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Respondant
v.
Kyle Richard Greene
Appellant.

APPELLANT'S OPENING BRIEF

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LEGAL ISSUES

Did the trial court err in *properly* establishing jurisdiction? The trial court did not rule on this issue. **Most apposite cases:** *Koon v. United States*, 518 U.S.81, 100 (1996); *accord Vonage Holdings Corp. v. Neb. Pub. Serv. Comm'n, 564 F.3d. 900, 904 (8th Cir. 2009).* **Most apposite statutes:** 484.702 subd. 1(d)(4); 484.702 subd. 3; 645.17(3)

Did respondent Granlund breach her fiduciary duty by concealing criminal activity? The trial court did not rule on this issue. **Most apposite cases:** *Security State Bank Howard Lake v. Jerome*, 408 N.W.2d 186 (1987); *Swenson v. Bender*, 764 N.W.2d 596 (Minn.App. 2009) **Most apposite statutes:** N/A

Do Granlund's actions violate public policy? The trial court did not rule on this issue. **Most apposite cases:** Holland v. Sheehan, 122 N.W. 1, 108 Minn. 362, 23 L.R.A.N.S. 510, 17 Am. Ann. Cas. 687 **Most apposite statutes:** Minn. Stat. 363A.02 subd. 1 (a)(1) and (4)(b).

Did the trial court violate Appellant's right to free exercise of religion? The trial court did not rule on this issue. **Most apposite cases:** *Andrea A. Schatz v. Interfaith Care Center and New Hampshire Insurance Company/Chartis*, No. A11-1171 (Minn. 04/11/2012), *I*

Annals of Cong. 730 (remarks of Representative Daniel Carroll of Maryland, August 15, 1789),*Wisconsin v. yoder*, 406 U.S. 205, 223-24 *Prince v. Massachusetts*, 321 U.S. 158, 174-75 (J. Murphy dissenting) **Most apposite statutes:** Minn. Const. Preamble, Minn. Const. Art. 13 sec. 12, 86A.03 subd. 3, Psalm 8:5-9

Did the trial court violate Appellant's right to earn a living? The trial court did not rule on this issue. **Most apposite cases:** 14th Amendment (Right to earn a living act) **Most apposite statutes:** Minn. Stat. 518A.29 and 518A.30

Did the trial court err by failing to provide findings of facts and conclusions of law? The trial court did not rule on this issue. **Most apposite cases:** Crowley Company v. Metropolitan Airports 394 N.W.2d 543 (1986), In re Complainti for Judicial misconduct, 425 F.3d 1179 (9th Cir. 2005)(Kozinski dissenting) **Most apposite statutes:**

Did the trial court err by instructing Appellant not to serve all parties? The trial court did not rule on this issue. **Most apposite cases:** N/A **Most apposite statutes:** Minn. R. Civ. P. 5.01

Does the trial court's order cause injury to the state of Minnesota? The trial court did not rule on this issue. **Most apposite cases:** N/A **Most apposite statutes:** Minn. Const. Art. 13 sec.12, Minn. Stat. 97A.045, Deut. 24:14, Prov. 3:27

STATEMENT OF THE CASE

This case stems from the Meeker County district court, magistrate Kevin Holden presided in this matter. An action was brought against Appellant to suspend his recreational licenses as well as his driver's license under the false pretense that Appellant has failed to pay child support. The state provided proof that Appellant has been making payments, as much as $4,388 in two weeks, however the state has refused to make necessary changes regarding

Appellant's employment status which is lead a fraud on the court that lasted from November 2015 to date. Hence, this Appeal has become necessary.

STATEMENT OF THE FACTS

1. Appellant Greene entered into a payment agreement (Contract) on November 1, 2014 submitted by Melissa Granlund, a Meeker County child support officer.

