

## **APPENDIX D**

### **PATTERN AND PRACTICE OF STATE AND NATIONAL JUDICIARIES**

- I. **Forcing American Men and Women to Surrender Fees and Their Rights to “Due Process” to the District or State Court in Cases Opposed by Government Entities by:**
- A. Dismissing civil claims and/or criminal complaints as "*frivolous*" without return of the filing fee American men and women have already paid;
  - B. Dismissing civil claims and/or criminal complaints as "*frivolous*" without return of the jury fee American men and women have already paid;
  - C. Dismissing civil claims and/or criminal complaints as "*frivolous*" without "*litigation of the merits*" and without return of the filing and/or jury fees American men and women have already paid;
  - D. Dismissing civil claims and/or criminal complaints by *fraudulent judicial ruling* without return of the filing and/or jury fees American men and women have already paid;
  - E. Dismissing civil claims and/or criminal complaints as "*irrelevant*" without return of the filing and/or jury fees American men and women have already paid;
  - F. Dismissing criminal defense statements and exculpatory evidence as "*irrelevant*" while forcing a "*conviction*" which irreparably damages the reputation and livelihood of American men and women;
  - G. Dismissing criminal defense statements and exculpatory evidence without "*litigation of the merits*" while forcing a "*conviction*" which irreparably damages the reputation and livelihood of American men and women;
  - H. Dismissing criminal defense statements and exculpatory evidence by *fraudulent judicial ruling* while forcing a "*conviction*" which irreparably damages the reputation and livelihood of American men and women;
  - I. Dismissing criminal defense statements and exculpatory evidence as "*frivolous*" while forcing a "*conviction*" which irreparably damages the reputation and livelihood of American men and women;
  - J. Dismissing criminal defense statements and exculpatory evidence as "*irrelevant*" while forcing a "*conviction*" which irreparably damages the reputation and livelihood of American men and women;
  - K. Dismissing criminal defense statements and exculpatory evidence without "*litigation of the merits*" while forcing a "*conviction*" which irreparably damages the reputation and livelihood of American men and women;
  - L. Dismissing civil and/or criminal *motions* to the court by *fraudulent judicial ruling* without return of the filing and/or jury fees American men and women have already paid and/or while forcing a "*conviction*" which irreparably damages the reputation and livelihood of American men and women.
- II. **Pattern and Practice of Discriminatory Treatment by District or State Court "*agents*" or "*employees*":**
- A. American men and women, as *litigants*, are subjected to harsh, unfair and/or callous treatment by courtroom clerks;
  - B. American men and women, as *litigants*, are subjected to harsh, unfair and/or callous treatment by Complaint and Motion filing clerks;

- C. American men and women, as *litigants*, are subjected to harsh, unfair and/or callous treatment by administrative office clerks;
- D. American men and women, as *litigants*, are subjected to harsh, unfair and/or callous treatment by court administrators;
- E. American men and women, as *litigants*, are subjected to harsh, unfair and/or callous treatment by records clerks;
- F. American men and women, as *litigants*, are subjected to harsh, unfair and/or callous treatment for reason of not having attorneys as their representatives;
- G. American men and women, as *litigants*, are subjected to harsh, unfair and/or callous treatment for reason of their appearing "*pro per*," "*pro se*" or "*sui juris*";
- H. American men and women, as *litigants*, are subjected to being singled out, intimidated, or harassed by bailiffs assigned to the court when not accompanied by an attorney;
- I. American men and women, as *litigants*, are subjected to being singled out, intimidated, or harassed by the judge assigned to the case when not accompanied by an attorney;
- J. American men and women, as *litigants*, are subjected to reckless disregard and/or gross negligence with regard to accuracy in the entry and/or the maintenance of official "*registers*" of court "*actions*" and/or docketed filings;
- K. American men and women, as *litigants*, are subjected to reckless disregard and/or gross negligence with regard to accuracy in the entry and/or the maintenance of court transcripts, and accessibility to video and/or audio recordings of official events;
- L. American men and women, as *litigants*, are subjected to being excluded from known or suspected *ex-parte* communications in judge's chambers, over the telephone, or other "*off-the-bench*" locations;
- M. American men and women, as *litigants*, are subjected to being excluded from whispered "*off-the record*" discussions between fellow BAR members at the judge's bench in open court;

