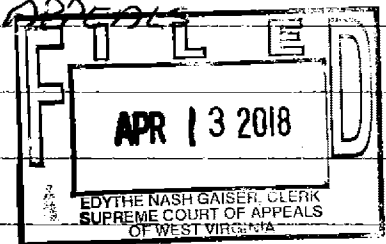


IN THE WEST VIRGINIA SUPREME COURT OF APPEALS

NO. 18-0271

EDWARD JESSE DREYFUSE,

Petitioner,



CASE NO. 18-0271

In Re;

Application to present complaint to the Grand Jury,

INTRODUCTION OF APPEAL AS Perfected

Comes Now, Edward Jesse Dreyfuse, Pro-se,
(Petitioner Hereinafter), Pursuant to the
West Virginia Rules of Appellate Procedure,
Rule 4 (A), and presents his APPEAL AS FOLLOWS:

ASSIGNMENTS OF ERROR

1) Judge Ferguson's denial of the Application to
Present complaint to the Grand Jury is a violation
and deprivation of the rights secured under the West
Virginia Constitution, Article III, § 17, which holds
The courts of this state shall be open, and every person,
for an injury done to him, in his person, reputation, or
property, shall have remedy by due course of law,
and Justice shall be administered without delay.

Pg NO:

TABLE OF CONTENTS

Pg.001	TABLE OF AUTHORITIES
Pg.002	CERTIFICATE OF SERVICE
Pg A-1 thru A-13	APPEAL
A-1, A-2,	ASSIGNMENTS OF ERROR
A-3	STATEMENT OF THE CASE
A-3	STATEMENT REGARDING ORAL ARGUMENT
A-4	SUMMARY OF ARGUMENT
A-5 thru A-11	ARGUMENT
A-12 - A-13	CONCLUSION RELIEF SOUGHT
BB1	APPENDIX - APPLIC
CC1	APPENDIX - DEN
DD1	APPENDIX - G-T-A
EE1	APPENDIX - MED-REC
R-0 thru R-3	APPENDIX - C-R-B
BB0 - RB1	APPENDIX - R-B-1
C-0 thru C-3	APPENDIX - CHILES
C-B0 - CB-1	APPENDIX - C-B-1

TABLE OF AUTHORITIES CITED

CASES

STATE EX. REL. MILLER V. SMITH, 168 W. VA. 295, 205 S.E.2d 500 (1981)

HARMON V. FRYE, 188 W. VA. 611, 425, S.E.2d 566 (1992)

STATE EX REL. R. L. V. BEECH, 192 W. VA. 435, 452 S.E.2d 893 (1994)

STATE EX REL. CASEY V. WOOD, 156 W. VA. 329, 193 S.E.2d 143 (1972)

WEST VIRGINIA CONSTITUTION

ARTICLE III § 17,

UNITED STATES CONSTITUTION

FIFTH AND FOURTEENTH AMENDMENTS

ALL ABOVE LISTED ARE IN APPEAL

NO OTHERS INCLUDED IN APPEAL

IN THE WEST VIRGINIA SUPREME COURT OF APPEALS

NO. 18-0271

Edward Jesse Dreyfuss,


Petitioner,

IN Re;

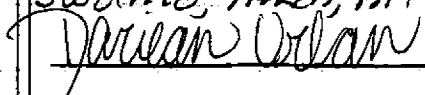
APPLICATION TO Present Complaint to The Grand Jury

CERTIFICATE OF SERVICE

I, Edward Jesse Dreyfuss, hereby affirm that I have served the W.V.A. Supreme Court of Appeals Clerk, Edythe Nash Graiser, Honorable Judge Alfred E. Ferguson, W.V.A. Attorney General Patrick Morissey, and the Cabell County Circuit Clerk Jeffrey E. Hood, all by U.S. Mail on the below NOTARIZED date, a perfected appeal, table of contents, table of authorities, supporting appendixes to be properly filed, responded and added to the docket for decision, respectfully

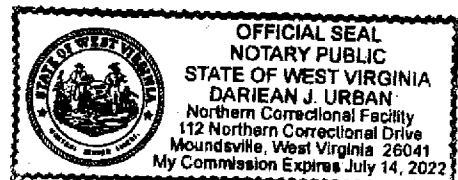

Petitioner/Affiant, Pro-se

Swoon to, taken, affirmed before me on 04/09 2018.


