

**IN THE
MISSOURI COURT OF APPEALS
SOUTHERN DISTRICT**

Steven L. Reed,)	
)	
Appellant,)	
)	
v)	
)	Case No. SD28747
Brenda M. Cirtin, City Clerk,)	
City of Springfield,)	
)	

**APPELLANTS REPLY TO CITY OF SPRINGFIELD RESPONSE TO
APPEALANT STEVEN L. REED BRIEF**

and

**APPELLANTS MOTION WITH SUGGESTIONS OF REASONS COURT SHOULD
REFUSE RESPONDENT BRENDA M. CIRTIN, CITY CLERK, CITY OF
SPRINGFIELD MISSOURI MOTION TO STRIKE APPELLANTS'S BRIEF
AND/OR DISMISS APPEAL FOR FAILURE TO COMPLY WITH 84.04**

COMES NOW, Appellant Steven L. Reed hereby responds to City of Springfield Attorney's effort to refuse the 53 page Appellant's Brief. Appellant Reed wants to make it clear that he feels he is actually acting as a "advocate" of over 150,000 people in Springfield Missouri concerning having "Fair and Free" elections in compliance with the State Law of Missouri. Appellant Reed spent over two months getting the Appellants Brief done. Appellant Reed also believes he is doing the "governments" job forcing the proper adherence to State Election Laws which should be enforced either and or by all of the following by the: State Attorney General, Secretary of State, City, City Prosecutor,

County Prosecutor, US Justice Department, FBI, and other possible governmental agencies.

The City Attorney claims that he, the City will have to guess at what problem Appellant Reed has with the Circuit Judges ruling. With no disrespect for the City Attorney, but a third grader would likely understand why the Circuit Court erred and why the City of Springfield is in blatant violation of State Law. Apparently, the City Attorney can not even get the facts in this case in mind and clearly seems to have trouble understanding the ramifications of the case, let alone that he can not properly spell the name of a Four term State Representative *Mike Schilling from Springfield (the city attorney left the c out of his last name)*. The City Attorney had told Reed last fall that the City would go to outside legal council on the Federal Case. But the same attorney is still handling both cases. Appellant Reed considers asking for a dismissal without allowing the facts to be reviewed by the Appeal Court is allowing a tax payer attorney is wrong.

The City has Worked to Discredit Plaintiff Reed' Public Service Efforts

The City of Springfield has worked to discredit Reed by discrediting his public service efforts. Plaintiff Reed worked on getting Rail Passenger Service through Springfield and across the State. Last year the Department of Transportation in Missouri announced they were going to work on trying to get State funding for Passenger Service and the City announced that they did not think it would help the city that much the economic lady for the city said it would be more a novelty.

Appellant Reed went to City Council meeting and in 2000 submitted enough signatures around 1,000 to put the possible development of a Technology Park issue on

the Springfield ballot. Again in 2006 Appellant Reed turned in over 1,600 the amount to put an issue on the Springfield ballot and again the City refused. The City covered up the issue by not even putting out a Press Release saying why it was turned down or even that the signatures were turned in. Many people have told Appellant Reed that the City and MSU have stolen the Technology Park issue developing the downtown Jordan Valley Innovation Center. Appellant Reed still believes that since the city has spent millions of dollars on the second industrial park which sets almost empty the city could simply change the name and concept to a technology park and receive millions of dollars just as Fort Leonard Wood has on its technology park. Appellant Reed has a letter he had received from State Senator Morris Westfall about how the Technology Park was a very good idea. Again city surveys have said for the last ten years the number one issue for people of Springfield was better paying jobs. www.technologypark2006.org

This Case/Action is about Citizen Participation in the Election Process which should be as open on the local level as the state or federal levels.

Clearly this case is not about a technology park or rail service but it is about the overall concept of Citizens Participation. But the City has had a pattern of discouraging Appellant Reed in many ways including suggesting that economic issues should not be decided by a vote of the citizens since community leaders should decide that. The city will likely bring up the Vision 20/20 project. Appellant Reed went to those meetings for several years. Appellant Reed went to the last meeting which was an appreciation meeting and only around a few dozen people of the estimated 60 people who had helped showed up. Some in attendance said they think many were upset because the City really done what they wanted in the first place on many issues.

The main issue is the City of Springfield needs to adhere to State Laws

concerning elections whether they like a candidate or an issue Period.

An example why we must have fair and free elections is seen around the world.

From the New York Times:

By [JIM YARDLEY](#)

Published: July 3, 2008

BEIJING — Armed soldiers enforced martial law on the streets of [Mongolia](#)'s capital on Wednesday, a day after five people were killed as hundreds angered by election results rioted, Mongolian state news media reported.

President Nambaryn Enkhbayar responded to the unrest by declaring a national state of emergency late Tuesday.

