

MIDLAND CREDIT MANAGEMENT INC.,  
*Plaintiff,*  
v.  
VAUGHN C. SPARROW  
*Defendant.*

**DEFENDANTS' MOTION TO TAKE MANDATORY JUDICIAL NOTICE**

Defendant Vaughn C. Sparrow requests that the Court, pursuant to 2022 Maryland Rules Chapter 200, Title V, Section 5-201(a-g) - **JUDICIAL NOTICE OF ADJUDICATIVE FACTS** (Exhibit A), 2022 Maryland Rules Chapter 400, Title V, Section 5-402 - **RELEVANT EVIDENCE GENERALLY ADMISSIBLE; IRRELEVANT EVIDENCE INADMISSIBLE** (Exhibit B), 2010 Maryland Code and Statutes Title 10, Subtitle 5, Section 10-501- **JUDICIAL NOTICE** (Exhibit C) and Public Law 93-595, Article II, Rule 201 **Judicial Notice** (Exhibit D)

1. Take Judicial Notice that all officers of the court are hereby lawfully placed on notice under authority of the supremacy and equal protection clauses of the United States Constitution, incorporated into this instant matter, and the common law authorities of *Haines v Kerner, 404 U.S. 519-421 (1972), Platsky v. C.I.A. 953 F.2d. 25, and Anastasoff v. United States, 223 F.3d 898 (8th Cir. 2000), Trinsey v. Pagliaro, D.C. Pa. 1964, 229 F. Supp. 647. In re Haines: **pro se litigants are held to less stringent pleading standards than bar licensed attorneys.*** Regardless of the deficiencies in their pleadings, pro se litigants

are entitled to the opportunity to submit evidence in support.

2. Take Judicial Notice that the **Constitution and the Bill of Rights is the Supreme Law of the Land** and **I have a secured right to a trial by jury in all matters**, *Bill of Rights Article 6 states: In all criminal prosecutions, the accused shall enjoy the right to a speedy and public trial, by an impartial jury of the State and district wherein the crime shall have been committed, which district shall have been previously ascertained by law, and to be informed of the nature and cause of the accusation; to be confronted with the witnesses against him; to have compulsory process for obtaining witnesses in his favor, and to have the Assistance of Counsel for his defence. Article 7 United States Constitution states: In suits at common law, where the value in controversy shall exceed twenty dollars, the right of trial by jury shall be preserved, and no fact tried by a jury shall be otherwise reexamined in any Court of the United States, than according to the rules of the common law.*

3. Take Judicial Notice that **The United States Constitution Article VI Supremacy Clause ~ Every State Judge is bound to uphold the Laws of the Constitution** and State Laws, but not State Laws that are clearly not in agreement with the construction, including statutes that deny Trial by Jury, which is clearly an unconstitutional Law. *"This Constitution, and the Laws of the United States which shall be made in Pursuance thereof; and all Treaties made, or which shall be made, under the Authority of the United States, shall be the supreme Law of the Land; and the Judges*

*every State shall be bound thereby, any Thing in the Constitution or Laws of any State to the Contrary notwithstanding."*

*State v. Board of Control, 93 So. 2d 354, 367 (Fla. 1957) ("Mr. Justice Sebring pointed out the course in his dissenting opinion in State ex rel. Hawkins v. Board of Control, Fla. 1955, 83 So.2d 20, 31, with which I must now agree. The Constitution of the United States of America, Article VI, provides that "This Constitution shall be the supreme Law of the Land; and the Judges in every State shall be bound thereby, any Thing in the Constitution or Laws of any State to the Contrary notwithstanding." The oath of office I have taken requires that I "support, protect and defend")*

4. Take Judicial Notice "That the Inhabitants of Maryland are entitled to the Common Law of England, and the trial by Jury, according to the course of that Law **Maryland constitution Declaration of Rights Article 5 (a)( 1)** *The District Court of Maryland is established. It is the court of limited jurisdiction (Title 1 Subtitle 6 § 1-601)"*

5. Take Judicial Notice "That the Inhabitants of Maryland are entitled to the Common Law of England, and the trial by Jury, according to the course of that Law, and to the benefit of such of the English statutes as existed on the Fourth day of July, seventeen hundred and seventy-six; and which, by experience, have been found applicable to their local and other circumstances, and have been introduced, used and practiced by the Courts of Law or Equity; and also of all Acts of Assembly in force on the first day of June, eighteen hundred and Sixty-seven; except such as may have since expired, or may

*be inconsistent with the provisions of this Constitution; Subject, nevertheless, to the revision of and amendment or repeal by, the Legislature of this State. And the Inhabitants of Maryland are also entitled to all property derived to them from, or under the Charter granted by His Majesty Charles the First to Caecilius Calvert, Baron of Baltimore."* **Constitution of Maryland, Declaration Of Rights Article 5 (a) (1) - trial by Jury.**

