

STATE OF MICHIGAN
BEFORE THE JUDICIAL TENURE COMMISSION

COMPLAINT AGAINST

Hon. Joseph D. Slaven
23rd District Court
Taylor, MI
_____ /

FC No. 108

RESPONDENT'S ANSWER TO COMPLAINT

NOW COMES, Respondent, Hon. Joseph D. Slaven, P61705, In Pro Per, in Answer to the Complaint, and also asserts the right to further explain, detail, support, supplement and discuss these responses at any later motion or hearing. Respondent also incorporates by reference any and all attachments, exhibits, emails, correspondences and documents that the Judicial Tenure Commission has sent in this matter and that Respondent has sent to the Commission. For the Answer, Respondent states the following:

1. Respondent admits the allegations contained in Paragraph 1.
2. Respondent admits the allegations contained in Paragraph 2.
3. Respondent admits the allegations contained in Paragraph 3.
4. Respondent admits the allegations contained in Paragraph 4.
5. Respondent denies the allegations contained in Paragraph 5 and as such leaves Disciplinary Counsel to their proofs. Respondent further relies on the caselaw, statutes and First Amendment as affirmative defenses to these allegations. In the leading case, *Sullivan v. Gray*, the Michigan Court of Appeals concluded that “the statutory language, on its face, unambiguously excludes participant recording from the definition of eavesdropping by limiting the subject conversation to ‘the private discourse of others.’” 117 Mich.App. 476, 324 N.W.2d 58, 60 (1982) (per curiam). Under *Sullivan*, a participant in a conversation does not violate MCL 750.539c by recording the conversation without the other party’s knowledge or consent. In the case of *Fisher v Perron*, 30 F4th 289, 295–96 (CA 6, 2022), there is a great discussion of the *Sullivan v Gray* case and about how one party does not need the consent of the other in a private conversation. *Fisher* case said: The appellate court construed the statute according to Michigan

law, which defines “eavesdropping” as based on “the private discourse of others,” to determine what behaviors § 750.539a and § 750.539c deem illegal. *Sullivan*, 324 N.W.2d at 59–60. ...

Apart from *Sullivan*, Respondent notes the numerous cases that have since cited or relied on *Sullivan*’s conclusion that the eavesdropping statute allows for participant recording. Other Michigan Court of Appeals decisions, along with opinions from federal district courts applying Michigan law have cited *Sullivan* regularly as support for the conclusion that Michigan’s eavesdropping statute is inapplicable to participant recordings. See, e.g., *Lewis v. LeGrow*, 258 Mich.App. 175, 670 N.W.2d 675, 683–84 (2003); *Courser v. Mich. House of Reps.*, 831 F. App’x 161, 179 (6th Cir. 2020); *People v. Williams*, No. 346689, 2020 WL 2601567, at *3 (Mich. Ct. App. May 21, 2020) (per curiam); *Ferrara v. Detroit Free Press, Inc.*, 52 F. App’x 229, 233 (6th Cir. 2002). Even the Fisher court went on to note, “in the past two years, we have twice cited *Sullivan* to support the proposition that the Michigan eavesdropping statute does not cover participant recordings. *Courser*, 831 F. App’x at 179; *Gamrat v. McBroom*, 822 F. App’x 331, 334 (6th Cir. 2020). . . . we agree with the district court that, under the current law in Michigan, a participant does not violate Michigan’s eavesdropping statute by recording a conversation without the consent of the other participants.

Furthermore, Respondent was under no obligation to Judge Shackelford as this was an in person conversation and Respondent can tell her no. Respondent relies on the First Amendment and on the following holdings. The United States Supreme Court in *Gertz v. Robert Welch, Inc.*, 418 U.S. 323, 341, 94 S.Ct. 2997, 41 L.Ed.2d 789 (1974) stated that “[t]he First Amendment requires that we protect some falsehood in order to protect speech that matters.” In *United States v. Alvarez*, 567 US 709, 722; 132 S Ct 2537; 183 L Ed 2d 574 (2012), the Court held that while Alvarez’s statements were false, the First Amendment protects even knowingly false speech, unless it causes legally recognized harm (such as fraud or defamation). “The Government has not demonstrated that false statements generally should constitute a new category of unprotected speech.” *Id.* Respondent had the right to tell Judge Shackelford no and her had the right to record the conversation for his protection of the truth of the conversation.

Further, when this Request for Investigation began, the JTC investigator set a set of questions for Respondent to answer. Specifically, Question 17 of the February 23, 2024 JTC letter to Judge Slaven asked, “Have you heard that employees in the courthouse say they are either on team Slaven or team Shackelford? If so: Have you done anything to try to dissuade this attitude among the staff? If so, what have you done?”

It is a good thing that I did exercise my right to record that conversation with Judge Shackelford because now this investigation has moved away from that question once the JTC investigators heard the recording, one than no one knew existed, that I freely turned over to them and I asked them to please listen to it because it contained, right from the beginning, that I explained to Judge Shackelford all the problems that were going on and the “Team” stuff and that it should all just be Team 23rd District Court. She assured Respondent that it would be but never kept her word. When JTC Investigator Jurva-Brinn asked Respondent about this very issue, I told her then that I was glad that my recording saved and preserved the truth against the false accusations that were being levied against Respondent.

COUNT TWO

6. Respondent lacks information necessary to either admit or deny the allegations contained in Paragraph 6 and as such leaves Disciplinary Counsel to their proofs. Respondent is aware that at some point, Mr. Tinney filed paperwork with the Secretary of State to have his name added as a candidate for Judge. The assertion in Paragraph 6 is only partially correct, lacking a specific start date. Additionally, It is Respondent’s understanding that Mr. Tinney was never actually and officially certified as a candidate according to the Secretary of State/Bureau of Elections/Board of Canvassers. To that end, he was never a candidate so Paragraph 6 would be an inaccurate assessment of the facts and reality. Respondent is unsure when the moniker of “candidate” officially is created.

7. Respondent denies the allegations contained in Paragraph 7 and states that the piece of artwork, a gift created by my minor daughter, was not present in my courtroom on Law Day. Respondent has a photo taken by the Court Administrator Deanna Warunek that shows my whole courtroom on that day. The piece of art had been permanently relocated to my private chambers by the time the Law Day event took place. Regardless, it did not have any information or language on it that said “vote for” or anything of that nature. It was a piece of art that read: “Always be trustworthy, impartial, nice, neighborly, empathetic, and yearning.

8. Respondent denies the allegations contained in Paragraph 8. Respondent found out Mr. Tinney was officially running when he called Respondent on the day he filed his paperwork with the State, I don’t recall the exact date, but it was sometime in or around the third week of April of 2024. Before that time, I only knew that he was loosely thinking about it but was still mentally hurt by how his last venture ended and was simply not committed at that time. There was nothing

definitive or concrete. In fact, there were many moments in and around that time frame where I believed that he was not going to run. But, what is certain is that he was not running at that time, not until he actually file and was properly and officially certified as a candidate in April of 2024. Therefore, respondent leaves Disciplinary Counsel to their proofs.

9. Due to the fact that Paragraph 9 references only partial statements of an off the record private conversation, Respondent lacks information necessary to either admit or deny the allegations contained in Paragraph 9 and as such leaves Disciplinary Counsel to their proofs. Respondent also objects to any video gathered in violation of Michigan Court Rule 8.115 - Courtroom Decorum because they are unauthorized recordings of Court proceedings and Court participants without the express consent and authority of the Judge who was presiding over those matters, i.e. the Respondent. See, MCR 8.115(3)(a). Furthermore, MCR 8.115 (7) states specifically, "Violations of this rule are punishable by appropriate sanctions up to and including contempt of court as determined in the discretion of the court." Any video taken without by anyone, without the authority of the presiding judge, creating a recording using their phone or some other portable electronic device and it is recording my official Court YouTube channel is in violation of the above Court Rule. Additionally, see also *Somberg v. Cooper*, 582 F. Supp. 3d 438 (E.D. Mich. 2022) which held that taking such a picture from the internet feed is a violation of MCR 8.115 for the reasons stated above. Respondent still has not been given the name of the individual who took the pictures, video and recordings for any and all Attachments/Exhibits that have been referred to by the Commission in its investigation. Respondent believes that it needs to be determined whether a Contempt Proceeding needs to be initiated for violation of the Court Rule.

