



STATE OF KANSAS  
OFFICE OF THE ATTORNEY GENERAL

DEREK SCHMIDT  
ATTORNEY GENERAL

MEMORIAL HALL  
120 SW 10TH AVE., 2ND FLOOR  
TOPEKA, KS 66612-1597  
(785) 296-2215 • FAX (785) 296-6296  
WWW.AG.KS.GOV

**Testimony in Support of Senate Bill 20**  
**An act concerning civil procedure; relating to docket fees and costs; poverty affidavit;**  
**amending K.S.A. 2012 Supp. 60-2001 and repealing the existing section.**

**Presented to the House Judiciary Committee**  
**By Assistant Attorney General Steve Phillips**

**March 6, 2013**

Chairman Kinzer and Members of the Committee:

I am Steve Phillips, a long time employee of the Kansas Attorney General's office. On behalf of the Office of Attorney General Derek Schmidt, I offer the following written testimony in favor of Senate Bill 20. I am appearing here today on behalf of A.G. Schmidt, not on behalf of any of the office's clients.

Senate Bill 20 reforms Kansas' statutes for persons bringing civil actions in court who cannot pay a filing fee—proceeding *in forma pauperis* (*IFP*). The right to bring an action in court cannot and should not be denied persons who cannot afford the filing fee. But that right is subject to reasonable restriction and regulation to prevent abuse of the right, restriction and regulation which is not present in current law.

Currently, K.S.A. 60-2001 allows anyone to proceed in court without paying the filing fee if that person simply files an affidavit testifying generally to indigency. There is no requirement in the statute for the person to document the extent of his/her indigency. One of the proposed changes is to require judges to request more financial information and give judges discretion to order the payment of a partial filing fee.

As a practical matter, many suits filed *IFP* are frivolous. Often persons filing such suits are judgment proof, so the threat of monetary sanctions for filing a frivolous action is meaningless. The second proposed change to K.S.A. 60-2001 is to require judges to do some basic screening of cases filed *IFP* and to dismiss ones that are frivolous on their face. This change is patterned after a federal statute requiring similar screening in federal court, 29 U.S.C. § 1915(e)(2).

Attached to this testimony as Exhibit 1 and 2 are the docket sheet and petition of a recently filed case here in Shawnee County that is exactly the type of *IFP* case that should be screened and at least some defendants should be dismissed. The Plaintiff, Joseph Lee Jones, had been subject to

filing restrictions imposed by the late Judge Andrews which precluded Jones from filing further cases *in forma pauperis*—in other words Jones had to pay the filing fee because he had abused the privilege of filing *IFP* so many times. Jones filed no cases for which he paid a filing fee during that time. He filed one habeas corpus type case for which no filing fee was required. He submitted to the clerk four other sets of documents which the clerk took to the judge now in charge of the civil department, who directed the clerk not to file them.

The judge who is now in charge of the civil department of Shawnee County district court, recently lifted the filing restrictions against Jones. Jones, who had recently been convicted of theft in one case and who is facing another theft charge in another, immediately responded by filing the attached petition, naming as defendants two judges, the court clerk, two Assistant District Attorneys, his criminal defense counsel, and numerous Shawnee County officials—14 defendants in all. To the extent that Jones' allegations can be understood, against the judges he seems to want money damages for rulings they made in the criminal case. Judges, however, are absolutely immune from such suits. Jones' remedy for a conviction he believes improper is an appeal, not a civil suit against the judge. Against the clerk, he complains that while he was under filing restrictions, she did not file several cases he submitted. The court clerk, acting on a judge's instructions, is also entitled to absolute judicial immunity. Against the Assistant District Attorneys, Jones seems to complain about actions they took in prosecuting him in a criminal case? Again, Jones' proper remedy is an appeal of his criminal case, not a civil suit against the prosecutors. The prosecutors are entitled to absolute prosecutorial immunity.

In our opinion, Jones' suit is a blatant example of the type of an *IFP* lawsuit that is utterly frivolous and presents no justiciable legal issues as to the defendants we represent. Allowing Jones to proceed against these defendants does not further justice. Note that in addition to this case, Jones filed four other *IFP* cases in Shawnee County after the restrictions against him were lifted.

Judges are there to manage cases. Courts need to protect litigants from other, abusive litigants if the judicial process is going to have meaning. That did not happen in this case.

