

IN THE SUPREME COURT
STATE OF MISSOURI

No. SC94348

ARTHUR L. LeBEAU, Jr, et al

Appellants, Pro Se
vs

COMMISSIONERS OF FRANKLIN COUNTY

Respondents

APPELLANTS REPLY BRIEF

Appeal from the Circuit Court of Franklin County
Honorable Judge Robert D. Schollmeyer
12AB-CC00269-01



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FILED

DEC 18 2014

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SCANNED

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STATEMENT OF FACTS

EXPOSING NUMEROUS RESPONDENTS ERRORS

It is imperative that the errors in Respondents Brief under the heading, STATEMENT OF FACTS be noted and corrected. Appellants will note them as they occur in Respondents Brief

Page 5, Respondents wrote “...*Appellants filed their Amended Petition striking Count II from their original petition, ..*” This is a gross misstatement, and a complete falsehood, Appellants did not “strike” Count II. Respondents need to read and comprehend the meaning of “strike”.

Page 6, Respondents wrote, “...*On February 27, 2014, this Court reversed and remanded this case back to the circuit court..*”. Another error as the correct date is February 4, 2014. Respondents also wrote: “...*prayer for relief seeks an advisory opinion ..*” No such prayer for such relief was requested by Appellants. Again on page 6, Respondents wrote: “...*Appellants fail to contest the validity of Senate Bill 636..*” Another falsehood as SB636 was never part of this matter and was mentioned the first time by Judge Wilson at oral hearing December 4th 2013

Page 7, Respondents wrote: “...*issue is moot due to the passage of Senate Bill 621 effective September 28, 2014...*” another error as SB 621 is not part of this lawsuit. Respondents have another error in the Caption “**1...WITH THE RECENT PASSAGE OF SENATE BILL 621**” (further discussion is in Appellants argument section)

Page 10, Respondents Brief errors in not presenting the true perspective of

Section 211.031 , “...*House Bill 1171 changed the age of the juvenile court’s jurisdiction over a child involving a state or local traffic violation from up to 15 1/2 years old to 15...*” This is an absolute false statement as to how the statute reads, indicative of Respondents not reading what words say. In reality the applicable section of 211.031.1(3) reads “...*except that, the juvenile court shall not have jurisdiction over any child fifteen years of age who is alleged to have violated a state or municipal traffic ordinance or regulation, the violation of which does not constitute a felony,...*” Entirely different from the fraudulent verbiage in Respondents Brief. Counsel for Respondent could have easily read the facts they are stated in Respondents Appendix,(A19)

Page 13, Respondents, “...*Appellants made no argument in their pleadings that Senate Bill 636 violated the single subject or original purpose provisions of the Missouri Constitution. At trial, Appellants argued that the purpose of the court to rule on the constitutionality of House Bill 1171 was so they could see if Franklin County enacted the Municipal Court in accordance with Senate Bill 636..*”This is a most blatant untruth, a gross falsehood. Appellants did not argue SB636 as it was not part of the matter.

Page 15, Respondents, “... *Point Five criticizes the trial court for attaching a copy of a Senate Bill to the Judgment Appellants fail to give any argument that the inclusion of a footnote and an attachment of any document to an opinion are reversible error. ..*” Appellants do take great umbrage at these false remarks. Appellants did not criticize but questioned why HB 1211 was included, a bill that

was never passed by the legislature, nor is any part of this proceeding. Also that SB 636 had never been a part of this lawsuit.

