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8 **For Media Petitioner:**

9 **STATE OF MISSOURI**

DISTRICT COURT

10 **COUNTY OF ST, LOUIS**

TWENTY FIRST

JUDICIAL DISTRICT

FAMILY COURT DIVISION

12 **James Judy,**

Case No.:14SL-DR

Plaintiff

Vs.

Angela M Freiner,

**MOTION TO RECORD ALL FUTURE
COURT CASE PROCEEDINGS IN
THE CAPTIONED CASE PER MN
CIVIL CODE OF PROCEDURE 4.03
AND TO HELP BRING AWARENESS
AND FAIRNESS TO THE CASE.**

Respondent

17 **The Dividing Line Podcast.**

MEMORANDUM OF AUTHORITIES

Media Petitioner.

Justice Yellowhammer

18 To the above-named Court and all Parties of Interest,

19 I am the co-host of a Podcast called "The Dividing Line" and I am a media person. I am
20 filing this media motion to cover this case through video and audio via remote appearance. I ask
21 that this motion be granted because the topic of this case is of public interest and there is no
22 legitimate reason not to.
23

24 Respectfully submitted,

25 1

MOTION TO RECORD HEARINGS

1
2 By: _____

3 Mark Esquibel, *Pro Se*
4 Co-Host, Story Producer
5 The Dividing Line Podcast
6 Support@familycourtanticorruptioncoalition.com

7 **MEMORANDUM OF POINTS AND AUTHORITIES**

8 **I. INTRODUCTION**

9 The Dividing Line is investigating the St, Louis County Courthouse due to multiple
10 complaints of abuse of authority resulting in court sanctioned child physical and sexual abuse.

11 The above captioned case is very troubling because a protective mother is being punished
12 for trying to protect her daughter who has been disclosing, that her father is molesting her. The
13 court, on its own motion, recently decided to declare this mother in contempt of court, jailed the
14 mother for 48 hours, issued a temporary restraining order against her, giving the father sole
15 custody, placing a gag order, forcing the child into the mental ward and then recusing the court
16 off the case. Only to retaliate by arresting the mother a second time without a warrant, setting her
17 bond at \$75,000 cash only bond, holding her for two weeks while the 21 circuit county recused
18 themselves from the case.

19 I am filing this media motion to cover this case through video and audio. I require that this
20 motion be granted summarily.

21 **II. THE CASE**

22 This case is about Dalilah Love, a young girl who has been in her father's custody since
23 August 2020. This child has reported to her mother and many other mandated reporters that her
24 father is abusing her. Despite countless cries for help, mother has been unable to do anything to
25 protect her daughter because the court won't allow it.

1 The motive for silencing the mother appears to be because the court made a terrible
2 mistake and rather than correcting it, the court is more concerned about protecting themselves
3 from a potential lawsuit against the county for placing this little girl in the care, custody and
4 control of a predator.

5 The courts are no longer an unbiased, neutral, institution. The Dividing Line has already
6 discovered over 1300 similar cases across the country where children are not permitted to speak
7 about the abuse they are being subjected to, and their voices don't matter. Mother has repeatedly
8 required sign of life from her daughter from the court. Has repeatedly required the gal Venus
9 Jackson and Kim Whittle show sign of life of Dalilah, both have refused.

10 The Dividing Line wants to know why in family court cases, the party that alleges child
11 abuse, almost always loses custody. This is a pattern of practice that a former whistleblower
12 judge in California revealed after she left the bench. Judges get a few days of training before they
13 sit on the bench and hear cases. Many family courts judges have never practiced family law and
14 frankly don't have a clue. Judges are not trained to identify child abuse and are trained that they
15 should be suspicious of the parent that makes these allegations.

16 When mother went to court to protect her daughter, she was ridiculed, threatened and her
17 parental rights were all but terminated.

18 Mother is a fit, loving and capable parent who has been deprived of her federally
19 protected right to familial relations without Due Process, and both mother and daughter have
20 been silenced and legally abused by a cruel and senseless court.