2. The contract Greene was offered, stipulated the following:

a. Greene promises to pay $65 per month starting November 1, 2014 and will continue to pay this amount until arrears are paid in full or at which time a new amount is court ordered.

b. If Greene fails to make any payment on the date due, Meeker County Social services has the legal authority to proceed with suspension of my recreational license.

c. Signing this agreement does not prevent Meeker County Social Services or the obligee from using other methods to collect my past due child support.

d. My current or future employer or payor of funds may deduct these payments from my income.

e. This agreement does not change my current child support obligation or modify any court orders regarding my support obligation. Any amount not paid during a monthly payment may be added to the debt of the following month.

f. This contract would avoid suspension of Greene's “recreational licenses.”

3. On 2/27/2015, Meeker County intercepted $772 from Greene's taxes.

4. On 3/13/2015, Meeker County intercepted another $3,616 from Greene.

5. Meeker County also began taking $78 per month from Greene pursuant to the original contract and did not cease taking this amount until June 2015.

6. The State alleges that Greene is required to pay $285 per month as ongoing child support under a court order dated 5/18/2015.

7. From June 2015 to July 2016, Meeker county has been charging Greene $342 per month, $57 more than the court order.

8. In August of 2015, Meeker County garnished $684 from Greene's monthly income which was twice the monthly amount according to the court order in line 7 above.

9. In November, 2015, Appellant contacted Brenda Storm, via telephone, to inform her of his change in employment and that Greene would be working as himself, starting an alternative living lifestyle effective November 2015.

10. Greene's lifestyle (Minn. Stat. 645.455 & Matthew 9:37) follows the examples taught through Holy Scripture such as making clothing out of animal skins as the Lord God did (Genesis 3:21), hunting predators to protect livestock (1 samuel 17:34-36), earning a living (Proverbs 12:27 & 1 Timothy 5:8) and Jesus helping with the day's catch (Luke 5:1-9).

11. Greene's duties include, but are not limited to: mowing, plowing, tilling, sowing, digging, construction, feeding, watering, engineering, tending sets, preparing traps, scouting areas, making sets, pulling (removing) sets, dispatch and removal of animals, skinning, fleshing, stretching, drying, tanning, marketing, harvesting, butchering, packaging, canning, development of new and improved products, cleaning, sanitizing,

fabricating, etc.

12. On 11/17/2015 Meeker County intercepted another $512 from Greene.

13. The total amount Meeker County intercepted from taxes was $4,900, of which $4,388 was taken from Greene in a 2 week period.

14. Although Meeker County's contract alleges they can “use other methods to collect past due child support,” the county did not specify how they would collect funds or a limitation of the amount they can take.

15. The County's actions have again subjected the nigger to *extreme hardships*. (see Minn Stat. 518A.43 Subd.4)

16. If Appellant were white, state law would provide leniency to Greene while in the process of a bona fide career change. See Minn. Stat. 518A.32 subd. 3

17. If Appellant were white he would also enjoy a deviation downward to avoid the imposition of an extreme hardship. See Minn. Stat. 518A.43 Subd.4

18. The inevitable fact that this court will affirm the trial court's erroneous order is the evidence of Appellant's claim.

ARGUMENT

Did the trial court err in properly establishing jurisdiction?

The trial court's orders dated 8/22/16 in case file #47-FA-06-1600, do not meet the requirements of the jurisdictional statute Minn. Stat. 484.702 subd. 1 & 3, which the court relies on.

The Minnesota Supreme Court created a child support process to establish, modify, and enforce child support, the process must *comply with Federal Law (Minn. Stat. 484.702 subd.*

1(d)(4). We are mindful of the canon of constitutional avoidance, which requires, if at all possible, the judiciary to interpret a statute to " preserve its constitutionality." *Hutchinson Tech., Inc. v. Comm'r of Revenue*, 698 N.W.2d 1, 18 (Minn. 2005); *see* Minn. Stat. §645.17(3) (2012) (" [T]he legislature does not intend to violate the Constitution of the United States or of this state.").