To the extent that Paragraph 9 is alluding to JTC Request for Investigation Attachment 14, Respondent was talking to my court office and court recorder. Respondent was just talking about a fundraiser that Respondent was at. Respondent I did say "long time Taylor resident." I talked about going to a fundraiser with a friend and a conversation that my friend and I had with regard to the law and looking at the facts of every case and how the founding fathers of the country did an amazing job of setting up our form of governance. This was just an off the record discussion between coworkers who were simply "chewing the fat." The fact that the microphone was not muted is the only reason anyone would be able to overhear the conversation. If the person who pirated this video in violation of MCR 8.115 would have violated MCR 8.115 with a different day's video, they might have captured a conversation on a range of topics including but not limited to theoretical physics, roofing practices and best recipes for the crock pot.

10. Respondent admits, in part, and denies, in part, the allegations contained in Paragraph 10

and as such leaves Disciplinary Counsel to their proofs. Respondent denies the allegations that the public service announcement was used for anything other than a public service announcement. Respondent admits that it was done to promote important social causes and show that the Judiciary cares about such things. Respondent was motivated and inspired by the email/memo put out by the Michigan Supreme Court in 2022. It talked about the several year decline in trust issues with the public, the formation of the Michigan Judicial Council (29 members) that would seek innovations and a strategic agenda that focused on public trust and understanding. Respondent believed that was a great idea as he was already bringing students and classrooms into the court and actively working in community outside of the courtroom. Respondent points to one of the continuing Judicial Education classes that he is required to watch. Specifically, the one hour credit course called Enhancing Public Trust Through Bench-Community Connections. In it, According to Hon. Susan Dobrich (ret.) Project Director of the Michigan Judicial Council, Civic education is a tool that can inspire future court leaders and staff, lawyers, jurors, workers, court litigants, court journalists, and the like. This human connection can be impactful and powerful in developing the court's relationship with the public. . . . Leadership in civic education is essential to getting our messages out. The class goes on to say "[a] judge should initiate and participate in community outreach activities for the purpose of promoting public understanding of and confidence in the administration of justice." Comment on Rule 1.2, Promoting Confidence in the Judiciary, ABA Model Code of Judicial Conduct. The presentation says that you can reach out and/or partner with local clubs like "Elks, Moose, & More." That includes, logically, the Masonic Lodges of which Respondent is a member. In fact, Mr. Tinney and myself were both on the Community Outreach committee. That is why he and I came up with topics for public service announcements that meant something personal to us and to put out positive public service messages. Mr. Tinney was not running for any position at that time. I saw the memo from the Michigan Supreme Court about being active in the community and how we all need to try to raise the public perception of the courts. Respondent believed that this was a good idea.

11. Respondent admits, in part, and denies, in part, the allegations contained in Paragraph 11 and as such leaves Disciplinary Counsel to their proofs. Respondent admits to showing the Landlord Tenant Advice of Rights PowerPoint presentation. Respondent takes his job very seriously and wants to insure that the litigants are fully and completely informed of their rights, their case, and their legal options. Part of the PowerPoint is graphics. Respondent did not have PowerPoint in high school or even in college. It is not a program that Respondent is full familiar with. Mr. Tinney is well versed and assisted Respondent with creating, editing and addition

graphics. Respondent admits to thanking Mr. Tinney for his help and giving him proper credit for his contributions. Simply to thank him for helping Respondent put together that PowerPoint. It very useful and helps to ensure LT litigants get a good understanding of their rights and the help that is available to them in the community. In fact, this presentation is so good that Judge Sabrina Johnson asked if she could use it for her Landlord Tenant docket. So, Mr. Tinney helped modify my version and add elements of the 22nd District Court in Inkster. Respondent is amazed that he would not be allowed to thank individuals who have assisted the court with something. Mr. Tinney helped Respondent with the presentation, Respondent did not want to take credit for work that was not totally his and Respondent believes what his Father taught him, "you give credit, where credit is due." Respondent further object to this paragraph on First Amendment grounds. Respondent has a right to thank someone with being attacked for the same.

12. Respondent denies the allegations contained in Paragraph 12 and leaves Disciplinary Counsel to their proofs.

13. Respondent denies the allegations contained in Paragraph 13 and leaves Disciplinary Counsel to their proofs. Respondent does, on many occasions, use the court printer for files that Respondent uses during court proceedings. Respondent has personally named one file in particular that matches the one listed in Paragraph 13. However, that file was specifically given that name for a reason, i.e. because it would attract attention by those who like to spy on Respondent using the cameras that are in my courtroom. The only way to make such a log and to know that I printed anything was by illegal use of the camera system. That document was not political in nature. It was to create documents for my use on the bench. It is not 160 copies, it is two sided so it is really only 80. There is an additional request for investigation that was never originally given to Respondent, but upon knowledge of such oversight, was mailed to Respondent by Disciplinary Co-counsel Jurva-Brinn. There were attachments, if you look at the Word document that was emailed to Respondent, which is not part of any RFI or other attachment/exhibit, entitled "Slaven using court resources for campaigning 9-20-24," the name of the file was purposely chosen to prove that the administration staff of the Court (Deanna Warunek and Judge Shackleford) misuse court equipment and resources to spy on Respondent. It is the only way to prove it along with things like Paragraph 46. I took a file, that I normally use nearly a hundred times a week, and gave it a file name of my choosing. A file name that would surely make those illegally eavesdropping and watching Respondent on camera would surely see and say, "Ah ha!"

14. Respondent denies the allegations contained in Paragraph 14 and leaves Disciplinary Counsel to their proofs. Paragraph 14, that document was not political in nature. It was to create documents for my use on the bench. It is for use in election cases where misdemeanors have been committed such as MCL 168.744. This such violations will be heard in the District Court and I need to know where those polling locations are each election cycle. In fact, SCAO sends out emails in and around the third week of every October, when it is an election year, that begins with.... *"Please read the recent memorandum regarding election related litigation."* (For example, Emails from Tom Boyd dated 10-19-2020, 10-18-2022, 10-22-2024). The link is right in the email so that we can read up on anything that SCAO wants to bring to the attention of the judiciary as a whole. There are always situations about Circuit Courts and what legal issues they would likely see; but, on the District Court level the following misdemeanors could easily occur at any given poll, i.e. MCL 168.744, MCL 168.727, MCL 168.931, MCL 168.931a, MCL 168.931b, and felonies under MCL 168.932, MCL 168.932a. The Taylor precinct map has changed over the years so have the polling locations. So, I always update those. I printed two copies because the first copy did not come out correctly as to size. It cut off half the city. You can find that very same map at the following from the City's own website. That is were I got it and turned it into a pdf. <https://www.cityoftaylor.com/DocumentCenter/View/6781/Voters-Precinct-Map?bidId=>

Respondent is including that map with this response so you can see how it printed. I tried to make it shrink and change the print settings but the second one came out equally as bad. I ended up printing out a different file from the City which can be found at:

<https://www.cityoftaylor.com/DocumentCenter/View/6780/Polling-Locations>

I saved this with the save file this with the same file name and had the computer replace and overwrite the file.

15. Respondent denies the allegations contained in Paragraph 15 and leaves Disciplinary Counsel to their proofs.

COUNT THREE

16. Respondent lacks information necessary to either admit or deny the allegations contained in Paragraph 16 and as such leaves Disciplinary Counsel to their proofs.

17. Respondent denies the allegations contained in Paragraph 17 and leaves Disciplinary Counsel to their proofs because the snippet quoted in Paragraph 17 is taken entirely out of context

and is twisted into something that it is not. Respondent told the Investigators in this matter several times that the phrase simple minded buffoon refers to anyone who intentionally perverted a Facebook post of Mr. Tinney's that he put up about Law Day festivities. The letters in binary sequence is a private message from Respondent to Mr. Tinney, coded in a way that only he would know. The Investigators in this matter asked several times what the message was, but Respondent has First Amendment rights to have private conversations with others in virtually any forum, public or private, that are totally and constitutionally protected as it does not fall into any of the unprotected categories of speech, i.e. Obscenity, Pornography, Defamation, Fraud, Incitement, True threats or Fighting words. With all due respect, Respondent understands that certain First Amendment protections were relinquished when becoming a Judge (barred from endorsing non-judicial candidates) but Respondent never gave up those First Amendment protections that are held most sacred. Again, with all due deference, the Commission is a government body and Respondent is allowed to keep his personal conversation private without being compelled to reveal the same or suffer punishment.

18. Respondent denies the allegations contained in Paragraph 18 and leaves Disciplinary Counsel to their proofs because Respondent has already stated that he is under no obligation to share his personal, private conversation with the Commission. There are no names used and any alleged inference found in Paragraph 18 is contrary to Respondent's First Amendment protections.