21 This case is of public interest.

22
23 **III. PROCEDURAL BACKGROUND**

24 Media Petitioner is moving the court to allow video recording of the proceedings of this

1 case. The request is being made under the First Amendment to the U.S. Constitution and pendent
2 State Constitutional Amendments. As a member of the media, media petitioner has sufficient
3 standing to bring this motion.

4 I am reluctant that the Court might be hostile to such a motion since it might capture
5 misconduct by the Court or other parties, but that is the reason this motion is being made. It should
6 be noted that across the country The Courts are now being video recorded. All cases should be
7 recorded and ones that are not recorded should be suspect. Cases in which the justification for not
8 recording is that children are involved may well be covering up the fact that children and their
9 families are being harmed by government agencies and have very little protection or fairness in
10 proceedings due to the terrible lack of public oversight.

11 12 **RESERVATION OF FEDERAL RIGHTS**

13 I hereby declare on this state court record and hereby reserve that it is my intent to not
14 consent to this forum to make final decisions or try or decide issues of a federal question or statute
15 or United States Constitutional rights or violations thereof. I reserve the right to do so in a federal
16 forum at my discretion. I cite England v. Medical Examiners, 375 U.S. 411 (1964); Government
17 Employees v. Windsor, 353 U.S. 364 (1957); and Jennings v. Caddo, 531 F.2d 1331 (5th Cir.
18 1976). My intent for doing this is to raise the ability to challenge a denial in Federal Court under
19 Amendment I. We have been doing so many cases through Zoom and other mediums that refusing
20 someone the ability to record a case at this point is improper. If there were arguments to justify
21 not doing so pre Covid, those are gone.

22 In this modern era, there is no reason for us not to be able to record these hearings. Wrong-
23 doing cannot justify closing a case and any closed case should be questioned.

IV. ARGUMENTS

A. Media has standing

There is no question that media has standing to make such a motion and standing goes hand in hand with this request. A media request of this nature covers all elements of standing as per *Lujan v. Defenders of Wildlife*, 504 US 555 (1992). Further, the US Supreme Court has held that there is no distinction between a small media entity such as mine and large generally recognized corporate media like CNN or other so called Mass Media Networks.

“There is no precedent supporting laws that attempt to distinguish between corporations which are deemed to be exempt as media corporations and those which are not . . . With the advent of the Internet and the decline of print and broadcast media, moreover, the line between the media and others who wish to comment on political and social issues becomes far more blurred. The law's exception for media corporations is, on its own terms, all but an admission of the invalidity of the ant distortion rationale. . . So even assuming the most doubtful proposition that a news organization has a right to speak when others do not, the exemption would allow a conglomerate that owns both a media business and an unrelated business to influence or control the media in order to advance its overall business interest. At the same time, some other corporation, with an identical business interest but no media outlet in its ownership structure, would be forbidden to speak or inform the public about the same issue. **This differential treatment cannot be squared with the First Amendment.**” *Citizens United v. FEC*, 588 US 310 (2010)

So, a small organization like my own has the same rights to access and communication that a large and powerful one does. All citizens have an interest.

B. Proper Purpose

Our purpose as media is to find and expose corruption and or keep it from entering the judicial square so that the parties are able to have fair hearings and justice as a proper outcome.

The U.S. Supreme Court noted the complexity of our government lends itself to corruption:

“ . . . the administration of government has become more complex, the opportunities for malfeasance and corruption have multiplied, crime has grown to most serious proportions, and the danger of its protection by unfaithful officials and of the

1 impairment of the fundamental security of life and property by criminal alliances and
2 official neglect, emphasizes the primary need of a vigilant and courageous press,
3 especially in great cities.” Near v. Minnesota, 283 U.S. 697, 719-720 (1931)

4 This complexity thus requires the watchful eye of the press and in particular a video
5 record is needed to fortify such. Courts are presumed to be open.