Mongolia's national news agency, Montsame, said 710 people had been detained after groups of protesters, alleging fraud in last weekend's parliamentary elections, clashed with the police in the capital, Ulan Bator.

Like comparing Apples to Oranges

Appellant Reed points out the Circuit Court Docket Sheet actually says Extraordinary and Reed takes that to be because this case was filed for an election remedy.

The City Attorney in Suggestions cites and points to *Hicks v. Div. of Emp. Sec.*, 41 S.W.3d 638, 640 (Mo.App. 2001).

A. First of all when Appellant Reed filed the action that brought this appeal it was done "not seeking monetary damages, but rather to clarify an election issue".

Appellant Reed again points out that he is trying to clarify an election issue that effects over 100,000 people who could vote or run as write in candidates. In the Hicks case Brenda Hicks Appellant sued the Division of Employment Security in an effort to receive unemployment money from the state of Missouri. And Appellant did not file this case seeking any monies then it would seem to be appropriate to give Appellant Reed a little

more leeway since it is a public issue. Again Appellant Reed believes he is in essence doing the job that government authorities should but do not want to undertake.

B. In the opinion of the Hicks case her Appeal was dismissed because:

Appellant's brief consists of two single-spaced typed pages of written material setting forth Appellant's view of the facts surrounding the ending of her employment. This is a far cry from the situation in which Appellant Reed submitted a 53 page document with headings and categories for each of the required for Rule 84.04.

Opinion Author: Nancy Steffen Rahmeyer, Judge

Opinion Vote: DISMISSED. Prewitt, J., and Barney, C.J., concur.

Opinion:

Brenda Hicks ("Appellant") appeals from a final order of the Labor and Industrial Relations Commission of Missouri denying her claim for unemployment benefits. The Division of Employment Security ("Respondent") filed a motion to strike Appellant's brief for failure to comply with the Missouri Supreme Court Rules. Respondent's motion is granted.

Rule 84.04(FN1) requires an appellant's brief to have the following: (1) a detailed table of contents with page references and a table of cases and other authorities; (2) a concise statement concerning the appellate court's jurisdiction; (3) a fair and concise statement of the facts; (4) a Point Relied On that identifies the ruling challenged, sets forth concisely the legal reasons for the claim of error, and explains why the reasons support a finding of error; (5) argument containing, in part, the standard of review; and (6) a short conclusion. Rule 84.04 (a)-(e). All statements of fact and argument shall have specific page references to the legal file or transcript. Rule 84.04(i). Appellant did not comply with any of these rules.

Appellant's brief consists of two single-spaced typed pages of written material setting forth Appellant's view of the facts surrounding the ending of her employment. No table of contents is included. No jurisdictional statement is made. The facts given are only those favoring Appellant's position. No references to the legal file or transcript are given anywhere in Appellant's brief. No Point Relied On is included. It is difficult to glean any argument out of Appellant's brief. No conclusion is included. Appellant's brief violates every part of Rule 84.04.

A brief that does not comply with Rule 84.04 preserves nothing for appellate review.....

Appellant Reed believes that a review of the 53 page Appellants Brief shows it addresses each of the rules and is laid out in the same fashion as examples he

received from the Appeals Court office. Reed feels there is plenty for the Court to review and that they will be able to determine the proper ruling. Appellant Reed admits he made a few mistakes and the brief is not done to perfection but that Appellant Reed made every human effort possible to follow Rule 84.04.

Appellant Reed strongly disagrees with the City of Springfield Attorney and believes he did his level headed best to file the Appellants Brief as required. Appellant Reed had made two trips to go over all the requirements of proper form with two of the Appeals Court legal team members.

The City Attorney seems to be trying to avoid answering any of the quoted legal cases, legal arguments, or any of the Appellant's Brief because it would be difficult to contest any of them in a reasonable legal fashion. In general The City of Springfield understands the Issues involved but clearly they would rather avoid them and that is why they are asking this Appeals Court to throw the entire case out. The City Attorney would be wiser to figure out a strategy to admit the City is in violation of State Law and try to figure out a way to address that fact. Letting the City have their way to dismiss the Appellant's Brief would be turning our backs on Free and Open Elections in Missouri.

In Conclusion:

Appellant Reed Respectfully Prays for this Court of Appeals to proceed to make A sound decision on the merits of this case and the Appellants Brief as submitted to the Court.

Sincerely, Steven L. Reed_____

Certificate of Service

I certify that on _____ a true copy of the above was delivered and or mailed, on July 3, 2008 and or faxed to the Missouri Court of Appeals Southern District 300 Hammons Parkway, Suite 300 Springfield, Missouri 65806-2546 Fax 417-895-6817 and Attorneys for the City of Springfield listed below.

Respectfully submitted,

Steven L. Reed _____

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City of Springfield

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Attorney for the Defendants City of Springfield, MO,

e-mailed to the following is hereby completed on this date:

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