

**TO  
THE MEMORY  
OF  
FELIX S. COHEN  
(1907-1953)**

*Like the miner's canary, the Indian marks the shifts from fresh air to poison gas in our political atmosphere; and our treatment of Indians, even more than our treatment of other minorities, reflects the rise and fall in our democratic faith. . . .*

Felix S. Cohen (1953)

- 7 pgs. of 'Final Brief' submitted to the clerk of 8th Circuit Court of Appeals on May 25, 2021
- also sent a packet (copies) of documents, that prove our case.

**FILED**

MAY 27 2021

MICHAEL E. GANS  
CLERK OF COURT

CONCERNING THE APPELLEES FIRST NATIONAL BANK IN SIOUX FALLS,  
RESPONSE BY ASHLEY BROST AND VINCE M. ROCHE.

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First we object to attorney Ashley Brost serving as attorney, and/or ask for the Judges to take note that she "after law school clerked for Hon. Roger L. Wollman of United States Court of Appeals for the 8th Circuit". also we note that Atty Ashley Brost was "Criminal Justice Act defense attorney for the United States Dist. Court for Dist. of South Dakota AND the United States Court of APPEALS for the 8th Circuit". Attorney Ashley is very well connected. And according to best selling lawyer and author Mark H. McCormack on page 95. of book " TERRIBLE TRUTH ABOUT LAWYERS", he states " Keep in mind, too, that top-ticket lawyers are charging you not just for what they know but who they know".

On page 4 of 5 page ID #51 Ashley Brost includes a copy of "ORDER APPOINTING SPECIAL ADMINISTRATOR", "COUNTY OF TODD". AND signed by Circuit Judge Marvin S. Talbott, in BOLD LETTERS SIGNATURE. 8th Circuit Judges please take note and read very carefully. The COUNTY OF TODD is on an Indian RESERVATION (ROSEBUD INDIAN RESERVATION IN SOUTH DAKOTA). Thus Federal laws apply and it is under the FEDERAL JURISDICTION.. Mafia type criminal and Episcopal church at -ty. Robert Maule, knowingly and with Criminal intent, filed this DOCUMENTS (ATTY. ASHLEY BROST DID NOT PRESENT ALL OF THE DOCUMENTS TO THE 8th Circuit Court of Appeals). Church Atty. Robert Maule filed under 2 counties, Todd AND Tripp. 2 counties under one roof, The WINNER COURT HOUSE IN WINNER, SD. Atty. Ashley Brost DID NOT include ALL OF THE DOCUMENTS FILED AND ISSUED BY MAFIA TYPE JUDGE AND EX FBI AGENT, MARVIN S TALBOTT. (Find enclosed copies of court documents that Ashley Brost DID NOT INCLUDE IN HER RESPONSE TO THE 8th Circuit. As mentioned in our initial complaint to the federal court in Rapid city, SD., and also to the 8th Circuit Court. Church Atty Robert Maule lied to our Chicago, IL. atty Val Leopold in order to get the settlement checks and funds into Farmers state Bank in Winner, SD.

Concerning Judge Marvin Talbott's BOLD SIGNATURE. I wrote to him and pointed out to him that Church Atty Robert Maule had me sign basically illegal papers in his office in Winner, SD and on the papers that he had me sign on April 11, 1988, there were some of the court papers that had JUDGE MARVIN TALBOTT'S NAME TYPED IN BUT NOT HIS SIGNATURE. (SEE MY LETTER TO JUDGE TALBOTT) After this he Judge Marvin Talbott made sure to SIGN HIS NAME IN BIG BOLD size. (See copies of my letter to Judge Talbott and his response in order for the Honorable 8th Circuit Judges to know the whole TRUTH and NOT WITH HOLD documents from the COURT, like atty. ASHLEY BROST DID. This "ORDER APPOINTING SPECIAL ADMINISTRATOR", is faulty and ILLEGAL FOR SEVERAL REASONS. We are NOT from TODD CO. as Crooked Church ATTY Robert Maule stated under oath, knowingly, in order to steal settlement checks and ESTATE OF CHERYL MONTILEAUX. (SEE the various letters from our Chicago atty. Val Leopold and the Letters from Judge Marvin Talbott and "DISMISSAL OF OUR CHICAGO LAWSUIT BY FEDERAL JUDGE HARRY D. LEINENWEBER OF CHICAGO, ILL.

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Page 2.) of final Brief to the 8th circuit Court of Appeals.

