
**IN THE
COURT OF SPECIAL APPEALS OF MARYLAND**

September Term, 2015
No. 417

Montgomery Blair Sibley

Appellant,

vs.

John Doe, et al.,

Appellants.

Appeal from the Circuit Court for Montgomery County
(The Honorable Judges John W. Debelius III,
Richard E. Jordan & Michael D. Mason)

**REPLY BRIEF OF APPELLANT
MONTGOMERY BLAIR SIBLEY**

MONTGOMERY BLAIR SIBLEY
Appellant
402 King Farm Blvd, Suite 125-145
Rockville, Maryland, 20850
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STATEMENT OF THE CASE

Appellant, Montgomery Blair Sibley (“Sibley”), incorporates by reference the Statement of the Case contained in his Initial Brief.

QUESTIONS PRESENTED

- I. Did Judge Debelius, III’s involvement in this case deny to Sibley a “fair trial in a fair tribunal”?
- II. Was Sibley entitled to pre-service discovery to identify the John Doe Defendant?
- III. Did the Complaint fail to state a cause of action?
- IV. Was Sibley’s Right to Access the Grand Jury Tainted by Prosecutorial Misconduct?
- V. Whether Significant Grand Jury Policy Issues Should be Addressed by this Court?

STATEMENT OF THE FACTS MATERIAL TO A DETERMINATION OF THE QUESTIONS PRESENTED

Sibley incorporates by reference the Statement of the Facts Material to a Determination of the Questions Presented contained in his Initial Brief. In addition, in response to the Statement of Facts contained in Appellee’s Brief, Sibley includes in the attached Appendix an additional part of the record that Sibley believes is material in view of the Appellee’s brief. That additional part of the record is the “Brief Analysis of Obama’s Putative Certificate of Live Birth” presented: (i) on September 13, 2014, in a letter from Sibley to the Honorable John W. Debelius, III requesting that upon the evidence contained in the “Brief Analysis” that Judge Debelius, III “issue a warrant for

the arrest¹ of Barack Hussein Obama.” and (ii) on or about January 27, 2015, purportedly presented to the Foreperson of the Grand Jury by the State Attorney.

Among the evidence contained in that Brief Analysis were copies of three (3) 1960-era Hawaiian Certificates of Live Birth juxtaposed against the putative Certificate of Live Birth of Barack Hussein Obama. Noteworthy is the consistent horizontal and vertical spacing of the typewritten letters and numbers in the pre-printed form boxes in the three Certificates of Live Birth – all consistent with the typing done on a manual typewriter in the early 1960s – and the striking lack of consistency in the same horizontal and vertical spacing in the typewritten letters and numbers in the putative Certificate of Live Birth of Barack Hussein Obama. This irregularity was one of many concerning the putative Certificate of Live Birth detailed in the “Brief Analysis”. Exemplars from the “Brief Analysis” follow for ease of reference.

If even a casual review of these four (4) documents do not, per *Blaney v. State*, 74 Md. 153, 156 (1891), “occasion . . . disturbance, or dismay to the citizen”, then Sibley respectfully submits, nothing will.

¹ Pursuant to Md. Rule §4-212(d)(2), a circuit court judge is authorized under certain circumstances to order issuance of a warrant for the arrest of a defendant. Hence Appellee’s argument regarding the “magistrate” referenced in *Brack v. Wells*, is misplaced as Judge Debelius, III qualified as such a “magistrate”. (Appellee’s Brief, p. 5)

1a. Child's First Name (Type or print)		1b. Middle Name		1c. Last Name			
GRITCHEN		CARTER		NORDYKE			
2. Sex	3. This Birth	4. If Twin or Triplet, Was Child Born		5a. Month	5b. Day	5c. Year	5d. Hour /
Female	1	1st <input type="checkbox"/> 2nd <input checked="" type="checkbox"/> 3rd <input type="checkbox"/>	1st <input type="checkbox"/> 2nd <input checked="" type="checkbox"/> 3rd <input type="checkbox"/>	Aug	5	1961	2:17 P.m.
6a. Place of Birth: City, Town or Rural Location				6b. Island			
Honolulu				Oahu			
7a. Name of Hospital or Institution (If not in hospital or institution, give street address)				7b. In Place of Birth Inside City or Town Limits? If not, give judicial district			
Episcopal Maternity & Gynecological Hospital				Yes <input type="checkbox"/> No <input checked="" type="checkbox"/>			
8a. Usual Residence of Mother: City, Town or Rural Location			8b. Island		8c. County and State or Foreign Country		
Honolulu			Oahu		Honolulu, Hawaii		
9a. Street Address				9b. In Residence Inside City or Town Limits? If not, give judicial district			
2013 Kakeka Drive				Yes <input checked="" type="checkbox"/> No <input type="checkbox"/>			
10. Mother's Mailing Address				10c. In Residence on a Farm or Plantation?			
				Yes <input type="checkbox"/> No <input checked="" type="checkbox"/>			
11. Full Name of Father				11a. Race of Father			
ROBERT ALLAN NORDYKE				Caucasian			
12. Age of Father	13. Birthplace (State, Territory or Foreign Country)	13a. Usual Occupation		13b. Kind of Business or Industry			
42	Woodland, California	Doctor		Private Practice			
14. Full Mother Name of Mother				14a. Race of Mother			
ELSANOR LOUISE COLE				Caucasian			
15. Age of Mother	16. Birthplace (State, Territory or Foreign Country)	17a. Type of Occupation Outside Home During Pregnancy		17b. Date Last Worked			
34	Los Angeles, California	None					
18. I certify that the above stated information is true and correct to the best of my knowledge.		18a. Signature of Parent or Other Informant		Parent <input checked="" type="checkbox"/>		18b. Date of Signature	
		<i>Elsanor Cole Nordyke</i>		Other <input type="checkbox"/>		8-1-61	
19. I hereby certify that this child has been alive on the date and hour stated above.		19a. Signature of Attendant		M.D. <input checked="" type="checkbox"/>		19b. Date of Signature	
		<i>J.C. McClinton</i>		R.N. <input type="checkbox"/>		8/1/61	
20. Date Accepted by Local Reg.		21. Signature of Local Registrar		22. Date Accepted by Reg. General			
AUG 11 1961		<i>Patricia L. Ygnacio</i>		AUG 11 1961			
23. Evidence for Delayed Filing or Alteration							

THIS CERTIFIES THAT THE ABOVE IS A TRUE AND CORRECT COPY OF THE ORIGINAL RECORD ON FILE IN THE RESEARCH, PLANNING AND STATISTICS OFFICE HAWAII STATE DEPARTMENT OF HEALTH

Leo Bernstein
LEO BERNSTEIN, M.D.
Director of Health

DATE ⁵
5-5-1966

Charles G. Bennett
CHARLES G. BENNETT
Registrar General

1a. Child's First Name (Type or print)			1b. Middle Name			1c. Last Name		
SUSAN			ELIZABETH			NORDYKE		
2. Sex	3. This Birth		4. If Twin or Triplet, Was Child Born			5a. Month	5b. Day	5c. Year
Female	Single <input type="checkbox"/> Twin <input type="checkbox"/> Triplet <input type="checkbox"/>	1st <input type="checkbox"/> 2nd <input type="checkbox"/> 3rd <input type="checkbox"/>				Aug.	5,	1961
6a. Place of Birth: City, Town or Rural Location						6b. Island		
Honolulu						Oahu		
7a. Name of Hospital or Institution (If not in hospital or institution, give street address)						7b. In Place of Birth Inside City or Town Limits? If not give judicial district		
Kapiolani Maternity & Gynecological Hospital						Yes <input type="checkbox"/> No <input type="checkbox"/>		
8a. Usual Residence of Mother: City, Town or Rural Location				8b. Island		8c. Country and State or Foreign Country		
Honolulu				Oahu		Honolulu, Oahu		
9a. Street Address						9b. Is Residence Inside City or Town Limits? If not give judicial district		
2013 Kakaia Drive						Yes <input type="checkbox"/> No <input type="checkbox"/>		
10. Mother's Mailing Address						10a. Is Residence on a Farm or Plantation? Yes <input type="checkbox"/> No <input checked="" type="checkbox"/>		
11. Full Name of Father			12. Race of Father			13. Kind of Business or Industry		
ROBERT ALLAN NORDYKE			Caucasian			Private Practice		
14. Age of Father	15. Birthplace (State, town or Foreign Country)		16. Usual Occupation			17. Date Last Worked		
42	Woodland, California		Doctor					
18. Full Maiden Name of Mother						19. Race of Mother		
ELEANOR LOUISE COLE						Caucasian		
20. Age of Mother	21. Birthplace (State, town or Foreign Country)		22. Type of Occupation Outside Home During Pregnancy			23. Date Last Worked		
34	Los Angeles, California		None					
I certify that the above stated information is true and correct to the best of my knowledge.		18a. Signature of Parent or Other Informant			18b. Date of Signature		19a. Date of Signature	
		Eleanor Cole Nordyke			Parent <input type="checkbox"/> Other <input type="checkbox"/>		8-7-61	
I hereby certify that this child was born alive on the date and hour stated above.		19b. Signature of Registrar			20a. Date of Signature		20b. Date of Signature	
		C. M. Smith			M.D. <input type="checkbox"/> Public Health Officer <input type="checkbox"/>		8/11/61	
24. Date Accepted by Local Reg.		25. Signature of Local Registrar			26. Date Accepted by Reg. General			
AUG 11 1961		D. L. Yousin			AUG 11 1961			
27. Evidence for Detained Filing or Abatement								