NOTARY PUBLIC

my commission expires 07/14/2022.

002



2) Judge Ferguson's denial of the application to present complaint to the Grand Jury is a violation and deprivation of the rights set forth by the legal prerequisites that "By application to the circuit judge, who's duty is to insure access to the Grand Jury, any person may go to the Grand Jury to present a complaint to it," SEE STATE ex. rel. Miller v. Smith, 168 W.Va. 745, 285 S.E.2d 500 (1981); Harman v. Frye, 188 W.Va. 611, 425 S.E.2d 566 (1992); STATE ex. rel. R.L. v. Bedell, 192 W.Va. 435, 452 S.E.2d 893 (1994).

3) Judge Ferguson's denial of the application to present complaint to the Grand Jury violates the Due Process and Equal Protection of the Fifth and Fourteenth Amendments of the U.S. Constitution which is promised under the West Virginia Constitution, Article III § 17, which holds in pertinent part that the courts of this state shall be open, and every person, shall have remedy by due course of law.

4) Petitioner has a constitutional as well as a clear legal right to appear before a Grand Jury to present evidence of an alleged offense which is being deprived and violated by Judge Ferguson's denial of the application to present complaint to the Grand Jury.

STATEMENT OF THE CASE

ON or ABOUT, November 17th, 2017, Petitioner did file an application to present complaint to the Grand Jury of Cabell County, West Virginia, Petitioner submitted the application to Judge Ferguson pursuant to the W. VA. CONSTITUTION'S ARTICLE III § 17 and the legal prerequisites held that "By application to the circuit Judge, whose duty is to insure access to the Grand Jury, any person may go to the Grand Jury to present a complaint to it." (SEE APPENDIX - APPLIC).

ON or ABOUT, March 7th, 2018, Judge Ferguson did deny the application to present complaint to the Grand Jury, without citing findings, cause or conclusions for such denial. (SEE APPENDIX - DEN).

STATEMENT REGARDING ORAL ARGUMENT

Petitioner contends that there is no need for oral argument, accordingly such statement is provided for such waiver pursuant to Rule 18, (a), (i), and the criteria set forth therein, respectively.

SUMMARY OF ARGUMENT

Judge Ferguson's denial of the application to present complaint to the Grand Jury is a clear violation and deprivation of the rights secured under the West Virginia Constitution, Article III § 17.

Judge Ferguson's denial of the application to present complaint to the Grand Jury is a clear violation and deprivation of the rights set forth by the legal prerequisites and black letter law that "By application to the circuit judge, whose duty is to insure access to the Grand Jury, any person may go to the Grand Jury to present a complaint to it."

Judge Ferguson's denial of the application to present complaint to the Grand Jury violates due process and equal protection of law under the fifth and fourteenth amendments of the U.S. Constitution, which is promised under Article III, § 17 of the West Virginia Constitution that the courts of this state shall be open, and every person, shall have remedy by due course of law.

ARGUMENT

Your Petitioner has a clear legal standing and the constitutional rights to present a complaint before a session of the Cabell County, West Virginia Grand Jury, as it is without question that Christopher D. Chiles did procure, ("Black's Law Dictionary Definition," "to bring into possession, to obtain, to cause to occur, to bring about."), and subpoena the perjured material evidentiary testimony of Ryan Bentley as is properly recorded in the designated record of the Grand Jury minutes of case no: 12-F-232, where it was testified that Mr. Otis Clay, Jr., suffered multiple facial fractures and a major skull fracture, which was feloniously provided before a Grand Jury as a material matter in which without question caused a substantial influence on the Grand Jury's decision to indict, (SEE APPENDIX - G - J - A).