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The copies of all of the letters from Judge Marvin Talbott and the Court documents that he issued should answer alot of question s for the 8th circuit Court Judges. There are many legal argument s that can be made-THE TRUTH.Such as that the Court documents tha t were issued by Judge Talbott are ILLEGAL,NO JURISDICTION,We are NOT from the TODD CO. Rosebud Indian Reservation. We are enrolled members of the PINE RIDGE INDIAN RESERVATION FURTHER WEST FROM ROSEBUD RESERVATION. Crooked Church Atty. Robert Maule knew this. Also,I am not an ATTORNEY and Crooked Church atty. took advantage of me and 2 weeks after they MURDERED MY WIFE HE HAD ME SIGNING COURT PAPERS WITHOUT PROPER EXPLANATION. My Counselor,ED Hankla, who was MURDERED BY THE CROOKS: Stated to me that I was very Vuln erable as my wife died and 2 weeks later they had me signing pape rs in Winner,SD. One of the DEFENDANTS Randy Reinartz was there in Winner,SD and participated in criminal activity(See copies of documents that he signed,with out my knowledge and/or consent,one day after Atty. Robert Maule deceived me into signing(See copies of documents enclosed). Many of the criminal activity was reporte d in the briefs and supporting documents that were either DISMI SSED and/or rendered by Judge Karen Schrier on Feb.24,2021.(We fe -el that there should have been a CRIMINAL INVESTIGATION BY US AT TY. FOR SD RONALD PARSONS,AS THIS WAS REPORTED TO HIM.AUG.0000202 0 letter.

We take offense at one of the attys trying to brush off this very serious case by stating it is "Fanciful conspiracy" or something along those lines. I have DOCUMENTS some of which are hereby enclosed for the Justices/Judges to review. In another place one of the attys for defendants state that Judge Karen Schrier dismis sed the case with prejudice. Our reading is ,it was dismissed wit hout prejudice. It is our feeling that defendants attorneys are GRASPING FOR STRAWS, in their arguments,as even an entry level Detective can piece together all of the facts and put together an Intelligent document.(I plan to write a TRUE CRIME book in the st yle of famous author ANN RULE.)

If Defendant Randy Reinartz was investigated and deposed under oa th, this would have produced results as he admitted to Miriam Mon tileaux that he was there when the trust documents were drawn up probably by Crooked Church atty Robert Maule. He and also Sherril yn Maule(Roberts wife) should have been arrested,along with all o of theCRIMINAL DEFENDANTS,but sadly this being South Dakota and t the "Toxic White Priviledge" rampant,no atty that we hired would investigate and find the truth. They(Attys. that we hired)choose to cover-up vvey serious "MAFIA LIKE" CRIMES AND ATTACK US AND even attempt to kill me on March 19,2020 in Rapid city,SD in orde r to silence me. Federal Judge Jeffrey L. Viken is presently unde r investigation by the 8th circuit appeals court. And Federal Judge of Chicago,ILL. Harry D. Leinenweber is also under investig ation by the 7th Circuit Appeals of Chicago,ILL.

page 3. of Final Brief to the 8th Circuit Court of Appeals.

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One of the attorneys wrote that we did not take the proper route to filing this lawsuit. We Did. I wrote Secretary of The Interior Bernherdt (See enclosed copy) concerning the Lawsuit. He did not know what to do, thus sent all of our documents to Bureau Of Indian Affairs, Regional Director, Timothy La Pointe in Aberdeen, South Dakota. Mr. Tim La Pointe wrote to us and referred us to Mr. John Long, BIA Superintendent at Pine Ridge Agency, on Pine Ridge Indian Reservation. Mr. John Long did not answer us. He choose to "Retire", with out answering our letter. Thus our letter and documents sent to him sat for about 2 months or more. I had to call the BIA Office in Pine Ridge, So. Dak. and was informed that John Long "Retired". I spoke with Kristy Orourke, who later wrote to me (see letter-copy), she stated that she consulted with officials in Aberdeen, So. Dak. and they basically cant help us. On May 12, 2021 I wrote to the newly appointed Secretary of The Interior Honorable Deb Haaland (Attorney credentials) and sent her the info (A packet) The previous Secretary of The Interior Mr. Bernherdt did not know what to do, Thus sent all documents to Mr. Tim LaPointe in Aberdeen, S D.