19. Respondent denies the allegations contained in Paragraph 19 and leaves Disciplinary Counsel to their proofs and the allegations of Canon violation are improper because there are no "persons" in Respondent's post. "[T]he First Amendment protects a public employee's right, in certain circumstances, to speak as a citizen addressing matters of public concern." *Id.* (quoting *Garcetti v. Ceballos*, 547 U.S. 410, 417, 126 S.Ct. 1951, 164 L.Ed.2d 689 (2006)). A "matter of public concern" is one that involves "issues about which information is needed or appropriate to enable the members of society to make informed decisions about the operation of their government." *Brandenburg v. Housing Auth. of Irvine*, 253 F.3d 891, 898 (6th Cir.2001) (quoting *McKinley v. City of Eloy*, 705 F.2d 1110, 1114 (9th Cir.1983)). This was about Mr. Tinney's post regarding the public event of Law Day and how he stated that he enjoyed participating and how Respondent pointed out that there should be no way to misconstrue Mr. Tinney's post as it was clear on its face. This matter had already been sent into the Commission in what Respondent believes was RFI No. 2022-24829 which was found in the June 30, 2023 letter from the JTC to Respondent to be "without merit and has dismissed it without requesting" Respondent's response. So, now, this is a second bite at the same apple? This is a punitive matter that Respondent now

confronts by these allegations. The First Amendment protects public employees from retaliation based on their speech. To establish a First Amendment retaliation claim, a public employee must show (1) that he engaged in constitutionally protected speech; (2) that his employer's disciplinary action would have chilled an ordinary person from exercising their First Amendment rights; and (3) that the protected speech was a "substantial or motivating" factor in his employer's disciplinary decision. *Westmoreland v. Sutherland*, 662 F.3d 714, 718 (6th Cir.2011). Respondent relies on these First Amendment protections herein.

20. Respondent admits the allegations contained in Paragraph 20 and has never stated that this was not said. Respondent also objects to any video gathered in violation of Michigan Court Rule 8.115 - Courtroom Decorum because they are unauthorized recordings of Court proceedings and Court participants without the express consent and authority of the Judge who was presiding over those matters, i.e. the Respondent. See, MCR 8.115(3)(a). Furthermore, MCR 8.115 (7) states specifically, "Violations of this rule are punishable by appropriate sanctions up to and including contempt of court as determined in the discretion of the court." Any video taken without by anyone, without the authority of the presiding judge, creating a recording using their phone or some other portable electronic device and it is recording my official Court YouTube channel is in violation of the above Court Rule. Additionally, see also *Somberg v. Cooper*, 582 F. Supp. 3d 438 (E.D. Mich. 2022) which held that taking such a picture from the internet feed is a violation of MCR 8.115 for the reasons stated above. Respondent still has not been given the name of the individual who took the pictures, video and recordings for any and all Attachments/Exhibits that have been referred to by the Commission in its investigation. Respondent believes that it needs to be determined whether a Contempt Proceeding needs to be initiated for violation of the Court Rule. Respondent at all times was the presiding Judge of the Courtroom and never gave any permission or consent to have any recordings made of the proceedings. As such, Respondent notes that there are a line of cases that hold that "evidence that has been illegally obtained ... is inadmissible." *James v Illinois*, 493 US 307, 313; 110 S Ct 648; 107 L Ed 2d 676 (1990). Using this material that was gathered in violation of MCR 8.115 is the ethical equivalent of the unclean hands principle. *Performance Unlimited, Inc. v. Questar Publishers, Inc.*, 52 F.3d 1373, 1383 (6th Cir.1995).

21. Respondent denies the allegations contained in Paragraph 21 and leaves Disciplinary Counsel to their proofs. Respondent has already noted that this is his personal opinion based upon substantive factual support. Respondent also relies on the First Amendment protections for his personal opinions.

22. Respondent denies the allegations contained in Paragraph 22 and leaves Disciplinary

Counsel to their proofs. The allegations in Paragraph 22 are not a correct statement of reality. Respondent explained to the investigators that Respondent was speaking about himself. Respondent was speaking rhetorically about himself because Respondent was told by Judge Shackelford in their first meeting and at subsequent meetings (and this was why Respondent recorded those in person meetings to preserve and protect the truth) that he would be able to handle his own docket. He was told -- because he had told her about how he understood and knew the law, so she was clear to him that "you're the judge. You know what you're doing. You know the court rules. As long as it's being done by the court rules." But that was not the case because Respondent was being overridden on virtually every aspect of his position from adding and changing his docket without asking, telling clerks to not follow my directives regarding docketing and scheduling of matters, not allowing me to meet with and discuss case issues and changes in the law with the clerks who were directly handling my cases, reaching out in ex parte fashion to litigants (but only select litigants) without my consent or input, just to name a few. Respondent also objects to any video gathered in violation of Michigan Court Rule 8.115 - Courtroom Decorum because they are unauthorized recordings of Court proceedings and Court participants without the express consent and authority of the Judge who was presiding over those matters, i.e. the Respondent. See, MCR 8.115(3)(a). Furthermore, MCR 8.115 (7) states specifically, "Violations of this rule are punishable by appropriate sanctions up to and including contempt of court as determined in the discretion of the court." Any video taken without by anyone, without the authority of the presiding judge, creating a recording using their phone or some other portable electronic device and it is recording my official Court YouTube channel is in violation of the above Court Rule. Additionally, see also *Somberg v. Cooper*, 582 F. Supp. 3d 438 (E.D. Mich. 2022) which held that taking such a picture from the internet feed is a violation of MCR 8.115 for the reasons stated above. Respondent still has not been given the name of the individual who took the pictures, video and recordings for any and all Attachments/Exhibits that have been referred to by the Commission in its investigation. Respondent believes that it needs to be determined whether a Contempt Proceeding needs to be initiated for violation of the Court Rule. Respondent at all times was the presiding Judge of the Courtroom and never gave any permission or consent to have any recordings made of the proceedings. As such, Respondent notes that there are a line of cases that hold that "evidence that has been illegally obtained ... is inadmissible." *James v Illinois*, 493 US 307, 313; 110 S Ct 648; 107 L Ed 2d 676 (1990). Using this material that was gathered in violation of MCR 8.115 is the ethical equivalent of the unclean hands principle. *Performance Unlimited, Inc. v. Questar Publishers, Inc.*, 52 F.3d 1373, 1383 (6th Cir.1995).

23. Respondent denies the allegations contained in Paragraph 23 and leaves Disciplinary Counsel to their proofs. None of the comments were directed to Judge Shackelford.

24. Respondent denies the allegations contained in Paragraph 24 and leaves Disciplinary Counsel to their proofs. The bible was used to swear parties in. My bench and camera were in compliance with the Order. The order states that “[a] judge must be seen on camera with a full face view via their desktop camera during all Zoom proceedings.” My full face was seen during every Zoom proceeding. The order does not say continually. Additionally, and by way of perfect example, Attachment 5 and 7 of the original RFI, incorporated herein by reference, show a picture of me, this is when Respondent is writing on the file and or reading information in the file. Respondent is looking down because Respondent has to see where Respondent is writing, I need to see the words in order to read them. Same is true any time I need to write, look or read something in a file. There is no Judge anywhere who stares at the camera and never moves. It would be utterly impossible to do so and accomplish my docket. Additionally, the order does not state that Respondent has to constantly keep staring at the camera. So, yes, “a judge must be seen on camera” and Respondent was in every proceeding.

25. Respondent denies the allegations contained in Paragraph 25 and leaves Disciplinary Counsel to their proofs. This writer also objects to Attachment 8 (and any other Attachments) which are in clear violation of Rule 8.115 - Courtroom Decorum because they are unauthorized recordings of Court proceedings and Court participants without the express consent and authority of the Judge who was presiding over those matters. See, MCR 8.115(3)(a). Furthermore, MCR 8.115 (7) states specifically, “Violations of this rule are punishable by appropriate sanctions up to and including contempt of court as determined in the discretion of the court.” In fact, in attachment 8, one can clearly see that this is a recording being made by a phone or some other portable electronic device and it is recording my official Court YouTube channel the title of which is clearly visible. Additionally, see also *Somberg v. Cooper*, 582 F. Supp. 3d 438 (E.D. Mich. 2022) which held that taking such a picture from the internet feed is a violation of MCR 8.115 for the reasons stated above. This writer would like to know the name of the individual who took the pictures for any and all Attachments/Exhibits so that it can be determined whether a Contempt Proceeding needs to be initiated for violation of the Court Rule.