[New Search](#) [Home](#)

**Case Number: 13C 000146**

**Plaintiff:** JONES,JOSEPH,LEE, **Attorney:** JONES,JOSEPH,LEE,PRO SE,

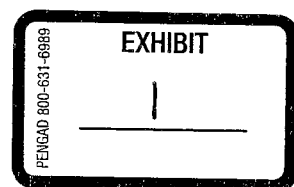
**Defendant:** SHAWNEE COUNTY,,, **Attorney:** ECKERT,RICHARD,V,

**Division:** 99

**Next Activity:** None

**Nature of Case:** Petition for Violation of Civil Rights - HON JOHN E SANDERS

- 
- 02/01/2013-Petition filed on 02/01/13  
02/01/2013-LETTER FROM JOSEPH LEE JONES PRO SE TO CLERK DATED 01/30/13.  
02/01/2013-Praecipe for Summons filed by JOSEPH LEE JONES PRO SE.  
02/01/2013-Poverty Affidavit filed by Joseph Lee Jones Pro Se  
02/04/2013-Summons issued personal service as to SHAWNEE COUNTY to the Sheriff of SHAWNEE County, KS.  
02/07/2013-LETTER FROM JOSEPH LEE JONES PRO SE TO CLERK DATED 02/04/13.  
02/07/2013-#1 Request for Case Management Conference filed by Joseph Lee Jones Pro Se  
02/07/2013-#2 Request for Injunctive Relief, Order for Return of Seized Mail filed by Joseph Lee Jones Pro Se  
02/07/2013-Part One of Supplement to Petition for Civil Rights Violation filed by Joseph Lee Jones Pro Se  
02/07/2013-Praecipe for Summons filed by JOSEPH LEE JONES PRO SE.  
02/08/2013-Summons returned, residence service, left with Agent/Officer - as to SHAWNEE COUNTY 02/06/13 . Entered by 1128.  
02/08/2013-Summons issued personal service as to RICH ECKHART to the Sheriff of SHAWNEE County, KS.  
02/08/2013-Summons issued personal service as to JUDGE WILSON to the Sheriff of SHAWNEE County, KS.  
02/08/2013-Summons issued personal service as to JUDGE MARK BRAUN to the Sheriff of SHAWNEE County, KS.  
02/08/2013-Summons issued personal service as to SHAWNEE COUNTY COURT CLERK to the Sheriff of SHAWNEE County, KS.  
02/08/2013-Summons issued personal service as to JESSICA DOME ASSISTANT DA to the Sheriff of SHAWNEE County, KS.  
02/08/2013-Summons issued personal service as to EMILY YESSEN ASSISTANT DA to the Sheriff of SHAWNEE County, KS.



- **02/08/2013**-Summons issued personal service as to BRIAN COLE to the Sheriff of SHAWNEE County, KS.
- 02/08/2013**-Summons issued personal service as to MS SIPP to the Sheriff of SHAWNEE County, KS.
- 02/08/2013**-Summons issued personal service as to ANGIE ROSS to the Sheriff of SHAWNEE County, KS.
- 02/08/2013**-Summons issued personal service as to INVESTIGATOR BILTOFF to the Sheriff of SHAWNEE County, KS.
- 02/08/2013**-Summons issued personal service as to HEARING OFFICER CHUCK to the Sheriff of SHAWNEE County, KS.
- 02/08/2013**-Summons issued personal service as to TIM PHELPS OFFICER to the Sheriff of SHAWNEE County, KS.
- 02/08/2013**-Summons issued personal service as to JAMES CHAPPAS to the Sheriff of SHAWNEE County, KS.
- 02/08/2013**-\*\*Unable to Issue - Richard Lake Court Appointed Attorney - No Address Provided\*\*
- 02/11/2013**-#3 REQUEST FOR COURT ORDERED RELIEF AND AFFIDAVIT IN SUPPORT OF PETITION FOR CIVIL RIGHTS FILED BY JOSEPH LEE JONES PRO SE.
- 02/13/2013**-#4 Motion filed and entered by JOSEPH LEE JONES PRO SE for JOSEPH LEE JONES. MOTION FOR DECLARATORY JUDGMENT
- 02/14/2013**-Summons returned, residence service, left with Agent/Officer - as to RICH ECKHART 02/12/13 . Entered by 0869.
- 02/14/2013**-Summons returned, personal service - as to JUDGE WILSON 02/12/13 . Entered by 0869.
- 02/14/2013**-Summons returned, personal service - as to JUDGE MARK BRAUN 02/12/13 . Entered by 0869.
- 02/14/2013**-Summons returned, residence service, left with Agent/Officer - as to SHAWNEE COUNTY COURT CLERK 02/12/13 . Entered by 0869.
- 02/14/2013**-Summons returned, residence service, left with Agent/Officer - as to JESSICA DOME ASSISTANT DA 02/12/13 . Entered by 0869.
- 02/14/2013**-Summons returned, residence service, left with Agent/Officer - as to EMILY YESSEN ASSISTANT DA 02/12/13 . Entered by 0869.
- 02/14/2013**-Summons returned, personal service - as to BRIAN COLE 02/12/13 . Entered by 0869.
- 02/14/2013**-Summons returned, personal service - as to MS SIPP 02/12/13 . Entered by 0869.
- 02/14/2013**-Summons returned, personal service - as to ANGIE ROSS 02/12/13 . Entered by 0869.
- 02/14/2013**-Summons returned, residence service, left with Agent/Officer - as to INVESTIGATOR BILTOFF 02/12/13 . Entered by 0869.
- 02/14/2013**-Summons returned, residence service, left with Agent/Officer - as to HEARING OFFICER CHUCK 02/12/13 . Entered by 0869.
- 02/14/2013**-Summons returned, personal service - as to TIM PHELPS OFFICER 02/12/13 . Entered by 0869.
- 02/14/2013**-LETTER FROM JOSEPH LEE JONES PRO SE TO JUDGE HENDRICKS.
- 02/14/2013**-SUPPLEMENT TO PLEADINGS ON OUT-GOING MAIL AND LEGAL MAIL AND SEIZURE FILED BY JOSPEH LEE JONES.

