



COUNTY OF ERIE

MICHAEL A. SIRAGUSA
COUNTY ATTORNEY

MARK C. POLONCARZ
COUNTY EXECUTIVE

MICHELLE M. PARKER
FIRST ASSISTANT COUNTY ATTORNEY

DEPARTMENT OF LAW

JEREMY C. TOTH.
SECOND ASSISTANT COUNTY ATTORNEY

MEMORANDUM

TO: Karen McCarthy, Clerk, Erie County Legislature
FROM: Michelle M. Parker, First Assistant County Attorney
DATE: August 5, 2015
RE: Transmittal of New Claims Against Erie County

Ms. McCarthy:

In accordance with the Resolution passed by the Erie County Legislature on June 25, 1987 (Int. 13-14), attached please find seven (7) new claims brought against the County of Erie. The claims are as follows:

Claim Name

Frank Lucas v. County of Erie, et al.
Telicia Simmons v. Erie County Sheriff
Michael Flax v. County of Erie, et al.
Patricia Curto v. County of Erie, et al.
Katie Shaw/Nevaeh Felschow v. County of Erie
Estate of Bernadine Kowalski v. County of Erie, et al.
Brandon Richburg a/k/a Baqi Khaliq Bey v. ECDSS, et al.

MMP:dld

Attachments



COUNTY OF ERIE

MICHAEL A. SIRAGUSA
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COUNTY EXECUTIVE
DEPARTMENT OF LAW

MICHELLE M. PARKER
FIRST ASSISTANT COUNTY ATTORNEY

JEREMY C. TOTH
SECOND ASSISTANT COUNTY ATTORNEY

July 20, 2015

Ms. Karen McCarthy, Clerk
Erie County Legislature
92 Franklin Street, 4th Floor
Buffalo, New York 14202

Dear Ms. McCarthy:

In compliance with the Resolution passed by the Erie County Legislature on June 25, 1987, regarding notification of lawsuits and claims filed against the County of Erie, enclosed please find a copy of the following:

File Name:	<i>Lucas, Frank v. Erie County, Timothy Howard, as Sheriff, Sergeant Webster, John Doe #1, John Doe #2, John Doe #3, John Doe #4</i>
Document Received:	Summons and Complaint
Name of Claimant:	Frank Lucas
Claimant's attorney:	Michael H. Kooshoian, Esq. LoTempio P.C. Law Group 181 Franklin Street Buffalo, New York 14202

Should you have any questions, please call.

Very truly yours,

MICHAEL A. SIRAGUSA
Erie County Attorney

By: *Michelle Parker*
Michelle Parker
First Assistant County Attorney

MMP/dld
Enc.

STATE OF NEW YORK
SUPREME COURT : COUNTY OF ERIE

FRANK LUCAS,

SUMMONS

Plaintiff,

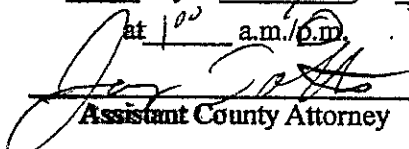
v.

Index No.:

808258/2015

ERIE COUNTY,
TIMOTHY HOWARD,
in his official capacity as Erie County Sheriff,
SERGEANT WEBSTER,
individually and in his official capacity as an
employee of the Erie County Sheriff's
Department,
JOHN DOE #1,
individually and in his official capacity as an
employee of the Erie County Sheriff's
Department,
JOHN DOE #2,
individually and in his official capacity as an
employee of the Erie County Sheriff's
Department,
JOHN DOE #3,
individually and in his official capacity as an
employee of the Erie County Sheriff's
Department,
JOHN DOE #4,
individually and in his official capacity as an
employee of the Erie County Sheriff's
Department,

Defendants.

This paper received at the
Erie County Attorney's Office
from Dan Harwood on
the 17th day of July, 2015
at 1⁰⁰ a.m./p.m.

Assistant County Attorney

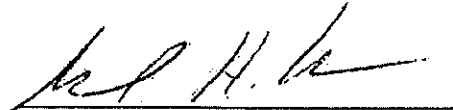
TO THE ABOVE NAMED DEFENDANTS:

YOU ARE HEREBY SUMMONED to Answer the Complaint in this action and to serve a copy of your Answer, or, if the Complaint is not served with this Summons, to serve a Notice of Appearance, on the attorneys for the Plaintiff within twenty (20) days after service of this Summons, exclusive of the day of service, if served personally, or within thirty (30) days after service is completed, if served by any other method.

If you fail to appear or answer, judgment will be taken against you by default for the relief demanded in the Complaint, without further notice to you.

This action is brought in the County of Erie based upon the residence of the Plaintiff and the location of the accident which is the subject of this action.

Dated: July 7, 2015
Buffalo, New York

A handwritten signature in black ink, appearing to read "Michael H. Kooshoian", is written over a horizontal line.

Michael H. Kooshoian, Esq.
LoTempio P.C. Law Group
Attorneys for Plaintiff
181 Franklin Street
Buffalo, New York 14202
(716) 855-3761

STATE OF NEW YORK
SUPREME COURT : COUNTY OF ERIE

FRANK LUCAS,

COMPLAINT

Plaintiff,

v.

Index No.:

808258/2015

ERIE COUNTY,
TIMOTHY HOWARD,
in his official capacity as Erie County Sheriff,
SERGEANT WEBSTER,
individually and in his official capacity as an
employee of the Erie County Sheriff's
Department,
JOHN DOE #1,
individually and in his official capacity as an
employee of the Erie County Sheriff's
Department,
JOHN DOE #2,
individually and in his official capacity as an
employee of the Erie County Sheriff's
Department,
JOHN DOE #3,
individually and in his official capacity as an
employee of the Erie County Sheriff's
Department,
JOHN DOE #4,
individually and in his official capacity as an
employee of the Erie County Sheriff's
Department,
Defendants.

Plaintiff, Frank Lucas, by and through his attorneys, LOTEMPPIO PC LAW GROUP, as
and for his complaint, and upon information and belief, alleges:

PARTIES

1. At all times herein mentioned, the Plaintiff was and still is a resident of the
County of Erie, State of New York.

2. At all times herein mentioned Defendant County of Erie ("Municipality") is a municipal corporation, duly organized and existing by virtue of the laws of the State of New York.
3. That upon information and belief, Defendant Timothy Howard ("Sheriff"), in his official capacity as Erie County Sheriff, was and is an agent of Defendant Municipality.
4. Defendant Sheriff in his official capacity as Erie County Sheriff, was and is at all times herein mentioned responsible for the customs, practices, policies, and/or regulations of the Erie County Sheriff's Department, and supervision of all employees utilized to execute the functions of the Sheriff's Department within Erie County and in accordance with New York State Law.
5. Upon information and belief, the Erie County Sheriff's employees who were present are specifically known by Defendant Municipality, and Defendant Sheriff.
6. Upon information and belief, Erie County Sheriff's employees were acting in the course of their duties and functions, were agents of Defendant Municipality and Defendant Sheriff and acted under color of state law.
7. That upon information and belief, Sergeant Webster ("Webster") was an employee and agent of Defendant Municipality and Defendant Sheriff.
8. Upon information and belief, Defendant Webster was and is a citizen and resident of the State of New York.
9. That upon information and belief, John Doe #1 was an employee and agent of Defendant Municipality and Defendant Sheriff.
10. Upon information and belief, Defendant John Doe #1 was and is a citizen and resident of the State of New York.
11. That upon information and belief, John Doe #2 was an employee and agent of Defendant Municipality and Defendant Sheriff.
12. Upon information and belief, Defendant John Doe #2 was and is a citizen and resident of the State of New York.
13. That upon information and belief, John Doe #3 was an employee and agent of Defendant Municipality and Defendant Sheriff.
14. Upon information and belief, Defendant John Doe #3 was and is a citizen and resident of the State of New York.

15. That upon information and belief, John Doe #4 was an employee and agent of Defendant Municipality and Defendant Sheriff.
16. Upon information and belief, Defendant John Doe #4 was and is a citizen and resident of the State of New York.

FACTS

17. On or about July 9, 2014, plaintiff, Frank Lucas, was in the pre-trial custody of the Erie County Sheriff's Department at the Erie County Holding Center located in Buffalo, New York.
18. Upon information and belief, on or about July 9, 2014, between about 4:30pm and 5:30 pm, plaintiff was locked into a cell.
19. Upon information and belief, Sergeant Webster and John Does #1-4 entered the plaintiff's locked cell.
20. Upon information and belief, Sergeant Webster and John Does #1-4 forcibly removed plaintiff from the locked cell.
21. Upon information and belief, Sergeant Webster and John Does #1-4 transported plaintiff down a hallway and around a corner to an area by a grey elevator.
22. Upon information and belief, Sergeant Webster and John Does #1-4, punched the plaintiff in the face causing the plaintiff to fall to the ground.
23. Upon information and belief, once plaintiff was on the ground, Sergeant Webster and John Does #1-4 punched and kicked plaintiff repeatedly about the head and body.
24. Upon information and belief, Sergeant Webster and John Does #1-4 forcefully stepped upon the back of plaintiff's knee causing severe pain and injury.
25. Upon information and belief, plaintiff informed Sergeant Webster and John Does #1-4 that he could not move or stand up.
26. Upon information and belief, plaintiff was transported to a nurse's office in the Erie County Holding Center.
27. Upon information and belief, plaintiff had his temperature taken, was informed that he had no broken bones and was transported back to his cell, despite his continuing complaints of pain and injury.

28. On or about July 10, 2014, plaintiff continued to complain to jail personnel because he could not walk and plaintiff asked another inmate to contact his mother to report the incident.
29. On or about July 10, 2014, plaintiff's mother contacted the Erie County Holding Center to report her son's injuries.
30. On or about July 10, 2014, at or about 8:10pm, plaintiff was transported to the Erie County Medical Center where he was diagnosed with multiple injuries including a patellar fracture.
31. The plaintiff's injuries were inflicted in violation of his Civil and Constitutional rights.
32. The defendants acted under the color of state law.
33. Defendants engaged in cruel and unusual punishment of the plaintiff when they used excessive force on the plaintiff in violation of his rights pursuant to 42 U.S.C. §1983.
34. Defendants engaged in cruel and unusual punishment of the plaintiff when they failed to ensure that plaintiff received adequate medical care pursuant to 42 U.S.C. §1983.

AS AND FOR A FIRST CAUSE OF ACTION AGAINST DEFENDANTS, ERIE COUNTY
AND TIMOTHY HOWARD, ERIE COUNTY SHERIFF, 42 U.S.C. § 1983 - USE OF
EXCESSIVE FORCE

35. Paragraphs 1-34 are incorporated by reference as though fully set forth at length herewith.
36. The plaintiff is a citizen of the United States.
37. The above noted defendants acted under the color of New York State statute, ordinance, regulation, custom, or usage to deprive plaintiff of his constitutional right to be free from excessive and unreasonable force.
38. Defendants Municipality and Sheriff enacted official customs, practices, policies and/or regulations in effect on or about July 9, 2014, regarding the taking of custody of pre-trial detainees which violated the rights of the plaintiff as guaranteed by the Fourth, Fifth, Eighth and Fourteenth Amendments to the United States Constitution, and for which defendants are liable.
39. Defendants enacted official customs, practices, policies and/or regulations which failed to protect and keep safe the plaintiff when they took him into their custody

and control and as a result he was subjected to cruel and unusual punishment as defined under the Eighth amendment to the United States Constitution and specifically applied to the plaintiff by the Due Process Clause of the Fourteenth Amendment at all times mentioned herein.

40. Upon information and belief defendants permitted and tolerated a pattern and practice of cruel and unusual punishment in the form of excessive force and failure to take reasonable measures to guarantee the safety of the plaintiff during the time in which the plaintiff was in their custody and control.
41. As a result of the official customs, practices, policies and/or regulations of defendants, plaintiff was forced to suffer significant pain and injury and was forced to incur significant medical expenses, in addition to suffering loss of enjoyment of life.

AS AND FOR A SECOND CAUSE OF ACTION AGAINST DEFENDANTS
SERGEANT WEBSTER, JOHN DOE #1, JOHN DOE #2, JOHN DOE #3
AND JOHN DOE #4, 42 U.S.C. § 1983 - USE OF EXCESSIVE FORCE

42. Paragraphs 1-41 are incorporated by reference as though fully set forth at length herewith.
43. The above noted defendants acted under the color of New York State statute, ordinance, regulation, custom, or usage to deprive plaintiff of his constitutional right to be free from excessive and unreasonable force.
44. Defendants forcibly removed plaintiff from his cell, threw him to the ground and maliciously punched and kicked him about the body
45. Defendants were not justified in doing so.
46. The methods used were excessive and unreasonable.
47. The force was maliciously and sadistically applied by the defendants against the plaintiff to cause harm.
48. Defendants use of excessive force violated the rights of the plaintiff as guaranteed by the Fourth, Fifth, Eighth and Fourteenth Amendments to the United States Constitution, and for which defendants are liable.
49. As a result of defendants use of excessive force plaintiff was forced to suffer significant pain and injury and was forced to incur significant medical expenses, in addition to suffering loss of enjoyment of life.

AS AND FOR A THIRD CAUSE OF ACTION AGAINST DEFENDANTS, ERIE COUNTY
AND TIMOTHY HOWARD, ERIE COUNTY SHERIFF, 42 U.S.C. § 1983 - DEPRIVATION
OF ADEQUATE MEDICAL CARE

50. Paragraphs 1-49 are incorporated by reference as though fully set forth at length herewith.
51. The above noted defendants acted under the color of New York State statute, ordinance, regulation, custom, or usage to deprive plaintiff of his constitutional right to receive adequate medical care while in pre-trial custody. .
52. Defendants Municipality and Sheriff enacted official customs, practices, policies and/or regulations in effect on or about July 9, 2014, regarding the taking of custody of pre-trial detainees which violated the rights of the plaintiff as guaranteed by the Fourth, Fifth, Eighth and Fourteenth Amendments to the United States Constitution, and for which defendants are liable.
52. Defendants enacted official customs, practices, policies and/or regulations which failed to protect and keep safe the plaintiff when they took him into their custody and control and as a result he was subjected to cruel and unusual punishment as defined under the Eighth amendment to the United States Constitution and specifically applied tot he plaintiff by the Due Process Clause of the Fourteenth Amendment at all times mentioned herein.
53. Upon information and belief defendants permitted and tolerated a pattern and practice of cruel and unusual punishment in the form of deprivation of adequate medical care and failure to take reasonable measures to guarantee the safety of the plaintiff during the time in which the plaintiff was in their custody and control.
54. As a result of the official customs, practices, policies and/or regulations of defendants, plaintiff was forced to suffer significant pain and injury and was forced to incur significant medical expenses, in addition to suffering loss of enjoyment of life.

AS AND FOR A FOURTH CAUSE OF ACTION AGAINST DEFENDANTS
SERGEANT WEBSTER, JOHN DOE #1, JOHN DOE #2, JOHN DOE #3
AND JOHN DOE #4, 42 U.S.C. § 1983 - DEPRIVATION
OF ADEQUATE MEDICAL CARE

55. Paragraphs 1-54 are incorporated by reference as though fully set forth at length herewith.
56. The above noted defendants acted under the color of New York State statute, ordinance, regulation, custom, or usage to deprive plaintiff of his constitutional right to receive adequate medical care while in pre-trial custody.

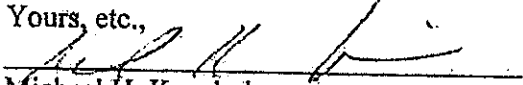
57. Plaintiff informed defendants that he was in pain and unable to walk.
58. Defendants ignored plaintiff's complaints despite his obvious injuries and did not transport plaintiff to a hospital for over twenty four (24) hours.
59. The inadequacy in medical care was sufficiently serious.
60. The defendants' failure to provide plaintiff adequate medical care was unreasonable and exhibited a deliberate indifference to the plaintiff's medical needs while in their custody and denied him medical care and treatment necessary to remedy his serious medical condition while in their custody and control.
61. Defendants deprived the plaintiff of timely and necessary medical attention, and acted with malice, willful and wanton indifference to and deliberate disregard for his statutory civil and constitutional rights.
62. As a direct and proximate result of the acts/or omissions of the defendants, plaintiff was forced to suffer significant pain and injury and was forced to incur significant medical expenses, in addition to suffering loss of enjoyment of life

WHEREFORE, plaintiff, Frank Lucas, requests that this Court enter judgment against the defendants and requests the following relief, jointly and severally as against all of the defendants:

1. Award compensatory damages believed to be in excess of 1 million dollars;
2. Award punitive damages believed to be in excess of 1 million dollars;
3. All costs associated with the prosecution of this action;
3. Reasonable attorney's fees related to the prosecution of this action on behalf of the plaintiff; and
4. Such other and further relief which this Court may deem just and proper.

DATED: July 7, 2015
Buffalo, New York

Yours, etc.,


Michael H. Kooshoian
LOTEMPIO P.C. LAW GROUP
Attorneys for Plaintiff
181 Franklin Street
Buffalo, New York 14202
(716)855-3761

SUPREME COURT OF THE STATE OF NEW YORK
COUNTY OF ERIE

-----X
FRANK LUCAS

Plaintiff/Petitioner,

- against -

ERIE COUNTY, TIMOTHY HOWARD in his
official capacity as Erie County Sheriff

Defendant/Respondent.
-----X

Index No. 809258/2015

**NOTICE OF COMMENCEMENT OF ACTION
SUBJECT TO MANDATORY ELECTRONIC FILING**

PLEASE TAKE NOTICE that the matter captioned above, which has been commenced by the filing of the accompanying documents with the County Clerk via the New York State Courts Electronic Filing System ("NYSCEF"), is subject to mandatory electronic filing pursuant to Section 202.5-bb of the Uniform Rules for the Trial Courts. This notice is being served as required by Subdivision (b) (3) of that Section.

Counsel and/or parties **must either**: 1) immediately record their representation within the e-filed matter on the Consent/Represent page in NYSCEF; or 2) file the Notice of Opt-Out form to claim one of the limited exemptions from mandatory e-filing (see below). Failure to record representation may result in an inability to receive electronic notice of any document filings. Claiming an exemption will require the exempt party to serve and be served with hard copy documents.

Counsel and unrepresented parties who intend to participate in e-filing must first create a NYSCEF account and obtain a user ID and password. For additional information about electronic filing, and to create a NYSCEF account, visit the NYSCEF website at www.nycourts.gov/efile or contact the NYSCEF Resource Center (phone: 646-386-3033; e-mail: efile@nycourts.gov; mailing address: 60 Centre Street, New York, New York 10007).

Exemptions from mandatory e-filing (Section 202.5-bb(e)) are limited to:

- 1) attorneys who certify in good faith that they lack the computer hardware and/or scanner and/or internet connection or that they lack (along with all employees subject to their direction) the operational knowledge to comply with e-filing requirements; and
- 2) parties who expect to represent themselves and who choose not to participate in e-filing. (Such parties are encouraged to visit www.nycourthelp.gov or contact the Help Center in the court where the action is pending.)

Dated: July 8, 2015

 (Signature)

Michael H. Kooshoian (Name)

LoTempio P.C. Law Group (Firm Name)

To: see attached

181 Franklin Street (Address)

Buffalo, NY 14202

716-855-3761 (Phone)

mkooshoian@lotempiopc.com (E-Mail)



COUNTY OF ERIE

MICHAEL A. SIRAGUSA
ERIE COUNTY ATTORNEY

MARK C. POLONCARZ

COUNTY EXECUTIVE
DEPARTMENT OF LAW

MICHELLE M. PARKER
FIRST ASSISTANT COUNTY ATTORNEY

JEREMY C. TOTH
SECOND ASSISTANT COUNTY ATTORNEY

July 21, 2015

Ms. Karen McCarthy, Clerk
Erie County Legislature
92 Franklin Street, 4th Floor
Buffalo, New York 14202

Dear Ms. McCarthy:

In compliance with the Resolution passed by the Erie County Legislature on June 25, 1987, regarding notification of lawsuits and claims filed against the County of Erie, enclosed please find a copy of the following:

File Name:	<i>Simmons, Telicia v. Erie County Sheriff's Department</i>
Document Received:	Notice of Claim
Name of Claimant:	Telicia Simmons 683 1/2 Lexington Avenue Rochester, New York 14613
Claimant's attorney:	Sean P. Kelley, Esq. Cellino & Barnes, P.C. 16 W. Main Street, 6th Floor Rochester, New York 14614

Should you have any questions, please call.

Very truly yours,

MICHAEL A. SIRAGUSA
Erie County Attorney

By: 
Michelle M. Parker
First Assistant County Attorney

MMP:dld
Enc.

RECEIVED
ERIE COUNTY
SHERIFF'S

2015 JUL 17 PM 2:

STATE OF NEW YORK
SUPREME COURT: COUNTY OF MONROE

TELICIA SIMMONS,

Claimant,

NOTICE OF CLAIM

v.

