
**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)

APPELLANT'S RECORD EXTRACT

MONTGOMERY BLAIR SIBLEY
Appellant
402 King Farm Blvd, Suite 125-145
Rockville, Maryland, 20850
202-643-7232
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TABLE OF CONTENTS

DOCUMENT DESCRIPTION	EXTRACT PAGE #
Docket Entries	1
Plaintiff's Complaint for Declaratory Relief and Attachments	9
Motions to Conduct Pre-service Discovery and to Expedite	16
Order of Court (Debelius, J.) That the Plaintiff's Motion to Conduct Pre-service Discovery Is Denied	18
Plaintiff's Verified Emergency Motions to Disqualify the Honorable John W. Debelius, III and Reconsider Orders Denying Motions to Conduct Pre-service Discovery and to Expedite and Attachments	19
Order of Court (Debelius, J.) That Plaintiff's Motion to Disqualify And for Reconsideration Are Hereby Denied	27
State's Attorney for Montgomery County's Motion to Dismiss	28
Transcript of Proceedings on Hearing on January 22, 2015, pages 1 & 17-23 . .	30
Order of Court (Mason, J.) That the Defendant State's Attorney for Montgomery County's Motion to Dismiss Is Granted Without Prejudice	39
Plaintiff's Motion to Alter or Amend January 22, 2015, Order of Dismissal	40
The January 27, 2015, Letter from Sibley to the State Attorney	43
The February 5, 2015 letter from the Foreperson of the Grand Jury	44
Order of Court (Mason, J) That the Plaintiff's Motion or Amend the January 22. 2015 Order of Dismissal Is Hereby Denied	45

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that two (2) true and accurate copies of the foregoing was served by U.S. Postal Service first class mail this August __. 2015, on Bradley J. Neitzel, Assistant Attorney General, 200 St. Paul Place, 20th Floor, Baltimore, MD 21202.

By: _____
Montgomery Blair Sibley

D O C K E T I N F O R M A T I O N

CASE ID: 396243V Reference Case:

10/06/2014 #1 BILL OF COMPLAINT 366 HR
TYPE: DOCKET
PLAINTIFF'S COMPLAINT FOR DECLARATORY RELIEF AND ATTACHMENTS, FILED.

10/06/2014 #2 INFORMATION SHEET FILED 114 HR
TYPE: DOCKET
PLAINTIFF'S INFORMATION SHEET, FILED.

10/06/2014 #3 MOTION, APPROPRIATE RELIEF 930 HR
TYPE: MOTION STATUS: DENIED RULING: 7
PLAINTIFF'S MOTION TO CONDUCT PRE-SERVICE DISCOVERY, FILED.
Judge: J DEBELIUS

10/06/2014 #4 MOTION, EXPEDITED HEARING 297 HR
TYPE: MOTION STATUS: DENIED RULING: 8
PLAINTIFF'S MOTION TO EXPEDITE HEARING, FILED.
Judge: J DEBELIUS

10/08/2014 #5 NOTICE, NEW CASE NUMBER 836 HR
TYPE: DOCKET
NOTICE SENT GIVING NEW CASE NUMBER TO ALL PARTIES.

10/08/2014 #6 SUMMONS ISSUED 248 HR
TYPE: DOCKET
ONE 30 DAY SUMMONS ISSUED FOR PERSONAL SERVICE AND MAILED TO
PLAINTIFF.

10/20/2014 #7 ORDER, FOR APPROPRIATE RELIEF 977 KG
TYPE: RULING STATUS: DENIED MOTION: 3
ORDER OF COURT (DEBELIUS, J.) THAT THE PLAINTIFF'S MOTION TO CONDUCT
PRE-SERVICE DISCOVERY IS DENIED, ENTERED. (COPIES MAILED)
Judge: J DEBELIUS

10/20/2014 #8 ORDER, ADVANCE/EXPEDITE 357 KG
TYPE: RULING STATUS: DENIED MOTION: 4
ORDER OF COURT (DEBELIUS, J.) THAT THE PLAINTIFF'S MOTION TO EXPEDITE
HEARING IS DENIED, ENTERED. (COPIES MAILED)
Judge: J DEBELIUS

10/22/2014 #9 MOTION, DISQUALIFY/RECUSE 127 IC
TYPE: MOTION STATUS: DENIED RULING: 10
PLAINTIFF'S VERIFIED EMERGENCY MOTIONS TO DISQUALIFY THE HONORABLE
JOHN W. DEBELIUS, III AND RECONSIDER ORDERS DENYING MOTIONS TO CONDUCT
PRE-SERVICE DISCOVERY AND TO EXPEDITE AND ATTACHMENTS, FILED.
Judge: J DEBELIUS

D O C K E T I N F O R M A T I O N CONT'D.

11/06/2014 #10 ORDER, DISQUALIFY/RECUSE 490 DH
TYPE: RULING STATUS: DENIED MOTION: 9
ORDER OF COURT (DEBELIUS, J.) THAT PLAINTIFF'S MOTION TO DISQUALIFY
AND FOR RECONSIDERATION ARE HEREBY DENIED, ENTERED. (COPIES MAILED)
Judge: J DEBELIUS

11/24/2014 #11 MOTION, AMEND 1 DH
TYPE: MOTION STATUS: DENIED RULING: 14
PLAINTIFF'S MOTION FOR CLARIFICATION AND FOR FINAL JUDGMENT AND DEMAND
FOR ORAL ARGUMENT, FILED.
Judge: J DEBELIUS

12/02/2014 #12 MOTION, INTERVENE 34 DH
TYPE: MOTION STATUS: GRANTED RULING: 15
STATE'S ATTORNEY FOR MONTGOMERY COUNTY'S MOTION TO INTERVENE AND
ATTACHMENTS, FILED.
Judge: J DEBELIUS

12/02/2014 See Docket Entry #33

12/04/2014 #13 RESPONSE 522 AG
TYPE: DOCKET
PLAINTIFF'S RESPONSE TO THE STATE ATTORNEY FOR MONTGOMERY COUNTY'S
MOTION TO INTERVENE, FILED.

12/19/2014 #14 ORDER, AMEND 973 KG
TYPE: RULING STATUS: DENIED MOTION: 11
ORDER OF COURT (DEBELIUS, J.) THAT THE PLAINTIFF'S MOTION FOR
CLARIFICATION AND FOR FINAL JUDGMENT IS DENIED, ENTERED. (COPIES
MAILED)
Judge: J DEBELIUS

12/19/2014 #15 ORDER, INTERVENE 601 KG
TYPE: RULING STATUS: GRANTED MOTION: 12
ORDER OF COURT (DEBELIUS, J.) THAT THE STATE'S ATTORNEY MOTION TO
INTERVENE IS GRANTED AND THAT STATE'S ATTORNEY FOR MONTGOMERY COUNTY
SHALL BE MADE A DEFENDANT IN THIS ACTION, ENTERED. (COPIES MAILED)
Judge: J DEBELIUS

12/22/2014 #16 MOTION, COMPEL DISCOVERY 272 KG
TYPE: MOTION STATUS: MOOT
PLAINTIFF'S MOTION FOR RULE 3-322(C) DISCOVERY, FILED.

12/22/2014 #17 RESPONSE 522 KG
TYPE: DOCKET
PLAINTIFF'S RESPONSE TO THE STATE ATTORNEY FOR MONTGOMERY COUNTY'S
MOTION TO DISMISS FILED. (NO MOTION TO DISMISS FILED)

D O C K E T I N F O R M A T I O N CONT'D.

12/22/2014 #18 REQUEST, WITNESS SUBPOENA 724 KG
TYPE: DOCKET
PLAINTIFF'S REQUEST FOR WITNESS SUBPOENA, FILED.

12/22/2014 #19 SUBPOENA ISSUED 663 KG
TYPE: DOCKET
SUBPOENA ISSUED FOR PERSONAL SERVICE AS TO HONORABLE JOHN W. DEBELUIS,
III RETURNABLE ON JANUARY 16, 2015 AT 9:30 A.M. AND HANDED TO
PLAINTIFF.

12/29/2014 #20 MEMORANDUM 727 SG
TYPE: DOCKET
DEFENDANT, STATE ATTORNEY FOR MONTGOMERY COUNTY'S MEMORANDUM IN
SUPPORT OF MOTION TO DISMISS, FILED.