THIS CERTIFIES THAT THE ABOVE IS A TRUE AND CORRECT COPY OF THE ORIGINAL RECORD ON FILE IN THE RESEARCH, PLANNING AND STATISTICS OFFICE HAWAII STATE DEPARTMENT OF HEALTH

S. Perustein
V. LEO PERUSTEIN, M.D.
Director of Health

DATE 6
5-5-1966

Charles G. Bennett
CHARLES G. BENNETT
Registrar General

CERTIFICATE OF LIVE BIRTH

DEPARTMENT OF HEALTH

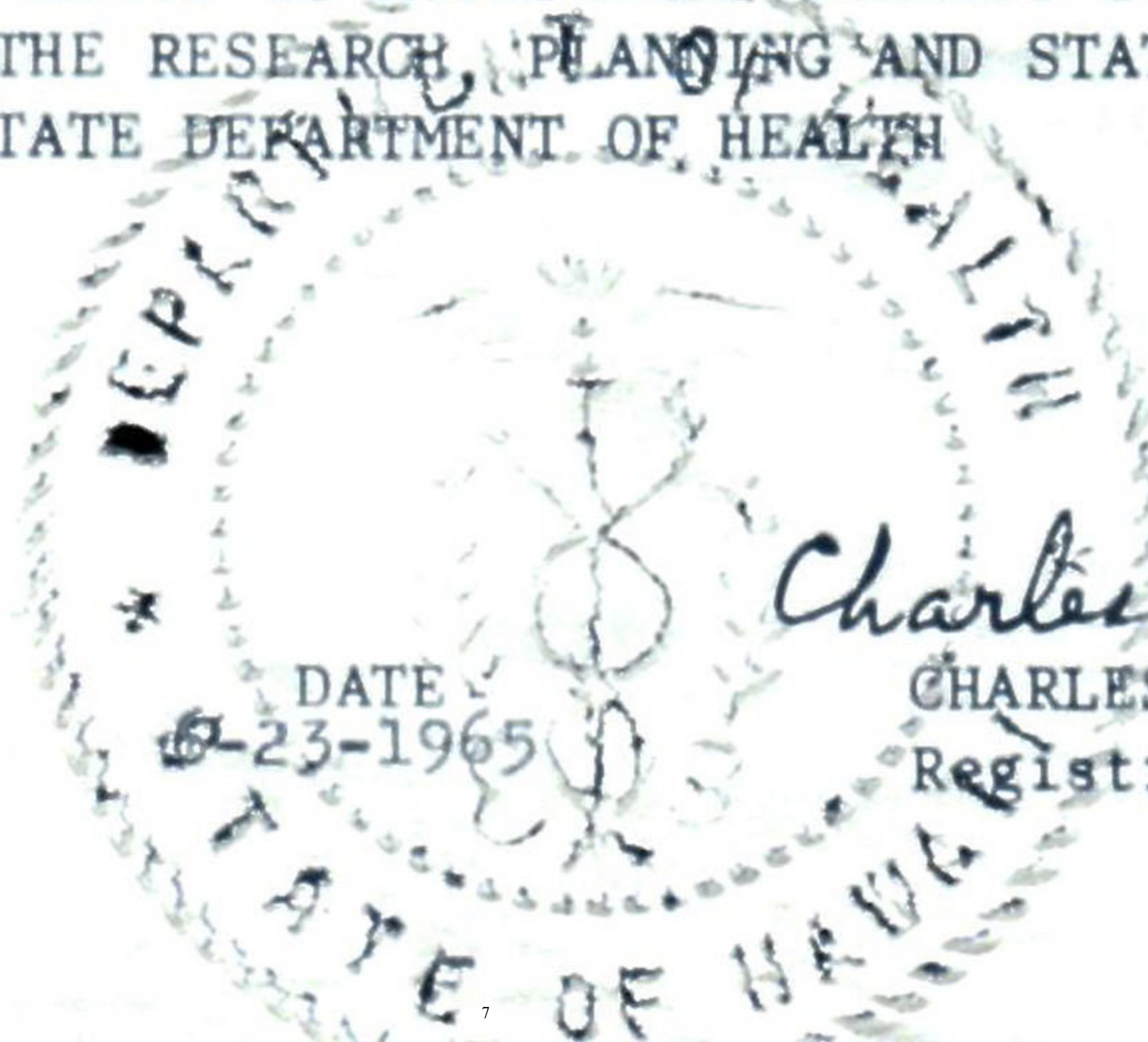
FILE NUMBER **151**

60 06602

1a. Child's First Name (Type or print) PAUL		1b. Middle Name KAUKA		1c. Last Name CULLEN			
2. Sex Male	3. This Birth Single <input checked="" type="checkbox"/> Twin <input type="checkbox"/> Triplet <input type="checkbox"/>	4. If Twin or Triplet, Was Child Born 1st <input type="checkbox"/> 2nd <input type="checkbox"/> 3rd <input type="checkbox"/>		5a. Birth Date Month May	Day 21	Year 1960	5b. Hour 2:20 P.
6a. Place of Birth: City, Town or Rural Location Nanakuli				6b. Island Oahu			
6c. Name of Hospital or Institution (If not in hospital or institution, give street address)				6d. Is Place of Birth Inside City or Town Limits? If no, give judicial district Yes <input checked="" type="checkbox"/> No <input type="checkbox"/>			
7a. Usual Residence of Mother: City, Town or Rural Location Nanakuli			7b. Island Oahu		7c. County and State or Foreign Country Honolulu, Hawaii		
7d. Street Address 89-519 Nanakuli Avenue				7e. Is Residence Inside City or Town Limits? If no, give judicial district Yes <input checked="" type="checkbox"/> No <input type="checkbox"/>			
7f. Mother's Mailing Address				7g. Is Residence on a Farm or Plantation? Yes <input type="checkbox"/> No <input checked="" type="checkbox"/>			
8. Full Name of Father LEO LUKE CULLEN, JR.				9. Race of Father Part Hawaiian			
10. Age of Father 40	11. Birthplace (Island, State or Foreign Country) Waiahole, Oahu		12a. Usual Occupation Leadingman Machinist		12b. Kind of Business or Industry U.S. Naval Ammunition Depot		
13. Full Maiden Name of Mother KATHERINE PUANANI NAKI				14. Race of Mother Hawaiian			
15. Age of Mother 26	16. Birthplace (Island, State or Foreign Country) Honolulu, Oahu		17a. Type of Occupation Outside Home During Pregnancy		17b. Date Last Worked		
I certify that the above stated information is true and correct to the best of my knowledge.		18a. Signature of Parent or Other Informant <i>Dorothy M. Souza</i>		Parent <input type="checkbox"/> Other <input checked="" type="checkbox"/>		18b. Date of Signature 6-2-1965	
I hereby certify that this child was born alive on the date and hour stated above.		19a. Signature of Attendant -		M.D. <input type="checkbox"/> D.O. <input type="checkbox"/> Midwife <input type="checkbox"/> Other <input type="checkbox"/>		19b. Date of Signature -	
20. Date Accepted by Local Reg. June 2, 1965		21. Signature of Local Registrar General <i>Charles G. Bennett</i>			22. Date Accepted by Reg. General June 2, 1965		
23. Evidence for Delayed Filing or Alteration							

THIS CERTIFIES THAT THE ABOVE IS A TRUE AND CORRECT COPY OF THE ORIGINAL RECORD ON FILE IN THE RESEARCH, PLANNING AND STATISTICS OFFICE HAWAII STATE DEPARTMENT OF HEALTH