ERIE COUNTY SHERIFF'S DEPARTMENT

Respondents,

PLEASE TAKE NOTICE, that the above named claimant claims and demands from the respondents ERIE COUNTY SHERIFF'S DEPARTMENT., recompense for personal injuries and damages sustained by claimant by reason of the wrongful, negligent and careless acts and omissions of the respondents, their agents, servants and/or employees, and in support thereof, the claimant states:

1. This Notice of Claim is made pursuant to the requirements of applicable statutes including §50(i) and §50(e) of the General Municipal Law of the State of New York and such other laws and statutes as are in the case made and provided.

2. The name and address of the Claimant is: Telicia Simmons, 683 ½ Lexington Avenue, Rochester, New York 14613.

3. The claimant is represented by Cellino & Barnes, P.C., Sean P. Kelley, Esq., 16 West Main Street, 6th Floor, Rochester, New York 14614; telephone number (585) 454-2020.

4. The incident in which personal injuries were sustained by Claimant, Telicia Simmons, occurred on or about April 28, 2015 at approximately 12:21 p.m. On said date and time, the claimant, Telicia Simmons, was the driver of a vehicle traveling on Dewey Avenue in the City of Rochester, when a vehicle driven by, NEIL C. HELD and owned by ERIE COUNTY SHERIFF'S DEPARTMENT, rear ended the vehicle the claimant was in, and she was injured.

5. By virtue of the negligence of ERIE COUNTY SHERIFF'S DEPARTMENT, and its employees, namely NEIL C. HELD, agents or servants, claimant has incurred certain medical and hospital expenses, which are to date undetermined and will incur further impairment of health, permanent injuries, and medical expenses which cannot be reasonably calculated at this time.

6. Claimant, Telicia Simmons sustained injuries to her neck, back, shoulder and hip.

7. Upon information and belief, claimant may be obligated to pay further medical expenses, including drugs, medicines and prosthetic devices, the amount of which cannot be reasonably calculated at this time.

8. Her damages include, but are not limited to, past and future medical expenses and benefits, past and future pain and suffering, loss of enjoyment of life and wages, the total amount which may exceed \$500,000.00.

9. The incident was caused solely by the wrongful, careless and negligent acts and omissions of ERIE COUNTY SHERIFF'S DEPARTMENT their agents,

servants or employees, namely NEIL C. HELD who acting in the course and scope of their employment, acted in a negligent manner set forth herein.

TAKE NOTICE that claimant demands payment of her claim as set forth above.

DATED: July 14, 2015

By: 

Sean P. Kelley, Esq.
Cellino & Barnes, P.C.
Attorneys for Plaintiff
16 W. Main Street, 6th Floor
Rochester, New York 14614-1605
(585) 454-2020

TO: Erie County Sheriff's Department
One Sheriff's Drive
Orchard Park, New York 14127

VERIFICATION

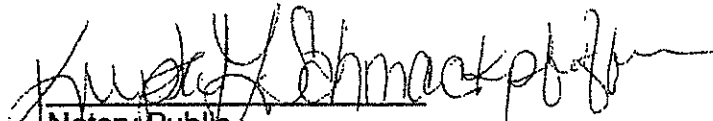
STATE OF NEW YORK)
COUNTY OF MONROE) SS:
CITY OF ROCHESTER)

I, **Telicia Simmons**, being duly sworn, deposed and says that I am the Claimant in the within action; I have read the foregoing Verified Notice of Claim and know the contents thereof, that the same is true to knowledge of the deponent, except as to the matters there in stated to be alleged on information and belief, and as to those matters, I believe to be true.



Telicia Simmons

Sworn to before me on this
14th day of July, 2015.



Notary Public

KRYSTAL L. SCHMACKPFEFFER
NOTARY PUBLIC, State of New York
Registration No. 01SC6267981
Qualified in Monroe County
Commission Expires August 27, 2016



COUNTY OF ERIE

MICHAEL A. SIRAGUSA
ERIE COUNTY ATTORNEY

MARK C. POLONCARZ

COUNTY EXECUTIVE
DEPARTMENT OF LAW

MICHELLE M. PARKER
FIRST ASSISTANT COUNTY ATTORNEY

JEREMY C. TOTH
SECOND ASSISTANT COUNTY ATTORNEY

July 23, 2015

Ms. Karen McCarthy, Clerk
Erie County Legislature
92 Franklin Street, 4th Floor
Buffalo, New York 14202

Dear Ms. McCarthy:


In compliance with the Resolution passed by the Erie County Legislature on June 25, 1987, regarding notification of lawsuits and claims filed against the County of Erie, enclosed please find a copy of the following:

File Name:	<i>Flax, Michael v. City of Buffalo and County of Erie</i>
Document Received:	Notice of Claim
Name of Claimant:	Michael Flax 93B1393 Mid-State Correctional Facility P.O. Box 2500 Marcy, New York 13403
Claimant's attorney:	Claimant is proceeding <i>pro se</i> .

Should you have any questions, please call.

Very truly yours,

MICHAEL A. SIRAGUSA
Erie County Attorney

By: 
Michelle M. Parker
First Assistant County Attorney

MMP/dld
Enc.

NEW YORK STATE SUPREME COURT
COUNTY OF ERIE

X

MICHAEL FLAX,

Plaintiff,

-vs-

CLAIM [Municipal Law § 50E]

Index No.: 810065-2014

CITY OF BUFFALO, et al.,

Defendant. X

I, MICHAEL FLAX (referred hereinafter as "plaintiff"), complaining of the the actions or inactions of the employees of the CITY OF BUFFALO, COUNTY OF ERIE (referred hereinafter as "defendants"), deposes and says:

1. At all times mentioned herein, plaintiff was a residence of the County of Erie, City of Buffalo, State of New York.
2. Upon information and belief, at all time mentioned herein, defendant (ERIC CONSTANTINO), a detective for the Buffalo Police Department, was the lead detective responsible for filing the felony complaint, initiating a petition for an Order of Protection, investigating the criminal complaint, gathering evidence and issuing a warrant to secure plaintiff's arrest on January 29, 2013.
3. Upon information and belief, defendant (MARNI BOGART), an assistant District Attorney for the county of Erie, at the time of the incident complained of herein, was the public officer responsible for prosecuting plaintiff in both, the City and County Court, located in the City of Buffalo between January 29, 2013 and March 18, 2014.
4. Upon information and belief, defendant (BOGART) offered plaintiff approximately seven (7) plea-deals throughout the fourteen months this matter was pending in the City and County Courts.
5. During plaintiff's felony hearing based upon his arrest and arraignment upon an E felony (Rape in the Third Degree), plaintiff waived the felony hearing for direct presentment to an Erie County Grand Jury and gave notice pursuant to C.P.L. 190 that he wish to appear as a witness on his behalf.
6. Based upon information and belief, defendant (BOGART) never presented the case before a grand jury nor had defendant (BOGART) intended to do so in this matter.
7. Upon information and belief, Erie County Judge, Kenneth Case sent the felony back to City Court Judge, Susan Eagan after plaintiff refused to allow defendant (BOGART) additional time to seek an indictment. On July 10, 2013, plaintiff was brought before Judge Eagan for arraignment upon an A misdemeanor.
8. On August 9, 2013, the misdemeanor complaint was scheduled for return

motions on September 25, 2013, but the matter was rescheduled for September 27, 2013 in the afternoon.

9. During the September 27, 2013 hearing before City Court Judge, Eagan, plaintiff submitted a pro se motion made pursuant to C.P.L. 30.30, requesting a dismissal based a speedy trial violation. The Court never ruled on the motion based upon a 'policy' of defendant's (BOGART) office practice of not responding to pro se litigants who have counsel. The Court went on to schedule trial for February 24, 2014.

10. On February 18, 2014, plaintiff was called before the Court and a different Erie county district attorney motioned the Court to dismiss the case. The matter was placed on a reserved calendar and on March 18, 2014, the case was dismissed pursuant to Criminal Procedure Law § 160.50.

**AS FOR THE FIRST CAUSE OF ACTION FOR MALICIOUS PROSECUTION
AGAINST THE CITY OF BUFFALO**

11. On or about December 29, 2012 between the hours of 9:00 p.m. and 5:00 a.m., plaintiff was working overtime at his place of employment (Buffalo News Press) through a temporary agency (SPS). This day was unscheduled based upon the Christmas and New Year holiday season.

12. Based upon a felony complaint that was filed by an ex-girlfriend of the plaintiff, it was alleged that on the night of December 29, 2012, plaintiff and the ex-girlfriend (Rosalind Eatmon-Jackson) had attended a party together, eight days after plaintiff broke off the relationship based upon hidden unhealthy sexual practices and escalating drug and alcohol abuse by Rosalind Jackson.

13. The criminal complaint alleged that after plaintiff and his ex-girlfriend left this party at 2:00 a.m., plaintiff took control of her vehicle and took her to his apartment in the city of Buffalo where he was to have kidnapped and repeatedly raped her for more than eight (8) hours. These allegations were reported in the police report that was taken by defendant (CONSTANTINO) on January 1, 2013 at the Buffalo Police Headquarters.

14. Based upon information and belief, defendant (CONSTANTINO) has gone on record to testify that he visually observed bruises and a bite mark on the complainant's thigh.

15. At no time during the investigation conducted by defendant (CONSTANTINO), did he check the story of plaintiff's ex-girlfriend to support the felony complaint with regards to the place where this allege crime took place nor had defendant inquired at plaintiff's place of employment, whether plaintiff was at work during the time of this allege incident. Plaintiff is required to use an entry card to enter and exit his place of employment with an electronic wipe

card and there is around the clock surveillance available for review with regards to criminal investigations. At plaintiff's place of employment, during the time of this allege incident, Buffalo News Press require all employees to register the times they arrive at work and depart from work through the means of having their hand scanned on a hand imaging time clock. This device is one of the most updated pieces of technology used in the work force, yet none of this available evidence was investigated by defendant (CONSTANTINO) during his investigation of the allege crime that took place on December 29, 2012.

16. It is plaintiff's belief that if defendant (CONSTANTINO) had properly conducted his investigation in a impartial manner, plaintiff would not have been arrested or charged.

17. Furthermore, based upon information and belief, defendant (CONSTANTINO) based his probable cause to charge and arrest plaintiff was a result of plaintiff being arrested more than two decades ago and convicted for first degree rape for which he was on parole at the time of the allege incident. Even so, this type of probable cause was not supported by the evidence gathered. Available to defendant (CONSTANTINO) during his investigation was plaintiff's prior conviction.

18. Based upon information and belief, the complainant in the felony complaint was taken to Erie County Medical Center on December 29, 2012 and a rape-kit was performed based upon her allegations. This same rape-kit was sent to a forensic lab for testing and a medical examine was performed at the hospital consistant with the type of medical complaint.

19. Based upon information and belief, the results of both the medical and forensic examine yielded negative results for tearing, bruising, semen, trauma and any other findings that would be consistent with a sexual assault. In the face of this clear and convincing proof that refute the claims in the police report, this material was deliberately ignored by defendant (CONSTANTINO). Another piece of proof that was available to defendant (CONSTANTINO) during his investigation was the footage from a camera that is mounted on a pole one block from plaintiff's apartment. This camera was mounted on this city block for crime fighting. It would have proven a crime as alleged for it record activities within plaintiff's neighborhood, but defendant (CONSTANTINO) willfully disregarded this critical piece of evidence in exchange for suspicion. The plaintiff and his ex-girlfriend were never in physical contact with each other on this allege night.

20. As such, it is plaintiff's contention that defendant (CONSTANTINO) abused his position and maliciously prosecute plaintiff by over looking all of the obvious proofs that were available to him as a public servant/ police detective.

21. The actions or inactions of defendant (CONSTANTINO) were a direct violation of plaintiff's State Constitutional right to be free from malicious actions done by a public servant and well as the U.S. Constitution and local county law.

22. On or about June 13, 2014, and within 90days after the claim herein sued upon arose, plaintiff caused a notice of claim, in writing, sworn to on behalf of plaintiff, containing a statement in compliance with General Municipal Law to be served upon the County of Erie, by placing said documents in an envelope maked legal mail and placing it in a U.S. Postal mail-box designated for prisoner's outgoing mail maintained by the officials at the Erie County Holding Center, located in the City of Buffalo, New York addressed to the Supreme Court Chief Clerk in the same city, State of New York.

23. This action has been commenced within one year and 90 days after the happening of the events upon which ~~is~~ the basis of this claim.

**AS FOR THE SECOND CAUSE OF ACTION FOR MALICIOUS PROSECUTION
AGAINST THE CITY OF BUFFALO**

24. Plaintiff repeats and re-alleges each and every allegation contained in paragraph 1 through 23.

25. After plaintiff was arraigned on January 30, 2013 in the Buffalo City Court (Eagan) upon a single count of Rape in the Third Degree and bail was set at \$25,000 dollars [A or B], the case was scheduled for counsel appearance and a felony hearing on or about February 12, 2013.

26. Upon information and belief, at no time during this criminal proceeding, defendant (BOGART) had a complaining witness who was willing to come to Court and cooperate with defendant (BOGART) in prosecuting plaintiff.

27. Defendant (BOGART), ~~throughout~~ throughout the fourteen months this matter was pending, willfully and maliciously attempted to prosecute plaintiff without evidence that would support a criminal offense under New York Penal Law.

28. Based upon information and belief, defendants (BOGART & CONSTANTINO), along with the New York State Division of Parole, collectively investigated plaintiff for approximately one month before it was decided that plaintiff would be arrested and charged without evidence.

29. Based upon information and belief, defendant (BOGART) knew that plaintiff would not be able to make bail based upon a parole warrant that held plaintiff in the local city jail until the case was disposed of. The hold allowed defendant (BOGART) numerous opportunities to coerce plaintiff into pleading guilty or in the worst case presented, plaintiff would serve at least one year in local jail.

30. This being the facts of this suit, based upon information and belief, defendant (BOGART) mislead the Courts by continuing to claim that there was a victim

or witness who was willing to cooperate with the prosecution in the criminal case that was filed against plaintiff. This was the furthest thing from the truth. Based upon the sworn testimony of the complainant who started this whole matter, she stated during plaintiff's parole revocation hearing that she and her mother went to Family Court on the morning of January 29, 2013 for an order of protection. complaint that defendants advised her to file. Plaintiff appeared without legal representation and the matter was rescheduled for the following month. The defendant's star witness said that she never heard anything else from either of the defendants and this is the reason she never appeared at any of the seven (7) or eight (8) court hearings throughout the fourteen (14) months this matter was pending.

31. However, defendant (BOGART) stated during a September 27, 2013 court appearance before City Court Judge (Eagan) that: "Lastly, the People remain ready, and just so it is clear to the Court, counsel and defendant, the Claimant in this matter was seated in my office yeasterday, we discussed this matter fully. She is -- remains ready and willing and able to proceed on this case. If it proceeds, we'll have a live, willing victim available. So again, the offer is still on the table. Thank you, Judge."

32. Defendant (BOGART) made this statement knowingly that she had not spoken with the complainant in the criminal case for approximately nine (9) months and she had no intention of ever speaking with the complainant because the complainant was not available, willing or otherwise, cooperating with defendant (BOGART).

33. Based upon information and belief, this lie was used by defendant (BOGART) during the previous Court appearances as a means to keep the case active. However, one week before the case was to go to trial, another District Attorney appeared as a representative for the People and moved to dismiss the case. Defendant (BOGART) knew that her actions would hender plaintiff's right to be free from arbitrary methods that would deprive plaintiff of equal protection of the law.

34. Based upon information and belief, probable cause was never established to warrant plaintiff's arrest and ultimate prosecution. However, both defendants with malice, arrested plaintiff and the case was dismissed pursuant to Criminal Procedure Law § 160.50.

**AS AND FOR A THIRD CAUSE OF ACTION FOR MALICIOUS PROSECUTION
AND VIOLATION OF PLAINTIFF'S LOCAL, STATE AND FEDERAL CONSTITUTIONAL RIGHTS.**

35. Based upon information and belief, this action was initiated by plaintiff's disgruntled ex-girlfriend who has a documented history of filing false reports of being sexually assaulted. A review of such reports are numbered at four (4) within the past twenty-five years. She also has documented mental health issues, none of this was known at the time plaintiff dated her, but was later learned through

Court generated documents. It is plaintiff's knowledge that while a grand jury meeting was pending (May 2013), the complainant contacted both the defendant and the New York State Division of Parole to notify them that she wish to no longer proceed in the pending criminal matter.

36. Based upon information and belief, defendant (BOGART) ignored this request and deliberately mislead the Court, defense counsel and plaintiff into believing that they were indeed prepared for a grand jury hearing and if indicted, a jury trial. Based upon information recently provided to plaintiff, this is not the first time defendant (BOGART) has given misleading information in a Court of law for the sole purpose of securing a criminal conviction by any and all means.

37. In all, defendant (BOGART) had a sworn duty to prosecute in a honorable manner and establish legal principles and not to secure a conviction by any means. The actions complained of herein, violated plaintiff's right to due process under State and Federal Constitutional guidelines. The plaintiff was held under a ruse that caused him to loose full-time job, loss of personal property that has not been precisely determined, but amount to an estimated sum of five-thousand U.S. dollars, and future earning based upon plaintiff being administratively penalized by the New York State Division of Parole at the request of defendant (BOGART) after she was unable to secure a criminal conviction in a Court of law.

38. Plaintiff also was humiliated after a story was ran about his arrest for rape in the Buffalo News on or about January 30, 2013 stemming from a case that lacked probable cause and was generated based upon suspicion, false information and the misleading information that was furnished by defendant BOGART.

39. The injuries complained of herein, was further fed by the willful incomplete investigation of defendant (CONSTANTINO). This defendant had a sworn duty that is enumerated in New York Public Officer Law to uphold the laws of the State of New York, County of Erie and the laws enumerated in the United State Constitution. The sub-par investigation made by defendant (CONSTANTINO) was a wrongful acts, breach of duty as a public servant working in the capacity of a Buffalo Police Detective with the Buffalo Police Department.

40. These intentional acts cause plaintiff to be arrested, jailed and prosecuted. Plaintiff has suffer a serious blow to his reputation as a member of his community who taught an Anger Management class at the Buffalo City Mission to less fortunate citizens of Buffalo who have fallen on hard times. Plaintiff was further damaged when defendant (CONSTANTINO) appeared at plaintiff's parole revocation hearing as a sworn witness to the case he investigated and gave

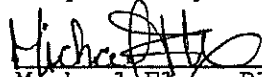
misleading information under oath, knowing that the criminal matter he was responsible for investigating was dismissed in a Court of law pursuant to C.P.L. § 160.50 [In favor of the accused]. It is plaintiff's contention that defendant (CONSTANTINO) knew that his misleading testimony would lead to plaintiff's parole being revoked, so at the expense of the New York State tax-payers, he willfully gave perjured testimony, thus, further disregarding his duty as a public officer. 41.

Defendant (CONSTANTINO) became bias and motivated by plaintiff's prior arrest and conviction for rape more than two decades ago, a reason that did not amount to probable cause in any legal forum. It is plaintiff's belief that the defendant was under a prejudicial belief that he had a clear slam dunk when he arrested and charged plaintiff in the criminal matter, but after he learned that his unprofessional efforts gained him less than expected, he sought to save face when he decided to appear on June 25, 2014 to give perjured testimony.

WHEREFORE, plaintiff demands judgment against defendants in an amount to be determined upon the trial of this action, together with the cost and disbursements of this action.

DATED: June 9, 2015
Marcy, New York

Respectfully submitted,



Michael Flax, Plaintiff
Mid-State Correctional Fac.
P.O. Box 2500
Marcy, New York 13403

SWORN VERIFICATION

STATE OF NEW YORK)
)SS.:
COUNTY OF ONEIDA)

I, MICHAEL FLAX, deposes and says under the penalty of perjury that:
I am the plaintiff in the within proceeding [CLAIM Municipal Law 50-E]; I have
read the CLAIM and know the contents thereof; that the same is true to my own
knowledge, except as to matters therein stated to be upon information and belief,
and as to those matters I believe them to be true.

Respectfully,

MICHAEL FLAX, (Plaintiff)

SWORN TO BEFORE ME THIS 9th

DAY OF JUNE, 2015.