01/12/2015 #21 MOTION, QUASH 41 B1
TYPE: MOTION STATUS: GRANTED OPPOSITION: 27 RULING: 47
JOHN W. DEBELIUS, III'S MOTION TO QUASH SUBPOENA AND FOR PROTECTIVE
ORDER, AND ATTACHMENTS, FILED. (LP)
Judge: R JORDAN Hearing: 02/11/2015 01:30

01/12/2015 #22 MOTION, SANCTIONS 42 KG
TYPE: MOTION STATUS: DENIED RULING: 48
PLAINTIFF'S MOTION FOR IMMEDIATE SANCTIONS FOR FAILURE OF DISCOVERY
AND/OR TO COMPEL DISCOVERY, RULE 2-431 CERTIFICATE AND ATTACHMENTS
FILED. (LP)
Judge: R JORDAN

01/13/2015 #23 SHERIFF'S RETURN ON SUBPOENA: SERVED 865 KG
TYPE: DOCKET
SHERIFF'S RETURN ON SUBPOENA: SERVED AS TO JOHN W. DEBELIUS, III W/S/O
KATHY PARKER ON 1/12/15 FILED. (LP)

01/14/2015 #24 NOTICE, EXISTING SCHEDULE 884 JM
TYPE: DOCKET
NOTICE OF EXISTING SCHEDULE SENT TO MICHELE J. MCDONALD, ESQ., AND
ALEXIS B. ROHDE, ESQ., FILED. (LP)

01/14/2015 #25 NOTICE, HEARING DATE (MAILED) 437 JM
TYPE: DOCKET
NOTICE OF HEARING DATE FILED AND MAILED. (HEARING DATE: 01/22/2015),
FILED. (LP)

01/15/2015 #26 MOTION, DISQUALIFY/RECUSE 127 DH
TYPE: MOTION STATUS: AMENDED
PLAINTIFF'S SECOND VERIFIED MOTION TO DISQUALIFY THE HONORABLE JOHN W.
DEBELIUS, III, FILED. (LP)

DOCKET INFORMATION CONT'D.

01/15/2015 #27 OPPOSITION TO MOTION 900 DH
TYPE: OPPOSITION MOTION: 21 RULING: 47
PLAINTIFF'S RESPONSE TO THE MOTION TO QUASH SUBPOENA AND FOR
PROTECTIVE ORDER AND REQUEST FOR HEARING, FILED. (LP)
Judge: R JORDAN Hearing: 02/11/2015 01:30

01/16/2015 #28 ORDER, FOR APPROPRIATE RELIEF 977 DH
TYPE: DOCKET
ORDER OF COURT (JORDAN, J.) THAT THE DEPOSITION OF JOHN W. DEBELIUS,
III, NOTED FOR JANUARY 16, 2015, SHALL NOT TAKE PLACE AS AND WHEN
NOTED; AND THAT PLAINTIFF SHALL FILE A RESPONSE, IF ANY, TO DEFENDANT
JOHN W. DEBELIUS, III'S MOTION TO QUASH SUBPOENA AND FOR PROTECTIVE
ORDER ON OR BEFORE NOON ON JANUARY 22, 2015, WITH A COPY FAXED TO
CHAMBERS (240-777-9290) , AS THE COURT WILL RULE ON THIS MOTION SOON
THEREAFTER BASED ON THE RECORD THEN EXISTING, ENTERED. (COPIES MAILED)
Judge: R JORDAN

01/16/2015 #29 MOTION, PROTECTIVE ORDER 10 DH
TYPE: MOTION STATUS: GRANTED OPPOSITION: 37 RULING: 46
DEFENDANT, STATE'S ATTORNEY FOR MONTGOMERY COUNTY'S MOTION FOR
PROTECTIVE ORDER, RULE 2-431 CERTIFICATE AND ATTACHMENTS, FILED. (LP)
Judge: R JORDAN Hearing: 02/11/2015 01:30

01/20/2015 #30 MOTION, DISQUALIFY/RECUSE 127 IC
TYPE: MOTION STATUS: DENIED RULING: 39
PLAINTIFF'S VERIFIED MOTION TO DISQUALIFY THE HONORABLE RICHARD E.
JORDAN, FILED. (LP)
Judge: R JORDAN

01/22/2015 #31 HEARING H4 573 TW
TYPE: DOCKET
HEARING (MASON, J.) ON DEFENDANT'S, STATE'S ATTORNEY FOR MONTGOMERY
COUNTY'S MOTION TO DISMISS (#31) . PLAINTIFF APPEARED PRO SE. MR.
NEITZEL. APPEARED ON BEHALF OF THE DEFENDANT, STATE'S ATTORNEY FOR
MONTGOMERY COUNTY.
Judge: M MASON
TAPE# 8D-150122 START# 10:55:06 STOP# 11:47:33 #SESSIONS 1

01/22/2015 #32 COURT DISMISSES CASE PREJUDICE NOT SPECIFI 1405 TW
TYPE: RULING STATUS: GRANTED MOTION: 33
COURT (MASON, J.) GRANTS DEFENDANT'S, STATE'S ATTORNEY FOR MONTGOMERY
COUNTY'S MOTION TO DISMISS (DE #31) SUBJECT TO PLAINTIFF FILING AN
AMENDED COMPLAINT.
Judge: M MASON

DOCKET INFORMATION CONT'D.

01/26/2015 #33 MOTION, DISMISS 19 DJ
TYPE: MOTION STATUS: GRANTED RULING: 32
DEFENDANT STATE'S ATTORNEY FOR MONTGOMERY COUNTY'S MOTION TO DISMISS
AND MEMORANDUM, FILED.
Judge: M MASON
(Correct Entry/File Date: 12/02/2014)

01/26/2015 #34 NOTICE, DISMISSAL 1475 TW
TYPE: DOCKET
NOTICE OF DISMISSAL, FILED. COPIES MAILED TO ALL PARTIES.

01/26/2015 #35 UNDELIVERABLE MAIL RETURNED 1623 ML
TYPE: DOCKET
UNDELIVERABLE MAIL RETURNED ON NOTICE OF HEARING DATE AS TO JOHN DOE.
(LP)

01/27/2015 #36 AMENDED BILL OF COMPLAINT/PETITION 76 B1
TYPE: DOCKET
PLAINTIFF'S AMENDED COMPLAINT FOR DECLARATORY RELIEF, FILED. (LP)

01/27/2015 #37 OPPOSITION TO MOTION 900 B1
TYPE: OPPOSITION MOTION: 29 RULING: 46
PLAINTIFF'S RESPONSE TO MONTGOMERY COUNTY'S MOTION FOR PROTECTIVE
ORDER, FILED. (LP)
Judge: R JORDAN Hearing: 02/11/2015 01:30

01/27/2015 #38 MOTION, AMEND 1 B1
TYPE: MOTION STATUS: DENIED OPPOSITION: 51 RULING: 50
PLAINTIFF'S MOTION TO ALTER OR AMEND JANUARY 22, 2015 ORDER OF
DISMISSAL, FILED. (LP)
Judge: R JORDAN

02/03/2015 #39 ORDER, DISQUALIFY/RECUSE 490 KG
TYPE: RULING STATUS: DENIED MOTION: 30
ORDER OF COURT (JORDAN, J.) THAT THE PLAINTIFF'S VERIFIED MOTION TO
DISQUALIFY THE HONORABLE RICHARD E. JORDAN IS DENIED, ENTERED. (COPIES
MAILED)
Judge: R JORDAN

02/03/2015 #40 ORDER, FOR APPROPRIATE RELIEF 977 KG
TYPE: DOCKET
ORDER OF COURT (JORDAN, J.) THAT THE MOTION SHALL BE SET FOR A HEARING
BEFORE THE COURT ON WEDNESDAY, FEBRUARY 11, 2015 AT 1:30 P.M. (COURT
ROOM 5-1) FOR 30 MINUTES, WITH 15 MINUTES OF ORAL ARGUMENT ALLOCATED
TO EACH PARTY, ENTERED. (COPIES MAILED)
Judge: R JORDAN

DOCKET INFORMATION CONT'D.

