

**UNDER THE U.S. CONSTITUTION and the SOUTH DAKOTA CONSTITUTION
and the SPIRIT and LETTER of ALL LAWS COMPORTING WITH THE
COMMON LAW(S) OF THE LAND, AND THIS “ARTICLE III COURT OF RECORD”**

**IN THE MATTER OF “RIGHTS” TO “APPEAL” &
PETITION FOR “REDRESS OF GRIEVANCES”**

David Schied, one of the sovereign American People
living in South Dakota as a totally and
permanently disabled quad-amputee; a
BENEFICIARY of the social welfare system; a
Common Law **GRIEVANT** / **CRIME VICTIM**
and **CLAIMANT** acting in his *Sui Juris* Private
capacity; as well as in his “*EX REL*” capacity of a
PRIVATE, PUBLIC PROXY on behalf of the
South Dakota and American “*TAXPAYERS*”
“*Beneficiary / Private Public Proxy*” –

v.

Sui Juris Relator
Grand Jury “*Petitioner*”

The ADMINISTRATIVE “*DEEP*” STATE of the
STATE OF SOUTH DAKOTA as represented by
multiplicity of GOVERNOR Kristi Noem, the BUREAU
OF ADMINISTRATION as represented by Scott Bolinger
And Catherine Williamson; ATTORNEY GENERAL and
his agents as “*assistants*,” the S.D. DEPARTMENTS OF
“DHS” and “DSS” acting by and through Laurie Gill
Shawnie Rechtenbaugh and their respective BAR attorneys
Jenna Howell, Jeremy Lippert, Eric Monson, Wade Reimers,
and SUBPOENAED named others as “DOES #1-26” operating
as a proven Corrupt Racketeering Criminal Enterprise
“*CO-TRUSTEES*” acting in their Private and Public capacities

SOUTH DAKOTA SUPREME COURT
On 2ND APPEAL from the
UNIFIED JUDICIAL SYSTEM
FOURTH JUDICIAL CIRCUIT
CASE # CIV22-116
S.D. SUPREME CT. CASE # 30119

ADMINISTRATIVE CASE NUMBERS
INCLUDED HEREIN AS “*APPEALED*”
Case # **OHE # PRR 22-02** (fraudulent)
referenced by “*CO-TRUSTEES*” on 5/6/22
Case # **001286794** (fraudulent) and
OAH # **22-365** (fraudulent)
referenced by “*CO-TRUSTEES*” on 5/12/22
Case # **001286794** (fraudulent)
OAH # **22-365** (fraudulent)
referenced by “*CO-TRUSTEES*” on 5/12/22

**WITH 2nd NOTICE OF
CLAIM OF CONUSANCE**
and
**DEMAND FOR MULTI-
COUNTY CRIMINAL GRAND
JURY INVESTIGATION**

**DEMAND FOR
TRIAL BY JURY**

BENEFICIARY / RELATOR / PRIVATE PUBLIC PROXY David Schied’s:

**PETITION TO THE GRAND JURY/JURIES FOR THE SOUTH DAKOTA
COUNTIES OF LAWRENCE, MEADE, BUTTE, and HUGHES**

2023 JANUARY TERM
FOR CRIMINAL INQUIRY

David Schied, *Beneficiary and Private Public Proxy*

EX REL, People of South Dakota

P.O. Box 321

(and Grand Jury “*Petitioner*”)

SPEARFISH, SOUTH DAKOTA 57793

605-340-4439 (all calls recorded)

“OBJECTION” dated 4/22/22-4/30/22 and filed with a **“SWORN AFFIDAVIT OF TRUTH”** and signed **“CRIMINAL COMPLAINT”** remains unrebutted, sustained and fully enforceable.

This case includes THREE **“WRIT(s) OF ERROR CORAM NOBIS,”** and multiple formal **“FILING(s) TO CORRECT THE RECORD”** – “served” by the sovereign People to address the CO-TRUSTEES’ continual attempts to create a FRAUDULENT PAPER TRAIL of so-called “facts” for successive “administrative reviews” and/or “judicial reviews.”