6 7 **C. There is a Presumption of the ability to Record**

8 This is an extension of the First Amendment and: “*There is a presumption that all . . .*
9 *proceedings, absent compelling reasons, should be open to the media for audio-visual coverage*
10 *so long as it can be done within the confines of proper decorum and without harm to specifically*
11 *protected rights.” Oles v. Houston 135 Misc 2d 1075, 525 NYS 2d 1008*

12 13 **D. The Public owns the Proceedings**

14 The U.S. Supreme Court noted directly that the citizens own court proceedings:
15 “*A responsible press has always been regarded as the handmaiden of effective judicial*
16 *administration, especially in the criminal field. Its function in this regard is documented by an*
17 *impressive record of service over several centuries. The press does not simply publish*
18 *information about trials, but guards against the miscarriage of justice by subjecting the police,*
19 *prosecutors, and judicial processes to extensive public scrutiny and criticism. This Court has,*
20 *therefore, been unwilling to place any direct limitations on the freedom traditionally exercised*
21 *by the news media for "what transpires in the courtroom is public property."* Craig v. Harney,
22 *331 US 367, 374 (1947) (Emphasis Supplied)*

23 24 **E. Denying a Recording is Unlawful and Prior Restraint**

1 Prevention of video recording amounts to a Prior Restraint and those are heavily
2 disfavored and can only be considered under lawful purposes advanced by the Government.

3 “Any system of prior restraint . . . [bears] a heavy presumption against its constitutional
4 validity.” *Bantam Books, Inc. v. Sullivan*, 372 U.S. 58, 70 (1963); see also *Near v. Minnesota*,
5 283 U.S. 697 (1931). The Government “thus carries a heavy burden of showing justification for
6 the imposition of such a restraint.” *OFAB Austin v. Keefe*, 402 U.S. 415, 419 (1971).

7

8 **F. The Imperative is Preservation of a Free Press**

9 In democratic systems, there is an absolute imperative to maintain a free press:
10 “[I]mperative is the need to preserve inviolate the constitutional rights of free speech, free press
11 and free assembly in order to maintain the opportunity for free political discussion, to the end
12 that government may be responsive to the will of the people and that changes, if desired, may be
13 obtained by peaceful means. Therein lies the security of the Republic, the very foundation of
14 constitutional government.” *De Jonge v. Oregon*, 299 U. S. 353, 365 (1937)

15

16 **G. The Court is not free to Censure the Press**

17 The US Supreme Court notes that the Governments power, judicial or otherwise is not
18 established or empowered to censure the Press:

19 “In the First Amendment, the Founding Fathers gave the free press the protection it must
20 have to fulfill its essential role in our democracy. The press was to serve the governed,
21 not the governors. The Government's power to censor the press was abolished so that
22 the press would remain forever free to censure the Government. The press was protected
23 so that it could bare the secrets of government and inform the people. Only a free and
24 unrestrained press can effectively expose deception in government. And paramount
25 among the responsibilities of a free press is the duty to prevent any part of the
government from deceiving the people . . .” *New York Times v. United States*, 403 US
717 (1971)(emphasis supplied).

24 The Courts are not free to censure the Press and what goes on in the Courts are open for

1 recording and capturing of the actions of the Judiciary, honest or unlawful. “The operations of
2 the courts and the judicial conduct of judges are matters of utmost public concern.” Landmark
3 Com v. Virginia, 435 US 829, 839 and “A major purpose of the First Amendment . . . includes . . .
4 the operations of the courts and judicial conduct,” Ibid at 839

5
6 **V. CONCLUSION**

7 As the petitioner for this media entity, I am fully aware that many if not most judges are
8 often hostile to anyone looking over their shoulder much less wanting to watch them at their
9 work. However, I am here to keep the proceedings of this case on the up and up.

10 Respectfully submitted,

11
12 By: _____

13 **Mark Esquibel, Pro Se**
14 The Dividing Line Podcast
15 Support@familycourtanticorruptioncoalition.com

16 **VERIFICATION**

17 IT IS HEREBY certified that the facts in the foregoing *pleading* are true and correct under
18 penalty of perjury to the best of my knowledge and belief. Attachments to this are true and correct
19 copies of the items they purport to be.

20 Dated this 7th Day of October 2021.

21
22 By: _____

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