As for this video clip, Respondent is having two different conversation with two different people at the same time. As for who the conversations were with, one with the Detective, the other, with my Court Recorder. The conversation with the Det. is meant to rectify an allegation that my face is not showing on the Zoom proceedings. The Bible was there to swear people in during court

and because it my personal bible that I was sworn in on as a Judge and as Mason both times by my father. Respondent's full face gets shown during Zoom proceedings. It is not required to be full face all the time. Respondent has to write, read, look at things, turn my head, etc. In fact, in this clip, I talk about having my leg up. Respondent's knee was hurting and I needed to elevate the same. I can't see what other people see on Zoom, so, I asked the Det. Respondent was explaining to him (notably that full discussion is cut out of and not appearing in Question 38 of the original RFI questions) the reason Respondent is asking about Respondent's face. I knew he was observant, a good detective and an honest gentleman, so I asked him if he could see my face so that I could have confirmation of the same while the Zoom proceedings was going. That information was crucial to ensure that Respondent was fully complying with the scheduling order. How else would I know if my face is showing unless I asked? As for the other conversation with my court recorder, that was of a personal nature, a private conversation that we had started back in my chambers before we came out to the courtroom.

26. Respondent denies the allegations contained in Paragraph 26 and leaves Disciplinary Counsel to their proofs.

27. Respondent denies the allegations contained in Paragraph 27 and leaves Disciplinary Counsel to their proofs. This writer also objects to Attachment 20 (and any other Attachments) which are in clear violation of Rule 8.115 - Courtroom Decorum because they are unauthorized recordings of Court proceedings and Court participants without the express consent and authority of the Judge who was presiding over those matters. See, MCR 8.115(3)(a). Furthermore, MCR 8.115 (7) states specifically, "Violations of this rule are punishable by appropriate sanctions up to and including contempt of court as determined in the discretion of the court." In fact, in attachment 20, one can clearly see that this is a recording being made by a phone or some other portable electronic device and it is recording my official Court YouTube channel as you can see the title of my YouTube page and you can see them manipulating the controls with a mouse. Additionally, see also *Somberg v. Cooper*, 582 F. Supp. 3d 438 (E.D. Mich. 2022) which held that taking such a picture from the internet feed is a violation of MCR 8.115 for the reasons stated above. This writer would like to know the name of the individual who took the pictures for any and all Attachments/Exhibits so that it can be determined whether a Contempt Proceeding needs to be initiated for violation of the Court Rule. As for the statement alleged in Paragraph 27, I was repeating what I had just heard two people say as it threw me for a loop and surprised me. I didn't quite understand, then my Court Recorder, who I can see but who is just off camera, started pointing to the other courtroom. Then I realized what they were attempting to say was Shackelford, not "Shacoofool" which is what I heard it as. My hearing it not the greatest and I am in need of hearing aides. So, as I realized what they were saying, I also then realized that they were not intentionally making fun of her name or misspeaking it intentionally so there was no need to reprimand them or anything.

28. Respondent denies the allegations contained in Paragraph 28 and leaves Disciplinary Counsel to their proofs. This writer also objects to any and videos which are in clear violation of Rule 8.115 - Courtroom Decorum because they are unauthorized recordings of Court proceedings and Court participants without the express consent and authority of the

Judge who was presiding over those matters. See, MCR 8.115(3)(a). Furthermore, MCR 8.115 (7) states specifically, "Violations of this rule are punishable by appropriate sanctions up to and including contempt of court as determined in the discretion of the court." In fact, in attachment 21 of the RFI, incorporated by reference, one can clearly see that this is a recording being made by a phone or some other portable electronic device and it is recording my official Court YouTube channel as you can see the title of my YouTube page and you can see them manipulating the controls with a mouse. Additionally, see also *Somberg v. Cooper*, 582 F. Supp. 3d 438 (E.D. Mich. 2022) which held that taking such a picture from the internet feed is a violation of MCR 8.115 for the reasons stated above. This writer would like to know the name of the individual who took the pictures for any and all Attachements/Exhibits so that it can be determined whether a Contempt Proceeding needs to be initiated for violation of the Court Rule.

I listened to this clip several times and had Ms. Hancock do the same. It is very muffled. What I do believe that I said was "God, time it" as I was about to ask Ms. Hancock for the time that it starts as she had it up on her computer. I don't have an extra computer to have JIS up. Ms. Hancock heard the question from the lady as well and already was giving me the 1 o'clock sign and you can hear me say that and then Ms. Hancock even repeats it. I don't know the times for dockets that are not mine so I would not just know that information. But I say it before Ms. Hancock does and that is because she was holding up her finger to indicate 1 oclock. I didn't violate any of the Canons or any sections of the Canons. I was super patient with someone who was not even on my docket, who was taking up time from my docket. I spent a considerable amount of time with that lady as I do every person who wrongly signs into my docket. As for the other Judge nomenclature, there are only two Judges in Taylor, I already identified myself.

Shackelford is the other judge. I was not disrespectful or discourteous to anyone.

29. Respondent denies the allegations contained in Paragraph 29 and leaves Disciplinary Counsel to their proofs. This video clip violates Michigan's Eavesdropping Statute, MCL § 750.539 et seq. Someone started a zoom call and remotely turned on the Polycom in this writer's courtroom. I was off the record, not on zoom, not in session. This was an unauthorized recording using digital device without consent from someone not in the courtroom. This is also evident do to the subtitles. I have never used or turned on subtitles on zoom. This writer would like to know the name of the individual who took the pictures for any and all Attachements/Exhibits so that it can be determined whether a Contempt Proceeding needs to be initiated for violation of the Court Rule. Additionally, it violates MCR 8.115 as Respondent gave no one permission or consent to record any conversation. Lastly, this was a private conversation, there was no docket, no cases, just Respondent, a court officer and Ronnee Hancock, Respondent's Court reporter. I was not referring to Shackelford. I was having a private conversation with my Court Officer, Scott Kemp. His father and my father both recently passed just a few months prior to this Jan 16, 2024 date. Both of our fathers were around the same age and had similar personalities and dispositions. Both of them also grew up in rougher times and saved everything. We were discussing the shear amount of "stuff" that our fathers had collected, kept, stored, stashed, you name it and now it was on us to tidy things up. His mother had also passed so he had told me about the situation he was having of going through stuff and figuring out what to sell, what to keep, what to throw away, etc. I was then telling him about the time when my mom passes and that I will be bringing in burn barrels. That is what happens when someone eavesdrops on a private conversation and doesn't have any context.
30. Respondent denies the allegations contained in Paragraph 30 and leaves Disciplinary Counsel to their proofs. Respondent objects to any and all videos which are in clear

violation of Rule 8.115 - Courtroom Decorum because they are unauthorized recordings of Court proceedings and Court participants without the express consent and authority of the Judge who was presiding over those matters. See, MCR 8.115(3)(a). Furthermore, MCR 8.115 (7) states specifically, "Violations of this rule are punishable by appropriate sanctions up to and including contempt of court as determined in the discretion of the court." In fact, in attachment 23, one can clearly see that this is a recording being made by a phone or some other portable electronic device and it is recording my official Court YouTube channel as you can see the title of my YouTube page and you can see them manipulating the controls with a mouse. Additionally, see also *Somberg v. Cooper*, 582 F. Supp. 3d 438 (E.D. Mich. 2022) which held that taking such a picture from the internet feed is a violation of MCR 8.115 for the reasons stated above. This writer would like to know the name of the individual who took the pictures for any and all Attachments/Exhibits so that it can be determined whether a Contempt Proceeding needs to be initiated for violation of the Court Rule. My diction was positive as opposed to negative or neutral. My tone was subjective, intimate and emotional. It was from personal belief and experience. I was speaking about politics in general and the conversation arose because of President Biden and his obvious diminution in physical and mental ability over that last few years. I never spoke about anyone's load carrying ability other than my own. So I was making generalizations i.e. the examples of milk men and doctors. Respondent wasn't talking about anyone other than my own load bearing prowess. Respondent likes to have a busy docket. It is exciting work and makes the day go by unlike small dockets. Respondent is constantly upping the amount of cases that can be efficiently and effectively handled. Respondent has periodic meeting and strategy talks with his recorder and scheduling clerks. All of the implications and allegations in this paragraph are untrue. I was not using my office for anything other than handling my docket.

