

**IN THE CIRCUIT COURT FOR CHARLES COUNTY  
FAMILY DIVISION**

**CHARLES COUNTY CHILD SUPPORT ADMINISTRATION  
REGINA ROBINSON  
Plaintiff,**

**v.**

**MARVIN TUTT  
Defendant.**

**Case No.: C-08-FM-22-000821**

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DEFENDANT'S EMERGENCY MOTION FOR FREE TRANSCRIPTS, AUDIO  
RECORDINGS, AND ALL COURT RECORDS  
WITH EVIDENCE PRESERVATION ORDER AND EXPEDITED PRODUCTION  
(Federal and State Appeal Rights - Constitutional Mandate)

TO THE HONORABLE COURT:

Defendant Marvin D. Tutt moves this Court for an EMERGENCY ORDER directing:

1. IMMEDIATE PRESERVATION of all records in their current state
2. Production of ALL transcripts, audio recordings, and court records within 10 BUSINESS DAYS
3. Everything provided FREE OF CHARGE per federal constitutional rights
4. Certification of authenticity and completeness under penalty of perjury

THIS IS NOT A REQUEST - THIS IS A LEGAL MANDATE

URGENCY OF THIS MOTION:

- Defendant requested transcripts on August 8, 2025 (8 days ago)
- Federal appeal deadlines are running
- State appeal rights have time limits
- Evidence preservation is critical for ongoing investigations

I. FEDERAL LAW MANDATES FREE TRANSCRIPTS FOR APPEALS

A. Federal Statutory Rights:

28 U.S.C. § 753(f) explicitly provides:

"Fees for transcripts furnished in proceedings brought under section 2255 of this title to persons PERMITTED TO SUE OR APPEAL IN FORMA PAUPERIS shall be paid by the United States..."

28 U.S.C. § 1915(a)(1):

"Any court of the United States may authorize the commencement, prosecution or defense of any suit, action or proceeding... WITHOUT PREPAYMENT OF FEES."

Federal Rule of Appellate Procedure 10(b):

"If the appellant intends to urge on appeal that a finding or conclusion is unsupported by the evidence or is contrary to the evidence, the appellant must include in the record a transcript of all evidence relevant to that finding or conclusion."

Federal Rule of Appellate Procedure 24(a):

"A party who was permitted to proceed in forma pauperis in the district-court action... may proceed on appeal in forma pauperis WITHOUT FURTHER AUTHORIZATION."

B. Constitutional Requirements:

Griffin v. Illinois, 351 U.S. 12, 19 (1956):

"There can be no equal justice where the kind of trial a man gets depends on the amount of money he has. Destitute defendants must be afforded as adequate appellate review as defendants who have money."

Mayer v. City of Chicago, 404 U.S. 189, 195 (1971):

"The State's fiscal interest is therefore no justification for denying appellant a record sufficient for his appeal."

## II. MARYLAND LAW ALSO MANDATES FREE TRANSCRIPTS

Maryland Rule 8-411(a):

"On motion, the court shall authorize a person to proceed as an indigent... if the court finds by a preponderance of the evidence that the person is unable by reason of poverty to pay the costs."

Maryland Rule 8-411(c):

"An indigent party is entitled to a FREE TRANSCRIPT for purposes of appeal."

Maryland Courts and Judicial Proceedings Code § 7-103:

Provides for waiver of costs for indigent parties in civil proceedings.

### III. THE EVIDENCE NEEDED TO EXPOSE SYSTEMATIC FRAUD

This Court MUST provide ALL of the following immediately and FREE:

#### A. Complete Transcripts:

- ALL hearings from 2022 to present
- June 13, 2025 hearing (where "job search" was NEVER discussed)
- Any ex parte communications with CSA
- Any proceedings where Magistrate Khoury presided

#### B. Audio Recordings:

- ORIGINAL unedited audio of ALL proceedings
- Any recordings of telephone conferences
- Any recordings of chambers conferences

- Metadata showing any edits or alterations

#### C. Complete Court File:

- ALL orders (including drafts)
- ALL motions (including those "not docketed")
- ALL CSA administrative records used by Court
- ALL communications between Court and CSA
- ALL emails regarding this case
- ALL internal court memos

