

A16-1701
STATE OF MINNESOTA
IN THE COURT OF APPEALS

Meeker County, Petitioner
Respondant
Victoria Lynn Moreno, n/k/a
Victoria Lynn Baalson, Petitioner
Respondant
v.
Kyle Richard Greene
Appellant.

**MEMORANDUM OF LAW IN SUPPORT OF
MOTION FOR DISCLOSURE OF CHAMBERS
PAPERS**

Comes Appellant, Kyle Greene, and shows Appellate court Judges, Schellhas, Halbrooks and Randall, along with their law clerks who issued the mockery of the American Judicial system filed July 17, 2017, the following:

The right of public Access derives from two independent sources: the common law and the First Amendment.

A. Common Law Right.

It is undisputed that a common law right to inspect and copy civil court records exists. See, e.g., *Nixon v. Warner Communications, Inc.*, 435 U.S. 589, 597, 55 L. Ed. 2D 570, 98 S. Ct. 1306 (1977) (“it is clear that the courts of this country recognize a general right to inspect and copy *** judicial records and documents”); *Newman v. Graddick*, 696 F.2d 796 (11th Cir. 1983); *Joy v. North*, 692 F.2d 880 (2nd Cir. 1982, cert. denied, 460 U.S. 1051, 103 S.Ct. 1498, 75 L. Ed. 2D 930 (1983)); *Zenith Radio Corp. v. Matsushita*, 529 F. Supp. 866, 875 (E.D.Pa. 1981); *In re Estate of Hearst*, 67 Cal.App.3rd 777, 136 Cal.Rptr. 821 (1977); *State ex rel. Bilder v. Township of Delavan*, 112 Wis.2d 539, 334 N.W.2d 252 (1983); see also *Annot.*, 84 A.L.R.3d 598 (1978) (decision of the common law right of access in the United States) The right to

inspect and copy records is considered “fundamental to a democratic state,” *United States v. Mitchell*, 179 U.S. App. D.C. 293, 551 F.2d. 1252, 1258 (D.C.Cir. 1976), rev'd on other grounds sub nom. *Nixon*, 435 U.S. 589, 55 L. Ed. 2D 570, 98 S. Ct. 1306; and is based on the principle that “what transpires in the courtroom is public property.” *Craig v. Harney*, 331 U.S. 367, 374, 91 L. Ed. 1546, 67 S. Ct. 1249 (1947). The right of inspection “serves to produce 'an informed and enlightened opinion.’” *Mitchell*, 551 F.2d at 1258(quoting *Grosjean v. American Press Co.*, 297 U.S. 233, 247, 80 L. Ed. 660, 56 S. Ct. 444 (1936)). The right to Inspect and Copy Judicial Records: In Camera or On Camera, 16 Ga. L.Rev. 659, 666-72 (1982).

B. First Amendment Right

Unlike the common law right, the First Amendment guarantee of access has a more limited scope that “has been extended only to particular judicial records and documents.”

The right of access attaches under the First Amendment if: (1) “the place and process have historically been open to the press and general public”; and (2) “public access plays a significant positive role in the functioning of the particular process in question.” *Press-Enterprise Co., v. Superior Court*, 478 U.S. 1, 8-9, 106 S.Ct. 2735, 92 L.Ed.2d 1 (1986).

The First Amendment guarantee of access, however, provides much greater protection than the common law right because “it must be shown that the denial [of access] is necessitated by a compelling governmental interest, and is narrowly tailored to serve that interest.” *Globe Newspaper Co. v. Superior Court*, 457 U.S. 596, 606-07, 102 S.Ct. 2613, 73 L.Ed.2d. 248 (1982).

“When the concern is the efficient administration of justice and the provision to defendants of fair trials, the consideration of competing values is one heavily reliant on the observations and insights of the presiding judge.”

United States v. Webbe, 791 F.2d 103, 106 (8th Cir. 1986).

This Court should have no objection to the disclosure of its chambers papers in order for Appellant to see exactly how this Court's order, denying him of his First Amendment right to the Free Exercise of Religion, the Fourteenth Amendment Right to Make a Living have been *legally* concluded.

Remove not the landmark, which thy fathers have set.

Proverbs 22:28

Cursed (saith the law) is hee that removeth the landmarke. The Mislaiier of a Meere Stone is to blame. But it is the Unjust Judge, that is the Capitall Remover of Land-markes.

Of Judicature, Bacon's Essays (1625).

WHEREFORE, Appellant Greene moves this Court to disclose to him the papers generated in this action and whatever software is used as a template for law clerks used to deny justice and relief to niggers. As Appellant predicted on Page 7, lines 16-18 of the only brief submitted to this court.

Respectfully Submitted,

Date: July ___, 2017

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