6. Take Judicial Notice "*The Judicial power of this State is vested in a Court of Appeals, such intermediate courts of appeal as the General Assembly may create by law, Circuit Courts, Orphans' Courts, and a District Court. These Courts shall be Courts of Record, and each shall have a seal to be used in the authentication of all process issuing from it*" **Constitution of Maryland, Article 4 Judiciary Department Part 1 General Provisions Section 1.**

7. Take Judicial Notice that Defendant Vaughn C. Sparrow submitted to the court a MOTION TO STRIKE COMPLAINT (EXHIBIT E) September 2, 2022 with election for Trial By Jury and was denied his right to a trial by jury by Judge Bruce E. Friedman on September 14, 2022 (EXHIBIT F).

8. Take Judicial Notice that Defendant Vaughn C. Sparrow submitted to the court a MOTION TO MOVE CASE TO CIRCUIT COURT AND ELECT TRIAL BY JURY (EXHIBIT G) October 11, 2022 and was denied his right to a trial by jury by Judge Bruce E. Friedman on October 12, 2022 (EXHIBIT H).

9. Take Judicial Notice that "whoever is moving the suit without a trial" has been improperly trained as the right **to trial by jury** is a permanent one secured by the State and Federal Constitutions.

10. Take Judicial Notice that it is a presiding Judges duty to review all cases to which said judge will preside over.

11. Take Judicial Notice that a hearing was conducted on no less then 4 Motions and presiding Judge Lisa Ann Phelps did not dismiss the case or move the case to the Circuit Court for a Trial By Jury.

12. Take Judicial Notice that Motions were submitted 26 days before the scheduled trial date and the hearings should have been conducted on an earlier date other then the trial date.

13. Take Judicial Notice that Judge Lisa Ann Phelps did not address misdemeanor crimes committed by Private Process Server Lee Richardson included in Defendants MOTION TO STRIKE AFFIDAVIT OF RETURN OF SERVICE filed September 28, 2022 (EXHIBIT I).

14. Take Judicial Notice that Judge Lisa Ann Phelps did not acknowledge that the Defendants Subpoena Witness Margaret Sparrow was present at the hearing and was there to testify. (EXHIBITJ)

15. Take Judicial Notice that Judge Lisa Ann Phelps did not acknowledge that Private process Server Lee Richardson blatantly disregarded his Subpoena to appear and to testify and produce documents.

16. Take Judicial Notice that Judge Lisa Ann Phelps did not acknowledge Defendants Show Cause Order for Lee Richardson to appear filed and recorded on November 1, 2022. (EXHIBIT K).

17. Take Judicial Notice that Judge Lisa Ann Phelps ruled Defendant Vaughn C. Sparrow

was sufficiently served when Defendant Vaughn C. Sparrow was not properly served under Maryland Statute and was the victim of crimes and criminal activity committed by Private Process Server Lee Richardson.

Defendant asserts Private Process Server and affiant Lee Richardson violated

**MARYLAND RULE**

**2-121(a) (2) PROCESS-SERVICE-IN PERSONAM**

**(a) Generally. Service of process may be made within this State or, when authorized by the law of this State, outside of this State (1) by delivering to the person to be served a copy of the summons, complaint, and all other papers filed with it; (2) if the person to be served is an individual, by leaving a copy of the summons, complaint, and all other papers filed with it at the individual's dwelling house or usual place of abode with a resident of suitable age and discretion; or (3) by mailing to the person to be served a copy of the summons, complaint, and all other papers filed with it by**

certified mail requesting: “Restricted Delivery--show to whom, date, address of delivery.” Service by certified mail under this Rule is complete upon delivery.

Service outside of the State may also be made in the manner prescribed by the court or prescribed by the foreign jurisdiction if reasonably calculated to give actual notice.

14. Defendant asserts Private Process Server and affiant Lee Richardson violated **MARYLAND RULE 2-126 (a)(2) PROCESS-RETURN Service by Delivery or Mail.**

**(a) Service by Delivery or Mail. An individual making service of process by delivery or mailing shall file proof of the service with the court promptly and in any event within the time during which the person served must respond to the process.**

**(1) If service is by delivery, the proof shall set forth the name of the person served, the date, and the particular place and manner of service. If service is made under Rule 2-121 (a)(2), the proof also shall set forth a description of the individual served and the facts upon which the individual making service concluded that the individual served is of suitable age and discretion.**

15. Defendant asserts Private Process Server and affiant Lee Richardson violated **MARYLAND STATUTE § 9.5-312(a)(1)(2)(3) - False statements or representations §9.5-312.**

**(a) In a matter within the scope of this subtitle, a person may not:**

**(1) knowingly and willfully falsify or conceal a material fact by trick, scheme, or device;**

**(2) make a false, fictitious, or fraudulent statement or representation; or**

**(3) make or use a false writing or document knowing the writing or document contains a false, fictitious, or fraudulent statement or entry.**

**(b) Except as otherwise provided by law, a person who violates this section is guilty of a misdemeanor and on conviction is subject to imprisonment not exceeding 6 months or a fine not exceeding \$1,000 or both.**

18. Take Judicial Notice that Judge Lisa Ann Phelps relinquished her obligations and duties as a presiding judge by not addressing the crimes of Private Process Server Lee Richardson against Defendant Vaughn C. Sparrow.