When the trial court issued its order in conflict with federal law, it acted outside its jurisdiction and abused it's discretion.

> "A district Court by definition abuses its discretion when it makes an error of law."
>
> *Koon v. United States*, 518 U.S.81, 100 (1996); *accord Vonage Holdings Corp. v. Neb. Pub. Serv. Comm'n, 564 F.3d. 900, 904 (8th Cir. 2009).*

Did respondent Granlund's conceal's criminal acts breach her Fiduciary Duty?

On November 1, 2014, Melissa Granlund, cso, acting under direction of magistrate Kevin Holden, offered a contract to Appellant Greene under the auspices that, said contract would avoid a Driver's license suspension.

It was later discovered that Granlund was convicted of a crime of theft in violation of Minn. Stat. 393.07, subd. 10(c)(1) which was raised in the trial court.

At the time the contract was offered, Granlund had a fiduciary duty to disclose the criminal act to Appellant.

> If a party conceals a fact material to the transaction, and peculiarly within his own knowledge, knowing that the other party acts on the presumption that no such fact exists, it is as much a fraud as if the existence of such fact were expressly denied, or the reverse of it expressly stated.
>
> Richfield Bank & Trust Co. v. Sjorgren, 309 Minn. 362, 365, 244 N.W.2d 648, 650 (1976) (quoting Thomas v. Murphy, 87 Minn. 358, 361, 91 N.W.1097, 1098 (1902)); see also Klein, 293 Minn. At 421, 196 N.W.2d at 622 ("One who has special knowledge of material facts to which the other

party does not have access may have a duty to disclose these facts to the other party.").

Security State Bank Howard Lake v. Jerome, 408 N.W.2d 186 (1987)

Appellant had no reason to believe that respondent was a criminal and presumed no such fact existed.

The act of concealing a materiel fact is a breach of Respondent's fiduciary duty.

To prove that Bender breached a fiduciary obligation, Swenson had to establish that the two were in a fiduciary relationship and that Bender breached a duty arising from that relationstionship. See Midland National Bank of Minneapolis v. Perranoski, 299 N.W.2d 404, 413 (Minn. 1980) (requiring fiduciary relationship and breach). The existence of a fiduciary relationship is generally a question of fact. Carlson v. SALA Architects, Inc., 732 N.W.2d 324, 331 (Minn. App. 2007), review denied (Minn. Aug. 21, 2007). Fiduciary relationships arise when one person trusts and confides in another who has superior knowledge and authority. Id. at 330. A court may find the necessary relationship in light of "moral, social, domestic, or merely personal" factors. Kennedy v. Flo-Tronics, Inc., 274 Minn. 327, 331, 143 N.W.2d 827, 830 (1966) (quotation omitted).

We first consider whether the facts can support the finding that a fiduciary relationship existed between Bender and Swenson. A "fiduciary" is "[a] person who is required to act for the benefit of another person on all matters within the scope of their relationship." Black's Law Dictionary 658 (8th ed. 2004). The duty imposed on fiduciaries is "the highest standard of duty implied by law." D.A.B. v. Brown, 570 N.W.2d 168, 172 (Minn. App. 1997); see also Prince v. Sonnesyn, 222 Minn. 528, 535, 25 N.W.2d 468, 472 (1946) (describing partners' duties as fiduciaries). Minnesota caselaw recognizes two categories of fiduciary relationship: relationships of a fiduciary nature per se, and relationships in which circumstances establish a de facto fiduciary obligation. Carlson, 732 N.W.2d at 331.

