

1610 Glasco Tpk C-2
Woodstock, New York

November 5, 2020

Town of Ulster Court
1 Town Hall Drive
Lake Katrine, New York [12449]

**CROSS CRIMINAL
COMPLAINT**

Chief of Ulster Police Kyle Berardi
1 Town Hall Drive
Lake Katrine, New York [12449]

Affidavit of Truth and Fact
Take Judicial Cognizance that Supreme Court Rulings and the Constitution
are Controlling on all Lower Courts:

I, Joseph Barton, being above the age of 74 and living in Ulster County, swear under penalty of perjury that the following is true to best of my knowledge:

The owner of Mother Earth Health Food Store, Mr Schneider, filed a baseless, false police report against me, Joseph Barton and my wife, Paula Gloria Barton on October 21, 2020 with the Town of Ulster Police department. I, Joseph Barton and my wife, Paula Gloria Barton went to Mother Earth Health Food Store in Kingston to buy groceries. Mr Schneider ordered us out of the store for not wearing masks. We told Mr Schneider wearing masks impairs our health and gave him the law which I, Joseph Barton, am submitting -

"42 US Code Section 2000a. Prohibition against discrimination or segregation in places of public accommodation as well as "Protections in Places of Public Accommodation under the New York State Human Rights Law" Section 40 Civil Rights law for Equal rights."

Mr Schneider then ripped up the federal and state law we gave him and gave us an unlawful order to leave his store, unlawful because we were only there to shop and his store is a place of public accommodation. Mr Schneider was discriminating against us for exercising our right to not wear a mask that would impair our health as per Commissioner Howard A. Zucker MD JD's interim guidance of Governor Andrew Cuomo's executive orders 202.17 and 202.18 of April 17, 2020: *".....individual are required to wear face coverings in the above mentioned situations and settings, provided that they are...able to medically tolerate a covering. If a face covering would otherwise inhibit or otherwise impair an individual's health...an individual is not required to wear or use such a covering. Further essential business operators and enforcement authorities are prohibited from requesting or requiring medical or other documentation from an individual who declines to wear a face covering due to a medical or other health condition that prevents such usage."*

Mr Schneider ignored the law, violated our rights, discriminated against us and humiliated us in front of other customers and then filed a baseless, false police report stating we trespassed. His business by law is open to the public and is a place of public accommodation. We were

only there to shop. When Mr Schneider called the police he knowingly, willingly and intentionally duped the police by stating his business was a private business and he could refuse service to anyone he wanted. Unfortunately when the police came they were deceived into believing that Mr Schneider was acting in a lawful manner because they have not been properly trained to know that a place of public accommodation is **not** a place that can arbitrarily discriminate: **of all the shoppers we were the only ones accused of trespass. Now our question to the court is are we supposed to starve because we cannot buy groceries because every store discriminates?**

I do want to point out that even though these police had not been properly trained in the law of public accommodation, they were respectful and acted in a professional manner except for the fact that they had not been trained in the proper law. Mr Schneider deceived these police into believing that he was acting in a lawful manner when in truth he was removing us unlawfully from his store having us baselessly and unlawfully arrested. We have video evidence to back my statements and show all that transpired.

To the CROSS CRIMINAL COMPLAINT:

We were denied equal protection and equal access to the law because the police were not properly trained to know the law. Again we do want to restate that we hold these police harmless, they acted in a professional manner, they were respectful, they did not want to arrest us but were deceived by Mr Schneider who had been told by Paula Gloria Barton and Joe Barton that his business was a place of public accommodation and he could not make up arbitrary rules to discriminate. **We gave Mr Schneider the law which stated his business is a place of public accommodation and he ripped it up. This shows intent on the part of Mr Schneider to ignore the law.**

Mr Schneider filed a baseless, false police report against me, Joseph Barton and my wife, Paula Gloria Barton. When Mr. Schneider duped the police into baselessly falsely arresting us, the police should have known:

They cannot break the law to uphold the law, US v. Lee, 106 U.S. 196 (1882), they are creatures of the law, they are bound by the law.

Now we are informing the police and the court that there are statutes against false arrest which have been ignored. The statute against trespass was misapplied since we were only there to shop in a place of public accommodation. Nevertheless our baseless, false arrest for trespass would be a mere violation whereas the statutes against filing a false police report is a serious crime. In other words there are far more serious statutes against false arrest than the fabricated excuse to veil discrimination against us and others similarly situated of so-called "trespass" violations, misapplied **since we were only there to shop in a place of public accommodation**. Our baseless, misapplied, false arrest for trespass, if not quashed, works to destroy our government of laws when the statutes against filing a false police report, a real crime, continues to be ignored.

Rodney Class v. United States, 583 U.S. ___ (2018), and, as recently as May 7, 2020, in Bridge-gate, Kelly v. U.S., 590 U.S. _ (2020) (to misapply statute, to violate statute is to

lose authority, these unlawfully obtained convictions were reversed).

Furthermore when we tried to file paperwork in person at the Court, the Town Supervisor, James E. Quigley, denied us access for not wearing face masks. Thus James E. Quigley further violated our rights by denying us access for the same reasons as Mr Schneider - that we were not wearing masks and **surely the court is a place of public accommodation!**

This denial of due process must CEASE AND DESIST immediately by allowing us **FULL AND EQUAL NON-DISCRIMINATORY ACCESS TO THE COURT**. We demand these baseless, false charges of trespass be QUASHED forthwith.

Cooper v. Aaron violation (Cooper v. Cooper v. Aaron, 358 U.S. 1 (1958), (when a judge or judicial officer violates his oath to uphold the law he wars against the Constitution and our republic, " No state legislator or executive or judicial officer can war against the Constitution without violating his solemn oath to support it, P. 358 U.S.18") such that I was deprived of my constitutionally- protected and guaranteed rights to equal access and protection, to due process, to redress, and to an impartial court.

Owen v. City of Independence, 445 U.S. 622 (1980), no immunity from liability flowing from constitutional violations, as here, and a good-faith effort is not a defense to such liability.

To deny us access to the court for arbitrary reasons such as no face mask when there is no law that says we must wear face masks is to deny us due process and equal protection under the law because court officers swore to uphold, support, and defend our government of laws, not attack our government of laws and work to destroy our government of laws by violating statutes **BY STOPPING THE ADMINISTRATION OF JUSTICE!**

We demand this case against Joseph and Paula Gloria Barton be quashed and pass charges to Mr Schneider for filing a false police report. We are the victims of a baseless, false arrest perpetrated by Mr Schneider.

Joseph Barton

Paula Gloria Barton

Cc: Pat Ryan, County Executive
James E. Quigley, Town of Ulster Supervisor
Dave Clegg, District Attorney