III. **Pattern and Practice of Discriminatory or "Second-Class" Treatment and Denial of Equal Treatment by Attorneys, Judges and Their "Agents" and Employees Pertaining to Civil Due Process Matters Being Self-Managed by Poor Litigants and/or Litigants Without Attorneys (i.e., "*pro se*," "*sui juris*," "*forma pauperis*," and other filers in "*pro per*")**

- A. American men and women, as *litigants*, are subjected to completing "*standardized*" forms designed for completion by "*attorney of record*" and without standardized accommodations for "*pro per*," "*pro se*" and "*sui juris*" filers of the same forms (Example: complaint forms, appeal forms, *praecipe* for motion hearings, and *subpoenas* for appearance or for documents);
- B. American men and women, as *litigants*, are subjected to the same e-filing requirements as experienced attorneys but while being provided with inadequate resources and training by the administrators of the Court for providing true "*equal access*" to the e-filing system;
- C. American men and women, as *litigants*, are subjected to the same *or even higher* standard of pleading requirement than attorneys through a show of favoritism and leniency towards attorneys, and while disregarding the lawful premise of rulings such as *Haines v. Kerner*, 404 U.S. 520 (1971) which holds that *pro se* pleadings should be held to a "*less stringent standard*" than those drafted by attorneys;
- D. American men and women, as *litigants*, are subjected to being denied equal legal treatment and ease of handling in the service of subpoenas by litigants without attorney "*representation*." (Example: Subjected to being denied equal consideration, legal access and practical usage, as "*pro se*" litigants without attorneys, to the legal enforcement

power of subpoena issuance and mandated response to subpoenas issued by Plaintiffs; with no other choice but to act in good faith by signing as the "*attorney of record*" on the only "*form*" provided by coDefendants during litigation proceedings.)

- E. American men and women, as *litigants*, are subjected to being denied equal treatment in legal responsiveness by opposing attorneys upon "*pro per*," "*pro se*" or "*sui juris*" litigants issuing of interrogatories, demands for documents, demand for admissions, and/or other forms of "*discovery*";
- F. American men and women, as *litigants*, are subjected to being compelled to wait in long lines subject to metal detector scanning equipment, partial undressing, bag searches, etc. while watching attorneys pass through separate areas without such delays and humiliation;
- G. American men and women, as *litigants*, are subjected to being compelled to sit in the public gallery for hours behind lawyers who are otherwise provided bench seating at the front of the courtroom while awaiting their cases, which are virtually always held first;
- H. American men and women, as *litigants*, are subjected to being compelled to wait at hearings, sometimes for multiple hours, until cases with attorneys are completed; and/or these American men and women are being delayed their hearing until the last, when the courtroom is near vacated of *witnesses*, when litigating issues involving suits against government, or when litigating claims against government and/or attorney conduct or misconduct;
- I. American men and women, as *litigants*, are subjected to summary dismissal of claims and/or motions by judges without proper "*litigation of the merits*" in the written briefs submitted by litigants without attorneys;
- J. American men and women, as *litigants*, are subjected to denial of case or motion filing by being an indigent litigants without funds for payment of court filing fees;
- K. American men and women, as *litigants*, are subjected to humiliating and/or conditions of being compelled to provide other evidence of indigence by more than sworn statement of fact(s) as required under written laws and/or court rules;
- L. American men and women, as *litigants*, are subjected to being repeatedly told or otherwise "*advised*" to either "*hire*" or otherwise obtain the services of "*licensed*" attorneys when attempting to earnestly litigate their cases;
- M. American men and women, as *litigants*, are subjected to implied threats of arrest, financial sanctioning or incarceration by "*contempt*" charge, and/or being criminally accused of "*practicing law without a license*" or of the "*unauthorized practice of law*" when attempting to earnestly litigate their cases;

