Attorney, *i.e. (ADA) William Preston Marshall (Baby Face Finster or Slick Willy),* 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, 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," (its called a 30.30 motion) the Cattaraugus County District Attorney's Office, knowing the "speedy trial time" for this case had elapsed, Finster Baby 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 he mysteriously 'restored' charges, they mysteriously appeared on the court schedule again, well after the 90 day time limitations ran out pursuant to CPL 30.30. **But lets not get into 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 still 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 their 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.

Did you know that 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 in the morning the case was adjourned until after lunch. The husband walked home, the next thing you know Preston Marshall and a state trooper show up at the husbands/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). The threat was that their minor children will be removed from the home by CPS if she does not testify against her husband to something she did not see. She was completely terrified and crying at this time.

Real nice guy this Preston, isn't he?

Then Finster turned to the victims adult son and threatened him with illegal surveillance. He stated that he would have state troopers follow him whenever he was traveling throughout the state. The victim then said enough and gets his family members back in the house. 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.

The wife is called to the stand. She testifies that she had never seen her husband hit his step-son on the day of the alleged indecent and further stated that she never, in her 13 years with her husband never saw her husband hit his step son. She leaves the stand and walks out into the hallway to get a breath of fresh air, but before the verdict is even rendered she is forced to go into a small room by the constable. The constable 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/her 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. So after **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 her husband 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. Their one adult son was watching their two year old baby and when their 10 year old returned home from school they gathered up some of their belongings and headed to the alleged 'safe-house'.

The wife followed the representative for about an hour until they arrived at the supposed safe house.

When the wife arrived at the safe house 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.**

The others asked her a series of questions and laid down the rules for the safe house, one of the rules was she had to quit her 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, the personal received the phone call from Slick willy which the personal stated that her husband had just been found guilty. She believed it was around 4:30 PM that this phone call occurred, well after the earlier point in the day when "William" told her they had found her husband guilty. **Again, can you say "Rigged jury"?**

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?**

So months go by, the husband and wife are reviewing the appeal brief and evidence of the alleged second violation of probation when the husband discovers something that upset him. He discovered a "Uniform Court Report" from the probation department. It is probation department summary of the alleged second violation of probation.

In it the writer, one probation officer Denise C Lengvarshy claims that William Preston Marshall indicated the probationer/husband may have intimidated his wife, who Preston claims she testified at the trial that she felt the need to seek advocacy services from Community Action. **This was the first time both he and his wife knew this alleged document existed and they were both astonished by Marshall's claims which they both knew were false. This is the fraudulent document that landed the husband in jail for about a month.**

His wife never called, or asked anybody for any type of help. She never had any issues with her husband and in fact testified to such at the rigged trial. Further the only transcript which she appears and testifies in, it clearly shows that she did not testify to anything negative about her husband. She then immediately writes up a notarize statement that she never contacted family services and never testified to any type of problem with her husband in court. **These are the kind of people we have employed in the**

county. Marshall needs to be fired ASAP before he causes more taxpayer liability.

Another important note: The probation department made note of the fact, that according to the court clerks office, no appeal had been filed in the matter (which could have effectively acted as a stay, *i.e. stop the violation of probation in sending the husband to jail*). The Probation department letter is dated May 18th, 2012, the same day that the appeal was filed. **Based on all the criminal conduct we have uncovered in this matter, don't you find that a little strange?**

The Judge who handled this case in Yorkshire "retired" before his first term was up. His house is also up for sale too. Look's like he's leaving before it really hits the fan. Word has it, he did not retire, he was told to leave the bench.

Do you now see how evil these people really are?

That about covers it for the husband and wife who are both victims of Lori Rieman, and her cohort William Preston Marshall, lets move onto what types of crimes Baby Face Finster did in the Pro-Se's matter and to the Pro-Se himself.

As we covered the April 8th action in which Marshall barely spoke at all, that was not the case in the June 18th, 2015 action. This action that should not have occurred according to the Little Valley Court until someone had a change of mind that is.

In this action Baby Face starts right off with lying. Lets go over the transcript of June 18th, 2015;

PRO-SE: *Okay. Then I now move forward with a motion to dismiss for lack of jurisdiction. I'm now serving this upon the Court; let the record note that. I am now serving the notice to dismiss for lack of jurisdiction upon the People. Do the People accept it?*

MARSHALL: *Yes, the People accept the motion, its service. However, we oppose the motion to dismiss, Judge. There's no rational basis for anything that this –*

Notice how Finster starts right off with claiming there is no rational basis?

