

IN THE SUPREME COURT
STATE OF NORTH DAKOTA

Peter John Grzeskowiak
Petitioner

v

20150325
Supreme Court No ~~201-50-325~~

District Court No 50 2015 CV 00039

State of North Dakota
Respondent

Appellants Brief

Appeal for denial of Post Conviction Petition by Walsh County District Court of NO
Jurisdiction, judge Donovan Foughty presiding

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STATEMENT OF ISSUES

- 1 May a dirty judge preside after 15+ years of judicial terrorism
- 2 Jurisdiction defects in a perjured search warrant affidavit
- 3 Jurisdiction bar by denial of counsel
- 4 My post conviction petition addressing jurisdiction was DENIED in violation of Rule 8(a) jurisdiction and 8(f) petitions liberally construed
- 5 IF No finding of probable cause of Rule 5 VOIDS proceedings
- 6 Was the search warrant properly executed
 - 1 I was not allowed to read the search warrant as deputy katie kept **SCREAMING**
 - 2 there were no pictures as stated A-F
- 7 The transcripts are falsified, the plea I entered was; guilty by alford plea **WITHOUT my Free Will.**
- b8 Complaint based on Perjury
- 9 A DENIAL of the Right to be Heard in jail per Writ, nor by gorman to falsified transcripts while being DENIED Counsel by clerk Tami Mecham

STATEMENT OF THE CASE

This appeal arises out of my post conviction petition was DENIED addressing jurisdiction never existed. Same issue I tried to raise on a Writ of Habeas Walsh County refused to file, my ancient Writ was in Barb Whelan file. The STATE tried to Baker Act me as I wanted a Natures and Cause hearing. I waited for robe geiger to stop talking, looked up from my paper to see him running out of the courtroom so I was not HEARD on recusing this terrorist

STATEMENT OF FACTS

On Sunday July 7, 2013 I was cutting alfalfa till after dark in a new moon with 25 watt halide light on my JD-70. I had to quit as I could not see clearly. I took Buddy with me to Onafrey that I may use some lights. It was near midnight, I was hungry and tired. I had a can of beans and 2 beers, so I ate and fell asleep. I woke near dawn to come home. As I drove in my drive way, there was the puppies all lined up some 100 feet back from County rd 15. I had to teach them to STAY OFF THE ROAD as chemical pharmers keep throwing meat along my SE corner of my driveway-same place where Due Process was killed. The adult dogs were never loose during this time period, Nunya was loose but he was a teen age goof ball, he was the puppies baby sitter & harmless. Baby was inside the Home & very pregnant, Buddy was gone with me, Geabla was on His chain as was the 3 females

I got the dogs as I am not allowed any police protection, see the 1 foot tall stack of police reports, ND Ag chemical assaults, burglary, thefts to vehicle tampering to the burning down of my Cherished Greenhouse. As I tried to address these chemical pharmers in a civilized way. Yet the clerk office returns my hand delivered complains on 1 excuse or another. Then when I leave my Home, it is broken into with my papers stolen & my dogs were beaten till blood covered the steps, Baby was beat over Her head causing a huge gash. Same as my property deeds Walsh County refused to file, to my oil stocks stolen. Same as when Walsh County JA jurgens came out here & told me KD Farms would be planting OVER my alfalfa crop with no rental contract. Sheriff wild came out & said, But you have no property deeds, I asked HOW he KNEW of that as I did not report that burglary. I pulled up my shirt & handed this alleged LEO a copy of my property deed & said now get KD Farms OFF my

Land, Wild refused & told me I'd be arrested if I did anything to KD Farms or their tractor. I told this alleged LEO He had just entered a Criminal Conspiracy under 42 USC 1985 to DENY me the lawful use of my Private Property. Wild turned BEET RED.