NOTARY PUBLIC

DARIEN E. MOLINA
NOTARY PUBLIC-STATE OF NEW YORK
No. 01MO6278620
Qualified in Oneida County
My Commission Expires March 25, 2017


AFFIDAVIT OF SERVICE BY MAIL

STATE OF NEW YORK)
)SS.:
COUNTY OF ONEIDA)

I, MICHAEL FLAX, being duly sworn deposes and says:

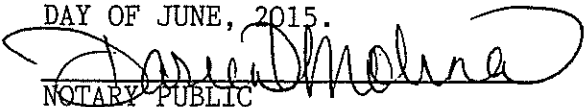
That I have this 9th day of June, 2015, deposited in a mail-box provided for
inmates outgoing mail, which is regularly maintained by the Department of Cor-
rections and Community Supervision at Mid-State Correctional Facility, Marcy,
New York, and served the following Claims [Michael Flax v. City of Buffalo &
Erie County Holding Center, Index # 810065 - 2014] upon:

- | | |
|--|--|
| 1. Michael A. Siragusa, County Attorney
95 Franklin Street - Room 1634
Buffalo, New York 14202 | 2. City of Buffalo
Corporate Counsel
65 Niagara Street - 1100 City Hall
Buffalo, New York 14202 |
|--|--|

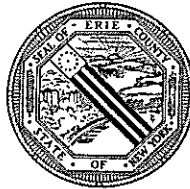
Respectfully

MICHAEL FLAX, Plaintiff
Mid-State Correctional Fac.
P.O. Box 2500
Marcy, New York 13403

SWORN TO BEFORE ME THIS 9th

DAY OF JUNE, 2015.


NOTARY PUBLIC

DARIEN E. MOLINA
NOTARY PUBLIC-STATE OF NEW YORK
No. 01MO6278620
Qualified in Oneida County
My Commission Expires March 25, 2017



COUNTY OF ERIE

MICHAEL A. SIRAGUSA
ERIE COUNTY ATTORNEY

MARK C. POLONCARZ

COUNTY EXECUTIVE
DEPARTMENT OF LAW

MICHELLE M. PARKER
FIRST ASSISTANT COUNTY ATTORNEY

JEREMY C. TOTH
SECOND ASSISTANT COUNTY ATTORNEY

July 23, 2015

Ms. Karen McCarthy, Clerk
Erie County Legislature
92 Franklin Street, 4th Floor
Buffalo, New York 14202

Dear Ms. McCarthy:

In compliance with the Resolution passed by the Erie County Legislature on June 25, 1987, regarding notification of lawsuits and claims filed against the County of Erie, enclosed please find a copy of the following:

File Name:	<i>Curto, Patricia J. v. County of Erie, Erie County Department of Social Services, Commissioner Dirschberger, Patricia Girard, Nancy Sullivan, Leonore/Lenore Olmsted-Sullivan, Shirley Lam, Timothy Callan, FOIL Appeals Officer, Bonnie McLaughlin, ECDSS FOIL Officer</i>
Document Received:	EEOC Charge of Discrimination
Name of Claimant:	Patricia J. Curto 20 Hazel Court West Seneca, New York 14224
Claimant's attorney:	Claimant is proceeding <i>pro se</i> .

Should you have any questions, please call.

Very truly yours,

MICHAEL A. SIRAGUSA
Erie County Attorney

By: *Michelle M. Parker*
Michelle M. Parker
First Assistant County Attorney

MMP/dld
Enc.

Comm. 16D-9
Page 27 of 88

IN THE MATTER OF THE CLAIM OF

PATRICIA J. CURTO
20 Hazel Court,
West Seneca, New York 14224

Claimant

against

NOTICE OF CLAIM

The County of Erie
95 Franklin Street
Buffalo, New York 14202

The Erie County Department of Social Services
95 Franklin Street
Buffalo, New York 14202

Erie County Department of Social Services
Commissioner Al Dirschberger
95 Franklin Street
Buffalo, New York 14202

Patricia Girard
97 Neubauer Ct.
W. Seneca, NY 14224

Nancy Sullivan
28 Rene Dr.
W. Seneca, NY 14224

Leonore/Lenore Olmsted-Sullivan
11378 Springville Boston Rd.
E. Concord, NY 14055

Shirley Lam
16 Wainwright Rd
Chktg, NY 14215

Timothy Callen FOIL Appeals Officer
95 Franklin St. 16th Floor
Buffalo, NY 14202

Bonnie Mc Laughlin ECDSS FOIL Officer
95 Franklin St. 7th Floor

This paper received at the
Erie County Attorney's Office
from Patricia J. Curto on
the 21 day of July, 2015
at 2:35 a.m./p.m.
M. C. Nunez
Assistant County Attorney

Buffalo, NY 14202

Respondents

TO:

County of Erie, New York
Erie County Attorney
Michael A. Siragusa, esq.
95 Franklin St, 16th Fl
Buffalo, New York 14202

PLEASE TAKE NOTICE that I, Patricia J Curto, pursuant to General Municipal Law 50-e and such other statutes as may be applicable in such cases made and provided, do hereby claim and demand of and from: on behalf of myself for damages sustained by me individually by and through the negligence; and/or conspiracy; and/or the malicious, and/or willful, and/or intentional, and/or wrongful and continuous acts/practices/policies and/or continuous unlawful acts/practices/policies of County of Erie New York/EC and it's employees/agents/servants/alter ego, Erie County Department of Social Services/ECDSS, Erie County Department of Social Services Commissioner Al Dirschberger, Nancy Sullivan, Patricia Girard, Leonore Olmsted-Sullivan, Shirley Lam, Bonnie Mc Laughlin and Timothy Callen and the various departments, agents, servants, alter egos and/or employees; knowledge of County of Erie officers/officials of facts constituting claim; and in support of such claims do state the following:

I, Patricia J Curto, reside at No. 20 Hazel Court in the Town of Orchard Park, County of Erie and State of New York

Claimant on April 27, 2015 observed a person claiming to be ECDSS employee Nancy Sullivan illegally on posted property at 20 Hazel Ct. and illegally searching property and illegally inspecting property and etc., located at 20 Hazel Ct. located in the Town of Orchard Park, Erie County, New York State.

Claimant on April 30, 2015 requested from ECDSS FOIL Officer Bonnie Mc Laughlin access to relevant related records, pursuant to NY State Freedom Of Information Law/FOIL for Nancy Sullivan's presence, illegal actions/conduct and etc. at 20 Hazel Ct.

Claimant received no records within the five/5 days required by FOIL and appealed pursuant to FOIL from the denial, to Timothy Callen FOIL Appeals Officer on May 8, 2015.

ECDSS FOIL Officer Bonnie Mc Laughlin untimely provided documents.
FOIL appeals officer Timothy Callen replied to the appeal via a letter to claimant, claiming nothing was denied---everything was provided (nothing denied, redacted, destroyed or etc.).

The complete Erie County record for claimant consist of:
Lenore Olmsted-Sullivan author of note entry date 4/29/2015;
Nancy Sullivan author of note entry date 4/29/2015;
Patricia Girard author of note entry date 4/28/2015, updated 5/11/2015;
Patricia Girard author of note entry date 4/22/2015;
Nancy Sullivan author of note entry date 4/9/2015
Nancy Sullivan author of note entry date 3/10/2015;
Memo from Leonore Olmsted-Sullivan sent 4/29/2015 to Patricia Girard and Shirley Lam;
Memo from Patricia Girard sent 4/29/2015 to Leonore Olmsted-Sullivan and Shirley Lam;
Referral from Patricia Girard dated 4/28/2015;
Consultation Summary and Recommendations of Leonore Olmsted-Sullivan dated 4/29/15
Hear after referred to as the record.

NYS Social Services law require ECDSS within 30 days of receiving a report, to notify the subject of the report in writing, the ECDSS determination but ECDSS has, to date, failed to notify claimant.

Claimant requested on 3/3/2015 pursuant to NY Social Service law Article 9-B Title 3 section 473-E:

“copies of reports as well as any other information obtained, including but not limited to: all documents, records; inter-office memos; reports; chronicles; letters; correspondence; computerized records; logs; requests for assistance; or writings that mention, concern, discuss, pertain to a recall either directly or indirectly to Patricia J. Curto; in the possession of the Erie County Department of Social Services

As used herein the term “document” shall include writings, notes drafts, outlines , recordings, affidavits, photos, reports, complaints, phone logs, and files regardless of storage media; they include, but are not limited to, writings contained on paper, record able tape, celluloid, disks, hard drives, electronic servers or any other digitally stored media.”

Claimant to date has not received the requested material nor a response from ECDSS.

Record documents identifies a person named Lenore Olmsted-Sullivan and a person named Leonore Olmsted-Sullivan upon information and believe it is the same person.

Patricia Girard alleged Adult Protection intake on 2/19/15 and Leonore Olmsted-Sullivan alleged another ECDSS Adult Protection intake dated 2/20/15 but there is no intake report for either date in the record. Therefore the record establishes there is/are no intake report(s).

No ECDSS/EC employment/personnel records were provided to claimant, for Nancy Sullivan, Patricia Girard, Lenore Olmsted-Sullivan, Shirley Lam; and none were denied. Therefore the record establishes these individuals are not ECDSS/ EC employees.

EC/ECDSS and it's officials are knowingly allowing these individuals (Nancy Sullivan,

Patricia Girard, Lenore Olmsted-Sullivan, Shirley Lam) to impersonate/masquerade as ECDSS/EC employees. The record establishes Nancy Sullivan, Patricia Girard, Lenore Olmsted-Sullivan, and Shirley Lam do not receive any compensation (wages, benefits, income) from EC/ECDSS, but EC/ECDSS and its employees/officials are aiding, abetting and encouraging Nancy Sullivan, Patricia Girard, Lenore Olmsted-Sullivan, Shirley Lam by allowing them: access to claimant's private legally protect ECDSS information/file; to engage in illegal conduct in the name of EC/ECDSS; to place in claimant's ECDSS file, reports that are false, malicious, libelous, derogatory and etc; and etc (see below).

The record establishes Nancy Sullivan, Patricia Girard, Lenore Olmsted-Sullivan, Shirley Lam do not meet the required minimum adult protection training requirements or educational requirements, required by the law.

NY Court of appeals has held/made it very clear, the Law of New York is: "under NY Constitution, article I, § 12, landowners who fence or post "No Trespassing" signs on their private property or, by some other means, indicate unmistakably that entry is not permitted, have a reasonable expectation that their privacy rights will be respected and that they will be free from unwanted intrusions."

When law enforcement officers entered posted property, without a (legitimate) warrant, the officers committed a civil and criminal trespass.

None of the respondents can use the fruits (observation, information, discover and etc.) of illegal entry/trespass or illegal searches. Therefore any alleged observations, information, discover and etc, obtained by any respondent on the basis of these illegal entries/searches, are a nullity.

As the law infers some damage without proof of actual injury from every direct invasion of the person or property of another, the plaintiff is always entitled to damages in an action of trespass.

Per NYS Social Services Law " § 473-c. An order to **gain access to persons...**

.A **social services official** may apply to the supreme court or county court for an order to gain access to a person...

A **social services official** who is refused access shall...

Nothing in this section shall be construed to impair any existing right "

Order to Gain Access

CASELAW, for example where court decided:

"The respondent is an allegedly incapacitated person (hereinafter, the AIP). She is ninety five years old and lives alone in a cooperative apartment. APS became aware of the AIP when the AIP's landlord made a report to the APS hotline sometime prior to March 2007. The report indicated, at least in part, that the AIP's apartment was in need of repair.

"Prior to the start of the hearing, the Petitioner's attorney stated that the AIP currently refused to allow anyone entry into her apartment". Petitioner requested an adjournment to obtain an Order to Gain Access. The court stated/decided access is to the person, quoting "the social services official to gain access to the **person** who may be in need of protective services" (See Social Services Law §473-c (1) (d) emphasis added)"and

"If the person the social services agency seeks to evaluate is in fact available for observation and evaluation" ... "the Court is duty bound to deny the application." "In the instant matter, the Petitioner... has had the opportunity to gain such access... the AIP is available for observation and interview, to whatever extent she chooses, when she daily leaves her apartment to shop."

"This Court also notes that granting an order to gain access does not compel the AIP to subject herself to an evaluation. During the execution of an order to gain access an AIP is within her rights to simply refuse or fail to cooperate with the evaluation"

"The Court...notes that to use an Order to Gain Access to collect evidence is impermissible".

Claimant Patricia Curto is not homebound, has no guardian or representative, and there is no adult protection intake report, unlike the case with Laura Cummings.

Adults have civil and constitutional rights, i.e., the right to live their lives as they wish, manage their own finances, enter into contracts, marry, etc.

Adults have the right to make decisions that do not conform with societal norms as long as these decisions do not harm others.

Adults have the right to accept or refuse services.

Nancy Sullivan, while impersonating an ECDSS employee, placed in claimant's ECDSS AD case file # 215124 a report dated 4/29/2015 event date 4/27/2015:

"Cl's truck was parked in the driveway" - nothing in record supports; assuming arguendo there was a truck parked in driveway and was claimant's driveway, nowhere in the record does it establish it is cl's/claimant's truck. Assuming arguendo truck belonged to claimant, she has a right to park it in the driveway. There is no record, Nancy Sullivan reported any of the male/younger neighbor's trucks that were parked in their respective driveways. There is no intake report so complaining/reporting.

"It had been backed in" - nothing in record supports; assuming arguendo there was a truck backed in at 20 Hazel Ct. and truck belonged to claimant, she has a right to back in. There is no record, Nancy Sullivan reported any of the male/younger neighbor's trucks that were backed in their respective driveways. There is no intake report so complaining/reporting.

"Inspection and registration are current" - Nancy Sullivan committed a civil and criminal trespass and an illegal search and etc of posted 20 Hazel Ct.; record does not establish truck owner is claimant or that inspection and registration are current; there is no record Nancy Sullivan entered male/younger neighbors un-posted property to search and inspect vehicle(s) for current inspection and registration. There is no intake report so complaining/reporting. Whether a vehicle's inspection and registration is current, is a matter for the police (police activity, responsibility, concern) and there is no record of Nancy Sullivan being a police officer.

"There is debris on the front lawn consisting of garden tools, a pile of fire wood, plastic

container” - nothing in the record supports; Nancy Sullivan committed a civil and criminal trespass and an illegal search and etc of posted 20 Hazel Ct.; garden tools, fire wood and plastic container does not meet the dictionary definition of debris. There is no intake report so complaining/reporting; there is no record Nancy Sullivan enter male/young neighbors un-posted property to search and inspect the property .

Notably Nancy Sullivan did not report that (upon information and belief) on 4/27/2015 she drove past a male/younger neighbors property at 8 Hazel Ct. which had a large pile of firewood in the driveway over five/5 feet tall;

Notably Nancy Sullivan did not report that on 4/27/2015 she drove past a male/younger neighbors property (only one property north of/away from 20 Hazel Ct.) which had two cars, with no plates on the front lawn (within 5 ft of the road), more vehicles in the driveway (with and without plates), firewood pile, exterior Xmas decorations, children toys scattered all over, plastic containers, trampoline with the safety/protective side netting removed, old farm wagon, above ground pool with deck and no gate and more, all visible from the road by Ms Sullivan when she drove by.

“There are 2 leashes attached to the front door for the dogs” - nothing in the record supports; Nancy Sullivan committed a civil and criminal trespass and an illegal search and etc of posted 20 Hazel Ct, There is no intake report so complaining/reporting; there is no record Nancy Sullivan entered male/young neighbors un-posted property to search their front door for dog leashes.

“The front lawn is clean of dog feces; slight indicators that dogs had deficated and it had been picked up” - nothing in the record supports; Nancy Sullivan committed a civil and criminal trespass and an illegal search, and etc of 20 Hazel Ct. There is no intake report so complaining/reporting. There is no report Nancy Sullivan entered male/young neighbors un-posted property to search and etc for dog feces (which upon information and belief she would have found), nothing in record supports there are dogs on premise.

“There is a pole across the driveway but not completely blocking entrance” - nothing in the record supports; irrelevant if a pole blocks, as the Posted No Trespassing signs prohibits entry. There is no intake report so complaining/reporting.

“There are numerous signs: Stay Out; No Trespassing; Beware of Dog” - nothing in the record supports; there is no “Beware of Dog” sign or Stay Out sign and claimant has right(s) to put up/post No Trespassing signs that entry is not permitted. There is no intake report so complaining/reporting.

“CM knocked on the front door and dogs immediately started barking and jumping on the door” - nothing in the record supports; Nancy Sullivan committed a civil and criminal trespass and illegal search, and etc of posted 20 Hazel Ct.; there is no record Nancy Sullivan entered male/young neighbors un-posted property and knocked on the front door; upon information and belief male/young neighbors’ dogs would have barked and etc. There is no intake report so complaining/reporting. No dogs jumped on the front door.

"CM waited but no response" - nothing in record supports; as established above, claimant has a right not to respond to a social services/ECDSS Adult Protection employee, record establishes Nancy Sullivan is not a ECDSS Adult Protection employee, Nancy Sullivan fails to meet the requirements to be a Adult Protection worker; and claimant has made it clear she is exercising her rights (right to refuse, not cooperate); Nancy Sullivan was committing a criminal and civil trespass.

"The windows are all covered so CM could not see inside the house" - nothing in record supports; no intake report so complaining/reporting; Nancy Sullivan has no right to see inside the house yet alone while committing civil and criminal trespass and an illegal search, and etc of posted 20 Hazel Ct.; there is no record Nancy Sullivan entered male/young neighbors un-posted property to see inside their houses, including other houses on Hazel Ct.; there is no report she could not see inside the houses of male/younger neighbors' houses.

Nancy Sullivan is complaining because she can not look into a strangers bathroom window, bedroom windows and etc. Claimant has a right to have curtains and anything else on her windows, a right to her privacy. Claimant also has right to save energy by covering windows with curtains, plastic film and/or reflective window film. Claimant has a right to use any type of window treatment she wants--there is no law prohibiting or restricting residential window treatments.

"CM put my card in her mailbox" - violation of federal postal law; claimant's privacy, etc; and the card was a forgery, as card falsely identified Nancy Sullivan as a ECDSS employee. There is no record Nancy Sullivan placed her card in any young/male's mailbox.

Patricia Girard while impersonating an ECDSS employee, filed in claimant's ECDSS file a report dated 4/28/2015 event date 4/27/2015 and report date 4/22/2015, which establishes she has not been present at posted 20 Hazel Ct. ECDSS record establish there are no photo/video record(s). Notably the law only allows photos/videos of private property from a (public) street without owners permission; prohibits taking photo/video of private property without the owners permission, even from adjoining property.

Patricia Girard while impersonating an ECDSS employee, filed in claimant's ECDSS AD case file # 215124 a report dated 4/28/2015, event date 4/27/2015 (the record establishes Patricia Girard has no first hand knowledge)

- "APS call for financial concerns as cl allegedly has history of not paying bills.": not supported by record; there is no record of an APS call, no report as required by law.

- "CM sent letter arranging HV later in the afternoon of event date." nothing in the record supports, ECDSS record does not have a copy of the alleged letter. It is nonsensical to send a letter on 4/27 (event date) arranging a visit for latter in the afternoon of 4/27.

- "Cl refused entry in the past, including the police." nothing in the record supports; no

intake report so complaining/reporting. Notably does not state entry into what, for example claimant's vehicle, property, home, mailbox and etc. or dates/when, or who (name) or where. There is nothing in the record that any police have been refused any type of entry or that they even sought any entry. Claimant has right to refuse entry except for police with a valid warrant and there is nothing in the record there ever was a warrant. Notably police and any one else entering 20 Hazel Ct. would be committing a criminal and civil trespass. Record establishes Patricia Girard had no contact with police.

- "Neighbors won't intercede b/c they don't want to get on her bad side." nothing in record supports (no record anyone spoke to neighbors); record establishes there is nothing to mediate/intercede about; no intake report so complaining/reporting.

Assuming arguendo someone contacted/spoke to neighbors, claimants privacy rights and law(s) were violated as claimant did not give permission to anyone to disclose/discuss her case.

Notably upon information and belief, on 2/20/2015 neighbor David Eagan made statements defending and praising claimant, to Nancy Sullivan and OP police officer(s) but no where in the record is there any report or reference.

- "neighbors say cl is heating home, have seen smoke from chimney" nothing in record supports (no record anyone spoke to neighbors); no intake report so complaining/reporting. Assuming arguendo someone contacted/spoke to neighbors, claimants privacy rights and law(s) would be violated, as claimant did not give permission to anyone to disclose/discuss her case. Heating a home does not require smoke, for example electric, high efficient furnace.

- "Cl picked up and signed for certified letter asking her to contact CM but did not follow through." The record contains no proof supporting. Assuming arguendo claimant signed for the certified (incorrectly addressed; wrong town, wrong zip code) letter at the West Seneca branch of US Postal Service, it would be proof claimant leaves 20 Hazel Ct.. Claimant is within her rights to simply refuse or fail to cooperate, as Ms. Sullivan and Girard knew or should have known.

- "She made a freedom of Information request though." there is no FOIL request in the record; claimant has a right to make FOIL request and would be proof claimant leaves 20 Hazel Ct.; petitioner has a right to make a FOIL request even "though" she exercised her rights to simply refuse or fail to cooperate.

Patricia Girard while impersonating an ECDSS employee, filed in claimant's ECDSS ECDSS AP case file # 215124, event/case review date 4/22/2015 (record establishes Patricia Girard has no first hand knowledge):

- "The concern was that cl had no heat in the midst of a very cold February." Nothing in records supports; no intake report so complaining/reporting; does not state who is allegedly concerned; does not state who allegedly (and falsely) reported "no heat".