02/03/2015 #41 ORDER, AMEND 973 KG
TYPE: DOCKET
AMENDED ORDER OF COURT (JORDAN, J.) THAT THE DEPOSITION OF JOHN W. DEBELIUS, III, NOTED FOR JANUARY 16, 2015, SHALL NOT TAKE PLACE AS AND WHEN NOTED AND THAT PLAINTIFF SHALL FILE A RESPONSE, IF ANY, TO DEFENDANT JOHN W. DEBELIUS, III'S MOTION TO QUASH SUBPOENA AND FOR PROTECTIVE ORDER ON OR BEFORE NOON ON JANUARY 22, 2015, WITH A COPY FAXED TO CHAMBERS AS THE COURT WILL RULE ON THIS MOTION SOON THEREAFTER BASED ON THE RECORD THEN EXISTING, ENTERED. (COPIES MAILED)
Judge: R JORDAN

02/03/2015 #42 ORDER, DISMISS (PARTIAL - CASE NOT CLOSED) 1012 KG
TYPE: DOCKET STATUS: GRANTED MOTION: 33 RULING: 32
ORDER OF COURT (MASON, J.) THAT THE DEFENDANT STATE'S ATTORNEY FOR MONTGOMERY COUNTY'S MOTION TO DISMISS IS GRANTED WITHOUT PREJUDICE, ENTERED. (COPIES MAILED)
Judge: M MASON

02/11/2015 #43 AMENDED BILL OF COMPLAINT/PETITION 76 ML
TYPE: DOCKET
PLAINTIFF'S SECOND AMENDED COMPLAINT FOR DECLARATORY RELIEF, ATTACHMENTS AND COMPARISON COPY, FILED. (LP)

02/11/2015 #44 HEARING H4 573 CT
TYPE: DOCKET
HEARING (JORDAN, J.) ON MOTION TO QUASH/PROTECTIVE ORDER HELD. PLAINTIFF PRESENT PRO SE. ATTORNEY GENERAL ALEXIS B. ROHDE, ESQ. PRESENT.
Appeared: Plaintiff, Def. Atty
Judge: R JORDAN
TAPE# 5I-150211 START# 13:37:39 STOP# 13:53:21 #SESSIONS 1

02/11/2015 #45 HEARING H4 573 CT
TYPE: DOCKET
HEARING (JORDAN, J.) ON MOTION FOR PROTECTIVE ORDER HELD. PLAINTIFF PRESENT PRO SE. ATTORNEY GENERAL ALEXIS B. ROHDE, ESQ. PRESENT.
Appeared: Plaintiff, Def. Atty
Judge: R JORDAN
TAPE# 5I-150211 START# 13:37:39 STOP# 13:53:21 #SESSIONS 1

02/11/2015 #46 ORDER, PROTECTIVE (NON-DOMESTIC VIOLENCE) 919 CT
TYPE: RULING STATUS: GRANTED MOTION: 29 OPPOSITION: 37
DEFENDANT, STATE'S ATTORNEY FOR MONTGOMERY COUNTY'S MOTION FOR PROTECTIVE ORDER OF COURT (JORDAN, J.) GRANTED, (OS)
Judge: R JORDAN

D O C K E T I N F O R M A T I O N CONT'D.

02/11/2015 #47 ORDER, QUASH 264 CT
TYPE: RULING STATUS: GRANTED MOTION: 21 OPPOSITION: 27
JOHN W. DEBELIUS, III'S MOTION TO QUASH SUBPOENA AND FOR PROTECTIVE
ORDER, (JORDAN, J) , GRANTED - OTBS.
Judge: R JORDAN

02/11/2015 #48 COURT ORDERS/DIRECTS/DETERMINES 536 MV
TYPE: RULING STATUS: DENIED MOTION: 22
COURT (JORDAN, J.) DETERMINES PLAINTIFF'S MOTION FOR IMMEDIATE
SANCTIONS FOR FAILURE OF DISCOVERY, DENIED.
Judge: R JORDAN

02/11/2015 #49 MOTION DEEMED MOOT PER... (CASE OPEN) 1739 MV
TYPE: DOCKET
THE MOTION AT TAB #16 HAS BEEN DEEMED MOOT PER JORDAN, JUDGE.
Judge: R JORDAN

02/11/2015 #50 ORDER, AMEND 973 MV
TYPE: RULING STATUS: DENIED MOTION: 38 OPPOSITION: 51
ORDER OF COURT (JORDAN, J.) PLAINTIFF'S MOTION TO AMEND DE#38.
Judge: R JORDAN

02/18/2015 #51 OPPOSITION TO MOTION 900 ML
TYPE: OPPOSITION MOTION: 38 RULING: 50
DEFENDANT STATE ATTORNEY FOR MONTGOMERY COUNTY'S OPPOSITION TO
PLAINTIFF'S MOTION TO ALTER OR AMEND JANUARY 22, 2015 ORDER OF
DISMISSAL, FILED.

02/19/2015 #52 ORDER, PROTECTIVE (NON-DOMESTIC VIOLENCE) 919 ML
TYPE: DOCKET
PROTECTIVE ORDER OF COURT (JORDAN, J.) THAT DEFENDANT STATE ATTORNEY
FOR MONTGOMERY COUNTY'S MOTION FOR PROTECTIVE ORDER IS HEREBY GRANTED,
THAT NO DISCOVERY SHALL BE HAD IN THIS ACTION WITHOUT FURTHER ORDER OF
THIS COURT, ENTERED. (COPIES MAILED)
Judge: R JORDAN

04/06/2015 #53 MOTION, AMEND 1 N1
TYPE: MOTION STATUS: DENIED RULING: 55
PLAINTIFF'S MOTION FOR HEARING AND ENTRY OF ORDER ON PLAINTIFF'S
MOTION TO ALTER OR AMEND THE JANUARY 22, 2015 ORDER OF DISMISSAL,
FILED. (LP)
Judge: M MASON

04/20/2015 #54 ORDER OF COURT OF SPECIAL APPEALS 1448 G1
TYPE: DOCKET
ORDER OF COURT OF SPECIAL APPEALS (KRAUSER, J.) THAT APPELLANT'S
VERIFIED PETITION FOR PREROGATIVE WRITS BE AND HEREBY IS DENIED,
ENTERED. (LP)
Judge: P KRAUSER

D O C K E T I N F O R M A T I O N CONT'D.

05/11/2015 #55 ORDER, AMEND 973 ED
TYPE: RULING STATUS: DENIED MOTION: 53
ORDER OF COURT (MASON, J.) THAT THE PLAINTIFF'S MOTION, OR AMEND THE
JANUARY 22, 2015 ORDER OF DISMISSAL IS HEREBY DENIED, ENTERED. (COPIES
MAILED)
Judge: M MASON

05/15/2015 #56 NOTICE OF APPEAL-COURT SPECIAL APPEALS 823 G1
TYPE: DOCKET
PLAINTIFF'S NOTICE OF APPEAL, FILED. (LP)

05/29/2015 #57 ORDER OF COURT OF SPECIAL APPEALS DIRECTIN 269 G1
TYPE: DOCKET
ORDER OF COURT OF SPECIAL APPEALS (KRAUSER J.) DIRECTING THE APPEAL TO
PROCEED WITHOUT A PREHEARING CONFERENCE, ENTERED. (LP)
Judge: P KRAUSER

06/10/2015 #58 TRANSCRIPT OF PROCEEDINGS 399 G1
TYPE: DOCKET
TRANSCRIPT OF PROCEEDINGS ON HEARING ON JANUARY 22, 2015, FILED. (LP)

06/22/2015 #59 ORDER OF COURT OF SPECIAL APPEALS 1448 G1
TYPE: DOCKET
ORDER OF COURT OF SPECIAL APPEALS (KRAUSER, J.) THAT APPELLANT'S
MOTION BE AND HEREBY IS DENIED, ENTERED.
Judge: P KRAUSER

*** END OF INFORMATION FOR CASE #396243 ***

IN MONTGOMERY COUNTY CIRCUIT COURT, MARYLAND

MONTGOMERY BLAIR SIBLEY
402 KING FARM BLVD, SUITE 125-145,
ROCKVILLE, MARYLAND, 20850,
202-643-7232,

Case. No.: 396243-V

PLAINTIFF,

**COMPLAINT FOR DECLARATORY
RELIEF**

VS.

JOHN DOE, FOREMAN, MONTGOMERY COUNTY
GRAND JURY, 50 MARYLAND AVE, ROCKVILLE,
MD 20850,

DEFENDANT.

_____ /

Plaintiff, Montgomery Blair Sibley (“Sibley”), sues Defendant John Doe and prays that this Court declare Sibley’s rights, and for grounds in support thereof states:

INTRODUCTION

1. By this lawsuit, Sibley seeks a declaratory judgment to settle and afford relief from his uncertainty and insecurity with respect to his right, status, and other legal relations between him and the Montgomery County Grand Jury and its Foreman.

JURISDICTION AND VENUE

2. Jurisdiction of this Court is invoked pursuant to Maryland Code §3-403.
3. Venue in this circuit is proper as a substantial part of the events or omissions giving rise to the claim herein occurred in the Montgomery County, Maryland.

PARTIES

4. Sibley is a Citizen of the United States.

5. Defendant John Doe is the Foreman of the Montgomery County, Maryland, Grand Jury whose identity can be established after a reasonable opportunity for discovery and is sued solely in his official capacity.

GENERAL ALLEGATIONS

6. In or about July 2014, Sibley became aware of what he believed was criminal behavior in violation of Maryland law, to wit, *inter alia*, the continuing violation of Maryland Code, §8-303, *Government identification document*, by Barack Hussein Obama.

7. Accordingly, pursuant to the holding in *Brack v. Wells*, 184 Md. 86 (Md. 1944)¹, Sibley, in order to discharge his obligation as a Citizen to raise the hue and cry, reported his belief to the Montgomery County Police who referred him to the Maryland State Attorney.

8. On September 13, 2014, Sibley requested in writing to the Honorable John W. Debelius III that upon the evidence furnished to him by Sibley that he: “issue a warrant for the arrest of Barack Hussein Obama.” To date, Sibley has not received any response to that request from the Honorable John W. Debelius III.