COUNT FOUR

31. Respondent denies the allegations contained in Paragraph 31 and leaves Disciplinary Counsel to their proofs. In an in person conversation with Respondent, Administrator Warunek and Judge Shackelford, Judge Shackelford asked Respondent to do half of all her civil cases for her. This conversation was recorded to preserve the truth of what was said. In response, Respondent said no, because that would be burdensome on the clerks because how would they know which cases to give to Respondent, which to give to Judge Shackelford and that they could just assign all the Landlord Tenant cases which would make it simpler for them. So, Respondent offered that he would do all of the Landlord Tenant cases as that is a subject he teaches and he had already written up a flow chart to try to help Judge Shackelford with those case. He had even sat on the bench with her while she was doing said cases to help her understand and learn them. Administrator Warunek thought that made more sense and yes, it would be easier for the clerks. Respondent said in that meeting that he would agree to this arrangement because he understood that Judge Shackelford did not know the Landlord Tenant law and rules, it would give her time to catch up on the same but only on the condition that he is given total control of the docketing, scheduling and caseflow of that Landlord Tenant docket (Respondent knew that it would take at

least two days for all the LT cases and needed to adjust his normal routine to fit it in). That is the playing games. Administrator Warunek and Judge Shackelford knew from that email what playing games meant. No one else was in the meeting and they did not know. Instead of allowing Respondent to set the cases as he needed, the Administrator and Judge Shackelford, interfered with and changed what Respondent had told to the clerks to do. Respondent also notes that his cases that are assigned to him are to be set by him, at his direction and guidance pursuant to Rule 2.401 Pretrial Procedures; Conferences; Scheduling Orders. The chief judge rule does not allow a chief judge to override a direct court rule, such as 2.401. Respondent had that responsibility.

32. Respondent lacks information necessary to either admit or deny the allegations contained in Paragraph 32 and as such leaves Disciplinary Counsel to their proofs. The statements/allegations in Paragraph 32 somehow make a leap of faith in translating the email. Respondent does not make assumption but rather looks at the language used and stated. Respondent found the email to be unclear and made no sense. The emails speak for themselves and are incorporated herein by reference. Pursuant to MCR 2.401, Respondent, as the presiding Judge of a case assigned to him, has every right to send directives to the clerks handling the case. The Chief judge rule does not allow the chief judge to negate an established court rule. RULE 8.112 (A) (1) A trial court may adopt rules regulating practice in that court if the rules are not in conflict with these rules and regulate matters not covered by these rules.

33. Respondent denies the allegations contained in Paragraph 33 and leaves Disciplinary Counsel to their proofs. The emails speak for themselves and are incorporated herein by reference. Pursuant to MCR 2.401, Respondent, as the presiding Judge of a case assigned to him, has every right to send directives to the clerks handling the case. The Chief judge rule does not allow the chief judge to negate an established court rule. The Chief judge rule does not allow the chief judge to negate an established court rule. RULE 8.112 (A) (1) A trial court may adopt rules regulating practice in that court if the rules are not in conflict with these rules and regulate matters not covered by these rules.

34. Respondent denies the allegations contained in Paragraph 34 and leaves Disciplinary Counsel to their proofs. The emails speak for themselves and are incorporated herein by reference. Pursuant to MCR 2.401, Respondent, as the presiding Judge of a case assigned to him, has every right to send directives to the clerks handling the case. The Chief judge

rule does not allow the chief judge to negate an established court rule. The Chief judge rule does not allow the chief judge to negate an established court rule. RULE 8.112 (A) (1) A trial court may adopt rules regulating practice in that court if the rules are not in conflict with these rules and regulate matters not covered by these rules.

35. Respondent denies the allegations contained in Paragraph 33 and leaves Disciplinary Counsel to their proofs. The emails speak for themselves and are incorporated herein by reference. Pursuant to MCR 2.401, Respondent, as the presiding Judge of a case assigned to him, has every right to send directives to the clerks handling the case. The Chief judge rule does not allow the chief judge to negate an established court rule. The Chief judge rule does not allow the chief judge to negate an established court rule. RULE 8.112 (A) (1) A trial court may adopt rules regulating practice in that court if the rules are not in conflict with these rules and regulate matters not covered by these rules.

Additionally, Respondent refers to and incorporates by reference, the answer to Paragraph 31 above, specifically that fact that Respondent had been asked by Judge Shackelford to sit with her on her bench and walk her through landlord tenant cases on her docket. Respondent had also given her a flow chart on how to do those cases. This email is not negative, rather, Respondent was once again offering assistance if Judge Shackelford need to some more guidance regarding the landlord tenant court rules or changes in the law.

COUNT FIVE

36. Respondent denies the allegations contained in Paragraph 36 and leaves Disciplinary Counsel to their proofs. Respondent had always worn a robe. In fact, Respondent created a “zoom robe” that was used for zoom that was shorter than a full length robe. When reviewing a statute, all non-technical “words and phrases shall be construed and understood according to the common and approved usage of the language,” MCL 8.3a, and, if a term is not defined in the statute, a court may consult a dictionary to aid it in this goal. McCormick v Carrier, 487 Mich 180, 191–92; 795 NW2d 517 (2010) citing *Oakland Co. Bd. of Co. Rd. Comm'rs v. Mich. Prop. & Cas. Guaranty Ass'n*, 456 Mich. 590, 604, 575 N.W.2d 751 (1998). Additionally, “general rules of statutory construction—including the canon that a specific statute applies over a general one.” Milne v Robinson, 513 Mich 1, 12; 6 NW3d 40 (2024). Rules concerning the interpretation of statutes apply with equal

force to the interpretation of court rules. *Hinkle v. Wayne Co. Clerk*, 467 Mich. 337, 340, 654 N.W.2d 315 (2002), cited by In re Estate of Moukalled, 269 Mich App 708, 713; 714 NW2d 400 (2006). MCR 8.115 (B) states, “Judicial Robe. When acting in his or her official capacity in the courtroom, a judge shall wear a black robe.” There is no specific definition of “robe” found in any Michigan Court Rule. According to Webster’s Dictionary, “wear” is a transitory verb meaning to bear or have on the person. Dictionary.com defines the word as “to carry or have on the body or about the person as a covering, equipment, ornament, or the like.”

37. Respondent denies the allegations contained in Paragraph 37 and leaves Disciplinary Counsel to their proofs. Respondent had always worn a robe. When reviewing a statute, all non-technical “words and phrases shall be construed and understood according to the common and approved usage of the language,” MCL 8.3a, and, if a term is not defined in the statute, a court may consult a dictionary to aid it in this goal. McCormick v Carrier, 487 Mich 180, 191–92; 795 NW2d 517 (2010) citing *Oakland Co. Bd. of Co. Rd. Comm’rs v. Mich. Prop. & Cas. Guaranty Ass’n*, 456 Mich. 590, 604, 575 N.W.2d 751 (1998). Additionally, “general rules of statutory construction—including the canon that a specific statute applies over a general one.” Milne v Robinson, 513 Mich 1, 12; 6 NW3d 40 (2024). Rules concerning the interpretation of statutes apply with equal force to the interpretation of court rules. *Hinkle v. Wayne Co. Clerk*, 467 Mich. 337, 340, 654 N.W.2d 315 (2002), cited by In re Estate of Moukalled, 269 Mich App 708, 713; 714 NW2d 400 (2006). MCR 8.115 (B) states, “Judicial Robe. When acting in his or her official capacity in the courtroom, a judge shall wear a black robe.” There is no specific definition of “robe” found in any Michigan Court Rule. According to Webster’s Dictionary, “wear” is a transitory verb meaning to bear or have on the person. Dictionary.com defines the word as “to carry or have on the body or about the person as a covering, equipment, ornament, or the like.”
38. Respondent denies the allegations contained in Paragraph 38 and leaves Disciplinary Counsel to their proofs. Respondent had always worn a robe. When reviewing a statute, all non-technical “words and phrases shall be construed and understood according to the common and approved usage of the language,” MCL 8.3a, and, if a term is not defined in the statute, a court may consult a dictionary to aid it in this goal. McCormick v Carrier, 487 Mich 180, 191–92; 795 NW2d 517 (2010) citing *Oakland Co. Bd. of Co. Rd. Comm’rs v. Mich. Prop. & Cas. Guaranty Ass’n*, 456 Mich. 590, 604, 575 N.W.2d 751 (1998).

Additionally, “general rules of statutory construction—including the canon that a specific statute applies over a general one.” Milne v Robinson, 513 Mich 1, 12; 6 NW3d 40 (2024). Rules concerning the interpretation of statutes apply with equal force to the interpretation of court rules. *Hinkle v. Wayne Co. Clerk*, 467 Mich. 337, 340, 654 N.W.2d 315 (2002), cited by In re Estate of Moukalled, 269 Mich App 708, 713; 714 NW2d 400 (2006). MCR 8.115 (B) states, “Judicial Robe. When acting in his or her official capacity in the courtroom, a judge shall wear a black robe.” There is no specific definition of “robe” found in any Michigan Court Rule. According to Webster’s Dictionary, “wear” is a transitory verb meaning to bear or have on the person. Dictionary.com defines the word as “to carry or have on the body or about the person as a covering, equipment, ornament, or the like.”