Orchard Park police 2/20/15 tape recordings establishes Jill Fowler while impersonating the ECDSS Adult Protection intake worker, was told heating with electric, by the police. Claimant had heated 20 Hazel Ct. for the 2014-2015 winter heating season, it was so established by 4/22/2015 review date but it was not reported.

- "Cl would not come to door for CM or police." nothing in record supports; no intake report so complaining/reporting; assuming arguendo location was 20 Hazel Ct. record establishes Patricia Girard was never present at 20 Hazel Ct.. Claimant has a right(s), not to come to the door. Notably CM and police would be committing a criminal and civil trespass when at the door at 20 Hazel Ct.

- "Local police are familiar w/cl due to behaviors." Nothing in record supports, no intake report so complaining/reporting, and record establishes Ms Girard did not talk to the local police. Nancy Sullivan and Jill Fowler, who according to OP police tape recordings on 2/20/2015, had contact with police and it was not so reported.

- "Home is noticeable in neighborhood" and "has excessive décor on property". Nothing in the record supports, no intake report so complaining/reporting. Assuming location is 20 Hazel Ct., the record establishes Ms Girard was never at 20 Hazel Ct; Ms Sullivan who allegedly was at 20 Hazel Ct. did not so report; and no photo/video's taken of 20 Hazel Ct.. The word "excessive" is an opinion open to disagreement as is the phrase "noticeable".

Additionally:

The laws and constitutions allow for differences (whether it is a person skin color, sexual orientation and etc; or a house; or etc.).

Also in this country/state there is freedom of expression, which the courts have upheld as a right.

- "Client also has dogs, which she cleans up after." Nothing in the record supports, no intake report so complaining/reporting. The record establishes Ms Girard was never at 20 Hazel Ct. Claimant has a right to have dogs. Many young/male neighbors have dogs and some do not clean up after their dogs, and the record does not so reflect. Ms Girard states that in addition to excessive décor client also has dogs, is nonsensical - (alleged) excessive décor does not prohibit a person from having dog(s).

- "CM had contact w/neighbors who, although unwilling to act as intermediaries, reported cl has wood (pellet?) stove; neighbors had seen smoke coming out of chimney"; nothing in record supports, no intake report so complaining/reporting. Assuming arguendo CM contacted/spoke to neighbors, claimants privacy rights and law(s) would be violated, as claimant did not give permission to CM to disclose/discuss her case. Heating does not require smoke (ex. electric, high efficient furnaces).

- "Cl made a Freedom of Information request of the Department" ; no copy of a FOIL request in record. Claimant has a right to make FOIL request and would be further proof she leaves 20 Hazel Ct.

- "CM sent certified letter to cl asking cl to contact her. If cl signs for letter, she may call, or CM will send another (through regular mail) asking to meet w/cl to discuss taxes and assistance". Nothing in record supports a certified letter was mailed. This statement does not identify letter by date. There was a letter sent to wrong address - wrong town and wrong zip. Claimant is within her rights to simply refuse or fail to cooperate. Assuming arguendo: claimant needed assistance; there was assistance available; and claimant was eligible, record establishes Ms. Sullivan and Girard has no knowledge and no experience and no training regarding assisting with taxes.

- Cl's taxes are very much in arrears" - nothing in the record supports; the phrase "very much" is an opinion and as such open to disagreement.

Nancy Sullivan while impersonating an ECDSS employee, filed in claimant's ECDSS case file # 215124 a report dated 4/09/2015:

- "Cl signed for the certified letter dated 3/10/15 on 3/19/15. Letter asked cl. to call this CM. To date, cl. has not called." Nothing in record supports, no photocopy of letter or that "cl signed for letter" or that alleged letter was certified; the record quoting the alleged letter establishes the 3/10/15 letter was mailed to the wrong town and wrong zip code. Petitioner "is within her rights to simply refuse or fail to cooperate" and Nancy Sullivan knew or should have known petitioner had exercised these rights.

- "CM will send a letter to cl, copy to her attorney, with a print out of the past due county tax bill stating that I will visit on April 20th." Nothing in record supports. Record establishes letter never sent and claimant had not retained an attorney. Record contains no print out of past due county tax bill (for any address or any owner) and therefore establishes no past due county tax bill for claimant.

REFERRAL FOR CLINICAL CONSULTATION

Requested 4/28/15 by Patricia Girard while impersonating ECDSS/EC employee for case # 215124 states :

- "Referral was for alleged lack of heat": nothing in record supports, no intake report so complaining/reporting, no referral so alleging. Orchard Park police 2/20/15 tape recordings establish Jill Fowler while impersonating the ECDSS Adult Protection intake worker, was told electric heat by the police but not so reported. Claimant heated 20 Hazel Ct for the 2015-2015 winter and it had been so established on 4/28/15 but not reported.

- "Client had a supply problem and was refusing to let National Fuel make repairs on property and in home": nothing in record supports, no intake report so complaining/reporting. Assuming arguendo true, individual/claimant has a right to so

refuse, has a right to chose not to use National Fuel.

Notably Leonore Olmsted-Sullivan, upon information and belief, resides at 11378 Springville Boston Rd East Concord and does NOT heat with natural gas (does not have natural gas service) even though located in National Fuel Gas service area. Therefore she also has chosen not to use National Fuel.

- "CW made a few attempts, one with police, and tried to get neighbors to intercede": nothing in record supports; record establishes Patricia Girard was not present during any "attempts". Assuming CW "tried to get neighbors to intercede", claimants privacy rights and law(s) would be violated, as claimant did not give permission to CW to disclose/discuss her case. Additionally does not state what the neighbors were to mediate; there was nothing to mediate as claimant has a right to simply refuse to cooperate which she did and it is not up for negotiations; there is no report that Patricia Girard talked to a neighbor or that she was present at 20 Hazel Ct.

- "Neighbor did report witnessing smoke...", nothing in record supports; no intake report so complaining/reporting. Assuming arguendo someone contacted/spoke to neighbors, claimants privacy rights and law(s) would be violated, as claimant did not give permission to anyone to disclose/discuss her case. Heating a home does not require smoke, for example electric, high efficient furnace. There is no report that Patricia Girard talked to a neighbor or that she was present at 20 Hazel Ct

- "A certified letter was sent, which client picked up, but ignored request to contact APS", nothing in record supports; record contains no photocopy of a letter, no proof that claimant picked up or that it was certified or mailed; claimant is within her rights to simply refuse or fail to cooperate; assuming arguendo letter picked up by claimant, it would establish claimant leaves 20 Hazel Ct; Patricia Girard is not employed by APS (ECDSS/EC).

- "Another letter was sent setting up HV Monday April 27th, client did not come to the door", nothing in the record supports another letter was sent setting up HV Monday April 27th. Record establishes Ms Girard did not send a letter setting up HV April 27th.

- "Client contacted APS with Freedom of Information request after CM left her cards in the door", the record contains nothing supporting; any FOIL request would be made to ECDSS access officer attorney Bonnie Mc Laughlin (not APS); per record Ms Girard was never present at 20 Hazel Ct. and in the record Nancy Sullivan alleged CM alleged she left her cards in the mailbox.

"Consultation Summary" written up 4/29/15 by Leonore Olmsted-Sullivan while impersonation a ECDSS/EC employee for case # 215124 (Leonore Olmsted-Sullivan has no first hand knowledge), upon information and belief she resides at 11378 Springville Boston Rd East Concord and does NOT heat with natural gas (does not have natural gas service) even though located in National Fuel Gas service area:

"Case reviewed"

- "RS anonymous": nothing in record supports; there is no intake report; there is no creditable report based on personal observations or other current first hand information regarding claimant

"Gas service had been disconnected over the summer for non payment.", nothing in record supports; does not allege where (address) and etc

- "Client made substantial payment within last month or two and gas company has allegedly made several attempts to enter the home to reinstate gas service and client refused." nothing in record supports. Notably an individual has a right to refuse gas service and is not required to use gas (as Leonore Olmsted-Sullivan does).

- "Client allegedly heats with one kerosene heater." nothing in the record supports; does not allege what is allegedly heated with kerosene (garage, basement, patio and etc) or where (address). Notably an individual has a right to heat with kerosene and kerosene heaters are readily currently available at many stores (ex. Lowes, Walmart, Homedepot).

- "There is concern due to subzero temps." nothing in the record supports; does not state what the concern is, who is concerned, why there is a concern; the record does not support this opinion/conclusion, the record does not establish a basis for any concerns.

- "Home may also be dirty/cluttered." nothing in the record supports.

- "Client has No telephone service, family or doctor." nothing in the record supports.

- "There is a no trespassing sign on her property." nothing in the record supports; there is a legal and constitutional right to have a no trespassing sign on a property

"PSA assessment:"

- "Intake requested welfare check and police found no one at home": nothing in record supports; there is no intake report/record; therefore record establishes there was no intake

- "Polcie assisted APS on intial HV which was unsuccessful." (over looking spelling errors) nothing in the record supports, record establishes Leonore Olmsted-Sullivan has had no contact with police and never been at 20 Hazel Ct. and is not a EC/ECDSS/APS employee; claimant is within her rights to simply refuse or fail to cooperate.

- "Police have familiarity with client who once sued the police department", nothing in record supports; there is no intake report; record establishes Leonore Olmsted-Sullivan has had no contact with police

- "heats with a wood pellet stove and had a dispute with gas company.", nothing in record supports; there is no intake report

Leonore Olmsted-Sullivan does not allege who heats with wood or had dispute with gas company; record establishes Leonore Olmsted-Sullivan has never been at 20 Hazel Ct.; individuals have the right to chose how they heat and have right to have a dispute with gas company

- "Police do not have concerns about client due to neighbor's relationship with client"
Nothing in record supports and record establishes Leonore Olmsted-Sullivan has had no contact with police

- "F/u hv's indicate that client is home due to neighbor claiming that client has been seen, smoke coming out of chimney confirming client has a heat source and that client's dog's appear to have been cleaned up after", nothing in record supports; there is no intake report; record establishes Leonore Olmsted-Sullivan was never at 20 Hazel Ct.; there are no statements from a neighbor in record. Assuming arguendo neighbor was contacted, claimant did not give anyone permission to disclose/discuss her case and would be a violation of the law, violation of claimant's rights and privacy. Individual can heat without producing smoke (ex. electric, high efficient furnace)

Leonore Olmsted-Sullivan's "Recommendations"

"1. Contact client's attorney and request attorney arrange a meeting at attorney's office or a neutral location to provide client with information requested through Freedom of Information": nothing in record supports; no record claimant has retained an attorney; contacting anyone would be a violation of claimant's privacy rights and the law; also can not condition FOIL request on "meeting" claimant, as claimant is within her rights to simply refuse or fail to cooperate and has made it very clear she has exercised this right

"2. Discuss with county attorney if an access order is appropriate based on observations of exterior of home (foil in windows/completely covered windows and current concerns if there is an appropriate, safe and adequate heat source; unpaid taxes, plus case history; previous report alleging unsanitary living conditions, code violations, lack of access into home by building inspectors, ECHC referral, client never seen, Crisis Services involuntary transport of client due to mental health behaviors).":

- "Discuss with county attorney if an access order is appropriate", record establishes access order is not appropriate (including but limited to) ECDSS has access and claimant has already exercised her rights to simply refuse or fail to cooperate

- "observation of exterior of home", nothing in record supports; there is no intake report, while impersonating an ECDSS/EC employee, Nancy Sullivan committed a civil and criminal trespass, illegally searched 20 Hazel Ct., her alleged observations can not be used; the record establishes Leonore Olmsted-Sullivan was not present at 20 Hazel Ct. and there

are no photos/videos

- "foil in windows/completely covered windows", nothing in record supports; there is no intake report; does not state where (address); claimant has a right to cover windows and the right to chose what covering she uses and to increase energy efficiency.

Observations can not be used if result of trespass, illegal search and etc. Nancy Sullivan did not report that young/male neighbors have completely covered windows.

- "current concerns if there is an appropriate, safe and adequate heat source", nothing in record supports; there is no intake report; does not state where (address), who and etc; it was spring on 4/29/15; it is established 20 Hazel Ct has appropriate, safe and adequate heat source and it had for the winter of 2014/2015 and past winters.

- "unpaid taxes", nothing in record supports; there is no intake report; does not identify what type of taxes (income, sales, property, etc). Assuming arguendo property tax, does not state address and etc.

- "previous report alleging unsanitary conditions": nothing in record supports; there is no intake report; there is no copy of "previous report"; record contains no previous report alleging unsanitary conditions;

Notably:

it has long been the policy and practice of ECDSS Adult protection to place their clients in unsanitary/squalid conditions;

was publicly reported therefore is public knowledge;

has been (recently) public acknowledged by ECDSS Adult Protection;

therefore irrelevant if unsanitary conditions.

It has long been the policy and practice of ECDSS/EC/APS to knowingly allow male/younger clients to live in unsanitary conditions.

- "code violations": nothing in record supports; there is no intake report; record contains no code violation(s) and no report of alleged violations and no court record establishing/deciding there was a single violation; record establishes Leonore Olmsted-Sullivan (and Nancy Sullivan, Patricia Girard) had no training and no education and no authority/jurisdiction to even allege "code violations"; does not state where (address) and etc.

- "lack of access into home by building inspector"; nothing in record supports; there is no intake report; there is no record a building inspector even sought access into a home yet alone a legal right to; does not state where (address), who and etc.

- "ECHC referral"; nothing in record supports; there is no intake report; record contains no ECHC referral; does not state any specifics (where, who, what and etc)

- "client never seen", nothing in record supports; there is no intake report; claimant can be seen daily when she leaves 20 Hazel Ct.; claimant even hand delivered prior Notice of

Timothy Callen Erie County FOIL Appeals Officer made a false statement to claimant, NY State and others that claimant's FOIL request was not denied.

Assuming claimant was denied part of her FOIL request and Nancy Sullivan and/or Patricia Girard and/or Leonore Olmsted-Sullivan and/or Shirley Lam are EC/ECDSS employees then EC/ECDSS is liable for negligent hiring, supervision, training and retention of Nancy Sullivan and Patricia Girard and Leonore Olmsted-Sullivan, Shirley Lam, Bonnie Mc Laughlin and Timothy Callen

There is continuing: violation of claimant's constitutional rights (privacy, equal protection, due process), and legal rights; disparage treatment, discrimination, retaliation, intimidation

Nancy Sullivan and Patricia Girard and Leonore Olmsted-Sullivan, Shirley Lam, Bonnie McLaughlin and Timothy Callen: violated NYS and or EC/ECDSS policies and procedures and laws; abused their authority

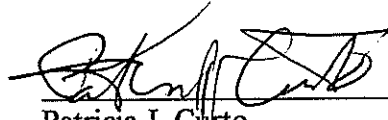
Claimant/Patricia Curto is being subjected by the respondents to a continuing policy/practice and/or a conspiracy to:

- illegally entry of property, trespass upon and illegal search of property
- violation and/or denial of constitutional rights - due process and/or equal protection and/or privacy; and/or peaceful enjoyment of her property, liberty, pursuit of happiness and etc
- Harassment, and/or retaliation, and/or intimidation;
- Discriminatory and/or disparage treatment;
- Negligent hiring, training, retention and employment;
- Violate civil rights/human rights;
- slander/libel and defamation;
- Abuse of authority/power
- Failure to enforce the law; protect Curto's rights; and to perform the duties of a law public/civil servant
- Fraud and/or abuse of power/authority
- Conspiring to violate Curto's rights
- Illegally denial of access to Curto's own records
- As a result of the aforesaid the resulting or naturally occurring injuries and damages sustained

WHEREFORE, the Claimant requests that this claim be allowed and paid by the respondents County of Erie New York and it's employees/agents/servants/alter ego, Erie County Department of Social Services, Erie County Department of Social Services Commissioner Al Dirschberger, Nancy Sullivan, Patricia Girard, Leonore Olmsted-Sullivan, Shirley Lam, Bonnie Mc Laughlin and Timothy Callen within thirty (30) days from date of service of this Notice of Claim, the claimant intends to commence an action in the Supreme Court, State of New York, County of Erie against County of Erie New York and it's employees/agents/servants/alter ego, Erie County Department of Social Services, Erie County Department of Social Services Commissioner Al Dirschberger, Nancy Sullivan, Patricia Girard, Leonore Olmsted-Sullivan, Shirley Lam, Bonnie Mc Laughlin and Timothy Callen

PLEASE TAKE FURTHER NOTICE, that unless the claim is adjusted and paid by the respondents County of Erie New York and it's employees/agents/servants/alter ego, Erie County Department of Social Services, Erie County Department of Social Services Commissioner Al Dirschberger, Nancy Sullivan, Patricia Girard, Leonore Olmsted-Sullivan, Shirley Lam, Bonnie Mc Laughlin and Timothy Callen within thirty (30) days from date of service of this Notice of Claim, the claimant intends to commence an action in the Supreme Court, State of New York, County of Erie against County of Erie New York and it's employees/agents/servants/alter ego, Erie County Department of Social Services, Erie County Department of Social Services Commissioner Al Dirschberger, Nancy Sullivan, Patricia Girard, Leonore Olmsted-Sullivan, Shirley Lam, Bonnie Mc Laughlin and Timothy Callen for a sum which exceeds the jurisdictional limit of all lower courts, which would otherwise have jurisdiction, together with interest, cost and disbursements.

Dated: Buffalo, New York
July 21, 2015

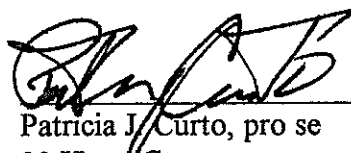


Patricia J. Curto

VERIFICATION

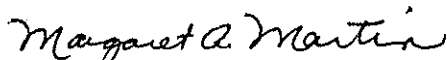
STATE OF NEW YORK)
COUNTY OF ERIE) ss:

PATRICIA J. CURTO, being duly sworn, states that I am familiar with the facts and circumstances set forth in the foregoing Notice of Claim. I have read the foregoing Notice of Claim and know the factual contents thereof; the same is true to my own knowledge, except as to those matters stated upon information and belief, which are believed to be true.

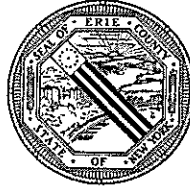


Patricia J. Curto, pro se
20 Hazel Ct.
W. Seneca, NY 14224

Sworn to before me this
21st day of July, 2015


Notary Public

MARGARET A. MARTIN
Lic. # 01MA6318702
Notary Public, State of New York
Qualified in Erie County
Commission Expires February 2, 2019



COUNTY OF ERIE

MICHAEL A. SIRAGUSA
ERIE COUNTY ATTORNEY

MARK C. POLONCARZ

COUNTY EXECUTIVE
DEPARTMENT OF LAW

MICHELLE M. PARKER
FIRST ASSISTANT COUNTY ATTORNEY

JEREMY C. TOTH
SECOND ASSISTANT COUNTY ATTORNEY

July 30, 2015

Ms. Karen McCarthy, Clerk
Erie County Legislature
92 Franklin Street, 4th Floor
Buffalo, New York 14202

Dear Ms. McCarthy:

In compliance with the Resolution passed by the Erie County Legislature on June 25, 1987, regarding notification of lawsuits and claims filed against the County of Erie, enclosed please find a copy of the following:

File Name:	<i>Felschow, Nevaeh, an Infant, by PNG Katie Shaw v. County of Erie</i>
Document Received:	Notice of Claim
Name of Claimant:	Katie Shaw, PNG of Nevaeh Felschow 1 North Roxbury Drive Hamburg, New York 14075
Claimant's attorney:	Tiffany M. Kopacz, Esq. Chiacchia & Fleming, LLP 5113 South Park Avenue Hamburg, New York 14075

Should you have any questions, please call.

Very truly yours,

MICHAEL A. SIRAGUSA
Erie County Attorney

By: *Michelle M. Parker*
Michelle M. Parker
First Assistant County Attorney

MMP/dld
Enc.

**STATE OF NEW YORK
SUPREME COURT: COUNTY OF ERIE**

In the Matter of the Claim of:

KATIE SHAW, as Parent and
Natural Guardian of
NEVAEH FELSCHOW,
1 North Roxbury Drive
Hamburg, New York 14075

Claimant,

-against-

NOTICE OF CLAIM

COUNTY OF ERIE
95 Franklin Street
Buffalo, New York 14202

Respondent.

**TO: COUNTY OF ERIE
95 Franklin Street
Buffalo, New York 14202**

PLEASE TAKE NOTICE, that KATIE SHAW, as Parent and Natural Guardian of NEVAEH FELSCHOW, hereby claims damages against the COUNTY OF ERIE, its officers, agents and/or employees for damages incurred by them, as a result of the wrongful, negligent and careless acts of the defendant, its officers, agents and/or employees on or about June 5, 2015, and in support thereof submits the following:

1. The claimant is KATIE SHAW, as Parent and Natural Guardian of NEVAEH FELSCHOW, whose post office address is 1 North Roxbury Drive, Hamburg, New York, 14075, and telephone number (716) 936-3923.