These are the complaints Walsh County clerks office refused to file causing my Dogs to be abused, my Home broken into then my Greenhouse burned down-all the LEO Reports Ms Gorham public pretender claims are NOT ADMISSABLE showing my Private Property is not safe by the Light of Day. As with each spring planting time when the I-29 drug corridor opens & the Mexicans bring up drugs to support the lie of the war on drugs. They are hired to cause me damage to destroy my health by constant **STRESS**. Also that I can not afford to fix all the equipment damage. See report by JA jurgens where he threatened to arrest me when my Skype phone didn't work cause of Invismax. I had to stop a guy on the road to report damage to my tractor to LEO. Honest Ppl sleep at night. So there is phone to payroll records documenting this ongoing assault on my Liberty Right to live as a Man of Peace

When these POST certified liars, see Briscoe vsLahue, came here on 7/8/2013 deputy katie handed me a wad of papers saying, "You need to read these". I tried to read only deputy katie started **SCREAMING** at me, **PETE, PETE, WE NEED TO DO THIS, JUST LET US DO THIS** . I asked do what, You said I need to read this, let me read this. I went back to the cover page the 2nd time to hear her start **SCREAMING** , I asked her to stop **SCREAMING**, why are you **SCREAMING**, she looked like she was ready to explode & holding that **SHOTGUN**. My Instincts were going OFF to get out of there ASAP, I tried to read the alleged warrant the 3rd time & this LEO started **SCREAMING**, I was afraid She was going to kill

me in claim SBC. I threw the wad of papers to my right & took off to my left to get near LEO Kosmatka. I tried to ask him, "WHATS GOING ON HERE???" This LEO lied to me n said. "We will give the dogs a shot to sedate them for quaranteen. I asked, all of them, only the puppies were loose, this LEO said "then only the ones that were loose". THEY lied to make their dirty deeds easier. I was lied to get me to betray my Puppies for slaughter on the lies of an abnormally drunken homeless unemployed mexican, a knowing perjured warrant affidavit signed by a dirty judge-classic MOB RULE with Evil Eye & dirty hands all acting without Probable Cause as there was no tall grass nor weeds, there was no 9 dogs loose, only the puppies were loose, see sarge has a picture of 1 puppy, Booty. A well mannered Young puppy that cried when I removed wood ticks.

JURISDICTIONAL STATEMENT

The district court had NO jurisdiction under N.D. Const. art. VI, § 8, and N.D.C.C. § 27-05-06. The appeal was timely under N.D.R.App.P. 4(b). This Court has jurisdiction under N.D. Const. art. VI, § 2, and N.D.C.C. § 29-28-06.

ARGUMENT

1. There is a constant train of judicial terrorism by robe geiger. I had him removed as lawyer Robert Woods advice, then again in in Duaksavage vs Pete that was heard by robe fontaine who dismissed my counter claim as "SOMETHING ELSE". I learned there was no difference in the bias of robes. In Pete vs Susan Grzeskowiak I got notice judge geiger was presiding & gave up. Many months later I had papers from the court to address this, I Motioned the court per Minn Stat 599 for an order to allow service as susan had a restraint order of no contact. Susan as executor of my Mothers estate used this as a license to steal some \$30,000. My motion was IGNORED & my suit dismissed, I appealed to the ND S Ct on a

final order with statute of limits near tolled which was DENIED by clerk Penny Miller, Then in Wenninger vs Pete, more judicial abuse of which this alleged judge kicked me out of My Church, see 1st Amend loss constitute irreparable injury. I then had Mass in Minto ND as I returned Home, Mass started in Warsaw. I only saw a crowd of Ppl, went Home & started cutting out an old stump. Next I know LEO Thomas is there asking if I was in Warsaw, wenninger was there & called Walsh County complaining I violated the restraining order. I had so much STRESS I was snapping off my teeth in my sleep, I lost all my upper teeth & now have problems eating. As I told LEO Richie, "If I'm found dead, check to see if I choked to death", as I am not able to properly chew. Of which this court never answered my addressing lack of jurisdiction by a perjured IFP form granted by geiger. Next case Pete vs CASE PRO geiger refused to recuse, Pete vs Minto Ins Agency geiger refused to recuse, Pete vs Menards geiger refused to recuse, to Pete vs Asset Collections -all on 1 excuse or another, See Franks v Delaware, US v Johnson, Coolridge vs New Hampshire to US vs Leon 468 US 987 (1984) item C addressing the neutral & detached function

While it would seem common sense that the magistrate in this case was not "neutral and detached", decades of prior case law did make the issue a little murky. Justice Appel writing for the Court did a great job of reviewing the prior precedent and clearly enunciating why the magistrate's conflict not only violated the requirement that he be "neutral and detached" but also resulted in a violation of the 4th Amendment and the Due Process Clause of the 14th Amendment. Finally, the Court concluded that the harmless error analysis was not appropriate in these situations because "an invalid warrant is the equivalent of no warrant at all" and thus, the harmless error analysis cannot and does not apply in these situations.

