# INDEX OF <u>EXHIBITS AND PAPERS FILED AND OR RECEIVED FROM THE CLERK'S OFFICES IN CECIL COUNTY CIRCUIT</u> <u>COURT AND CECIL COUNTY ORPHANS CT., AUGUST 10<sup>TH</sup> 2020 INVOLVING SHERRY EVELAND'S QUEST FOR JUSTICE</u> IN THE CECIL COUNTY TOTALLY C-O-R-R-U-P-T-E-D COURT SYSTEM WITH ADDITIONAL COPY TO BE FILED AND <u>POSTED@SECRETJUSTICE.COM</u> ALONG WITH VIDEO OF THE DAYS WITH ADDITIONAL COPY TO BE FURNISHED TO THE US ATTORNEY'S OFFICE, ALEXANDRIA, VIRGINIA.

[E-#]	DESCRIPTION OF EXHIBIT AND RELEVANCE TO THE RULE OF LAW Index Of 43,	Date	Page #
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[E-11]	Criminal defendants first notice of appeal Judge Baines alleged order of 8/82020 order void judge previously recused himself from all cases involving the defendant Including all attachments and waiver of costs for indigent. Being forced into poverty due to the courts cover up of probate fraud by states attorneys office case $\#07 - CR - 19 - 1538$	8/10/2020	P – 28-34
[E-12]	Additional criminal charges trumped up by the states attorney and his agents against Sherry Ray Eveland to cover-up states attorney James Dallmeyer's involvement in the theft of \$18 million from her father's estate	7/31/2019	P – 25 – 26 and
[E-13]	Court order by alleged Judge Emery A. Plitt retired judge from Harford County Maryland now orphans court judges without oath. Legal authority to appear no longer circuit judge working without authority case #0 – 07 – CR – 19 – 1554	8/10/2020	P – 27
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age

	8/8/2020 alleged order void judge Baines and previously recused himself from		
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	for indigent. Being forced into poverty due to the courts cover up of probate		
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	criminal proceedings against Sherry not received by clerks office until		
	8/10/2020 clerk's own notes		
[E-16]	Defendants motion for postponement of proceedings cover page filed	8/7/2020	P – 35-38
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	relief		
[E-18]	George McDermott as private attorney general reporting to the United States	9/18/2019	P – 41-44
	District Court for the District of Columbia fraud against the courts officers and		
	agents in Cecil County Maryland using phony state prosecutors Stephen Ira		
	Kroll to and falsely imprisoned defendant Sherry Ray Eveland with the help of		
	Md. court insiders judge		
	case # US attorney's office did nothing as the U.S.D.C. Judge Emmett Sullivan		
[E-19]	. Criminal defendants completed request for waiver of prepaid costs for	8/10/2020	P – 36-38
	assembling the record for an appeal. Filed in 5 separate cases records always		
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[E-20]	Criminal defendants request for waiver of prepaid appellant cost due to	8/10/2020	P – 39
	indigent status close by the theft of her father's estate and economic terrorism		40
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[E-21]	Sherry Ray Eveland's motion for waiver of cost in the circuit court for Cecil	8/10/2020	P – 45-47
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	appeals estate number 19461 where alleged personal representative and his		
	insiders had stolen over \$19 million from the estate, forcing the rightful heirs		
	into poverty.		
[E-23]	Circuit Court Judge Keith Baines vindictive denial of Sherry Eveland/defendants	8/10/2020	P – 48
	7 motions for postponement after her attorney withdrew from the case, 7 days		
	before trial and court date in adequate notice of hearings		
[E-24]	Sherry Ray Eveland/alleged criminal defendants prehearing submittal of 4	8/10/2020	P – 50-52
	motions in 4 separate cases called on record 8/10/2020 to preserve the record		
	for appeal that the court was on notice under the Clearfield doctrine and		
	failed to take action.		
[E-25]	Sherry Ray Eveland's forced due to mental duress, physical abuse by husband,	8/7/2020	P – 53-54
	economic terrorism by the courts, and false persecution and prosecution by		
	County judicial officers and states attorney's office covering up the theft of her		
	father's estate	c /20 /2002	
[E-26]	Finally Sherry Ray Eveland/rightful heir of the estate of James Ray Charles	6/28/2020	P – 55
	estate in orphans court files motion to reopen the case based on newly		
	discovered evidence and fraud on the court by acting States <b>Attorney James</b>		
	Dellmyer his client Leonard Wilson Esq., former states Attorney Ellis Rollins		
	and former father's attorney William Riddle Along with numerous judges in		
	the circuit and District Court engaged in the embezzlement of \$19 million of		

Page 2

	deceased assets, properties, stocks, bonds, safe-deposit boxes looted and the four-year law judicial terrorism against Sherry Ray Eveland in the rightful estate heirs. All documents filed with the court in our public record that need to be exposed to our citizens made public in exposed to all citizens		
[E-27]	Motion and opposition to James <b>Dellmyer's fraudulent</b> motion to dismiss orphans court case to cover-up is criminal conspiracy with other court officers	3/10/2020	P –56-66
	of Cecil County Maryland and other states attorney's office who have been notified of the criminal misconduct other alleged state actors and agents involved in this ongoing criminal conspiracy.		

# BEWARE CITIZENS OF THE STATE OF MARYLAND INC. AND ITS CORPORATE C-O-R-R-U-P-T-E-D COURTS & J-U-D-G-E-S

this is happening across the state every day members of American Bar Association and Maryland bar Association are leaving the assets of our citizens depriving them of their legal rights and committing judicial *Terrorism And Economic Terrorism Against We The People Of These United States Of American...?* 



On and in defense of MCW NEWS, I George Mcdermott Post For The Record The Real History Sherry Ray Eveland and her Quest for Justice which video record has been made, under the best evidence rule and is posted @secretjustice.com at the following program numbers. 109, 110, 111, 112, 113, 114, 125, 133, 141, 257, 258, 259, 260, 261, 262, 266, 267, 268, 281, 292, 293, 294, 295, 296, 316, 329, 332, 335 – a, 390, 391, 394, 395, 744s, 801d, 946, 972, 973, 1050, 1051, 1053, 1058, 1127, 1157, 1165, 1173, 1180,1202,1203, 1205-(b,c,d,e,+f),1257, 1268, 1314, 1404,1422, 1428, 1446. 1447. 1448, 1449, 1450, 1451 these programs represent videos of eyewitness testimony not hearsay evidence, as Dellmyer's statements are false and McDermott will testify under oath, in any court in support of the FAMILIES Estate Being Looted Court Officers Of Cecil County Maryland Of \$18 Million Plus [E – 1] through [E – 27]

# ORIGINAL

# **OFFICIAL RECEIPT**

REGISTER OF WILLS FOR CECE, COUNTY CIRCUIT COURTHOUSE, 129 E MAN ST, STE 102 ELKTON, MD 21921 Phone: (410)996-5330 Fax: (410)996-1039

PPEAL 10.00
August 10, 2020
Receipt # 37407

Reference #

\_

ALLYN NICKLE, REGISTER Per: OAR, Deputy

 $_{Page}4$ 

# ALL RETURNED CHECKS ARE SUBJECT TO A \$30.00 FEE

Receipt Copies Reflect the Current Register and Office Address

ORIGINAL

# IN THE ORPHANS' COURT FOR CECIL COUNTY, MARYLAND AND THE REGISTER OF WILLS AND ESTATES

In The Matter of the Estate of James R. Charles Direct Descendent Successor Sherry Ray Eveland, Named In the residuary estate of deceased 241 Smith Rd. Appearing Pro Se Rising Sun, Maryland 21911 Vs. Alleged personal representative of deceased estate will Leonard E. Wilson and Dawn M. Hall 149 E. Main St., Elkton, MD 21921. 224 Cherry Hill Rd, Elkton, MD 21921

Estate # 00000019461

FILED WITH THE REGISTER OF WILLS Cecil County, Maryland September 2, 2014 CIRCUIT COURT NO. C-15-185 Adversary proceeding Jury Demanded But Denied. by judges. Please Baines and clerks

# **NOTICE OF APPEAL**

A NOTICE OF APPEAL IS FILED REGARDING THE ORDER RECEIVED AUGUST 8, 2020 BY ALLEGED JUDGE OF THE BALTIMORE CITY ORPHANS COURT DATED AND TIME STAMPED AUGUST 6, 2020 PUT INTO THE RECORD FICTITIOUSLY AUGUST 8, 2020 PURSUANT TO MARYLAND RULES TO MD RULE 8 – 201, 1 – 324, & 1 – 325. Comes now Sherry Ray Charles / alias Eveland hereafter is the petitioner as a direct descendent of James Ray Charles through an emergency motion to reopen the estate of her father's based on newly discovered evidence pursuant to MARYLAND RULES 2 – 535 (B) (C), 6 – 312, 6 – 402, AND 8 – 103. Wherein named and unnamed officers of the court's who have knowingly assisted in the alleged criminal misconduct of the alleged of attorney Leonard Wilson Esq alias as an alleged self appointed personal representative of the estate of James Ray Charles and His alleged criminal defense attorney/agent James Dallmeyer Esq./as an alleged defendants attorney for Leonard Wilson in his various capacities in the various corporate entities engaged in committing and forwarding fraud on the court and the estate of deceased beginning September 2, 2014.

1. Petitioner having received by USPS service this court's alleged latest order denying relief purportedly of August 6, 2020 received August 9, 2020. [E - 1] however, according to the court's docket as of August 6. The purported order emanating from a Sham Ct. in Baltimore city register of wills indicates that the order purportedly was issued July 28, 2020 but never sent to the petitioner Sherry Ray Eveland this is evident by the court's docket # [204]. Docket also shows that petitioner's was sent notices of recusal by the court clerk to judges of this court July 14, 2020. Baltimore city register of wills court and its alleged Judge Charles Bernstein has no current oath of office has once again committed fraud on the courts and deceased estate not to mention petitioner's family has been decimated by the misconduct of court officers who had a duty to prevent this miscarriage of justice under the Clearfield doctrine the court cannot deny complicity in the harmful misconduct of this court officers. Exemplar of court docket showing evidence. Why this case must be appealed.

	02/20/2015	17	12	11 PETITION TO CAVEAT		
	02/20/2015	18	-15	04 LIST OF INTERESTED PERSONS		
N	02/23/2015	19	11	31 NOTICE OF CAVEAT Filed illegally denied by Circuit Co	ourt jud	ges
	02/23/2015	20				
lotion to reopen	07/09/2020	104	1331	MEMORANDUM AND MOTION TO REOPEN ET CETERA	99	0
memorandum	07/14/2020	105	1284	ORDER OF COURT DATED JULY 14 2020 OF RECUSAL-BILL HARRIS, ASSOCIATE JUDGE	4	0
	07/14/2020	195	1284	ORDER OF COURT DATED JULY 14 2020 OF RECUSAL- BOB AMATO, ASSOCIATE JUDGE	4	0
V	07/16/2020	197	1272	CERTIFICATE OF SERVICE OF REGISTER OF WILLS RESENDING ORDER OF COURT DATED JULY 14 2020 OF RECUSAL- BILL HARRIS, ASSOCIATE JUDGE	1	D
	07/15/2020	198	1272	CERTIFICATE OF SERVICE OF REGISTER OF WILLS RESENDING ORDER OF COURT DATED JULY 14 2020 OF RECUSAL- BOB AMATO, ASSOCIATE JUDGE	1	0
	07/27/2020	199	1272	CERTIFICATE OF SERVICE OF REGISTER OF WILLS RESENDING ORDER OF COURT DATED JULY 14 2020 OF RECUSAL- BILL HARRIS, ASSOCIATE JUDGE	2	0
N	07/27/2020	200	1272	CERTIFICATE OF SERVICE OF REGISTER OF WILLS RESENDING ORDER OF COURT DATED JULY 14 2020 OF RECUSAL- BOB AMATO, ASSOCIATE JUDGE	2	۵
	08/04/2020	201	1272	MISCELLANEOUS CORRESPONDENCE RECEIVED	3	D
atest judges to	08/05/2020	202	1272	CERTIFICATE OF SERVICE OF REGISTER OF WILLS RESENDING ORDER OF COURT DATED JULY 14 2020 OF RECUSAL- BOB AMATO, ASSOCIATE JUDGE	1	0
ecuse themselves	08/06/2020	203	1272	CERTIFICATE OF SERVICE OF REGISTER OF WILLS RESENDING ORDER OF COURT DATED JULY 14 2020 OF RECUSAL- BILL HARRIS, ASSOCIATE JUDGE	4	0
	08/06/2020	204	1284	ORDER OF COURT DATED JULY 28 2020 TO DENY EMERGENCY MOTION WITH PREJUDICE	2	0

**Petitioner is also filing** her completed IFP form pursuant to Maryland rule **RULE 8 – 201, 1 – 324, & 1 – 325.** Which is attached Defendant incorporates by reference pursuant to Maryland rules 2 – 303 (d) all motions pleadings and papers court orders and dockets in the including all related proceedings in the courts of appeal which have also been victims of fraudulent misconduct of the alleged personal representative and his associates. To preserve the record for appeal to the US Supreme Court.

Respectfully

# Sherry Ray Eveland

# certificate of service . Sherry Ray Eveland certify that I have asked

did the court and intervener George Mc Dermott to file this notice of appeal and to deliver a copy of the notice to the personal representatives legal counsel of record, James Dallmeyer Esq. at 129 E. Main St., Elkton, MD, 3<sup>rd</sup> floor's offices on 10/8/2020 As the interim states attorney for Cecil County Maryland pursuant to the Maryland rules of court service by \_\_\_\_\_\_ next friend of the court as the states attorney's office as engaged in services of a private individual to prosecute petitioner under color of law and authority.

For the record, Judge Keith Baines violated the rules of the court and petitioner's right to a fair trial and right to a jury trial by denying jury trial demand. Of petitioner's see docket entries 19. 20 and 21. Petitioner is also filed a motion for removal of all criminal cases, and Circuit Court to Federal Ct. in Virginia as justice cannot be served state of Maryland. The record of the court speaks for itself.





# IN THE MATTER OF: In The Matter Of The Estate Of James Ray Charles Motion To Reopen

# REQUEST FOR WAIVER OF PREPAID COSTS (Md. Rule 1-325)

I, Sherry Ray Eveland , wish to file a complaint, petition, or other documents

Name of party which I have completed and attached. I am unable to prepay the prepaid costs in this matter because of poverty.