2. The attorney for the claimant herein is CHIAACCHIA & FLEMING, LLP, Tiffany M. Kopacz, Esq., of Counsel, whose post office address is 5113 South Park Avenue, Hamburg, New York, 14075, and telephone number (716) 648-3030.

3. At approximately 4:30 p.m. on or about the 5th day of June, 2015, NEVAEH FELSCHOW sustained severe personal injuries while on the premises commonly known as the "Smith Street Park", located at 20 Smith Street in the City of Buffalo, County of Erie, State of New York. On said date and time, NEVAEH FELSCHOW, was let out of her stroller and proceeded towards the play structure located in the aforementioned park when, after stepping off the edge of the paved walkway, she fell approximately seven (7) inches to the ground. As a result of this incident, NEVAEH FELSCHOW sustained severe injuries to her left leg and femur. See photographs of referenced playground attached hereto as Exhibit "A".


4. The respondent, its officers, agents and/or employees were negligent in failing to maintain the premises, its structures and areas appurtenant thereto in a reasonably safe condition and free of unreasonably hazardous conditions and otherwise acted in a negligent manner, including, but not limited to, failing to correct the erosion of the adjoining walkway so as to not create a dangerous and hazardous step differential; failing to ensure that the playground surface was kept in a reasonably safe condition so as to avoid unreasonable trip hazards; failing to keep adequate amount of wood chips, pellets or other products on the surface of the play area; failing to correct the erosion of the playground safety surface; failing to adequately, promptly, and properly replace the loose playground safety surfacing products; failing to remove weeds and other wild growth such that it conceals the hazardous step differential; failing to adequately warn the public of the dangerous conditions of the adjoining walkway and of the hazardous step differential; implementing a negligent design of the playground area; negligently constructing a hazardous public playground and by otherwise acting in a negligent manner.

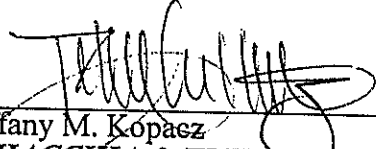
5. As a result of the negligence of the defendant, NEVAEH FELSCHOW sustained serious bodily injury when she fractured her left femur on June 5, 2015 and that by reason of the aforesaid negligence, the claimant incurred damages in an amount to be determined after trial and/or after further analysis of the physical injuries and the costs of treating same.

6. This notice is made and served on behalf of said claimant in compliance with the provisions of Section 50-e of New York State General Municipal Law and such other laws and statutes as are in the case made and provided.

PLEASE TAKE FURTHER NOTICE, that the claimant, KATIE SHAW, as Parent and Natural Guardian of NEVAEH FELSCHOW, demands payment of said claims, and unless said claims are paid within a reasonable time, it is the intention of the claimant to commence suit against the COUNTY OF ERIE.

Dated: July 22, 2015
Hamburg, New York


Katie Shaw, as Parent and Natural
Guardian of Nevaeh Felschow
Claimant


Tiffany M. Kopacz
CHLACCHIA & FLEMING, LLP
Attorneys for the Claimant
Office and Post Office Address
5113 South Park Avenue
Hamburg, New York 14075
Telephone: (716) 648-3030
Facsimile: (716) 648-0810

S:\CLIENTS\Shaw, Katie\Infant Trip & Fall, 101\PLEADINGS

VERIFICATION

STATE OF NEW YORK
COUNTY OF ERIE

)

ss.:

Katie Shaw, as Parent and Natural Guardian of Nevaeh Felshow, being duly sworn,
deposes and says:

1. That I am the claimant in the instant cause.
2. That I have read the foregoing Notice of Claim and know its contents.
3. That same is true to my personal knowledge, except as to those matters therein stated to be alleged upon information and belief, and that as to those matters, I believe them to be true.

Katie Shaw
Katie Shaw, as Parent and Natural
Guardian of Nevaeh Felschow

Sworn to before me this
2nd day of July, 2015

Maria E. Dolan
Notary Public

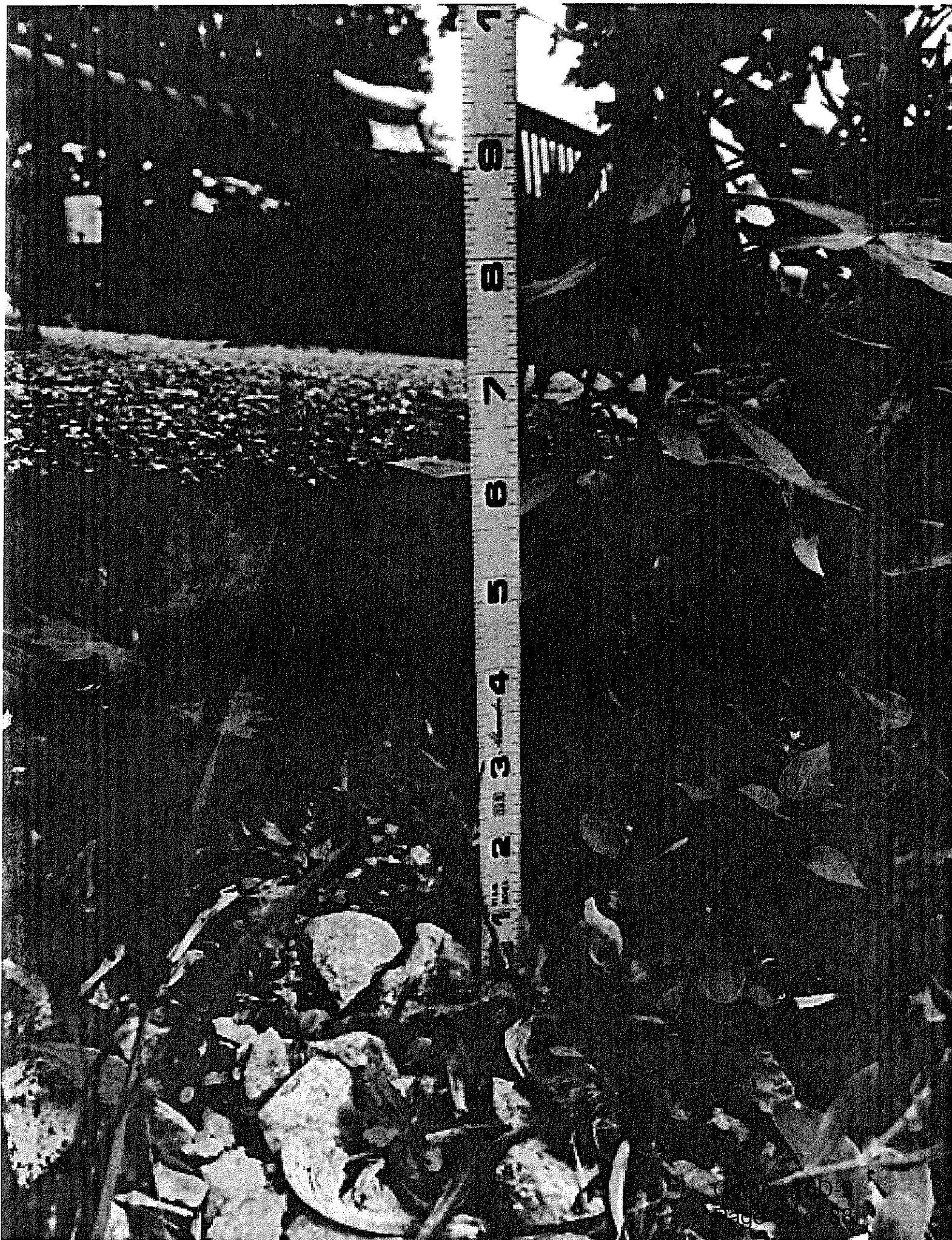
S:\CLIENTS\Shaw,Katie\Infant Trip & Fall,101\PLEADINGS

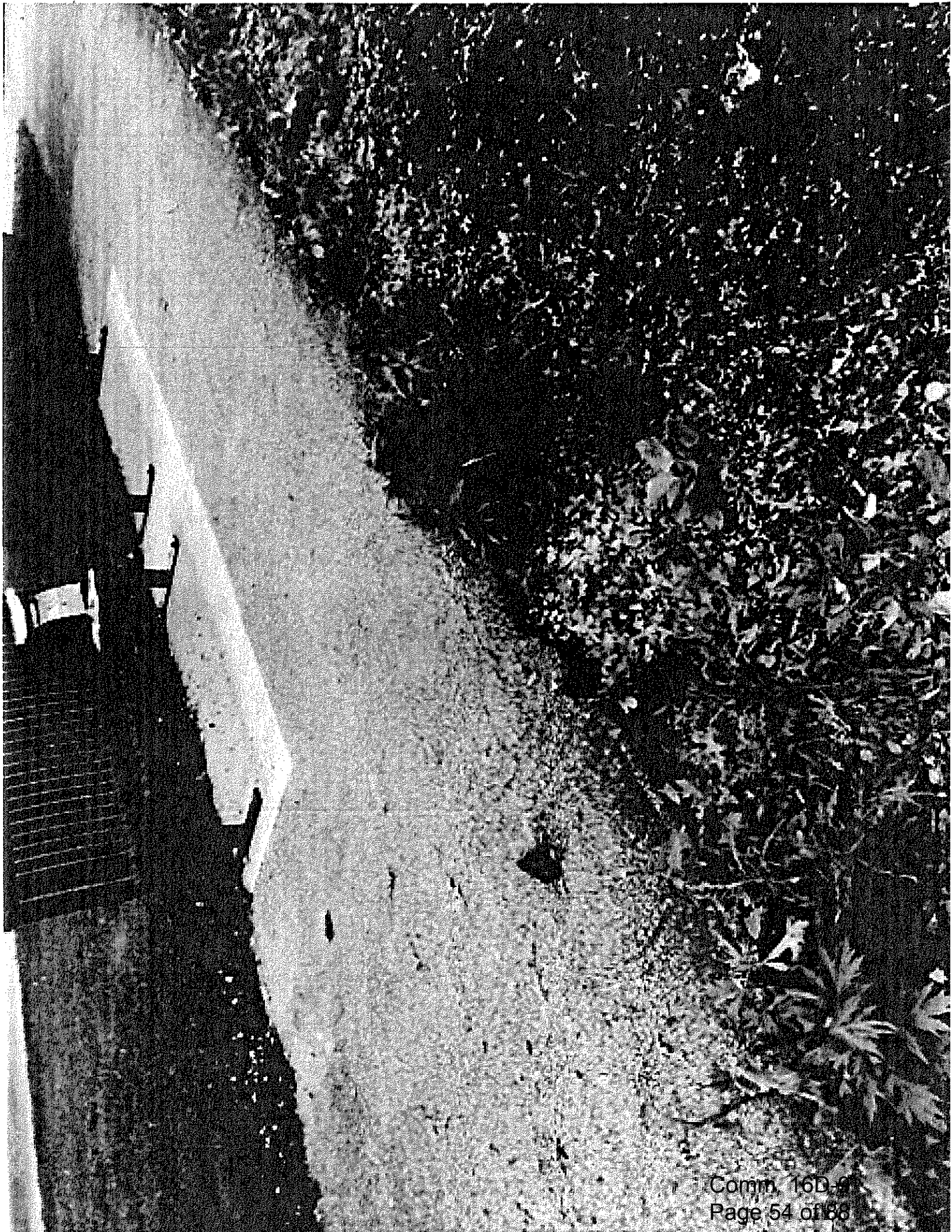
MARIA E. DOLAN
Notary Public, State Of New York
Qualified In Erie County
My Commission Expires March 3, 2018

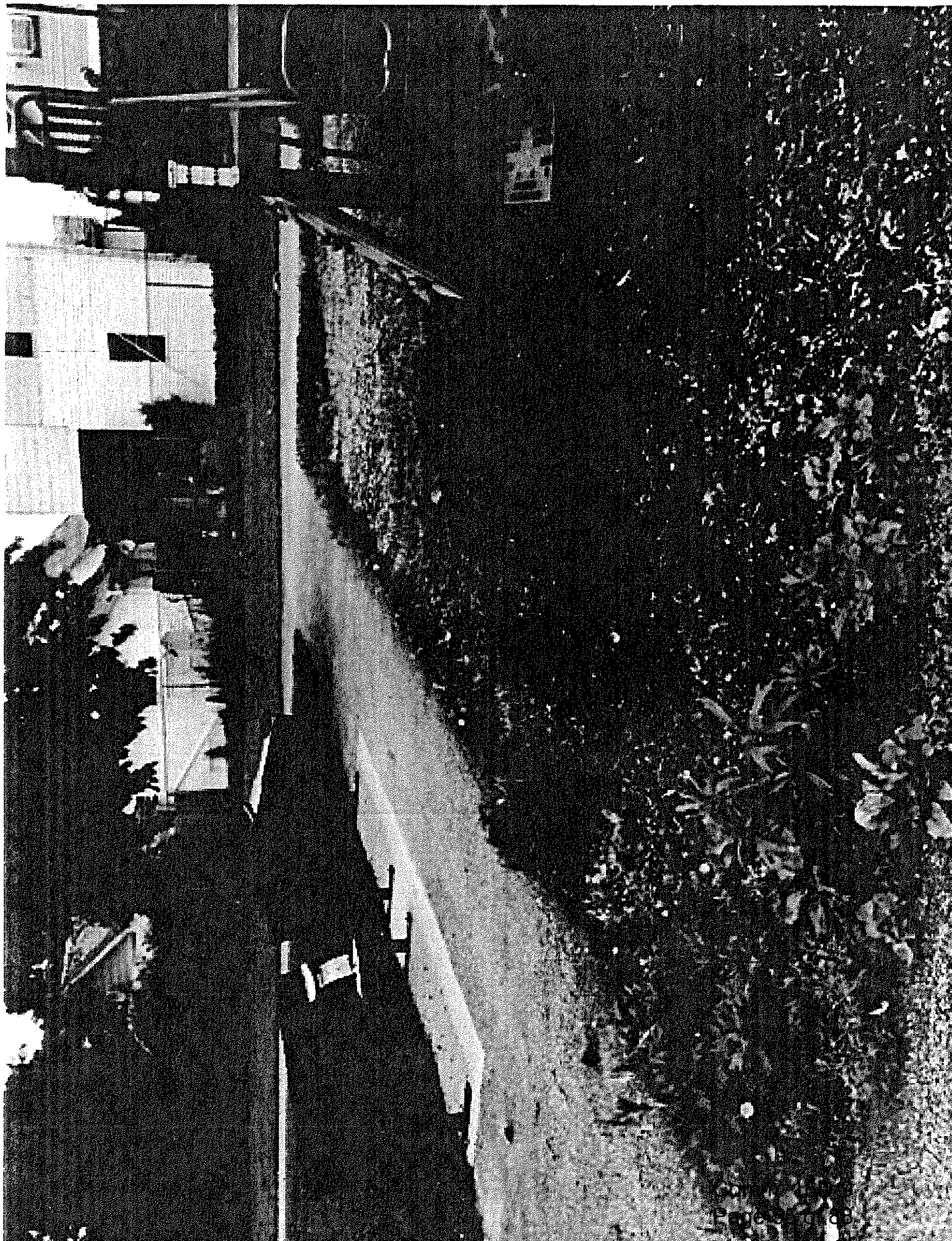
EXHIBIT A

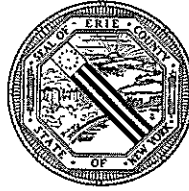
Comm. 16D-9
Page 50 of 88











COUNTY OF ERIE

MICHAEL A. SIRAGUSA
ERIE COUNTY ATTORNEY

MARK C. POLONCARZ

COUNTY EXECUTIVE
DEPARTMENT OF LAW

MICHELLE M. PARKER
FIRST ASSISTANT COUNTY ATTORNEY

JEREMY C. TOTH
SECOND ASSISTANT COUNTY ATTORNEY

July 30, 2015

Ms. Karen McCarthy, Clerk
Erie County Legislature
92 Franklin Street, 4th Floor
Buffalo, New York 14202

Dear Ms. McCarthy:

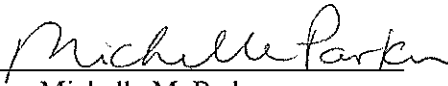
In compliance with the Resolution passed by the Erie County Legislature on June 25, 1987, regarding notification of lawsuits and claims filed against the County of Erie, enclosed please find a copy of the following:

File Name:	<i>Kowalski, Bernadine, Estate of, by Brian Jarczewski, Proposed Administrator v. County of Erie, et al.</i>
Document Received:	Order to Show Cause
Name of Claimant:	Brian Jarczewski 55 Meadowbrook Parkway Cheektowaga, New York 14206
Claimant's attorney:	Frank LoTempio III, Esq. LoTempio P.C. Law Group 181 Franklin Street One Franklin Court Buffalo, New York 14202

Should you have any questions, please call.

Very truly yours,

MICHAEL A. SIRAGUSA
Erie County Attorney

By: 
Michelle M. Parker
First Assistant County Attorney

MMP/dld
Enc.

Comm. 16D-9
Page 56 of 88

This paper received at the
 Erie County Attorney's Office
 from Dan Harwood on
 the 28 day of July, 2015
 at 12:30 a.m./p.m.
[Signature]
 Assistant County Attorney

STATE OF NEW YORK
 SUPREME COURT : COUNTY OF ERIE

At a Special Term of Erie County Supreme
 Court, Part 35, Buffalo, New York on the
23 day of June, 2015.
JULY

BRIAN JARCZEWSKI, as proposed Administrator
 of the Estate of BERNADINE KOWALSKI,

Plaintiff,

v.

COUNTY OF ERIE,
 TOWN OF WEST SENECA and
 SENECA HOSE FIRE CO. DISTRICT #5,

Defendants.

ORDER TO SHOW CAUSE

Index # 807886/2015

Upon the reading and filing of the Affidavit of Frank LoTempio, III, Esq., sworn to on the
 23rd day of June, 2015, with attached exhibits and the Affidavit of Brian Jarczewski, sworn to on the
 22nd day of June, 2015;

LET the Defendants, County of Erie, Town of West Seneca and Seneca Hose Fire Co.
 District #5, show cause at a Term of this Court, to be held on the 11th day of August @ 2pm 2015, or as soon
 thereafter as this matter can be heard, why an Order should not be granted allowing the Plaintiff,
 Brian Jarczewski, as proposed Administrator of the Estate of Bernadine Kowalski, leave to file a late
 Notice of Claim against the Defendants, County of Erie, Town of West Seneca and Seneca Hose Fire
 Co. District #5, in connection with a claim for pain and suffering and property damage, together with
 such other and further relief this Court deems just and proper.

Let service of a copy of this Order, together with the papers upon which it is based, upon the Defendants, County of Erie, Town of West Seneca Seneca Hose Fire Co. District #5, on or before ^{August} ~~June~~ 4, 2015, be deemed sufficient service.


HON. E. JEANNETTE OGDEN, J.S.C.

GRANTED:

GRANTED

JUL 23, 2015

BY 
MELANIE RUSZAJ
COURT CLERK

STATE OF NEW YORK
SUPREME COURT : COUNTY OF ERIE

BRIAN JARCZEWSKI, as proposed Administrator
of the Estate of BERNADINE KOWALSKI,

Plaintiff,

AFFIDAVIT

Index # 807886/2015

v.

COUNTY OF ERIE,
TOWN OF WEST SENECA and
SENECA HOSE FIRE CO. DISTRICT #5,

Defendants.

FRANK LOTEMPPIO, III, ESQ., being duly sworn, deposes and states; upon information and belief, that:

1. I am an attorney duly licensed to practice law in the State of New York and am a member of LoTempio P.C. Law Group, attorneys for the Plaintiff, Brian Jarczewski, as proposed Administrator of the Estate of Bernadine Kowalski, and as such am fully familiar with the facts and circumstances of this matter.

2. This affidavit is submitted in support of the Plaintiff's motion seeking leave to file a late Notice of Claim against the Defendants, County of Erie, Town of West Seneca and Seneca Fire Hose Co. District #5, in connection with a claim for pain and suffering and property damage. A copy of the proposed Notice of Claim is attached as Exhibit A.

FACTS AND PROCEDURAL HISTORY

3. On March 9, 2015, a fire started in Bernadine Kowalski's home while she was asleep.

4. The Seneca Hose Fire Company responded to the scene but their efforts to put out the fire and rescue Mrs. Kowalski were delayed because the fire hydrants were buried in snow. Attached

as **Exhibit B** are news articles confirming the same.

5. Due to the delay, Mrs. Kowalski passed away as a result of "inhalation of toxic byproducts of combustion (carbon monoxide)." Attached as **Exhibit C** is the Certificate of Death.