IV. **Pattern and Practice of Discriminatory Treatment and Denial of Equal Treatment by Prosecuting Attorneys, Judges, Private Attorneys, and/or Corporate Law Firms, and/or Their "Agents" in "Law Enforcement" (Police, Sheriffs, Constables, Bailiffs, etc.) and/or Other Government Advocates of Human and Victims' Rights When Dealing with Criminal Matters**

- A. American men and women claiming themselves to be *crime victims* are subjected to being denied proper investigative treatment of reports about government crimes and/or crimes by government officials executed outside of their job descriptions and/or duties of office;
- B. American men and women claiming themselves to be *crime victims* are subjected to being denied prosecution of "*the accused*" when reporting government crimes and/or crimes by government officials executed outside of their job descriptions and/or duties of office;

- C. American men and women claiming themselves to be *crime victims* are subjected to being denied equal access to reporting crimes and presenting evidence about government crimes to grand juries;
- D. American men and women claiming themselves to be *crime victims* are subjected to being denied equal protections under Art. 1 §24 of the Constitution of Michigan (and the constitutions and statutes of other “*States*”) governing the rights of purported crime victims to timely proceedings, reasonable protection from the accused, and victim restitution;
- E. American men and women claiming themselves to be *crime victims* are subjected to oral assertions and/or written official decisions barring non-attorneys, non-prosecutors, and other “*non-officers of the court*” from initiating criminal proceedings or prosecuting criminal accusations;
- F. American men and women claiming themselves to be *crime victims* are subjected to what amounts to an “*abuse of discretion*” by government officials deciding not to act within the scope of their duties to investigate and/or prosecute reports of crimes, when such reports pertain to alleged offenses by members of the State BAR, their “*agents*,” and/or their employees;
- G. American men and women claiming themselves to be *crime victims* are subjected to “*color of law*” and/or *simulated legal process* (i.e., *legal acts carried out in illegal manners* and/or *illegal acts carried out in legal manners*) in being constructively denied proper action on reports and accusations against government officials, against lawyers, and/or against other “*agents*” of State BAR members and their “*peer groups*.”

V. **Pattern and Practice of Using State Bar Members to “Aid and Abet” and/or to be “Accessory After the Fact” in Providing Aid and Comfort to Those Accused by Individuals of Having Committed Government Crimes**

- A. American men and women claiming themselves to be *crime victims* are subjected to fees, costs, and/or other financial charges or procedural criteria involving money which are not otherwise supported by written state laws, rules of procedure, or local court rules, and/or are collected, misdirected, or misappropriated (e.g., such as by overcharging of filing fees, duplicate charging of fees; or by issuance of Court Order to pay funds into an escrow account set up by the Court, and being provided no evidence of an escrow account ever being actually opened with a bank account sharing the name of the person or persons ordered by the Court to pay into such an account);
- B. American men and women claiming themselves to be *crime victims* are subjected to long delays in procedural due process by interference of the “*agents*” of the Attorney General and/or State Bar members acting as the “*counsel*” or the “*representatives*” of the alleged criminal (“government”) enterprises;
- C. American men and women claiming themselves to be *crime victims* are subjected to long delays and/or outright denial in the recovery of documents and/or to accessing documents otherwise subject to the Freedom of Information Act (FOIA) and/or the rights of State and Federal citizens to “*transparency*” about reports of government “*tort*,” *errors and omissions*, and/or the reporting of other citizens about alleged government crimes, corruption, and racketeering activities;
- D. American men and women claiming themselves to be *crime victims* are subjected to long delays and/or outright denial in the correction of official government records after appropriately placing government on notice that such government records are inaccurate or incomplete;