By this statement Marshall is claiming that there is nothing for the court to review because there is no constitutional questions, including due process **or** equal protection **questions under the** Fifth Amendment **or** Fourteenth Amendment**.**

The more serious issue is when Finster made the *"There's no rational basis for anything that this"* statement. He made this statement immediately after the Pro-se served him with the motion. **He did not even look at the motion, so how could he even claim there was no "rational basis"? Simple, he couldn't it.** More proof he was working off a preset agenda that has no basis in law, reality or facts.... further proving it is Marshall who needs a mental evaluation, not the Pro-Se.

This just shows you how out of touch Baby Face Finster and who he works for really is, and it further proves how much they detest someone who dares exercise their rights.

The law is clear, the simplified traffic informations were not verified/signed so the court as well as the prosecutor lacked jurisdiction to proceed or even schedule a trial.

Again, Baby face lacked jurisdiction to prosecute and the court lacked jurisdiction to threaten to, or actually set a trial. The People cannot be ready if their accusatory is invalid, for the defendant [alleged] may not be tried on an invalid accusatory (People v McCummings, 203 AD2d 656 [3d Dept 1994]; People v Walsh, 17 Misc3d 480 [Crim Ct 2007]).


Simplified Information Number 1


Simplified Information Number 2


Simplified Information Number 3

So Slick Willy is now claiming that there is no "rational basis"? Well, sorry Willy Boy but common law, i.e. case law, proves different;

- In People v. Boback 23 N.Y.2d 189 (1968) the court held *"…that the use of the Simplified Traffic Information is authorized where the information is signed by an officer whose knowledge of the facts is based upon information and belief."*
- *"It is indisputable that the simplified traffic information must be verified"* People v Radak 52 Misc.2d 300 (1966);
- *"It is...well established that the failure to properly verify an accusatory instrument is a jurisdictionally fatal defect."* See, People v. Minuto, 71 Misc 2d 800, 802-803, 337 NYS2d 88 (City Ct, Batavia, 1972).

Now, lets go onto the only alleged charge that does appear to be verified, *i.e. signed with jurat;* the obstruction of government administration 2nd degree for remaining silent. This is what Matthew Albanese wrote as to the facts of the charge;

"The defendant did intentionally obstruct police officers from performing their official functions by refusing to provide pedigree information for XXX paperwork". See also Miranda v. Arizona, 384 U.S. 436 (1966), see also CPL § 60.45.

It is clear that Complainant Albanese does not understand the phrase "the right to remain silent" or the 5th Amendment, the bedrocks of American Jurisprudence;

- *"There can be no sanction or penalty imposed upon one because of his exercise of Constitutional rights."* Sherar v. Cullen, 481 F 2d 946(1973), and;
- *"A State may not impose a charge for the enjoyment of a right granted by the Federal Constitution."* Murdock v. Pennsylvania, 319 U.S. 105, at 113, and;
- *"The State cannot diminish rights of the people."* Hertado v. California, 110 U.S. 516, and
- *"The Claim and exercise of a Constitutional Right cannot be converted into a crime."*-Miller v. U.S. , 230 F 2d 486. 489, and;
- *"If the state converts a liberty into a privilege the citizen can engage in the right with impunity"* Shuttlesworth v Birmingham , 373 US 262, and;
- *"The claim and exercise of a Constitutional right cannot be converted into a crime."* Miller v. U.S., 230 F. 2nd. 486, 489 (5th Cir. 1959) Id. at 489-490

Gee, I wonder if those cases serve as a rational basis? However, this is Cattaraugus County after all, where the rule of law is on permanent vacation.

Challenges to Jurisdiction may be raised at anytime. *"[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).

Here is Preston's response to the Pro-Se request about bringing up exceptionally serious misconduct by law enforcement. You can also bring up prior misconduct. in this case it would be Albanese's perjury and Bryan H Schwabenbauer prior perjury and assault that led to a federal lawsuit as well as the perjury he committed in the Pro-Se's matter.

So what does the law have to say about Baby Face Finsters claim that you are not allowed to bring up misconduct by law enforcement? Well there is a specific statue that addresses just that. Its CPL 170.40 and it allows for an individual to bring up such conduct in pre-trial motions and trial People v Schellenbach Misc 67 AD3d 712. However this is Cattaraugus County where the rule of law does not appear to apply.

Also you will note that the Pro-Se challenged Finster to take the stand and swearing under penalty of perjury what he had just said was the truth. Finsters response: "No" further proof that all he does is lie and is unwilling to back anything up in court. To this day they ONLY time the People have responded to the Pro-Se in writing, signed under penalties of perjury, was the first response to the Pro-Se Omnibus motion in which the people claimed that the Pro-Se was not not allowed to file anymore motions pursuant to Omnibus Motion rule of Article 55. A law that does not exist and is a complete fiction by the people and perjury by ADA Elizabeth Ensell.

In People v Newton (2010 NY Slip Op 52263(U), the court made it clear that you have the right to litigant exceptionally serious misconduct;

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 [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. We 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).