The inducements presented by Ryan Bentley as material matters before a Grand Jury considering a felony indictment describing multiple facial fractures and a major skull fracture, were never inflicted upon, or suffered by Mr. Clay, and this perjured testimony was known to be false as the actual autopsy report and medical records of Mr. Clay were in the state's possession prior to the Grand Jury proceedings. (SEE APPENDIX - G - J - A AND MED - REC.) and autopsy report in designated record - case no: 12-F-232

Testimony is deemed "material testimony," the falsity of which warrants a conviction of Perjury, if it "might have" substantially influenced the Grand Jury's consideration of the merits.

Accordingly, Christopher D. Chiles did commit the offense of subornation of perjury pursuant to W. VA. CODE § 61-5-1 (b), as any person who induces or procures another person to testify falsely regarding a material matter before any Grand Jury which is considering a felony indictment, shall be guilty of the felony offense of subornation of perjury. (SEE APPENDIX - G-D-A).

Further still, Ryan Bentley did commit the offense of perjury pursuant to W. VA. CODE § 61-5-1 (a), as any person who is under an oath or affirmation which has been lawfully administered and who willfully testifies falsely regarding a material matter before any Grand Jury which is considering a felony indictment, shall be guilty of the felony offense of perjury. (SEE APPENDIX - C-D-A).

Importantly, it is set out with sufficient definiteness. The conduct is criminalized prosecutorial misconduct.

Black's Law defines Procure^{" "}; To bring into Possession,
To obtain, To cause to occur, To bring about, especially
an event fraught with evil.

Black's Law defines Induce^{" "}; To lead on, To influence,
To prevail on, or move by persuasion or influence.

Black's Law defines Perjury^{" "}; Willful and corrupt False
swearing or affirming, after an oath lawfully administered,
in the course of a Judicial or Quasi-Judicial proceeding,
as to some matter material to the issue or point
in question.

Black's Law defines Subornation of Perjury^{" "};
The crime of producing another to commit
perjury by inciting, instigating, or persuading,
in a proper sense, the equivalent of perjury
itself.

Black's Law defines "Material Evidence"; Evidence
which bears so closely upon the issues of the case
as to warrant its being considered by the Jury
or Court as the Trier of the Facts, evidence which
goes to the substantial matters in dispute or has
a legitimate and effective influence or bearing
on the decision of the case.

Evidence which has a substantial, as distinguished from a formal, bearing on the merits of the controversy, 2. testimony is deemed "material testimony," the falsity of which warrants a conviction of perjury, if it "might have" substantially influenced the jury's considerations of the merits or the credibility of other testimony going to the merits.

By the afore Black's Law definitions and according to West Virginia State Law, your petitioner did file and present the application to present complaint to the Grand Jury in good faith in order to have the remedy by due course of law pursuant to Article III § 17 of the W.Va. State Constitution and the legal prerequisites of "By application to the circuit judge, whose duty is to insure access to the Grand Jury, any person may go to the Grand Jury to present a complaint to it."

SEE STATE ex. rel. Miller, v. Smith, 168 W.VA. 745, 205,

S.E. 2d 500 (1981); HARMAN v. Frye, 188 W.VA.

677, 425, S.E. 2d 566 (1992); STATE ex. rel.

R. L. v. Bedell, 192 W.VA. 435, 452 S.E. 2d 893 (1994).

By application to the circuit Judge, whose duty is to insure access to the Grand Jury, any person may go to the Grand Jury to present a complaint to it, This is the principle of approachability that lies in the foundation of the very concept of a Grand Jury.

The Grand Jury can maintain its accessibility and relevancy only through constant judicial vigilance.