More names and locations of those “served” with this document:

Robert Morris – Special Assistant Attorney General – repres. **ONLY** the “principal” of the SOUTH DAKOTA DEPT. OF SOCIAL SERVICES and the ATTORNEY GENERAL (by proxy and “STATE” title)
bobmorris@westriverlaw.com

Names and locations of those “served” with this document:

GOV. Kristi Noem c/o Mary Beth Hollatz
Email: marybethhollatz@gmail.com

OFFICE OF THE SOUTH DAKOTA ATTORNEY GENERAL – c/o Wade Reimers
Email: c/o Mary Beth Hollatz

c/o DHS SECRETARY Shawnie Rechtenbaugh &
Jenna Howell – Ass’nt AG
infodhs@state.sd.us
jenna.howell@state.sd.us

c/o **Laurie Gill**, DSS SECRETARY &
Jeremy Lippert – Ass’nt AG
700 Governors Drive
Pierre, SD 57501
DSSInfo@state.sd.us
jeremy.lippert@state.sd.us

Eric Monson – ADJ; eric.monson@state.sd.us
Wade Reimers – Ass’nt AG
OFFICE OF ADMINISTRATIVE HEARINGS
c/o Melody Hackett
melody.hackett@state.sd.us

Scott Bolinger and **Catherine Williamson**
OFFICE OF HEARING EXAMINERS
Emails: scott.bollinger@state.sd.us
catherine.williamson@state.sd.us
SDOHE@state.sd.us
admhrngs@state.sd.us

I. PRELIMINARY STATEMENT

COMES NOW, the Petitioner and sets forth his Remonstrance and Petition to this/these Honorable Grand Juries with jurisdiction reaching multiple-counties (each being a S.D. Const., Article VI “*Court of Inquiry*”) involving the *patterns and practices* of executing the ADMINISTRATIVE PROCEDURES ACT in these Counties since March 2021 through the present day and going forward into 2023.

II. PETITIONER’S’ ALLEGATIONS

The “*STATE OF SOUTH DAKOTA*” – acting through its GOVERNOR, the ATTORNEY GENERAL, the individual members of the LEGISLATURE, the JUDICIARY, the EXECUTIVE BRANCH “*DEPARTMENTS*,” “*BUREAUS*,” “*DIVISIONS*,” “*SECTIONS*,” “*AGENCIES*,” “*UNITS*,” “*BOARDS*,” “*COMMISSIONS*,” and “*OFFICES*,” and the STATE BAR, as all co-conspirators – has allowed the “*Legal Counsel*” for the DSS and the DHS to enter into illegal activities to deprive the State’s most vulnerable populations of poor, elderly, and disabled of their constitutional guarantees to “*due process*,” while also engaging with private sector “*service providers*” to defraud other STATE and UNITED STATES government “*CO-TRUSTEES*,” and their corresponding supporting “*taxpayers*” otherwise being the “*BENEFICIARIES*” of the “*PUBLIC TRUST*.”¹

The *modus operandi* is through the illegitimate use of the ADMINISTRATIVE PROCEDURES ACT to “*deprive of rights under color of law*” for purposes of applying multi-tiered *discriminatory* prejudice and bias against “*complainants*” and “*petitioners*” engaged by the STATE for purposes of undermining the rightful means for determining eligibility for “*MEDICAL ASSISTANCE*” in accordance with the goals of federal funding to the STATE² under the SOCIAL SECURITY ACT, the AMERICANS WITH DISABILITIES ACT, and other STATE and UNITED STATES legislation; and subsequently, undermining those harmed by these acts who are engaged with higher *appellate* levels of *administrative* and *judicial* decision-making.

¹ *Sons of Confederate Veterans v. Henry County Bd. of Comm.*, S22G0039, S22G0045 (2022), “We reiterate that when a local government owes a legal duty to community stakeholders, the violation of that legal duty constitutes an injury that our case law has recognized as conferring standing to those stakeholders, even if the plaintiff at issue suffered no individualized injury.”

² See *South Dakota v. Dole*, 483 U.S. 203 (1987) – “[I]ndirect encouragement of state action to obtain uniformity in the States’ [laws] is a valid use of the spending power.”

The *modus operandi* also includes multi-faceted opportunities for these STATE *principals and agents* to be operating *Continuing Financial Crimes Enterprises* by which the confounding of procedural policies compound opportunities for secondary *RICO* coverups of *predicate* levels of *taxpayer fleecing*, This *Theft by Deception* (SDCL-22-30A-3) at the “*predicate*” level is *aided and abetted* by “*secondary*” conspiratorial deceptive acts – including the “*affirmative acts*” of deliberate “*failure or refusal to act*” of the DHS, DSS, and DOH “*SECRETARIES*” and the GOVERNOR, their *principals*, and their other *agents* – in spite of their *fiduciary* OATHS and DUTIES to act.

