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*Pro Se Plaintiff*

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CLERK, U.S. DISTRICT COURT  
DISTRICT OF MONTANA  
MISSOULA

IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF MONTANA  
MISSOULA DIVISION

Cause No.: CV-11-64-DWM-JCL

MICHAEL E. SPREADBURY )  
Plaintiff )  
v. )  
BITTERROOT PUBLIC LIBRARY, )  
CITY OF HAMILTON, )  
LEE ENTERPRISES INC., )  
BOONE KARLBERG PC, )  
Defendants )

**NOTICE OF SPEECH,  
LAW VIOLATION;  
MODIFIED EXHIBIT:  
NO PROBABLE CAUSE  
FELONY CHARGE**

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Comes now Plaintiff with notice of speech, statutory law violation in form of equal protection deprivation by District Court, presentation of modified exhibit supportive of no probable cause for Felony charge against Plaintiff.

Motion:

Plaintiff moves court accepts modified exhibit to TR#130, with Plaintiff objection due to violation of fundamental speech, privilege, non-equal protection.

Brief in Support:

Spreadbury has pled before this court that issues of public concern have the highest protection as protected speech *Dunn & Bradstreet Inc. v. Greenmass Builders Inc.* 472 US at 759 (1985). District court denies entire exhibit due to “thinking” it violated Defendant Roddy’s privacy without citing controlling court authority, Montana Statute, or Montana Code for its reasons (TR.# 147; Order).

Information in the November 4, 2009 Hamilton Police report are public information by use of “initial offense report” that is, information initially given to the police unsolicited, as Roddy effected. Initial offense reports are public by Montana Code Ann. MCA§ 44-5-105(13)(i) and by court authority in the State of Montana *Sacco v. HMIP 271 Mont. at 241 (1995)*.

In *Katz v. US 389 US at 351 (1967)*, the High Court decided that the privacy issues are to be left to the states, meaning Montana controlling authority such as *Sacco*, Montana Statutes, Montana Administrative Rules ARM 23.12.203 will be the controlling factor, as Spreadbury cited before this court. What Roddy knowingly

exposes to the public is not subject to 4<sup>th</sup> Amendment privacy protection *Katz at 351 citing Lewis v. US 385 US 206 (1966), US v. Lee 274 US 563 (1927).*

This pleading is to give notice that the District Court did err in sealing the November 4, 2009 police report, exhibit B presented by Spreadbury in TR.# 130 before this court, and is a deprivation of speech protected in Amendment 1 US Constitution.

The court further erred in disallowing the entirety of exhibit B in TR. #130 due to pretext privacy issues; Spreadbury has privilege to articulate facts and discuss Defendant Roddy as privilege in court proceedings under Montana Code Ann. MCA§ 27-1-803(4). This court denied Spreadbury statutory authority to present case, deprivation of the Equal Protection clause, Amendment 14, US Constitution.

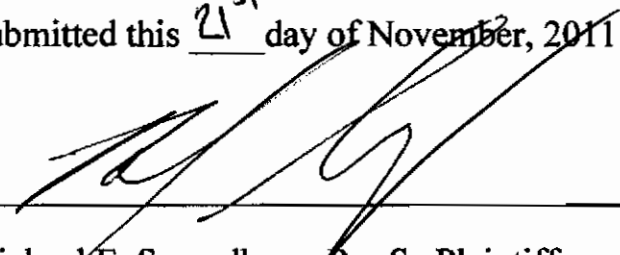
Judicial notice is given to the attached Exhibit B with November 4, 2009 Defendant City police report removed intentionally without basis *Allegheny Pittsburgh Coal Co. v. Commission of Webster City 488 US 336 (1989)* .

Since Court mentioned issue of privacy in police report only, Exhibit B from TR. #130 will be modified to not include that information, and is provided under seal by Defense Counsel, ordered by District Court (TR.#146).

Certificate of Compliance

From LR 7(d)(2)(E) US District Court Rules Montana, I certify that this brief conforms with 14 point font, New Times Roman typeface, is double spaced, contains 430 words excluding title page, this compliance.

Submitted this 21<sup>st</sup> day of November, 2011



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Michael E. Spreadbury, Pro Se Plaintiff

Attach to pleading: Modified Exhibit B from TR. #130

Certificate of Service

Cause No. CV-11-0064-DWM-JCL

I certify as Plaintiff in this action, a copy of the below named pleading was served upon the US District Court Missoula Division and all opposing counsel for parties in this above named cause of action by first class mail. The following addresses were used for service:

*Notice of Plaintiff Interrogatories, Discovery Requests to Defenadants*

*Notice of Speech, law violation; Modified Exhibit: No probable cause Felony Charge*

Russell Smith Federal Courthouse

Clerk of Court

201 E. Broadway

Missoula, MT 59803

Defendant Counsel:

William L. Crowley

Boone Karlberg PC

PO Box 9199

Missoula MT 59807

Plaintiff Counsel:

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(self-represented)

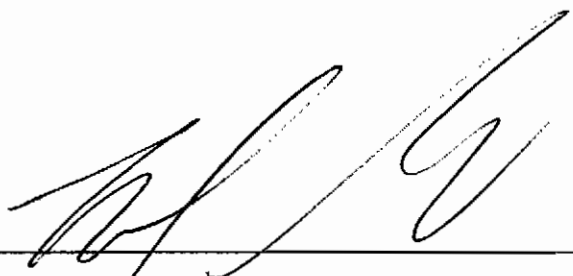
Jeffrey B Smith

Garlington, Lohn, & Robinson PLLP

PO Box 7909

Missoula MT 59807

Dated \_\_\_\_\_ 11/21/11 \_\_\_\_\_

  
\_\_\_\_\_  
Michael E. Spreadbury, Pro Se Plaintiff