Affidavit of Income

I respectfully submit that:

 There are <u>one disabled</u> family members living in my household, including myself. Number

(Do not include renters or temporary guests).

- The total gross household income (before taxes) is \$ \$800 (total income earned by all persons in the household) per II WEEK / IN MONTH / II YEAR.
- 3. The gross household income (before taxes) is from the following sources

(list amounts before taxes) per WEEK / MONTH / YEAR:

Wages	\$ <u>none</u>
🗵 Commissions/Bonuses	
Social Security/SSI	s none
S Retirement Income	s none
S Unemployment Insurance	s none
Temporary Cash Assistance	s none
Alimony/Spousal Support	
Rent received from tenants	\$ \$800 monthly [E-1
Any Other Income (Do not include food stamps/SNAP)	s none

4. I own the following property.

(Do not list your he	ome, one	vehicle.	and/or	personal	items	in your	home):
NONE NONE				#0000000000000000000000000000000000000			

Real estate other than principal home	S	disputed [E-1]
Other vehicles including boats	s	none
Bank accounts	\$	overdrawn
Stocks or other securities	S	unknown [E-1]
Other property (describe): Value:	s	unknown [E-1]

5. I owe the following debts:

- X NONE
- Credit Card: \_\_\_\_\_ Amount Owed: \$ \_\_\_\_\_ Monthly Payment: \$ \_\_\_\_\_
- Car Loan:\_\_\_\_\_ Amount Owed: \$ \_\_\_\_\_ Monthly Payment: \$ \_\_\_\_\_

Other Debt: Hospital Emerge Amount Owed: \$ \$70,000 plu Monthly Payment: \$ disputed

6. Other information to demonstrate my inability to prepay the required costs: Petitioner victim of spousal abandonment, caregiver for disabled brother who on victims of a massive probate fraud of father's estate. See [E - 2] notice of appeal case involved the theft of \$18 million plus. Of the deceased estate by court officers and agents in Cecil County Maryland.

For these reasons, I request a waiver of the prepaid costs.

I understand that I may have to pay these costs at the end of the case, unless the court grants a final waiver of open costs, and that if I want a final waiver of open costs I must request the waiver at the conclusion of the action in accordance with Maryland Rule 1-325(f)(2)(A).

I solemnly affirm under the penalties of perjury that the contents of this document are true to the best of my knowledge, information, and belief.

Party Signature	
Sherry Ray Eveland	
Party Name	
241 Smith Rd.	
Address	
rising Sun, MD 21911	
City, State, Zip	

ephone / Fax	
nc	
nail	
igust 10, 2020	
igust 10, 2020	

Attorney Certification (To be completed by your lawyer, if you are represented).

# Not applicable

Petitioner is proceeding pro se as court records prove /reveal that her retained attorney withdrew from 4 criminal cases involving petitioner on July 28, 2020 forcing the petitioner to contact public defenders office. In the interim, petitioner filed for motion for continuance, motion for the court to identify jurisdiction and legal standing of judicial officers and also notice of removal of all cases to federal court due to the fact that all judges of Cecil County had recuse themselves easier in this case or previous cases related to the fraudulent mishandling of probate case 19461, which is also being appealed. Petitioner pro se discovered latest order of **That Court [DE #– 204] Petitioner Never** 

100 A		

Date

### City, State, Zip

Petitioner supplies the court with. Attachment #- [E – 1] a copy of disenfranchised rightful heir to the estate of James Ray Charles estate evidencing the consequential damages caused by this court's failure to prevent pushing the defendant into poverty, economic terrorism at the hands of the interim states attorney and his associates and assigns not counting the mental and physical duress caused by 5 years of legal terrorism on part of the alleged personal representative and his inside officers court. See pages 6 through 10.



## IN THE MATTER OF In The Matter Of The Estate Of James Ray Charles Motion To Reopen

# **REQUEST FOR WAIVER OF PREPAID COSTS**

# ORDER REGARDING REQUEST FOR WAIVER OF PREPAID COSTS

Upon consideration of the Request for Waiver of Prepaid Costs submitted by

Sherry Ray Eveland Criminal Defendar Name of party Rule 1-325 or other applicable law,

THE COURT FINDS THAT:

The party named above:

Meets the financial eligibility guidelines of the Maryland Legal Services Corporation.

Does NOT meet the financial eligibility guidelines.

The party named above:

Is unable by reason of poverty to pay the prepaid costs.

Is NOT unable by reason of poverty to pay the prepaid costs.

The claim, appeal, application or request for process

does not appear, on its face, to be frivolous.

DOES appear, on its face, to be frivolous.

Other findings:

THE COURT ORDERS that the waiver is:

GRANTED

DENIED. You have 10 days from the date of this order to pay the costs. If the unwaived costs are not paid in full within 10 days, the pleading or papers filed will be considered withdrawn.

Date

Judge's Signature

ID Number

Page



#### IN THE CIRCUIT COURT FOR CECIL COUNTY MARYLAND ELKTON MARYLAND CRIMINAL DIVISION

In The Matter Of	*	This Court Case #
STATE OF MARYLAND INC. ET AL	*	Case Numbers:
VS.	*	C-07-CR-19-001774
	*	C-07-CR-19-000350
Sherry Ray Eveland	*	
241 Smith Rd. Rising Sun,	*	C-07-CR-19-001538
Maryland 21911	*	C-07-CR-20-000141
Defendant	*	

## DEFENDANTS MOTION AND SUBMITTAL OF PRETRIAL OPENING STATEMENT IN THE ABOVE FOR CASES UNDER MARYLAND CRIMINAL CODE 4 – 301 AND 4 – 311. TO PRESERVE THE RECORD FOR APPEAL AS THE DEFENDANT IS BEING FORCED TO APPEAR ON AUGUST 10, 2020 WITHOUT LEGAL COUNSEL AND IN THAT ALLEGED STATES ATTORNEY'S AGENT STEPHEN IRA KROLL HAS STATED ON THE RECORD IS HIS INTENTION TO HAVE DEFENDANTS BOND REVOKED AND DEFENDANT SENT TO JAIL. EVEN THOUGH HIS CREDENTIALS I NOT BEEN SUPPLIED TO THE DEFENDANT OR TO THE COURT.

Comes now Sherry Ray Eveland hereafter defendant pursuant pro se at the time unrepresented by attorney rule 1 - 308 W/P hereafter asserting her rights as rightful beneficiary of her estate/assets not waiving any of her rights, or remedies or defenses or statutorily or procedurally legally preserved vested rights. Defendant is the injured party having suffered injury in fact by alleged plaintiffs corporation and the courts alleged officers / agents have illegally produced artificial fictitious charges against defendant to and including proceedings, judgments and orders, plus false imprisonment and fictitious judgments against defendant in the above 4 captioned cases, all which are against defendant in violation of the U.S. Constitution  $4^{th}$ ,  $5^{th}$  and  $7^{th}$  amendment rights defendant has a right to an opening statement which has been prewritten and filed with the court prior to this proceeding. In anticipation state will attempt to violate the rules and not allow defendant the right to an opening statement on the record.

1. For the record defendant has challenge the jurisdiction of the court and the alleged states attorney's legal standing through the motion practice of this court pursuant to Md. MD Code, Criminal Procedure, § 15-408. Cecil County further defendant has filed a motion with this court asking that the alleged states attorney's agent present in open court certificate of appointment to this court and a copy of the required state bond according to MD Code, Criminal Procedure, § 15-104. Duty to post bond (a) which states Conditions of bond (b) The bond shall be conditioned on the State's Attorney faithfully:(1) performing the duties of the office; and (2) accounting for funds and property received under color of the office..

2. The court's fully aware that defendant has had retain counsel. Who withdrew this representation according to the court records on July 27, 2020. It was not till this time that defendant was made aware of this hearing today and defendant is not ready for trial. Having contacted the office of Public defender as per court direction on 28 August in accordance with

MD Crim Pro Code § 16-102 (a) I was told 15 days, notice is required before request reviewed .

3. For the record. The court said on the last hearing that no continuance would be granted, and that if I did defendant appeared without an attorney. The proceedings would be moved forward with a record defendant made a good-faith effort which can be confirmed by the office of Public defender, however, out of an abundance of caution, the defendant noticed that the court issued a ruling/order and placed it on the court docket for the record the latest order of this court of 7/27/2020 a notice of appeal of the order is being filed or has been filed with this court clerk this 10<sup>th</sup> day of August 2020 as the court has not responded to motion papers demanding verification of legal standing of court its officers and states attorneys, representatives prosecuting this case.

4. Defendant is entitled to know the alleged date that the states agent Stephen Ira Kroll was appointed by this judge or another Circuit Court judge under MD Code, Criminal Procedure, § 15-109 **Appointment by circuit court** (a) before this proceeding proceeds any further as the case is already on appeal and this court has no jurisdiction or authority without producing oath of office and judicial bond along with the states attorney's articles of appointment and required state bond pursuant to MD Code, Criminal Procedure, **104. Duty to post bond** (a) which states **Conditions of bond** (b) The bond shall be conditioned on the State's Attorney faithfully:(1) performing the duties of the office;

5. Plaintiff alleged agent is appearing in court this 10<sup>th</sup> day of August 2020 as a criminal prosecutor to prosecute myself as the defendant. Even though the court is fully aware that was I as a pro se litigant now unaware of the existence of the notices to appear until the 27<sup>th</sup> day of July 2020 and a further receipt by USPS mail August 4<sup>th</sup> notice which is not in compliance with the court rules .

6. Your Honor the courts fully aware that motion for removal and outstanding motion for continuance filed with this court which clearly indicate defendant is been forced into poverty by the misconduct of the states attorney's office and now it appears by the most recent docket entry of August 7, 2020 the court has made a ruling on the defendants August 6, 2020 motion. However, there are still several outstanding motions that have not been ruled on regarding this court's jurisdiction and authority emphasis supplied . As the court is not using Docket number numbers as required by law. Defendant is chosen to prefiled her opening statement for the record of appeal.

File Date) Filed By:	08/06/2020	
	Motion / Request - To Continue / Postpone	
File Date:	08/07/2020	
Document Name:	Ruling	

7. Your Honor overview of case search.com reveals that all 4 cases above were ruled on and allegedly denied as the clerk of the court stated they would be without court waiting for plaintiff's agents response investor court had ex parte communication with the plaintiff without defendant being notified for the record to court is fully aware that defendants attorney was allowed to withdraw from these 4 cases, less than 10 days prior to the courts ruling on plaintiff's motion for continuance of docketed into the record 8/6/2020 now preserved for appeal which the plaintiff's filing today once the court

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provides a copy of the purported order the court however has not ruled on the motion for removal challenging the jurisdiction of the court and the motives of the states attorney's office and its agents, alleged Stephen Ira Kroll alleged specially assigned.

8. In summation Your Honor the defendant has a right to know whether or not the alleged agent for the state is in this court lawfully in accordance with the above statutes and also whether the state or this court has assessed judgment liens against the remaining assets of the estate of James Ray Charles defendants deceased father who has had over \$18 million stolen from the estate with the help of the states attorney's office as numerous court records a test to the court should not profit over the failure to provide honest services in allowing the defendant to file a criminal complaint states attorney's office and the Elkton police department took a complaint in front of 2 witnesses and said that it would never be forwarded due to the fact that Ellis Rollins would never investigate a lawyer in that town belonging to his Bar Association.

9. Defendant has a right to know whether the court's charges will result in a mean against the defendant's property and the estate of James Ray Charles based on the inappropriate actions of this court and its states attorney's office. See MD Code, Criminal Procedure, § 15-109 +**§ 16-212. Liens on real or personal property Reasonable value of services** (a) defendant contest any of these claims as the state has failed to provide legal

MD Code, Criminal Procedure, § 15-104. Duty to post bond (a) Each State's Attorney shall annually provide - 106. a corporate surety bond payable to the State in the amount of \$5,000. Conditions of bond (b) The bond shall be conditioned on the State's Attorney faithfully:(1) performing the duties of the office; and (2) accounting for funds and property received under color of the office. orate agents

responsible who have failed to provide honest services in accordance with their oath of office and the Constitution of the state of Maryland as well as the United States prevailing laws and Bill of Rights. Once again this court lacks jurisdiction until also offices are produced and state bonds are identified for the courts agents courts agents and assigns respectfully submitted

# Sherry Ray Eveland

**Certificate of service.** I\_\_\_\_\_\_ certify that a true and correct copy of this notice of appeal is being delivered to the office of the states attorney at 129 E. Main St., Elkton, MD with attachments in compliance with the rules 1-323 of this court By

# MEMORANDUM OF LAW IN SUPPORT OF DEFENDANTS OPENING STATEMENT

# § 16-102. Scope of title.

**Universal Citation:** <u>MD Crim Pro Code § 16-102 (2017)</u> (a) Representation of an indigent individual may be provided in accordance with this title by the Public Defender or, subject to the supervision of the Public Defender, by the deputy public defender, district public defenders, assistant public defenders, or panel attorneys.

Except as otherwise provided in § 16-206.

MD Code, Criminal Procedure, § 16-402

MD Code, Criminal Procedure, § 15-101, MD CRIM PROC § 15-101 (d) "State's Attorney" means the individual holding that office under Article V, § 7 of the Maryland Constitution.

MD Code, Criminal Procedure, **§ 15-102. Duty to represent State** Subject to Title 14 of this article, a State's Attorney shall, in the county served by the State's Attorney, prosecute and defend on the part of the State all cases in which the State may be interested.

MD Code, Criminal Procedure, § 15-104. Duty to post bond (a) Each State's Attorney shall annually provide a corporate surety bond payable to the State in the amount of \$5,000. Conditions of bond (b) The bond shall be conditioned on the State's Attorney faithfully:(1) performing the duties of the office; and (2) accounting for funds and property received under color of the office.