The entire decision can be obtained at:

http://www.judicial.state.nd.us/Supreme_Court_Recent_Opinions/20080502_06-1443.pdf

When an appellant merely makes the bare assertion that a search also violated Article I, Section 8 of the North Dakota Constitution, we treat the federal and state constitutional arguments together. State v. Kunkel, 455 N.W.2d 208, 209 n.2 (N.D. 1990).

Whether the Fourth and Fourteenth Amendments, and the derivative exclusionary rule made applicable to the States under *Mapp v. Ohio*, 367 U.S. 643, 81 S.Ct. 1684, 6 L.Ed.2d 1081 (1961), ever mandate that a defendant be permitted to attack the veracity of a warrant affidavit after the warrant has been issued and executed, is a question that encounters conflicting values. The bulwark of Fourth Amendment protection, of course, is the Warrant Clause, requiring that, absent certain exceptions police obtain a warrant from a neutral and disinterested magistrate before embarking upon a search.

Franks vs Delaware **438 U.S. 154**, 98 S.Ct. 2674, 57 L.Ed.2d 667 (1978)," 104 S.Ct. at 3421-22; (2) if "the issuing magistrate wholly abandoned his judicial role," *id.* at 3422, thus becoming a rubber stamp for the police; (3) if the affidavit is "so lacking in indicia of probable cause as to render official belief in its existence entirely unreasonable." *Brown v. Illinois*, 422 U.S. [590] at 610-611, [95 S.Ct. 2254 at 2265-2266, 45 L.Ed.2d 416] (POWELL, J., concurring in part)," 104 S.Ct. at 3422; where judge Geiger ceased to act in any judicial capacity that denied Due Process of Law

The petitioner's first claim is that the warrant authorizing the seizure and subsequent search of his car was invalid because not issued by a "neutral and detached magistrate." Since we agree with the petitioner that the warrant was invalid for this reason, we need not consider his further argument that the allegations under oath supporting the issuance of the warrant were so conclusory as to violate relevant constitutional standards. *Cf. Giordenello v. United States*, 357 U.S. 480; *Aguilar v. Texas*, 378 U.S. 108. The classic statement of the policy underlying the warrant requirement of the Fourth Amendment is that of Mr. Justice Jackson, writing for the Court in *Johnson v. United States*, 333 U.S. 10, 333 U.S. 13-14:

"The point of the Fourth Amendment, which often is not grasped by zealous officers, is not that it denies law enforcement the support of the usual inferences which reasonable men draw from evidence. Its protection consists in requiring that those inferences be drawn by a neutral and detached magistrate, instead of being judged by the officer engaged in the often competitive enterprise of ferreting out crime. Any assumption that evidence sufficient to support a magistrate's disinterested determination to issue a search warrant will justify the officers in making a search without a warrant would reduce the Amendment to a nullity, and leave the people's homes secure only in the discretion of police officers. . . . When the right of privacy must reasonably yield to the right of search is, as a rule, to be decided by a judicial officer, not by a policeman or government enforcement agent."