Swenson v. Bender, 764 N.W.2d 596 (Minn.App. 2009)

In Minnesota, whether a person owes a fiduciary duty to another person typically is determined by the relationship between the two persons. Generally, a "fiduciary" is one who "enjoys a superior position in terms of knowledge and authority and in whom the other party places a high level of trust and confidence." Carlson v. Sala Architects, Inc., 732 N.W.2d 324,

330-31 (Minn. App. 2007) (citing Toombs v. Daniels, 361 N.W.2d 801, 809 (Minn. 1985)), review denied (Minn. Aug. 21, 2007). Relationships that give rise to fiduciary duties "transcend[] the ordinary business relationship which, if it involves reliance on a professional, surely involves a certain degree of trust and a duty of good faith," even if the relationship is not labeled "fiduciary." Id. at 331. Some types of relationships automatically give rise to a fiduciary relationship. See In re Trusts A & B of Divine, 672 N.W.2d 912, 917-18 (Minn. App. 2004) (trustees and beneficiaries); see also Rice v. Perl, 320 N.W.2d 407, 410 (Minn. 1982) (attorneys and clients); Commercial Assocs., Inc. v. Work Connection, Inc., 712 N.W.2d 772, 779 (Minn. App. 2006) (general partners and limited partners); Bolander v. Bolander, 703 N.W.2d 529, 548 (Minn. App. 2005) (directors or officers and corporations), review dismissed (Minn. Nov. 15, 2005). Other types of relationships, however, may or may not give rise to a fiduciary relationship, depending on the circumstances. See, e.g., Murphy v. Country House, Inc., 307 Minn. 344, 350, 240 N.W.2d 507, 512 (1976) (co-owners of incorporated business); St. Paul Fire & Marine Ins. Co. v. A.P.I., Inc., 738 N.W.2d 401, 407 (Minn. App. 2007) (insurer and insured), review denied (Minn. Dec. 11, 2007).

It seems respondant Baalson appears to be “learning the ropes” of Granlund's criminal behavior.

> "In a government of laws," said Mr. Justice Brandeis, "existence of the government will be imperiled if it fails to observe the law scrupulously. Our government is the potent, the omnipresent teacher. For good or for ill, it teaches the whole people by its example. Crime is contagious. If the government becomes a lawbreaker, it breeds contempt for law; it invites every man to become a law unto himself; it invites anarchy. To declare that in the administration of the end justifies the means--to declare that the government may commit crimes in order to secure the conviction of a private criminal--would bring terrible retribution. Against that pernicious doctrine this court should resolutely set its face."

Mr. Justice Brandeis in Olmstead v. United States, 277 U.S.438, at pages 469, 471, 48 S.Ct. 564, 569, 570,72 L. Ed. 944.

Has the county documented the following changes in Baalson's home?

- The number of children residing in Baalson's home?
- The reason for Baalson's divorce/seperation?
- The location where each of Baalson's children reside?
- How long each child has resided at their residence?
- The recent changes in Parenting time between Greene and Baalson? (this is likely to change due to retaliation, although illegal, is acceptable in Meeker County)
- The number of black eyes and lighter burns Appellant's daughter has received, regardless of the number of times Greene provided the evidence to Meeker County's agents?

Did Granlund's actions violate public policy?

The actions of Granlund undermine the justice that each private citizen has the *right* to feel, contrary to public policy.

The term “public policy,” as applied to contracts, embraces all acts or contracts which tend clearly to injure the public health, the public morals, or confidence in the purity of the administration of the law, or to undermine that sense of security for individual rights, whether of personal liberty or private property, which every citizen has the right to feel.

Holland v. Sheehan, 122 N.W. 1, 108 Minn. 362, 23 L.R.A.N.S. 510, 17 Am.Ann.Cas. 687.

Appellant was denied knowledge of facts of Granlund's prior conduct in her official capacity that would have tipped off Greene of what to expect.

It is the public policy of this state to secure for persons in this state, freedom from discrimination: (1) in employment because of race, color, creed, religion, national origin, sex, marital status, disability, status with regard to public assistance, sexual orientation, and age;.. (4) in public services because of

> race, color, creed, religion, national origin, sex, marital status, disability, status with regard to public assistance, sexual orientation, and age; (b) Such discrimination threatens the right and privileges of the inhabitants of this state and menaces the institutions and foundations of democracy. It is also the public policy of this state to protect all persons from wholly unfounded charges of discrimination...
>
> Minn. Stat. 363A.02 Subd.1

Did the trial court violate Appellant's right to free exercise of religion?