MD Code, MD CRIM PROC § 15-104 Criminal Procedure, § 15-408 Cecil County

# IN THE CIRCUIT COURT FOR CECIL COUNTY MARYLAND ELECTON MARYLAND CRIMINAL DIVISION

Case # 6-07-CR-19-001774

In The Matter Of	This Court
STATE OF MARYLAND INC. ET AL.	
STREET OF BUILDING STREET	
VS.	
1.00	
Sherry Ray Eveland	
241 Smith Rd. Rising Sun,	
Maryland 21911	
Defendant	

# DEFENDANT'S NOTICE OF APPEAL OF THE COURTS LATEST FINAL ORDER ORDER/RULING RELIEF AND MOTION FOR CONTINUANCE, AND THE COURTS FORCING UNREPRESENTED DEFENDANT TO APPEAR 11 DAYS AFTER HER ATTORNEY WAS GRANTED A MOTION TO WITHDRAW AT WHICH TIME DEFENDANT WAS MADE AWARE OF THE SCHEDULED HEARING THIS , 8/10/9 2020 pursuant to MD rule 8 – 201, 1 – 324, 8 1 – 325.

Comes now Sharry Bay Eveland hereafter defendant through the motion practice of this court and notifying the clerk of the court and prosecuting team of the Cecil County Maryland states Attorney's office , that having discovered on 8/8/2020 evidence on the Maryland Judiciary case or .com orders issued having received the formal orders of this court allowing the defendants oriminal lawyer to withdraw from the above captioned case and 6 more cases [1], C 07-CR-19-001774, [2] C-07-CR-19-000350, [3] C-07-CR-19-00538, [4] C 07-CR-20-000141, These cases all involved defective indictments and prosecutors misconduct prosecuting officers all who have been named in a RICO conspiracy filed in companion case in Cecil County Orphans Court Case # Estate # 000000019461 which the court has also ready been notified that case is being removed to federal court also as motions and notification papers have been filed in all 4 of the above captioned cases.

 This Notice Of Appeal being filed, Consistent with the rules court MD rule 8 – 201, 1 – 324, & 1 – 325. Clerk you will find an attached copy court docket as of 8/9/2020 as evidence that the hearing notices were sent to criminal defendant as of 7/29/2020 and further that several of the motion papers filed with this office have not been placed on the docket in violation of court rules.

### IN THE CIRCUIT COURT FOR CECIL COUNTY MARYLAND ELKTON MARYLAND CRIMINAL DIVISION

In The Matter Of	<ul> <li>This Court Case #</li> </ul>	
STATE OF MARVLAND INC. ET AL	Case Numbers:	-
vs.	* C-07-CR-19-001774 * C-07-CR-19-000350	13
Sherry Ray Eveland 241 Smith Rd. Rising Sun, Maryland 21911	* = C-07-CR-19-001538 = C-07-CR-20-000141	10 A 9
Defendant	•	

DEFENDANTS MOTION AND SUBMITTAL OF PRETRIAL OPENING STATEMENT IN THE ABOVE FOR CASES UNDER MARYLAND CRIMINAL CODE 4 – 301 AND 4 – 311, TO PRESERVE THE RECORD FOR APPEAL AS THE DEFENDANT IS BEING FORCED TO APPEAR ON AUGUST 10, 2020 WITHOUT LEGAL COUNSEL AND IN THAT ALLEGED STATES ATTORNEY'S AGENT STEPHEN IRA KROLL HAS STATED ON THE RECORD IS HIS INTENTION TO HAVE DEFENDANTS BOND REVOKED AND DEFENDANT SENT TO JAIL. EVEN THOUGH HIS CREDENTIALS I NOT REEN SUPPLIED TO THE DEFENDANT OR TO THE COURT.

Comes now Sherry Ray Eveland hereafter defendant pursuant pro se at the time unrepresented by attorney rule 1 – 308 W/P hereafter asserting her rights as rightful baneficiary of her estate/assets not waiving any of her rights, or remedies or defenses or statutorily or procedurally legally preserved vested rights. Defendant is the injured party having suffered injury in fact by alleged plaintiffs corporation and the courts alleged officers / agents have illegally produced artificial fictitious charges against defendant to and including, proceedings, judgments and orders, plus false imprisonment and fictitious judgments against defendant in the above 4 captioned cases, all which are against defendant in violation of the U.S. Constitution 4<sup>th</sup>, 5<sup>th</sup> and 7<sup>th</sup> amendment rights defendant has a right to an opening statement which has been prewritten and filed with the court prior to this proceeding. In anticipation state will attempt to violate the rules and not allow defendant the right to an opening statement on the record.

1. For the record defendant has challenge the jurisdiction of the court and the alleged states attorney's legal standing through the motion practice of this court pursuant to Md. MD Code, Criminal Procedure, § 15-408. Cecil County further defendant has filed a motion with this court asking that the alleged states attorney's agent present in open court certificate of appointment to this court and a copy of the required state bond according to MD Code, Criminal Procedure, § 15-104. Duty to post bond (a) which states Conditions of bond (b) The bond shall be conditioned on

Page 15

the State's Attorney faithfully:(1) performing the duties of the office; and (2) accounting for funds and property received under color of the office..

2. The court's fully aware that defendant has had retain counsel. Who withdrew this representation according to the court records on July 27, 2020. It was not till this time that defendant was made aware of this hearing today and defendant is not ready for trial. Having contacted the office of Public defender as per court direction on 28 August in accordance with

MD Crim Pro Code § 16-102 (a) I was told 15 days, notice is required before request reviewed .

3. For the record. The court said on the last hearing that no continuance would be granted, and that if I did defendant appeared without an attorney. The proceedings would be moved forward with a record defendant made a good-faith effort which can be confirmed by the office of Public defender, however, out of an abundance of caution, the defendant noticed that the court issued a ruling/order and placed it on the court docket for the record the latest order of this court of 7/27/2020 a notice of appeal of the order is being filed or has been filed with this court clerk this 10<sup>th</sup> day of August 2020 as the court has not responded to motion papers demanding verification of legal standing of court its officers and states attorneys, representatives prosecuting this case.

4. Defendant is entitled to know the alleged date that the states agent Stephen Ira Kroll was appointed by this judge or another Circuit Court judge under MD Code, Criminal Procedure, § 15-109 **Appointment by circuit court** (a) before this proceeding proceeds any further as the case is already on appeal and this court has no jurisdiction or authority without producing oath of office and judicial bond along with the states attorney's articles of appointment and required state bond pursuant to MD Code, Criminal Procedure, **104. Duty to post bond** (a) which states **Conditions of bond** (b) The bond shall be conditioned on the State's Attorney faithfully:(1) performing the duties of the office;

5. Plaintiff alleged agent is appearing in court this 10<sup>th</sup> day of August 2020 as a criminal prosecutor to prosecute myself as the defendant. Even though the court is fully aware that was I as a pro se litigant now unaware of the existence of the notices to appear until the 27<sup>th</sup> day of July 2020 and a further receipt by USPS mail August 4<sup>th</sup> notice which is not in compliance with the court rules .

6. Your Honor the courts fully aware that

motion for removal and outstanding motion for continuance filed with this court which clearly indicate defendant is been forced into poverty by the misconduct of the states attorney's office and now it appears by the most recent docket entry of August 7, 2020 the court has made a ruling on the defendants August 6, 2020 motion. However, there are still several outstanding motions that have not been ruled on regarding this court's jurisdiction and authority emphasis supplied . As the court is not using Docket number numbers as required by law. Defendant is chosen to prefiled her opening statement for the record of appeal.

File Date) Filed By:	08/06/2020	
Document Name:	Motion / Request - To Continue / Postpone	
File Date:	08/07/2020	
Document Name:	Ruling	

7. Your Honor overview of case search.com reveals that all 4 cases above were ruled on and allegedly denied as the clerk of the court stated they would be without court waiting for plaintiff's agents response investor court had ex parte communication with the plaintiff without defendant being notified for the record to court is fully aware that defendants attorney was allowed to withdraw from these 4 cases, less than 10 days prior to the courts ruling on plaintiff's motion for continuance of docketed into the record 8/6/2020 now preserved for appeal which the plaintiff's filing today once the court provides a copy of the purported order the court however has not ruled on the motion for removal challenging the jurisdiction of the court and the motives of the states attorney's office and its agents, alleged Stephen Ira Kroll alleged specially assigned.

8. In summation Your Honor the defendant has a right to know whether or not the alleged agent for the state is in this court lawfully in accordance with the above statutes and also whether the state or this court has assessed judgment liens against the remaining assets of the estate of James Ray Charles defendants deceased father who has had over \$18 million stolen from the estate with the help of the states attorney's office as numerous court records a test to the court should not profit over the failure to provide honest services in allowing the defendant to file a criminal complaint states attorney's office and the Elkton police department took a complaint in front of 2 witnesses and said that it would never be forwarded due to the fact that Ellis Rollins would never investigate a lawyer in that town belonging to his Bar Association.

9. Defendant has a right to know whether the court's charges will result in a mean against the defendant's property and the estate of James Ray Charles based on the inappropriate actions of this court and its states attorney's office. See MD Code, Criminal Procedure, § 15-109 +**§ 16-212. Liens on real or personal property Reasonable value of services** (a) defendant contest any of these claims as the state has failed to provide legal

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Sherry Ray Eveland

**Certificate of service.** I\_\_\_\_\_\_ certify that a true and correct copy of this notice of appeal is being delivered to the office of the states attorney at 129 E. Main St., Elkton, MD with attachments in compliance with the rules 1-323 of this court By \_\_\_\_\_\_

# MEMORANDUM OF LAW IN SUPPORT OF DEFENDANTS OPENING STATEMENT

# § 16-102. Scope of title.

**Universal Citation:** <u>MD Crim Pro Code § 16-102 (2017)</u> (a) Representation of an indigent individual may be provided in accordance with this title by the Public Defender or, subject to the supervision of the Public Defender, by the deputy public defender, district public defenders, assistant public defenders, or panel attorneys.

Except as otherwise provided in § 16-206.

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# IN THE CIRCUIT COURT FOR CECIL COUNTY MARYLAND ELKTON MARYLAND CRIMINAL DIVISION

in The Matter Of	+3	This Court Case # BC / F/
STATE OF MARYLAND INC. ET AL		Case Numbers: COM-CR-20-0
100		6-07-68:19:005774
V 21.	- 22	-6457-68-19-000360
Sherry Ray Eveland		C-02-000 P-001 III
241 Smith Rd. Rising Sun,		C-07-CR-20-000141
Maryland 21911		
Defendant		

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CIRCUIT COURT FOR CECIL COUNTY, Main: 410-996-1121 MARYLAND 129 East Main Street Elkion, Maryland 21921

To: SHERRY RAY EVELAND 241 SMITH ROAD RISING SUN, MD 21911

#### STATE OF MARYLAND VS SHERRY RAY EVELAND

Case Numbers: C-07-CR-19-000141 C-07-CR-19-002356 C-07-CR-19-001330

Date: 88/07/2020

#### NOTICE OF PAPERS RETURNED

The enclosed papers are returned because:

1. The case number provided are incorrect, they do not belong to defendant who filed.

Charlene M. Notarcola Clerk of the Circuit Court



### IN THE CIRCUIT COURT FOR CECIL COUNTY MARYLAND ELECTON MARYLAND CRIMINAL DIVISION

in The Matter Of STATE OF MARYLAND INC. ET AL	1	This Court Case #			
STATE OF MARTLAND INC. ET AL		Case Numbers:		12	
VS.		C-07-CR-19-001774		-	
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Sherry Ray Eveland				10	
241 Smith Rd. Rising Sun,		C-07-CR-19-001538		-	
Maryland 21911		C-07-CR-20-000141			
Defendant			100	Ξ	语

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**Certificate of service.** I\_\_\_\_\_\_ certify that a true and correct copy of this notice of appeal is being delivered to the office of the states attorney at 129 E. Main St., Elkton, MD with attachments in compliance with the rules 1-323 of this court By\_\_\_\_\_\_

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Defendant	EVELAND, SHERI	IY RAY				KLIO	K, THOMAS E L. Reizbach #10-996-2858(93)
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#### Sherry Key Eveland v. The State of Maryland - docs justia.com

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#### Sherry Ray's History | Most Accurate Search Results

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#### IN THE CIRCUIT COURT FOR CECH. COUNTY MARYLAND ELECTON MARYLAND CRIMINAL DIVISION This Court Case # C-07-CR-19-001538

*

The Matter Of

# DEFENDANT'S NOTICE OF APPEAL OF THE COURTS LATEST FINAL ORDER ORDER/RULING RELIEF AND MOTION FOR CONTINUANCE, AND THE COURTS FORCING UNREPRESENTED DEFENDANT TO APPEAR 11 DAYS AFTER <u>HOR ATTORNEY WAS GRANTED A MOTION TO WITHDRAW</u> AT WHICH TIME DEFENDANT WAS MADE AWARE OF THE SCHEDULED HEARING THIS , 8/10/9 2020 pursuant to MD rule 8 – 201, 1 – 324, & 1 – 325.

Comes now Sherry Ray Eveland hereafter defendant through the motion practice of this court and notifying the clerk of the court and prosecuting team of the Cecil County Maryland states Attorney's office , that having discovered on 8/8/2020 evidence on the Maryland ludiciary case or .com orders issued having received the formal orders of this court allowing the defendants criminal lawyer to withdraw from the above-captioned case and 6 more cases [1], C-07-CR-19-001774, [2] C-07-CR-19-000350, [3] C-07-CR-19-00538, [4] C-07-CR-20-000141. These cases all involved defective indictments and prosecutors misconduct prosecuting officers all who have been named in a NED conspiracy filed in companion case in Cecil County Orphans Court Case # Estate # 000000019461 which the court has also ready been notified that case is being removed to federal court also as motions and notification papers have been filed in all 4 of the abovecaptioned cases.

 This Notice Of Appeal being filed, Consistent with the rules court MD rule 8 – 201, 1 – 324, & 1 – 325. Clerk you will find an attached copy court docket as of 8/9/2020 as evidence that the hearing notices were sent to criminal defendant as of 7/29/2020 and further that several of the motion papers filed with this office have not been placed on the docket in violation of court rules.

Court Docket exact same in all 4 of the cases being taken on appeal case #'s [1], C-07-CR-19-001774, [2] C-07-CR-19-001350, [3] C-07-CR-19-001538, [4] C-07-CR-20-000141, the court can take judicial notice that there are no case numbers on the 4 cases as the attached Examplar proves.