Page 17, Certificate of Service is indicative of another error by Respondents. *“A copy of the forgoing was sent via U.S.mail (postage prepaid) this 14th day of August 1013,to:”* Several gross errors in this statement.. Appellants had to file a Motion in this court for extension of time to file Appellants Reply Brief as Respondents Brief had never been received. After getting a copy of the Motion Respondents did send their Brief which was received by Appellants LeBeau and Reichert on the 9th of December 2014. The Brief was filed in this court on the 24th of November 2014. The alleged date of 14th August 2013 as to mailing to Appellants is totally false. Furthermore the 14th of August has no significance in this case of which Appellants are cognizant

ARGUMENT

Appellants will abide by the Rules and attempt not to reargue any points in Respondents Brief but must make some argument as to the obvious errors

1 Appellants never did “strike” Count II from the original Petition. Everything was preserved for appeal as the petition reads. Count II had to do with severability and the Municipal Court. The challenge to the County Municipal Court would be moot if HB 1171 had been ruled unconstitutional. The issue was preserved but no further argument was tendered. The prosecution of matters in the Municipal Court was mentioned in the original petition and the facts remain. Since none of the appellants have received any summons to appear in the Court, that would be a matter for future argument. Neither had a pertinency at this particular time, though a sound argument could be given by Appellants in the future.

2. Appellants do not comprehend Respondents making numerous false statements that Appellants are seeking an advisory decision. The decision is to be based upon the facts. The allegations of hypothetical and academic are descriptive of Respondents reluctance to delve in the issues but they attempt to circumvent the matter.

3. Respondents attempt to argue that SB636 is part of this suit and it is not. Respondents then attempt to inject SB 621 into this matter and it was never part of this lawsuit. The commission order establishing the county Municipal Court was under the auspices of HB1171 and that is the only House Bill being challenged.

4. Respondents failed to research SB621 and attempt to thwart Appellants

in this matter by injecting it into the foray, however they need to research further and there is another bill SB672, both signed into law on the same date, August 8, 2014. SB672 being the latter numbered bill would be the prevailing Bill, however that could be argued. It is not for this court to decide at this time.. As a matter of fact, all three Bills SB636, SB621 and SB672 could be argued quite successfully that they are also unconstitutional due to numerous different subject titles effecting numerous statutes. Again that is not part of this lawsuit..

5. Errors on page 15 of Respondents brief is that only a portion of 56.640.1 is quoted to enhance Respondents position, however that is taken out of context the question has always been the wording of the second sentence: - '*...The county counselor shall commence, prosecute, defend ...*' Respondents refuse to answer this point, it is their Appendix (A12) which has the Section displayed.

a) Further error is Respondents relying upon Section 27.050 in their Brief as to Appellants objection to Steven White representing Respondents. Never did Appellants make a reference to what the Attorney General does with his assistants. That statute is under a different Chapter and has no bearing on this matter. Section 56.060 as to Prosecuting Attorneys is also not germane to this matter and the reading of them in Respondents Appendix(A12 and A16) is indicative of no bearing.in this matter, as to the County Counselor.

6. Respondents also violate Rule 84.06(a)(6) that requires all Briefs to be In 13 point Times New Roman font. Respondents Brief is not in 13 point font. We Appellants dislike mentioning such as we don't wish to "nit-pick" however the

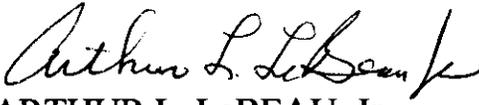
fact is that Respondents continuously throughout this matter have done such “nit picking” to Appellants in their various filings.

7. A final point of Argument is the Conclusion part of Respondents Brief. It states that Appellants have not contested the most current form of Section 67.320. That would be redundant at this time (which Bill, SB636, SB621 or SB672 is to be argued) for the germane matter in this case is HB1171. This court by all the facts presented should rule that HB1171 violates the Missouri Constitution and is thus unconstitutional..

CONCLUSION

Appellants through this Reply Brief have corrected most of the obvious errors in Respondents Brief. The facts in the case have not changed. This court in the determining of all the facts presented should rule that HB1171 violates the Missouri Constitution and is thus unconstitutional.

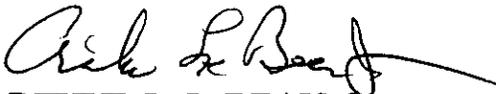
Respectfully submitted


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CERTIFICATION OF SERVICE

A true copy of the forgoing was mailed, postage prepaid to the office of counsel Steven Reid White, #4A South Church Street, Union, MO 63084 on Dec 13, 2014


ARTHUR L. LeBEAU, Jr