39. Respondent denies the allegations contained in Paragraph 39 and leaves Disciplinary Counsel to their proofs. Respondent had always worn a robe. When reviewing a statute, all non-technical “words and phrases shall be construed and understood according to the common and approved usage of the language,” MCL 8.3a, and, if a term is not defined in the statute, a court may consult a dictionary to aid it in this goal. McCormick v Carrier, 487 Mich 180, 191–92; 795 NW2d 517 (2010) citing *Oakland Co. Bd. of Co. Rd. Comm'rs v. Mich. Prop. & Cas. Guaranty Ass'n*, 456 Mich. 590, 604, 575 N.W.2d 751 (1998). Additionally, “general rules of statutory construction—including the canon that a specific statute applies over a general one.” Milne v Robinson, 513 Mich 1, 12; 6 NW3d 40 (2024). Rules concerning the interpretation of statutes apply with equal force to the interpretation of court rules. *Hinkle v. Wayne Co. Clerk*, 467 Mich. 337, 340, 654 N.W.2d 315 (2002), cited by In re Estate of Moukalled, 269 Mich App 708, 713; 714 NW2d 400 (2006). MCR 8.115 (B) states, “Judicial Robe. When acting in his or her official capacity in the courtroom, a judge shall wear a black robe.” There is no specific definition of “robe” found in any Michigan Court Rule. According to Webster’s Dictionary, “wear” is a transitory verb meaning to bear or have on the person. Dictionary.com defines the word as “to carry or have on the body or about the person as a covering, equipment, ornament, or the like.”
40. Respondent denies the allegations contained in Paragraph 40 and leaves Disciplinary Counsel to their proofs. Respondent had always worn a robe. When reviewing a statute, all non-technical “words and phrases shall be construed and understood according to the common and approved usage of the language,” MCL 8.3a, and, if a term is not defined in

the statute, a court may consult a dictionary to aid it in this goal. McCormick v Carrier, 487 Mich 180, 191–92; 795 NW2d 517 (2010) citing *Oakland Co. Bd. of Co. Rd. Comm'rs v. Mich. Prop. & Cas. Guaranty Ass'n*, 456 Mich. 590, 604, 575 N.W.2d 751 (1998). Additionally, “general rules of statutory construction—including the canon that a specific statute applies over a general one.” Milne v Robinson, 513 Mich 1, 12; 6 NW3d 40 (2024). Rules concerning the interpretation of statutes apply with equal force to the interpretation of court rules. *Hinkle v. Wayne Co. Clerk*, 467 Mich. 337, 340, 654 N.W.2d 315 (2002), cited by In re Estate of Moukalled, 269 Mich App 708, 713; 714 NW2d 400 (2006). MCR 8.115 (B) states, “Judicial Robe. When acting in his or her official capacity in the courtroom, a judge shall wear a black robe.” There is no specific definition of “robe” found in any Michigan Court Rule. According to Webster’s Dictionary, “wear” is a transitory verb meaning to bear or have on the person. Dictionary.com defines the word as “to carry or have on the body or about the person as a covering, equipment, ornament, or the like.”

41. Respondent denies the allegations contained in Paragraph 41 and leaves Disciplinary Counsel to their proofs. Respondent had always worn a robe. When reviewing a statute, all non-technical “words and phrases shall be construed and understood according to the common and approved usage of the language,” MCL 8.3a, and, if a term is not defined in the statute, a court may consult a dictionary to aid it in this goal. McCormick v Carrier, 487 Mich 180, 191–92; 795 NW2d 517 (2010) citing *Oakland Co. Bd. of Co. Rd. Comm'rs v. Mich. Prop. & Cas. Guaranty Ass'n*, 456 Mich. 590, 604, 575 N.W.2d 751 (1998). Additionally, “general rules of statutory construction—including the canon that a specific statute applies over a general one.” Milne v Robinson, 513 Mich 1, 12; 6 NW3d 40 (2024). Rules concerning the interpretation of statutes apply with equal force to the interpretation of court rules. *Hinkle v. Wayne Co. Clerk*, 467 Mich. 337, 340, 654 N.W.2d 315 (2002), cited by In re Estate of Moukalled, 269 Mich App 708, 713; 714 NW2d 400 (2006). MCR 8.115 (B) states, “Judicial Robe. When acting in his or her official capacity in the courtroom, a judge shall wear a black robe.” There is no specific definition of “robe” found in any Michigan Court Rule. According to Webster’s Dictionary, “wear” is a transitory verb meaning to bear or have on the person. Dictionary.com defines the word as “to carry or have on the body or about the person as a covering, equipment, ornament, or the like.”

COUNT SIX

42. Respondent denies the allegations contained in Paragraph 42 and leaves Disciplinary Counsel to their proofs.

43. Respondent denies the allegations contained in Paragraph 43 and leaves Disciplinary Counsel to their proofs. The bible was used to swear parties in. My bench and camera were in compliance with the Order. The order states that "[a] judge must be seen on camera with a full face view via their desktop camera during all Zoom proceedings." My full face was seen during every Zoom proceeding. The order does not say continually. Additionally, and by way of perfect example, Attachment 5 and 7 of the original RFI, incorporated herein by reference, show a picture of me, this is when Respondent is writing on the file and or reading information in the file. Respondent is looking down because Respondent has to see where Respondent is writing, I need to see the words in order to read them. Same is true any time I need to write, look or read something in a file. There is no Judge anywhere who stares at the camera and never moves. It would be utterly impossible to do so and accomplish my docket. Additionally, the order does not state that Respondent has to constantly keep staring at the camera. So, yes, "a judge must be seen on camera" and Respondent was in every proceeding.

44. Respondent denies the allegations contained in Paragraph 44 and leaves Disciplinary Counsel to their proofs. The bible was used to swear parties in. My bench and camera were in compliance with the Order. The order states that "[a] judge must be seen on camera with a full face view via their desktop camera during all Zoom proceedings." My full face was seen during every Zoom proceeding. The order does not say continually. Additionally, and by way of perfect example, Attachment 5 and 7 of the original RFI, incorporated herein by reference, show a picture of me, this is when Respondent is writing on the file and or reading information in the file. Respondent is looking down because Respondent has to see where Respondent is writing, I need to see the words in order to read them. Same is true any time I need to write, look or read something in a file. There is no Judge anywhere who stares at the camera and never moves. It would be utterly impossible to do so and accomplish my docket. Additionally, the order does not state that Respondent has to constantly keep staring at the camera. So, yes, "a judge must be seen on camera" and Respondent was in every proceeding. I put the flowers there after talking with Paul Paruk. Those flowers were meaningful to me. The placement was chosen so that the word "Bible" would not be seen. In the judicial branch, taking an oath of truth is parallel to laying the cornerstone of a building. When a person comes to Court and swears to tell "the truth, the whole truth, and nothing but the truth," it is more than a meager formality. It is a deep and philosophical pledge to maintain the principles of justice. This tradition has been part of legal

proceedings for centuries, reflecting the inherent understanding that honesty is the bedrock upon which a fair legal system stands. This promise has profound consequences. It is a powerful bond that holds everyone in a legal case accountable for telling the truth. This ensures that the information shared in court is reliable and trustworthy. If people could say whatever they wanted without consequences, chaos would reign and justice would crumble. Moreover, the act of taking an oath reminds us that the pursuit of truth is more important than personal interests. It says, "I will put aside my own feelings or fears and speak only what I know to be true." This commitment, whether made by witnesses, defendants or others, reinforces the credibility of the entire legal process. So, Yes, taking an oath in Court firmly promote public confidence in our Judicial System.

45. Respondent denies the allegations contained in Paragraph 45 and leaves Disciplinary Counsel to their proofs.

COUNT SEVEN

46. Respondent denies the allegations contained in Paragraph 46 and leaves Disciplinary Counsel to their proofs. Those are the dates just weeks before Respondent's scheduled meeting with the JTC Investigators on June 5, 2024. Respondent has been lied to, spied on by the Court Administrator and Chief Judge. Respondent knew the question before JTC Investigator asked it. Respondent knew the only way to prove the spying was to demonstrate that they are watching even though that "security camera" was not being used for any security. There was no one loose in the back hallway, no prisoner had escaped a jail cell, no threat of violence or malicious destruction of property was happening. Judge Shackelford sent an email before the cameras were installed, saying "they are just for security purposes and they don't even have any audio capability." Yet, she has used them several times in violation of the Michigan Eavesdropping Staute, MCL § 750.539 et seq. regarding private conversations I was having in my courtroom when there was no cases, no docket, off the recording completely. She has even disseminated such information in felony violation of a later section of the statute. Proof of the same was testified to by Taylor resident Nicholas Demetrachina at the Taylor Ethics board hearing. Respondent was being monitored and watched. Respondent left a camera on his bench, just to see what would happen. Withing days, Respondent gets an email from the new Region 1 SCAO director Zenell Brown about not have recording devices or cameras except the one installed. Respondent does not need to be watched. Respondent did the only thing he could to draw attention to the fact that he was being spied upon. He even used an umbrella many times to come past that camera but Respondent supposes that

that was not “juicy enough” to be included in the complaint.