- 02/14/2013-#5 Motion filed and entered by JOSEPH LEE JONES PRO SE for JOSEPH LEE JONES. MOTION FOR DECLARATORY JUDGMENT PART ONE.
- 02/14/2013-#6 Motion filed and entered by JOSEPH LEE JONES PRO SE for JOSEPH LEE JONES MOTION FOR DECLARATORY JUDGMENT PART TWO.
- 02/15/2013-Summons returned, personal service - as to JAMES CHAPPAS 02/13/13 .  
Entered by 0869.
- 02/15/2013-OFFICE OF JUDICIAL ADMINISTRATION ASSIGNMENT NO 22 FILED.  
HON JOHN E SANDERS, KANSAS SENIOR JUDGE APPOINTED.
- 02/15/2013-Reassigned to division 99 from division 06. OJA reason for transfer 2.
- 02/16/2013-DEFENDANT JAMES CHAPPAS' CONSOLIDATED RESPONSE TO  
PLAINTIFF'S PETITION, SUPPLEMENT AND PRETRIAL MOTIONS AND  
MOTION TO JOIN APPLICABLE PLEADINGS OF CO-DEFENDANTS  
FILED.
- 02/16/2013-Filed by Fax
- 02/19/2013-Praecipe for Alias Summons filed by JOSEPH LEE JONES PRO SE.
- 02/19/2013-LETTER FROM JEFFREY A CHANAY TO MS MARTHA J COFFMAN  
DATED 02/15/13.
- 02/19/2013-REQUEST FOR INTEROGATORIES (SIC) PURSUANT TO KSA 60-233  
FROM JUDGE MARK BRAUN FILED BY JOSEPH LEE JONES PRO SE.
- 02/19/2013-REQUEST FOR INTEROGATORIES (SIC) PURSUANT TO KSA 60-233  
FROM JAMES CHAPPAS FILED BY JOSEPH LEE JONES PRO SE.
- 02/19/2013-REQUESTS FOR INTEROGATORIES (SIC) PURSUANT TO KSA 60-233  
REGARDING ABOVE CAPTION CASE FROM EMILY YESSEN ADA  
FILED BY JOSEPH LEE JONES PRO SE.
- 02/19/2013-REQUEST FOR INTEROGATORIES (SIC) PER KSA 60-233 REGARDING  
13C146 FROM EVELYN WILSON FILED BY JOSEPH LEE JONES PRO SE.
- 02/19/2013-LETTER FROM JOSEPH LEE JONES PRO SE TO CLERK DATED 02/13/13.
- 02/20/2013-Summons issued certified mail as to RICHARD LAKE to the Sheriff of  
SHAWNEE County, KS.
- 02/25/2013-LETTER FROM JOSEPH LEE JONES PRO SE TO JUDGE HENDRIX (SIC)  
DATED 02/15/13.
- 02/25/2013-LETTER FROM JOSEPH LEE JONES PRO SE TO CLERK.
- 02/25/2013-IN SUPPORT OF MOTION FOR SUMMARY JUDGEMENT FOR JAMES  
CHAPPS (SIC) FILED BY JOSEPH LEE JONES PRO SE.
- 02/25/2013-REQUESTS FOR INTEROGATORIES (SIC) PER KSA 60-233 FILED BY  
JOSEPH LEE JONES PRO SE.
- 02/25/2013-LETTER FROM JOSEPH LEE JONES PRO SE TO JUDGE HENDRICKS  
FILED.
- 02/25/2013-RESPONSE TO DEFENDANTS CONSOLIDATED RESPONSE AND  
MOTION TO COMPEL DISCOVERY, SPECIFFICALL INTERAGATORIES  
(SIC) FILED BY JOSEPH LEE JONES PRO SE.
- 02/25/2013-#7 Motion filed and entered by JOSEPH LEE JONES PRO SE for JOSEPH  
LEE JONES. MOTION FOR SUMMARY JUDGEMENT ON JAMES  
CHAPPAS.
- 02/25/2013-#8 Motion filed and entered by STEVE PHILLIPS for JUDGE  
WILSON,SHAWNEE COUNTY COURT CLERK,JUDGE BRAUN. MOTION  
OF DEFENDANTS COURT CLERK,WILSON AND BRAUN TO DISMISS  
WITH MEMORANDUM INCORPORATED.