19. Take Judicial Notice that Judge Lisa Ann Phelps relinquished her obligations and duties as a presiding judge by not addressing Private Process Server Lee Richardsons blatant disregard for disobeying a Subpoena to appear to testify and produce documents critical to Defendant Vaughn C. Sparrows matter.

20. Take Judicial Notice that Judge Lisa Ann Phelps relinquished her obligations and duties as a presiding judge when she ordered a continuance and scheduled the matter for trial when the court does not have jurisdiction to set the case for trial.

21. Take Judicial Notice that this court is willfully involved with **18 U.S. Code § 241** Conspiracy against rights. If two or more persons conspire to injure, oppress, threaten, or intimidate any person in any State, Territory, Commonwealth, Possession, or District in the free exercise or enjoyment of any right or privilege secured to him by the Constitution

or laws of the United States, or because of his having so exercised the same; or

If two or more persons go in disguise on the highway, or on the premises of another, with



intent to prevent or hinder his free exercise or enjoyment of any right or privilege so secured They shall be fined under this title or imprisoned not more than ten years, or both; and if death results from the acts committed in violation of this section or if such acts include kidnapping or an attempt to kidnap, aggravated sexual abuse or an attempt to commit aggravated sexual abuse, or an attempt to kill, they shall be fined under this title or imprisoned for any term of years or for life, or both, or may be sentenced to death.

(June 25, 1948, ch. 645, 62 Stat. 696; Pub. L. 90–284, title I, § 103(a), Apr. 11, 1968, 82 Stat. 75; Pub. L. 100–690, title VII, § 7018(a), (b)(1), Nov. 18, 1988, 102 Stat. 4396; Pub. L. 103–322, title VI, § 60006(a), title XXXII, §§ 320103(a), 320201(a), title XXXIII, § 330016(1)(L), Sept. 13, 1994, 108 Stat. 1970, 2109, 2113, 2147; Pub. L. 104–294, title VI, §§ 604(b)(14)(A), 607(a), Oct. 11, 1996, 110 Stat. 3507, 3511.)

22. Take Judicial Notice that this court is willfully involved with **18 U.S. Code § 242 deprivation of rights under color of law**. Whoever, under color of any law, statute, ordinance, regulation, or custom, willfully subjects any person in any State, Territory, Commonwealth, Possession, or District to the deprivation of any rights, privileges, or immunities secured or protected by the Constitution or laws of the United States, or to different punishments, pains, or penalties, on account of such person being an alien, or by reason of his color, or race, than are prescribed for the punishment of citizens, shall be fined under this title or imprisoned not more than one year, or both; and if bodily injury results from the acts committed in violation of this section or if such acts include the use, attempted use, or threatened use of a dangerous weapon, explosives, or fire, shall be fined under this title or imprisoned not more than ten years, or both; and if death results from

the acts committed in violation of this section or if such acts include kidnapping or an attempt to kidnap, aggravated sexual abuse, or an attempt to commit aggravated sexual abuse, or an attempt to kill, shall be fined under this title, or imprisoned for any term of years or for life, or both, or may be sentenced to death.

(June 25, 1948, ch. 645, 62 Stat. 696; Pub. L. 90–284, title I, § 103(b), Apr. 11, 1968, 82 Stat. 75; Pub. L. 100–690, title VII, § 7019, Nov. 18, 1988, 102 Stat. 4396; Pub. L. 103–322, title VI, § 60006(b), title XXXII, §§ 320103(b), 320201(b), title XXXIII, § 330016(1)(H), Sept. 13, 1994, 108 Stat. 1970, 2109, 2113, 2147; Pub. L. 104–294, title VI, §§ 604(b)(14)(B), 607(a), Oct. 11, 1996, 110 Stat. 3507, 3511.)

23. Take Judicial Notice that this court is willfully involved with **18 U.S. Code § 2071 Concealment, removal, or mutilation.**

(a) Whoever willfully and unlawfully conceals, removes, mutilates, obliterates, or destroys, or attempts to do so, or, with intent to do so takes and carries away any record, proceeding, map, book, paper, document, or other thing, filed or deposited with any clerk or officer of any court of the United States, or in any public office, or with any judicial or public officer of the United States, shall be fined under this title or imprisoned not more than three years, or both.