Cf. United States v. Lefkowitz, 285 U.S. 452, 285 U.S. 464; *Giordenello v. United States*, *supra*, at 357 U.S. 486. *Wong Sun v.*

Page 403 U. S. 450 *United States*, 371 U.S. 471, 371 U.S. 481-482; *Katz v. United States*, 389 U.S. 347, 389 U.S. 356-357. *Coolidge v. New Hampshire*, 403 U.S. 443 (1971)

STATE v. FREMONT | FindLaw ;<{}~*Boyd* Page 403 U. S. 454 *v. United States*, 116 U.S. 616, 116 U.S. 635, is worth repeating here:

"It may be that it is the obnoxious thing in its mildest and least repulsive form; but illegitimate and unconstitutional practices get their first footing in that way, namely, by silent approaches

and slight deviations from legal modes of procedure. This can only be obviated by adhering to the rule that constitutional provisions for the security of person and property should be liberally construed. A close and literal construction deprives them of half their efficacy, and leads to gradual depreciation of the right, as if it consisted more in sound than in substance. It is the duty of courts to be watchful for the constitutional rights of the citizen, and against any stealthy encroachments thereon. [Footnote 4]"

The right of the people to be secure in their persons, houses, papers, and effects, against unreasonable searches and seizures, shall not be violated, and no Warrants shall issue, but upon probable cause, supported by Oath or affirmation, and particularly describing the place to be searched, and the persons or things to be seized. U.S. Const., amend. IV

Art 1 Sec 8. The right of the people to be secure in their persons, houses, papers and effects, against unreasonable searches and seizures shall not be violated; and no warrant shall issue but upon probable cause, supported by oath or affirmation, particularly describing the place to be searched and the persons and things to be seized.

Section 9. All courts shall be open, and every man for any injury done him in his lands, goods, person or reputation shall have remedy by due process of law, and right and justice administered without sale, denial or delay. Suits may be brought against the state in such manner, in such courts, and in such cases, as the legislative assembly may, by law, direct.

Constitutional claims are reviewed de novo for US 4th, 5th, 6th, 14th Amendments claims

¶The district court had NO jurisdiction under N.D. Const. art. VI, § 8, and N.D.C.C. § 27-05-06. The appeal was timely under N.D.R.App.P. 4(b). This Court has jurisdiction under N.D. Const. art. VI, § 2, and N.D.C.C. § 29-28-06.

Whenever a judge acts where he/she does not have jurisdiction to act, the judge is engaged in an act or acts of treason. U.S. v. Will, 449 U.S. 200, 216, 101 S.Ct. 471, 66 L.Ed.2d 392, 406 (1980); Cohens v. Virginia, 19 U.S. (6 Wheat) 264, 404, 5 L.Ed 257 (1821)

Any judge or attorney who does not report the above judges for treason as required by law may themselves be guilty of misprison of treason, 18 U.S.C. Section 2382.

36-21.1 Humane Treatment of Animals

36-21.1-02. Overworking, mistreating, or abandoning animals. Repealed by S.L. 2013, ch. 260, § 4.

The charges r based on a lie, that I was standing up, reached down to grab a puppy & stabbed it n the neck many times-this never happened. All dogs n puppies were fed 7/8/2013

A judgment is void if the court entering the judgment did not have subject matter jurisdiction.

Rolette Cnty. Soc. Serv. Bd. v. B.E., 2005 ND 101, ¶ 6, 697 N.W.2d 333 (citing McKenzie Cnty. Soc. Serv. Bd. v. C.G., 2001 ND 151, ¶ 10, 633 N.W.2d 157). "Subject-matter jurisdiction is the court's power to hear and determine the general subject involved in the action" Investors Title Ins. Co. v. Herzig, 2010 ND 138, ¶ 57, 785 N.W.2d 863 (quoting Albrecht, 1998 ND 132, ¶ 10, 580 N.W.2d 583). Subject matter jurisdiction is derived from the constitution and laws and cannot be conferred by agreement, consent, or waiver. Id. (citing Albrecht, at ¶ 10). "When the jurisdictional facts are not in dispute, the question of subject-matter jurisdiction is a question of law, and we review the jurisdiction decision de novo." Rolette Cnty. Soc. Serv. Bd., at ¶ 6.

Any judge who does not comply with his oath to the Constitution of the United States wars against that Constitution and engages in acts in violation of the Supreme Law of the Land. The judge is engaged in acts of treason. Having taken at least two, if not three, oaths of office to support the Constitution of the United States, and the Constitution of the State of Illinois, any judge who has acted in violation of the Constitution is engaged in an act or acts of treason (see below). If a judge does not fully comply with the Constitution, then his orders are void, In re Sawyer, 124 U.S. 200 (1888), he/she is without jurisdiction, and he/she has engaged in an act or acts of treason.