47. Respondent denies the allegations contained in Paragraph 47 and leaves Disciplinary Counsel to their proofs.

COUNT EIGHT

48. Respondent denies the allegations contained in Paragraph 48 and leaves Disciplinary Counsel to their proofs. Respondent believes that this statement is taken out of context. Zoom Clerks are not inherently useful or useless. It really depends on the clerk. In my courtroom, I never needed one. When there was no Zoom, I greeted people who came into my courtroom and was able to ascertain who they were, what case they were there for, what will be happening next in the courtroom, etc. When the need for Zoom came about, I was naturally good at this as I am very experienced running my computer, how it works, figuring out the applications of Zoom and its functionality. I quickly incorporated many of Zoom's options and effects. In fact, I believe that I demonstrated this ability at the first meeting at the JTC in their conference room as I used the Zoom program to share documents so that everyone could see. In fact, I still use Zoom in this fashion. I am my own “Zoom clerk” meaning that I run Zoom on all of my cases, except those where the scheduling order does not allow me to do so. As to whether they are helpful, not really. They only do my Criminal docket. The scheduling order only calls for them to be used on the criminal docket, not civil. The reason that they wanted the Zoom clerks is because they wanted to get money, grant money I think Shackelford said, it is in the recorded conversation that I already provided titled “11.18.22” and it is at the 24 min mark. The whole conversation with Shackelford about the Zoom clerks starts at around the 21 min mark. (see also the email from DW about grant money and the exhibit with the grant money – all found in file for Question 39 that I sent). I told her that I do not have any inherent problem with having a Zoom clerk. I went on to explain that the Zoom clerk is not going to order me to “go back to the main session” in my own courtroom. Having Zoom clerks has not changed anything from before. Helpful to me means efficient. The efficiency has not increased because the Zoom clerk is there. . In fact, SCAO sent out the best practices regarding Zoom hearings. See the exhibits in Question 39 that I gave on the disk. Specifically, see “Best practices control the courtroom judge as host and he makes co host as needed” – “MJL - Remote Proceedings Checklist” – “district-court_criminal-

videoconferencing-bench-card” – “9 9 22 Additional Videoconferencing Resources Available sent from Jamie Lewis of the State SCAO I can be host” The zoom clerks were doing things that were not proper. They were putting two defendants into the same breakout room (this is bad because if they then tal” district-court_criminal-videoconferencing-bench-cardk about their criminal cases to each other, then they could become a witness in the other case. No different than two defendants talking in the same jail cell. The difference between jail cell and breakout room is that the Court is now “setting the stage” for such interactions, that should never be the case.) The unprofessionalism of the zoom clerks, I brought to their (Shackelford and Warunek’s)(meeting of 11.18.22 audio file) attention. That is my job to control the decorum of the court room. MCR 8.115 See all of the screenshots I was able to capture of the zoom clerks not acting professionally, see the images found in file Question 40 that I sent on that disk. This is why I saved everything. Warunek and Shackelford are attempting to twist the truth. Hence why I recorded in person conversations. In the conversation of 11.18 referenced supra, I told both Shackelford and Warunek about the things that the clerks are doing. According to the State Court Administrative Office Michigan Trial Courts Virtual Courtroom Standards and Guidelines April 7, 2020 Revised September 2022, Courts Must Act as Zoom Host to Control Meetings Zoom has a number of features to control who may enter a virtual hearing and who may speak during it. The host of the proceeding has the ability to mute and unmute all participants in the virtual courtroom, but the host must be logged into Zoom to create that control. Zoom also allows the designation of a co-host; judges can be the host and a staff member, either a clerk or recorder/operator, can be the co-host and manage participants. The host can also engage a feature that mutes participants upon entry into the virtual courtroom. Judges should advise participants that they are using that feature. Participants who want to speak may “raise their hand;” the host can then unmute them so they can speak. The judge is responsible for maintaining order and decorum just as they do in the physical courtroom. Remove Disruptive Participants Zoom allows a host to remove a participant, if needed. If the court is using the waiting room feature, a participant can be returned to the waiting room. That participant cannot rejoin the meeting on their own and can only be readmitted by the host. MCR 8.115 still controls.

49. Respondent denies the allegations contained in Paragraph 49 and leaves Disciplinary Counsel to their proofs. Respondent incorporates the answer to Paragraph 48 as if herein restated.

50. Respondent denies the allegations contained in Paragraph 50 and leaves Disciplinary Counsel to their proofs. Respondent has the power to hold a clerk in contempt if they are not abide by the Judges requests or if they are disrespectful to the Court. Respondent relies on all of the following. Michigan Judicial Institute, Setting Up and Conducting a Remote Proceeding Checklist “This checklist identifies the process for setting up and conducting a remote court proceeding using the Zoom videoconferencing service (“Zoom”). A Zoom proceeding is referred to as a “meeting,” and this checklist is intended to guide the meeting’s host. The host of the meeting is able to control participants and manage the meeting space . . . If the judge wants to be the host, he or she can make a court employee a co-host...” Directly after this paragraph, MJJ included a direct click link that takes you to Zoom’s website where is gives more information about hosting meetings and Host powers. The first sentence there says, “Host controls allow you as the host to control various aspects of a Zoom meeting, such as managing the participants.” In the subsequent section of the MJJ checklist, it talks about conducting the hearing and states, “Conduct the hearing. Remain cognizant of maintaining order and decorum. Throughout the hearing, the host will use the in-meeting controls to manage the logistics of the hearing (for example, mute and unmute participants, bring participants in from the waiting room, and manage chat messages if you elect to enable that feature).” Every trial judge is charged with the primary responsibility of ensuring that the judicial proceedings over which he presides are carried out with decorum and dispatch and thus has very broad discretion in ordering the day-to-day activities of his court. *CBS Inc v Young*, 522 F2d 234, 241 (CA 6, 1975). The power to hold a party, attorney, or other person in contempt is the ultimate sanction the trial court has within its arsenal, allowing it to punish past transgressions, compel future adherence to the rules of engagement, i.e., the court rules and court orders, or compensate the complainant.⁴ In *In re Contempt of Robertson*, Contempt of court is broadly characterized as “a willful act, omission, or statement that tends to impair the authority or impede the functioning of a court.” *In re Contempt of Robertson*, 209 Mich. App. 433, 436, 531 N.W.2d 763 (1995). Because the power to hold a party in contempt is so great, it “carries with it the equally great responsibility to apply it judiciously and only when the contempt is clearly and unequivocally shown.” *In re Contempt of Auto Club Ins Ass'n*, 243 Mich App 697, 707–08; 624 NW2d 443 (2000). Interestingly enough, a court's authority in this area does not originally come from an external source, such as a statute. Rather, the power to hold a party in contempt is inherent in the judiciary as generally established in Const. 1963, art. 6, § 1. As the Supreme Court commented in *In re Huff*:⁸ There is inherent power in the courts, to the full extent that it existed in the courts of England at the common law, independent of, as well as by reason of statute, which

is merely declaratory and in affirmation thereof, to adjudge and punish for contempt.... Such inherent power extends not only to contempt committed in the presence of the court, but also to constructive contempt arising from refusal of defendant to comply with an order of the court. Such power, being inherent and a part of the judicial power of constitutional courts, cannot be limited or taken away by act of the legislature nor is it dependent on legislative provision for its validity or procedures to effectuate it. Still, the Legislature has reinforced this inherent power by enacting a number of statutes that permit the courts to punish contempt.⁹ MCL 600.1701; MSA 27A.1701, the general contempt statute, is particularly relevant in this case. It permits “[t]he supreme court, circuit courts, and all other courts of record ... to punish by fine or imprisonment, or both, persons guilty of any neglect or violation of duty or misconduct” in enumerated circumstances.¹⁰ Those persons and circumstances include: (c) All attorneys ... and all other persons in any manner duly elected or appointed to perform any judicial or ministerial services, for any misbehavior in their office or trust, or for any willful neglect or violation of duty, for disobedience of any process of the court, or any lawful order of the court, or any lawful order of a judge of the court or of any officer authorized to perform the duties of the judge. * * * (g) Parties to actions, attorneys, counselors, and all other persons for disobeying any lawful order, decree, or process of the court. See, *In re Contempt of Auto Club Ins Ass'n*, 243 Mich App 697, 708–10; 624 NW2d 443 (2000).

51. Respondent denies the allegations contained in Paragraph 51 and leaves Disciplinary Counsel to their proofs. Respondent incorporates the answer to Paragraph 50 as if herein restated.