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Defendant now respectfully request a copy of the ruling/order of 8/07/2020 in the above for caption cases to be attached to defendants/appellant's notice of appeal case #'s [1], C-07-CR-19-001774, [2] C-07-CR-19-000350, [3] C-07-CR-19-00538, [4] C-07-CR-20-000141, this court is consolidated all 4 cases this notice of appeal covers all court cases under MD rule 8 – 201 (a), attached is the appellant petition for walver of costs due to interagency. The court is fully aware that appeal is activated by the filing of a notice of appeal which is effective when the clerk's received it not when the fee is paid. Bond vs. Sullivan., 157 Md. App. 340, 851 A.2d 598, (2004) Md. App. LEXIS 96 (2004). [1], C-07-CR-19-001774, [2] C-07-CR-19-000350, [3] C-07-CR-19-00538, [4] C-07-CR-20-000141.

 Defendant incorporates by reference pursuant to Maryland rules 2 – 303 (d) all motions pleadings and papers court orders and dockets in the 4 consolidated criminal cases defendant is being forced to defend 8/10/2020 case #[1], C-07 CR-19-001774, [2] C-07-CR-19-000350, [3] C-07-CR-19-00538, [4] C-07-CR-20-000141, defendant may be falsely incarcerated and has preassigned notices of appeal for filing by next friend of the court George McDermott in her possible absence.

Respectfully submitted

Defendant Sherry Ray Eveland.

Certificate of service. Letter of the states attorney at 129 E. Main St., Ekton, MD with attachments in compliance with the roles 1-323 of this court. By

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	REQUEST FOR WAIVER OF PI (Md. Rule 1-325	REPAID COSTS
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6. Other information to demonstrate my includity to prepay the required costs: <u>Periports views of operat annalistances corrected for displaced biodility who an electron of a guarance periport in the disc of the litery page. Note (1 = 2) server of attend uses investigating that the theft of S14 willion play. Of the deviated memory of particips and agrees in Coch Correct Maryland.</u>

For these roosons, I sequest a wayver of the propaid costs.

I understand that I may have so pay these costs at the end of the ense, tailets the court grants a final warver of open costs, and that if I want a final warver of open costs I must request the waiver at the conclusion of the action in accordance with Maryland Role 1-325(1)(2015).

I solemnly affirm under the penalties of penjury that the contents of this document are used to the bost

of any knowledge, information, and belief Pare Survey Starry Ray Incoment Party Name	Telephone Fox outre Foxal Foxal Formal Formal
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Automer Certification (To be completed by your lawyer, if you are represented). Not applicable

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and belief, there is a good ground for this chaim, application, or request for process, and it is not interposed for any improper purpose or delay.

### The backed of

Petitioner is proceeding pro se as court records prove /reveal that her retained attorney withdrew from 4 criminal cases involving petitioner on July 28, 2020 forcing the petitioner to contact public defenders office. In the interim, petitioner filed for motion for continuance, motion for the court to identify jurisdiction and legal standing of judicial officers and also notice of removal of all cases to federal court due to the fact that all judges of Cecil County had recuse themselves easier in this case or previous cases related to the fraudulent mishanding of probate case 19461, which is also being appealed. Petitioner oro se discovered latest order of That Court (DE #- 204) Petitioner

CC-04C-009 (Rev. 118 2029)

Page 2 of 3

200	_ CIRCUIT COURT _	DISTRICT COURT	OF MARYLAND H	DR
200 - 100 -	Elecated at 129 E. Man 39.	T.Bier, MD- Com Address	Case No, C	11-678-18 1535
IN THE D	MATTER OF: SHEET MAT	y hand att al. Antioner Planntf	- 16 1020_525 Re	i nevelati mo se operatore Definition

## ORDER REGARDING REQUEST FOR WAIVER OF PREPAID COSTS

Upon consideration of the Request for Waiver of Prepaid Costs submitted by Starty Ray Logiand Criminal Defender, and any further documentation as required or authorized by Rule 1-325 or other applicable law.

THE COURT FINESS THAT.

The party named above:

Meets the financial clipibility guidelines of the Maryland Legal Services Corporation.

Does NOT men the fireness? eligibility guidelines.

The party named above:

... Is snable to season of poverty to pay the prepaid costs...

Is NOT analia by reason of poverty to pay the prepaid cents.

The claim, appeal, application or request for process

does not appear, on its face, to be frivelous.

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Other findings: \_\_\_\_

THE COURT ORDERS that the waterrist

GRANTED

DESILD. You have 10 days from the date of this order to pay the costs. If the unwaived costs are not gold in full within 10 days, the pleading or papers filed will be considered withdrawn.

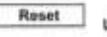
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CC-DC-089 (Rev. 88 2020)

Page 3 of 3.



Page 3.

does not comply with the CBstered: Clerk, Circuit Court for Management Plan Cecil County, MD August 7, 2020

00/07/2020 9:43:09 AM

IN THE CIRCUIT COURT FOR CECIL COUNTY MARYLAND ELECTON MARYLAND CRIMINAL DIVISION

In The Matter Of	This Court Case #
STATE OF MARYLAND INC.	
	Case Number: C-07-CR-19-001554
VS.	C-07-CR-19-001778
	C-07-CR-19-000350
Sherry Ray Eveland	C-07-CR-19-001005
241 Smith Rd. Riving Sun,	 D-012-CR-19-001330
Maryland 21911	C 67 Ck 19 (01538
Defendant	C 07 CR 20 000141

DEFENDANTS MOTION FOR POSTPONEMENT OF PROCEEDINGS BASED ON THE COURTS LACK OF JURISDICTION AS DEFENDANT HAS NOT HAD TIME TO RETAIN COUNSEL AND A DEMAND THAT THE CLERK'S OF THESE COURTS COMPLY WITH MARYLAND RULES 1 – 20, AND 1 – 202 + 1 – 351 IS ALL ORDERS OF THESE COURTS ARL IN VIOLATION OF 28 U.S.C. 1691 AND HAVE NO FORCE AND EFFECT WITHOUT VERIFICATION OF ALLEGED ORDERS ISSUED IN SECRET ISSUED IN SECRET WHICH THE COURTS REPUSED TO VERIFY AS REQUIRED BY FEDERAL STATUTE LAW.

Correshow Sherry Ray Eveland plaintiff pursuant to rule 1 – 308 W/P hereafter asserting her rights as ophtful beneficiary of her estate/assets not wolving any of her rights, ar remedies or defenses or statutorily or procedurally legally preserved vested rights. Detendant is the injured party having sufficient injury in her by alleged plaintiffs corporation and the courts alleged officers / agents have illegally produced artificial fletitious charges against defendant to and including, proceedings, judgments and orders, false imprisonment and fletitious judgments against defendant in the above 7 captioned cases, all which are against defendant in violation of the U.S. Constitution. 4<sup>th</sup> amendment not to mention 18 USC 1664 (a), title 8 US code § 1512, and 1513 initial(A)(B)(C) the latest order of this court of 7/27/2020 compaling unrepresented defendant to appear in court on 08/10/2020 as court granted defendants attorney motion to withdraw. Making 4 impossible for impowerished defendants to obtain new lagal cours2h(E = 1)

2 Defendent now seeks a postponement of this court scheduled hearing, and jury trials all set for August 10, 2022 and until such time as the United Status District Court is given an opportunity.

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August 7, 2020

RE: Sherry Eveland DOB: 12/17/1966

To Whom It May Concern,

Sherry Eveland is enrolled in traditional outpatient treatment for substance use disorder at the Cecil County Health Department Alcohol and Drug Recovery Caster. Sherry has been engaged in treatment since 1/30/2020. Shorry has shown improvement since she started treatment. Sherry has been very proactive since Covid19 caused us to transition our way of providing treatment. Sherry is working towards setting and achieving treatment plan goals. We recommend Sherry be given opportunity to complete treatment.

WWW.COLULIN. INTERACTIONS

If you have any questions, please call (410) 996-5106

Sincerely, Kathleen Harvey CSC-AD Cecii County Health Department

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#### IN THE CIRCUIT COURT FOR CECIL COUNTY MARYLAND ELKTON MARYLAND CRIMINAL DIVISION

In The Matter Of	*	This Court Case #
STATE OF MARYLAND INC. ET AL	* *	Case Numbers:
VS.	*	C-07-CR-19-001774
	*	C-07-CR-19-000350
Sherry Ray Eveland	*	
241 Smith Rd. Rising Sun,	*	C-07-CR-19-001538
Maryland 21911	*	C-07-CR-20-000141
Defendant	*	

## DEFENDANTS MOTION AND SUBMITTAL OF PRETRIAL OPENING STATEMENT IN THE ABOVE FOR CASES UNDER MARYLAND CRIMINAL CODE 4 – 301 AND 4 – 311. TO PRESERVE THE RECORD FOR APPEAL AS THE DEFENDANT IS BEING FORCED TO APPEAR ON AUGUST 10, 2020 WITHOUT LEGAL COUNSEL AND IN THAT ALLEGED STATES ATTORNEY'S AGENT STEPHEN IRA KROLL HAS STATED ON THE RECORD IS HIS INTENTION TO HAVE DEFENDANTS BOND REVOKED AND DEFENDANT SENT TO JAIL. EVEN THOUGH HIS CREDENTIALS I NOT BEEN SUPPLIED TO THE DEFENDANT OR TO THE COURT.

Comes now Sherry Ray Eveland hereafter defendant pursuant pro se at the time unrepresented by attorney rule 1 - 308 W/P hereafter asserting her rights as rightful beneficiary of her estate/assets not waiving any of her rights, or remedies or defenses or statutorily or procedurally legally preserved vested rights. Defendant is the injured party having suffered injury in fact by alleged plaintiffs corporation and the courts alleged officers / agents have illegally produced artificial fictitious charges against defendant to and including proceedings, judgments and orders, plus false imprisonment and fictitious judgments against defendant in the above 4 captioned cases, all which are against defendant in violation of the U.S. Constitution  $4^{th}$ ,  $5^{th}$  and  $7^{th}$  amendment rights defendant has a right to an opening statement which has been prewritten and filed with the court prior to this proceeding. In anticipation state will attempt to violate the rules and not allow defendant the right to an opening statement on the record.

1. For the record defendant has challenge the jurisdiction of the court and the alleged states attorney's legal standing through the motion practice of this court pursuant to Md. MD Code, Criminal Procedure, § 15-408. Cecil County further defendant has filed a motion with this court asking that the alleged states attorney's agent present in open court certificate of appointment to this court and a copy of the required state bond according to MD Code, Criminal Procedure, § 15-104. Duty to post bond (a) which states Conditions of bond (b) The bond shall be conditioned on the State's Attorney faithfully:(1) performing the duties of the office; and (2) accounting for funds and property received under color of the office..

2. The court's fully aware that defendant has had retain counsel. Who withdrew this representation according to the court records on July 27, 2020. It was not till this time that defendant was made aware of this hearing today and defendant is not ready for trial. Having contacted the office of Public defender as per court direction on 28 August in accordance with

MD Crim Pro Code § 16-102 (a) I was told 15 days, notice is required before request reviewed .

3. For the record. The court said on the last hearing that no continuance would be granted, and that if I did defendant appeared without an attorney. The proceedings would be moved forward with a record defendant made a good-faith effort which can be confirmed by the office of Public defender, however, out of an abundance of caution, the defendant noticed that the court issued a ruling/order and placed it on the court docket for the record the latest order of this court of 7/27/2020 a notice of appeal of the order is being filed or has been filed with this court clerk this 10<sup>th</sup> day of August 2020 as the court has not responded to motion papers demanding verification of legal standing of court its officers and states attorneys, representatives prosecuting this case.

4. Defendant is entitled to know the alleged date that the states agent Stephen Ira Kroll was appointed by this judge or another Circuit Court judge under MD Code, Criminal Procedure, § 15-109 **Appointment by circuit court** (a) before this proceeding proceeds any further as the case is already on appeal and this court has no jurisdiction or authority without producing oath of office and judicial bond along with the states attorney's articles of appointment and required state bond pursuant to MD Code, Criminal Procedure, **104. Duty to post bond** (a) which states **Conditions of bond** (b) The bond shall be conditioned on the State's Attorney faithfully:(1) performing the duties of the office;

5. Plaintiff alleged agent is appearing in court this 10<sup>th</sup> day of August 2020 as a criminal prosecutor to prosecute myself as the defendant. Even though the court is fully aware that was I as a pro se litigant now unaware of the existence of the notices to appear until the 27<sup>th</sup> day of July 2020 and a further receipt by USPS mail August 4<sup>th</sup> notice which is not in compliance with the court rules .

6. Your Honor the courts fully aware that

motion for removal and outstanding motion for continuance filed with this court which clearly indicate defendant is been forced into poverty by the misconduct of the states attorney's office and now it appears by the most recent docket entry of August 7, 2020 the court has made a ruling on the defendants August 6, 2020 motion. However, there are still several outstanding motions that have not been ruled on regarding this court's jurisdiction and authority emphasis supplied . As the court is not using Docket number numbers as required by law. Defendant is chosen to prefiled her opening statement for the record of appeal.

File Date) Filed By:	08/06/2020	
	Motion / Request - To Continue / Postpone	
	08/07/2020	
Filed By: Document Name:	Ruling	

7. Your Honor overview of case search.com reveals that all 4 cases above were ruled on and allegedly denied as the clerk of the court stated they would be without court waiting for plaintiff's agents response investor court had ex parte communication with the plaintiff without defendant being notified for the record to court is fully aware that defendants attorney was allowed to withdraw from these 4 cases, less than 10 days prior to the courts ruling on plaintiff's motion for

continuance of docketed into the record 8/6/2020 now preserved for appeal which the plaintiff's filing today once the court provides a copy of the purported order the court however has not ruled on the motion for removal challenging the jurisdiction of the court and the motives of the states attorney's office and its agents, alleged Stephen Ira Kroll alleged specially assigned.

8. In summation Your Honor the defendant has a right to know whether or not the alleged agent for the state is in this court lawfully in accordance with the above statutes and also whether the state or this court has assessed judgment liens against the remaining assets of the estate of James Ray Charles defendants deceased father who has had over \$18 million stolen from the estate with the help of the states attorney's office as numerous court records a test to the court should not profit over the failure to provide honest services in allowing the defendant to file a criminal complaint states attorney's office and the Elkton police department took a complaint in front of 2 witnesses and said that it would never be forwarded due to the fact that Ellis Rollins would never investigate a lawyer in that town belonging to his Bar Association.