The U.S. Supreme Court has stated that "No state legislator or executive or judicial officer can war against the Constitution without violating his undertaking to support it." Cooper v. Aaron, 358 U. S. 1 (1958)

2. Does a single lie VOID a search warrant and affidavit

Search Warrant affidavit and statements by John Munoz claim tall grass and tall weeds all along both sides of County road 15. I told ms gorham to use claims by Munoz in the grand forks herald as he had stated he had pulled up clumps of grass & weeds to defend himself. With 1 hand holding his cell phone, other hand holding his duffel bag, so how was he pulling up clumps of non existing tall grass & weeds to WHY dint munoz dial 911 at that instance as he was between 2, TWO cell towers. Again who is the never named "friend" to give him a ride, or why his girlfriend never called 911 as claimed she heard the alleged yells and dog barking. The search warrant is based on factual nothings, no 1st hand knowledge, nothing based on an independent investigation, nor was INTENT explained. A warrant that violates



Franks is not subject to the good faith exception of US vs Leon. It was after I attended the Baker Act proceedings, I was placed back in SEG, I wondered what was really going on, I asked the jailers in there was a wad of papers on July 25th 2013 then I saw the lies, there where no exhibits A thru F were not included. I saw no photos when LEO Katie was **SCREAMING at me**, so I flipped to the back to see a photo copy of robe geiger signature on the alleged warrant, stating, "this warrant is not worth the paper it's written on".

Munoz said the dogs had him on the ground for five to 10 minutes until he managed to make his way to the edge of the road, where he pulled out handfuls of weed, waving the weed at the dogs to scare them away. GF Herald July 8, 2013 see Walsh Co evidence photo included

3. Jurisdictional Bar by DENIAL of Competent Counsel. As I was not allowed to file anything from jail, Handy Law by ms gorham was to preserve my Rights to a fair Trial.

1st meet with gorham she comes in, says I AM THE ATTORNEY a tone of grandeur

I told her of **my JURY DEMAND**, with a full list of pre-trial motions, yet the record is **SILENT, VOID** of any Constitutional defense. I told gorham I was not allowed to read the warrant & that I was afraid by LEO Katie **SCREAMING at me** all 3 times I tried to read the warrant. When I was told by LEO Kosmatka only the puppies were to be sedated & kenneled. It was a flood of relief, then my concern was of the cost to get the puppies from the vet. Pretty Grrl was next for the sedation LIE, this is when Dr Dahl told me, "Pete, they are not here to quarantine Your dogs but to kill them all". I was shocked that I was LIED to get

me to betray my Dogs n Puppies. All the STRESS, the fact I dint know what was going on, lied to by LEO kotmatka & his refusal as superior in command to control LEO Katie. One can ascertain this was the intent thru this entire nightmare forced upon me as I am not allowed police protection, ask why LEO JAjurgens refused to place game cams as requested by LEO Ritchie. Why from a 1 FOOT Tall pile of LEO reports on crimes committed here for 15 yrs there has not been 1 solved, I bet the Farm all dates are thru the farm season. Same as my pigs were let loose that had my parole revoked-seems kinda "funny" LEO was here as I was driving past, I stopped, asked if a pig was hit by a car & arrested trying to get back to he Land of 10,000 Lies aka Mn, see Mn, CX-99-66 where robe crippen lied by **FALSIFIED TRIAL RECORDS.**

As I was denied a right to file anything from jail, nothing was filed by gorham, the record has been falsified so I am not allowed the Right to be Heard in court nor on appeal, see Escoe v. Zerbst :: 295 U.S. 490 (1935) that renders the ensuing mandates of the court

NULL & VOID

"Where a court failed to observe safeguards, it amounts to denial of due process of law, court is deprived of jurisdiction." Merritt v. Hunter, C.A. Kansas 170 F2d 739 (10th Cir1948) See enclosed post conviction Petition with my Writ of Habeas, both SILENT of any corrective process showing the Constitutions Checks & Balances have been VOIDED as Justice delayed tis Justice DENIED. As I write, Justice tendered with empathy, not rendered like a butcher making sausage.