Leo Bernstein
LEO BERNSTEIN, M.D.
Director of Health



Charles G. Bennett
CHARLES G. BENNETT
Registrar General

1a. Child's First Name (Type or print)		1b. Middle Name		1c. Last Name	
BARACK		HUSSEIN		OBAMA, II	
2. Sex	3. This Birth <input type="checkbox"/> 4. If Twin or Triplet, Was Child Born	5a. Birth Date	5b. Month	5c. Day	5d. Year
Male	Single <input checked="" type="checkbox"/> Twin <input type="checkbox"/> Triplet <input type="checkbox"/> 1st <input type="checkbox"/> 2nd <input type="checkbox"/> 3rd <input type="checkbox"/>	August	August	4,	1961
6a. Place of Birth: City, Town or Rural Location					6b. Island
Honolulu					Oahu
6c. Name of Hospital or Institution (If not in hospital or institution, give street address)				6d. Is Place of Birth Inside City or Town Limits? If no, give judicial district	
Kapiolani Maternity & Gynecological Hospital				Yes <input checked="" type="checkbox"/> No <input type="checkbox"/>	
7a. Usual Residence of Mother: City, Town or Rural Location			7b. Island	7c. County and State or Foreign Country	
Honolulu			Oahu	Honolulu, Hawaii	
7d. Street Address			7e. Is Residence Inside City or Town Limits? If no, give judicial district		
6085 Kalaniana'ole Highway			Yes <input checked="" type="checkbox"/> No <input type="checkbox"/>		
7f. Mother's Mailing Address					7g. Is Residence on a Farm or Plantation?
					Yes <input type="checkbox"/> No <input checked="" type="checkbox"/>
8. Full Name of Father		9. Race of Father			
BARACK HUSSEIN OBAMA		African			
10. Age of Father	11. Birthplace (Island, State or Foreign Country)	12a. Usual Occupation	12b. Kind of Business or Industry		
25	Kenya, East Africa	Student	University		
13. Full Maiden Name of Mother		14. Race of Mother			
STANLEY ANN DUNHAM		Caucasian			
15. Age of Mother	16. Birthplace (Island, State or Foreign Country)	17a. Type of Occupation Outside Home During Pregnancy	17b. Date Last Worked		
18	Wichita, Kansas	None			
I certify that the above stated information is true and correct to the best of my knowledge.					18a. Signature of Parent or Other Informant
					Parent <input checked="" type="checkbox"/> Other <input type="checkbox"/>
					18b. Date of Signature
					8-7-61
I hereby certify that this child was born alive on the date and hour stated above.					19a. Signature of Attendant
					M.D. <input type="checkbox"/> D.O. <input type="checkbox"/> Midwife <input type="checkbox"/> Other <input checked="" type="checkbox"/>
					19b. Date of Signature
					8-8-61
20. Date Accepted by Local Reg.	21. Signature of Local Registrar		22. Date Accepted by Reg. General		
AUG - 8 1961	U.K. Lee		AUG - 8 1961		
23. Evidence for Delayed Filing or Alteration					

I CERTIFY THIS IS A TRUE COPY OR
ABSTRACT OF THE RECORD ON FILE IN
THE HAWAII STATE DEPARTMENT OF HEALTH

APR 25 2011

8
Alvin T. Onaka, Ph.D.
STATE REGISTRAR

STANDARD OF REVIEW

Sibley incorporates by reference the Standards of Review contained in his Initial Brief.

ARGUMENT

I. APPELLEE’S INVITATION TO THIS TRIBUNAL TO DELIVER THE *COUP DE GRÂCE* TO THE INDEPENDENCE OF THE GRAND JURY MUST BE REJECTED

Sibley’s rights *vis-a-vis* the Grand Jury are the seminal issue of this appeal.

Appellee is correct-in-part when it noted: “Mr. Sibley seeks a declaration of his rights regarding a request to appear in person before a grand jury and present allegations that President Obama is violating Maryland criminal law.” (Appellee’s Brief, p. 4). Candidly, counsel for Appellee concedes: “Although he is correct that the trial court should have declared his rights and not simply dismissed his complaint, he is incorrect as to his rights.” (Appellee’s Brief, p. 4). Accepting as gospel Appellee’s characterization of those contested “rights” would be a final blow to kill an already wounded Grand Jury. This invitation this Court must vehemently and clearly reject.

A. THE “RIGHT TO OFFER TO PRESENT TO THE GRAND JURY VIOLATIONS OF THE CRIMINAL LAW” MUST NOT BE DILUTED BY THIS COURT

Without waiving Sibley’s objection to the “perversion of *Brack v. Wells*, 184 Md. 86 (Md. 1944)” argued in Sibley’s Initial Brief, Sibley maintains that the implications of Appellee’s arguments here are chilling. In particular, Appellee maintains that under *Brack v. Wells*:

Sibley has only the right to ask the grand jury foreperson for permission to appear before that body . . . As Mr. Sibley has acknowledged, he “hand-delivered to the State Attorney for Montgomery County a sealed letter addressed to the Foreman of the Grand Jury” and that he received correspondence from the foreperson “declining to investigate Sibley's allegations.” (Appellant's Br. 4 (citing E. 43-44)) Thus, Mr. Sibley has exercised his right to ask the grand jury foreperson for permission to present his allegations to the grand jury, a request that the foreperson of the grand jury declined.

(Appellee’s Brief, p. 4). Thus, under Appellee’s view of *Brack v. Wells*, Sibley does not enjoy the expressly stated right to “offer to present to the grand jury violations of the criminal law”, *id.* at 97, but rather, as happened here, present to the State Attorney a letter which may – or may not – have been delivered to the Foreperson of the Grand Jury. Moreover, all Sibley received back was a letter on State Attorney letterhead that his request was declined. Importantly, that letter declining to investigate Sibley’s allegations is not signed by an individual save for the unaccountable, unknowable and thus unacceptable “Foreperson of the Grand Jury”. (E. 44).

Upon what grounds would a citizen have reason to believe that the entire Grand Jury as contemplated by *Brack v. Wells* actually considered and rejected Sibley’s request to appear? Is the lynchpin of our seminal Grand Jury system to hinge upon such an easily corruptible process?

Moreover, and just as important, upon what authority does the Grand Jury Foreperson act as the exclusive gatekeeper to what the Grand Jury *in toto* must consider? Who is this now all-powerful single arbiter of what is plainly entrusted to twenty-three

(23) citizens to be the: “watchmen, stationed by the laws to survey the conduct of their fellow-citizens, and inquire where and by whom public authority has been violated or the laws infringed.” *Blaney v. State*, 74 Md. 153, 156 (1891). The plural “watchmen” does designate a singular “foreperson” as the all important guardians of our liberties.

Finally, upon what authority does the State Attorney become the gatekeeper to the Foreperson and thus, apparently, to the Grand Jury itself? Clearly, such a posture undermines the very independent function of the Grand Jury to receive citizen’s complaints of criminal behavior. Indeed, the Maryland Judiciary Jury Use and Management Committee in its *Serving on a Maryland Grand Jury* stated (*ex cathedra*) at page 8:

A private citizen can bring a matter to the grand jury’s attention by asking the grand jury for permission to appear before the whole grand jury. This is a formal process. . . Tell the individual that any information on or request for investigation needs to be put in writing and presented to the entire grand jury . . .”²

Accordingly, allowing the State Attorney and/or the Foreperson to decide what the entire Grand Jury will consider is contrary to both the common law and common sense.

Accordingly, Appellee’s invitation to the contrary must be expressly rejected by this Court.

² Retrieved from: <http://mdcourts.gov/jury-service/pdfs/grandjury-service.pdf>

**B. THE “RIGHT” TO AN UNTAINTED GRAND JURY IS
FUNDAMENTAL AND MUST BE CONFIRMED BY THIS COURT**

Again, the Appellee invites this Court to memorialize the complete control over the Grand Jury by the State Attorney by permitting irrelevant, gratuitous, *ad hominem* attacks on Sibley which should have no place before this Court, let alone before a less sanguine, mores corruptible, Grand Jury. Appellee asserts that: “Under Maryland law, however, there is no prohibition against prosecutors communicating to a grand jury their opinions about allegations before the jury, including the credibility of those who make the allegations to the grand jury.” (Appellee’s Brief, p. 6). Really?

“[C]ommunicating to a grand jury their opinions” about the “credibility of those who make the allegations” is not “communicating”; it is testifying to facts. Such a procedure, if allowed to stand by this Court, would pervert the idea of an independent grand jury beyond all recognition. In Appellee’s world, outright lies about Sibley could be presented to the Grand Jury – without any knowledge nor opportunity for rebuttal by Sibley – in an attempt to persuade the Grand Jury to ignore Sibley’s message because of the purported reputation of the messenger.

Finally, the inanity of Appellees argument is laid bare: “Consequently, any comment from a prosecutor about Mr. Sibley's credibility to a grand jury, based on his quest to prove President Obama ineligible for office, would not only be accurate and

proper but would enable the grand jury to assess whether probable cause exists.”³

(Appellee’s Brief, p. 8). First, Sibley did not “testify” to anything but rather presented documentary evidence which Sibley maintains warrants further investigation. Hence, Sibley’s credibility – based upon his pejoratively described “quest”⁴ – is not at issue. Simply stated, the question of whether “probable cause exists” is raised upon the documents, not the character of he who is presenting them.

In sum, is this Court to deal a death blow to the traditional function of the Grand Jury? Is this Court going to allow – as Appellee suggests – that the Grand Jury be subsumed to the highly politicized agenda of the Executive? A respect for the integrity and independence of the Grand Jury demands a resounding “No” to these questions from this Court.

³ While collateral to this matter, Sibley requests that the Court take judicial notice of the cases cited by Appellee regarding Sibley’s “numerous lawsuits” which will reveal that not one of them addressed the merits of Sibley’s claims. Rather, all were dismissed upon Article III “standing” ground by Article III courts. Hence, the merits of the claim that Mr. Obama’s Certificate of Live Birth is a forgery is an as-of-yet-to-be-resolved-question to be addressed by the engine of truth which is the judicial process here properly committed to the Grand Jury.