If the Grand Jury is to be a meaningful institution, its integrity must be maintained as an independent body, free from all outside interference and prosecutorial control or direction, This can only be insured by vigilance over the administration of Justice, which is the duty of the courts.

SEE STATE ex. rel. CASEY v. WOOD, 156 W. VA. 329, 193 S. E. 2d 143 (1972).

It is not the function or duty of Judge Ferguson or the W. VA. Supreme Court of Appeals to determine the truth of the charges alleged against the Defendant's named in an application to present a complaint to the Grand Jury, Nor is it for them to decide whether there is sufficient probable cause to require the Defendant's named in the application to stand trial.

IT IS HOWEVER, Judge Ferguson's Duty to insure access to the Grand Jury, as any person may go to the Grand Jury to present a complaint to it, and, it is the duty of the W.VA. Supreme Court of Appeals to uphold the laws of this state and the rights secured by both, the United States Constitution and the W.VA. State Constitution, as well as to insure vigilance over the administration of justice by this most honorable court.

Furthermore, the function of the Grand Jury is not to determine the truth of the charges against the defendants, but to determine whether there is sufficient probable cause to require the defendants to stand trial.

The Grand Jury is the body entrusted with the power to say when a crime has been committed, and when a prosecution should be begun against the person whom the evidence before them leads them to believe is probably the guilty party.

According to our judicial system, the Grand Jury is the tribunal representing the people, for the purpose of charging crime and designating the criminal.

To permit the court or Judge Ferguson to inquire into the legality, or sufficiency, of the evidence on which the Grand Jury is to act, would be to substitute, in measure, the opinion of the court, and of Judge Ferguson, for that of the Grand Jury, which would ultimately lead to the destruction of the Grand Jury system.

By application to the circuit Judge, Alfred E. Ferguson, whose duty it is to insure access to the Grand Jury, any person, including your petitioner, may go to the Grand Jury to present a complaint to it. Further, your petitioner has a constitutional and legal right to appear before a Grand Jury to present evidence of an alleged offense, whose function it is to determine whether there is sufficient probable cause to require the defendant's to stand trial, which has been violated and deprived by the honorable Judge Ferguson's denial of the application to present complaint to the Grand Jury as is now being respectfully appealed.

CONCLUSION / RELIEFS SOUGHT

Petitioner seeks the reliefs as follows for the violation of the W.VA. Constitution, Article III § 17 in which has been caused by The Honorable Judge Alfred E. Ferguson's denial of The Application to present complaint to The Grand Jury, Petitioner further seeks the reliefs as follows for the legal rights being deprived of The Black letter law that holds "By Application to The Circuit Judge, whose duty it is to insure access to The Grand Jury, Any person may go to The Grand Jury to present a complaint to it!"

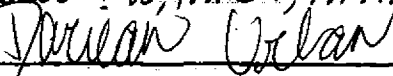
By such, Plaintiff / Petitioner seeks the Reliefs that the ORDER denying The Petitioner's Application to present complaint to The Grand Jury be VACATED, and, or, that such be REVERSED and that The Application to present complaint to The Grand Jury be REMANDED back to The Honorable Judge Alfred E. Ferguson's Court for appropriate and further proceedings and The Arrangement and Scheduling for The Petitioner to present The complaint before The NEXT session of The Cabell County West Virginia Grand Jury.

Petitioner seeks the Reliefs of AN ORDER by
This Honorable Court Directing Appendix C-R-B,
pgs. R-1 thru R-3, Complaint Against Ryan Bentley,
Appendix - R-B-1, indictment Against Ryan Bentley,
Appendix Chiles, pgs. C-1 thru C-3 Complaint
Against Christopher Chiles and Appendix C-B-1,
Indictment Against Christopher Chiles, All
be Allowed in the presentation of Complaint
to Grand Jury Respectfully,



Petitioner / Pro-se

Sworn to, Taken, Affirmed before me on 04/09/2018



NOTARY PUBLIC

MY COMMISSION EXPIRES 07/14/2022