9. On September 22, 2014, Sibley wrote Bryan Roslund, Assistant State’s Attorney, Chief, Special Prosecution Division, Office of the State’s Attorney, Montgomery County, Maryland, requesting to appear before the Grand Jury to present his belief of the violations of Maryland criminal law. On September 25, 2014, Sibley received from ASA Roslund a letter stating: “The

¹ “It is the opinion of this Court that **every citizen has a right to offer to present to the grand jury violations of the criminal law**. This does not mean that an individual member of that body may be approached. The citizen should exhaust his remedy before the magistrate and State's Attorney as was done in the instant case, and if relief can not be had there, **he then has the right to ask the foreman of the grand jury for permission to appear before that body.**” *Id.* at 97 (Emphasis added).

Grand Jury for Montgomery County, Maryland has considered your request that an investigation be opened into whether documents relating to President Obama’s eligibility for office are fraudulent. The Grand Jury declines to investigate this matter.” A copy of that Letter is attached as Exhibit “A”. Notably, the purported signature of the Foreman of the Grand Jury is illegible.

10. In response, on September 27, 2014, Sibley wrote to ASA Roslund stating: (i) “I take your September 25, 2014, letter as a “refusal” by the State's Attorney to exercise his vested discretion to present my concerns regarding Mr. Obama to the Grand Jury. If I am wrong in this regard, please promptly let me know” and (ii) that Sibley “did not authorize you to speak on my behalf: ‘to ask the foreman of the grand jury for permission to appear before that body.’” A copy of that letter is attached as Exhibit “B”. To date, ASA Roslund has not responded to the September 27, 2014, letter.

**CLAIM FOR
DECLARATORY RELIEF**

11. Sibley re-alleges paragraphs 1 through 10 and incorporates them herein by reference.

12. Indisputably, Sibley enjoys the “right to ask the foreman of the grand jury for permission to appear before that body” after Sibley has “exhaust[ed] his remedy before the magistrate and State’s Attorney”. *Brack v. Wells* at 97. Here, Sibley has so exhausted his remedy (i) before a magistrate – the Honorable John W. Debelius III – and (ii) the State Attorney.

13. Moreover, Sibley’s aforementioned “right” has been impermissibly adulterated by ASA Roslund’s unauthorized and in inaccurate form of Sibley’s request to appear before the Grand Jury. In particular, at no time did Sibley raise the “eligibility for office” Article II issue of Mr. Obama to be President in his communications with ASA Roslund yet that issue is the basis for the putative decision to deny Sibley’s request to appear. Upon information and belief and after a

reasonable opportunity for further investigation or discovery, Sibley will establish that ASA Roslund pejoratively characterized Sibley to the Grand Jury Foreman as a “birther” lunatic, thereby induced the John Doe Grand Jury Foreman to sign Exhibit “A”. As a result, Sibley was prevented from exercising his right: “to present his complaint to the grand jury for whatever action that body desires to take.” *Brack v. Wells* at 97.

14. Additionally, given the apparent prejudice that ASA Roslund has created in the John Doe Foreman towards Sibley, there may be no way Sibley’s request to appear can be impartially considered by this John Doe Grand Jury Foreman.

15. Finally, Sibley maintains that it is not for the Foreman of a Grand Jury to alone determine whether or not the Grand Jury will determine to investigate a criminal matter. Rather, that decision can only be made by the entire Grand Jury who must be presented with Sibley’s request to appear.²

16. “The peace, the government, and the dignity of the state, the well-being of society, and the security of the individual, demand that this ancient and important attribute of the grand jury should not be narrowed or interfered with when legitimately exerted. That it may in some instances be abused, is no sufficient reason for denying its existence.” *Blaney v. State*, 74 Md. 153, 21 A. 547 (1891). Here, by interfering with Sibley’s ability to directly request to appear, the State’s Attorney has interfered with an “ancient and important attribute of the grand jury”.

² “In the case under discussion, as the appellant has made an effort to have a case, which he claims involves a violation of the criminal laws of this State, presented to the grand jury by the State's Attorney, which has been refused, and as he has also made the complaint before a magistrate and a warrant refused, all of which is pointed out in the opinion, **we see no reason why he should not have an opportunity, if he so desires, to present his complaint to the grand jury for whatever action that body desires to take.**” *Brack v. Wells* at 97 (Emphasis added).

WHEREFORE, Sibley requests that this Court:

A. Assume jurisdiction of his claim;

B. Declare Sibley's right, status, and other legal relations between him and the Montgomery County Grand Jury and its Foreman in particular declaring:

i. That Sibley has the right to present to the Foreman of the Grand Jury *in person* his request-to-appear before that body as he has exhausted his remedies before a magistrate and the State's Attorney;

ii. That the Foreman thereafter has the obligation to present Sibley's request-to-appear "to the grand jury for whatever action that body desires to take."

iii. That in this particular case, the behavior of ASA Roslund has so prejudiced the Foreman of the Grand Jury as to deprive Sibley of his right to an untainted Grand Jury to consider his "complaint"; and

C. Retain jurisdiction of this matter to enforce this declaratory degree if subsequently violated;

D. Enter such other and further relief as the Court deems just and proper.

MONTGOMERY BLAIR SIBLEY
Plaintiff
402 King Farm Blvd, Suite 125-145
Rockville, Maryland, 20850
202-643-7232



By: _____
Montgomery Blair Sibley



STATE'S ATTORNEY
JOHN J. McCARTHY

State's Attorney for Montgomery County

50 Maryland Avenue
Rockville, Maryland 20850

(240) 777-7300

FAX (240) 777-7413

www.montgomerycountymd.gov/sao

DEPUTY STATE'S ATTORNEYS

LAURA CHASE

JOHN M. MALONEY

September 25, 2014


Mr. Montgomery Blair Sibley
BY EMAIL: MBSIBLEY@gmail.com

Dear Mr. Sibley:

The Grand Jury for Montgomery County, Maryland has considered your request that an investigation be opened into whether documents relating to President Obama's eligibility for office are fraudulent. The Grand Jury declines to investigate this matter.

Sincerely,


Foreperson of the Grand Jury


Bryan Rostund
Assistant State's Attorney
Chief, Special Prosecutions Division

MONTGOMERY BLAIR SIBLEY
402 KING FARM BOULEVARD, SUITE 125-145
ROCKVILLE, MD 20850
EMAIL: MBSIBLEY@GMAIL.COM
301-806-3439/800-420-3609 (FAX)

September 27, 2014

Via Email (Bryan.Roslund@montgomerycountymd.gov)
Bryan Roslund
Assistant State's Attorney
Chief, Special Prosecution Division

Greetings,

Thank you for your prompt September 25, 2014, response to my September 22, 2014, email to you. I write to clarify two points upon which we seem to have a misunderstanding. First, pursuant to the procedure detailed in *Brack v. Wells*, 184 Md. 86, 97 (Md. 1944), I take your September 25, 2014, letter as a "refusal" by the State's Attorney to exercise his vested discretion to present my concerns regarding Mr. Obama to the Grand Jury. If I am wrong in this regard, please promptly let me know.

Second, I did not authorize you to speak on my behalf: "to ask the foreman of the grand jury for permission to appear before that body." Indeed, the very idea eviscerates my "right" expressed in *Brack v. Wells* to make such a request to the Foreman for it allows the already hostile-to-the-request prosecutor to shape the message I am trying to deliver to the Grand Jury. Such a procedure would *de facto* deny to me the right so clearly established in *Brack v. Wells*.

Accordingly, I do not accept your letter of September 25, 2014, as concluding this matter for I believe I have the right to present my request directly to the Grand Jury Foreman. I propose that this be done when next the Foreman appears in open court to hand to the presiding Judge the indictments he has signed. At that time, I will simply introduce myself and present in writing the the reason I wish to appear before the Grand Jury.

I trust you will respond to my proposal by close of business on Friday, October 3, 2014. After that date, if you are not going to grant my instant request, I will seek *mandamus* in the appropriate court to the end of securing direct access to the Grand Jury Foreman.

yours,



cc: The Honorable John W. Debelius III

IN MONTGOMERY COUNTY CIRCUIT COURT, MARYLAND

MONTGOMERY BLAIR SIBLEY,

Case. No.: 396243-V

PLAINTIFF,

VS.

**MOTIONS TO CONDUCT PRE-SERVICE
DISCOVERY AND TO EXPEDITE**

JOHN DOE, FOREMAN, MONTGOMERY COUNTY
GRAND JURY,

DEFENDANT.