The State's policy regarding natural resources is clear, "The legislature finds that the unique natural, cultural, and historical resources of Minnesota provide abundant opportunities for outdoor recreation and education, and finds that these opportunities should be made available to all citizens of Minnesota now and in the future. The legislature further finds that the preservation and proper utilization of Minnesota's outdoor recreational resources is becoming increasingly important to the health, welfare, and prosperity of the citizens of Minnesota due to the growing demand for outdoor recreational facilities and the spread of development and urbanization in the state. The legislature further finds that the outdoor recreational needs of the people of Minnesota will be best served by the establishment of an outdoor recreational system which will (1) preserve an accurate representation of Minnesota's natural and historical heritage for public understanding and enjoyment and (2) provide an adequate supply of scenic, accessible, and usable lands and waters to accommodate the outdoor recreational needs of Minnesota's citizens."

This is not to say Minnesota's policy regarding outdoor recreation must be deemed or construed to abolish or negate any of the ongoing programs, approved by law, or the authority or activities of the commissioner of natural resources in improving, maintaining and developing fishing, hunting, or other recreational activities conducted upon the public waters and lands of

the state.

The legislature as well, determined that the establishment of an outdoor recreation system would serve these needs and will thus serve a valid public purpose for the people of this state.

The trial court's actions beg the question, “Is Appellant a citizen of the state?”

Appellant conducts his life in accordance with biblical law as a steward of God's land. (See Genesis 1:26, Genesis 1:28, Genesis 2:15,Genesis 9:3-4, Leviticus 25:23-24, Job 12:1-25, Psalm 1:2-6, Psalm 24:1-10, Psalm 50:10, Psalm 95:4-5, Psalm 104:24-27, Isaiah 24:5, Jeremiah 2:7, Jeremiah 12:4, Colossians 1:16-17, 1 Peter 4:10, Revelations 5:10).

The trial court has no authority over the stewardship in which God commands over his people, however state law does regulate seasons and bag limits in a manner consistent with the constitution's guarantee that “Hunting and fishing and the taking of game and fish are a valued part of our heritage that shall be forever preserved for the people and shall be managed by law and regulation for the public good.” See Minn. Const. Art.13, sec.12.

> “Where rights secured by the constitution are involved there can be no rule making or legislation that would abrogate them.”
>
> Miranda v. Arizona, 384 U.S. 436, at 491

The issue of recreational licenses is inapplicable to the instant case as Minnesota's definition of “outdoor Recreation” when referring to Recreational licenses is defined as:

> “Outdoor recreation” means any voluntary activity, including hunting, fishing, trapping, boating, hiking, camping, and engaging in winter sports, which is conducted primarily for the purposes of pleasure, rest, or relaxation and is dependent upon or derives its principal benefit from natural surroundings; "outdoor recreation" shall also mean any demonstration, structure, exhibit, or activity which is primarily intended to preserve, demonstrate, or explain a significant aspect of the natural and cultural history, and archaeology of

Minnesota.

Minn. Stat. §86A.03 subd. 3

The State's claim falls short of its statutory requirement to which there is a two part requirement: (1) Appellant's outdoor activities must be “voluntary activity,.. *which is conducted primarily for the purposes of pleasure, rest, or relaxation* and; (2) is dependent upon or derives its principal benefit from natural surroundings;

The first requirement is inapplicable as Appellant pleasure is found in his compliance with the laws of God, knowing that his actions bring glory to God our creator who has crowned his people with glory and honour by pursuing that which God has commanded them to do.