Gorman was TOLD to file for a Franks Hearing, she replied, "Whats that"?;

Franks v. Delaware, (1978) 438 U.S. 154, 155 ("In the present case the Supreme Court of

Delaware held, as a matter of first impression for it, that a defendant under no circumstance may so challenge the veracity of a sworn statement used by police to procure a search warrant. We reverse, and we hold that, where the defendant makes a substantial preliminary showing that a false statement knowingly and intentionally, or with reckless disregard for the truth, was included by the affiant in the warrant affidavit, and if the allegedly false statement is necessary to the finding of probable cause, the Fourth Amendment requires that a hearing be held at the defendant's request.") a lie to false evidence as shown in the STATE picture & video

RULE Crim Pro 44. RIGHT TO COUNSEL, 44. Right to Counsel see 6th Amend

Johnson v. Zerbst :: 304 US 458 (1938)

If the accused is not represented by counsel and has not competently and intelligently waived his constitutional right, the Sixth Amendment stands as a jurisdictional bar to a valid conviction and sentence depriving him of his life or his liberty. P. 304 U. S. 468.

The hearing records are false as I told robe fontaine, "Rhiannon Gorham (ND ID #06545) ", "She doesn't listen" to the last hearing I told the court I was DENIED Competent counsel, Cuyler v. Sullivan, 446 U.S. 335 (1980), Holloway v. Arkansas, 435 U.S. 475.

Ms Gorman refused to file any pre trial motions, refused to preserve a Franks Hearing to address the search warrant and affidavit based on perjury, refused a Speedy Trial Demand, change of venue, see to discovery-motion to compel discovery, refused to take photos of County Road 15 showing NO tall grass nor weeds. She was told to file for change of venue as sheriff wild was running his mouth thru the Grand Forks Herald that reaches 117,000 Ppl thru 17 counties which is jury tampering, to why I was never allowed to read the alleged administrative warrant, ms gorham refused to address the high bail, previous acts of bias by robe fontaine to which I was thereby DENIED the Right to be Heard by Counsel, See Escoe vs Zerbst renders the ensuing mandates of the court NULL & VOID.

ms Gorman was told a **JURY DEMAND** was invoked, some weeks later she comes in smiling saying, "You can go home Monday on a plea bargain of which I **REFUSED** n told Her to file all pre-trial motions and get all discovery material. as of this date in 2015 I have not seen what Walsh

On January 11, 2016 I have some discovery material and learned of the massive fraud ie **NO TALL GRASS NOR WEEDS, no 911 call from KD Pharms recording, NO search warrant cover page, no police car**

videos of 7/7/2013, 7/8/2013

The record is **SILENT** on any pre-trial motions I told ms Gorman to file, as listed in my post conviction petition-the Right of Effective Assistance of Counsel, See **US v Glasser 315 US 60 (1942)** U.S. v. Prudden, 424 F.2d. 1021; U.S. v. Tweel, 550 F. 2d. 297, 299, 300 (1977) Silence can only be equated with fraud when there is a legal and moral duty ... to act in Pete's Constitutional best interests

In Bulloch v. United States, 763 F.2d 1115, 1121 (10th Cir.1985) the court stated:
"Fraud upon the court is fraud which is directed to the judicial machinery itself and is not fraud between the parties or fraudulent documents, false statements or perjury... It is where the court or a member is corrupted or influenced or influence is attempted or where the judge has not performed his judicial function --- thus where the impartial functions of the court have been directly corrupted

4 Why No decision on the issues raised on post conviction,
Conley v. Gibson, 355 U.S. 41 at 48 (1957)

"Following the simple guide of rule 8(f) that all pleadings shall be so construed as to do substantial justice"... "The federal rules reject the approach that pleading is a game of skill in which one misstep by counsel may be decisive to the outcome and accept the principle that the purpose of pleading is to facilitate a proper decision on the merits." The court also cited Rule 8(f) FRCP, which holds that all pleadings shall be construed to do substantial justice.
See Haines vs Kerner 404 US 519 (1972)

5 When there is NO finding of probable cause per R-5, 1 (a) is the court estopped by the 5th and 14th Amendments. Silence activate estoppel

6 Was the alleged search warrant Constitutionally executed?

A I was not allowed to read the alleged warrant stack of papers till July 25th, 2013

B Exhibits A thru F were not included

C there was a photo copy of robe geiger signature no wet signature

D why was my Home invaded/searched on July 11, 2013 as by dated evidence pictures

E administrative search warrant stated DOGS, are Puppies excluded???