#### D. Evidence of Fraud:

- Documents showing \$82,000 income imputation with NO evidence
- Records of garnishments from unemployment benefits
- Proof of Court's knowledge that UI benefits require involuntary separation
- Any communications about federal lawsuit retaliation

### IV. WHY THIS IS AN EMERGENCY

#### A. Federal Appeal Pending:

- Notice of Appeal filed August 12, 2025
- Fourth Circuit Case No. 8:25-cv-02006-DKC
- Transcript needed to prove fraud allegations
- Audio needed to expose alterations

#### B. State Appeal Rights:

- Multiple void orders based on fraud
- Regina Robinson's perjury documented in transcripts
- Court's false "10-day limit" claim on record
- Impossible contradiction (voluntary quit + UI benefits) needs documentation

#### C. Criminal Investigation:

- FBI referral filed
- DOJ Civil Rights Division notified
- Evidence preservation critical
- Transcripts will prove perjury and fraud

### V. THE COURT CANNOT CHARGE FOR THESE RECORDS

#### A. Demonstrated Indigency:

- Unemployed for 18+ months
- Income: \$0 (except UI benefits ALL garnished)
- Cannot afford basic necessities
- Qualified for public defender in criminal case
- Already granted IFP status in federal court

#### B. No Discretion to Deny:

- Constitutional right to meaningful appeal
- Federal law mandates free transcripts
- Maryland law requires free records for indigent
- Denial would violate Equal Protection

#### C. The Fraud Exception:

When a court perpetrates fraud, it CANNOT hide behind fees:

- Fraud upon the court requires disclosure
- Public has right to evidence of judicial corruption
- Cover-up through fees constitutes obstruction of justice

### VI. SPECIFIC EVIDENCE OF TRANSCRIPT NECESSITY

The transcripts will prove:

1. Regina Robinson committed perjury about income/custody
2. Court falsely claimed "10-day limit" for fraud reporting
3. "Job search" requirement NEVER discussed at June 13 hearing
4. Magistrate Khoury's conflicts of interest statements
5. Mathematical fraud discussions (\$0  $\neq$  \$82,000)
6. Court's admission of garnishing UI benefits
7. Court's claim of "voluntary quit" for imputation

### VII. THE COURT'S LEGAL OBLIGATION

Burns v. Ohio, 360 U.S. 252, 257 (1959):

"Once the State chooses to establish appellate review in criminal cases, it may not foreclose indigents from access to any phase of that procedure because of their poverty."

This principle applies equally to civil cases involving fundamental rights like parent-child relationships and property deprivation exceeding \$27,000.

## VIII. EVIDENCE PRESERVATION ORDER REQUIRED

### A. Immediate Litigation Hold:

Under Federal Rules of Civil Procedure Rule 37(e) and Maryland law, this motion triggers IMMEDIATE duty to preserve ALL evidence. Any alterations after this filing = SPOLIATION.

### B. Criminal Liability for Tampering:

18 U.S.C. § 1519 - Destruction, alteration, or falsification of records:

"Whoever knowingly alters, destroys, mutilates, conceals, covers up, falsifies... any record, document... with the intent to impede, obstruct, or influence the investigation... shall be fined... or imprisoned not more than 20 years"

### C. Standard Production Timeline Under Maryland Law:

- Maryland Rule 8-415(e): Court reporter shall prepare transcript "as soon as practicable"
- Federal Rule of Appellate Procedure 11(b): Transcript must be completed within 30 days



- For expedited appeals: 10-day production is standard
- Emergency matters: 72-hour production is available
- Charles County specifically has expedited transcript procedures

#### D. Forensic Authentication Required:

1. Original audio files with metadata
2. Chain of custody documentation
3. Certification under penalty of perjury
4. ANY discrepancies between audio and transcript = FEDERAL CRIME

### IX. EXPEDITED PRODUCTION REQUIRED - 10 BUSINESS DAYS

#### A. Legal Authority for Expedited Production:

- Maryland Rule 8-415(e): "As soon as practicable" for appeals
- Federal Rule of Appellate Procedure 11(b)(1)(B): Expedited production available
- Charles County Local Rules: Emergency transcript procedures exist
- Constitutional right to meaningful appeal requires timely access