**02/27/2013-#9** Motion filed and entered by JONATHAN C BRZON for SHAWNEE COUNTY DEFENDANTS'. SHAWNEE COUNTY DEFENDANTS' MOTION TO DISMISS.

Joseph Lee Jones  
VS Plaintiff

Chapter 60  
FILED BY CLERK  
U.S. DISTRICT COURT  
THIRD JUDICIAL DIST.  
TOPEKA, KS. 08

13C146

01

Shawnee Co. et al  
Riche Eckhart Defendant

2013 FEB -7 P 2:54

FILED BY CLERK  
U.S. DISTRICT COURT  
THIRD JUDICIAL DIST.  
TOPEKA, KS.

PART ONE OF  
Supplement to Petition for Civil Rights ~~PROTECTIVE ORDER~~

It may be necessary to supply the District Court with a thorough Run down of the alleged violations as the U.S District Court has yet to give a file stamped copy of all the Pleadings and its attached Exhibits ON Case #12-CV-03207-SJC

Although the courts and Lawyers can Access them the Plaintiff can't. Nevertheless the defendants by Name,

- ①. SHAWNEE County Jail
- ②. SHAWNEE County Courts and Clerk
- ③. SHAWNEE County Commisioner Rich Eckhart,
- ④. Jail Director Brian cole
- ⑤. Jail mail lady Ms. Sipp
- ⑥. Jail Records Angie Ross
- ⑦. Jail investigator Biltoff
- ⑧. write-up hearing officer Chuck,
- ⑨. District Court Judge Wilson
- ⑩. District court Judge MARK Brann
- ⑪. District Attorney emily yessen
- ⑫. Appionted Counsel Richard lake
- ⑬. Appionted Counsel James chappas
- ⑭. District Attorney Jessica Domme,

Each of the Said Defendants are immune from Personal suit as they acted under Color of LAW or due to incompetent Policy, Yet the do have to Respond.

So this suit is directed at the Shawnee County Commisioners Office Counselor Rich Eckhart,

PAGE - ONE -

Briefly; On or around the months of September  
October and November 2012. The following  
events occurred,

① Mr. Jones a Jail inmate tried to mail  
four outgoing letters marked "legal mail", the Jails  
mail lady Ms. Sipp sent the letters back to the inmate  
stating that said letters were not considered legal  
mail by the Jails standards, Mr. Jones thought  
otherwise and complained and was told by Records  
Supervisor that said letters were not legal mail,  
Angie Ross was told by Brian Cole to tell Mr. Jones that  
letters to business and home were not legal mail,  
Mr. Jones argued that the letters were to  
Law suits and other legal matters,

Ms. Ross specifically stated that she did not  
want to know what was inside of those letters,  
and that the only thing that mattered was what  
was wrote on the outside of the letters,

If Mr. Jones writes "legal mail", Ms. Sipp does  
a Google internet search to verify names and  
address, none of what was wrote on the  
outside satisfied them that they fit the  
criteria to be deemed legal mail.

Legal mail in the Jails eyes are letters  
to State Government, officials and Lawyers,



Mr. Jones pointed out that one of the letters specifically said Gilardi & Co. Mr. Gilardi is a Lawyer.