9. Defendant has a right to know whether the court's charges will result in a mean against the defendant's property and the estate of James Ray Charles based on the inappropriate actions of this court and its states attorney's office. See MD Code, Criminal Procedure, § 15-109 +**§ 16-212. Liens on real or personal property Reasonable value of services** (a) defendant contest any of these claims as the state has failed to provide legal

MD Code, Criminal Procedure, § 15-104. Duty to post bond (a) Each State's Attorney shall annually provide - 106. a corporate surety bond payable to the State in the amount of \$5,000. Conditions of bond (b) The bond shall be conditioned on the State's Attorney faithfully:(1) performing the duties of the office; and (2) accounting for funds and property received under color of the office. orate agents

responsible who have failed to provide honest services in accordance with their oath of office and the Constitution of the state of Maryland as well as the United States prevailing laws and Bill of Rights. Once again this court lacks jurisdiction until also offices are produced and state bonds are identified for the courts agents courts agents and assigns respectfully submitted

Sherry Ray Eveland

**Certificate of service.** I\_\_\_\_\_\_ certify that a true and correct copy of this notice of appeal is being delivered to the office of the states attorney at 129 E. Main St., Elkton, MD with attachments in compliance with the rules 1-323 of this court By\_\_\_\_\_\_

# MEMORANDUM OF LAW IN SUPPORT OF DEFENDANTS OPENING STATEMENT

### § 16-102. Scope of title.

Universal Citation: MD Crim Pro Code § 16-102 (2017) (a) Representation of an indigent individual may be provided in
accordance with this title by the Public Defender or, subject to the supervision of the Public Defender, by the deputy public
defender, district public defenders, assistant public defenders, or panel attorneys.

Except as otherwise provided in § 16-206.

MD Code, Criminal Procedure, § 16-402

MD Code, Criminal Procedure, § 15-101, MD CRIM PROC § 15-101 (d) "State's Attorney" means the individual holding that office under Article V, § 7 of the Maryland Constitution.

MD Code, Criminal Procedure, **§ 15-102. Duty to represent State** Subject to Title 14 of this article, a State's Attorney shall, in the county served by the State's Attorney, prosecute and defend on the part of the State all cases in which the State may be interested.

MD Code, Criminal Procedure, **§ 15-104. Duty to post bond** (a) Each State's Attorney shall annually provide a corporate surety bond payable to the State in the amount of \$5,000. **Conditions of bond** (b) The bond shall be conditioned on the State's Attorney faithfully:(1) performing the duties of the office; and (2) accounting for funds and property received under color of the office.

MD Code, MD CRIM PROC § 15-104 Criminal Procedure, § 15-408 Cecil County



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DENIED

does not comply with the Castered: Clerk, Circuit Court for Management Plan Cecil County, MD August 7, 2020

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IN THE CIRCUIT COURT FOR CECIL COUNTY MARYLAND ELECTON MARYLAND CRIMINAL DIVISION

In The Matter Of		This Court Case #
STATE OF MARYLAND INC.	*	~~ 강강의 것 같은 전쟁에서 소리 제품에서
		Case Number: C-07-01-19-031554
¥S.		C-07-CR-19-001774
		C-67-CR-19-000350
Sherry Ray Excland		C-07-CR-19-001006
241 Smith Rd. Rising Sun.		D-017-01-19-001330
Moryland 21911		C-02-CR-19-001518
Defetolisett	*	C-07-CR-20-060141

DEFENDANTS MOTION FOR POSTPONEMENT OF PROCEEDINGS BASED ON THE COURTS LACK OF JURISDICTION AS DEFENDANT HAS NOT HAD TIME TO RETAIN COUNSEL AND A DEMAND THAT THE CLERK'S OF THESE COURTS COMPLY WITH MARYLAND BULES 1 201, AND 1 – 202 ° 1 – 201 IN ALL ORDERS OF THESE COURTS ARE IN VIOLATION OF 28 U.S.C. 1491 AND BAVE NO FORCE AND EFFECT WITHOUT VERIFICATION OF ALLEGED ORDERS ISSUED IN SECRET ISSUED IN SECRET WIRCH THE COURTS REFERED TO VERIFY AS REQUIRED BY FEDERAL STATUTE LAW.

Comes now Shorr's Ray Evaluation presenting persuant to rule 1 – 308 W/P hereafter enserting her rights as rightful lancelinary of her estate/resets not waiving any of her rights, or remetites or defences or statutorily or procedurally legally preserved vested rights. Defendant is the essered party hereing suffered injury in fact by allaged plantifies corporation and the courts alloged officers / opents have flegably produced artificial fictitious charges against defendant to and including proceedings, judgements and orders, false imprisonment and fictibious judgements iscense defendent in the above 7 captioned cases, all which are spaint defendant in violation of the U.S. Constitution - 4<sup>rb</sup> amendment not to mention 18 USC 1864 (a), tells if US code 5 1512, and 1518 (0)(A)(8)(C) the latest order of this court of 7/27/2020 compating unrepresented defendant to appear in court on 08/10/1020 as court granted defendants attorney motion to withdraw. Making 8 imposable for impovenished defendant to obtain new logal course)(4, - 1)

 Defendant now seeks a postponement of this court scheduled hearing, and jury trials at set for August 30, 2022 and until such time as the United Status District Court is given an opportunity.

17-10-08

# George McDermott Reporter With MCW NEWS

REPORTING on Corporate and Judicial Crimes against America 143 North Huron Dr., Forest Heights, MD 20745 phone 301-996-9577. @ Email @georgemcdermott2014@.gmail.com

August 8, 2020

To U.S. Attorney G. Zachary Terwilliger, Justin W. Williams United States Attorney's Building 2100 Jamieson Ave Alexandria, VA 22314 L. Grimes Hand Delivered A RE: Equal Justice For All Act. It is The Fraud DOI's Off





L. Grimes Hand Delivered August 7, 2020 <u>NO LONGER ACCEPTED</u> RE: Equal Justice For All Act. It Is The Fraud DOJ's Office Will Not Allow Complaints To Be Filed...?

Dear US attorneys Attorney G. Zachary Terwilliger, and L. Grimes, I'm approaching your office as a private concerned citizen trying to help another citizen who is been disenfranchised of the rights liberties and property due to the wrongful misconduct of a criminal actor from Fredericksburg, Virginia who has orchestrated a wheel and spoke criminal conspiracy involving state and county actors, attorneys, trust officers, and court clerks in the sovereign community operating as Cecil County Maryland where a fellow citizen is being forced to court August 10, 2020 to defend 7 alleged criminal cases, all of which a jury trial has been requested before a judge and alleged states attorney's who have been instrumental in the theft of over \$18 million of the defendants father's estate. Forcing the defendant Sherry Ray Eveland into poverty been unable to hire an attorney and having the court intimidate her past 2 attorneys to withdraw their appearances's leaving crime victim without protections afforded under the Equal Justice for All Act of 2004 & Crime Victims' Rights Act. Section 3771 (a)(1)(2)(3)(4)(5)(6)(7) + (8).

1. Attorneys Terwilliger, and L. Grimes, as a next friend of the court. I believe it is my duty and responsibility to notify this office of serious crimes against my fellow citizens emanating from the misconduct of parties in the Commonwealth of Virginia known as Andrea's Rogers in court proceedings who has knowingly transported stolen property across state lines. As noted to the orphans court for Cecil County Maryland. [E - 1] records reflect officers of the court have joined with this person and engaged in criminal conspiracy against rights with additional officers and agents of Cecil County Maryland legal community in aiding and abetting in the theft of assets belonging to the defendant Sherry Ray Eveland in excess above \$18 million. Crimes being reported Including tax evasion, banking frauds, extortion, false arrest and imprisonment, securities fraud, and obstruction of justice +++.?

2. U.S. attorneys Terwilliger, and L. Grimes I come to you as a private citizen. OPG assist another private citizen in the preservation of her legal rights to due process at law and to the recovery of her stolen property by one Andruis D. Rogers conspire with Wilson of 6313 Smith Station Rd., Fredericksburg, VA 22407 and others named in probate fraud case [E - 1 - 7] as well as other related civil cases none of which have been allowed to be heard because of obstruction of justice on part of Cecil County Maryland Inc.'s alleged sworn officers of the court.

3. It is my duty to report crimes against our citizens and crimes which undermine the integrity of the United States government such as courts, falsification of court documents, courts aiding and abetting obstruction of justice, court officers failing to provide honest services to victims of financial crimes being committed by court officers engaged in such crimes as tax evasion, securities frauds, obstruction of justice and threatening and intimidating the victims and witnesses in state and federal court proceedings.

4. As a law-abiding citizen is my duty to report to Justice Department alleged criminal activities. I received a 29 page fax from Sherry Ray Eveland in Elkton Maryland by email on August 6, 2020 which I am now copying to U.S. attorneys Terwilliger, and L. Grimes under the Justice for All Act of 2004 asking that this US attorney's office began an investigation into the allegations raised in the matter of citizen Sherry Ray Eveland who is being forced to appear in a hostile court system in Cecil County Maryland August 10, 2020 without an attorney. As exhibits [E – 6 through 29] attest to.

 Attorneys I come to you, private citizen/"private attorney general" A phrase was coined by Judge Jerome Frank in a decision which did not involve an attorney fee at all, but rather a private citizen's standing to sue for vindication of a public objective. (Associate Industries v. Ickes (2d Cir. 1943) 134 F.2d 694, 704; Comment (1974) 122 U.Pa.L.Rev. 636, 658.) As these matters involve public corruption, witness tampering, justice, falsification of court records and documents my court's offices. Not to mention insiders complicity in aiding and abetting one Andruis D. Rogers conspire with Wilson of 6313 Smith Station Rd., Fredericksburg, VA 22407 and her associates in the looting of the estate of James Ray Charles removal of the last will and testament and 8 codicils and the replacement of their own false will as indicated on court docket as purported last will and testament of the deceased.
 Attorneys I am not interested in any monetary award for my act of public service in trying to correct this egregious wrong against my fellow citizens. I have also made a video record of my efforts to do the same which is posted @ secretJustice.com at the following programs 109, first visit to Cecil County Maryland courts of corruption. See program 110 FBI Washington Post 12/6/2007, 111 Chronicles earlier victims of the court and My first interviews

with 12 victims of Cecil County Maryland Is Corrupted Court System

**112,114,230,231,232,251,256,258,259,260,261,265.1,266,267,293, 294, 295, 316, 330, 329, and 332**. All the same judges involved in victim Sherry Ray Eveland's family who have been devastated by the state of Maryland court system not protecting victims of probate fraud see the

69 videos <u>posted@secretjustice.com</u> program numbers. 109, 110, 111, 112, 113, 114, 125, 133, 141, 257, 258, 259, 260, 261, 262, 266, 267, 268, 281, 292, 293, 294, 295, 296, 316, 329, 332, 335 – a, 390, 391, 394, 395, 744s, 801d, 946, 972, 973, 1050, 1051, 1053, 1058, 1127, 1157, 1165, 1173, 1180,1202,1203, 1205-(b,c,d,e,+ f), 1257, 1268, 1314, 1404,1422, 1428, 1446. 1447. 1448,.

7. In summary U.S. Attorney G. Zachary Terwilliger as division chief, I now respectfully request that your office look into this matter. There is little you can do to prevent a miscarriage of justice that is about to happen on August 10, 2020 in Cecil County Circuit Court before judge Baines who has been asked to recuse himself and has recused himself for 4 years. I am quite certain that he and an alleged states attorney Stephen Ira Kroll from Howard County Maryland appearing without an oath of office will do everything they can to falsely imprison Sherry Ray Eveland. I

will be there to record the events because of my impoverished state. I will not be able to place a bond if she is falsely incarcerated for her release. The current bond was paid for and secured by an Alexandria resident and registered victims advocate Janice wolk Grenadier who operates a website under judicialpedia.com.

I am enclosing the 29, page email from the victim with attachments. For your review. I would now respectfully request to your office look into this complaint and the victim/defendant has filed motions in all 7 alleged criminal court cases and orphans court case alerting those courts at the victim will be asserting her rights, in United States District Court for Alexandria, Virginia for recovery of her property under 42 USC 1981 statute law and Maryland's Constitution, article 19 & declaration of rights. As Maryland courts and judicial system cannot be trusted perform honest services to our citizens who are victims of corporate fraud, and court fraud. Respectfully submitted

George Edward McDermott Next friend of the court victims rights advocate.