#### B. Why 10 Business Days Is Appropriate:

- Standard expedited timeline in Maryland courts
- Federal appeal brief due within 30 days of notice
- State appeal deadlines running concurrently
- Criminal investigation requires prompt evidence preservation

- Charles County has demonstrated capacity for expedited production

#### C. Court's Existing Resources:

- Digital audio recording system in all courtrooms
- Court reporters regularly meet expedited deadlines
- Electronic filing allows immediate document production
- No technological barrier to prompt compliance

#### X. WARNING TO THE COURT

Denial or delay of this motion constitutes:

1. Obstruction of justice (18 U.S.C. § 1503)
2. Denial of civil rights under color of law (18 U.S.C. § 242)
3. Violation of constitutional appeal rights
4. Interference with federal proceedings

The federal authorities have been notified. Time is of the essence for appeal deadlines.

#### XI. IMMEDIATE RELIEF REQUIRED

WHEREFORE, Defendant demands this Court:

1. ORDER IMMEDIATE PRESERVATION of all records as they exist at this moment (NO ALTERATIONS);

2. ORDER production within 10 BUSINESS DAYS of:

- a. ALL transcripts from 2022-present FREE OF CHARGE
- b. ALL audio recordings (ORIGINAL FILES) FREE OF CHARGE
- c. Complete case file including ALL documents FREE OF CHARGE
- d. Metadata for all digital files showing creation/modification dates

3. REQUIRE forensic certification:

- a. Audio matches transcript EXACTLY
- b. Complete and unaltered record
- c. Chain of custody for all recordings
- d. Penalty of perjury attestation

4. IMPOSE sanctions for unreasonable delay per Maryland Rule 8-415;

5. REFER for criminal prosecution anyone who altered records;

6. CERTIFY the records as complete and unaltered;

7. PROVIDE certification that NO documents have been removed;

8. WAIVE all fees, costs, and charges permanently;
9. ORDER court reporter to preserve ALL notes and drafts;
10. Grant such other relief as justice requires.

THE LAW IS CLEAR - THE COURT HAS NO CHOICE

Failure to grant this motion immediately will be reported to:

- Fourth Circuit Court of Appeals
- FBI Baltimore Field Office
- DOJ Civil Rights Division
- Maryland Attorney General
- Office of Inspector General
- Congressional Oversight Committee

This is not about money - this is about exposing systematic fraud that has stolen over \$27,000 through mathematical impossibilities and protecting perjurers.

THE TRUTH WILL BE REVEALED

Respectfully submitted,

/s/ Marvin D. Tutt

Marvin D. Tutt

Defendant

Email: marvindtutt@gmail.com

Date: August 16, 2025

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#### CERTIFICATE OF SERVICE

I hereby certify that on August 16, 2025, this motion will be:

1. Hand-delivered to Charles County Circuit Court Clerk;
2. Served on all parties via certified mail;
3. Copied to:
  - Chief Judge of Charles County Circuit Court
  - Maryland Court of Appeals
  - Administrative Office of the Courts
  - Court Reporter/Transcription Services

/s/ Marvin D. Tutt

Marvin D. Tutt

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## VERIFICATION

I, Marvin D. Tutt, swear under penalty of perjury that:

1. I am indigent with \$0 income (except garnished UI benefits);
2. I have a federal appeal pending in the Fourth Circuit;
3. I intend to appeal in Maryland state courts;
4. The transcripts will prove fraud, perjury, and criminal conduct;
5. I have been denied due process through fraudulent proceedings;
6. Immediate preservation and expedited production are necessary.
7. I requested transcripts on August 8, 2025;

/s/ Marvin D. Tutt

Date: August 19, 2025

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## NOTICE TO COURT REPORTER AND TRANSCRIPTION SERVICES

This motion constitutes LEGAL NOTICE to preserve ALL:

- Audio recordings (original and backup)

- Stenographic notes
- Draft transcripts
- Email communications about this case
- Any work product related to Case No. C-08-FM-22-000821

Preservation of evidence is required under federal law.