

ORIGINAL

20060354 -

SUPREME COURT OF NORTH DAKOTA

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SUPREME COURT APR 16 2007

20060355

STATE OF NORTH DAKOTA
Plaintiff

V

Supreme Court No 20060354/
20060355

FILED
IN THE OFFICE OF THE
CLERK OF SUPREME COURT

Peter John Grzeskowiak
Sovereign

APR 16 2007

STATE OF NORTH DAKOTA

SDVEREIGN BRIEF SHOWING THERE ARE NO CONSTITUTIONAL CHECKS AND BALANCES ALLOWED BY
JUDGES BLANKETED WITH NO OVERSIGHT RESULTING IN MOB RULE TO A VOID PROCESS LACKING
ALL JURISDICTION

State of north Dakota
Grand Forks County
124 S 4th St
PO Box 5607
Grand Forks ND 58206

Peter John Grzeskowiak
15750 County Rd 15
Minto ND 58261
701 699 3189
Sovereign by the Grace of God
All Rights preserved

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- 2 Evitts v Lucey 469 US 387 (1985)
- 3 Duncan v Louisiana 92 US 542 (1876)
- 4 Griffen v Illinois 315 US 12 (1956)
- 5 Johnson v Zerbst 304 US 458 (1938)
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- 7 Meachum v Fano 427 US 215 (1976)
- 8 Noble v Union River Lodging Railroad Co 147 US 165 (1893)
- 9 Powell v Alabama 287 US 45 (1932)
- 10 Pennoyer v Neff 95 US 714 (1877)
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- 12 Zedner v US No 05-5992

ND State rules

Rule 2, stay all rules

Rule 26 3 days for service by mail

Statement of the case

Because I am disabled, I cannot afford the finest American justice that money can buy. To compound matters, a biased judge running berserk upon the United States Constitution is nothing more than a corrupt process. my farm & property has been under continuous assault, "IF" I had been allowed the right to counsel with discovery I'd have been able to show there never was any criminal intent. my licensed, registered & insured truck was unable to operate because the gas tank was filled with some sort of oil-vegetable OIL. I was out of food, dog food so I pulled a pick up out of a snow bank on private property. I did get this truck running & drove to Grand Forks DMV to register this truck. My hips have a very bad case of arthritis & my walking ability is severely limited. I then drove to my dad's to lay down, I tried to start the truck but it wouldn't start. I used my Dad's car to get grocery's & dog food. I loaded all into my truck, got a push start then drove to the DMV. By then my hips were screaming in pain, I walked thru the parking lot, down the hallway & entered the DMV office. My heart sank as there were so many people inside, there was no room to even sit down. I guess there were 12 or more people inside. I asked the other Citizens if I could cut in line as my truck was left running-they all had their own lives to lead. I then asked a lady in the 3rd DMV office to open Her window & wait upon all the people inside-She refused. A lady came in on crutches & only 1 leg so I let her go ahead of me. The pain was so bad, I did not even realize I had left, I only knew the pain was so bad I had to get off my feet. the next thing I knew was the lifters was clacking because of the time I was inside the DMV, the motor was running & burned up the oil, the motor blew on the manifold overpass. The pick up was parked on private property till the day in question, The license plates are registered in my name & belong to me, in ND You have the right to transfer plates from a vehicle You own that has been crushed-if you can get proper service by the Dept of motor Vehicles.

Rights Violated

1 I have not been served with a verified complaint with a sworn affidavit of probable cause with first hand witness, ND R Crim Pro-3 stating every element that violates ND CC-North Dakota century Code

2 I have been denied counsel, discovery, IFP statis due to the bias of judge medd, I ask the ND Supreme court to order a true and correct-verbatim transcript of every proceeding to verify my Due Process rights have been ignored by j Medd

3 On the preliminary hearing, April 21, 2006. I was not properly read the charges, I stated "NO", j Medd ignored my answer. I then asked for a probable cause, evidentiary & nature & cause hearings-all denied. I then asked for the assistance of counsel-denied. I stated for the record, "I am not being heard here".

4 I then asked this alleged judge to dismiss the charges. I explained I tried to license the truck but left the DMV due to severe pain. J Medd replied-Why should I.

5 Jury selection was set July 25, 2006. I appeared, J medd, J Mccarthy nor any jury members were present. I was "told" by the clerk there was a continuance. I was denied the right to present any defense because of some rule to filing of 20 days before any hearing. I have asked j Medd what is this rule & if I am held to a 20 day rule, why isn't the court. notice how j Medd sets hearings, jury selections so I cannot meet his 20 day rule

6 Violation of speedy trial rights-ignored by j Medd.

7 on July 26, 2006 I was arrested for failure to appear. this is default by improper service by the clerks office. The order was to appear on reverse dates, this is not in chronological order. I was arrested by word of the clerk, I was never allowed an arrest warrant.

8 J Medd had ceased to act as a neutral, unbiased judge, I asked many times of a change of venue or for j Medd to remove.

9 I attended jury selection on Nov 7, 2006. There was no jury present, j Medd told me I had to "change" my plea or I would be arrested. I refused to change my plea & I

again arrested for the default error by the clerks or the failure to appear on July 26, 2006.