Attachments in support of	petition for assistance und	der the Equal Justice for All Act of 2004.
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[E – #]	Description of document in support of petition	Date	Page #
[E – 1]	Victims filing for reopening of probate case of fathers	July 9, 2020	U U
[E – 1]		July 9, 2020	Page # 4
[E-2]	Memorandum evidencing filing to reopen case date stamped	July 9, 2020	Page #-5
[E – 3]	Docket showing 204 docket entries victims motion to reopen allegedly denied no order ever received no judge named. Docket does not show insiders removal of original will and last testament and 8 codicils on September 2, 2014 probate fraud, 101	8/7/2020	Page #-6
[E-4]	Mail from clerk's office evidencing recusal of to additional judges from victims probate case. No jury trial ever allowed	7/09/2020	Page #- 7
[E – 5]	Victim/defendant's motion for removal criminal cases to federal court is a fair trial cannot be had in Maryland case # C $-$ CR $-$ 07 $-$ CR $-$ 19 $-$ 2350	8/6/2020	Page #-8
[E – 6]	Victim/defendant's motion for removal criminal cases to federal court is a fair trial cannot be had in Maryland case # C –CR – 07 – CR – 19 – 350	8/6/2020	Page #-10
[E – 7]	Victim/defendant's motion for removal criminal cases to federal court is a fair trial cannot be had in Maryland case # C $-$ CR $-$ O7 $-$ CR $-$ 19 $-$ 350	8/6/2020	Page #-12
[E – 8]	Victim/defendant's motion for removal criminal cases to federal court is a fair trial cannot be had in Maryland case # C –CR – 07 – CR – 19 – 350	8/6/2020	Page #-14
[E – 9]	Defendant's memorandum to the court clerk as to notice of removal to federal court. All criminal proceedings	8/6/2020	Page #-16
[E – 10]	Alleged criminal defendant's motion to have all alleged matters moved to federal court under equal justice act	8/6/2020	Page #-18
[E – 11]	Court hearing notice to alleged criminal defendant Cecil County Circuit Court to be at August 10, 2020 9:05 AM jury trial crossed out case #C – CR – 07 – CR – 19 – 350, received August 3, 2020	Received August 3, 2020	Page #-19
[E – 12]	Court hearing notice to alleged criminal defendant Cecil County Circuit Court to be at August 10, 2020 9:05 AM jury trial crossed out case #C – CR – 07 – CR – 19 – 2350, received August 3, 2020	Received August 3, 2020	Page #-20
[E – 13]	Court hearing notice to alleged criminal defendant Cecil County Circuit Court to be at August 10, 2020 9:05 AM jury trial crossed out case # C – CR – 07 – CR – 19 – 1538, received August 3, 2020	Received August 3, 2020	Page #-22
[E – 14]	Court hearing notice to alleged criminal defendant Cecil County Circuit Court to be at August 10, 2020 9:05 AM jury trial crossed out case # C – CR – 07 – CR – 19 – 141, received August 3, 2020	Received August 3,	Page #-23

		2020	
[E – 15]	Court hearing notice to alleged criminal defendant Cecil County Circuit Court to be at August 10, 2020 9:05 AM jury trial crossed out case #C – CR – 07 – CR – 19 – 142, received August 3, 2020	Received August 3, 2020	Page #- 24
[E – 16]	Under separate cover victims motion and orphans court for Cecil County Maryland to reopen the case for fraud on the court and estate allegedly dismissed, 7/28/2020 by unknown judges victim never received a copy of the dismissal which will be taken on appeal. As all judges of the orphans court had previously recuse themselves according to the court rules	Separate cover	25, pages
Print & Ma to me +	rketing Services 1698 👘 Thu, Aug 6, 8:13 PM (14 hours age		
Staples Pr	ed the files you needed. Thanks rint & Marketing Services #1698		
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# MEMORANDUM OF LAW FOR WHICH RELIEF IS SOUGHT BY THIS US ATTORNEY'S OFFICE , THE RECORD IS WHAT IT IS THE QUESTION IS WILL THIS OFFICE INVESTIGATE THESE CRIMINAL ALLEGATIONS IN ACCORDANCE TO THEIR OATH OF OFFICE

What the Equal Justice for All Act of 2004 Contains • Scott Campbell, Stephanie Roper, Wendy Preston, Louarna Gillis, and Nila Lynn Crime Victims' Rights Act • Debbie Smith Act of 2004 • DNA Sexual Assault Justice Act of 2004 • Innocence Protection Act of 2004 The purpose of this fact sheet is to provide information about the Scott Campbell, Stephanie Roper, Wendy Preston, Louarna Gillis, and Nila Lynn Crime Victims' Rights Act. Section 3771 (a) of this Act amends the federal criminal code to grant crime victims specified rights, including: (1) The right to be reasonably protected from the accused. (2) The right to reasonable, accurate, and timely notice of any public court proceeding or any parole proceeding involving the crime, or of any release or escape of the accused. (3) The right not to be excluded from any such public court proceeding, unless the court, after receiving clear and convincing evidence, determines that testimony by the victim would be materially altered if the victim heard other testimony at that proceeding. (4) The right to be reasonable right to confer with the attorney for the Government in the case. (6) The right to full and timely restitution as provided in law. (7) The right to proceedings free from unreasonable delay. (8) The right to be treated with fairness and with respect for the victim's dignity and privacy.

榆	S CIRCUIT COURT DISTRICT COURT OF 1	Case Nos EDITIONAL 15 38
1,000	- Located at 159 E. Marto be, Uniter, MD	_ Case No.
N TH	E MATTER OF: man of Marcland et al. N	Starry Ray Lynders Delendard
	REQUEST FOR WAIVER OF PRE (Md. Rule 1-325)	EPAID COSTS
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abiet	Name of party 1 have completed and inflatened. I are anable to prepay the I	prepaid costs in this matter because of
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noveri	15 - ·	
	ern of Income	
	certially submit that:	
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Page 2 of 1

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# Cur Lean-	Amount Owed: 5	Monthly Payment: 5
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For these records, I tequest a waiver of the prepaid cents-

I understand that I may have to pay these costs at the end of the case, index the east grants a first waiver of open costs, and that if I want a final waiver of open costs I must request the waiver at the conclusion of the action in accordance with Maryland Rule 1-325(Fi(2)(A)).

I seleminity attimus and/or the permittee of perjury that the contents of this decrement are true to the best of two between information, and below.

First Scientist	Tologhom Tab
Tate Name	E HAR
National Rel	Nation 10, 2020
Contraction Mail 2011	

Anomers Continuences in a prod ground for this class, application, or register for process, and it is not interpreted

for any improper perpose or delay.

#### Che Beites IF off

Petitioner is proceeding pro seles court records prove /reveal that her retained attorney withdrew from 4 criminal cases involving petitioner on July 28, 2020 forcing the petitioner to contact public defenders office. In the interim, petitioner filed for motion for continuance, motion for the court to identify jurisdiction and legal standing of judicial officers and also notice of removal of all cases to federal court due to the fact that all judges of Cecil County had recuse thomselves easier in this case or previous cases related to the fraudulent mishandling of probate case 19461, which is also being appealed. Petitioner pro se discovered latest order of **That Court IDE #- 204**} **Petitioner** 

C.C.40C-489 (Rev. 49:2920)

Page 2 vf.3

1000	CIRCUIT COURT C	DISTRICT COURT	OF MA	RYLAND FOR	Castana	Ŧ
199	Located at 1291. Main St.	Ellamo, 5dD Court Address	_	Case No. Cathacht	1 15.35	
IN THE	MATTER OF: state of Mar	stand at ol. powerst Planetty	_ Ye.	Sharry Ray Evoluti Korpindari	i Dictoration)	

# ORDER REGARDING REQUEST FOR WAIVER OF PREPAID COSTS

Upon consideration of the Request for Waiver of Propaid Costs submitted by

Sterry Ray Eveland Criminal Defender, and any further documentation as required or authorized by Name of party Rule 1-325 or other applicable law.

THE COURT FINDS THAT:

The party named above:

... Meets the financial eligibility prideincs of the Marshand Legal Services Corporation,

Does NOT meet the financial eligibility guidelites.

The party named above:

... Is anable by reason of poverty to pay the prepaid costs.

is NOT analóg by reason of powerty to pay the prepaid costs.

The claim, appeal, application or toquest for process

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Other findages

THE COURT ORDERS that the warver at:

GRANIED

DENHED: You have 10 days from the date of this order to pay the costs. If the unwaived costs are not paid in full within 10 days, the pleading or papers filed will be considered withdrawn.

Date

Jadge a Segnatory

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CC-DC-089 (Res. 08 2020)

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does not comply with the Cäntered: Clerk, Circuit Court for Management Plan Cecil County, MD August 7, 2020

08/07/2020 9:43:09 AM

DENIED

411

IN THE CIRCUIT COURT FOR CECIL COUNTY MARYLAND ELETON MARYLAND CRIMINAL DIVISION

In The Matter Of	This Court Case #
STATE OF MARYLAND INC.	
	Case Number: C-07-08-19-081554
25.	C-07-CR-19-001774
	C-57-CR-19-000350
Sherry Ray Excland	 C-07-CR-19-001006
241 Smith Rd. Rising Sun.	D-017-01-19-001330
Moryland 21911	C-02-CR-19-001538
f.NefetsJunt	C-07-CR-20-050541

DEFENDANTS MOTION FOR POSTPONEMENT OF PROCEEDINGS BASED ON THE COURTS LACK OF JURISDICTION AS DEFENDANT HAS NOT HAD TIME TO RETAIN COUNSEL AND A DEMAND THAT THE CLERK'S OF THESE COURTS COMPLY WITH MARY LAND BULES 1 201, AND 1 – 202 ° 1 – 201 IS ALL ORDERS OF THESE COURTS ARE IN VIOLATION OF 28 U.S.C. 1691 AND BAVE NO FORCE AND EFFECT WITHOUT VERIFICATION OF ALLEGED ORDERS ISSUED IN SECRET ISSUED IN SECRET WIDCH THE COURTS REFERED TO VERIFY AS REQUIRED BY FEDERAL STATUTE LAW.

Correct now Sharry Ray Eveland plentiff persuant to rule 1 – 308 W/P hereafter enserting her rights as rightful landlanery of her estate/assets not waiving any of her rights, or remeties or defences or statutorily or procedurally legally preserved vested rights. Defendent is the essered party having suffored injury in fact by alleged plential's encouration and the courts alleged officers / agents have diegably produced artificial fictitious charges against defendent to and including proceedings, judgeents and orders, faite imprisonment and fictitious judgeents against defendent in the above 7 captioned cases, all which are against defendent in violation of the U.S. Constitution 4<sup>th</sup> amendment not to mention 18 USE 1864 (a), tele 8 US code § 1512, and 1518 DB(A)(B)(C) the latest order of this court of 7/27/2020 compating unrepresented defendant ] to against in court on 08/10/2020 as court granted defendants attorney motion to withdraw. Making 8 imposable for imposentiened defendant to obtain new logal cours<sup>3</sup>(45, ~ 1)

 Defendant now seeks a postponement of this court scheduled hearing, and jury trials at set for August 30, 2022 and until such time as the United Status District Court is given an opportunity.

ŧ?

#### THE CIRCUIT COURT FOR CECIL COUNTY MARYLAND ELKTON MARYLAND CRIMINAL DIVISION

In The Matter Of	*	This Court Case #
STATE OF MARYLAND INC. ET AL	* *	Case Numbers:
VS.	*	C-07-CR-19-001774
	*	C-07-CR-19-000350
Sherry Ray Eveland	*	
241 Smith Rd. Rising Sun,	*	C-07-CR-19-001538
Maryland 21911	*	C-07-CR-20-000141
Defendant	*	

### DEFENDANTS MOTION AND SUBMITTAL OF PRETRIAL OPENING STATEMENT IN THE ABOVE FOR CASES UNDER MARYLAND CRIMINAL CODE 4 – 301 AND 4 – 311. TO PRESERVE THE RECORD FOR APPEAL AS THE DEFENDANT IS BEING FORCED TO APPEAR ON AUGUST 10, 2020 WITHOUT LEGAL COUNSEL AND IN THAT ALLEGED STATES ATTORNEY'S AGENT STEPHEN IRA KROLL HAS STATED ON THE RECORD IS HIS INTENTION TO HAVE DEFENDANTS BOND REVOKED AND DEFENDANT SENT TO JAIL. EVEN THOUGH HIS CREDENTIALS I NOT BEEN SUPPLIED TO THE DEFENDANT OR TO THE COURT.

Comes now Sherry Ray Eveland hereafter defendant pursuant pro se at the time unrepresented by attorney rule 1 - 308 W/P hereafter asserting her rights as rightful beneficiary of her estate/assets not waiving any of her rights, or remedies or defenses or statutorily or procedurally legally preserved vested rights. Defendant is the injured party having suffered injury in fact by alleged plaintiffs corporation and the courts alleged officers / agents have illegally produced artificial fictitious charges against defendant to and including proceedings, judgments and orders, plus false imprisonment and fictitious judgments against defendant in the above 4 captioned cases, all which are against defendant in violation of the U.S. Constitution  $4^{th}$ ,  $5^{th}$  and  $7^{th}$  amendment rights defendant has a right to an opening statement which has been prewritten and filed with the court prior to this proceeding. In anticipation state will attempt to violate the rules and not allow defendant the right to an opening statement on the record.

1. For the record defendant has challenge the jurisdiction of the court and the alleged states attorney's legal standing through the motion practice of this court pursuant to Md. MD Code, Criminal Procedure, § 15-408. Cecil County further defendant has filed a motion with this court asking that the alleged states attorney's agent present in open court certificate of appointment to this court and a copy of the required state bond according to MD Code, Criminal Procedure, § 15-104. Duty to post bond (a) which states Conditions of bond (b) The bond shall be conditioned on the State's Attorney faithfully:(1) performing the duties of the office; and (2) accounting for funds and property received under color of the office..

2. The court's fully aware that defendant has had retain counsel. Who withdrew this representation according to the court records on July 27, 2020. It was not till this time that defendant was made aware of this hearing today and defendant is not ready for trial. Having contacted the office of Public defender as per court direction on 28 August in accordance with

MD Crim Pro Code § 16-102 (a) I was told 15 days, notice is required before request reviewed .

3. For the record. The court said on the last hearing that no continuance would be granted, and that if I did defendant appeared without an attorney. The proceedings would be moved forward with a record defendant made a good-faith effort which can be confirmed by the office of Public defender, however, out of an abundance of caution, the defendant noticed that the court issued a ruling/order and placed it on the court docket for the record the latest order of this court of 7/27/2020 a notice of appeal of the order is being filed or has been filed with this court clerk this 10<sup>th</sup> day of August 2020 as the court has not responded to motion papers demanding verification of legal standing of court its officers and states attorneys, representatives prosecuting this case.

4. Defendant is entitled to know the alleged date that the states agent Stephen Ira Kroll was appointed by this judge or another Circuit Court judge under MD Code, Criminal Procedure, § 15-109 **Appointment by circuit court** (a) before this proceeding proceeds any further as the case is already on appeal and this court has no jurisdiction or authority without producing oath of office and judicial bond along with the states attorney's articles of appointment and required state bond pursuant to MD Code, Criminal Procedure, **104. Duty to post bond** (a) which states **Conditions of bond** (b) The bond shall be conditioned on the State's Attorney faithfully:(1) performing the duties of the office;

5. Plaintiff alleged agent is appearing in court this 10<sup>th</sup> day of August 2020 as a criminal prosecutor to prosecute myself as the defendant. Even though the court is fully aware that was I as a pro se litigant now unaware of the existence of the notices to appear until the 27<sup>th</sup> day of July 2020 and a further receipt by USPS mail August 4<sup>th</sup> notice which is not in compliance with the court rules .