⁴ A “quest” Sibley is duty bound to undertake. Sibley’s family has lived in Montgomery County, Maryland for 180 years. That lineage impresses upon him a duty to act in the best interest of the Republic as his great, great grandfather Montgomery Blair did when he represented Dred Scott to his subsequent great loss at Silver Spring at the hands of Jubal Early’s Raiders at the battle of Fort Stevens. Having sworn an solemn oath to defend the Constitution against enemies both foreign or domestic, which – trite as it may sound in this day and age – he takes very seriously, what other course is available to him based upon the evidence this Court now sees than to pursue his “quest”. Query: What course will each of the members of this Court take when now confronted with that same evidence?

II. A JUDGE MAY NOT BE BOTH ADJUDICATOR AND WITNESS

Appellee argues that: “Mr. Sibley cites no authority for the proposition that a judge’s mere status as a witness so calls into question his impartiality that he must recuse himself.” (Appellee’s Brief, p. 9). Seriously? A judge moving from the Bench to the Witness Chair would not raise a few eyebrows? Even a layperson would find such a proposition preposterous. Who would rule upon a hearsay objection or the scope of impeachment? Are there no other competent judges available in Montgomery County?

This Court must firmly reject such an absurd notion.

III. JOHN DOE PLEADINGS ARE NOT PROHIBITED IN MARYLAND

Appellee plays fast and loose with the law when it maintains that: “. . . Maryland law does not authorize “John Doe pleadings. . .” What *Nam v. Montgomery County*, 127 Md. App. 172, 185 (1999) held was: “While some states **by statute or rule** authorize John Doe pleadings and then the subsequent substitution of the person’s true name when discovered, Maryland is not one of them.” Thus, the sum total of the holding of *Nam* was that at present there is no “statute or rule” authorizing such a pleading. Just as important, there is no statute, rule or, indeed, case law, prohibiting such a pleading. Importantly, *Nam* recognized that Maryland “permit[s] liberal amendment of pleadings to add a party or correct the misnomer of a party.” *Id.* at 185. Here, at worst, Sibley “misnamed” the Defendant John Doe for lack of a better name as the Foreperson of the Grand Jury is not publicly identifiable and, notably, the State Attorney has gone to suspicious lengths to keep that name sealed from the public.

Moreover, the policy reasons to permit a “John Doe” law pleading pending discovery of the identity of an individual are overwhelming. How otherwise could a plaintiff proceed against a presently-unidentifiably but easily identified with-the-aid-of-judicial-process individual?

CONCLUSION

Sibley respectfully requests that this Court, for the reasons aforesaid, reverse and remand this matter with illumination of the legal issues raised herein for the lower court’s guidance.

**CITATION AND VERBATIM TEXT OF ALL PERTINENT
CONSTITUTIONAL PROVISIONS, STATUTES,
ORDINANCES, RULES, AND REGULATIONS**

Article 5(a)(1) of the Maryland Declaration of Rights states in pertinent part:

That the Inhabitants of Maryland are entitled to the Common Law of England, and the trial by Jury, according to the course of that Law, . . . subject, nevertheless, to the revision of, and amendment or repeal by, the Legislature of this State.

Maryland Code, §8-303, *Government identification document*

(a) In this section, “government identification document” means one of the following documents issued by the United States government or any state or local government: (1) a passport; (2) an immigration visa; (3) an alien registration card; (4) an employment authorization card; (5) **a birth certificate**; (6) a Social Security card; (7) a military identification; (8) an adoption decree; (9) a marriage license; (10) a driver’s license; or (11) a photo identification card. (Emphasis added).

(b) A person may not, with fraudulent intent: (1) possess a fictitious or fraudulently altered government identification document; (2) **display, cause, or allow to be displayed a fictitious or fraudulently altered government identification document**; (3) lend a government identification document to another or knowingly allow the use of the person’s government identification document by another; or (4) display or represent as the person’s own a government identification document not issued to the person. (Emphasis added).

(c) A person who violates this section is guilty of a misdemeanor and on conviction is subject to imprisonment not exceeding 6 months or a fine not exceeding \$500 or both.

Maryland Code of Judicial Conduct, Rule 2.11(a) “Disqualification”

“A judge shall disqualify himself or herself in any proceeding in which the judge’s impartiality might reasonably be questioned, including the following circumstances: (1) **The judge has . . . personal knowledge of facts that are in dispute in the proceeding.**” (Emphasis added).

Respectfully submitted,

MONTGOMERY BLAIR SIBLEY
Appellant

STATEMENT AS TO TYPEFACE

The font used in this Brief is Times New Roman and the type size is 13 point.

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that two true and accurate copy of the foregoing Reply Brief of Montgomery Blair Sibley, Appellant, were served by U.S. Postal Service first class mail this November 11, 2015, on Bradley J. Neitzel, Assistant Attorney General, 200 St. Paul Place, 20th Floor, Baltimore, MD 21202.

By: _____
Montgomery Blair Sibley

APPENDIX

A Brief Analysis of Obama's Putative Certificate of Live Birth App.- 1

A BRIEF ANALYSIS OF OBAMA'S PUTATIVE CERTIFICATE OF LIVE BIRTH

Compiled from various sources by:

Montgomery Blair Sibley
Email: mbsibley@gmail.com
202-643-7232

I. The April 27, 2011 News Conferences

There were two press conferences that took place on April 27, 2011, at the White House. The first was a press conference which started at 8:48 a.m., about one and a half hours before President Obama gave his press conference. The first news conference was conducted by Press Secretary Jay Carney, the President's Counsel Robert Bauer and the President's Director of Communications Daniel Pfeiffer. The first press conference released copies of Obama Certificates of Live Birth (hereinafter "COLB") supposedly acquired, in person, at the Hawaii Department of Health office by Judith Corley, the President's personal counsel at the law firm of Perkins Coie.

The Obama COLB used in this report was acquired from a reputable source: 12newsnow.com, an ABC affiliate, whose reporter attended that news conference, received a copy of Obama's COLB and posted on the television station's website. A copy of that Obama's COLB is attached.

The screenshot shows a news article on the 12NEWS website. The header includes the station's logo, social media icons, and a weather forecast for Bridge City (79°F, Oct 6th - 10:35am). The article title is "White House releases President Obama's birth certificate". It features a thumbnail image of the birth certificate and a quote from Jay Carney. The article text discusses the release of the certificate, the controversy surrounding it, and mentions that conspiracy theorists have long questioned where the president was born. A sidebar on the right contains an advertisement for "74 washington united for marriage" and a "FEATURES" section listing various content categories.

The 12news web page that had the link to the Obama's COLB

What follows is a forensic analysis of Obama's COLB detailing anomalies which, singularly and collectively, raise serious questions regarding the authenticity of Obama's COLB and hence his legitimacy to be President of the United States.

II. Savannah Guthrie and Obama' COLB

At the April 27, 2011, press conference, the only reporter allowed to see the original of Obama's COLB was Savanna Guthrie. At that time, she was a White House correspondent and the co-anchor of the MSNBC program *The Daily Rundown* (2008 to April 2011). Sometime after the 8:48 a.m. press conference, Savannah Guthrie was allowed by someone at the White House to examine the newly presented Obama COLB. She took two pictures of the COLB and then wrote on her Titter account: "I saw the certified copy of the long-form POTUS birth certificate today, felt the raised seal, snapped this pic." Curiously, on May 9, 2011, just twelve days after she publicly authenticated Obama's COLB, she had a new contract with NBC to become the co-host of NBC's *Today Show*.



Savannah Guthrie stating that she felt a raised seal from the Hawaii DOH.

III. The Department of Health Round Seal

The Hawaiian Department of Health Seal is not clearly visible on the Obama COLB raising the inference that there was no real embossed seal on the Obama COLB certificate that supposedly came from Hawaii. When a certificate is embossed seal, it becomes part of the paper because it puts holes and groves in the paper. Thus, an image of the seal should be on the green paper upon which the COLB is printed.

The image below shows seven legitimate color Hawaiian Department of Health Seals. The seals can be clearly seen with minimal adjustment of brightness and contrast. Note however, that the center and right middle images are from Obama's COLBs and the difference is plain. On Obama's COLBs there is only a latent image, but on the others you can clearly see the impression the embossing made to the paper.



Embossed seals damage the paper deliberately by tearing it in specific places thereby creating the pattern called the seal. In this process it also damages the type and lines on the form. Above, this tearing is plain in the two examples on the top and bottom right and center. The same distortions on the Obama COLB should be present – but they are not. The implication is that was no embossed seal on the Obama COLB but a computer image placed upon the document. Stated another way, the latent image of the seal was only part of the image of the security paper and not part of the paper itself. In

plain language, the embossed seal was not on the paper – only an image of a seal was placed in its place. In other words the seal was not really there.