MANDATORY JUDICIAL NOTICE

1 judge Medd has falsified the terms of sentence and the plea, what is stated as filed in the supreme Court information system is not what occurred during the sentence fraud. There were no fines. my plea was given under extreme duress, severe pain

2 Jason Mccarthy, prosecutor has falsified the terms of the dismissal after the fact. The failure to appear was dismissed, weeks after the fact Mccarthy has changed this dismissal to dismissal without prejudice.

I am requesting judicial notice to this fraud per fraud committed by the court. Misprison of a felony, fraud upon the court, mail fraud, falsifying court records, obstruction of legal process.

MEMORANDUM OF LAW

1 I have not been served with a verified complaint per ND R Crim pro-3 5. A court is to determine when a right is being deprived established by rule, statute or regulation, see Meachum v Fano, 427 US 215 (1976) A traffic ticket is not a verified complaint with a sworn affidavit. US v Cruikshank, 92 US 542 (1876)

2 a. Denied counsel by judge Medd April 21, 2006. See Johnson v Zerbst, 304 US 458 (1938) if the state, judge or prosecutor deny the right to counsel, the court has lost jurisdiction, on appeal counsel is mandatory per Evitts v Lucey, 469 US 387 (1985). I ask the ND Supreme Court to order a verbatim record of all proceedings in this case per Griffin v Illios, 315 US 12 (1956)

3 The preliminary hearing is to resolve all issues before trial,

A I asked for a probable cause hearing, Illinois v Gates, 426 US 213 (1983) as required by a neutral, detached judge.

B Evidentiary hearing What was the trooper searching for-guns, drugs, weapons, explosives or registration.

C natures & Cause hearing is mandatory per the 6th Amend.

D Request for counsel

I stated for the record, "I am not being heard here". Escoe v Zerbst, 295 US 490 (1935)

When a hearing is held but the defendant is DENIED the right to be heard, the ensuing mandates of the court are NULL & VOID.

4 I asked the judge to dismiss as there was no criminal intent, Actus non facit reum, nisi mens sit rea. All elements of the crime shall be included in the verified complaint. Jurisdictional facts are not present, Pennoyer v Neff, 95 US 714 (1877), Noble v Union River Lodging Railroad Co, 147 US 165 (1893)

5 I appeared for jury selection 25, 2006, for jury trial on July 26, 2006 J Medd, nor McCarthy nor a jury pool were present, there was notice for any continuance within J Medds 20 day rule violates my Right to a speedy trial under the Sixth Amendment.

6 I invoked my Speedy trial rights per motion & vocally many times, all ignored by J Medd, See Zedner v US, No 05-5992, 18 USC 3161 which is applicable to the states

7 July 26, 2006 arrested for failure to appear by the word of the clerk, I was never allowed to see an arrest warrant nor is a warrant in the clerks file. If I had been allowed a lawyer per Powell v Alabama, 287 US 45 (1932) this improper service by the

by the clerks office would have been avoided.

8 Bias of judge Medd, The Right to a neutral, unbiased judge is the basic component of Due Process of law which denied every right I had to discovery, compulsory process, the right to be informed, the right to be heard. Further corruption of process is by the manner in which I was given a left over jury pool, there was another matter to be tried & this case was allowed to select their jury from a full jury pool, I was supposed to select mine from what was left. If another citizen has the right to a full jury pool, I should be allowed the same right under the Equal protection Clause & Duncan v Louisiana, 391 US 145 (1968). Due to extreme pain in my neck & hips the only way I could get away from j Medd was to enter a plea, my plea was my plea, I only entered this plea to stop the abuse by j Medd. my plea was tyhe elements may be present but I am not admitting any guilt.

9 hearing on Nov 7, 2006, Denied a jury pool & was arrested for refusing to change my plea to guilty.

Under Haines v Kerner, 404 US 519 (1972) I ask the Supreme court to consider this brief on the merits, per ND R on Appeals two (2) to suspend all rules as in my motion for a stay

A copy of the enclosed has been served upon the prosecutors office by prepaid US mail on April 3, 2006. I am invoking ND R on appeals R-26 c, 3 days are to be added for service to the court. The brief to the S Ct Shall be mailed by overnight express.



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20060355

CERTIFICATE OF SERVICE

A copy of the enclose has been served on this date to the county lawyers office
by pre-paid US Mail tp PO Box 5607, Grand Forks ND 58206

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CLERK OF SUPREME COURT

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ELECTRONIC RECORD

STATE OF NORTH DAKOTA

I ahve twice asked this court to suspent the rules, I do not know how nor can I afford
to make an electronic copy. Also my computer is not set up to break up topics to paragr-
grahps nor to seperate pages. I would ask the court to address the issues raied & the
corruption of process.

April 16, 2006

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Also for the record, I have noticed in the courts/clerks papers it is claimed I was
pro-se, I have never relinquished my right to counsel during the alleged proceedings un-
der j Medd nor on appeal.

I also reserve my right to file a reply brief.



GRAND FORKS COUNTY DISTRICT COURT
STATE OF NORTH DAKOTA

State of North Dakota
¶

v

NOTICE OF APPEAL

Peter Grzeskowiak

TO THE NORTH DAKOTA SUPREME COURT

NOTICE IS HEREBY GIVEN I hereby appeal to the North Dakota Supreme Court