It is apparent the 2 female attorneys who were brought in very late in the case are grasping for straws in their feeble legal arguments. We feel that it is a conflict of interest for atty. Ashley Brost to represent the Bank defendants, as she knew and clerked for Honorable Judge Woolman of the 8th Circuit Court of Appeals. It is also very crucial that the 8th Circuit Judges know that it was NOT ONLY CHERYL MONTILEAUX that was suing the Hospital and 4 Doctors in Chicago, ILL. We, (me and minor kids were also suing the m.) The minor kids should have been appointed Guardian ad Litem by the Chicago, ILL Federal Court, (By our atty. Valerie A. Leopold and Federal Judge Harry D. Leinenweber. They did not, or if they did, they did not let us know.) And I, Judge Charles T. Montileaux, was also suing them as well. See copies of "Release", and newspaper clipping from Chicago, Ill. Sun Times. It appears that only Cheryl's portion of the lawsuit was settled. Perhaps that's the reason for Federal Judge Harry D. Leinenweber's dismissal stated that "ALL MATTERS IN CONTROVERSY HAVING BEEN SETTLED THIS CAUSE IS HEREBY DISMISSED WITH PREJUDICE WITH LEAVE TO REINSTATE BY EITHER PARTY BY APRIL 8, 1988". I did not get this document until a year afterwards, I had to fight our atty. Valerie A. Leopold to get it. I also documented that Winner, SD Insurance agent, Sam Meyers, worked close with Church Atty. Robert J. Maule and wrote Insurance documents for crooks, (This was either dismissed and/or rendered moot by Judge Karen Schriers Dismissal Order Feb. 24, 2021. There is the possibility that they committed Insurance Fraud, in addition to the many crimes that they committed against us. (All duly reported to state and federal officials who helped to cover-up the massive "Mafia-like criminal activity").



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Page 4.) of Final Brief to 8th Circuit Court of Appeals.

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It is also very crucial that the 8th Circuit Appeals Judges know that complaints are filed against Chicago, ILL. Federal Judge, Harry D. Leinenweber. The 7th Circuit Appeals Court in Chicago, Ill. have been contacted. He was a part of criminal activity. He allowed, our Chicago atty. Valerie A. Leopold, Jerome Levy and So. Dak. to work together to steal from us. Judge Leinenweber conducted a "Sham hearing", in Chicago, Ill. on Feb. 14, 1991 when my investigation in So. Dak. was getting close to the truth. (We question if this is "Hearing", was on record? WE WERE NOT GIVEN ANY SETTLEMENT DOCUMENTS AND/OR AGREEMENTS. NO SETTLEMENT CHECKS, FORGED AT WINNER, SD BY THE MAFIA LIKE CROOKS... There are many documents that will show criminal collusion by Chicago, ILL crooks AND South Dakota crooks, Federal Judges, state Judges, state and federal officials, all covered-up by "Mafia-like crooks.

The millions found on Aug. 16, 2019 at First National Bank in Sioux Falls, SD are from the following;

- 1.) My portion of Lawsuit proceeds (Only Cheryl MONTILEAUX's portion was settled.
- 2.) 3 minor kids portion of lawsuit proceeds. (Guardian Ad Litem and each child should have had a separate atty to represent them. Levy, Leopold and Associates represented ALL OF US, according to record.
- 3.) Insurance checks.
- 4.) Church Life Insurance (WE, Cheryl and I were both ordained ministers of the Episcopal Church. (The record will show that First National Bank in Sioux Falls, SD AND The Episcopal Diocese of So. Dak. Episcopal, have had a very cozy and lucrative relationship for many years.) 5.)
- 5.) ASSURANCE INSURANCE. (Secretary to Crooked Bishop CRAIG B. Anderson (Virginia Slecha, was registered agent.
- 6.) Car Insurance-Beneficiary-Chapter of Calvary Cathedral, Criminal empire holding company for the Episcopal Diocese of So. Dak. There may be other Insurance policies and/or scams that these "Mafia-like criminal committed against us.

There should have been a criminal investigation conducted by Federal, U.S. Dist. Atty. Ronald A. Parsons of So. Dak. But he chose to NOT INVESTIGATE, WHY? Is this a part of the Criminal Collusion that has been ongoing for the last 33 years? (We feel that Atty. Ronald A. Parsons should be held accountable for NOT INVESTIGATING CRIMES REPORTED TO HIM. The defendants attys. are doing their best to make light of "Mafia-like" Crimes. Truth-There have been murders and much, much criminal activity committed by "Toxic White Privileged" persons that is being covered up by the defendants attorneys.

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page 5.) of Final Brief to 8th Circuit Appeals Court.