This raises the very real question: Did Savannah Guthrie really feel any embossed seal on Obama's COLB when she supposedly examined it? Notably, at the press conference, no one else was allowed to see original Obama COLB received from Hawaii other than Savannah Guthrie. Notably, at the Press Conference, this exchange took place between a reporter and Mr. Pfeiffer:

Q. And this is going to sound — I mean, you can just anticipate what people are going to — remain unconvinced. They're going to say that this is just a photocopy of a piece of paper, you could have typed anything in there. Will the actual certificate be on display or viewable at any -- (laughter.) Will the President be holding it?

MR. PFEIFFER: He will not, and I will not leave it here for him to do so. But it will — the State Department of Health in Hawaii will obviously attest that that is a — what they have on file. As Bob said, it's in a book in Hawaii.

Why was no one -- save Savannah Guthrie -- allowed to see and feel the original COLB?

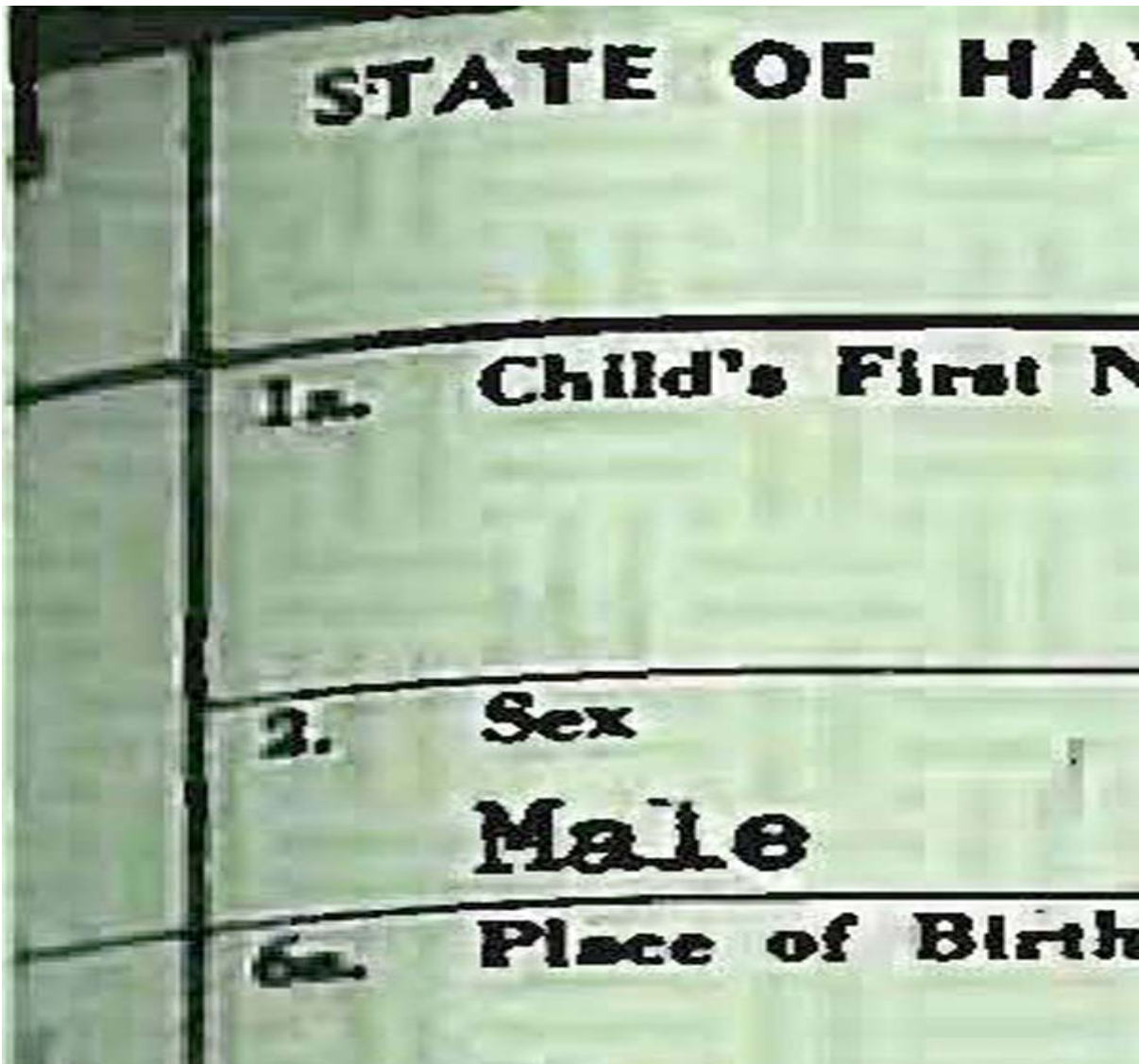
Later that day at his press conference on April 27, 2011, Obama made the following statement regarding his Certificate of Live Birth: “As many of you have been briefed, we provided additional information today about the site of my birth. Now, this issue has been going on for two, two and a half years now. I think it started during the campaign. And I have to say that over the last two and a half years I have watched with bemusement, I've been puzzled at the degree to which this thing just kept on going. We've had every official in Hawaii, Democrat and Republican, every news outlet that has investigated this, confirm that, yes, in fact, I was born in Hawaii, August 4, 1961, in Kapiolani Hospital. We've posted the certification that is given by the state of Hawaii on the Internet for everybody to see.” Accordingly, Obama clearly was involved in posting his Certificate of Live Birth on the Internet towards the end of representing that he was born in Hawaii when it now appears that his Certificate of Live Birth is a forgery.

IV. Content Errors in Obama's COLB

There are a number of "content errors" found in Obama's COLB which further raise the question of whether Obama's COLB is a forgery intentionally designed to mislead the public.

A. The "White Halo"

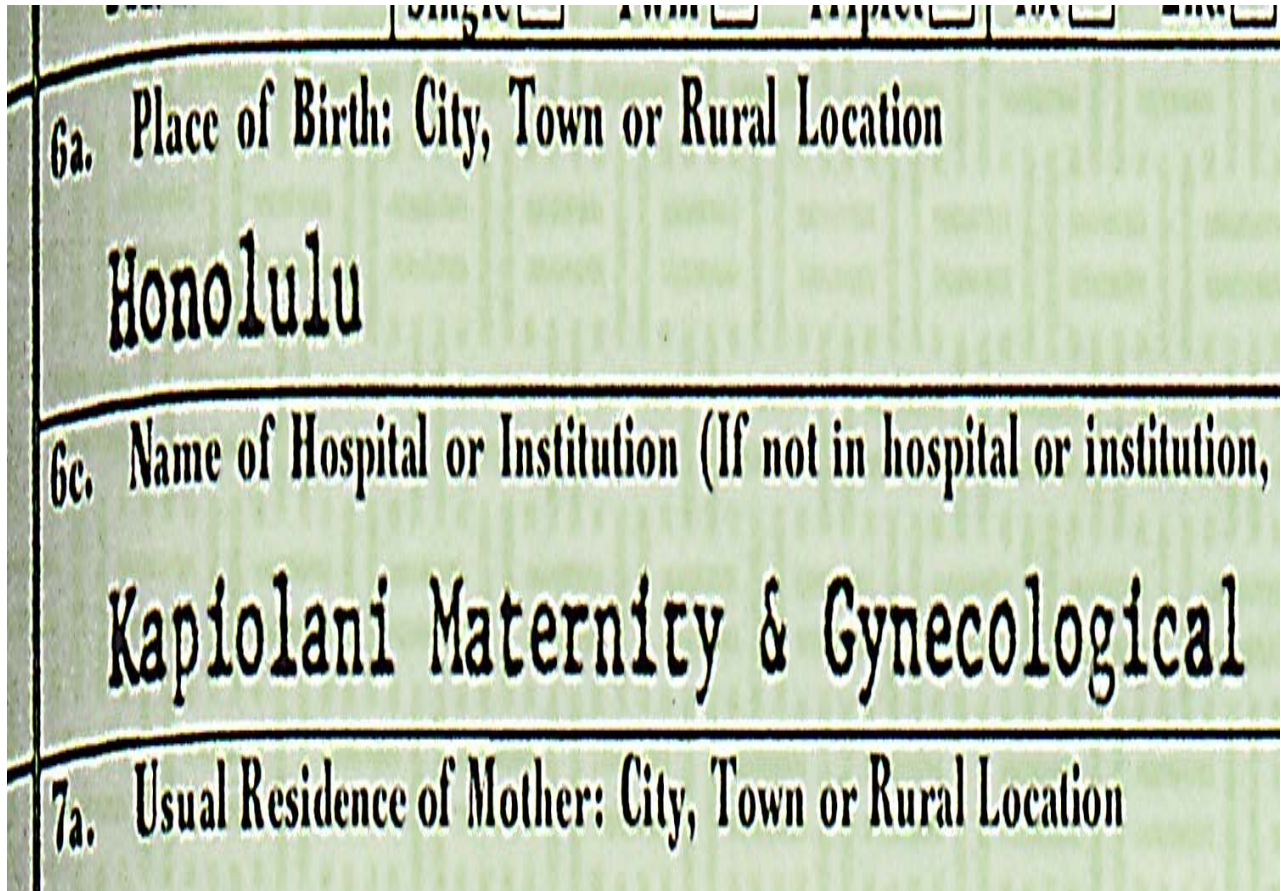
There are "white halos" around all of the type and lines on Obama's COLB. Below is an enlargement of Obama's COLB which clearly shows the white halo on both sides of the lines and the type.