_____ /

Plaintiff, Montgomery Blair Sibley, moves this Court for an order permitting Plaintiff to conduct pre-service discovery to establish the identity of the Defendant and to expedite disposition of this matter, and for grounds in support states:

I. MOTION TO CONDUCT PRE-SERVICE DISCOVERY

At present the identity of Defendant John Doe, Foreman, Montgomery County Grand Jury is not known to Plaintiff but should be obtainable through interrogatories directed to Bryan Roslund, Assistant State's Attorney, Chief, Special Prosecution Division. Once, that identity is established, Plaintiff will then be able to effect service of the Summons and Complaint.

WHEREFORE, Plaintiff respectfully requests an order permitting Plaintiff to conduct the aforementioned limited pre-service discovery to establish the identity of John Doe, Foreman, Montgomery County Grand Jury.

II. MOTION TO EXPEDITE

Given the allegations contained in the Complaint, Plaintiff moves this Court to expedite resolution of this matter pursuant to Maryland Code §3-409(e) – Speedy hearing (“A court may order a speedy hearing of an action of a declaratory judgment and may advance it on the calendar.”).

MONTGOMERY BLAIR SIBLEY
Plaintiff
402 King Farm Blvd, Suite 125-145
Rockville, Maryland, 20850
202-643-7232

A handwritten signature in black ink, appearing to read "M. Blair Sibley", written in a cursive style.

By: _____
Montgomery Blair Sibley

Circuit Court for Montgomery County Case No. 396243V

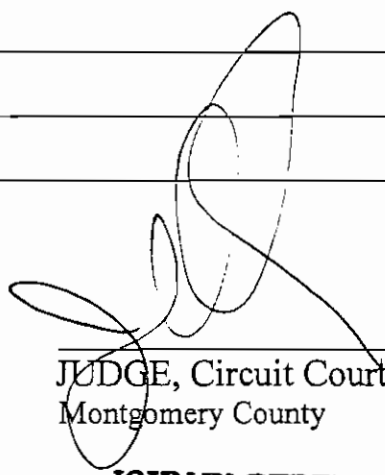
Montgomery Blair Sibley vs. John Doe, Foreman
Montgomery County
Grand Jury

ORDER

UPON consideration of the papers and pleadings filed in this case, it is this
15th Day of October, 2014, by this
Court, ORDERED:

ORDERED that the Motion to /for Conduct Pre-Service
Discovery

Is hereby ~~Granted~~ Denied, and it is further,



JUDGE, Circuit Court for
Montgomery County

JOHN W. DEBELIUS, III

IN MONTGOMERY COUNTY CIRCUIT COURT, MARYLAND

MONTGOMERY BLAIR SIBLEY,

PLAINTIFF,

VS.

JOHN DOE, FOREMAN, MONTGOMERY COUNTY
GRAND JURY,

DEFENDANT.

Case. No.: 396243-V

**PLAINTIFF'S VERIFIED EMERGENCY
MOTIONS TO (I) DISQUALIFY THE
HONORABLE JOHN W. DEBELIUS III,
AND (II) RECONSIDER ORDERS DENYING
MOTIONS TO CONDUCT PRE-SERVICE
DISCOVERY AND TO EXPEDITE**

DEMAND FOR ORAL ARGUMENT

Plaintiff, Montgomery Blair Sibley ("Sibley"), pursuant to 28 U.S.C. §1746, states that the factual matters stated herein are true under penalty of perjury and moves this Court for orders: (i) Disqualifying Judge Debelius, III, and (ii) Reconsidering the October 15, 2014, Orders Denying Plaintiff's Motions to Conduct Pre-Service Discovery and to Expedite, and for grounds in support states::

I. INTRODUCTION

1. By this lawsuit, Sibley seeks a declaratory judgment to settle and afford relief from his uncertainty and insecurity with respect to his right, status, and other legal relations between him and the Montgomery County Grand Jury and its Foreman.

II. FACTUAL ALLEGATIONS

2. In or about July 2014, Sibley became aware of what he believed was criminal behavior in violation of Maryland law, to wit, *inter alia*, the continuing violation of Maryland Code, §8-303, *Government identification document*, by Barack Hussein Obama.

2. Accordingly, pursuant to the holding in *Brack v. Wells*, 184 Md. 86 (Md. 1944)¹, Sibley, in order to discharge his obligation as a Citizen to raise the hue and cry, reported his belief to the Montgomery County Police who referred him to the Maryland State Attorney.

3. On September 13, 2014, Sibley requested in writing to the Honorable John W. Debelius III that upon the evidence furnished to him by Sibley that he: “issue a warrant for the arrest of Barack Hussein Obama.” To date, Sibley has not received any response to that request from the Honorable John W. Debelius III.

4. On September 22, 2014, Sibley wrote Bryan Roslund, Assistant State’s Attorney, Chief, Special Prosecution Division, Office of the State’s Attorney, Montgomery County, Maryland, requesting to appear before the Grand Jury to present his belief of the violations of Maryland criminal law. On September 25, 2014, Sibley received from ASA Roslund a letter stating: “The Grand Jury for Montgomery County, Maryland has considered your request that an investigation be opened into whether documents relating to President Obama’s eligibility for office are fraudulent. The Grand Jury declines to investigate this matter.” A copy of that Letter is attached as Exhibit “A”. Notably, the purported signature of the Foreman of the Grand Jury is illegible.

5. In response, on September 27, 2014, Sibley wrote to ASA Roslund stating: (i) “I take your September 25, 2014, letter as a “refusal” by the State's Attorney to exercise his vested discretion to present my concerns regarding Mr. Obama to the Grand Jury. If I am wrong in this regard, please

¹ “It is the opinion of this Court that **every citizen has a right to offer to present to the grand jury violations of the criminal law**. This does not mean that an individual member of that body may be approached. The citizen should exhaust his remedy before the magistrate and State's Attorney as was done in the instant case, and if relief can not be had there, **he then has the right to ask the foreman of the grand jury for permission to appear before that body.**” *Id.* at 97 (Emphasis added).

promptly let me know” and (ii) that Sibley “did not authorize you to speak on my behalf: ‘to ask the foreman of the grand jury for permission to appear before that body.’” A copy of that letter is attached as Exhibit “B”.

6. On October 6, 2014, Sibley filed the instant action seeking a declaratory degree determining his right, status, and other legal relations between him and the Montgomery County Grand Jury and its Foreman in particular declaring: (i) That Sibley has the right to present to the Foreman of the Grand Jury *in person* his request-to-appear before that body as he has exhausted his remedies before a magistrate and the State’s Attorney; (ii) That the Foreman thereafter has the obligation to present Sibley’s request-to-appear “to the grand jury for whatever action that body desires to take.” and (iii) That in this particular case, the behavior of ASA Roslund has so prejudiced the Foreman of the Grand Jury as to deprive Sibley of his right to an untainted Grand Jury to consider his “complaint”. Contemporaneously, Sibley filed his Motions to Conduct Pre-Service Discovery and to Expedite.

7. On October 10, 2014, Sibley received from the Clerk a “John Doe” summons, a copy of which is attached hereto as Exhibit “C”. Plainly, a summons cannot be served unless the party is identified.

8. As a result, Sibley identified Judge Rubin as the Regular Duty Judge for the week of October 13, 2014, and advised Bryan Roslund, Assistant State’s Attorney, Chief, Special Prosecution Division, Office of the State’s Attorney as a matter of professional courtesy that Sibley intended to call up for hearing his Motion to Conduct Pre-Service Discovery on October 17, 2014 at 9:30 a.m. before Judge Rubin. A copy of the email correspondence between Sibley and ASA Roslund is attached as Exhibit “D”. Notably, on October 15th at 11:25 a.m., ASA Roslund replied stating:

“Thank you for the notice. I will pass your message to the Attorney General's Office.”

9. At a presently unknown time on October 15, 2014, the Honorable John W. Debelius III, entered his orders denying Sibley’s motions (i) for pre-service discovery and (ii) to expedite. A copy of those Orders are attached as composite Exhibit “E”. Upon information and belief and after a reasonable opportunity for further investigation or discovery, Sibley will establish that there was *ex parte* communication between presently unknown members of the State Attorney and/or Attorney General’s Office and the Honorable John W. Debelius III regarding Sibley’s motions.

III. MOTION TO DISQUALIFY THE HONORABLE JOHN W. DEBELIUS III

It is beyond dispute that “[a] fair trial in a fair tribunal is a basic requirement of due process. Fairness, of course, requires an absence of actual bias in the trial of cases. But our system of law has always endeavored **to prevent even the probability of unfairness.**” *In re Murchison*, 349 U.S. 133, 136 (1955)(Emphasis added).

Most relevant, the Supreme Court stated in *Powell v. Alabama*, 287 U.S. 45 (1932) that: “[i]f in any case, civil or criminal, a state or federal court were arbitrarily to refuse to hear a party . . . it reasonably may not be doubted that such a refusal would be a denial of a hearing, and, therefore, of due process in the constitutional sense.” *Id.* at 69. *Accord: Peters v. Kiff*, 407 U.S. 493 (1972)(“Moreover, even if there is no showing of actual bias in the tribunal, this Court has held that due process is denied by circumstances that create the likelihood or the appearance of bias.”)