(b) Whoever, having the custody of any such record, proceeding, map, book, document, paper, or other thing, willfully and unlawfully conceals, removes, mutilates, obliterates, falsifies, or destroys the same, shall be fined under this title or imprisoned not more than three years, or both; and shall forfeit his office and be disqualified from holding any office under the United States. As used in this subsection, the term “office” does not

include the office held by any person as a retired officer of the Armed Forces of the United States.

24. Take Judicial Notice that this court is willfully involved with **18 U.S. Code § 1341**  
**frauds and swindles.**

"There are two elements in mail fraud: (1) having devised or intending to devise a scheme to defraud (or to perform specified fraudulent acts), and (2) use of the mail for the purpose of executing, or attempting to execute, the scheme (or specified fraudulent acts)." *Schmuck v. United States*, 489 U.S. 705, 721 n. 10 (1989); see also *Pereira v. United States*, 347 U.S. 1, 8 (1954) ("The elements of the offense of mail fraud under . . . § 1341 are (1) a scheme to defraud, and (2) the mailing of a letter, etc., for the purpose of executing the scheme."); *Laura A. Eilers & Harvey B. Silikovitz, Mail and Wire Fraud*, 31 *Am. Crim. L. Rev.* 703, 704 (1994) (cases cited).

25. Take Judicial Notice that this court is willfully involved with **18 U.S. Code § 1342**  
**Fictitious name or address** by allowing the Plaintiff to proceed with this lawsuit this court is willfully involved by association. Whoever, for the purpose of conducting, promoting, or carrying on by means of the Postal Service, any scheme or device mentioned in section 1341 of this title or any other unlawful business, uses or assumes, or requests to be addressed by, any fictitious, false, or assumed title, name, or address or name other than his own proper name, or takes or receives from any post office or authorized depository of mail matter, any letter, postal card, package, or other mail matter addressed to any such fictitious, false, or assumed title, name, or address, or name

other than his own proper name, shall be fined under this title or imprisoned not more than five years, or both.

(June 25, 1948, ch. 645, 62 Stat. 763; Pub. L. 91–375, § 6(j)(12), Aug. 12, 1970, 84 Stat. 778; Pub. L. 103–322, title XXXIII, § 330016(1)(H), Sept. 13, 1994, 108 Stat. 2147.)

26. Take Judicial Notice that this court is willfully involved with **18 U.S. Code § 1001**

**Statements or entries generally.** (a) Except as otherwise provided in this section, whoever, in any matter within the jurisdiction of the executive, legislative, or judicial branch of the Government of the United States, knowingly and willfully

(1) falsifies, conceals, or covers up by any trick, scheme, or device a material fact;

(2) makes any materially false, fictitious, or fraudulent statement or representation; or

(3) makes or uses any false writing or document knowing the same to contain any materially false, fictitious, or fraudulent statement or entry shall be fined under this title, imprisoned not more than 5 years or, if the offense involves international or domestic terrorism (as defined in section 2331), imprisoned not more than 8 years, or both. If the matter relates to an offense under chapter 109A, 109B, 110, or 117, or section 1591, then the term of imprisonment imposed under this section shall be not more than 8 years.

(b) Subsection (a) does not apply to a party to a judicial proceeding, or that party's counsel, for statements, representations, writings or documents submitted by such party or counsel to a judge or magistrate in that proceeding.

(c) With respect to any matter within the jurisdiction of the legislative branch, subsection

(a) shall apply only to

(1) administrative matters, including a claim for payment, a matter related to the procurement of property or services, personnel or employment practices, or support

services, or a document required by law, rule, or regulation to be submitted to the Congress or any office or officer within the legislative branch; or  
(2) any investigation or review, conducted pursuant to the authority of any committee, subcommittee, commission or office of the Congress, consistent with applicable rules of the House or Senate.

(June 25, 1948, ch. 645, 62 Stat. 749; Pub. L. 103–322, title XXXIII, § 330016(1)(L), Sept. 13, 1994, 108 Stat. 2147; Pub. L. 104–292, § 2, Oct. 11, 1996, 110 Stat. 3459; Pub. L. 108–458, title VI, § 6703(a), Dec. 17, 2004, 118 Stat. 3766; Pub. L. 109–248, title I, § 141(c), July 27, 2006, 120 Stat. 603.)

WHEREFORE, PREMISES CONSIDERED, Defendant Vaughn C. Sparrow requests that the Court grants this Motion to take Mandatory Judicial Notice as requested for herein.

RESPECTFULLY SUBMITTED this \_\_\_\_\_ day of \_\_\_\_\_ 2022.

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Vaughn C. Sparrow, Defendant

[ Certificate of Service ]