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Also of very crucial Importance for the 8th Circuit Judges to know is that one of the Plaintiffs, Miriam Montileaux, is being held much longer in So. Dak. womens prison, then her original sentence. She was held in "The hole" for an unprecedented 2 years. I wrote to Then Governor Dennis Daaugard-He did not care (Another "Toxic white privilege person"?). I also reported to US Dist. for SD Ronald A. Parsons (Aug. 2020) that Miriam Montileaux reported abuse and attempts on her life by SD State prison officials (As we all know by now, US ATTY for SD Ronald A. Parsons did not do a damned thing but helped in the cover-up.). This letter was also dismissed by Judge Karen Schrier on Feb. 24, 2021. (It was part of supporting document, MOTION TO PROTECT MIRIAM MONTILEAUX FROM STATE OF SO. DAK OFFICIALS.). Denny K. was Secretary of corrections under Gov. Dennis Daaugard (and was very close friends with crooked state judge MAX GORS. Moreover, former US atty for Dist. of South Dakota Randy Seilor was a prosecutor or states atty for Hughes County where much criminal activity took place. While were on the subject of Hughes County another supporting document dismissed by Judge Karen Schrier documents that Hughes County Prosecutor ROXANNE HAMMOND and Pierre, SD Detective were to have gone over the findings of Detective Pelle concerning the investigation and findings of his evidence, AND let me know what they decide. Roxanne Hammond did not do her job, rather she resigned as states atty for HUGHES COUNTY. (Mark Vargo former federal prosecutor for So. Dak. now the States atty in Rapid City assisted her in getting a job in Rapid City, under his protection. Mark Vargo knew of Federal Document filed that mentioned his friend ROXANNE HAMMOND and interfered in my federal lawsuit by getting Roxanne Hammond a job in Rapid City Thus as Hughes County states atty. Roxanne Hammond and det. Pelle NEVER DID WRITE UP AND/OR share their findings of his investigation into Cheryl Montileauxs murder. (The police chief of Pierre, SD Jones was very unprofessional and mouthy when contacted about investigation into Cheryl Montileauxs murder.

There is a lot more to this criminal investigation by me. There are names and incidences all documented by me (As stated I am a professional law enforcement Investigator and retired Judge (17 years with Oglala Sioux Court).. It has been our experience as Native American Indians here in So. Dak. that when a non-white person is accused of a crime the FEDERAL AND STATE AUTHORITIES TAKE VERY AGGRESSIVE ACTION even to the point of invading the reservation with helicopters and armed federal agents to arrest Native Indian. But when criminals like the "Mafia-like" criminals are reported there is no investigation (Ron A. Parsons, US ATTY). "Toxic white Privilege" has to be addressed and stopped by 8th court of Appeal

Page 6.) of final brief to Appeals Court.

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 This bears repeating. Judges of 8th court of Appeals please take note. Ashley Brost wrote that this event did not happen on an Indian Reservation (1868 Treaty suit) committed by whitemen. I Beg to differ. It did happen on an INDIAN RESERVATION (todd and tripp counties were both used by Church atty. Robert Maule (See the copies of documents enclosed.) Todd County is on the Rosebud Sioux x RESERVATION. Federal Jurisdiction applies. At an " American Indian Issues In the state of South Dakota; 1979 Civil Rights and present were Atty. Terry Pechota (mentioned in my complaint against Judge Jeffrey L. Viken to 8th Circuit). Tom Tobin States atty. for Tripp County. Judge Marvin Talbott (Who I mention as the ex-FBI agent turned Circuit Judge (Granted crook Atty Robert Maule ILLEGAL papers concerning estate of Cheryl Montileaux.)

Mr Levis question to Mr. Tobin " 1977 Supreme Court ruled that reservation deminished to Todd County "Little Thunder Decision". Mr. Tobin answers " Well as Mr. Pechota states, Todd County is attached to Tripp County for that particular function, BECAUSE TODD COUNTY IS AN INDIAN RESERVATION, THE STATES JURISDICTION IS LIMITED BY COURT DECISIONS AND FEDERAL STATUTES IN TODD COUNTY".

Also in the same vain , Judge Karen Schrier in December 13, 2002 article by Senior staff write Dottie Potter of "Lakota Journal" newspaper. She presided in a court hearing concerning jurisdiction when the Episcopal Diocese of SD file a motion for temp. Rest. Order and permanent Injunction against Oglala Sioux Tribal Court Judge Sidney and tribal member Judge Charles T. Montileaux who filed a lawsuit in August against the EPISCOPAL DIOCESE OF SOUTH DAKOTA.. The "Federal Court ruled in favor of the OST Court, Judge Witt, and MONTILEAUX by stating in part that " the public interest is best served by allowing the OST court the opportunity to decide whether or not it has jurisdiction. Therefore, this court will stay this action pending exhaustion of the jurisdictional issue in the tribal court system". According to OST General Counsel, Mario Gonzalez, that ruling was a victory for the tribal court and MONTILEAUX." In summary, the crooks and church atty. Robert Maule did commit crimes ON AN INDIAN RESERVATION (TODD COUNTY) AGAINST AN INDIAN (ME AND FAMILY) BY STEALING OUR TRUSTS USING BOTH TRIPP AND TODD COUNTY ON COURT DOCUMENTS (SEE ENCLOSED). THUS TREATY AND STATE AND FEDERAL LAWS WERE VIOLATED BY NAMED MAFIA LIKE CRIMINALS.

