

IN THE SUPREME COURT  
STATE OF MISSOURI

**FILED**

**AUG 26 2013**

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No. SC93618

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**CLERK, SUPREME COURT**

ARTHUR L. LeBEAU, Jr., et al,

Appellants, Pro-Se

v.

COMMISSIONERS OF FRANKLIN COUNTY MISSOURI

Respondents,

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Appeal from the Circuit Court of Franklin County, State of Missouri  
The Honorable Judge Robert D. Schollmeyer  
12AB-CC0269

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APPELLANTS REPLY BRIEF

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**SCANNED**

## **INTRODUCTION**

Appellants researched what they could as to what the contents should be in the Appellants reply brief, to be in conformance with Rule 84.04(g) Appellants were not able to find any specific and concise guidelines from the Supreme Court Rules or from a couple of law review articles. Therefore we Appellants are submitting an argument section only to correct some obvious errors in the Brief of Respondents Commissioners of Franklin County, Missouri.

## ARGUMENT

1. Page 2, at footnote No 1 -- "**Appellants** certainly accept the Court of Appeals decision to transfer..." The word **Appellants** is incorrect and the word should correctly read "**Respondents**".

2. Page 4, at footnote No 3 -- We quote: "Ironically, Appellants, who are not attorneys, filed a document entitled "Plaintiffs Memorandum of Facts" on behalf of all Plaintiffs, an action that they clearly did not have legal status to do, while maintaining that Respondents counsel, a licensed attorney, does not have legal status to represent Resprondents. R. 65"

a) True Appellants are not attorneys and are acting Pro-Se, which is a truly "legal" right to so do. Now we have Respondents **stating** that the Memorandum of Facts (LF 17,18,19) filed by Appellants "did not have legal status to do". Respontends fail to cite any authority as to why it was not legal to do, and further Appellants state to this court, that said remark by Respondents is again another tactic to demean Appellants.

b) Appellants are not questioning if Respondents counsel in this matter is a licensed attorney, however Appellants have throughout this entire proceeding questioned by what authority said counsel can represnt Respondents. It is incomprehensible as to why Respondents don't answer the question, produce the order authorizing said counsel, and save much "paper work" for all parties

including this court.

3. Pages 6 & 7 -- The references on these two pages citing "ordinance violation" causes Appellants to ponder if Respondents truly understand what a Constitutional question is? The Statute 527.020 and the cites of City of Bridgeton v Ford Motor Credit Co 788 S.W.2d 285 (Mo. 1990) and Miller v City of Manchester 834 S.W.2d 904 (Mo App E.D.1992) have absolutely no bearing, resemblance, or any legal insight into this matter at bar. Why are not the statutes read in their meaning by Respondents? Nothing has to do with municipal law or ordinances. Again a waste of time in having to read these cases to determine what and if any bearing they have on this matter.

4. Pages 8 & 9 -- Respondents totally misread and misunderstand the ruling in Hammerschmidt as to him being a "Citizen & Taxpayer". The issue there and in Appellants matter is not "about a tax" issue. Again much time is wasted in reading the several cases cited and not one iota applies to this matter at bar.

5. Page 16 -- Appellants quote 2nd paragraph: "In fact with respect to the Defendants, Commissioners of Franklin County, Missouri, Plaintiff's Amended Petition failed to allege any action whatsoever, much less wrong doing on the part of Defendants In fact, Appellants admit in their brief that they **failed** to include Count II of their Original Petition, which alleged that the Franklin County Municipal Court was null and void, in their Amended Petition. Appellants

Amended Brief, page 14"

a) Appellants never did say that their was wrongdoing on the part of the Commissioners, and Respondents are challenged to so produce what wrongdoing is alluded to, knowing full well it has nothing to do with this appeal. The county does not keep detailed minutes of their meetings and the only germane issue would have been when Appellant LeBeau, requested the commission to withhold the order establishing the county court until the matter was decided on the constitutional grounds. Again we have to offer so many side bar insights, wasting much time, to keep the matter in its true form

b) Again the Respondents commit a falsehood in stating that the Appellants "**failed**" to include Count II and made no such admission. What Appellants did was not include it because the Amended Petition was directed specifically to the constitutional issue. Why Respondents keep trying to alter the record to falsely enhance their lame arguments is not acceptable in a matter of law at anytime.

**CONCLUSION**

Appellants merely submitted this Appellants Reply Brief to correct some errors of Respondents Brief to insure that the matter is correct before this court. This is the correct court in which to review this constitutional issue by de novo procedure

Again Appellants request this court rule HB 1171 is unconstitutional and does violate Article III, sections 21 and 23 of the Missouri Constitution



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**CERTIFICATE OF SERVICE**

A true copy of the foregoing was served personally to the offic of counsel of recored, Matthew Becker, at 4A South Church Street, Union, Missouri 63084 on this 23<sup>RD</sup> day of August 2013, by Appellant Eric R. Reicher.