6. Your Honor the courts fully aware that

motion for removal and outstanding motion for continuance filed with this court which clearly indicate defendant is been forced into poverty by the misconduct of the states attorney's office and now it appears by the most recent docket entry of August 7, 2020 the court has made a ruling on the defendants August 6, 2020 motion. However, there are still several outstanding motions that have not been ruled on regarding this court's jurisdiction and authority emphasis supplied . As the court is not using Docket number numbers as required by law. Defendant is chosen to prefiled her opening statement for the record of appeal.

File Dute) Filed By:	08/06/2020	
	Motion / Request - To Continue / Postpone	
File Date: Filed By:	08/07/2020	
Filed By: Document Name:	Ruling	

7. Your Honor overview of case search.com reveals that all 4 cases above were ruled on and allegedly denied as the clerk of the court stated they would be without court waiting for plaintiff's agents response investor court had ex parte communication with the plaintiff without defendant being notified for the record to court is fully aware that defendants attorney was allowed to withdraw from these 4 cases, less than 10 days prior to the courts ruling on plaintiff's motion for

Page 5(

continuance of docketed into the record 8/6/2020 now preserved for appeal which the plaintiff's filing today once the court provides a copy of the purported order the court however has not ruled on the motion for removal challenging the jurisdiction of the court and the motives of the states attorney's office and its agents, alleged Stephen Ira Kroll alleged specially assigned.

8. In summation Your Honor the defendant has a right to know whether or not the alleged agent for the state is in this court lawfully in accordance with the above statutes and also whether the state or this court has assessed judgment liens against the remaining assets of the estate of James Ray Charles defendants deceased father who has had over \$18 million stolen from the estate with the help of the states attorney's office as numerous court records a test to the court should not profit over the failure to provide honest services in allowing the defendant to file a criminal complaint states attorney's office and the Elkton police department took a complaint in front of 2 witnesses and said that it would never be forwarded due to the fact that Ellis Rollins would never investigate a lawyer in that town belonging to his Bar Association.

9. Defendant has a right to know whether the court's charges will result in a mean against the defendant's property and the estate of James Ray Charles based on the inappropriate actions of this court and its states attorney's office. See MD Code, Criminal Procedure, § 15-109 +**§ 16-212. Liens on real or personal property Reasonable value of services** (a) defendant contest any of these claims as the state has failed to provide legal

MD Code, Criminal Procedure, § 15-104. Duty to post bond (a) Each State's Attorney shall annually provide - 106. a corporate surety bond payable to the State in the amount of \$5,000. Conditions of bond (b) The bond shall be conditioned on the State's Attorney faithfully:(1) performing the duties of the office; and (2) accounting for funds and property received under color of the office. orate agents

responsible who have failed to provide honest services in accordance with their oath of office and the Constitution of the state of Maryland as well as the United States prevailing laws and Bill of Rights. Once again this court lacks jurisdiction until also offices are produced and state bonds are identified for the courts agents courts agents and assigns respectfully submitted

Sherry Ray Eveland

**Certificate of service.** I\_\_\_\_\_\_ certify that a true and correct copy of this notice of appeal is being delivered to the office of the states attorney at 129 E. Main St., Elkton, MD with attachments in compliance with the rules 1-323 of this court By \_\_\_\_\_\_

# MEMORANDUM OF LAW IN SUPPORT OF DEFENDANTS OPENING STATEMENT

### § 16-102. Scope of title.

Universal Citation: MD Crim Pro Code § 16-102 (2017) (a) Representation of an indigent individual may be provided in
accordance with this title by the Public Defender or, subject to the supervision of the Public Defender, by the deputy public
defender, district public defenders, assistant public defenders, or panel attorneys.

Except as otherwise provided in § 16-206.

MD Code, Criminal Procedure, § 16-402

MD Code, Criminal Procedure, § 15-101, MD CRIM PROC § 15-101 (d) "State's Attorney" means the individual holding that office under Article V, § 7 of the Maryland Constitution.

MD Code, Criminal Procedure, **§ 15-102. Duty to represent State** Subject to Title 14 of this article, a State's Attorney shall, in the county served by the State's Attorney, prosecute and defend on the part of the State all cases in which the State may be interested.

MD Code, Criminal Procedure, **§ 15-104. Duty to post bond** (a) Each State's Attorney shall annually provide a corporate surety bond payable to the State in the amount of \$5,000. **Conditions of bond** (b) The bond shall be conditioned on the State's Attorney faithfully:(1) performing the duties of the office; and (2) accounting for funds and property received under color of the office.

MD Code, MD CRIM PROC § 15-104 Criminal Procedure, § 15-408 Cecil County



August 7, 2020

RE: Sherry Eveland DOB: 12/17/1966

To Whom It May Concern,

Sherry Eveland is enrolled in traditional outpatient treatment for substance use disorder at the Cecil County Health Department Alcohol and Drug Recovery Center. Sherry has been engaged in treatment since 1/30/2020. Sherry has shown improvement since she started treatment. Sherry has been very proactive since Covid19 caused as to transition our way of providing treatment. Sherry is working towards setting and achieving treatment plan goals. We recommend Sherry be given opportunity to complete treatment.

WWW.EXCILCT.CO.NTYLEATHOUGH

If you have any questions, please call (410) 996-5106

Sincerely, Kathleen Harvey CSC-AD Cecil County Health Department

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# IN THE ORPHANS' COURT BEFORE THE REGISTER OF WILLS FOR CECIL COUNTY MARYLAND BEFORE THE REGISTER OF WILLS

In The Matter of the	*				
Estate of James R. Charles	*				
Direct Descendent	*				
Successor Sherry Ray Eveland Named	*	Orphans Court case			
In the residuary estate of deceased	*	Estate # 00000019461			
241 Smith Rd. Appearing Pro Se	*				
Rising Sun, Maryland 21911	*				
Vs.	*				
Alleged personal representative et al,	*	Deceased LOOTED Estate Will			
* CIRCUIT COURT # 07-15-C-185					
Leonard E. Wilson and Dawn M. Hall	*	Petition For Carat 02/20/2016			
224 Cherry Hill Rd, Elkton, MD 21921	*	JURY TRIAL DEMANDED			
And There Alleged Attorneys et al.	*	BUT DENIED ILLEGALLY DENIED			

# MEMORANDUM TO THE COURT CLERK RECEIVING THIS MOTION, MEMORANDUM TO THE COURT CLERK RECEIVING THIS MOTION. PETITIONER HAS INCLUDED A SELF-ADDRESSED STAMPED ENVELOPE WITH A COPY OF THE COVER PAGE OF PETITIONER'S/

Rightful Descendent Sherry Ray Charles/Eveland Emergency Motion To Reopen Estate And Vacate/Nullify And Remove All Proceedings To United States District Court For The Eastern District Of Virginia Based On Newly Discovered Evidence And Have The Alleged Personal Representative Leonard Wilson Esq., His Attorney James Dellmyer Esq. With The Law Firms Of William Riddle And Their Various Sham Law Firms Pursuant To Maryland Rules 2 – 535 (B) (C), 6 – 312, 6 – 402, And 8 – 103. Personal Representative As Committed Willful Intrinsic And Extrinsic Fraud On The Court And The Estate Of Deceased James Ray Charles.

# This Emergency Motion Is Being Filed By United States USPS Certified Registered Mail Art. # 7017-3380-0000-7085-7071

**With A Pre-Stamped**, self-addressed envelope of this cover page, and the front page of the pleading as the court is closed to the public. Would you be so kind as to date stamp and return my copies for my records and that I will have evidence to file with United States District Court for additional relief as is my right under the Maryland declaration of rights 19. I thank you for your time and consideration in this matter and have a blessed day. Attachments 98 page motion and exhibits.

Respectfully submitted

Sherry Ray Eveland

Certificate of service I certify that a copy of this motion paper and memorandum was mailed first-class USPS postage-paid to the offices of Wilson. Rollins, Dallmeyer and Brown at 149 E. Main St., Elkton, MD.21921in accordance with this court's rules by\_\_\_\_\_

#### IN THE ORPHANS' COURT BEFORE THE REGISTER OF WILLS FOR CECIL COUNTY, MARYLAND, and

### **BEFORE THE REGISTER OF WILLS**

In The Matter of the Estate of James R. Charles Direct Descendent Successor Sherry Ray Eveland, Named In the residuary estate of deceased 241 Smith Rd. Appearing Pro Se Rising Sun, Maryland 21911 Vs. Alleged personal representative of deceased estate will Leonard E. Wilson and Dawn M. Hall 149 E. Main St., Elkton, MD 21921 224 Cherry Hill Rd, Elkton, MD 21921

Estate # 00000019461

FILED WITH THE REGISTER OF WILLS Cecil County, Maryland September 2, 2014 CIRCUIT COURT NO. C-15-185 Adversary proceeding

### MOTION IN OPPOSITION TO ALLEGED PERSONAL REPRESENTATIVES LEONARD WILSON AND ALLEGED PERSONAL REPRESENTATIVE ATTORNEYS JAMES A DALLMEYER AND WILLIAM F RIDDLE'S FRIVOLOUS BAD-FAITH MOTION TO DISMISS AS IT IS RIDDLED WITH FALSE ALLEGATIONS, FALSE STATEMENTS AND OUTRIGHT SCANDALOUS UNFOUNDED ACCUSATIONS UNDER MARYLAND RULES 1 – 303, 1 – 304, 1-311 AND 1– 341.

Comes now Sherry Ray Eveland Pro Prasanna under Maryland common-law rights through the motion practice in opposition to the false statements allegations put forth by alleged personal representative counsel James a Dallmeyer, with intent to deceive this court and take undue advantage of a Pro Prasanna litigant who is named as an heir to the estate even in the false last will and testament the alleged personal representative put into the court record. After removing the original from safekeeping without the authority of the court or the rightful heirs. This court has the duty to protect petitioner and the other rightful heirs to the estate. Petitioning now incorporates by reference all previous motions papers and pleadings filed with this court to preserve the record for appeal.

2. This court is fully aware that. Petitioner Sherry Ray Eveland is proceeding pro se under Maryland common-law and under **28 USC 1664** appearance personally or by counsel in all courts of the United States, the parties may claim and conduct a their own cases personally or by counsel as, by the rules of such court, respectively, are permitted to manage and conduct cases therein. June 25, 1948, c, 646, 62 Stat. 944; May 24, 1949, c. 139, §§91. 63 Dtat **DUTY OF COURT.Implicit in the right is self representation** is obligation an part of the court to make reasonable allowances to <u>protect pro se litigants from inadvertent</u> Forfeiture of important rights because of their lack of legal training . Traguth v. Zuck CA, (N.Y.) 1983. 710 FF-2D.

**3** Petitioner Sherry Ray Eveland moves that the court strike the. Pleading and papers papers allegedly filed with the court received by petitioner through the US mail [Att 1 - 5]. Alleges facts that are not supported by the record, not supported by the court docket. And refuted by the motion papers filed with this court and the Circuit Court. Challenging the alleged personal representatives legal standing. As alleged by frivolous motion papers filed by attorney James a Dallmeyer, captioned emphasis supplied.

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# MOTION TO DISMISS

Leonard Wilson, Esquire, in his capacity as Personal Representative of the Estate of James Ray Charles, by and through his attorneys, James A. Dellmyer, and the Law Office of William F. Riddle, pursuant to Md. Rule 2-322(b) moves this Court to dismiss the Petition to Caveat filed by Sherry Ray Eveland, and in support states:

**4** James a Dallmeyer, frivolous bad-faith unjustified statements outlined asserted in motion to dismiss and memorandum of law in support of motion to dismiss. Are factually incorrect not supported by the evidence already before this court. And constitute not only fraud on the court by attorney Dallmeyer his employer William Riddle and alleged personal representative Leonard Wilson Esq. all of whom have no proof before this court or any of the court that 37 years ago the deceased entered into a agreement to have attorney Wilson represent his estate. The only documents purporting to give attorney Linda Wilson standing in the court are documents Wilson drafted, Wilson acknowledged and witnessed and Wilson put into the court record, September 3, 2014 after removing the original last will and testament under safekeeping. As court docket entries indicate and court records obtained by petitioner prove.

5. Sherry Ray Eveland will not correct the record to conform with the truth while incorporating all motions in pleading papers previously filed in this court and in the Circuit Court for Cecil County Maryland as was directed by the clerk of this court Which later recanted the direction and petitioner Sherry Ray Eveland Refiled petition a copy of which is filed with both courts to preserve the record.

5. Relief requested. That this court schedule an emergency evidentiary hearing before judicial officer not having direct ties with or personal relationships with Leonard Wilson attorney at law William Riddle attorney-at-law and or his agent James A. Dallmeyer purported attorney-at-law. Petitioner does not believe that either Leonard Wilson or purported representative James A. Dallmeyer and the William Riddle law firm have any legal standing in this court. Under Maryland rule 6 – 104. It is time that the court compel the purported representative and their attorneys to produce in open court the following documents in the original form. Petitioner reinstates for the record motion paper March 3, 2015. Alleged personal representative and orders attorneys have failed to an answer answer instead choosing to file this frivolous motion this court while at the same time. Committing honest services fraud on the court and the rightful heirs of the estate. Alleged personal representative and his attorneys have failed to answer any of the following questions or provide any documentation required under Maryland rules to substantiate their false claims asserted in their most recent motion papers meant to deceive this court.

The original last will and testament and eight attachments removed from safekeeping Sentember 2 2014. required Honst services fraud refers to a 28-word sentence of <u>18 U.S.C. § 1346</u> (the federal <u>mail and wire fraud</u> statute), added by the <u>United States Congress</u> in 1988,[<u>1</u>] which states: "For the purposes of this chapter, the term *scheme or artifice to defraud* includes a scheme or artifice to deprive another of the intangible right of honest services
 Of the Estate of James R. Charles required under Md. rule 6 – 6-123 + 124

Any and all Court order authorizing alleged personal representative. Right to force the heirs to the estate out of
properties owned by the estate. Purportedly to have insider realtor sell the properties without court authorization
and/or approval as is required. required under Md. rule 6 – 171

- Any and all Court order authorizing alleged personal representative dispose of assets of the estate without public notice and or court approval. required under Md. rule 6 312 + 6 124
- Any and all Court order authorizing alleged personal representative to purportedly use assets of the estate exceeding \$16,000 to purchase required under Md. rule 6 - 312

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- Court order authorizing alleged personal representative to give preference to one Andrusd Rogers 261 W. Main st.
   Elkton Maryland 21921 by forcing family members of the property and grading so custody to the Rogers family without a court order. In violation of Md. rule 6 171 + 174.
- Any and all Court order authorizing alleged personal representative. Including any ex partake communications with court officers or agents prohibited under Md. rule 6 141 +.173 + 172.
- 6. Petitioner seeks this court to grant subpoena power to petitioner under Md. rule 6 161 + two personal representative and their attorneys and insider. Andrusd Rogers 261 W. Main st. Elkton Maryland who has boasted at the funeral that she stolen \$400,000 + from the estate prior to the death of James Ray Charles. Posting this to family members threatening and intimidating them that she would have control as personal representative and administrator of the estate even after death this improper behavior continued with the assistance of alleged personal representative Leonard Wilson Esq..