The "unsharp mask" feature found in Adobe Photoshop sharpens up the type by removing a few pixels surrounding the type and replacing it with a white pixel. A graphic artist uses this feature if the

edges of type hazy or speckled to remove the fuzziness around the typewriter type caused by the ribbon.

As a test, a simulated birth certificate was prepared with a typewriter on green security paper. Adobe Photoshop was then used to employ the “unsharp mask” feature. The result is shown below and matches the “white halo” image found on Obama's COLB. This is compelling proof of computer manipulation of Obama's COLB further proving that it was a computer generated forgery.



To aid analysis, a grid was placed on Obama's COLB as shown below.

Month	Day	Year	5b. Hour
August	4,	1961	7:24 P.
6b. Island		Oahu	
6d. Is Place of Birth Inside City or Town Limits? If no, give judicial district	Yes <input checked="" type="checkbox"/> No <input type="checkbox"/>		
7c. County and State or Foreign Country		Honolulu, Hawaii	

The right side of the first four lines of the Obama's COLB.

The image below shows the next four lines of the form. You will notice line 7d is two points above the baseline even though the line above was on it. Lines 8 and 10 are at least consistent both being one point above the base line.

7d. Street Address	6085 Kalaniana'ole Highway		
7f. Mother's Mailing Address			
8. Full Name of Father	BARACK		HUSSEIN
10. Age of Father	11. Birthplace (Island, State or Foreign Country)	12a.	
25	Kenya, East Africa	✓	✓

Right side of Obama's COLB showing lines 7d to 10 with inconsistent leading.

Next, the right side of the same lines in the below image box 7e has the "X" one point below the baseline, a change of three points down. The type in box 8 shows "BARACK" one point above the baseline but "HUSSEIN" starts creeping up to a little over 1.5 points. Box 9 "African" also does not

match up to the type in box 8. There is no reason it should have changed. The type in boxes 12a and 12b display a one point difference with “University” on the baseline.

way	7e. Is Residence Inside City or Town If not, give judicial district Yes <input checked="" type="checkbox"/> No <input type="checkbox"/>
	7g. Is Residence on a Yes <input type="checkbox"/>
OBAMA	9. Race of Father African
ry) 12a. Usual Occupation Student	12b. Kind of Business University

The last typewriter lines are shown below. Again you see inconsistencies between the three lines. They should all be the same leading but they are not. All of these leading variations are a very good indication that the document is a forgery and that the forger did not know the basic features of a manual typewriter. Most importantly, compare the capital “A”s – clearly they are not consistently vertically-spaced nor are they the same shape.

10. Age of Father 25	11. Birthplace (Island, State or Foreign Country) Kenya, East Africa	12a. "
13. Full Maiden Name of Mother STANLEY ANN		
15. Age of Mother 18	16. Birthplace (Island, State or Foreign Country) Wichita, Kansas	17a. "
I certify that the above stated 18a. Signature of Parent or Other In		

All typewriters start the line at the set left-hand margin. When a typist hits the carriage return lever the carriage will stop at the left-hand margin every time. The problem with the Obama COLB is only three of the line starts at the left-hand margin and none of the three start at exactly at the same place. The image below of the left-hand margin of the Obama COLB shows that the first three lines do not match up.

2.	Sex	
	Male	
6c.	Name of Hospital	
	Kapiolani	
8.	Full Name of Father	
	BARACK	
10.	Age of Father	
	25	
13.	Full Maiden Name	
	STANLEY	

Compare Obama's above COLB with legitimate COLBs dated 1957 to 1967 from Hawaii. The below image shows the left-hand margin of six of these COLBs. Three of the COLBs are from the same Kapiolani hospital in which supposedly Obama was born. Notice all these examples show the

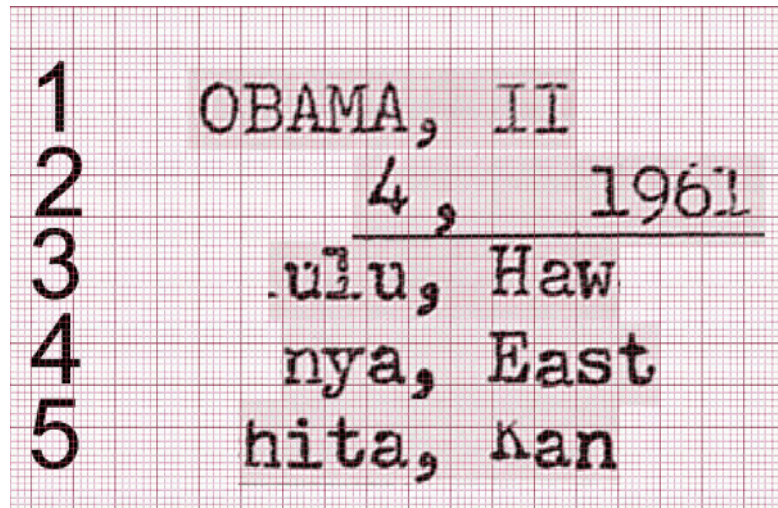
proper left-hand margin with the words lining up.

PAU		Edith					
2. Sex Male	2. Sex Male	2. Sex Female	2. Sex Female	2. Sex Female	2. Sex Male	2. Sex Male	2. Sex Male
6a. Place of Nan	6a. Place Kapiol	6a. Place of	6a. Place of Wahiav	6a. Place of Kaunakal	6a. Place of	6a. Place of	6a. Place of
6c. Name of	6c. Name Kapiol	6c. Name of	6c. Name of Wahiav	6c. Name of Molokai	6c. Name of	6c. Name of Kapic	6c. Name of
7a. Usual Re Nan	7a. Usual	7a. Usual Re	7a. Usual Re Waians	7a. Usual Re Molokai	7a. Usual Re	7a. Usual Re	7a. Usual Re
7d. Street Ad 89-	7d. Street	7d. Street Ad	7d. Street Add Kamilol	7d. Street Add	7d. Street Ad	7d. Street Ad 237 K	7d. Street Ad
7f. Mother's	7f. Mothe	7f. Mother's	7f. Mother's Ha & H	7f. Mother's P.O. Bo	7f. Mother's	7f. Mother's	7f. Mother's
8. Full Nam LEO	8. Full N ELLSWO	8. Full Nam ROBERT	8. Full Name George	8. Full Name Patrick	8. Full Nam ELLSW	8. Full Nam	8. Full Nam
10. Age of F 40	10. Age of 26	10. Age of F 22	10. Age of Fat 43	10. Age of Fa 34	10. Age of F 33	10. Age of F	10. Age of F
13. Full Mai KAT	13. Full S MARION	13. Full Mai ELSAVOR	13. Full Maide Maria	13. Full Maid Henriet	13. Full Mai MARTIC	13. Full Mai	13. Full Mai
15. Age of 26	15. Age o 26	15. Age of	15. Age of Mo 34	15. Age of M 32	15. Age of	15. Age of 33	15. Age of

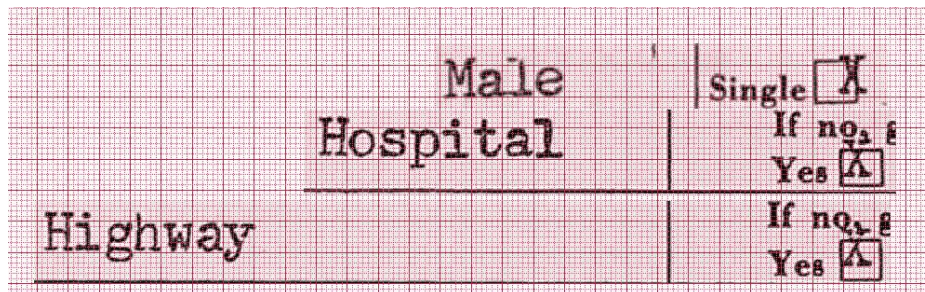
The below image shows all the typewriter words that are on Obama's COLB. You will notice that some of the words fit the grid and other do not, an impossibility if the same typewriter was used to prepare the form.



Another issue with Obama’s COLB is the misplaced commas and the “X” in some of the boxes. A typewriter would have consistently placed commas and “X”s in the same location. The two images below show the spacing of all the commas and shows the “X”s. Note the different vertical and horizontal locations – something a typewriter would never have done.



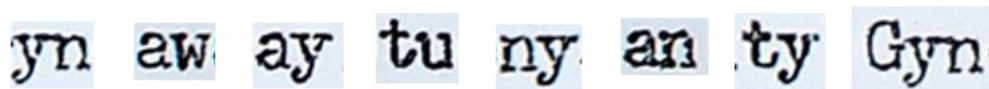
#s1, 3 and 5 are in the same location, #s 2 and 4 are not.