52. Respondent denies the allegations contained in Paragraph 52 and leaves Disciplinary Counsel to their proofs. Respondent incorporates the answer to Paragraph 50 as if herein restated.

COUNT NINE

53. Respondent lacks information necessary to either admit or deny the allegations contained in Paragraph 53 and as such leaves Disciplinary Counsel to their proofs because of several reasons. First, Respondent has never owned a van. As paragraph 53 references a van that is not owned by Respondent, Respondent is unable to speak to the license plate or registration of a vehicle that Respondent does not own.

54. Respondent denies the allegations contained in Paragraph 54 and leaves Disciplinary Counsel to their proofs. I do know that in Michigan, police officers can run license plates through LEIN (Law Enforcement Information Network) for legitimate law enforcement

purposes, such as checking for warrants or stolen vehicles. However, it is prohibited to use LEIN information for personal or non-law enforcement purposes, and misuse can result in criminal penalties. I am very aware that there are many prohibited uses of LEIN and LIEN Information. LIEN cannot be used by police officers or any other individual/group/agency to run license plates solely out of curiosity or to gather personal information about a driver or vehicle owner. Additionally, LEIN information should not be used for purposes unrelated to law enforcement, such as finding a neighbor's name or verifying a vehicle's registration for personal reasons. Further, police officers are prohibited from disclosing LEIN information to the public or unauthorized individuals, according to the LEIN Policy Manual. Using LEIN information for purposes other than those outlined in the CJIS Policy Council Act or LEIN Administrative Rules is prohibited.

Misusing LEIN information is a misdemeanor punishable by imprisonment for up to 93 days, a fine of up to \$500.00, or both. RESPONDENT will also note that pursuant to the LIEN Policy Manual, it states that personal use of LEIN is forbidden by both statute and policy. A user agency shall not disseminate information received through the LEIN to a private person. RESPONDENT believe that you violated such policy by disseminating Gayle Slaven's information to me via the information relayed to me in your paragraph 2. Additionally, RESPONDENT believe that there is nothing in the LEIN Policy Manual that allows for any agency to simply run Gayle Slaven's plate information for curiosity after the fact based on a picture. As noted, agencies with proper LEIN access/authority must witness such a vehicle firsthand and must have a proper reason for the search. Secondary dissemination of information obtained from LEIN/NCIC occurs when the information is distributed beyond the original requesting agency. Agencies are required to have a policy and procedure for recording secondary dissemination of criminal history information. Documentation must include the name of the receiving agency (must be an authorized recipient of LEIN/NCIC information), the date of dissemination and the name of the person it was given to. Documentation must be maintained for a minimum of one year. At no time should an unauthorized party be given, allowed to view, hear or otherwise access information obtained from LEIN/NCIC contained in a case file.

The Driver's Privacy Protection Act (DPPA), 18 U.S.C. § 2725, is a federal law enacted to protect the privacy of personal information collected by state Departments of Motor Vehicles (DMVs). The statute prohibits the disclosure of personal information without the express consent of the person to whom such information applies. The DPPA makes it unlawful for any person to knowingly obtain or disclose personal information from a motor vehicle record for any use not permitted under the

statute (*Reno v. Condon*, 528 U.S. 141 (2000)). A person who knowingly violates the DPPA can be held civilly liable for actual damages, punitive damages, attorney fees, and appropriate equitable relief (*Roth v. Guzman*, 650 F.3d 603 (2011), (*Wiles v. Ascom Transport System, Inc.*, 478 Fed.Appx. 283 (2012)). This includes situations where personal information is obtained or disclosed for impermissible purposes, such as unauthorized access to license plate information.

Each person who is authorized to store, process, and/or transmit information on a Michigan CJIS system shall be uniquely identified by use of a unique identifier. LEIN user agencies shall require users to identify themselves uniquely before the user is allowed to perform any actions on the system. LEIN user agencies shall ensure that all user IDs belong to currently authorized users. Identification data shall be kept current by adding new users and disabling former users.

Please state the name, LIEN "unique identifier" ID for anyone who ran Gayle Slaven's license plate and ownership details.

To ensure that LEIN and NCIC data is properly used and/or disseminated and to facilitate audit and investigative functions, LEIN policy requires that the LEIN operator's name and the name of the requester and the identity of his/her agency, be included on all LEIN and NCIC inquiries. Each search has a "Purpose Code." These are the codes used to specify the reason for accessing LIEN records and determine the scope of the search.

Please supply this information as well and include the "Purpose Code(s)" that were utilized in the LEIN search of Gayle Slaven's information.

As for the rest of your paragraph 2, I have no knowledge about the license plate status of any vehicle that I do not personally own, as such, I have no comment about what my mother and/or my father did or didn't do with regard to the secretary of state and the vehicles that they owned. Also, what is the license plate that you are referring to in Paragraph 2? And how was this plate allegedly "illegible?" For clarification, please explain what you mean by that statement. Do you mean that you could not tell the plate number? If so, how did you run the plate in LEIN? Lastly, I again cannot respond or answer questions about license plates that are not mine. I am only responsible and have knowledge of my own license plate, the plate number of the same having previously been given to your agency in a prior response. Respondent does know that in Michigan, if a police officer witnesses a violation of the Motor Vehicle Code (or a local ordinance that substantially corresponds to it), and the violation is a civil infraction, they can stop the individual, make a record of the vehicle, and issue a citation. According to M.C.L. 257.742, a police officer may issue a citation for a civil infraction if the officer witnesses the individual violating the act or a local ordinance substantially corresponding to the act. This statute explicitly states

that witnessing the infraction is a prerequisite for the officer to stop, detain, and issue a citation. There are specific exceptions to the requirement that a police officer must witness the infraction firsthand. For example, M.C.L. 257.602b allows a police officer to issue a citation for using a mobile electronic device while operating a motor vehicle without witnessing the infraction firsthand. In civil infraction cases, the district court may assess costs and conduct hearings where the issuing officer's presence is required as the witness of the violation. Failure of such a material witness is grounds for dismissal which further supports the notion that the officer's firsthand witnessing of the infraction is crucial for issuing a citation and adjudication of the same. Legal precedents also support the requirement for an officer to witness the infraction firsthand. In *Herrada v. City of Detroit*, the court noted that parking citations issued by police officers are allegations of civil infractions rather than conclusive findings of guilt, emphasizing the need for proper witnessing and procedural adherence. *Herrada v. City of Detroit*, 275 F.3d 553 (2001). Similarly, in *Scofield v. City of Detroit*, the court highlighted the necessity of probable cause for conducting a traffic stop for a civil infraction, reinforcing the importance of the officer's direct observation (*Scofield v. City of Detroit*, 490 F.Supp.3d 1213 (2020)).

Further, Michigan statutes are clear that being "found to have violated a law" generally means being found guilty of a criminal offense. This implies that a person has been accused of committing a crime and, after a legal process, has been determined by a court or jury to have violated the law. During the time frame of 2021-2024, I was never issued any traffic citations by any law enforcement agency. Additionally, I have not been charged, convicted or sentenced to any misdemeanors or felonies either. I have not violated any law.

COUNT TEN

55. Respondent denies the allegations contained in Paragraph 55 and leaves Disciplinary Counsel to their proofs.

55 a. Respondent denies the allegations contained in Paragraph 55 and leaves Disciplinary Counsel to their proofs.

55 b. Respondent denies the allegations contained in Paragraph 55 and leaves Disciplinary Counsel to their proofs.

55 c. Respondent denies the allegations contained in Paragraph 55 and leaves Disciplinary Counsel to their proofs.

55 d. Respondent denies the allegations contained in Paragraph 55 and leaves Disciplinary Counsel to their proofs.

55 e. Respondent denies the allegations contained in Paragraph 55 and leaves Disciplinary Counsel to their proofs.

55 f. Respondent denies the allegations contained in Paragraph 55 and leaves Disciplinary Counsel to their proofs.

55 g. Respondent denies the allegations contained in Paragraph 55 and leaves Disciplinary Counsel to their proofs.

55 h. Respondent denies the allegations contained in Paragraph 55 and leaves Disciplinary Counsel to their proofs.

55 i. Respondent denies the allegations contained in Paragraph 55 and leaves Disciplinary Counsel to their proofs.

AFFERMATIVE DEFENSES

1. Respondent incorporates the answer, case law, statutes, frnom Paragraphs 1 - Paragraph 55i as if herein restated.
2. All of the illegally gather information should be excluded as inadmissible.
3. Deanna Warunek lied to the Commission in several instances of the Request of Investigation and her credibility should be questioned.

Respectfully submitted by
Hon. Joseph D. Slaven, P61705