> “For thou hast made him a little lower than the angels, and hast crowned him with glory and honour. Thou madest him to have dominion over the works of thy hands; thou hast put all *things* under his feet: All sheep and oxen, yea, and the beasts of the field; The fowl of the air, and the fish of the sea, and *whatsoever* passeth through the paths of the seas. O LORD our Lord, how excellent *is* thy name in all the earth!
>
> Psalm 8:5-9, *The Holy Bible*

What authority does this court have to strip from Appellant of the honor upon which God has given him?

Anyone who understands the distances and terrains which Appellant navigates, puts in the amount of time Appellant does while engaging in the great outddors also understands the work that follows and knows that rest comes at the close of the season.

Though Appellant's activities may be recreational in nature to the majority of citizens, it does not, in itself, constitute a recreational activity in regards to Appellant.

> We must not forget that in the Middle Ages important values of the civilization of the Western World were preserved by members of religious orders who isolated themselves from all worldly influences against great obstacles. There can be no assumption that today's majority is "right" and the Amish and others like them are "wrong." A way of life that is odd or even erratic but interferes with no rights or

interests of others is not to be condemned because it is different.

Wisconsin v. yoder, 406 U.S. 205, 223-24

> "..the rights of conscience are, in their nature, of peculiar delicacy, and will little bear the gentlest touch of governmental hand..."
>
> I Annals of Cong. 730 (remarks of Representative Daniel Carroll of Maryland, August 15, 1789).

The constitutionality of a statute is a question of law, which we review de novo. State v. Cox, 798 N.W.2d 517, 519 (Minn. 2011). We presume that Minnesota statutes are constitutional and will only strike down statutes as unconstitutional when absolutely necessary. Id.; see Minn. Stat. §645.17(3) (2010) ("In ascertaining the intention of the legislature the courts may be guided by the following presumptions . . . the legislature does not intend to violate the Constitution of the United States or of this state . . . ."). The party challenging the constitutionality of a statute, therefore, must demonstrate that the statute is unconstitutional beyond a reasonable doubt. Cox, 798 N.W.2d at 519. *Andrea A. Schatz v. Interfaith Care Center and New Hampshire Insurance Company/Chartis*, No. A11-1171 (Minn. 04/11/2012)

Under the Religious Freedom Restoration Act (RFRA), which tracks First Amendment jurisprudence, government may substantially burden a person's exercise of religion only if it demonstrates that the burden (i.e. the law at issue): (1) furthers a compelling governmental interests; and (2) is the least restrictive means of furthering that interests. 42 U.S.C. §2000bb-1(b)(1)-(2); United States v. Meyers, 906 F. Supp. 1494, 1498 (D. Wyo. 1995). The trial court's order seeks to prevent Appellant from working (slothfulness, Colossians 3:23, 1 Timothy 5:8, and Proverbs 10:4) by means of limiting his ability to provide for his family, and punishing Greene for his sincerely held religious beliefs and spiritual training which the trial court is

bound to protect.

> It is basic that no showing merely of a rational relationship to some colorable state interest would suffice; in this highly sensitive constitutional area, “only the gravest abuses, endangering paramount interests, give occasion for permissible limitation.
>
> Thomas v. Collins, 323 U.S. 516, 530.

If the laws of Minnesota allow the use of schedule 1 narcotics for religious purposes, (See Gonzales v. O Centro Espirita Beneficente Uniao do Vegetal, 546 U.S. 418(2006)) then this court should have no problem allowing Appellant to locomote a private conveyance in pursuit of fish and game in the exercise of his Constitutional and God given rights (See Minn. Const. Preamble, Min Const. Art. 13 sec. 12 and the Holy Scripture).