Here, the Honorable John W. Debelius III (i) is a witness to the instant action as he was contacted by Sibley prior to filing suit as required *Brack v. Wells*, 184 Md. 86 (Md. 1944) as a condition precedent to Sibley contacting the Foreman of the Grand Jury. No citation is necessary for the proposition that a judge may not adjudicate a matter in which he is a witness.

Second, while it remains for discovery to determine the exact circumstances surrounding the Honorable John W. Debelius III entry of the October 15, 2014, orders, the “appearance of impropriety” is present given the timing of Sibley’s notice of his intent to seek a hearing and the Honorable John W. Debelius III entry of the October 15th orders mooted such a hearing.

WHEREFORE, Plaintiff respectfully requests that the Honorable John W. Debelius III disqualify himself from further involvement in this matter for the reasons aforesaid.

IV. MOTION FOR RECONSIDERATION

By denying Pre-Service Discovery of the identify of the Grand Jury Foreman, the Honorable John W. Debelius III has *de facto* guaranteed this matter will be dismissed for lack of prosecution. Clearly, if Sibley cannot identify the John Doe Defendant, that person cannot be served and the instant matter will ultimately be dismissed for lack of prosecution. “The power of Maryland courts to dismiss in civil cases is enshrined in Maryland Rule 2-507(c), which permits the circuit court to dismiss a civil case for lack of prosecution, with certain exceptions, when a year has passed from the last docket entry.” *Wynn v. State*, 879 A.2d 1097, 1106 (Court of Appeals of Maryland, 2005).

Moreover, while this issue has not heretofore been raised in Maryland, other court have found reversible error in a court’s refusal to allow discovery of the identity of John Doe defendants. *Accord: Gillespie v. Civiletti*, 629 F.2d 637, 642 (9th Cir. 1980)(“As a general rule, the use of "John Doe" to identify a defendant is not favored. *See, Wiltsie v. California Department of Corrections*, 406 F.2d 515, 518 (9th Cir.1968). However, situations arise, such as the present, where the identity of alleged defendants will not be known prior to the filing of a complaint. In such circumstances, **the plaintiff should be given an opportunity through discovery to identify the unknown defendants**, unless it is clear that discovery would not uncover the identities, or that the complaint

would be dismissed on other grounds. *Gordon v. Leeke*, 574 F.2d 1147, 1152 (4th Cir.1978), *cert. denied*, 439 U.S. 970 (1978); *see, Wells Fargo & Co. v. Wells Fargo Express Co.*, 556 F.2d 406, 430-431 n.24 (9th Cir.1977); *also, Oppenheimer Fund, Inc. v. Sanders*, 437 U.S. 340, 351 n.13 (1978).

Hence it was plain error for the Honorable John W. Debelius III to deny Sibley's request for pre-service discovery of the identity of the John Doe Defendant in this matter.

WHEREFORE, Sibley requests reconsideration and granting of his Motions for Pre-Service Discovery and to Expedite.

V. DEMAND FOR ORAL ARGUMENT

Sibley, requests – and believes it is his inalienable right under the Fifth and Sixth Amendments of the United States Constitution – to a “hearing” and oral argument on the instant motions given the complicated nature of the facts and the value that such an argument would provide to a fair resolution of the issues herein. *See: Londoner v. Denver*, 210 U.S. 373 (1908)(“On the contrary, due process of law has never been a term of fixed and invariable content. This is as true with reference to oral argument as with respect to other elements of procedural due process. For this Court has held in some situations that such argument is essential to a fair hearing.”); *Federal Communications Commission v. WJR, The Goodwill Station, Inc.*, 337 U.S. 265, 276 (1949)(“Without in any sense discounting the value of oral argument wherever it may be appropriate or, by virtue of the particular circumstances, constitutionally required . . .” (Footnote omitted).)

I declare under penalty of perjury that the foregoing is true and correct.

Dated: October 17, 2014

MONTGOMERY BLAIR SIBLEY
Plaintiff
402 King Farm Blvd, Suite 125-145
Rockville, Maryland, 20850
202-643-7232

A handwritten signature in black ink, appearing to read "M. Blair Sibley", written in a cursive style.

By: _____
Montgomery Blair Sibley

IN THE CIRCUIT COURT FOR MONTGOMERY COUNTY, MARYLAND

WRIT OF SUMMONS
(248)

Case No: **396243-V**

TO: **JOHN DOE**
FOREMAN, MONTGOMERY COUNTY GRAND JURY
50 MARYLAND AVE
ROCKVILLE MD 20850

(Service Address)
(Same as addressee)

You are hereby summoned to file a written response by pleading or motion in this court to the attached complaint filed by:

MONTGOMERY BLAIR SIBLEY

within **30** days after service of this summons upon you.

Witness, the Honorable Chief Judge of the Sixth Judicial Circuit of Maryland.

TO THE PERSON SUMMONED:

1. Failure to respond within the time allowed may result in a default judgment or the granting of the relief sought against you.
2. If you have been served with a Scheduling Order, your appearance is required pursuant to the Scheduling Order, regardless of the date your response is due.

Date Issued: **10/08/2014**



Loretta E. Knight
Loretta E. Knight
CLERK of the Circuit Court
Montgomery County, Maryland
50 Maryland Avenue
Rockville, MD 20850-2393

NOTE:

1. This summons is effective for service only if served within 60 days after the date it is issued.
2. Proof of service shall set out the name of the person served, the date, and the particular place and manner of service. If service is not made, please state the reason(s).
3. Return of served or unserved process shall be made promptly and in accordance with Rule 2-126.
4. If this summons is served by private process, process server shall file a separate affidavit as required by Rule 2-126(a).

RETURN

Served _____ on _____ at _____
(Whom) (Date) (City/State/Country)

Summons and Show Cause Order and Complaint/Petition/Motion Served

Unserved _____
(Date) (Reason)

_____ Sheriff
(Signature)

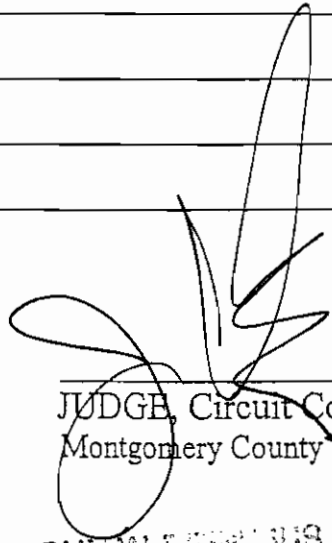
MONTGOMERY BLAIR SIBLEY VS. JOHN DOE - FOREMAN MONTGOMERY
COUNTY GRAND JURY

ORDER

DISQUALIFY AND RECONSIDERATION

UPON consideration of the papers and pleadings filed in this case, it is this
3rd Day of November, 2014, by this
Court, ORDERED:

ORDERED that the Motion to Disqualify and for Reconsideration
AR is hereby ~~Granted~~ Denied; and it is further,



JUDGE, Circuit Court for
Montgomery County

JONATHAN W. DEBUS, III

ENTERED

NOV 06 2014

Clerk of the Circuit Court
Montgomery County, Md. 27
DA

IN THE CIRCUIT COURT FOR MONTGOMERY COUNTY

MONTGOMERY BLAIR SIBLEY,

*

Plaintiff,

*

v.

*

Case No. 396243-V

JOHN DOE,

*

Defendant.

*

* * * * *
**STATE'S ATTORNEY FOR MONTGOMERY COUNTY'S
MOTION TO DISMISS**

The State's Attorney for Montgomery County, by and through his undersigned counsel, moves pursuant to Rules **2-311** and **2-322** to dismiss Plaintiff Montgomery Blair Sibley's Complaint for Declaratory Relief and in support states as follows:

1. Mr. Sibley has filed a complaint in this action seeking a declaratory judgment concerning his alleged right to present evidence to the foreman of the grand jury sitting in this Court. (Compl. 5.)


2. Attached to the Complaint as "Exhibit 'A'" is a letter dated September 25, 2014 sent to Mr. Sibley by the foreman of the grand jury and Assistant State's Attorney Bryan Roslund stating that "The Grand Jury for Montgomery County, Maryland has considered your request that an investigation be opened into whether documents relating to President Obama's eligibility for office are fraudulent. The Grand Jury declines to investigate this matter."

3. Maryland law only affords a citizen the right to communicate to the foreman of a grand jury that he wishes to present evidence of a crime to the grand jury. The September 25, 2014 letter shows that Mr. Sibley has been afforded that right. Consequently, Mr. Sibley's Complaint fails to state a claim upon which relief can be granted.

For the reasons stated, this Court should dismiss the Complaint with prejudice. Accompanying this Motion in further support is a Memorandum of Law.