- E. American men and women claiming themselves to be *crime victims* are subjected to being barred by court officers from bringing in various forms of *accurate* recording devices, while these court officers otherwise are employing *insufficient* means, *constructively inaccurate* means, and even *fraudulent* means of accounting for what actually occurs *on the record* in the courtrooms across America;
- F. American men and women claiming themselves to be *crime victims* are subjected to waiting long periods for opposing counsel to arrive and, on occasion when they fail to arrive to a scheduled motion hearing, for the judge to compel the rescheduling of the hearing for another date so to provide opposing counsel another chance to attend the hearing;
- G. American men and women claiming themselves to be *crime victims* are subjected to imposed default judgments or dismissal altogether because *pro per* or *pro se* litigant (i.e., the litigant filing against unauthorized government actions, whether with or without an attorney) arrived late to court; or imposing such a judgment against the litigant's attorney if that attorney happens to be late or fails to show up to a hearing. These American men and women claiming themselves to be *crime victims* are subjected to the repeated failure to *litigate the merits* of their cases and/or to have their pleadings "*liberally construe*" in accordance with established case law, so as to do *substantial* injustice between the parties. Instead, the *substantive* pleadings of American men and women claiming themselves to be *crime victims* are subjected to disregard and/or dismissal of the litigants' statements and claims based upon so-called "*procedural*" insufficiencies, giving rise and need for higher levels of costly appellate review or other *substantial* losses to the Plaintiffs.
- H. American men and women claiming themselves to be *crime victims* are subjected to the co-Defendants' refusal to acknowledge or consider irrefutable facts or non-rebutted facts as presented in Plaintiffs' court pleadings and/or sworn statements and notarized Affidavits;
- I. American men and women claiming themselves to be *crime victims* are subjected to summary dismissal of their First Amendment right to "*redress of grievances*" based upon misstated reasons, or based upon procedural reasons that were either beyond the administrative control of these men and women (i.e., such as reasons under the purview and control of the criminals' administrative agents and employees), or based upon the sole discretion of the criminals as judges without need or use of reasons;
- J. American men and women claiming themselves to be *crime victims* are subjected to the allowance by "*the accused*" criminals as judges for opposing attorneys to make substitution appearances at oral hearing and/or to submit written pleadings without prior notices of their last minute involvement by written "*appearances*" as otherwise required by court rules;
- K. American men and women claiming themselves to be *crime victims* are subjected to judges allowing opposing attorneys to "*testify*" at oral hearings on behalf of their clients; and/or disregarding and dismissing the *pro per* and *pro se* litigant's (or the litigants with an attorney that is legally opposing the government or other type of corporation) protests about the opponents' clients frequently not being compelled to testify or even make an appearance of their own in open court;
- L. American men and women claiming themselves to be *crime victims* are subjected to the use of a "*substitute*" judge at summary hearings which result in summary dismissals of *pro per* and *pro se* litigant's (or the litigants filing against unauthorized government actions, whether with or without an attorney) civil claims or criminal defenses; thus, giving rise and need for higher levels of costly *motions for reconsideration*, for separate complaints for *extraordinary writ*, and/or for appellate review resulting in the

compounding of other *substantive* losses to the litigants with the fortitude and/or any desire left to exhaust available “*administrative remedies*” and/or *due process* options.