The afore mentioned conduct has violated, violates, and shall continue to violate, the constitutionally guaranteed *due process* Rights – as well as the Rights of the People to *honest government services* – of those inhabiting the State and living within its borders as the most vulnerable in our American society.

Moreover, the high level of “*secrecy*” and “*paper trail fraudulence*” generated in responses to Petitioner’s repeated “*Redress of Grievances*” – in violation of both the “*letter*” and the “*spirit*” of the “*SUNSHINE LAWS*” of the State and United States, as well as that of the NINTH AMENDMENT and TENTH AMENDMENT to the U.S. CONSTITUTION – is a matter of “*public importance*” to all “*Taxpayers*” as “*Electors*” otherwise being uninformed about these undermining “*domestic terrorist*” activities, as causing incalculable, irreparable injury to each “*Taxpayer*” and “*Elector*,” by disrupting the good order, peace, and dignity of the entire State.³

³ *Elrod v. Burns*, 427 U.S. 347, 373 (1976) (plurality opinion) The "loss of First Amendment freedoms, for even minimal periods of time, unquestionably constitutes irreparable injury." See again also, *Sons of Confederate Veterans v. Henry County Bd. of Comm.*, “Although our descriptions have differed from case to case, the underlying principle is that people with a meaningful stake in their community **are injured** when their local governments violate the legal duty to follow the law.” [emphasis added]

Petitioner calls the attention of this SUPREME COURT OF SOUTH DAKOTA to the fact that the requirement of the STATE OF SOUTH DAKOTA in forcing the poor, the elderly, and/or the “*totally and permanently disabled*” to lie about forgoing needed “*durable medical equipment*” in order to “*fit*” into a government “*program*” that promotes “*human*” services is a violation the federal laws governing the “*Least Restrictive Environment*” (“LRE”); being also “*subornation of perjury*,” and a “*sedition conspiracy*” of these STATE actors to deliver “*dishonest government services*” at the expense of “*taxpayers*,” while promoting citizen *dependency* upon bigger, fascist-type government rather than personal *independence* as the *letter* and the *spirit* of American laws otherwise require.

Both the unwritten and illegal “*qualification*” process and the coverup of these unwritten “*policies and practices*” by the STATE department “*secretaries*” and their “*legal counsel*” repeatedly denying Petitioner the “*requests for documents*” under the demand of “*Open Records*” laws of government transparency – which are otherwise being used to “*disqualify*” citizens for federally-funded STATE “*MEDICAID*” – have, as a matter of law and of fact, created illegal “*qualification*” policies and practices.

The legal effect of all this undermines both laws and constitutions governing the General Welfare of the public; particularly as these illicit acts are aided and abetted by the elected “*governor*” and “*attorney general*” of the Executive Branch, their minions, and the entire Executive, Legislative, and Judicial Branches of this Government through their gross and criminal incompetence and deception in also covering up each of their refusals to keep constitutional “*checks and balances*” on one another through required “*Separation of Powers*” otherwise entitling them to “*fire*” wayward government *functionaries*, or to conduct “*impeachment*” proceedings against elected officials acting in violation of their Oaths and Duties.

Such dereliction in both Oaths and Duties altogether alters the type of government instilled by the sovereign People, which constitutes both a “*Conspiracy to Treason*”, and “*domestic terrorism*” by its impact upon both “*government operations*” and the State’s most vulnerable “*populations*” of elderly, poor, and disabled.

The US Const., Amendment XIV, sec. I, (second sentence) maintains:

”No State shall make or enforce any law which shall abridge the privileges or immunities of citizens of the United States; nor shall any State deprive any person of life, liberty, or property, without due process of law; nor deny to any person within its jurisdiction the equal protection of the laws.”