The Jail chose only to look at the facts it wanted to such as Gilardi & Co does other Business, yet if they would have done a more thorough Job investigating they would have seen that when you "click" on Gilardi.com clearly it says "Experts in Classaction Administration" See Attached Exhibit A

So Mr. Jones put said letters back in the mail box with a note stating that these four letters are "legal mail", Mr. Jones was write-up and letter were siezed as evidence. At the write-up hearing Officer Chuck was informed that the Plaintiff Mr. Jones wanted these letters as he needed to mail them out NOW, because there are time limits to Respond, (i.e. Opt-out etc.,)

Two weeks later Officer Chuck finds Mr. Jones Guilty and says he put said letters in his property bag, Mr. Jones Demanded them, Officer Chuck didn't care, So Mr. Jones Complained and told the Jail he was Filing a Law Suit, Case 12-ER-03229-SAC

ON first screening by Judge SAM CROW Mr. Jones was informed to Utilize the Request System to Obtain said letters from property, Mr. Jones did so but received a Request form back stating that he could not have them I-N-I bilt off had them, So Mr. Jones continues to beg the Court to ORDER the Jail to RETURN those letters, Mr. Jones has filed Grievances and still as of 02-02-13 NO letters have been Returned,

Now these actions violated the Right to Communicate with the outside world, Access the Courts and so on a direct violation of the 1<sup>st</sup> Amendment.

Mr. Jones Requests Damages in Cash For; Compensatory Loss as he can't opt-out or get money from the Class action Lawsuits, he was writing about. If he decided to opt-out he could Recover the Civil Penalties under the KANSAS Consumer Protection Act in excess of \$240,000<sup>00</sup>, this is possible, Now for Loss of Liberties as he Lost Rights at the very least so Punitive

damages are due of one million as asked for in initial civil Rights complaint filed, 10-30-12.

But now as Plaintiff has had to beg for those letters back he Requests ten million As he has told everyone about this Lawsuit, And A LARGE News Paper Article was printed, ON 11-24-12 in the topeka Capital Journal,

Mr. Jones went to a Court hearing on 01-30-13 ON CASE 11-CR-523 IN SHAWNEE County Court And was again SHOCKED that he was told by Judge MARK BRAUN and Appointed Counsel James Chappas "We know nothing of said civil right" "LAW suit." see Attached Exhibit B

Mr. Jones begs the Court for ANY Relief

Respectfully Submitted

Joseph Lee Jones  
at SHAWNEE Co Jail

501 S.E. 8th

Topeka, ks

(ddw)7

Certificate of Service

I mailed a copy to Defendant  
at Shawnee County Courthouse 200 SE 7th  
to Richard Eckhart County Counsel and  
to court of County Clerk ON \_\_\_\_\_

PART TWO page - ONE -

② 1<sup>st</sup> Amendment ment Right to access the Courts and Right to Writ of habeas Corpus, During the same time period Mr. Jones had been continuously Complaining that he was tricked by District Attorney Emily Yessen and Court Appiant Counsel Richard Lake into taking a Plea bargain in Case # 11-CR-523 in Shawnee County, Mr. Jones argues that the plea was specifically made for Probation, And that his Criminal history was not a "A" box, but after a continued sentence hearing in said case Mr. Jones was Assigned to James Chappas. Mr. Chappas put together a motion to with draw his plea, but in light of fear of consequences of with draw of plea Mr. Jones chose to use said Court hearing to expose Mr. Lake and Ms. Yessen, As Mr. Chappas Refused to Address Lies by them, So Mr. Jones feared a scam, again, Never the less in Open Court Mr. Jones Stated to Judge Wilson that Lake and Yessen Lied to her at the plea hearing, And also stated that Chappas would not address the Lies UNLESS he took his plea back, Since it was a hearing to take the Plea back, Again Mr. Jones had and still does have a copy of

The Plea hearing where yessen and Lake tell wilson he was not on parole when he committed the Crime of Attempted Burglary in case 11-CR-523, A Lie, why did they tell the Lie because at that time they were to arrange for ~~probation~~ probation and by plea had to Remove Power of Possibility that the Judge would see Mr. Jones Record and give prison. You see Mr. Jones' mom is dying and he agreed to the plea to Resolve the case and any thing that could possible ever come up.

Never the less at the Plea with draw hearing Judge wilson Refused to pursue Lies by Lake and yessen, But expressed Anger toward yessen and then demanded that Mr. Jones be sentenced, Mr. Jones then said he had a Objection to his Criminal history Specifically his Juvenile Adjudications for burglary as KSA, 21-4711 HAS been Repealed, this statute was how the state is to treat Old Burglaries, Per what is said in 21-3715(a),

So now the burden is on D.A. Yessen. But prior challenges and subsequent Appeals and 60-1507 was what Mr. Jones has done before, but now again the Statute had been Repeated. So Mr. Jones knew that SHAWNEE County Court house Records could not prove that the past Juvenile adjudications could not be proven as attempted before and still satisfy said Requirements. The Journal entry and Charging documents were not enough,

But Ms. Yessen now Angry goes too far and Produces NCIC records (i.e. Police Reports) These Records are Unallowable as to use them violates 6<sup>th</sup> Amendment Right to trial as it changes or Re-tries those cases,

So she went too far. In violation of civil Right. Now Mr. Jones writes a letter to Judge Wilson because he felt he should explain his actions of trying to expose Lake & Yessen.