- M. American men and women claiming themselves to be *crime victims* are subjected to opposing attorneys and/or judges constructing pleadings and/or formal court rulings (i.e., in the form of opinions, memorandums, decisions, orders, judgments, etc.) that are misleadingly and/or fraudulently laced with numerous “*errors and omissions*,” while often bearing official symbols of authenticity such as the name of the filing attorney as “*officer of the court*” and/or the “*seal*” of the Court itself;
- N. American men and women claiming themselves to be *crime victims* are subjected to response letters of rhetoric and/or tortuous statements laced with errors and omissions, misrepresentations, and other characteristics of fraudulent documents when raising issues with regulatory agencies, criminal prosecutors and/or to the Michigan attorney general or governor when exercising rights to “*redress of grievances*.” These American men and women claiming themselves to be *crime victims* are subjected to being denied access – by either executive or judicial government officials – to criminal grand juries which have the duties of inquiring about reports of crimes within their jurisdiction and investigating those crimes;
- O. American men and women claiming themselves to be *crime victims* are subjected to being accused, prosecuted, or convicted of “*victim-less*” crimes in which the only accuser is the government, and the alleged conduct is consists of purported violations of laws in which there has been no “*injured*” party (e.g., traffic offenses, drug offenses, income tax reporting violations, protesting violations, city ordinance violations) and in which the enactment and/or the enforcement of such laws raises certain questions of unconstitutional encroachment upon the rights of people to travel and to do with their body, life, and property whatever they wish, to reap the fruits and benefits of their own work, and to assemble and/or speak or not speak as they please as long as they do not injure others (e.g., injury to another by speaking false statements).

**VI. Pattern and Practice of Fear Mongering Against Litigants Who Show to Court Alone in “*pro se*,” “*sui juris*,” “*forma pauperis*,” or “*pro per*,” Whether in the Company of Supporters, Witnesses, Court Watchers or Not.**

- A. American men and women claiming themselves to be *crime victims* are subjected to direct verbal threats by judges (such as threats of contempt and time in jail) and/or by attorneys (such as threatening to altogether drop their legal support or representative if the client persists in asserting their wishes about how the case should be “*represented*”);
- B. American men and women claiming themselves to be *crime victims* are subjected to the real threat of physical violence (such as by the increase in the number of bailiffs for *pro se* hearings; or by the body language of paramilitary gun-toting bullet-proof-vested bailiffs moving closer in proximity to litigants who are standing before the judge, who are testifying or answering questions from the judge, and/or who are showing signs of tension or frustration during the court hearing);
- C. American men and women claiming themselves to be *crime victims* are subjected to direct verbal threats by bailiffs (such as when interrupting or intervening against litigant assertions in open court; and/or by demanding the immediate obeying of directives by judges, or by compelling litigants and non-litigants by forcefulness to stand when the judge enters or leaves the courtroom);
- D. American men and women claiming themselves to be *crime victims* are subjected to having to wait in long lines for entering the court building security gates, being strictly forbidden from entering the building with communication or recording devices, while

witnessing attorneys escorted to areas of security-free entry and/or shorter lines where they are allowed to enter the building without restrictions of technology devices.

**VII. Pattern and practice of misappropriating money caused by some reason to be paid to the Court. (Example: The judge ordered sanctions, bond, "escrow" payments, or other monies to be paid directly to the court without just cause or under questionable circumstances.)**