The Grand Juries of the said COUNTIES have the authority to return, against the responsible parties, presentments or indictments charging violations of the FOURTEENTH AMENDMENT through the use of prosecutions under 18 U.S.C. 241 and/or 242 in that those responsible have violated the privileges guaranteed to the sovereign People of the State of South Dakota, perpetrating a FRAUD thereon, which acts to IMPACT both the “*tax assessment*” and the “*electoral*” processes in each and every year these illicit systems are used by the fiduciary “*co-trustees*” of the PEOPLE OF THE STATE OF SOUTH DAKOTA to deceive the sovereign People of the State of South Dakota. ⁴

⁴ The term “*People*” means a group of men (gender neutral);

- The terms “*South Dakota*,” etc., are the territorial names of a specific area of land claimed by a People;
- The terms “*People of South Dakota*,” etc., are the private-sector names of a sovereign People living within a claimed land under an agreement with each;
- The terms “*State of South Dakota*,” etc., are public-sector names of sovereign state governments created under constitutions by the “*People of South Dakota*,” etc.;
- The terms “*STATE OF SOUTH DAKOTA*,” etc. means a private-sector name for public sector governments, being tailored in the fashion of Washington, D.C. as “*‘a body corporate for municipal purposes, ’ with power to make contracts, sue and be sued, and ’to exercise all other powers of a municipal corporation not inconsistent with the Constitution and laws of the United States ’.*”
- The terms “*PEOPLE OF THE STATE OF SOUTH DAKOTA*,” etc., refers to those who work for the “*STATE OF SOUTH DAKOTA*,” etc.;

III. STANDING OF PETITIONER

Pursuant to the contractual guarantees of the Constitution of The United States of America, *inter alia*, Amendments I and XIV, and the complimentary provisions of the South Dakota Constitution, Petitioner initiates this matter on behalf of himself and all others similarly situated. It is the prerogative of any citizen to Petition, Peaceably Assemble with, Responsibly Speak to, and Be Heard by, those in government who are vested with the Jurisdictional Power of Government for a redress of grievances. See, *inter alia*, US Const., Amend. I and Amend. XIV, § I, c.2 (second sentence) and SD. Const., Art. VI, § 4.⁵

-
- The term “*The United States of America*” is the territorial name of all the lands claimed and held directly or indirectly by the “*People of South Dakota*,” etc.;
 - The term “*People of the United States*” is the private-sector name of the “*People of South Dakota*,” etc., under an agreement amongst the many independent States;
 - The term “*United States*” is the public-sector name of the general government (USG) created under constitution by the People of the United States;
 - The term “*UNITED STATES OF AMERICA*” is a municipal corporation resulting from the “*Organic Act of 1871*” – replaced by the Act of 1874 (18 Stat. 116) and modified again in 1878 (20 Stat. 102) – meant to reorganize the District of Columbia after the close of the Civil War and maintain it as a municipal corporation;
 - The term “*PEOPLE OF THE UNITED STATES OF AMERICA*” refers to those who work for the “*UNITED STATES OF AMERICA*”
 - The term “*UNITED STATES*” is the public-sector name of the general government of the municipal corporation of the District of Columbia.

⁵ See also, *Sons of Confederate Veterans v. Henry County Bd. of Comm.*, S22G0039, S22G0045 (2022), “Georgia has long recognized that members of a community, whether as citizens, residents, taxpayers, or voters, may be injured when their local government fails to follow the law. Government at all levels has a legal duty to follow the law; a local government owes that legal duty to its citizens, residents, taxpayers, or voters (i.e., community stakeholders), and the violation of that legal duty constitutes an injury that our case law has recognized as conferring standing to those community stakeholders, even if the plaintiff suffered no individualized injury.”...“When a local government owes a legal duty to its citizens, residents, taxpayers, or voters (i.e., community stakeholders), the violation of that legal duty constitutes an injury that our case law has recognized as conferring standing to those community stakeholders, even if the plaintiff at issue suffered no individualized injury. One such duty is the general duty to follow the law.”

This Petition is consistent with and is in the exercise of the right of Petitioner to choose that agency of government best clothed with the authority to provide the relief required. Further, this Petitioner is in compliance with the duty imposed upon him by 18 U.S.C. 4.⁶

IV. SOUTH DAKOTA GRAND JURY JURISDICTION

This Grand Jury, a contractually established Constitutional fixture in its own right, functions as an independent arm of the judiciary and an independent adjunct to a District Attorney.

⁷ Once impaneled it has particularly defined duties imposed by the Constitution, Statutes and the Common Law. Pursuant to the Grand Jury's oath of office and statutes, it has a legal, non-discretionary, self-enforcing duty to exercise its inquisitorial jurisdiction upon any petition or remonstrance coming to its, or any member's, attention to diligently inquire and true presentment make of all discovery of its own, or that of any person, touching upon this Jury's present service.