> The state, in my opinion, has completely failed to sustain its burden of proving the existence of any grave or immediate danger to any interest which it may lawfully protect. There is no proof that Betty Simmons' mode of worship constituted a serious menace to the public. It was carried on in an orderly, lawful manner at a public street corner. And "one who is rightfully on a street which the state has left open to the public carries with him there as elsewhere the constitutional right to express his views in an orderly fashion. This right extends to the communication of ideas by handbills and literature as well as by the spoken word." Jamison v. Texas, 318 U.S. 413, 416. The sidewalk, no less than the cathedral or the evangelist's tent, is a proper place, under the Constitution, for the orderly worship of God. Such use of the streets is as necessary to the Jehovah's Witnesses, the Salvation Army and others who practice religion without benefit of conventional shelters as is the use of the streets for purposes of passage. It is claimed, however, that such activity was likely to affect adversely the health, morals and welfare of the child. Reference is made in the majority opinion to "the crippling effects of child employment, more especially in public places, and the possible harms arising from other activities subject to all the diverse influences of the street." To the extent that they flow from participation in ordinary commercial activities, these harms are irrelevant to this case. And the bare possibility that such harms might emanate from distribution of religious literature is not, standing alone, sufficient justification for restricting freedom of conscience and religion. Nor can parents or guardians be subjected to criminal liability because of vague possibilities that their religious teachings might cause injury to the child. The evils must be grave, immediate, substantial. Cf. Bridges v. California, 314 U.S. 252, 262.

Prince v. Massachusetts, 321 U.S. 158, 174-75 (J. Murphy dissenting)

Did the trial court violate Appellant's Right to earn a living?

The Right to Earn a Living Act restores the proper balance between freedom of enterprise and legitimate government regulation. It allows agencies and local governments in the first instance to review their rules to eliminate economic protectionism and to tailor them to legitimate public purposes. It does so in the second instance as well giving governmental entities the opportunity to respond to requests to repeal or modify their rules. Only where the governmental entity chooses not to take corrective action is an aggrieved individual permitted to go to court. There both parties will find a level playing field in which each has the opportunity to prove that the rules are either excessive or appropriate. The Right to Earn a Living Act has been approved as model legislation by the American Legislative Exchange Council. It would bring back to the center of gravity a policy pendulum that has swung far too much in favor of government regulation and economic favoritism and against freedom of enterprise.

Greene's business/lifestyle is undisputed.

The trial court was mandated by Minn. Stat. 518A.29 and 518A.30 to determine Greene's income from self-employment yet they sought no discovery.

This action alone would contradict the trial court's findings of facts and conclusions of law had the court bothered providing any on this issue.

Did the trial court err in failing to provide findings of facts and conclusions of law?

Minn. R. Civ. P. 52.01 requires courts to provide a written findings of facts and conclusions of law.

The trial court found that Appellant was behind in arrears (product of Meeker County's

refusal to document employment changes) and that it alleged jurisdiction (although improper).

> Here we find that the trial court's failure to make findings or conclusions of law constitutes error, requiring reversal and remand. See National Cab Co. v. Kunz e, 182 Minn. 152, 233 N.W. 838 (1930) (acting on motion for temporary injunction trial court failed to make findings on important disputed issues, requiring reversal and remand). In Hawkins v. Foasberg, 175 Minn. 252, 220 N.W. 951 (1928), the supreme court held that findings and conclusions should have been made in an action for accounting. Findings were necessary under the then-existing statute requiring written findings and conclusions to be separately stated. Failure to make findings was reversible error. See Columbia Heights Police Relief Association v. City of Columbia Heights, 305 Minn. 399, 233 N.W.2d 760 (1975) (Absence of findings could not be interpreted to support trial court's decision favorably to either party. Action was remanded, where the parties requested no findings and the court made no findings with respect to procedures followed in adopting an ordinance. The issue was whether a charter amendment enacted by the ordinance was invalid due to procedural defects in its adoption.)
>
> Crowley Company v. Metropolitan Airports, 394 N.W.2d 543 (1986)

> It is wrong and highly abusive for a judge to exercise his power without the normal procedures and trappings of the adversary system—a motion, an opportunity for the other side to respond, a statement of reasons for the decision, reliance on legal authority. These niceties of orderly procedure are not designed merely to ensure fairness to the litigants and a correct application of the law, though they surely serve those purposes as well. More fundamentally, they lend legitimacy to the judicial process by ensuring that judicial action is—and is seen to be—based on law, not the judge's caprice.
>
> *In re Complaint of Judicial Misconduct,* 425 F.3d 1179 (9th Cir. 2005) (Kozinski dissenting).

