

STATE OF MICHIGAN

57TH DISTRICT COURT (ALLEGAN COUNTY)

PEOPLE OF THE STATE OF MICHIGAN,

Plaintiff,

v

File No. 20-3569-SM

KATHERINE LINDSEY HENRY,

Defendant.

MOTION HEARING

BEFORE THE HONORABLE WILLIAM BAILLARGEON, DISTRICT COURT JUDGE

Allegan, Michigan - Thursday September 1, 2022

APPEARANCES:

For Plaintiff: MR. STEVEN LANTING (P51366)
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For Defendant: MS. KATHERINE HENRY
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Allegan, Michigan

Thursday September 1, 2022 - 11:15 a.m.

THE COURT: All right. Let's go on the record on the matter of People State of Michigan verses Katherine Henry, File 203569SM. Let's have appearances.

MR. LANTING: Steven Lanting, on behalf of the People.

MS. HENRY: Yes, Your Honor. Katherine Henry appearing in Pro Per.

THE COURT: All right. Very good. This is your motion, Ms. Henry. Go ahead.

MS. HENRY: Yes, Your Honor. I submitted this motion, obviously as we all know, the case itself have been dismissed but I submit this motion regarding records for the nine court proceedings that were held in this case prior to today. There were five that were held only by Zoom, there were three that were held in person, but no public was admitted into the courtroom and the final one that we had on July 7th. The --

THE COURT: That's -- that's --

MS. HENRY: -- reason why --

THE COURT: -- wait a minute though. That's an incorrect statement though. The public was allowed into every hearing. We've livestreamed everything. But go ahead.

MS. HENRY: The public wasn't physically allowed in

1 the Courtroom.

2 THE COURT: That may be. That's -- that's correct.

3 MS. HENRY: So, the reason why I bring this motion
4 is two-fold, Your Honor. One is that I have devoted my
5 entire practice to educating the public on the law and the
6 Constitution. I explain cases, court orders, Court -- you
7 know case opinions, public pleadings, legal arguments,
8 general Government, and legal procedures. I do this through
9 a multifaced website. I do a live stream show every week. I
10 created a Constitution app and a few other things. And it's
11 imperative for me to be able to use the real life examples in
12 showing people how these procedures and things work.

13 So, it's been my goal to educate people on
14 Government, the law, the Constitution and make those more
15 accessible and understandable to the public. And that's
16 especially so because the Michigan Supreme Court reminded us
17 in 1983, that as attorneys, we have a duty to protect and
18 inform the public. So, in addition to that though, I would
19 like to point out that as far as publicity, it serves as that
20 natural check against any potential unjust prosecution or
21 abuse of judicial power and prior restraint on, well in the
22 is this case, Your Honor, as we talked about on the July 7,
23 the Prosecution and legal aid unconstitutionally arrested and
24 prosecuted me. And I have the right then to pursue all legal
25 remedies for any of the harm caused in that situation. That

1 includes, being able to consult with trusted individuals and
2 various professionals and the gag order or the prior
3 restraint order that's at issue today, unnecessarily hinders
4 the aforementioned educational efforts that I do, but also my
5 pursuit of my legal remedies.

6 So, but in addition to that, I wanted to point out
7 that the First Amendment guarantees a freedom of speech, and
8 freedom of the press, protect access -- public access to all
9 court proceedings and that any kind of gag order as the
10 higher courts call them, is a prior restraint against
11 publication and therefore it's subject to the strictest
12 scrutiny. And, any kind of prior restraint on publication is
13 considered the least tolerable infringement of our First
14 Amendment protected rights, and so it carries with it, a
15 heavy presumption of unconstitutionality. So, publication is
16 needed to assist to in our guarantees of openness and
17 integrity of the process, but also the US Supreme Court has
18 told us, at least since 1947, that the transparence in a
19 courtroom is public property and a Court cannot suppress,
20 edit, or sensor any of the events before it. But also in
21 Michigan, since at least 1846, we've had MCL 600.1420, that
22 mandates all sittings of every court in State had to be open
23 to the public unless one of three very rare exceptions exists
24 and I think that we can all agree there's no national
25 security issues, it's not a CSC case involving any minors and

1 there's no witnesses that need to be sequestered. So, all
2 I'm asking for today, Your Honor, is just for an Order that
3 clarifies that I do have the right to share, with the public,
4 any and all transcripts or videos of the hearing and I would
5 also ask that whatever hearing comes out of this, that I'm
6 able to receive that by email, because for some reason the
7 last couple times, the orders from the Court started coming
8 by US Mail and they were coming very delayed. I am not sure
9 what the reason for that is. But --

10 THE COURT: Well --

11 MS. HENRY: -- they were addressed correctly --

12 THE COURT: -- I think we all know the reason for
13 that is the Post Office has essentially been dismantled so,
14 it is really hindering the -- the utilization and the
15 efficiencies of the Post Office. But, we are happy to
16 provide any orders to you with email. But go ahead.

17 MS. HENRY: And that's actually all I wanted to ask
18 --

19 THE COURT: Okay.

20 MS. HENRY: -- just that whatever Order comes out -
21 -

22 THE COURT: Very good. Mr. Lanting anything?

23 MR. LANTING: No, Your Honor. Thank you.

24 THE COURT: All right. The Order of the Court
25 providing for the DVD of court proceedings is quite clear and

1 will remain in effect. The transcripts and proceedings of
2 this Court are prepared and preserved for specific court
3 purposes and the integrity of those materials is essential to
4 the proper functioning of the Court and for the proper review
5 by Appellate Courts. It is manifestly not in the public's
6 interest for all these materials to be edited, copied, or
7 published in any other manner. These court proceedings are
8 not made for the reality tv or social media world and in so
9 ruling, I affirm the Order currently standing. So, that
10 Order will remain in effect and your Order for, well I think
11 that is your order of clarification. So, you can leave the
12 Court.

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(At 11:22 a.m., proceedings concluded)

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I certify that this transcript, consisting of 8 pages, is a complete, true, and correct transcript of the Motion Hearing and testimony taken in this case this on Thursday September 1, 2022.

Date: October 14, 2022



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