Not by the 14th Amend demand of equal protection of the 4th amendments that DENIED my Liberty Right to live in Peace

7. Transcripts are not True nor correct, does this violate ND R Crim Pro, R-5.1(c)

The 1st hearing by robe geiger is false as I waited for this robe to stop talking so I could get in my demand his removal as extremely biased. I looked down to my paper,

he quit rambling on so I looked up to see him running out of the court room. To a hearing by robe fontaine, regarding in-competant counsel-I stated, "She doesn't listen" to the last hearing by robe fontaine listed as release conditions as she refused to grant bail, this robe stated I was not to go into minnesota, stay on my meds, no spy cams, no fines

8 Complaint claims I was standing, reached down, grabbed a dog and stabbed it repeatedly in the neck. This is a lie as I was not standing, never made 1 stab wound.

B Complaint states I let Baby in the house to obstruct administration of law, Baby was inside the House on 7/7/2013. As I was led to believe by LEO kosmatka only the "ones that were loose" were to be sedated & quaranteen. I let Baby inside so LEO would not be AFRAID, nothing was said by LEO, no STOP order was given

C I dint feed, water nor shelter is a lie. I withdrew \$250 on 7/6/2013 & bought a 40 lb bag of dog food from Mike at Shop Co in Grafton ND. The dogs/pups were fed on 7/8/2013 Therefore information fails to state an offense and may be raised at any time, See US v Rosnow, 9 F3rd 728 (1993)

9 May I be DENIED Counsel by a clerk by a 5 day answer period

a I had no payroll nor income tax forms to submit

b I do not check my mail everyday & 5 days violates Civ R-12 of 20 days to answer

c Is a clerk filed an Oath to support & defend the Constitutions

"It may be that it [the proceeding in question] is the obnoxious thing in its mildest and least repulsive form, but illegitimate and unconstitutional practices get their first footing in that way -- namely, by silent approaches and slight deviations from legal modes of procedure. This can only be obviated by adhering to the rule that constitutional provisions for the security of person and property should be liberally construed. A close and literal construction deprives them of half their efficacy, and leads to gradual depreciation of the right, as if it consisted more in sound than

in substance. It is the duty of courts to be watchful for the constitutional rights of the citizens, and against any stealthy encroachments thereon. Their motto should be *obsta principiis*."

Hale v. Henkel, 201 U.S. 43 (1906)

Conclusion; I demand the Court to fully answer Walsh County acted without jurisdiction and for each judge to sign their names to the decision. I am forced to address this corruption of process as I was DENIED Counsel by a clerk. Also there needs to be a hearing on why this was never addressed by counsel on 1st appeal with full sanctions and penalties as I was deathly sick from NSAIDS-indomethacin that chemically destroyed my stomach thru 2013 jail release, 2014 into July of 2015.

EFFECTIVE Right of appeal, see Evitts vs Lucey, 105 S Ct 830 (1985) that this brief be read in the Light of The Truth, with all evidence shall be read in The Light of the Truth see R-8f with All Rights Preserved.



Peter John Grzeskowiak
Sovereign Jus Soli,FTG

IN SUPREME COURT
STATE OF NORTH DAKOTA

Peter John Grzeskowiak

v

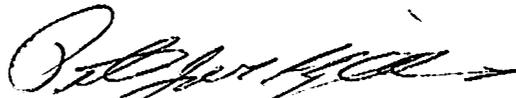
Sup Ct No 201 50 325

Dis Ct 50 2015 CV 00039

North Dakota

CERTIFICATE OF SERVICE

I hereby certify a copy of the above captioned documents have been served upon the county lawyers at 600 Cooper St, Grafton ND 58237 by placing a copy in the mail on 2/5/2016 postage prepaid


Peter John Grzeskowiak