For the reasons stated herein petitioner respectfully request that this court convene an emergency hearing and require the production of documents in the original form to be produced in open court on the record before an unbiased judge from another judicial district. As a full fair and impartial proceeding cannot be obtained because of the interpersonal relationships between the officers of this court and the alleged personal representative Leonard Wilson, has now newly appointed attorney James A. Dallmeyer purported attorney-at-law and the law firm of William Riddle who has a history of misconduct before this court and other courts of Maryland. By through his connections with Cecil Bank and therefore more employees. As court records of this very court will attest to.

Sherry Ray Eveland Sherry Ray Eveland Pro Se 241 Smith Rd Rising Sun, MD 21911 Direct descendent of James R Charles Attachments 1. Evidence of mail fraud by attorney Delmar and alleged personal representative 2-3 False motion papers signed in violation of Maryland rules 1-311 + 1-341 4-6. False memorandum of law and supporting documents filed by attorney.

# **Certificate of service**

I Sherry Ray Eveland certify that a true and correct copy of this petition was mailed first-class US mail to the following parties postage-paid in accordance with the court rules along with all attachments and memorandum of law. This 10<sup>h</sup> day of March 2015

Leonard E Wilson 149 E. Main St., Elkton, MD 21921 – 5917

Timothy E Charles 459 Booth St., Elkton, MD 21921

Cheryl Phillips 421 W. Polaski Hwy., Elkton, MD 21921 James A. Dellmyer Law Office of William F. Riddle 204 East Main Street Elkton, Maryland 21921

### MEMORANDUM OF LAW IN SUPPORT OF PETITIONERS OPPOSITION TO MOTION TO DISMISS

**Honest services fraud** refers to a 28-word sentence of <u>18 U.S.C. § 1346</u> (the federal <u>mail and wire fraud</u> statute), added by the <u>United States Congress</u> in 1988,[11] which states: "For the purposes of this chapter, the term *scheme or artifice to defraud*includes a scheme or artifice to deprive another of the intangible right of honest services."[2] The statute has been applied by federal prosecutors in cases of public corruption as well as in cases in which private individuals breached a <u>fiduciary</u> duty to another. In the former, the courts have been divided on the question of whether a state law violation is necessary for honest services fraud to have occurred. In the latter, the courts have taken differing approaches to determining whether a private individual has committed honest services fraud—a test based on reasonably foreseeable economic harm and a test based on materiality. The statute, which has been a target of criticism, was given a narrow construction by the <u>Supreme Court of the United States</u> in the case of <u>Skilling v</u>. <u>United States</u>. In order to avoid finding the statute to be unconstitutionally vague, the Court interpreted the statute to only cover "fraudulent schemes to deprive another of honest services through bribes or kickbacks supplied by a third party who ha[s] not been deceived".[3]

# Meaning of "honest services" in public corruption

Honest services fraud is generally more easily proven in the public sphere than in the private, because honest services fraud by public officials can include most unethical conduct, whereas honest services fraud by private individuals only includes some <u>unethical</u> conduct. Federal courts have generally recognized two main areas of public-sector honest service fraud:<u>bribery</u> (direct or indirect), where a public official was paid in some way for a particular decision or action, and failure to disclose a <u>conflict of interest</u>, resulting in personal gain.[6]

# Necessity, or lack thereof, of state law violations

In 1997, the <u>United States Court of Appeals for the Fifth Circuit</u> decided in *United States v. Brumley* that in order for a state official to have committed honest services fraud, they must have violated the state statute defining the services which they owed to their employer (the state).

We find nothing to suggest that Congress was attempting in § 1346 to garner to the federal government the right to impose upon states a federal vision of appropriate services—to establish, in other words, an ethical regime for state employees. Such a taking of power would sorely tax separation of powers and erode our federalist structure. Under the most natural reading of the statute, a federal prosecutor must prove that conduct of a state official breached a duty respecting the provision of services owed to the official's employer under state law. Stated directly, the official must act or fail to act contrary to the requirements of his job under state law. This means that if the official does all that is required under state law, alleging that the services were not otherwise done "honestly" does not charge a violation of the mail fraud statute.[7]

Rule 1-103--Method of Citation Rule 1-103 changes the permissive method of citation of the rules. Former Rule 3 d provided that the rules be cited as "Maryland Rules"; this rule provides that the rules may be cited as "Md. Rules." In addition, the new rule specifies that a specific rule may be cited as, e.g., Rule 1-102. The old rule did not specify any method of referring to a rule individually.

Rule 1-201-Rules of Construction Rule 1-201 draws its general statement of policy from both the federal and Maryland rules and modifies several former Maryland rules. The first sentence of section (a), consistent with Federal Rule 1 and almost verbatim from Former Rule 701, states the general policy that all of the rules "shall be construed to secure simplicity in procedure, fairness in administration, and elimination of unjustifiable expense and delay." To secure these objectives, section (a) contains new provisions regarding the consequences of noncompliance with the rules. Compliance with both mandatory and prohibitory provisions is to be compelled through the measures prescribed by the rules or by statute. If the rules do not establish any particular enforcement procedure, the court may compel compliance or determine the consequences of noncompliance "in light of the totality of the circumstances and the purpose of the rul

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#### IN THE ORPHANS' COURT FOR CECIL COUNTY (OR) BEFORE THE REGISTER OF WILLS FOR CECIL COUNTY, MARYLAND

	*		
IN THE ESTATE OF:	*	Estate No.: 19461	
JAMES R. CHARLES	*		
	*		
	*		
	*		
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#### MOTION TO DISMISS

Leonard Wilson, Esquire, in his capacity as Personal Representative of the Estate of James Ray Charles, by and through his attorneys, James A. Dellmyer, and the Law Office of William F. Riddle, pursuant to Md. Rule 2-322(b) moves this Court to dismiss the Petition to Caveat filed by Sherry Ray Eveland, and in support states:

1. Petitioner/Caveator, Sherry Ray Eveland, has failed to state a cause of action that is legally sufficient to sustain a caveat of the Last Will and Testament of James R. Charles.

 Respondent/Caveatee, Leonard Wilson, Esquire, incorporates those allegations contained in the attached Memorandum as if fully set forth herein.

WHEREFORE, Leonard Wilson, Esquire, in his capacity as Personal Representative of the Estate of James Ray Charles, moves the Court to dismiss the Petition for Caveat, and for any such other relief as the nature of his cause may require.

James A. Delmyer

Law Office of William F. Riddle 204 E. Main Street Elkton, Maryland 21921 (410) 620 – 1343 (410) 398 – 5502 fax jadellmyer@willriddlelaw.com

JAMES A. DELLMYER, ESQ.

LAW OFFICE OF WILLIAM F. RIDDLE

204 EAST MAIN STREET ELKTON, MD 21921

(410) 620-1343 (400) 398-5502 Pax

WILLRIDDLELAW, COM

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CERT	TFIC/	ATE	OF	SER'	VICE

I HEREBY CERTIFY that on this 2<sup>rd</sup> day of March, 2015, a copy of the foregoing Motion to Dismiss was sent via first class mail, postage prepaid, to:

Timothy E. Charles 261 West Main Street Elkton, Maryland 21921

Cheryl Philips 421 West Pulaski Highway, Apt. 17 Elkton, Maryland 21921

Sherry Ray Eveland 241 Smith Road Rising Sun, Maryland 21911

James A. Dellmyer

JAMES A. DELLMYER, ESQ.

LAW ÖFFICE OF WILLIAM F. RIDDLE

204 EAST MAIN STREET ELETON, MD 21921

(410) 620-1343 (410) 398-5502 Fax

WILLRIDDLELAW.COM

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Att-2

Att-3



# IN THE ORPHANS' COURT FOR CECIL COUNTY (OR) BEFORE THE REGISTER OF WILLS FOR CECIL COUNTY, MARYLAND

IN THE ESTATE OF: JAMES R. CHARLES \* \* \* \* \* \* \* \* \* \* \* \* \* \* \*

#### MEMORANDUM OF LAW IN SUPPORT OF MOTION TO DISMISS

Personal Representative, Leonard Wilson, Esquire, of the Estate of James R. Charles, by and through his attorneys, James A. Dellmyer and the Law Office of William F. Riddle, Esquire, pursuant to Md. Rules 2-322(a), 2-322(b) and 2-341 submits this Memorandum in Support of Motion to Dismiss and states the following:

#### STATEMENT OF FACTS

James Ray Charles did execute a Last Will and Testament on or about February 4, 2004. James Ray Charles departed this life, and the Last Will and Testament was admitted to probate on September 3, 2014. On or about February 20, 2015, Sherry Ray Eveland filed a Petition to Caveat the Last Will and Testament of James Ray Charles. Leonard Wilson, Esquire has been appointed Personal Representative of the Estate of James Ray Charles, by virtue of his appointment under the Last Will and Testament.

#### ARGUMENT

Maryland Rule 2-322(b) provides, in relevant part, that defenses may be made by motion to dismiss in an answer or in any other appropriate manner after answer is filed including, but not limited to, failure to state a claim upon which relief can be granted. The court should assume the truth of all well-pleaded facts and allegations in the complaint, as well as the inferences reasonably drawn from them. *Afamefune ex rel. Afamefune v. Suburban Hospital, Inc.*, 385 Md. 677, 870 A.2d 592 (2005). In a motion to dismiss for failure to state a claim upon which relief can be granted the defendant asserts that, despite the truth of the allegations, the plaintiff is

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barred from recovery as a matter of law. *Porterfield v. Mascari II, Inc.*, 374 Md. 402, 823 A.2d 590 (2003). The purpose of a motion to dismiss for failure to state a claim upon which relief can be granted is to have legal questions decided before trial of the action on the merits. *Porterfield*, 374 Md. 402.

A Petition to Caveat a Last Will and Testament may be based upon allegations that the Last Will and Testament was not executed pursuant to Estates & Trusts Article 4-102. Here, the Petition to Caveat is devoid of any allegations that the Last Will and Testament does not meet the requirements of Estates & Trusts 4-102. There is a bald and conclusory allegation made by Petitioner which contains that the "will and codicil are not valid documents...", but this allegation is not sufficient as a matter of law to constitute a claim. Likewise, the Petition is entirely lacking any allegation related to the testamentary capacity of James Ray Charles. A review of the Petition shows that there is no allegation which contends that Mr. Ray was not of sound mind at the time of the execution of the Last Will and Testament, as is required to sustain a caveat on this basis. *Oliver v. Hays*, 121 Md.App. 292 (1998).

The Petition to Caveat does not alleged facts which support a claim of undue influence. A Will is invalid if it was obtained by the use of undue influence imposed upon the testator which claim must support by alleging certain facts which show that the Testator's free was subject to force or coercion. *Orwick v. Moldawer*, 150 Md. App. 528 (2003). The Petition to Caveat does not make any allegation which supports a claim of undue influence, and does not, as a result, properly state a claim upon which relief can be granted.

#### CONCLUSION

As a matter of law, Ceaveator, Sherry Ray Eveland, has failed to allege any facts which support any of the legal theories from which a Petition to Caveat may sound, and the Petition should be dismissed. Instead, Ms. Eveland seems focused on alleged misconduct by the Personal Representative, going so far as to question this Court's appointment of him as Personal Representative. The other allegations contained in the Petition focus upon an unknown individual removing documents from court records, and that Mr. Ray departed this life with more assets than identified on an accounting. If the Petitioner has a grievance with any accounting of the Estate then the appropriate method of seeking relief is to file exceptions to any such account

Page 64

James A. Dellmyer Law Office of William F. Riddle 204 East Main Street Elkton, Maryland 21921 (410) 620-1343 (410) 398-5502 fax jadellmyer@willriddlelaw.com Counsel for Personal Representative of the Estate of James Ray Charles

# MEMORANDUM OF LAW IN SUPPORT OF DEFENDANTS OPENING STATEMENT

# § 16-102. Scope of title.

Universal Citation: <u>MD Crim Pro Code § 16-102 (2017)</u> (a) Representation of an indigent individual may be provided in accordance with this title by the Public Defender or, subject to the supervision of the Public Defender, by the deputy public defender, district public defenders, assistant public defenders, or panel attorneys.

# Except as otherwise provided in § 16-206.

MD Code, Criminal Procedure, § 16-402

MD Code, Criminal Procedure, § 15-101, MD CRIM PROC § 15-101 (d) "State's Attorney" means the individual holding that office under Article V, § 7 of the Maryland Constitution.

MD Code, Criminal Procedure, § 15-102. Duty to represent State Subject to Title 14 of this article, a State's Attorney shall, in the county served by the State's Attorney, prosecute and defend on the part of the State all cases in which the State may be interested.

MD Code, Criminal Procedure, § 15-104. Duty to post bond (a) Each State's Attorney shall annually provide a corporate surety bond payable to the State in the amount of \$5,000. Conditions of bond (b) The bond shall be conditioned on the State's Attorney faithfully:(1) performing the duties of the office; and (2) accounting for funds and property received under color of the office.

MD Code, MD CRIM PROC § 15-104 Criminal Procedure, § 15-408 Cecil County

ALL CECIL COUNTY JUDGES AND STATES ATTORNEYS OFFICE PERSONNEL REFUSED TO PRODUCE THEIR LEGAL STANDING AND CAPACITY AS THE STATUTE LAW ABOVE REQUIRES IS IT BECAUSE THEY FEEL THEY ARE ABOVE THE LAW AND THE and our United States CONSTITUTION/BILL OF RIGHTS. And THE STATE OF MARYLAND's....?