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PAGE 7) of final Brief to the 8th circuit court of appeals.

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in summation of our brief and prayer of releif we ask for the 8th circuit Judges to;

1.) Overturn and/or send back to district court for full trial of all issues.(We have shown very clearly that crimes did happen on an indian reservation(Todd Co. and Tripp County. Maule used both of the counties in court filings-see enclosed).

2.0 That all of the named defendants be prosecuted for, but not limmited to; Murder, fraud, bank and Insurance fraud etc.

3.) That our trust Funds be returned to us with all interest that accumulated, and all documents that go with this. AND 40 million dollars to be paid to us by th First National Bank in Sioux Falls ,South Dakota.

4.) That the Episcopal Diocese of South Dakota (and Chapter of calvary cathedral and mentioned individuals be ordered to pay us 40 million dollars. And that they be prosecuted for Murder and other crimes mentioned previously.

5.) To determine if Judge Karen Schrier had a conflict of Interest in hearing and dismissing our lawsuit. As she previously heard a case with the same episcopal criminals against us. (2002 Dottie Potter article.

6.) That the Episcopal Bishop, Jonathan, in addition to paying us 40 million dollars, issue an public apology for the serious crimes committed against us by his church and people.

7.) That the Mafia-like criminals would NOT be allowed to get away with such destructive and some would argue racist motivated crimes against us, members of the Oglala Sioux Tribe.

8.) That the 8th circuit court take judicial notice that we plan to write a TRUE CRIME book in the style of noted author. We plan to name names as we documented everything.

9.) That Plaintiff Miriam Montileauxs incarceration and attempts to kill her AND for keeping her "In the hole" for 2 years be fully investigated. (State of South Dakota officials have been named, including letters to then Governor Dennis Daaugard, and denny K. All of this is fully documented and as stated a true crime book will be published. (We are considering several options.

Respectfully submitted,

*Plaintiffs  
Members of Oglala Tribe,  
Protected by 1868 Treaty.  
Judge, Treaty & Spirituality of the Oglala  
M. D. West*



May 25, 2021

Mr. Michael Gans  
Eighth Circuit Court Of Appeals  
Thomas F. Eagleton U.S. Court House  
111 S. 10th Street, Suite 24.329  
St. Louis, MO 63102

RE; MIRIAM MONTILEAUX, et .al vs. The Episcopal Diocese of  
South Dakota, et.al.  
Eighth circuit File No; 21-1570

Dear Mr. Gans,

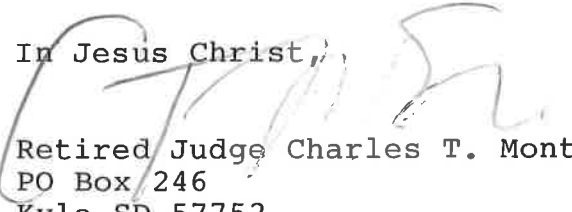
Please find enclosed our "FINAL BRIEF" Concerning named case  
presently in your court..It consists of 7 pages AND a packet of  
supporting documents, that should be made available to the  
defendants lawyers, and the Court for the Judges review. I am send  
ing a copy of thi LETTER to the following attorneys for their  
information.

Kimberly Pehrson, Atty. for EPISCOPAL DIOCESE OF SOUTH DAKOTA,  
CHAPTER OF CALVARY CATHEDRAL, BISHOP JONATHAN FOLTS. AND RANDY REIN  
ARTZ. Mailes to her at; 4200 Beach Drive, Suite 1  
Rapid City, SD 57702.

Atty. Ashlet Brost for FIRST NATIONAL BANK IN SIOUX FALLS, SD,  
TOM BENZ, ALAN MEYERS, BOB BAKER, AND CHRIS EKSTROM.. Mailed to her  
at : DAVENPORT EVANS 206 West 14th STREET, PO BOX 1030, Sioux Falls  
, South Dakota 57101-1030

Than you Sir, and may God Bless you and your loved ones.

In Jesus Christ,

  
Retired Judge Charles T. Montileaux Sr. (BA, MA, M.Div.)+  
PO Box 246  
Kyle, SD 57752

(copies on file).

**FILED**  
MAY 27 2021  
MICHAEL E. GANS  
CLERK OF COURT