Some where in the letter it goes hay wire and says that he doesn't want to Co-hearse the Judges Compassion. Mr. Jones has Severe Persistent mental illness, So Judge Wilson Recuses.

The case ICR 523 Goes to Mark Brown and ONCE Again the Lies are Not heard. and at next Court hearing Brown goes ON to Say that he is Concerned with Letters wrote to the Court and wants a Competency Evaluation.

All this time MR. Jones just WANTS Lies to be Addressed and he writes many letters to his Attorney, the Judge and even the District Attorney, yet NO ONE Addresses it so MR. JONES TRIES to file His OWN WRIT OF HABEAS and the SHAWNEE CO Court Clerk fails to do so.

Merely sending back his HAND written writ with a Note saying Previous Filing Restriction,

No Request for file fee or anything that would say why he could not file

A writ of habeas has no docket fee and the filing restriction was for law suits regarding consumer protection. the Clerk was IN ERROR.

MR. Jones Continued to Request from the Clerks office a civil info

PAGE - Five -  
PART TWO

sheet and required papers for summons yet he never could get a Response, NOW IN Light that Judge Braun would not Respond to his letters, NOR would James Chappas. Nor would D.A. Jessica Damore now Assigned Asst seems M's vessel is gone, Mr. Jones is left with NO choice but to file a federal writ of habeas corpus and a civil rights violation to get a Response, Also At the same time Mr. Jones was having said legal mail problem with SHAWNEE Co. Jail, so it was filed, 12-CV-03233-SAC and 12-CV-23234-SAC, The Right to writ is KSA 60-1507 and 1501 there is no Docket fee unless you are in KANSAS PRISON, Due to the fact even AFTER said LAWSUIT WAS IN NEWSPAPER SHAWNEE COUNTY did not Lift Mr. Jones filing ban till 01-25-13 by Judge Larry Hendrix Per Mr. Jones continued writing of letters to Chief Judge Naeve Parsia, For Loss of this liberty I want compensatory damages of one thousand dollars per day SINCE 9-01-12.



and the million for punitive damages  
done by Richard Lake and yessen  
for Violation of my Right to Fair  
trial. The same goes for  
Judges Wilson and Braun and  
Appointed Counsel Chappas.

AS NO ONE is following  
State LAWYERS ethics  
LAWS, AS everyone should  
have reported even these  
Allegations to the

Disiplinary Investigator,

I did, I sent Response to  
Fed Court Clerk to file to the

Respectfully  
Prof. Joe Jones  
02-02-13

③, Right to fair trial 6<sup>th</sup> Amendment effective  
Assistance of counsel, 8<sup>th</sup> and 14<sup>th</sup> amendments,  
Beings as the State of KANSAS has Codes  
of conduct and Ethics for Lawyers and  
Judicial ones for Judges,

If a Judge has Knowledge of misconduct  
by a Lawyer especially Lies they must  
address it, Also if the Defendant has said  
that a Judges Actions Violates a Civil Right  
they must Recuse themselves,

In my opinion UNTILL Ethics Violations  
by LAKE and Vessen are Address  
Case 17-CR-523 Should not go forward,  
and possible be dismissed,

The Subsequent actions by Judge  
Wilson's failure to Report Violation  
or address them Along with Judge  
Braun and attorney Chappas failure  
to Report and address Why should the  
defendant Give up his Rights first or take  
pleas back when the Case is tainted,  
Fruit from a Poisonous tree,

Mr. Jones asserts is Right to fair  
trial has been Compromised by  
Said Actions,

Any time served if overturned would  
cost the TAX payer,

11-CR-523 is NOT a serious case  
and could be sus pended till  
further investigated,

Never the less, MR. JONES  
sent a copy of the plea hearing  
to federal court showing  
LAKE and Yessen telling  
Judge Wilson he was NOT ON  
state parole at the time of the  
CRIME, therefore he has met  
the Burden of proof by perjury  
derence of the evidence and  
one thousand dollars a day is due  
for compensatory damages and  
a million for punitive, and whatever  
else the court deems for loss of  
said Liberties,

See case LAW 132 S.Ct 1376 and 780 N.W.2d 843  
And Judicial code of conduct 2.15,

the Case Law explains how court appointed counsel is  
in conflict to my six amendment, and why the Rush  
to make Pleas, and ONLY do so much work.  
Respectfully Submitted Joseph Lee Jones 02-03-15

④, 6<sup>th</sup> Amendment Due Process of Law.