6. Following the death of his mother, Brian Jarczewski retained LoTempio P.C. Law Group to set up an estate for his mother.

7. Claims for pain and suffering and wrongful death were also discussed.

8. Initially, it was believed that the individual property owners were responsible for maintaining the fire hydrants on their property and keeping them clear of snow.

9. More recently, however, we learned that the Defendants may be responsible for maintaining the fire hydrants and keeping them clear of snow.

ARGUMENT

10. General Municipal Law § 50-e requires that a notice of claim for pain and suffering and property damage be served within ninety (90) days after the claims arise. Gen. Mun Law § 50-e(1)(a).

11. A notice of claim for wrongful death, however, must be served within ninety (90) days from the appointment of a representative of the decedent's estate. *Id.*

12. Upon application, the court, in its discretion, may extend the time to serve a notice of claim provided that the extension shall not exceed the time limit for commencement of the action. Gen. Mun. Law § 50-e(5).

13. In determining whether to grant the extension, the court should consider: (1) whether the respondent, its attorney or its insurance carrier acquired actual knowledge of the essential facts constituting the claim within ninety (90) days from the accrual of the claim or within a reasonable time thereafter; (2) whether the claimant has a reasonable excuse for the delay because of physical

incapacitation or death before the time in which to serve a notice of claim expired; and (3) whether the delay in serving the notice of claim substantially prejudiced the respondent in maintaining its defense on the merits. Gen. Mun. Law § 50-e(5).

14. Initially, it should be noted that this motion is being made one-hundred and six (106) days after the claim arose, well prior to the expiration of the statute of limitations.

15. Turning to the key factors to be considered by the court in determining whether to grant leave to file a late notice of claim, the Defendants acquired actual knowledge of the essential facts and circumstances constituting the claim within ninety (90) days from the accrual of the claim or within a reasonable time thereafter.

16. The incident was publicized by numerous news outlets and was the subject of numerous meetings and phone calls.

17. Even if the Defendants claim they were not aware of the essential facts and circumstances constituting the claim, this application is being within a reasonable time after the ninety (90) day time period in which to serve a notice of claim.

18. The Plaintiff also has a reasonable excuse for the delay because Bernadine Kowalski passed away shortly after sustaining her injuries and an Administrator has yet to be appointed.

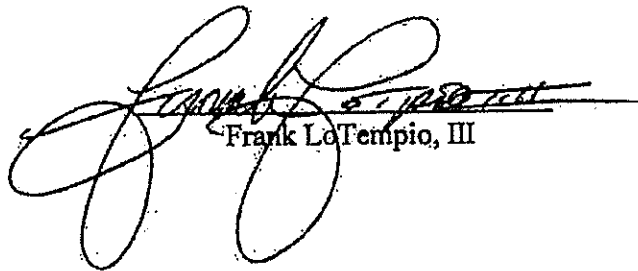
19. While Brian Jarczewski has yet to be appointed as Administrator of the Estate of Bernadine Kowalski, this application is being made in order to avoid any further delay and claims of prejudice.

20. Lastly, the Defendants have not suffered any substantial prejudice as a result of the short delay.

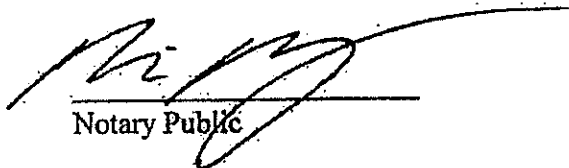
21. As set forth above, the Defendants acquired actual knowledge of the facts and circumstances constituting the claim shortly after the incident.

22. More importantly, the Defendants cannot claim any substantial prejudice because the defense of the pain and suffering claim will be identical to the defense of the anticipated wrongful death claim, as both claims are based on the same facts and circumstances.

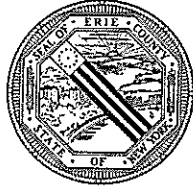
WHEREFORE, the Plaintiff, Brian Jarczewski, as proposed Administrator of the Estate of Bernadine Kowalski, respectfully requests that the Court grant this motion and allow the Plaintiff to file a late Notice of Claim, together with such other and further relief that this Court deems just and proper.


Frank LoTempio, III

Sworn to before me this
25th day of June, 2015.


Notary Public

BRIAN J. BOGNER
Notary Public, State of New York
Qualified in Erie County
My Commission Expires June 2, 2018



COUNTY OF ERIE

MICHAEL A. SIRAGUSA
ERIE COUNTY ATTORNEY

MARK C. POLONCARZ

COUNTY EXECUTIVE
DEPARTMENT OF LAW

MICHELLE M. PARKER
FIRST ASSISTANT COUNTY ATTORNEY

JEREMY C. TOTH
SECOND ASSISTANT COUNTY ATTORNEY

July 30, 2015

Ms. Karen McCarthy, Clerk
Erie County Legislature
92 Franklin Street, 4th Floor
Buffalo, New York 14202

Dear Ms. McCarthy:


In compliance with the Resolution passed by the Erie County Legislature on June 25, 1987, regarding notification of lawsuits and claims filed against the County of Erie, enclosed please find a copy of the following:

File Name:	<i>Richburg, Brandon Jermaine a/k/a Baqi Khaliq Bey v. Erie County Department of Social Services, et al.</i>
Document Received:	Notice of Claim
Name of Claimant:	Brandon Jermaine Richburg a/k/a Baqi Khaliq Bey c/o 7056 Archibald Avenue, Suite 102- 259 Corona, California Republic
Claimant's attorney:	Claimant is proceeding <i>pro se</i> .

Should you have any questions, please call.

Very truly yours,

MICHAEL A. SIRAGUSA
Erie County Attorney

By: 
Michelle M. Parker
First Assistant County Attorney

MMP/dld
Enc.

Comm. 16D-9

Page 63 of 88



8 July 1948

THE MOORISH DIVINE AND NATIONAL MOVEMENT OF THE WORLD

LEGAL NOTICE!

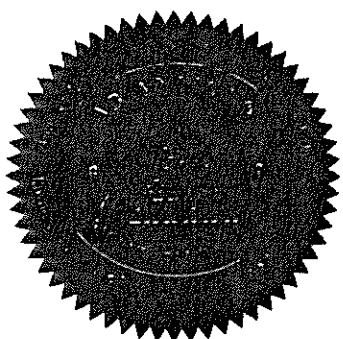
NAME DECLARATION, CORRECTION PROCLAMATION AND PUBLICATION

I, Baqi Khaliq Bey, being duly Affirmed, standing squarely, Declare, and Proclaim, upon Divine Law; Nature's Law; Universal Law, Moorish Birthrights; International Law; and Constitutional Law; Declare and say:

I, being previously Identified by the Union States Society of North America - U.S.A. under the colorable, Ward-ship name, BRANDON JERMAINE RICHBURG do hereby refute the Fraud; make Public and Publish my Corrected National Name; Declare and Affirm my true, 'Proper Person Status'; and reclaim my Rightful Social and Cultural Life of the State; in accord with my Moorish Nation of Northwest Amexem / North America - acknowledging my Birthrights. Having Lawfully and Legally Obtained and Proclaimed my Moorish Nationality and Birthright 'Name and Title'; in harmony with, in association with, and in Accord with Divine Law, the Customs; and the Laws, Rules, and Usages of The Moorish Divine and National Movement; being Aboriginal and Indigenous, and bound to the North American Continent by Heritage, by Primogeniture; by Birthright; by Natural Birth; by Freehold; and by Inheritance. Declared for the Public Record, I am returning the European cognomen and fictitious misnomer back to the Colonial possessors of its pedigree. I am now Rightfully Declaring, Publishing, and Proclaiming my own Free National Name; Affirming my Actual, Rightful, and Civil 'In Full Life' Status; Conjoined to my Moorish American Consanguine Pedigree and National Honor. Let it be Declared, Known, Published, and Resolved that: I Am: Baqi Khaliq Bey, 'In Propria Persona Sui Juris' (being in my own proper person), by birthright; an Inheritance WITHOUT THE FOREIGN, IMPOSED COLOR-OF-LAW, OR ASSUMED DUE PROCESS of the Union States Society; pursuant to, but not limited to:

- 1. FREE MOORISH-AMERICAN ZODIAC CONSTITUTION: (Zodiac Constitution and Birthrights of the Moorish Americans) being Ali, Bey, El, Dey and Al), Article two (2), Paragraph two (2).
2. UNITED STATES REPUBLIC: DEPARTMENT OF JUSTICE: Moorish American Credentials: AA 222141- TRUTH A-1
3. UNITED STATES SUPREME COURT: SUPREME LAW - Acts of State
4. UNITED STATES CONSTITUTION: Article III (3), Section two (2), Amendment V (5) (Liberty clause) and Amendment IX (9) (Reservation of the Rights of the People).
5. RESOLUTION NUMBER SEVENTY-FIVE (75): Dated April 17, 1933 A.D. (MOORISH-AMERICAN SOCIETY OF PHILADELPHIA AND THE USE OF THEIR NAMES),
6. UNIVERSAL DECLARATION OF HUMAN RIGHTS - UNITED NATIONS - HUMAN RIGHTS [Article Fifteen (15)].
7. RIGHTS OF INDIGENOUS PEOPLES - UNITED NATIONS: GENERAL ASSEMBLY - Part I, Article 4.

Wherefore, I, Baqi Khaliq Bey, being 'Part and Parcel' named herein, and by Birthright, Primogeniture, and Inheritance, make a Lawful and Legal Entry of Affidavit and Public Notification of Nationality Proclamation; Name Correction Claim; Declaration, Affirmation, and Application; Herewith Published for the Public Record.

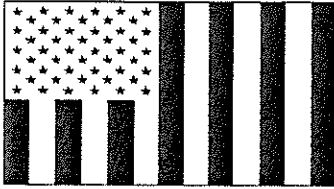


I Am: [Signature]
A Free and Sovereign Moorish American National, In Propria Persona Sui Juris
Northwest Amexem / Northwest Africa / North America
All Rights Reserved

Witness: [Signature]
A Free and Sovereign Moorish American National, In Propria Persona Sui Juris
Northwest Amexem / Northwest Africa / North America
All Rights Reserved

Witness: [Signature]
A Free and Sovereign Moorish American National, In Propria Persona Sui Juris
Northwest Amexem / Northwest Africa / North America
All Rights Reserved

LN/NCT No. 0001H



NOTICE OF SPECIAL RESTRICTED APPEARANCE: BAQI-KHALIQ BEY Beneficial Owner 1st Lien Holder of RICHBURG BRANDON JERMAINE Estate d/b/a BRANDON JERMAINE RICHBURG® and Beneficial Owner and Holder in Due Course of Certificate of Title for JA'DEN TALON RICHBURG.

Baqi Khaliq Bey, *Authorized Representative, Attorney-in-Fact, Secured Party Creditor*
 c/o 7056 ARCHIBALD AVENUE
 SUITE 102-259
 CORONA, CALIFORNIA REPUBLIC
 Non-Domestic without the United States/Non-Assumpsit

V

ERIE COUNTY DEPARTMENT OF SOCIAL SERVICES
 Office of Child Support Enforcement
Fransisco M Vasquez d/b/a Chief Executive Officer of FRAUDULENT Child and Family Services
 95 FRANKLIN STREET
 BUFFALO NY, 14202

INTERESTED PARTIES:

Shawn M Brey d/b/a Director (INTERPOL WASHINGTON)
Andrew M Cuomo d/b/a New York State Governor (STATE OF NEW YORK)
John Kerry d/b/a Secretary of State (United States in Corporations and Franchise Companies)
Timothy B Howard d/b/a Sheriff (ERIE COUNTY SHERIFF DEPARTMENT)
Robert Velcoff d/b/a Manager of Interstate Operations (NYS Division of Child Support Enforcement)
Tim Konicki d/b/a Operation Manager (Child Support Enforcement Unit)
Joanne Chmielewski d/b/a SCU Coordinator (Support Collection Unit)
Kelly Brinkworth Esq d/b/a Assistant County Attorney (IV-I Interstate Attorney)
Frank J Boccio d/b/a Chief Clerk (Family Court of the State of New York)
Sheila O'Connor d/b/a Interstate Liaison (Child Support Enforcement Unit)

RE: CASE # BM89708G1

AFFIDAVIT OF FACT
NOTICE TO IMMEDIATELY CEASE AND DESIST
NOTICE OF LEGAL INTENT TO SUE
AFFIDAVIT OF TRUTH

NOTICE TO AGENT IS NOTICE TO PRINCIPLE. NOTICE TO PRINCIPLE IS NOTICE TO AGENT

YOU HAVE SEVEN (7) DAYS TO REBUT THIS AFFIDAVIT OR IT STANDS AS TRUTH.

AFFIDAVIT OF FACT

“Writ In The Nature of Discovery” / Lawful Warning / Notice”

Ministerial Offices and Officers and Agencies, and Agents for the Agency, Administrations and Administrators, and Departments, namely, ERIE COUNTY DEPARTMENT OF SOCIAL SERVICES do not have the judicial power or authority to compel authority over the people.

Unless, there exist a contract between the party or parties, at the will of the party or parties, of which contract must be existing by free, prior and informed consent. Said contract must bear my signature, must not contain any adhesions, must not be done under threat, duress or coercion, must be clear, concise and specific, and **must not** be construed to deny any of my retained and reserved Rights.

Questions arise as to the type of Administration /Tribunal and or Court and Officers / Employees of same and their or the lawful jurisdiction and Delegation of Authority of ERIE COUNTY FAMILY COURT, over the people. The Administration / Court / Tribunal must be in possession of it, and must produce it as proof in order for (any) to have validity of 'judgements' prior or intended. Family Administrations, Family Courts / Tribunals and Services or Agencies and agents of the agency, are NOT granted judicial authority by the Legislature.

Substantive Point of Right #1:

"Ministerial officers are incompetent to receive grants of judicial power from the legislature, their acts in attempting to exercise such powers are necessarily nullities." Burns v. Sup., Ct., SF, 140 Cal. 1.

Failure to produce said delegated authority is proof that the Agency / Court / Tribunal, namely ERIE COUNTY FAMILY COURT is attempting to bring injury to the people, namely Baqi Khaliq Bey and the Richburg-Bey Family and deprive our liberties and commit human trafficking and genocide upon my family.

Inferior Court: This term may denote any court subordinate to the chief appellate tribunal in the particular judicial system (e.g. trial court); but it is also commonly used as the designation of a court of special, limited, or statutory jurisdiction, whose record must show the existence and attaching of jurisdiction in any given case, in order to give presumptive validity to its judgment.

Writ In The Nature Of Discovery

Therefore, the following questions are placed before this Administration / Court / Tribunal, ERIE COUNTY FAMILY COURT, seeking Full Disclosure, of which, **MUST** be lawfully responded to in kind **AND ALL** points of Inquiry **MUST** be answered.

1. Does a contract exist between Baqi Khaliq, bearing my signature?
2. If such contract does exist, produce it for the record.
3. If such a contract exists, provide proof that said contract acts as a waiver of my **Right To Privacy** and to my right to be left alone, which is protected under the 4th amendment of the American Constitution **FOR** the United States of America, wherein my rights are secured and protected from encroachment.

Substantive Point of Right #3:

"Waivers of Constitutional Rights, not only must they be voluntary, they must be knowingly intelligent acts done with sufficient awareness." Brady v. U.S., 397 U.S. 742, 748.

Substantive Point of Right #4:

"Right of privacy is a personal right designed to protect a person from unwanted disclosure of personal

information." **CNA Financial Corporation v Local 743**, 515 F. Supp.942.

4. You must provide substantial and lawful, binding proof that I **consented and granted** you (Family service Representative name here) and the Agency you represent (Family Court or Service name here), Rights over my Children, which supersede mine as a Father. Being aboriginal and indigenous, I have the 'Individual and Collective Right' to Live in Freedom, Peace and Security as a Distinct People, and a 'Right' to the full guarantees against Genocide or any other 'Acts of Violence', including the **Removal of Indigenous Children From Their Families and Communities Under Any Pretext**. In addition I have the Individual Right to Life, Physical and Mental Integrity, Liberty and Security of Person. See Universal Declaration of the '**Rights Of Indigenous People**'; Part II; Article 6. As well, any state government, Agency, Agent for the Agency (Name of representative here) CANNOT determine what is best for me or my children:

Substantive Point of Right #5:

Under The United States Republic's Constitutional system of Government and upon the individuality and intelligence of the citizen, the state does not claim to control one's conduct to others, leaving one the sole judge as to all that affects oneself. **Mugler v. Kansas 123 US 623, 659 – 60:**

5. **Request for Averment of Jurisdiction:** Please produce, for the Record, the Delegation of Authority for this Court/Tribunal, (name Family court), pursuant to Article III, Sec.1 and 2 of United States Republic Constitution, of which **all** Courts derive their Judicial Authority, thereby indicating their 'Right of Action' to not only probe, pry, which violates ones' right to privacy; but also their Right of Action to adjudicate over the people, if any exist.

Caveat

Further, I state for the record, I have not entered into, nor do I wish to enter into any contracts knowingly, willingly, intentionally or unintentionally, with ERIE COUNTY DEPARTMENT OF SOCIAL SERVICES or ERIE COUNTY FAMILY COURT or NEW YORK STATE CHILD SUPPORT.

Whereas, when no contract exist there is no obligation. In Order for an obligation to exist a contract **MUST** exist and it must not have adhesions, must be concise and cannot be an unconscionable contract that violates substantive Rights of the People, less it is Void Ab Initio.

and;

Whereas, Any Demand to compel me to act or perform, must be a Lawful demand.

and;

Whereas, this Court/Tribunal is acting under Statutes, which are not Law. Any applicable Law must be produced for the record; no statute(s) can violate the Rights secured by the People in the Supreme Law, the American Constitution FOR the United States of America, established to protect the Rights of the People, of which every state, state constitution, state court, charter, sub-charter, chapter, sub-chapter, association, agency, agent for the agency, entity, corporation, et al, must abide by and cannot abrogate, namely, ERIE COUNTY FAMILY COURT, (See Article VI of the American Constitution).

Substantive Point of Right #6:

When acting to enforce a statute and its subsequent amendments to the present date, the judge of the municipal court is acting as an administrative officer and not in a judicial capacity; courts in administering or enforcing statutes do not act judicially, but merely ministerially". **Thompson v. Smith, 154 SE 583.**

and;

Whereas, the Tribunal ERIE COUNTY FAMILY COURT, is acting outside of its statutory limitations and violating the Laws, committing fraud, genocide, collusion and Treason, which is highly penal, and attempting to enforce under a non-existing or Void contract, and / or by statute, giving no validity or jurisdiction to any judgment conferred upon this matter.

Substantive Point of Right #7:

"If the court is not in the exercise of its general jurisdiction, but of some special statutory jurisdiction, it is as to such proceeding an inferior court, and not aided by presumption in favor of jurisdiction."
Smith's Leading Cases, 816.

Therefore, failure to address ALL of the issues raised herein equates in law as to have addressed NONE of them and will serve as a waiver for any claims you are attempting to assert over me and /or my family.

Therefore, I demand your administration to cease and desist all contact with this family. I am allotting 7 (seven) days for a corresponding Affidavit signed by the Respondent under penalty of perjury. Failure to do so, lawfully places your administration in Default and in violation as follows:

Should your administration attempt to proceed with this matter by way of Threat, Duress and Coercion, without responding to this Writ, and without Due Process of Law, which is afforded to ALL, it constitutes a violation of the fourth amendment, secured by the constitution, as well as a violation of **Title 18 U.S.C., Section 241: Conspiracy Against Rights, Title 18 U.S.C., Section 242: Deprivation of Rights Under Color of Law.**

Lawful Notice and Warning

You will be prosecuted at the full extent of the law, as both criminal and civil charges will be filed on All agents and principals involved, in both their private and professional capacity, for their collusion in depriving the rights of the people and committing Fraud, Treason and Genocide against the people and against their oath bound obligations and fiduciary duties.

Substantive Point of Right #8:

"Officers of the court have no immunity, when violating a Constitutional right, from liability. For they are deemed to know the law." **Owen v. Independence, 100 S.C.T. 1398, 445 US 622.**

Substantive Point of Right #9:

"An unconstitutional act is not law; it confers no rights; it imposes no duties; affords no protection; it creates no office; it is in legal contemplation, as inoperative as though it had never been passed."
Norton v. Shelby County, 118 U.S. 425

Notice to Agent Is Notice to Principal, Notice To Principal Is Notice To Agent!

AFFIDAVIT OF TRUTH

**"Political Status/ Revocation of Power of Attorney
Lawful warning, Notice and FEE SCHEDULE"**

Be it known to all courts, governments, and other parties, that I, Baqi-Khaliq Bey, am a natural, Amexem Moor National, freeborn Private Sovereign, without subjects. I am neither subject to any entity anywhere, nor is any entity subject to me. I neither dominate anyone, nor am I dominated.

