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TO: North Dakota Supreme Court - Clerk of the Supreme Court - Judicial Conduct Commission  
Disciplinary Board of the North Dakota Supreme Court

FROM: Mr. Mitchell D. Holbach

FILED  
IN THE OFFICE OF THE  
CLERK OF SUPREME COURT

2605 Circle Drive  
Jamestown, ND 58401

MAR 26 2014

STATE OF NORTH DAKOTA

DATE: 21 March, 2014

SUBJECT - Filing of Formal Complaint - Attorney, Scott Sandness, Judge Jay Schmit, John E. Green, John T. Paulsen, et al - David D. Dusel, Jonathan Byers  
AS GROUNDS: Wayne Stenchem et al (Stikle v. Holbach, Case No. 51-11-k-480)

On 17 March, 2014, Southeast Judicial District Judge Jay Schmit issued an ORDER APPOINTING COUNSEL, attorney Scott Sandness.

SEE: IN THE INTEREST OF MITCHELL HOLBACH, RESPONDENT - Case No. 47-2014-MH-66

The ORDER APPOINTING COUNSEL violates the Laws and Constitution of the United States and the Laws and Constitution of North Dakota. Additionally, violations of the North Dakota Code of Judicial Conduct and the North Dakota Rules of Professional Conduct, among others. There is an inherent conflict of interest with Judges appointing attorneys to represent persons, especially indigents. A clear conflict of interest exists. Judicial Officials appointing attorneys is prohibited by law.

North Dakota Century Code 54-61-01 states:

"The Commission on legal counsel for indigents is established for the purpose of developing and monitoring a process for the delivery of state-funded legal counsel services for indigents which are required under the Constitution of North Dakota and the United States Constitution and any applicable statute or court rule. The commission shall provide indigent defense services for indigent individuals determined by the court to be eligible for and in need of those services pursuant to the standards and policies of the commission governing eligibility for services." I.c.

The Constitution of North Dakota, Article Six, Section Eleven ~~et al~~ mandates

"No judge shall decide a cause where a conflict of interests exists." I.c.

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North Dakota Rule of Professional Conduct 8.4 and 8.3 apply. Misconduct is occurring. Both Judicial Officials and Attorneys are committing misconduct, and failing to report the misconduct. This problem is widespread across North Dakota. It has particularly occurred in Jamestown, North Dakota, in the Stutsman County Courthouse, by Southeast District Court Judge, in Mental Health Proceedings.

I report this misconduct, incompetence, and gross negligence on behalf of myself and other persons detained at the North Dakota State Hospital.

I demand this misconduct and criminal acts stop immediately, that a review be conducted to identify all such instances of similar occurrence, (i.e. judicial appointments), since the promulgation and enactment of N.D.C.C. § 54-61-01 in 2005-2006. I charge a criminal conspiracy of deliberate ignorance and refusal to acknowledge or admit the right of individuals subjected to Mental Health Involuntary Commitment Proceedings and Forced Medication. The enrichment of attorneys, judges, and North Dakota State Hospital and its employees, along with agents of government and ancillary private organizations and individuals including medical doctors by unlawful methods and conduct is unacceptable. A criminal organization exists to profit from the misery imposed on individuals via Mental Health Proceedings. Official oppression has/is occurring and this is inexcusable.

1. I demand a new attorney in my case; one who has never participated in such process before.
2. I demand a new judge, and recusal of any judge who has committed such violations in the past
3. I demand new hearing for all individuals wronged by this conduct
4. I demand prosecutions of all participants responsible for such egregious acts
5. Public Notice of this Failure to all Citizens via media distribution

I demand a reply and immediate corrective action.

Time is of the essence.

Michelle D. Hloce