- A. American men and women claiming themselves to be *crime victims* are being subjected, by actual happenstance and legal reference, to their money surrendered to the clerk's office and/or to the treasury's office was misappropriated;
- B. American men and women claiming themselves to be *crime victims* are being subjected, by actual happenstance and legal reference, to having all monies ordered to be paid to the court or received by its officers in any case pending or adjudicated, deposited with the Treasurer for the jurisdiction where the court is operating, and to the name and credit of that court, as is directed at the federal level by 28 U.S.C. §2041;
- C. American men and women claiming themselves to be *crime victims* are being subjected, by actual happenstance and legal reference, to having their funds deposited with the Treasurer, which are then pooled together with other such funds on deposit with the Treasury to the credit of other courts and placed into some forms of interest-bearing accounts, such as judges' slush funds or the types of accounts found with the Court Register Investment System ("CRIS"); and thereafter, used to purchase securities on the open market in the name and to the credit of the clerks, the judges, and/or the administrative directors of whatever court system has jurisdiction according to that Treasury office and the contributing members of those investment "pools;"
- D. American men and women claiming themselves to be *crime victims* are being subjected, by actual happenstance and legal reference, to accounts being established for various litigants' cases, giving rise to the forced surrendering of those funds to the Court, which are later deposited into investment pools organized and held by the Treasury;
- E. American men and women claiming themselves to be *crime victims* are being compelled, by actual happenstance and legal reference, to theoretically having their funds generate interest from the fund investments, which are subsequently *supposed* to be distributed back to them at the end of each case, based on the ratio of each account's principal and earnings to the aggregate principal and income total of their respective funds; but which frequently does not actually get surrendered back to them;
- F. American men and women claiming themselves to be *crime victims* are being compelled, by actual happenstance and legal reference, to theoretically believe that reports showing the interest earned and the principal amounts contributed in each of their cases are *supposed* to be prepared and distributed back by the Treasury to each court participating in the investment funds, and that these reports and funds are also *supposed* to be made available to litigants and/or their counsel; when they otherwise are not being provided.
- G. American men and women claiming themselves to be *crime victims* are being compelled, by actual happenstance and legal reference, to having the clerks of the courts have the fiduciary responsibility for all of the funds collected on behalf of the courts; and that they are therefore *supposed* to have a cash management system in place to assure the safekeeping of the funds, and *supposed* to have systematic method for redeeming all existing investments in their transfer into and out of the investment funds; when the courts otherwise are not proving this "system" to be either transparent or effective.
- H. American men and women claiming themselves to be *crime victims* are being compelled, by actual happenstance and legal reference, to having the courts and/or their associated

Treasury withhold the important information that says that those who do not wish to transfer their deposits into these pools of investment accounts *may transfer those funds back to the litigants or to their designees upon proper motion* and/or upon approval of presiding judges, since in *pattern and practice*, notice about this does not occur and these American men and women, as litigants, are rarely made properly aware of this option;

- I. American men and women claiming themselves to be *crime victims* are being subjected, by actual happenstance and legal reference, to a *pattern and practice* whereby there is no mechanism in place compelling the judges or their agents in the clerk's office or treasury office to effectively inform affected litigants about their legal or procedural rights to make such a motion to transfer funds back to the litigants or to their designees, once these American men and women are ordered to surrender their money to the clerk of the court;
- J. American men and women claiming themselves to be *crime victims* are subjected to, by actual happenstance and legal reference, to judges and their agents in the clerk's office or treasury office who are demonstrating a proclivity toward distracting, delaying, dismissing, and bullying litigants into believing that they will never see their money again, and/or that they might never be able to afford the costs of an ongoing legal challenge for the return of that money, particularly as litigants maintaining their principal focus on contesting the factual and legal issues surrounding whatever basis there was for directing that the money be taken away from them in the first place;
- K. American men and women claiming themselves to be *crime victims* are subjected to, by actual happenstance and legal reference – and contrary to the procedures in place to prevent the systemic *mismanagement* of both the funds and the record-keeping otherwise meant for the safekeeping of those litigants' funds – the actual pattern and practice set into place for the systematic mismanagement of litigants' funds that are ordered to be paid by judges to their agents in the clerk's office or treasury office, and the corresponding record-keeping for the eventual return of those funds to their rightful owners;
- L. American men and women claiming themselves to be *crime victims* are subjected to, by actual happenstance and legal reference, to having repeatedly brought many wrongful *patterns and practices* (exemplified by what is cited above) to the attention State Bar members as attorneys and judges, as attorney generals, governors, commissions, and other regulators through formal and informal complaints, as well as numerous other methods, only to find that these State Bar members have rebuffed and/or found numerous ways to summarily dismiss and discharge their own accountability, their professional duty, and their personal responsibility to escalate and/or assist in plausible, practical and effective investigations these types of civil and criminal complaints;
- M. American men and women claiming themselves to be *crime victims* are subjected to, by actual happenstance and legal reference, the actions and systemic activities surrounding the misappropriating of funds (of which some are referenced above) which have resulted in immeasurable financial damages, property losses, reputational and credit damages, long-lasting and post-traumatic emotional damages, broken homes and families, and an innumerable list of other damages.