Respectfully submitted,

DOUGLAS F. GANSLER
Attorney General of Maryland



Bradley J. Neitzel
Assistant Attorney General
200 St. Paul Place, 20th Floor
Baltimore, Maryland 21202
Voice: (410) 576-6965
Facsimile: (410) 576-6955
bneitzel@oag.state.md.us

Attorneys for Defendant
State's Attorney for Montgomery
County

Date Filed: June 10, 2015

IN THE CIRCUIT COURT FOR MONTGOMERY COUNTY, MARYLAND

-----X
 :
 MONTGOMERY BLAIR SIBLEY, :
 :
 Plaintiff, :
 :
 v. : Civil No. 396243
 :
 JOHN DOE, et al., :
 :
 Defendants. :
 :
 -----X

HEARING

Rockville, Maryland

January 22, 2015

IN THE CIRCUIT COURT FOR MONTGOMERY COUNTY, MARYLAND

-----X
MONTGOMERY BLAIR SIBLEY, :
: :
Plaintiff, :
: :
v. : Civil No. 396243
: :
JOHN DOE, et al., :
: :
Defendants. :
: :
-----X

Rockville, Maryland

January 22, 2015

WHEREUPON, the proceedings in the above-entitled
matter commenced

BEFORE: THE HONORABLE MICHAEL D. MASON, JUDGE

APPEARANCES:

FOR THE PLAINTIFF:

MONTGOMERY BLAIR SIBLEY, Pro Se
402 King Farm Boulevard, Suite 125-145
Rockville, Maryland 20850

FOR DEFENDANT STATE'S ATTORNEY
FOR MONTGOMERY COUNTY:

BRADLEY J. NEITZEL, Esq.
Assistant Attorney General
200 Saint Paul Place, 20th Floor
Baltimore, Maryland 21202

1 communicated to the grand jury.

2 Earlier in the opinion, the Court of Appeals uses
3 that language, "should communicate with the foreman of the
4 grand jury." That's on page 91 of the case.

5 Just because the State's Attorney passed it along
6 does not mean it wasn't communicated. And, in fact, the idea
7 that the substance is somehow inaccurate as to what he's
8 actually going to present or ask to present, that's nonsense.

9 THE COURT: Let me see it first, the case. Let me
10 just take five minutes, okay? I'll be right back.

11 THE CLERK: All rise.

12 THE BAILIFF: The court stands in recess.

13 (Recess)

14 THE COURT: You may be seated.

15 JUDGE'S RULING

16 Okay, I've had a chance to read the complaint and
17 I've had a chance to read the case. And it would appear to me
18 from reading the case -- it's clear from the case there is no
19 right to appear in front of the grand jury. The limits of the
20 right are to offer to present to the grand jury violations of
21 the criminal law.

22 The real issue here is whether or not he has a right
23 to offer, to make that offer directed to the grand jury through
24 one of its representatives and/or through the State's Attorney.
25 But that issue isn't actually presented by the facts as pled

1 because there is no complaint that is pled that you authored a
2 request directed specifically to the grand jury foreman or to
3 the grand jury. And that the State declined to present that
4 document to the grand jury.

5 It said you sent a letter to the State saying that
6 you wanted to appear in front of the grand jury and then the
7 State responded. And then after speaking to the grand jury,
8 the grand jury wouldn't talk to you.

9 So there's no allegation that they actually
10 interfered with an effort by you to communicate directly to the
11 foreman. Because the letter where you made that request isn't
12 filed as part of the complaint.

13 But as far as I can tell from what is filed, you
14 authored the request to the State's Attorneys, the State's
15 Attorneys communicated to the grand jury and the grand jury
16 refused.

17 So it would appear at this time, that with respect to
18 the issue of the declaratory judgment, which is a matter of
19 discretion, that there is no act or controversy before the
20 Court that would cause the Court to declare the rights,
21 because, in this case, you haven't made that effort.

22 If, in fact, you author a letter to the State's
23 Attorney and you ask the State's Attorney to deliver that
24 letter and they refuse, then it may be that you have cause to
25 file a complaint asking that your rights be declared.

1 Or as in the underlying case, rather, that a mandamus
2 issue, which simply requires the State to convey the letter to
3 the foreman, but there's nothing in the case that indicates --
4 well, but there's nothing in the case that prohibits, as I read
5 it, from you directly communicating to the foreman. Although
6 it seems to me the better practice would be to do it by letter.

7 So because you haven't pled that you attempted to
8 communicate directly and the State interfered with that, I
9 don't believe there is a controversy before the Court that
10 would cause the Court to declare your rights.

11 And I'll grant the motion to dismiss, subject to the
12 ability to file an amended complaint, if in fact you make that
13 effort and the State interferes with that effort. But that's
14 not what's been pled in this case.

15 MR. SIBLEY: May I be heard briefly, Your Honor?

16 THE COURT: I'll give you about two minutes.

17 MR. SIBLEY: Respectfully, are you going to reduce
18 that to a written order?

19 THE COURT: No.

20 MR. SIBLEY: And I respectfully, again --

21 THE COURT: Because I'm just dismissing it. That's
22 what the docket entry will say.

23 MR. SIBLEY: I understand that, Your Honor. But the
24 case of Hunt v. Montgomery County at 237 A. 2nd 35 is very
25 clear that it says the case should not be dismissed without a

1 declaration one way or the other of the rights of the parties.

2 Secondly, do I take this order to mean --

3 THE COURT: But that's if it's entertained in the
4 first instance, as far as I'm concerned.

5 MR. SIBLEY: Well, no, it starts by saying, "should
6 demur be disdain or the biller or petition dismissed without a
7 declaration one way or other of the rights of the parties." So
8 I think you have an obligation to reduce that to writing and
9 say what my rights are.

10 Because if you're saying today I have the right to
11 approach the grand jury foreman, I would like that in writing
12 before I go do that because it's also rather ambiguous whether
13 or not I can approach any member of the grand jury.

14 And now you seem to be giving me liberty to do that,
15 which I'm happy to take up, and I will approach that foreman as
16 soon as I can figure out where he is, how to approach him, and
17 do it properly. But I want to do it within the confines of the
18 law and you need to declare that for me so I don't violate the
19 law, which I am not wont to do, obviously.

20 THE COURT: Okay, I don't believe that I had an
21 obligation to declare -- I didn't declare that you have a right
22 to approach them in person, because the case, quite frankly,
23 isn't clear on that. Not from my reading.

24 It goes back to the motion to modify, saying that
25 paragraph 6 and 7 were asked to be stricken because you don't

1 have the right to appear in front of the jury and they declined
2 to modify their opinion and go back and reaffirm. But
3 basically, the final holding of the opinion is in the last
4 page, where they say that you have -- "It is the opinion of
5 this Court that every citizen has a right to offer to present
6 to the grand jury violations of the criminal law. This does
7 not mean that an individual member of the body may be
8 approached."

9 So it seems to me impliedly, what they're suggesting
10 is, but this is just my reading of it --

11 MR. SIBLEY: But, Judge, read the last sentence. It
12 then says the grand jury for -- "then he has the right to ask
13 the grand jury for permission to appear before that body." And
14 what I think you need to declare is how do I ask for that
15 permission? Because I'm not allowed to knock on the door. I
16 can't approach an individual. And we have a letter here,
17 signed apparently by someone who may be a grand jury foreman,
18 whose name is unclear. And I'm asked to trust the State
19 Attorney that that in fact is a valid letter from a foreman.

20 I don't believe in trusting my government, Your
21 Honor. I would like to know who that person was -- that's why
22 he's a John Doe. And if, in fact, anybody ever talked to him.
23 Or whether this is some secretary's signature on a blank line
24 so indescribable that we can't see it.

25 Now I might have a very fundamental right here to

1 approach the grand jury in some form or fashion, and I believe
2 this Court has the obligation to declare what that fashion is
3 so I don't violate the criminal law, but my right to approach
4 has been sustained.

5 And you're not giving me that here if you're just
6 going to dismiss it without declaring exactly what that right
7 is. That's the uncertainty that the declaratory judgment act
8 is designed to resolve.

9 THE COURT: Okay, but for the reasons I previously
10 indicated, I don't believe that the complaint in this case has
11 stated an actual controversy that requires me to grant or deny
12 a suit for declaratory judgment. So I'm dismissing it.

13 MR. SIBLEY: I understand that, Your Honor. I'm not
14 here to argue your rationale.

15 THE COURT: Okay.

16 MR. SIBLEY: I'm just asking that you put that in a
17 full order so that I have something to appeal --

18 THE COURT: You can appeal that I dismissed it. That
19 gives you grounds to appeal. And then there's a record. I put
20 in the record the reasons I dismissed it. So you have the
21 right to appeal it and the reasons I dismissed it are on the
22 record. So your grounds are preserved.