T

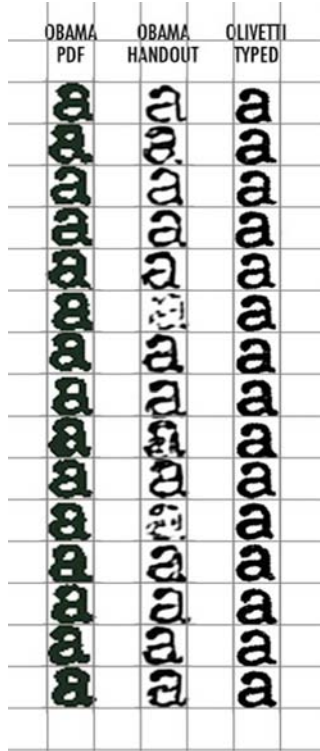
The “X” on first line does not fit within the grid.

The term *kerning* means to bring together two letters that would appear to far apart if set without kerning. Modern word processors do this with letter combinations such as “TA”, “To” and “LT”, etc. Notably, manual typewriters cannot do kerning. The following examples in the below image show letters on the Obama COLB that are kerned or touching, which they should not be if Obama’s COLB had been prepared on a 1961-era typewriter.



What this indicates is that these letters were individually cut and pasted onto Obama’s COLB to build words in a way that a 1961 typewriter was incapable of doing.

The figure below shows in the first two columns the letter “a” as it appears on Obama’s COLBs in a single grid box so one can see how the letters changes placement from one “a” to another. The third column was created from a 1961 typewriter and shows consistent placement of letters. This is further proof of hand placement of letters on Obama’s COLB by an unartful forger.



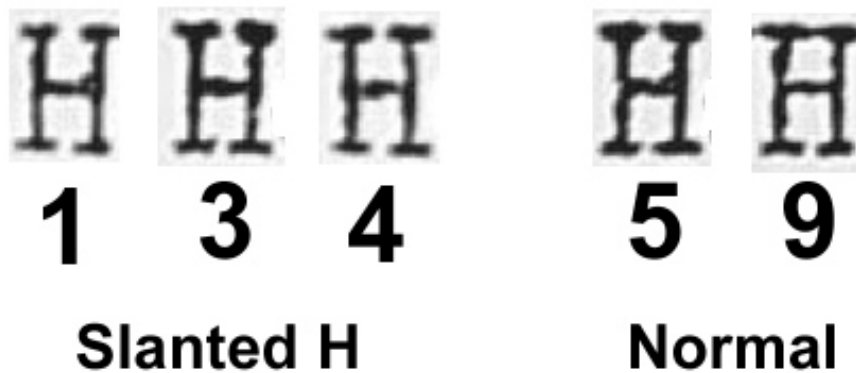
Additionally, a typewriter would always display a two-letter combination the same way. The below image shows seven such letter pairs from Obama’s COLB and they all have different spacing.



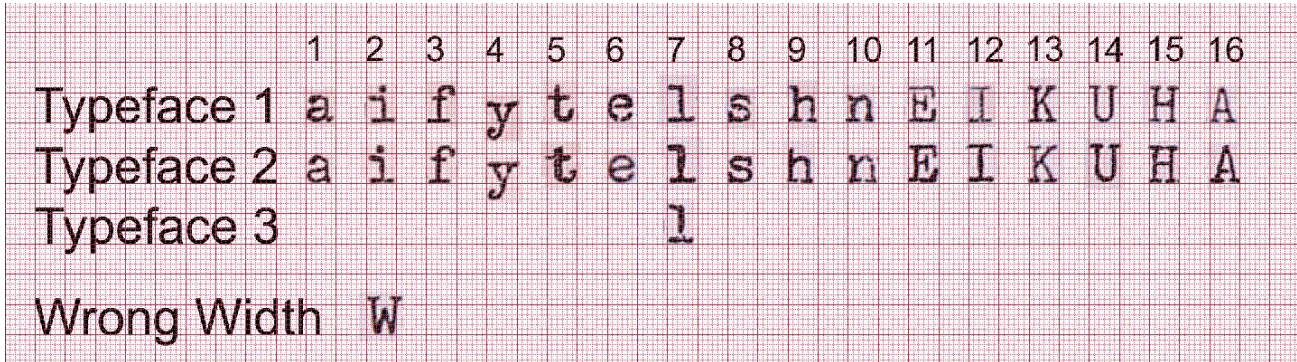
Moreover, apparent in the image above is the multiple fonts for the same letter, which of course is impossible on a typed form unless it was a cut and pasted from more than one form prepared with different typewriters. Notably, the common words copied *in toto* to Obama’s COLB had no such letter spacing problems and were consistent. A typewriter does not have a mind of its own to decide which words it will randomly space letters and on others which it won’t.

A typewritten document will only have one typeface and one size displayed on it. If there are two or more different typefaces or sizes for the same letter it is a clear sign the document had been forged. As detailed below, the Obama COLB, has some type which is taller and some wider than normal Elite typeface and were instead Pica typeface.

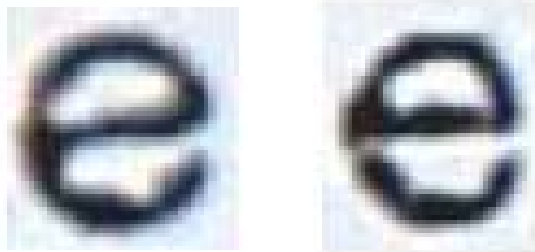
The reason different typewriter manufacturers created their own typeface designs was so they did not have to pay royalties to another company. Many times the design change was very slight but as long as they changed it a little they did not have to pay royalties. The below image shows two different capital “H” in Obama’s COLB. The Letter “H” shows up nine times in boxes. #s 1, 3, and 4 are slightly slanted to the right indicating a bent arm in the typewriter. The rest of the “H”s are normal.



The below image of individual letters on the Obama COLB shows sixteen different letters with two or more different typefaces or sizes. The result being sixteen examples of different letter designs used on the same form. The letter “W” is much wider than the rest and does not fit in the six point grid.



Most notably, the letter “e” in the word “Male” is rotated 6.7% in box 2. All the other lower case “e”s on Obama’s COLB are not so rotated. A typewriter could not rotate a single letter one time and not all other times.



Finding sixteen different typewriter fonts or size differences on Obama’s COLB is of course impossible if only one typewriter is used to prepare the form.

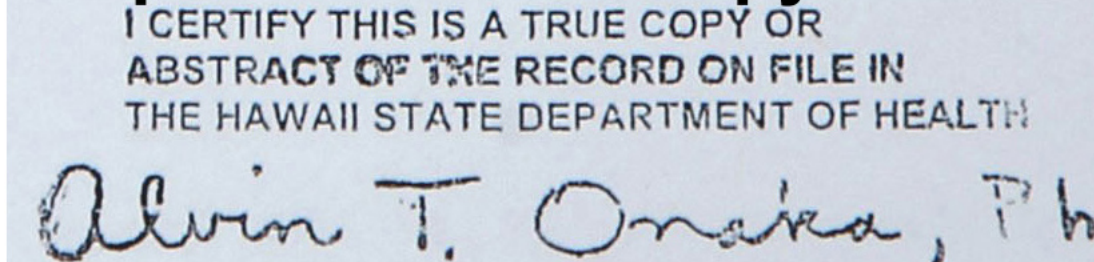
C. Registrar's Stamp

The Registrar's stamp is made of metal, not a rubber stamp or a self-inking stamp commonly available. The below images shows the Registrar's stamp on Obama's COLB.

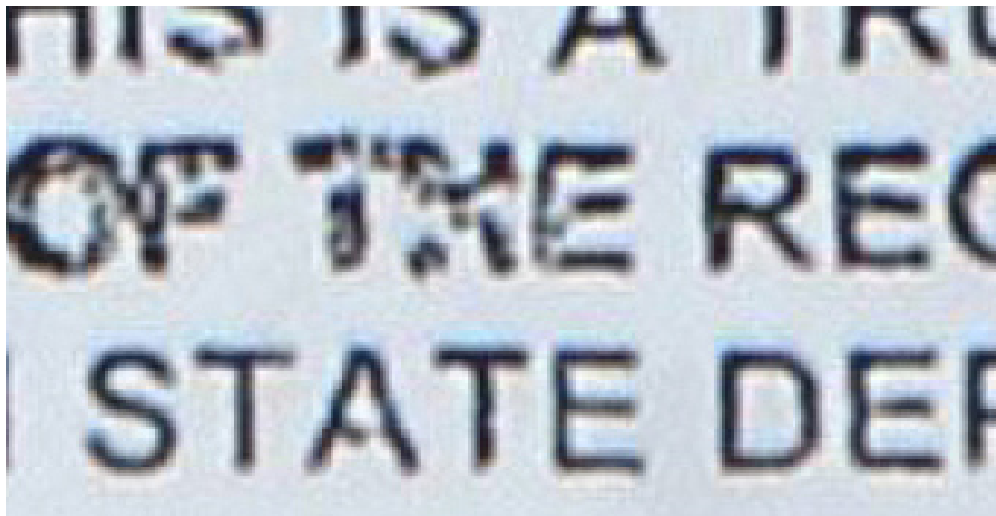
White House PDF Copy



Reporters Xerox Copy



The first obvious anomaly is the damaged letter "H" in the word "THE" in the second line to make it appear "TXE." The below enlargement more clearly shows the "TXE" error in the word "THE".