Here are some more;

- All evidence which tends to impeach the credibility of any prosecution witness. United States v. Giglio, 405 U.S. 150 (1972).
- The criminal record of each witness the prosecutor intends to call at trial, including any conviction, pending and prior criminal charges [People v. Howard , 392 N.Y.S.2d 558 (Onondaga County Ct. 1977)].
- **Any information affecting the credibility <u>of any witness</u> which the prosecution intends to call at trial including, but not limited to, prior bad acts or immoral acts** [People v. Testa and Riggio, 40 N.Y.2d 1018 (1976)].
- 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. Vasquez, 49 A.D.2d 490 (2nd Dept. 1975)].
- 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 [People v. Mgynard, 80 Misc. 2nd 279 (Sup. Ct. N.Y. Cty. 1974)].

When a defendant shows a likelihood that the witness' prior criminal or disciplinary record may provide a motive to falsify, disclosure of this information has been held warranted (Davis v Alaska, supra; cf. People v Cwikla, 46 N.Y.2d 434). Also, when prior bad acts allegedly contained within disciplinary or personnel records bear peculiar relevance to the circumstances of the defendant's case, detailed cross-examination and disclosure, usually after an in camera inspection, have been permitted (see People v Puglisi, 44 N.Y.2d 748 [narcotics case; defense counsel had information that undercover officer who testified had improperly handled previous "buys"]; People v Vasquez, 49 A.D.2d 590 [narcotics case; testifying police officer had been convicted for "shaking down" narcotics dealers]; Pitchess v Superior Ct., 11 Cal.3d 531; State v Pohl, 89 N.M. 523; State v Fleischman, 10 Or.App. 22 [all involving prosecutions for assault on police officers; defendants claimed officers were the aggressors and made a predicate showing that each had previously been accused of employing excessive force]; United States v Garrett, 542 F.2d 23, supra [held error to restrict cross-examination of undercover policeman about prior suspension for refusal to take urine test to determine whether he had used drugs]). PEOPLE v. GISSENDANNER 48 N.Y.2d 543 (1979)

it's pretty clear that the Pro-Se has the right to bring up any and all conduct related to the matter, or any prior conduct that would tend to prove the Pro-Se's allegations.

Here is the other issue. <u>Bryan H Schwabenbauer</u> prior bad acts led to a federal lawsuit that appears to have been settled out of court. Schwabenbauer was a sergeant then when his acts caused the lawsuit back at the start of it, in 2009, and he was still a sergeant when he assaulted and knocked out the Pro-Se. In other words the county has done NOTHING to train, supervise and discipline him in the matter. This adds up to a much higher liability level for the county and the taxpayers because it has occurred across a number of years. However there have been hopeful signs, in a recent action a sheriffs deputy stayed well within the law and acted in a honorable manner toward a litigant proving that there are good people who work for the county. Its the bad ones that need to

be exposed and be removed.

Finsters Baby's Pièce De Résistance

Not having committed enough crimes at the June 18th, 2015 action Finster just could not stop his criminal activity. He actually had the audacity to claimed that the Pro Se did not have any rights whatsoever. Yes that's right, in Cattaraugus County New York, when you have been accused of a crime, falsely or otherwise, you have absolutely no rights whatsoever to defend yourself, no due process, no right to plea, no pre-trial conference, nothing...

It's obvious Finster Baby got his law degree from a Cracker-Jack box, and so did his boss Lori Rieman, and both need to be removed from their public office and to go back to law school again.

This is the same type of conduct and attitude that caused the four million dollar lawsuit against you, the taxpayers. Do these cretins really care? No, why should they, they lose another lawsuit they will just raise your taxes to pay for it. It's coming out of your pocket folks, are you happy about that?

Preston's ctions started in 2012, and they have not stop in any manner and it is obvious that Lori Rieman actually supports and condones this type of behavior in her employees. That is called taxpayer liability.

However Marshall being Marshall could not stop proving evidence of his demented character, he would then go on and contradict himself and state that the Pro-Se was entitled to an attorney and a trial and that was it. The only reason they would allow that is because if the Pro-Se did get an attorney they would ensure that he would be found guilty in a rigged trial that had already happened to the man who is now suing the county for four million dollars.

IMPORTANT UPDATE CLICK HERE **- It covers more the criminal Marshall's conduct and it went up because this page was hacked and a lot of the important information was removed (which we restored).**

"It cannot be overemphasized that our legal system is concerned as much with the integrity of the judicial process as with the issue of guilt or

innocence. The constitutional and statutory safeguards provided for one accused of crime are to be applied in all cases. The worst criminal, the most culpable individual, is as much entitled to the benefit of a rule of law as the most blameless member of society." [Donovan, 13 N.Y.2d at 153-54, 193 N.E.2d at 631, 243 N.Y.S.2d at 845.]