Shawnee County Jail issued a policy of recovering money spent on off-site medical procedures. On or around 12-01-12 Mr. Jones' Jail account was Garnished suddenly without notice for a 2005 - offsite medical bill. Mr. Jones Filed a Grievance stating that ①, He never recieved a bill or invoice ②, Nor did he or the Jail know what said bill was exactly for. ③, he requested many other things like a copy of the Law that says the Jail can do this and whether or not it states in that Law that it is to be applied retroactively as said Law came into effect in 2006 and this was a dug up 2005 bill. He Recieved a Response to his Grievance per Tim Phelps stating that the Jails "Practices" will be continued.

So Mr. Jones put together a Petition Requesting PER K.S.A. 60-2?? help from the chief Law officer of the state for undue billing and seizure of monies by a State OR Government Employee. As this violated Due Process.

Mr. Jones had a face to face talk with Jail Director Brian Cole about this and Cole stated that the Bill from 2005 was to be trashed and money Returned as he talked with 3 Shawnee Court Judges and found Mr. Jones was Right. Subsequently Mr. Jones Sent to Brian Cole a letter Requesting A Settlement for Said seizure and

Violations of civil Rights and State Laws,  
Mr. Jones never heard back and sent All papers  
to Federal court to be added to case 12-cr-0327-ASK.  
Mr. Jones does so now and further  
States the Jail is Violating more Federal  
Laws as Mr. Jones is ON Social Security  
and has been all his life, Mr. Jones has  
Perfect Record of where his money Comes  
from As his PAYEE is the only person  
to put money on his Jail Account.  
Mr. Jones has Argued this point with  
Brian Cole and Cole states money is not  
able to be traced and becomes commingled  
but this would apply to everyone else.  
Mr. Jones has perfect Records,  
Per his PAYEE Cheryl Jones,  
Federal Law §407 chapter 7 Health & Welfare.

The right of any person to any future payment under this sub-  
chapter shall not be transferable or assignable, at Law OR in  
equity, and none of the monies paid or payable OR Rights  
existing under this subchapter be subject to execution, levy  
attachment, garnishment, or other legal process OR the  
operation of any bankruptcy or insolvency Law.

Again the Jails Practice is to send bills to  
bill Collectors for GARNISHMENT.

The Jail knowingly does this Practice with full Knowledge that Mr. Jones has severe Persistent mental illness and is, has been, and will be Disabled on Social Security,

Currently a Bookin fee was Attempted to be Garnished by a Thomas Valentine,

These fees, and what not now will be Litigated in court as they violate Federal Law. As any money for Mr. Jones is for his well fare, (i.e., Food, clothes, Rent,)

In light that Mr. Jones already Proved the Jail violated his Rights as bill for 2005 was trashed he asks for Cash payment and a Order blocking the Jail and its health provider from Assessing any fees what so ever. Compensatory Damages of \$20,000<sup>00</sup> and punitive Damages of \$10,000<sup>00</sup>

Respectfully

Certificate of service Joseph Lee Jones  
I mailed a copy to defendant @ SHAWNEE Co Jail  
and Court Clerk on 0204-13 50 S.E. 8th  
at SHAWNEE Court court house Top, KS 66527  
200 S.E. 7th  
Topeka, KS 66607

Of Note;

All filed Documents and Exhibits of Requests, and Grievances and other Remedies tried for by Plaintiff Joseph Jones as LAW Requires that he try to fix everything Administratively and exhaust all remedies

View Case 12-CV-03229-SAC

ON the inter net Public Access <sup>(P)</sup> PACER I believe,

U.S. District courts Topeka, KANSAS.



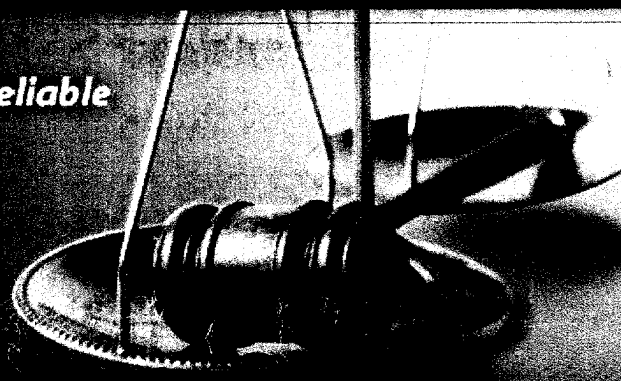
Experts in Class Action Administration

Case Search:

[About Gilardi](#) [Attorney Relations](#) [Case Info](#) [Contact Us](#)

**Efficient Accurate Responsive Reliable**

Gilardi & Co. is a privately held, full service class action claims administrator with nearly a quarter century of experience. We are experts at every phase of claims administration, from notice and publication through final distribution and reporting. We are a dedicated resource for attorneys in public and private practice across the country and our experience and expertise includes the following:



- [Antitrust](#)
- [Consumer Protection](#)
- [Federal Trade Commission Redress](#)
- [Product Liability](#)
- [Private Securities Litigation](#)
- [Securities and Exchange Commission Restitution](#)
- [Wage and Employment](#)

**Dedicated claims administrator with more than a quarter century of experience.**  
**A trusted resource for comprehensive legal settlement services.**  
**Established procedures and depth of knowledge administering class action settlements.**  
**Full service provider of notification, processing, distribution and reporting services.**

[Home](#) [Site Map](#) [Privacy Policy](#)

Copyright © 2010 Gilardi Co



Exhibit B

U.S. District Court  
DISTRICT OF KANSAS (Topeka)  
CIVIL DOCKET FOR CASE #: 5:12-cv-03229-SAC  
Internal Use Only

Jones v. Kansas, State of et al  
Assigned to: District Judge Sam A. Crow  
Cause: 42:1983 Prisoner Civil Rights

Date Filed: 10/29/2012  
Jury Demand: None  
Nature of Suit: 555 Habeas  
Corpus (Prison Condition)

Plaintiff

Joseph Lee Jones

V.

Defendant

Kansas, State of

Defendant

Shawnee County

Defendant

Topeka Police Department

Defendant

Shawnee County Jail

Defendant

FNU LNU (1)

Shawnee County Court

Defendant

Attorney General of

Email All Attorneys

Email All Attorneys and Add

**Immate suit may be dismissed**

**Federal judge describes one of the claims as being 'frivolous on its face'**

**By Tim Newsham**  
**THE CAPITAL-JOURNAL**

A federal judge promised this past week to dismiss a Shawnee County jail inmate's lawsuit asking for \$1 million unless that man within 30 days cures various deficiencies in the complaint.

U.S. Senior District Court Judge Sam A. Crow used the words "frivolous on its face" to describe one of the claims made by Joseph Lee Jones.

Crow issued a memorandum and order Tuesday in a suit Jones filed against the state of Kansas, the Kansas attorney general, the Topeka Police Department, Shawnee County, the Shawnee County counselor and the Shawnee County Jail.

Jones, 36, remained an inmate Saturday in jail. Shawnee County District Court records indicate he is awaiting sentencing after pleading guilty to attempted burglary. Jones was ordered Oct. 30 to undergo a mental competency evaluation, which is to take place at Larned State Hospital.

Jones, acting as his own attorney, submitted a five-page, handwritten lawsuit complaint on Oct. 29, accompanied by 78 pages of exhibit documents. The suit made various allegations.

Crow's memorandum sought to sum them up by saying: "Plaintiff's claims, to the extent that they can be understood, are of two different types. His claims that his right of court access has been impeded and that his mail was improperly withheld are challenges to the conditions of his confinement and are properly raised in a civil rights complaint. All plaintiff's other claims appear to be challenges to either of two of Mr. Jones' state criminal convictions."

Crow indicated it would be improper for him to consider the latter claims, but he would consider Jones' complaints that Jones was denied court access and his mail was interfered with.

Crow concluded neither of those claims were supported by sufficient facts.

He used the word "frivolous on its face" to describe Jones' complaint that he had attempted to send out four legal mail documents, which Shawnee County jail employees chose not to send after concluding they didn't fall within the definition of legal mail.

Crow stressed that Jones tried to send the four pieces of mail to businesses rather than courts, governments or law firms.

He added: "Plaintiff is given the opportunity to cure the deficiencies in his complaint discussed herein.

If he fails to do so within the time allotted, this action will be dismissed as frivolous and for failure to state a claim and will count as a strike against Mr. Jones."

Crow cited a section of federal code that prohibits prisoners from bringing a civil action or appealing a judgment if the prisoner has — on three or more prior occasions, while incarcerated or detained — brought an action or appeal that is frivolous, malicious or fails to state a claim upon which relief may be granted.

E CAPITAL-JOURNAL NEWS SUNDAY, NOVEMBER 25, 2012

www.kaplan.com

Exhibit 2