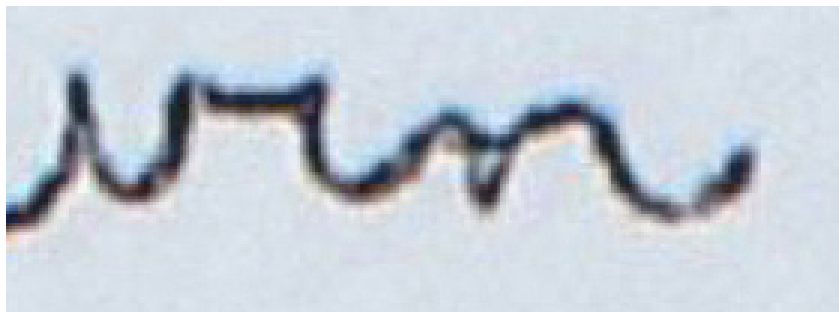


The second point is the italic script E found under the capital "A" in Alvin. The below image

shows a close-up of the script E. The forth item is the white halo around all the type on Onaka's stamp. The white halo is created by the unsharp mask feature mentioned before.



Close-up of the script "E" under the "A".



Close up of the short line placed on the "n" in Alvin.

Notably, other copies of the same Registrar stamp do not display any of these errors on them. The image below was stamped on March 15, 2011, which is just 41 days before Mr. Obama's COLB was supposedly prepared and uses the same registrar stamp. Below that is an enlargement of the same stamp. The line on the script "n" is not present. There is no script E found under the capital "A" in Alvin. The "H" in "THE" is just perfect and there are no color density differences of the type in that area. There is no evidence of the halo around all the type. All four of the errors only showed up on Obama's COLB.

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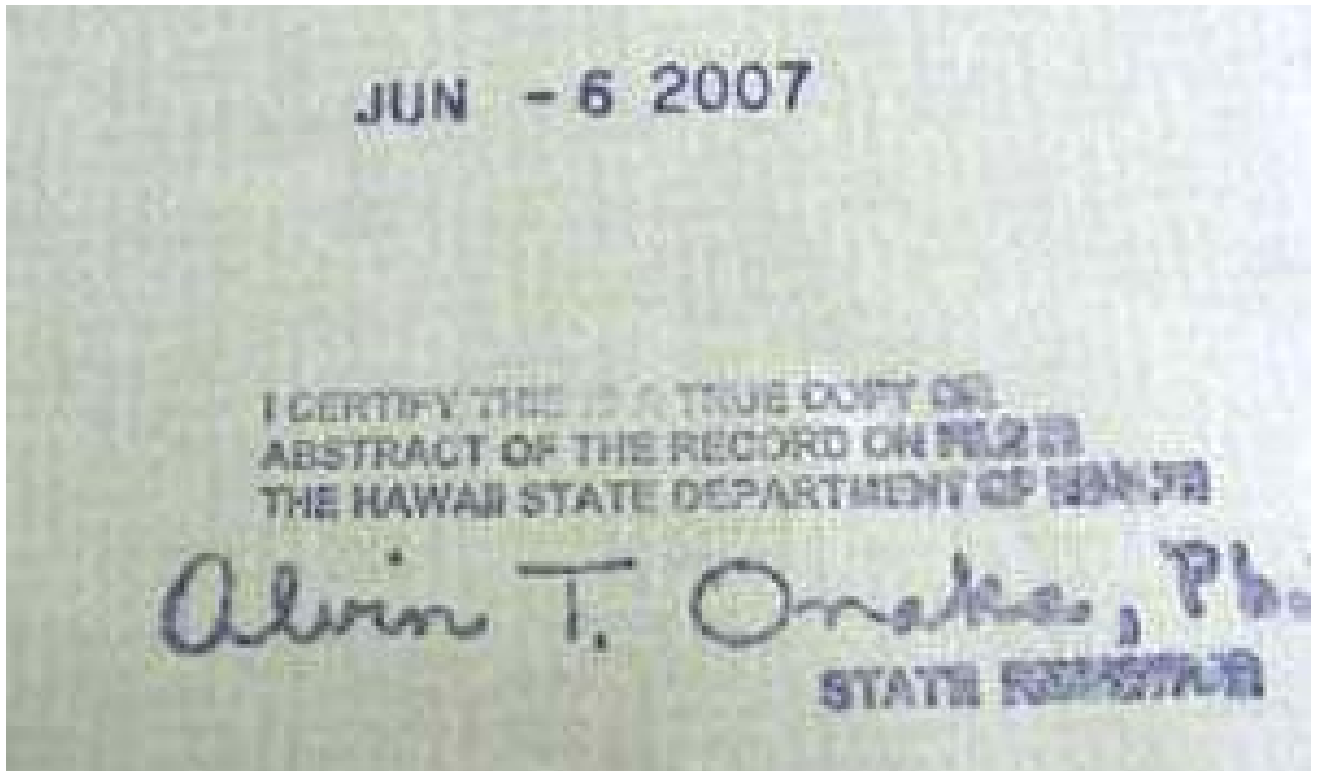
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Alvin T. Onaka, Ph.D
STATE REGISTRAR

Notably, the Registrar's stamp on Obama's short form COLB dated June 6, 2007, has no such aberrations in it.



V. Conclusion

The above anomalies found on Obama's COLB, and the curious circumstances in which only one press representative was allowed to see the "original" COLB is only the tip of the iceberg of evidence of the forgery of Obama's COLB. Moreover, similar question abound regarding Obama's (i) social security card, (ii) selective service card and (iii) college and university records.

This grand jury is empowered to investigate matters of public concern as detailed in the attached excerpt from the State of Maryland Grand Jury manual. Given the ample evidence to suggest that Obama's COLB is a forgery, further investigation is warranted and this Grand Jury is singularly empowered to undertake that investigation.

1a. Child's First Name (Type or print) BARACK			1b. Middle Name HUSSEIN			1c. Last Name OBAMA, II		
2. Sex Male	3. This Birth Single <input checked="" type="checkbox"/> Twin <input type="checkbox"/> Triplet <input type="checkbox"/>	4. If Twin or Triplet, Was Child Born 1st <input type="checkbox"/> 2nd <input type="checkbox"/> 3rd <input type="checkbox"/>		5a. Birth Date August	Month August	Day 4,	Year 1961	5b. Hour 7:24 P.M.
6a. Place of Birth: City, Town or Rural Location Honolulu						6b. Island Oahu		
6c. Name of Hospital or Institution (If not in hospital or institution, give street address) Kapiolani Maternity & Gynecological Hospital						6d. Is Place of Birth Inside City or Town Limits? If no, give judicial district Yes <input checked="" type="checkbox"/> No <input type="checkbox"/>		
7a. Usual Residence of Mother: City, Town or Rural Location Honolulu				7b. Island Oahu		7c. County and State or Foreign Country Honolulu, Hawaii		
7d. Street Address 6085 Kalaniana'ole Highway						7e. Is Residence Inside City or Town Limits? If no, give judicial district Yes <input checked="" type="checkbox"/> No <input type="checkbox"/>		
7f. Mother's Mailing Address						7g. Is Residence on a Farm or Plantation? Yes <input type="checkbox"/> No <input checked="" type="checkbox"/>		
8. Full Name of Father BARACK			HUSSEIN			9. Race of Father OBAMA African		
10. Age of Father 25	11. Birthplace (Island, State or Foreign Country) Kenya, East Africa		12a. Usual Occupation Student		12b. Kind of Business or Industry University			
13. Full Maiden Name of Mother STANLEY			ANN		DUNHAM		14. Race of Mother Caucasian	
15. Age of Mother 18	16. Birthplace (Island, State or Foreign Country) Wichita, Kansas		17a. Type of Occupation Outside Home During Pregnancy None		17b. Date Last Worked			
I certify that the above stated information is true and correct to the best of my knowledge.						18a. Signature of Parent or Other Informant <i>Stanley Dunham Obama</i>		18b. Date of Signature 8-7-61
I hereby certify that this child was born alive on the date and hour stated above.						19a. Signature of Attendant <i>David A. Similan</i>		19b. Date of Signature 8-8-61
20. Date Accepted by Local Reg. AUG - 8 1961		21. Signature of Local Registrar <i>U.K. Lee</i>				22. Date Accepted by Reg. General AUG - 8 1961		
23. Evidence for Delayed Filing or Alteration								

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Appendix 23

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