23 And I've further indicated that if you attempt to
24 convey the information to the grand jury directly in writing,
25 and if the State refuses to do that, that then you can amend

1 your complaint to seek mandamus, which is what they filed in
2 that particular case.

3 MR. SIBLEY: So you'll give me three days for leave
4 to amend the complaint, Your Honor?

5 THE COURT: No.

6 MR. SIBLEY: You're dismissing this case and I have
7 to re-file is what you're telling me.

8 THE COURT: That's about how long it takes you to do
9 it. You have 30 days to file a motion.

10 MR. SIBLEY: To amend my complaint. Well, there is
11 also this issue, Your Honor --

12 THE COURT: Okay, wait, wait. I gave you your two
13 minutes. I have another case waiting. Okay? Thank you very
14 much.

15 MR. SIBLEY: Thanks for your time, Judge.

16 MR. NEITZEL: Thank you, Your Honor.

17 THE COURT: You're welcome.

18 (The proceedings were concluded.)
19
20
21
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IN THE CIRCUIT COURT FOR MONTGOMERY COUNTY, MARYLAND

Montgomery Sibley

*

Plaintiff,

*

vs.

*

Case No. 396243-V

John Doe, et al.

*

Defendants.

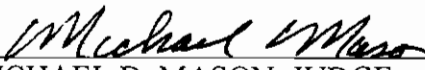
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ORDER

Upon consideration of Defendant State Attorney for Montgomery County's Memorandum in Support of Motion to Dismiss (DE #20) and argument by both parties before the Court, it is this 22nd day of January, 2015, and the same is hereby

ORDERED that Defendant's Motion to Dismiss is GRANTED without prejudice.


MICHAEL D. MASON, JUDGE
Circuit Court for Montgomery County, MD.

ENTERED

FEB 03 2015

Clerk of the Circuit Court
Montgomery County, Md.

IN MONTGOMERY COUNTY CIRCUIT COURT, MARYLAND

MONTGOMERY BLAIR SIBLEY,

PLAINTIFF,

VS.

Case. No.: 396243-V

**PLAINTIFF'S MOTION TO ALTER OR
AMEND JANUARY 22, 2015 ORDER OF
DISMISSAL**

JOHN DOE, FOREMAN, MONTGOMERY COUNTY
GRAND JURY, *ET AL.*,

DEFENDANTS.

_____ /

Plaintiff, Montgomery Blair Sibley ("Sibley"), pursuant to Rule 2-534, moves to alter or amend the order dismissing this matter entered on or about January 22, 2015, and for grounds in support states:

1. On January 22, 2015, Judge Mason orally entered his Order dismissing this matter upon the grounds that Sibley had failed to state a claim upon which relief can be granted. To date, Sibley has not received that Order nor does the docket reflect entry of any such Order.

2. Sibley first prays that the Court open the judgment to receive additional evidence. In particular, Sibley is filing contemporaneously with this Motion an Amended Complaint which addresses the grounds the Court enunciated in its finding of failure of Sibley to state a claim upon which relief can be granted. That Amended Complaint alleges that on January 27, 2015, Sibley filed with the State Attorney a sealed letter for transmittal to the Montgomery County Grand Jury and requested confirmation that: (i) the letter was delivered as sealed, (ii) the identify of the person to whom the letter was delivered and the (iii) the date, time and place of the delivery of the sealed letter.

3. Sibley secondly prays that the Court amend its findings or its statement of reasons for

the decision, setting forth additional findings or reasons why Sibley failed to state a claim upon which relief can be granted. In this regard, the Court did not address in its January 22, 2015, Order Sibley’s right, status, and other legal relations between him and the Montgomery County Grand Jury and its Foreman. In particular, the Court did not address:

- a. Whether Sibley has the right to present to the Foreman of the Grand Jury *in person* his request-to-appear before that body as he has exhausted his remedies before a magistrate and the State’s Attorney; and
- b. Whether the Foreman thereafter has the obligation to present Sibley’s request-to-appear “to the grand jury for whatever action that body desires to take.”

Clearly, in a declaratory judgment action, this Court has a pronounced duty to address these issues raised in the Complaint: “In Maryland this Court has said time and again that seldom, if ever, in a declaratory judgment proceeding should a demurrer be sustained or the bill or petition dismissed **without a declaration one way or the other of the rights of the parties.**” *Hunt v. Montgomery County*, 248 Md. 403 410, 237 A.2d 35, 38 (1968)(Emphasis added).

4. Moreover, contrary to the Court’s holding that Sibley failed to state a claim upon which relief can be granted because the Complaint did not allege that Sibley attempted to contact the Grand Jury, that is the exact concern that Sibley had which prompted the filing of this instant matter. Under Maryland criminal law, §9-305 – Intimidating or corrupting juror: “A person may not, by threat, force, or corrupt means, try to influence, intimidate, or impede a juror . . .in the performance of the person's official duties.” Here, the imprecision of the terms in §9-305 of “corrupt means” and “influence” open Sibley to the charge of a violation of §9-305 if he were to directly approach the Foreman of the Grand Jury – something Sibley obviously wants to avoid.

Yet, *Brack v. Wells*, 184 Md. 86 (Md. 1944) makes plain that Sibley now has the right to: (i) “to ask the foreman of the grand jury for permission to appear before that body” and (ii) “have an opportunity . . .to present his complaint to the grand jury” and (iii) “has the right to ask that grand jury for permission to appear before that body.” *Brack* at 97.

Accordingly, to settle and afford relief for Sibley from the uncertainty and insecurity with respect to rights, status, and other legal relations so that Sibley does not run afoul of §9-305 in exercising his “right” to “present” his complaint to the grand jury, this Court must declare Sibley’s right recalling that §3-402.is expressly made “remedial” and “it **shall be liberally construed and administered.**”

WHEREFORE, Sibley respectfully requests that the Court alter or amend its Order of January 22, 2015 as aforesaid.

MONTGOMERY BLAIR SIBLEY
Plaintiff
402 King Farm Blvd, Suite 125-145
Rockville, Maryland, 20850
202-643-7232

By: _____
Montgomery Blair Sibley

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that a true and accurate copy of the foregoing was served by U.S. Postal Service first class mail this January 27, 2015, Bradley J. Neitzel, Assistant Attorney General, 200 St. Paul Place, 20th Floor, Baltimore, MD 21202.

By: _____
Montgomery Blair Sibley

MONTGOMERY BLAIR SIBLEY

January 27, 2015

Via Hand-Delivery
Bryan Roslund, Chief, Special Prosecution Division
State's Attorney for Montgomery County
50 Maryland Avenue
Rockville, Maryland 20850

Greetings:

Pursuant to the oral pronouncements of Judge Mason in open court on January 22, 2015, please find enclosed a sealed letter to the grand jury. I request that: (i) you expeditiously transmit the letter to the Foreman of the Grand, (ii) confirm in writing to me that the sealed letter was delivered with the seal unbroken, and (iii) identify the person to whom the letter was delivered and the date, time and place of the delivery of the sealed letter.

yours,

RECEIVED
JAN 27 2014
Office of State's Attorney
Montgomery County, Maryland

cc: w/o enclosures
Bradley J. Neitzel, Assistant Attorney General
200 Saint Paul St Ste 2222
Baltimore MD 21202-2006

Exhibit "C"

MontyBSibley@gmail.com
202-643-7232

402 King Farm Blvd, Suite 125/145
Rockville, Maryland 20850

Date Filed: February 11, 2015



STATE'S ATTORNEY
JOHN J. MCCARTHY

State's Attorney for Montgomery County

50 Maryland Avenue
Rockville, Maryland 20850

(240) 777-7300

FAX (240) 777-7413

www.montgomerycountymd.gov/sao

DEPUTY STATE'S ATTORNEYS

LAURA CHASE

PETER A. FEENEY

February 5, 2015

Montgomery Blair Sibley
402 King Farm Blvd., Suite 123/145
Rockville, Maryland 20859

Dear Mr. Sibley:

On January 29, 2015, the Grand Jury for Montgomery County, Maryland received a sealed packet from you asking that an investigation be opened into whether documents relating to President Obama's eligibility for office are fraudulent. The Grand Jury declined to investigate this matter.

Sincerely,

Foreperson of the Grand Jury
Foreperson of the Grand Jury

Exhibit "E"

Circuit Court for Montgomery County Case No. 396843

Montgomery Blair Sibley vs. John Doe

ORDER

UPON consideration of the papers and pleadings filed in this case, it is this
874 Day of May, 2015, by this
Court, ORDERED:

ORDERED that the Motion to Altee or Amend Jan 22 2015 Order.
Is hereby ~~Granted~~ Denied; and it is further,

ENTERED

MAY 11 2015 *el*

Clerk of the Circuit Court
Montgomery County, Md.

Michael J. Mason

JUDGE, Circuit Court for
Montgomery County