My authority for this statement is the same as it is for all free Sovereigns everywhere: the age-old, timeless, and universal respect for the intrinsic rights, property, freedoms, and responsibilities of the Sovereign Aboriginal and Indigenous Person.

I am not a "person" when such term is defined in statutes of the United States or statutes of the several states when such definition includes artificial entities. I refuse to be treated as a federally or state created entity which is only capable of exercising certain rights, privileges, or immunities as specifically granted by federal or state governments.

I voluntarily choose to comply with the man-made laws which serve to bring harmony to society, but no such laws, nor their enforcers, have any authority over me. I am not in any jurisdiction, for I am not of subject status.

Consistent with the eternal tradition of natural common law, unless I have harmed or violated someone or their property, I have committed no crime; and am therefore not subject to any penalty.

I act in accordance with the following U.S. Supreme Court case:

"The individual may stand upon his constitutional rights as a citizen. He is entitled to carry on his private business in his own way. His power to contract is unlimited. He owes no such duty [to submit his books and papers for an examination] to the State, since he receives nothing therefrom, beyond the protection of his life and property. His rights are such as existed by the law of the land [Common Law] long antecedent to the organization of the State, and can only be taken from him by due process of law, and in accordance with the Constitution. Among his rights are a refusal to incriminate himself, and the immunity of himself and his property from arrest or seizure except under a warrant of the law. He owes nothing to the public so long as he does not trespass upon their rights." **Hale v. Henkel**, 201 U.S. 43 at 47 (1905).

Thus, be it known to all, that I reserve my natural common law right not to be compelled to perform under any contract that I did not enter into knowingly, voluntarily, and intentionally. And furthermore, I do not accept the liability associated with the compelled and pretended "benefit" of any hidden or unrevealed contract or commercial agreement.

As such, the hidden or unrevealed contracts that supposedly create obligations to perform, for persons of subject status, are inapplicable to me, and are null and void. If I have participated in any of the supposed "benefits" associated with these hidden contracts, I have done so under duress, for lack of any other practical alternative. I may have received such "benefits" but I have not accepted them in a manner that binds me to anything.

Any such participation does not constitute "acceptance" in contract law, because of the absence of full disclosure of any valid "offer," and voluntary consent without misrepresentation or coercion, under contract law. Without a valid voluntary offer and acceptance, knowingly entered into by both parties, there is no "meeting of the minds," and therefore no valid contract. Any supposed "contract" is therefore void, ab initio.

From my age of consent to the date affixed below I have never signed a contract knowingly, willingly, intelligently, and voluntarily whereby I have waived any of my natural common law rights, and, as such, **Take Notice** that I revoke, cancel, and make void ab initio my signature on any and all contracts, agreements, forms, or any instrument which may be construed in any way to give any agency or department of any federal or state government authority, venue, or jurisdiction over me.

This position is in accordance with the U.S. Supreme Court decision of **Brady v. U.S.**, 379 U.S. 742 at 748 (1970):

"Waivers of Constitutional Rights not only must be voluntary, they must be knowingly intelligent acts, done with sufficient awareness of the relevant circumstances and consequences."

Typical examples of such compelled and pretended "benefits" are:

- 1 **The use of Federal Reserve Notes to discharge my debts.** I have used these only because in America, there is no other widely recognized currency.
- 2 **The use of a bank account, with my signature on the bank signature card.** If there is any hidden contract behind the bank signature card, my signature thereon gives no validity to it. The signature is only for verification of identity. I can be obligated to fulfill no hidden or unrevealed contract whatsoever, due to the absence of full disclosure and voluntary consent. Likewise, my use of the bank account thereof is due to the absence of a bank not associated with the Federal Reserve system. In general, people have been prevented from issuing their own currencies, and such prevention is in violation of the United States Constitution. Were there an alternative, I would be happy to use it. To not use any bank at all is impossible or very difficult, as everyone knows, in today's marketplace.
- 3 **The use of a Social Security number.** The number normally assigned to persons of subject status, I use exceptionally, under duress, only because of the extreme inconvenience of operating without one in today's marketplace, where it is requested by banks, employers, lenders, and many other government agencies and businesses. My reason for using it is *not* because I wish to participate in the Social Security system, as I don't wish to participate. Let it be known that I use the Social Security number assigned to me *for information only*.
- 4 **The use of a driver's license.** As a free Sovereign, there is no legal requirement for me to have such a license for traveling in my car. Technically, the unrevealed legal purpose of driver's licenses is commercial in nature. Since I don't carry passengers for hire, there is no law requiring me to have a license to travel for my own pleasure and that of my family and friends. However, because of the lack of education of police officers on this matter, should I be stopped for any reason and found to be without a license, it is likely I would be ticketed and fined or obligated to appear in court. Under duress, I carry an identification and international road permit to avoid extreme inconvenience.
- 5 **State plates on my car.** Similarly, even though technically, my car does not fit the legal definition of a "motor vehicle," which is used for commercial purposes, nevertheless, I have registered it with the state and carry the state plates on it, because to have any other plates or no plates at all, causes me to run the risk of police officer harassment and extreme inconvenience.
- 6 **Past tax returns filed.** Any tax returns I may have filed in the past, were filed due to the dishonest atmosphere of fear and intimidation created by the Internal Revenue Service (IRS) and the local assessors' offices; not because there is any law requiring me to do so. Once I discovered that the IRS and other tax agencies have been misinforming the public, I have felt it is my responsible duty to society to terminate my voluntary participation. Because such returns were filed under Threat, Duress, and Coercion (TDC), and no two-way contract was ever signed with full disclosure, there is nothing in any past filing of returns or payments that created any valid contract. Therefore, no legal obligation on my part was ever created.
- 7 **Birth Certificate.** The fact that a birth certificate was granted to me by a local hospital or government agency when I entered this world, is irrelevant to my Sovereignty. No status, high or low, can be assigned to another person through a piece of paper, without the recipient's full knowledge and consent. Therefore, such a piece of paper provides date and place information only. It indicates nothing about jurisdiction, nothing about property ownership, nothing about rights, and nothing about subject status. The only documents that can have any legal meaning, as it concerns my status in society, are those which I have signed as an adult, with full knowledge and consent, free from misrepresentation or coercion of any kind.
- 8 **Marriage license.** The acquisition of a marriage license is now being revealed as being necessary only for slaves. The act of a Sovereign such as myself obtaining such a license, through social custom and

ignorance of law, has no legal effect in changing my status. This is because any such change in status, if any may be supposed to occur, could happen only through a hidden and unrevealed contract or statute. Since no hidden, unrevealed, and undisclosed information, if it exists, can be lawfully held to be binding, it is null and void.

- 9 **Children in public school.** The attendance of my children in government-supported "public" schools or government-controlled "private" schools does not create any legal tax obligation for me, nor any other legal obligation, because I never signed a contract agreeing to such obligation for the supposed "privilege" of public school attendance. If any of my children have attended government supported "public" or controlled "private" schools, such was done under duress and not out of free will. Be it known that I regard "compulsory state education" as a violation of the Thirteenth Amendment to the U.S. Constitution, which states in relevant part:
- 10 "Neither slavery nor involuntary servitude, except as a punishment for crime whereof the party shall have been duly convicted, shall exist within the United States, or any place subject to their jurisdiction."
- 11 **Declaration of Citizenship.** Any document I may have ever signed, in which I answered "yes" to the question, "Are you a U.S. citizen?" – cannot be used to compromise my status as a Sovereign, nor obligate me to perform in any manner. This is because without full written disclosure of the definition and consequences of such supposed "citizenship," provided in a document bearing my signature given freely without misrepresentation or coercion, there can be no legally binding contract. I am not a "United States" citizen subject to its jurisdiction. The United States is an entity created by the U.S. Constitution with jurisdiction as described on the following pages of this Affidavit. I am not a "resident of," an "inhabitant of," a "franchise of," a "subject of," a "ward of," the "property of," the "chattel of," or "subject to the jurisdiction of" any corporate federal government, corporate state government, corporate county government, corporate city government, or corporate municipal body politic created under the authority of the U.S. Constitution. I am not subject to any legislation, department, or agency created by such authorities, nor to the jurisdiction of any employees, officers, or agents deriving their authority therefrom. Further, I am not a subject of the Administrative and Legislative Article IV Courts of the several states, or Article I Courts of the United States, or bound by precedents of such courts, deriving their jurisdiction from said authorities. **Take Notice** that I hereby revoke, cancel, and make void ab initio any such instrument or any presumed election made by any of the several states or the United States government or any agency or department thereof, that I am or ever have voluntarily elected to be treated as a United States citizen subject to its jurisdiction or a resident of any territory, possession, instrumentality or enclave under the sovereignty or exclusive jurisdiction of any of the several states or of the United States as defined in the U.S. Constitution in Article I, Section 8, Clause 17 and Article IV, Section 3, Clause 2.
- 12 **Past voter registration.** Similarly, since no obligation to perform in any manner was ever revealed in print, as part of the requirements for the supposed "privilege" to vote for government officials, any such registration on my part cannot be legal evidence of any obligation to perform. Likewise, I have granted NO jurisdiction over me, to any political office. It is my inherent right to vote on elections or issues that I feel affect all of society; NOT because I need anyone to rule over me. On the contrary – I have used the voting process only to instruct *my public servants* what a Citizen and Sovereign would like done.
- 13 **Use of the 2-letter state code and zip code.** My use of the 2-letter state code and zip code in my "address," which is secretly codified to indicate United States "federal zone" jurisdiction, has no effect whatsoever on my Sovereign status. Simply by receiving or sending "mail" through a quasi-federal messenger service, the postal service, at a location indicated with a 2-letter state code and zip code, cannot place me under federal jurisdiction or obligation. Such a presumption would be ludicrous. I use these codes only for the purposes of information and making it more efficacious for the U.S. Postal Service to deliver my mail.
- 14 **Use of semantics.** There are some immature people with mental imbalances, such as the craving to dominate other people, who masquerade as "government." Just because they alter definitions of words

in the law books to their supposed advantage, doesn't mean I accept those definitions. The fact that they define the words "person," "address," "mail," "resident," "motor vehicle," "driving," "passenger," "employee," "income," and many others, in ways different from the common usage, so as to be associated with a subject or slave status, means nothing in real life. Because the courts have become entangled in the game of semantics, be it known to all courts and all parties, that if I have ever signed any document or spoken any words on record, using words defined by twists in the law books different from the common usage, there can be no effect whatsoever on my Sovereign status in society thereby, nor can there be created any obligation to perform in any manner, by the mere use of such words. Where the meaning in the common dictionary differs from the meaning in the law dictionary, it is the meaning in common dictionary that prevails, because it is more trustworthy.

Such compelled and supposed "benefits" include, but are not limited to, the aforementioned typical examples. My use of such alleged "benefits" is under duress only, and is with full reservation of all my common law rights. I have waived none of my intrinsic rights and freedoms by my use thereof. Furthermore, my use of such compelled "benefits" may be temporary, until better alternatives become available, practical, and widely recognized.

FEDERAL JURISDICTION

It is further relevant to this Affidavit that any violation of my Rights, Freedom, or Property by the U.S. federal government, or any agent thereof, would be an illegal and unlawful excess, clearly outside the limited boundaries of federal jurisdiction. My understanding is that the jurisdiction of the U.S. federal government is defined by Article I, Section 8, Clause 17 of the U.S. Constitution, quoted as follows:

"The Congress shall have the power . . . To exercise exclusive legislation in all cases whatsoever, over such district (NOT EXCEEDING TEN MILES SQUARE) as may, by cession of particular states and the acceptance of Congress, become the seat of the Government of the United States, [District of Columbia] and to exercise like authority over all places purchased by the consent of the legislature of the state in which the same shall be, for the Erection of Forts, Magazines, Arsenals, dock yards and other needful Buildings; And – To make all laws which shall be necessary and proper for carrying into Execution the foregoing Powers..." [emphasis added]

and Article IV, Section 3, Clause 2:

"The Congress shall have the Power to dispose of and make all needful Rules and Regulations respecting the Territory or other Property belonging to the United States; and nothing in this Constitution shall be so construed as to Prejudice any Claims of the United States, or of any particular State."

The definition of the "United States" being used here, then, is limited to its **territories**:

- 1) The District of Columbia
- 2) Commonwealth of Puerto Rico
- 3) U.S. Virgin Islands
- 4) Guam
- 5) American Samoa
- 6) Northern Mariana Islands
- 7) Trust Territory of the Pacific Islands
- 8 Military bases within the several states
- 9) Federal agencies within the several states

It does **not** include the several states **themselves**, as is confirmed by the following cites:

"We have in our political system a Government of the United States and a government of each of the several States. Each one of these governments is distinct from the others, and each has citizens of its own who owe it allegiance, and whose rights, within its jurisdiction, it must protect. The same person may be at the same time a citizen of the United States and a Citizen of a State, but his rights of citizenship under one of these governments

will be different from those he has under the other." Slaughter House Cases **United States vs. Cruikshank**, 92 U.S. 542 (1875).

"THE UNITED STATES GOVERNMENT IS A FOREIGN CORPORATION WITH RESPECT TO A STATE." [emphasis added] **Volume 20: Corpus Juris Sec.** §1785: NY re: Merriam 36 N.E. 505 1441 S.Ct.1973, 41 L.Ed.287.

This is further confirmed by the following quote from the Internal Revenue Service:

Federal jurisdiction "includes the District of Columbia, the Commonwealth of Puerto Rico, the Virgin Islands, Guam, and American Samoa." – Internal Revenue Code Section 312(e).

In legal terminology, the word "includes" means "is limited to."

When referring to this "District" United States, the Internal Revenue Code uses the term "WITHIN" the United States. When referring to the several States, the Internal Revenue Code uses the term "WITHOUT" the United States.

Dozens, perhaps hundreds, of court cases prove that federal jurisdiction is limited to the few federal territory areas above indicated. For example, in two Supreme Court cases, it was decided:

"The laws of Congress in respect to those matters do not extend into the territorial limits of the states, but have force only in the District of Columbia, and other places that are within the exclusive jurisdiction of the national government," **Caha v. United States**, 152 U.S., at 215.

"We think a proper examination of this subject will show that the United States never held any municipal sovereignty, jurisdiction, or right of soil in and to the territory, of which Alabama or any of the new States were formed..."

"[B]ecause, the United States have no constitutional capacity to exercise municipal jurisdiction, sovereignty, or eminent domain, within the limits of a State or elsewhere, except in the cases in which it is expressly granted..."

"Alabama is therefore entitled to the sovereignty and jurisdiction over all the territory within her limits, subject to the common law," **Pollard v. Hagan**, 44 U.S. 221, 223, 228, 229.

Likewise, Title 18 of the United States Code at §7 specifies that the "territorial jurisdiction" of the United States extends only **outside** the boundaries of lands belonging to any of the several States.

Therefore, in addition to the fact that no unrevealed federal contract can obligate me to perform in any manner without my fully informed and uncoerced consent, likewise, no federal statutes or regulations apply to me or have any jurisdiction over me. I hereby affirm that I do not reside or work in any federal territory of the "District" United States, and that therefore no U.S. federal government statutes or regulations have any authority over me.

POWERS AND CONTRACTUAL OBLIGATIONS OF UNITED STATES AND STATE GOVERNMENT OFFICIALS

All United States and State government officials are hereby put on notice that I expect them to have recorded valid Oaths of Office in accordance with the U.S. Constitution, Article VI:

"The Senators and Representatives before mentioned, and the members of the several State Legislatures, and all executive and judicial officers, both of the United States and of the several States, shall be bound by oath or affirmation to support this Constitution..."

I understand that by their Oaths of Office all U.S. and State government officials are contractually bound by the U.S. Constitution as formulated by its framers, and not as "interpreted," subverted, or corrupted by the U.S. Supreme Court or other courts.

According to the Ninth Amendment to the U.S. Constitution:

"The enumeration in the Constitution of certain rights shall not be construed to deny or disparage others retained by the people."

and the Tenth Amendment to the U.S. Constitution:

"The powers not delegated to the United States by the Constitution, nor prohibited by it to the States, are reserved to the States respectively, or to the people."

Thus, my understanding from these Amendments is that the powers of all U.S. and State government officials are limited to those specifically granted by the U.S. Constitution.

I further understand that any laws, statutes, ordinances, regulations, rules, and procedures contrary to the U.S. Constitution, as written by its framers, are null and void, as expressed in the Sixteenth American Jurisprudence Second Edition, Section 177:

"The general misconception is that any statute passed by legislators bearing the appearance of law constitutes the law of the land. The U.S. Constitution is the supreme law of the land, and any statute, to be valid, must be in agreement. It is impossible for both the Constitution and a law violating it to be valid; one must prevail. This is succinctly stated as follows:

'The general rule is that an unconstitutional statute, though having the form and name of law, is in reality no law, but is wholly void, and ineffective for any purpose; since unconstitutionality dates from the time of its enactment, and not merely from the date of the decision so branding it. An unconstitutional law, in legal contemplation, is as inoperative as if it had never been passed. Such a statute leaves the question that it purports to settle just as it would be had the statute not been enacted.'

'Since an unconstitutional law is void, the general principles follow that it imposes no duties, confers no right, creates no office, bestows no power or authority on anyone, affords no protection, and justifies no acts performed under it...'

'A void act cannot be legally consistent with a valid one. An unconstitutional law cannot operate to supersede any existing valid law. Indeed, insofar as a statute runs counter to the fundamental law of the land, it is superseded thereby.'

'No one is bound to obey an unconstitutional law and no courts are bound to enforce it.'" [emphasis added]

and as expressed once again in the U.S. Constitution, Article VI:

"This Constitution, and the laws of the United States which shall be made in pursuance thereof; and all treaties made, or which shall be made, under the authority of the United States, shall be the supreme law of the land; and the judges in every State shall be bound thereby, anything in the Constitution or laws of any State to the contrary notwithstanding."

All U.S. and State government officials are therefore hereby put on notice that any violations of their contractual obligations to act in accordance with their U.S. Constitution, may result in prosecution to the full extent of the law, as well as the application of all available legal remedies to recover damages suffered by any parties damaged by any actions of U.S. and State government officials in violation of the U.S. Constitution.

REVOCATION OF POWER OF ATTORNEY

Furthermore, I hereby revoke, rescind, and make void ab initio, all powers of attorney, in fact or otherwise, implied in law or otherwise, signed either by me or anyone else, as it pertains to the Social Security number assigned to me, as it pertains to my birth certificate, marriage or business license, or any other licenses or certificates issued by any and all government or quasi-governmental entities, due to the use of various elements of fraud by said agencies to attempt to deprive me of my Sovereignty and/or property.

I hereby waive, cancel, repudiate, and refuse to knowingly accept any alleged "benefit" or gratuity associated with any of the aforementioned licenses, numbers, or certificates. I do hereby revoke and rescind all powers of attorney, in fact or otherwise, signed by me or otherwise, implied in law or otherwise, with or without my consent or knowledge, as it pertains to any and all property, real or personal, corporeal or incorporeal, obtained in the past, present, or future. I am the sole and absolute legal owner and possess allodial title to any and all such property.

Take Notice that I also revoke, cancel, and make void ab initio all powers of attorney, in fact, in presumption, or otherwise, signed either by me or anyone else, claiming to act on my behalf, with or without my consent, as such power of attorney pertains to me or any property owned by me, by, but not limited to, any and all quasi/colorable, public, governmental entities or corporations on the grounds of constructive fraud, concealment, and nondisclosure of pertinent facts.

Lawful Notice and Warning

You will be prosecuted at the full extent of the law, as both criminal and civil charges will be filed on All agents and principals involved, in both their private and professional capacity, for their collusion in depriving the rights of the people and committing Fraud, Treason and Genocide against the people and against their oath bound obligations and fiduciary duties.

Notice: If any person or agency receives any request for information relating to me, you must advise me in writing before releasing such information. Failure to do so may subject you to possible civil or criminal action as provided by this act or other law(s).

FEE SCHEDULE

Stunning/Masing/Tasering/Pepper Spray/Clubbing-----	\$100,000,000
Violence, Assault, Physical Harm, Vis Expulsiva -----	\$100,000,000
False Arrest/Kidnapping/Enforced Disappearance -----	\$100,000
Unauthorized Search of Person or Property-----	\$50,000
Refusal/Refusing to provide Identity-----	\$50,000
<i>Full name, Title, Address and telephone number is required and will be requested for all encounters, transactions, investigations, traffic stops, etc</i>	
Handcuffing/Fingerprinting/Photographing-----	\$20,000
<i>Fee will be calculated per each occurrence</i>	
Compelled Autograph/Signature/Endorsement/Indorsement-----	\$20,000
<i>(Vis compulsive)</i>	
Towing/Removal/Deprivation of property-----	\$20,000
Per diem/Per Day -----	\$10,000
<i>To cover increased physical health risk, lack of nutrition, commercial disposition,</i>	

Questioning/Interrogatories/Dispositions-----\$10,000

Detainment/Detention/Imprisonment/Captivation(per hour)-----\$10,000
Fee will be calculated per hour from the time such action is initiated.