⁸ In the hierarchical power structure of government agencies the Grand Jurors may be likened to a "Board of Directors" clothed with the specific contractual power of overseers. There are none who are above the inquisitorial duty of this body in this Republic and this Tribunal has an absolute right to the evidence of every man on behalf of all their neighbors.⁹

⁶ This case is controlled by the principles declared and affirmed in *Logan v. United States*, 144 U.S. 263, 283-284 (1892) and *In re Quarles*, 158 U.S. 532, 535-536 (1895).

⁷ *US v. Caruto*, 663 F. 3rd 394, 398 (2011) [... *Marcucci*, 299 F.3d at 1163-64 (holding constitutional instructions "consistent with the historical function of the grand jury" that "informed the grand jurors that they were not merely an arm of the government, but rather an independent body").]

⁸ 18 U.S.C. § 3332(a). See, also, USDOJ Justice Manual, Title 9, 9-11.010 and Criminal Resource Manual 101-158. Note: § 3332(b) limits a federal judge to only one consideration for exercising his authority to impanel a special grand jury, otherwise there is no prohibition in law, either specific or implied, for him to decline to impanel upon request.

⁹ *Blair v. United States*, 250 US 273, 279-280 (1919), " ... as early as 1612, in the Countess of Shrewsbury's case, Lord Bacon is reported to have declared that "all subjects, without distinction of degrees, owe to the King tribute and service, not only of their deed and hand, but of their knowledge and discovery."

Only the Grand Jury, as an independent Art. I Tribunal, may decide the first question of whether a petition or remonstrance touches upon its present service, as it is the duty of every Court to first determine its jurisdiction. ¹⁰ Such determination is not within the purview of any Trial or Appellate Court judge or any District Attorney to command (or deceptively advocate). The determination lies solely upon this Tribunal, except when “*the grand jury may be modified or abolished by law.*” (S.D. Const., Art. VI, § 10)

WHEREFORE, Petitioner desires that this Grand Jury start and take managerial oversight and supervisory control of an inquiry into these criminal allegations, returning indictments or presentments as seems proper to these Grand Jurors upon a finding of violations of South Dakota’s laws governing the civil liberties and general welfare of the poor, elderly, and disabled; and that Petitioner be heard on other criminal matters, if any he may have.

Further, that this Grand Jury find that the “*Final Order of Dismissal*” by “*ALJ*” Eric Monson dated 5/12/22, as well as the “*Order and Judgment of Dismissal*” by 4th Circuit Court Judge Eric Strawn on 10/28/22 are both VOID for having been entered into for an illegal purposes; or alternatively, that the provisions therein are VOID as being unauthorized by the Legislative Intent of South Dakota Law.

Petitioner requests notice of receipt of this Petition and its submission into the Record of this Court of Inquiry, signed by the Forman, Vice-Foreman, or Jury Clerk (both name and title) and that subpoenas issue for a date and time certain for a hearing.¹¹

¹⁰ Barclay v. ICON HEALTH & FITNESS, INC., 19-cv-2970 (ECT/DTS), (D. C., Minn 2020), "There is no question that jurisdiction must come first when a court's jurisdiction over the entire action is in question. A federal court must always assure itself of its jurisdiction before proceeding to the merits of an action."

¹¹ US v. Calandra, 414 U.S. 338, 346 (1974), [that the Grand Jury itself may not “[v]iolate a valid privilege, whether established by the Constitution, statutes, or the common law.”]

Respectfully submitted this 22nd day of December, 2022.

P.O. Box 321
Spearfish, S.D. 57783
Email: deschied@yahoo.com
Phone: 605-340-4439 (all calls recorded)

/s/ David Schied **

One of the sovereign American People acting directly as “*Beneficiary*” and as “*Private, Public Proxy*” on behalf of the sovereign People as “*TAXPAYERS*” living in both the STATE OF SOUTH DAKOTA and elsewhere in the UNITED STATES

** The above signature is authorized by David Schied as a “*totally and permanently disabled quad-amputee*” with “*reasonable accommodations*” exercised by Right according to laws provided by the AMERICANS WITH DISABILITIES ACT. Also, given that this “*quad-amputee*” is not being properly afforded public transportation, prosthetic legs, or mobility devices maintained by the STATE; and given that he does not “*drive*” or have a “*driver’s license*,” it is a “*reasonable accommodation*” to provide such a disabled individual the entitlement to “*serve process*” upon all the courts of the UNIFIED JUDICIAL SYSTEM and the named “*CO-TRUSTEES*” of the “*DEEP*” STATE by electronic email instead.