Did the trial court err by instructing Appellant not to serve papers to all parties?

The transcripts of proceedings shown here as exhibit A shows that Appellant, acting under the direction of magistrate Holden did not serve all correspondence to respondent Baalson.

This court construed Greene's actions as a deficiency which Greene was asked to remedy.

See order on 11/4/2016.

> Except as otherwise provided in these rules, every order required by its terms to be served, every pleading subsequent to the original complaint unless the court otherwise orders because of numerous defendants, every written motion other than one which may be heard ex parte, and every written notice, appearance, demand, offer of judgment, designation of record on appeal, and similar document shall be served upon each of the parties. No service need be made on parties in default for failure to appear except that pleadings asserting new or additional claims for relief against them shall be served upon them in the manner provided for service of summons in Rule 4. A party appears when that party serves or files any document in the proceeding.
>
> Minn. R. Civ. P. 5.01

Does the trial court's order cause injury to the state of Minnesota?

The state is given authority to regulate fish and game laws *in the preservation* of our natural resources, not the restriction of them.

> Hunting and fishing and the taking of game and fish are a valued part of our heritage that shall be forever preserved for the people and shall be managed by law and regulation for the public good.
>
> Minnesota Constitution, Art. 13, Sec. 12

The state's authority consists of regulating the appropriations of funds derived from fees obtained by licenses of all kinds and the application of money generated towards things encumbered in the management of Land & Mineral resources, Ecological & Water resources, Forests, Parks & Trails, Operations support, all of which are by Constitutional statute. Appellant needs not address these issues.

An example of such power is found in Minn. Stat. 97A.045 which specifies several constitutional duties reflecting ethical management practices for bag limits and season dates. Appellant agrees.

Defendant Greene's purchase of licenses and stamps from the state of Minnesota to off-

set the state's cost of operations with Minnesota's natural resources is also a religious experience which safeguards the State's employees from the same bondage or servitude the trial court victimizes Appellant.

> "Masters, give your bondservants what is just and fair, knowing that you also have a master in heaven."
>
> Colossians 4:1, *The Holy Bible*

> "You shall not oppress the hired servant who is poor and needy, whether one of your brethren or one of the aliens who is in your land within your gates.
>
> Deuteronomy 24:14, *The Holy Bible*

> "Withhold not good from them to whom it is due, when it is in the power of thine hand to do so."
>
> Proverbs 3:27, *The Holy Bible*

Furthermore, Minnesota law requires certain reports by the commissioner which heavily rely on data collected by stewards of the land to aid in future decision making regarding bag limits, season dates (if any), appropriation of funding for habitat and rehabilitation of fish and game populations in the state of Minnesota. These reports cannot be accurately formulated if subdivisions of the state of Minnesota are allowed to pick and choose whether the Constitution applies to an individual by means of religious, sexual, economic, racial or disability status.

At no point will Appellant turn away from the laws of God our creator.

CONCLUSION

WHEREFORE Appellant prays this court reverse and remand this case to district court with instructions to the trial court to apply the least restrictive means in respect to Appellant's

religious beliefs and spiritual training, require respondents to show proof of their claims, as well as to the trial court to provide findings of facts and conclusions of law for each issue raised.

Respectfully submitted,

Dated: March 7, 2017

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Kyle R. Greene
52508 U.S. Hwy 12
Grove City, MN 56243

CERTIFICATE OF SERVICE

I hereby certify that I have on this 7th day of March, 2017, placed a true and exact copy of the above and foregoing

APPELLANT'S OPENING BRIEF

in the U. S. Mail, first class postage, prepaid, addressed to:

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