Ordering/Issuing written or verbal orders-----\$1,000
Including ordering where to sit, stand, leave, move to, in, or out of. All orders whatsoever shall be construed as the orderer engaging in this contract.

Delay exceeding 10 minutes/Calculated per minute-----\$100
This includes warrantless traffic stops that are not a matter of public safety. Fee will be calculated as \$1,000 for the first minute, after 10 minutes, and \$100 each minute additional minute to which affiant believes to be improper, unsubstantiated, or unnecessary delay without evidence of good cause shown.

I affirm that all of the foregoing is true and correct. I affirm that I am of lawful age and am competent to make this Affidavit. I hereby affix my own signature to all of the affirmations in this entire document with explicit reservation of all my unalienable rights and my specific common law right not to be bound by any contract or obligation which I have not entered into knowingly, willingly, voluntarily, and without misrepresentation, duress, or coercion.

If voluntary use of notary below, it is for identification only, and such use does NOT grant any jurisdiction to anyone.
PURSUANT TO THE HEREIN DOCUMENTS IMMEDIATE CORRECTION IN ALL RECORDS; PRIORITY COMMANDED.

FURTHER AFFIANT SAITH NOT.

Notice to Agent Is Notice to Principal, Notice To Principal Is Notice To Agent!

Subscribed and sworn, without prejudice, and with all rights reserved,
 (PRINT NAME BELOW)

Bagi Khalig Bey

Principal, by Special Appearance, in Propria Persona, proceeding Sui Juris.

My Hand and Mark as Subscriber

Date: July 10, 2015

[Signature]
 BAQI KHALIG BEY, in Propria Personam, Sui Juris, Autonomous
 AUTHORIZED REPRESENTATIVE, ATTORNEY-IN-FACT
 EX RELATIONE: BRANDON JERMAINE RICHBURG
 ALL RIGHTS RESERVED

Witness

Print name

Jermaine Richburg Bey Jermaine Richburg Bey
 Signature and Seal



- (enclosed)
- Copy of Form SF-181 with fax confirmation and cover sheet (3 pages)
 - Copy of Integrated Postsecondary Education Data System (1 Page)
 - Copy of Legal Notice of Name Declaration, Correction Proclamation and Publication (1 page)
 - Copy of House Resolution 194 (4 pages)
 - Copy of 13th Amendment with 20 Sections of Constitution of the United States of America; ratified November 18, 1865 by 3/4 of the several states (3 pages)



CC:

Mr. Tim Konicki, Operation Manager
Erie County Child Support Enforcement Unit
95 Franklin St., Room 728
Buffalo, NY 14202
Phone: (716) 858-7352
FAX: (716) 858-8099

Ms. Joanne Chmielewski, SCU Coordinator
Erie County Support Collection Unit
95 Franklin St., Room 1129
Buffalo, NY 14202
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FAX: (716) 858-8099

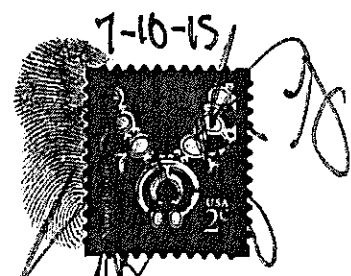
Ms. Kelly Brinkworth, Esq.
Assistant County Attorney
Erie County Department of Law
95 Franklin Street, room 1634
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Phone: (716) 858-2252
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Mr. Frank J. Boccio, Chief Clerk
Family Court of the State of New York
Erie County
1 Niagara Plaza
Buffalo, NY 14202-3416
Phone: (716) 845-7400
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Timothy B Howard
Erie County Sheriff's Department
10 Delaware Avenue
Buffalo, NY 14202
Phone: (716) 858-7618

Shawn A Brey
INTERPOL Washington
U.S. National Central Bureau
Washington, DC 20530-0001

The Honorable Andrew M. Cuomo
Governor of New York State
NYS State Capitol Building
Albany, NY 12224



Comm 1609



6/10/2015

From: Brandon Jermaine Richburg (without prejudice)
Phone: 808-353-1112
Fax: 980-492-6802
Company Name: Richburg-Bey Sovereign Heirs Estate & Trust
Pages: 10 Pages Including fax cover sheet

To: The Office of Management and Budget
Phone: 202-395-4790
Fax: 202-395-3729
Company Name: OMB

Comments:

Pursuant to the herein documents immediate correction in ALL RECORDS; Priority commanded.

SF181 (1 Page)

INTEGRATED POSTSECONDARY EDUCATION DATA SYSTEM (1 Page)

H. RES. 194 (4 Pages)

13TH Amendment with 20 Sections of Constitution of the United States of America; ratified November 18, 1865 by $\frac{3}{4}$ of the several states (3 pages)

☒ Urgent ☐ For Review ☐ Please Comment ☐ Please Reply ☐ Please Recycle

U.S. Office of Personnel Management Guide to Personnel Data Standards		ETHNICITY AND RACE IDENTIFICATION (Please read the Privacy Act Statement and instructions before completing form.)	
Name (Last, First, Middle Initial) <i>Without prejudice</i> RICHBURG, BRANDON J		Social Security Number	Birthdate (Month and Year)
Agency Use Only			
Privacy Act Statement Ethnicity and race information is requested under the authority of 42 U.S.C. Section 2000e-16 and in compliance with the Office of Management and Budget's 1997 Revisions to the Standards for the Classification of Federal Data on Race and Ethnicity. Providing this information is voluntary and has no impact on your employment status, but in the instance of missing information, your employing agency will attempt to identify your race and ethnicity by visual observation. This information is used as necessary to plan for equal employment opportunity throughout the Federal government. It is also used by the U. S. Office of Personnel Management or employing agency maintaining the records to locate individuals for personnel research or survey response and in the production of summary descriptive statistics and analytical studies in support of the function for which the records are collected and maintained, or for related workforce studies. Social Security Number (SSN) is requested under the authority of Executive Order 9397, which requires SSN be used for the purpose of uniform, orderly administration of personnel records. Providing this information is voluntary and failure to do so will have no effect on your employment status. If SSN is not provided, however, other agency sources may be used to obtain it.			
Specific Instructions: The two questions below are designed to identify your ethnicity and race. Regardless of your answer to question 1, go to question 2.			
Question 1. Are You Hispanic or Latino? (A person of Cuban, Mexican, Puerto Rican, South or Central American, or other Spanish culture or origin, regardless of race.) <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No			
Question 2. Please select the racial category or categories with which you most closely identify by placing an "X" in the appropriate box. Check as many as apply.			
RACIAL CATEGORY (Check as many as apply)		DEFINITION OF CATEGORY	
<input checked="" type="checkbox"/> American Indian or Alaska Native		A person having origins in any of the original peoples of North and South America (including Central America), and who maintains tribal affiliation or community attachment.	
<input type="checkbox"/> Asian		A person having origins in any of the original peoples of the Far East, Southeast Asia, or the Indian subcontinent including, for example, Cambodia, China, India, Japan, Korea, Malaysia, Pakistan, the Philippine Islands, Thailand, and Vietnam.	
<input type="checkbox"/> Black or African American		A person having origins in any of the black racial groups of Africa.	
<input type="checkbox"/> Native Hawaiian or Other Pacific Islander		A person having origins in any of the original peoples of Hawaii, Guam, Samoa, or other Pacific Islands.	
<input checked="" type="checkbox"/> White		A person having origins in any of the original peoples of Europe, the Middle East, or North Africa.	

Moor - 667
 Moroccan - 663
 Asiatic - 463

Standard Form 181
 Revised August 2005
 Previous editions not usable

42 U.S.C. Section 2000e-16

NSN 7540-01-099-3446

HP Officejet Pro 8610 Series

Fax Log for
Shabazz-El Foundation
980 492-6802
Jun 11 2015 10:33AM

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Date	Time	Type	Station ID	Duration	Pages	Result
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Note:

An image of page 1 will appear here only for faxes that are sent as Scan and Fax.



INTEGRATED POSTSECONDARY EDUCATION DATA SYSTEM

DEFINITIONS FOR NEW RACE AND ETHNICITY CATEGORIES

Race/ethnicity (new definition)

Categories developed in 1997 by the Office of Management and Budget (OMB) that are used to describe groups to which individuals belong, identify with, or belong in the eyes of the community. The categories do not denote scientific definitions of anthropological origins. The designations are used to categorize U.S. citizens, resident aliens, and other eligible non-citizens. Individuals are asked to first designate ethnicity as:

Hispanic or Latino or

Not Hispanic or Latino

Second, individuals are asked to indicate one or more races that apply among the following:

American Indian or Alaska Native

Asian

Black or African American

Native Hawaiian or Other Pacific Islander

White

Hispanic or Latino
A person of Cuban, Mexican, Puerto Rican, South or Central American, or other Spanish culture or origin, regardless of race.
American Indian or Alaska Native
A person having origins in any of the original peoples of North and South America (including Central America) who maintains cultural identification through tribal affiliation or community attachment.
Asian
A person having origins in any of the original peoples of the Far East, Southeast Asia, or the Indian Subcontinent, including, for example, Cambodia, China, India, Japan, Korea, Malaysia, Pakistan, the Philippine Islands, Thailand, and Vietnam.
Black or African American
A person having origins in any of the black racial groups of Africa.
Native Hawaiian or Other Pacific Islander
A person having origins in any of the original peoples of Hawaii, Guam, Samoa, or other Pacific Islands.
White
A person having origins in any of the original peoples of Europe, the Middle East, or North Africa.
Nonresident alien
A person who is not a citizen or national of the United States and who is in this country on a visa or temporary basis and does not have the right to remain indefinitely. Note: Nonresident aliens are to be reported separately in the places provided, rather than in any of the racial/ethnic categories described above.
Resident alien (and other eligible non-citizens)
A person who is not a citizen or national of the United States but who has been admitted as a legal immigrant for the purpose of obtaining permanent resident alien status (and who holds either an alien registration card (Form I-551 or I-151), a Temporary Resident Card (Form I-688), or an Arrival-Departure Record (Form I-94) with a notation that conveys legal immigrant status such as Section 207 Refugee, Section 208 Asylee, Conditional Entrant Parolee or Cuban-Haitian). Note: Resident aliens are to be reported in the appropriate racial/ethnic categories along with United States citizens.
Race/ethnicity unknown
The category used to report students or employees whose race and ethnicity are not known.

[Top](#)

110TH CONGRESS
1ST SESSION

H. RES. 194

Apologizing for the enslavement and racial segregation of African-Americans.

IN THE HOUSE OF REPRESENTATIVES

FEBRUARY 27, 2007

Mr. COHEN (for himself, Mr. JOHNSON of Georgia, Ms. JACKSON-LEE of Texas, Mr. BRADY of Pennsylvania, Mr. WEXLER, Ms. KILPATRICK, Ms. WOOLSEY, Mr. PALLONE, Ms. LEE, Mr. MCGOVERN, Ms. SCHAKOWSKY, Mrs. MALONEY of New York, Mr. CONYERS, Mr. MORAN of Virginia, Mr. CAPUANO, Mr. RANGEL, Mr. PAYNE, Mr. JEFFERSON, Mr. ELLISON, Mr. AL GREEN of Texas, Mr. BUTTERFIELD, Ms. WATSON, Mr. HINCHIEY, Mr. CLEAVER, Ms. CARSON, Mr. ISRAEL, Mr. ACKERMAN, Mr. DAVIS of Alabama, Mr. LEWIS of Georgia, Mr. ABERCROMBIE, Mr. HARE, Mr. KENNEDY, Ms. BALDWIN, Mr. HODES, Mr. FILNER, Mr. HONDA, and Mr. KUCINICH) submitted the following resolution; which was referred to the Committee on the Judiciary

RESOLUTION

Apologizing for the enslavement and racial segregation of
African-Americans.

Whereas millions of Africans and their descendants were
enslaved in the United States and the 13 American colo-
nies from 1619 through 1865;

Whereas slavery in America resembled no other form of invol-
untary servitude known in history, as Africans were cap-
tured and sold at auction like inanimate objects or ani-
mals;

Whereas Africans forced into slavery were brutalized, humiliated, dehumanized, and subjected to the indignity of being stripped of their names and heritage;

Whereas enslaved families were torn apart after having been sold separately from one another;

Whereas the system of slavery and the visceral racism against persons of African descent upon which it depended became entrenched in the Nation's social fabric;

Whereas slavery was not officially abolished until the passage of the 13th Amendment to the United States Constitution in 1865 after the end of the Civil War, which was fought over the slavery issue;

Whereas after emancipation from 246 years of slavery, African-Americans soon saw the fleeting political, social, and economic gains they made during Reconstruction eviscerated by virulent racism, lynchings, disenfranchisement, Black Codes, and racial segregation laws that imposed a rigid system of officially sanctioned racial segregation in virtually all areas of life;

Whereas the system of de jure racial segregation known as "Jim Crow," which arose in certain parts of the Nation following the Civil War to create separate and unequal societies for whites and African-Americans, was a direct result of the racism against persons of African descent engendered by slavery;

Whereas the system of Jim Crow laws officially existed into the 1960's—a century after the official end of slavery in America—until Congress took action to end it, but the vestiges of Jim Crow continue to this day;

Whereas African-Americans continue to suffer from the consequences of slavery and Jim Crow—long after both sys-

tems were formally abolished—through enormous damage and loss, both tangible and intangible, including the loss of human dignity and liberty, the frustration of careers and professional lives, and the long-term loss of income and opportunity;

Whereas the story of the enslavement and de jure segregation of African-Americans and the dehumanizing atrocities committed against them should not be purged from or minimized in the telling of American history;

Whereas on July 8, 2003, during a trip to Goree Island, Senegal, a former slave port, President George W. Bush acknowledged slavery's continuing legacy in American life and the need to confront that legacy when he stated that slavery "was . . . one of the greatest crimes of history . . . The racial bigotry fed by slavery did not end with slavery or with segregation. And many of the issues that still trouble America have roots in the bitter experience of other times. But however long the journey, our destiny is set: liberty and justice for all.";

Whereas President Bill Clinton also acknowledged the deep-seated problems caused by the continuing legacy of racism against African-Americans that began with slavery when he initiated a national dialogue about race;

Whereas a genuine apology is an important and necessary first step in the process of racial reconciliation;

Whereas an apology for centuries of brutal dehumanization and injustices cannot erase the past, but confession of the wrongs committed can speed racial healing and reconciliation and help Americans confront the ghosts of their past;

Whereas the legislature of the Commonwealth of Virginia has recently taken the lead in adopting a resolution officially expressing appropriate remorse for slavery and other State legislatures are considering similar resolutions; and

Whereas it is important for this country, which legally recognized slavery through its Constitution and its laws, to make a formal apology for slavery and for its successor, Jim Crow, so that it can move forward and seek reconciliation, justice, and harmony for all of its citizens: Now, therefore, be it

1 *Resolved*, That the House of Representatives—

2 (1) acknowledges the fundamental injustice,
3 cruelty, brutality, and inhumanity of slavery and
4 Jim Crow;

5 (2) apologizes to African-Americans on behalf
6 of the people of the United States, for the wrongs
7 committed against them and their ancestors who
8 suffered under slavery and Jim Crow; and

9 (3) expresses its commitment to rectify the lin-
10 gering consequences of the misdeeds committed
11 against African-Americans under slavery and Jim
12 Crow and to stop the occurrence of human rights
13 violations in the future.

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**The following is the
Language
Of
"The Ordinance of 1787"
Thus referred to:**

"Article 6 – There shall be neither slavery nor Involuntary Servitude in the said Territory, otherwise than in the punishment of crimes, whereof the part shall have been dully convicted".

**The Thirteenth Amendment
Of
The Constitution of the United States
Ratified: November 18, 1865 by $\frac{3}{4}$ of the Several States**

SECTION 1 –All persons shall have the right peaceably to assemble and Worship God according to the dictates of their own conscience.

SECTION 2 – The use of the \Public Press shall not be obstructed; but criminal publications made in one State against the lawful institutions of another State shall not be allowed.

SECTION 3 – The right of citizens to free and lawful Speech in public assemblies shall not be denied. Access of citizens to the ballot box shall not be obstructed either Civil or Military Power. The Military shall always be subordinate to the existing Judicial authority over citizens. The privilege of the writ of Habeas Corpus shall never be suspended in the presence of the Judicial Authority.

SECTION 4 – The Militia of or of the United states shall not be Employed to invade the lawful rights of the People of any of the several states; but the United States shall not be hereby deprived of the right and power to defend and protect its property and rights within the limits of any of the States.

SECTION 5 – Persons held to service or Labor for life, in any state under the Laws thereof, may be taken into any Territory of the United states south of north latitude 36 degrees 30', and the right to such Service or Labor shall not be impaired thereby, and the Territorial Legislature thereof shall have the exclusive right to make and shall make all needful rules and regulations for the protection of such right and also for the protection of such Persons; but Congress or any Territorial Legislature shall not have power to impair or abolish such right of Service in the Said Territory while in a Territorial condition without the consent of all the States, south of Said Latitude, which maintain such Service.

SECTION 6 – Involuntary servitude, except for crime, shall not be permanently established within the District set apart for the Seat of Government of the United states; but the right of sojourn in such District with Persons held to service or Labor for life, shall not be denied.

SECTION 7 – When any territory of the United States south of north latitude 36 degrees 30' shall have a population equal to the Ratio of Representation for one Member of Congress, and the people thereof shall have formed a constitution for a Republic Form of Government, it shall be admitted as a State into the Union, on equal footing with the other states; and the people may, in such Constitution, either prohibit or sustain the right to Involuntary Labor or service, and alter or amend the Constitution at their will.

SECTION 8 – The present right of representation in Section 2, article 1, of the Constitution, shall not be altered without the consent of all the States maintaining the right to Involuntary Services or Labor south of Latitude 36 degrees 30', but nothing in this Constitution or its amendments shall be construed to deprive any state south of Said Latitude 36 degrees 30' of the right of abolishing Involuntary servitude at its will.

SECTION 9 – The regulation and control of the right to Labor service in any of the States south of \Latitude 36 degrees 30' is hereby recognized to be exclusively the right of each state within its own limits; and this Constitution shall not be altered or amended to impair this right of each state without its consent; Provided, this article shall not be construed to absolve the United states from rendering assistance to suppress Insurrections or Domestic violence, when called upon by any State, as provided in section 4, Article 4, of the Constitution.

SECTION 10 – No State shall pass any law in any way interfering with or obstructing the recovery of Fugitives from Justice, or from Labor or Service, or any Law of Congress made under Article 4, Section 2, of this Constitution; and all laws in violation of this Section may, on complaint made by any person or state, be declared void by the supreme court of the United states.

SECTION 11 - As a right of comity between the several States south or latitude 36 degrees 30' the right of transit with Persons held to Involuntary Labor or Service from the state to another shall not be obstructed, but such Persons shall not be brought into the States north of said Latitude.

SECTION 12 – The traffic in Slaves with Africa is hereby forever prohibited on pain of death and the forfeiture of all the rights and property of persons engaged therein; and descendants of Africans shall not be citizens.

SECTION 13 – Alleged Fugitives from Labor or Service, on request, shall have a Trial by Jury before being returned.

SECTION 14 – All alleged Fugitives charged with crime committed in violation of the law of a State shall have the right of Trial by Jury, and if such Person claims to be a citizen of another State, shall have a right of appeal or of a writ of error to the Supreme Court of the United States.

SECTION 15 – All acts of any inhabitant of the United States tending to incite Persons held to service or Labor to Insurrection or acts of Domestic Violence, or to abscond, are hereby prohibited and declared to be a penal offense; and all the Courts of the United States shall be open to suppress and punish such offenses at the suit of any citizen of the United States or the suit of any "state".

SECTION 16 -All conspiracies in any State to interfere with lawful rights in any other State, or against the United States, shall be suppressed; and no State, or the people thereof, shall withdraw from this Union without the consent of three-fourths of all the States, expressed by an Amendment proposed and ratified in the manner provided in article 5 of the Constitution.

SECTION 17 – Whenever any State wherein Involuntary servitude is recognized or allowed shall propose to abolish such servitude, and shall apply for Pecuniary assistance therein, the Congress may, in its discretion, grant such relief not exceeding one hundred dollars for each person liberated. But, congress shall not propose such abolishment or relief to any state.

Congress may assist free Persons of African descent to emigrate and Colonize Africa.

SECTION 18 – Duties on Imports may be imposed for Revenue; but shall not be excessive or prohibitory in amount.

SECTION 19 – When all of the several States shall have abolished slavery, then and thereafter slavery or involuntary servitude, except as a punishment for crime, shall never be established or tolerated in any of the States or Territories of the United States, and they shall be forever free.

SECTION 20 – The provisions of this Article relating to Involuntary Labor or Servitude shall not be altered without the consent of all the States maintaining such Servitude.