

**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

**DEFENDANT'S MOTION FOR CLARIFICATION OF ULTRA VIRES REQUIREMENTS
AND DEMAND FOR LEGAL AUTHORITY**

TO THE HONORABLE COURT:

Defendant Marvin D. Tutt respectfully moves this Court to clarify the legal basis, specific standards, and statutory authority for the "proof of job search activities" requirement imposed in the June 17, 2025 order, which was never discussed at the June 13, 2025 hearing.

I. INTRODUCTION

The June 17 order requires Defendant to provide "proof of job search activities and/or proof of employment by the next court date." This requirement:

- Was NOT discussed at the June 13 hearing
- Has NO basis in Maryland child support guidelines
- Creates undefined compliance standards

- Appears designed to manufacture violations

Defendant has the right to know the specific legal authority and objective standards for any court-imposed requirement.

II. SPECIFIC CLARIFICATIONS DEMANDED

A. Legal Authority

1. Cite the specific Maryland statute requiring job search proof in child support proceedings.
2. Provide case law where Maryland appellate courts have upheld job search requirements in support cases.
3. Identify the section of Maryland Child Support Guidelines authorizing this requirement.
4. Explain the statutory basis for adding requirements not addressed in FL § 12-204.
5. If no such authority exists, explain the legal basis for this ultra vires requirement.

B. Specific Compliance Standards

1. How many job applications constitute adequate compliance?
 - Is it 3 per week (UI standard)?
 - Is it 10 per week?
 - Is it unlimited?

2. What fields are acceptable for job applications?

- Must they be in my previous field (software engineering)?
- Can they be entry-level positions?
- What if they conflict with degree completion requirements?

3. Geographic limitations:

- Must jobs be within Charles County?
- Within Maryland?
- Can remote positions count?

4. Wage requirements:

- Must I accept any wage offered?
- Can I decline jobs paying less than UI benefits?
- What is the minimum acceptable wage?

5. Define "adequate" job search:

- What specific documentation is required?
- What format must it be in?
- How will adequacy be determined?

C. Relationship to Child Support Calculation

1. How does job searching affect the current support obligation of \$162/month?

2. Since support is based on actual income, not effort, explain the relevance of job search to support calculation.

3. If I comply fully but remain unemployed, will support increase?

4. If I don't comply but find employment, will support decrease?

5. Explain the mathematical relationship between job search efforts and child support obligations.

D. Double Jeopardy and Conflicting Requirements

1. Maryland Department of Labor already requires job search documentation for UI benefits. How does this requirement differ?

2. Can I be punished twice for the same conduct (inadequate job search)?

3. If UI requirements conflict with Court requirements, which takes precedence?

4. Is the Court aware I already must document job searches weekly for UI?

5. Will compliance with UI requirements automatically satisfy Court requirements?

E. Origin and Authority for This Requirement

1. At what point in the June 13 hearing was job search discussed? (Provide transcript citation)

2. Who added this requirement to the written order after the hearing?
3. What changed between the hearing and written order to justify this addition?
4. Was this requirement added sua sponte by the Magistrate?
5. If so, what prompted this addition without motion or request from any party?

F. Discriminatory Application

1. Is Plaintiff Regina Robinson required to provide job search proof?
 - She is also voluntarily unemployed
 - She quit her job at PNC Bank
 - She cannot explain her educational program
2. Why are different standards applied to parties in identical situations?
3. Provide all other Charles County cases where job search proof was required in child support proceedings.
4. What distinguishes Defendant's case requiring special requirements?
5. Is this requirement related to Defendant's federal lawsuit against CSA and Magistrate Khoury?

G. Potential Conflicts of Interest

1. Given Magistrate Khoury's former position as DSS attorney, did she use insider knowledge to create this requirement?
2. Has any information been shared between CSA, DSS, and Department of Labor regarding Defendant's benefits?
3. Is this requirement designed to manufacture evidence for benefits fraud prosecution?
4. Has CSA communicated with unemployment insurance division about Defendant?
5. Will job search information be shared with other agencies?

H. Validity of Underlying Order

1. What is the mathematical calculation showing how \$0 actual income equals \$82,000 imputed income?
2. What Maryland statute authorizes imputing income at infinite percentage above actual earnings?
3. When fraud was reported on June 13, 2025 transcript, what investigation was conducted?
4. Why wasn't Plaintiff Regina Robinson given notice to respond to fraud allegations made at the hearing?

5. What rule or statute limits fraud reporting to any time period?
6. Does Maryland recognize that fraud vitiates all proceedings it touches? See *Billingsley v. Lawson*, 43 Md. App. 713 (1979).
7. How can this Court enforce an order that directly conflicts with criminal court mandate requiring degree completion?
8. What is the legal basis for garnishing wages from someone with zero income?
9. Under Maryland Rule 2-535(b), can fraud upon the court be challenged at any time?
10. Why were fraud allegations against Plaintiff not investigated per Maryland Rule 1-341?

III. CONSEQUENCES OF NON-COMPLIANCE

The Order states no specific consequences. Defendant is entitled to know:

1. What happens if job search is deemed "inadequate"?
 - Contempt proceedings?
 - Increased support obligation?
 - License suspension?
 - Incarceration?
2. Who determines adequacy and by what standards?

3. Can inadequacy result in imputation of \$82,000 income again?

4. Is there an appeal process for adequacy determinations?

5. What defenses are available if compliance is impossible?

IV. DEMAND FOR WRITTEN RESPONSE

Defendant demands written responses to all questions above BEFORE September 18, 2025, to:

1. Prepare adequate defense
2. Attempt compliance if lawful
3. Challenge if ultra vires
4. Avoid manufactured violations

V. LEGAL ARGUMENT

A. Due Process Violation

The Fifth and Fourteenth Amendments require clear notice of prohibited conduct and potential consequences. *Connally v. General Construction Co.*, 269 U.S. 385, 391 (1926) ("a statute which either forbids or requires the doing of an act in terms so vague that men of common intelligence must necessarily guess at its meaning... violates the first essential of due process").

B. Ultra Vires Action

"Administrative agencies have no inherent or common law powers and may exercise only those powers granted by statute." Harvey v. Marshall, 389 Md. 243, 256 (2005). Without statutory authority, this requirement is void.

C. Arbitrary and Capricious

Requirements must have rational basis related to legitimate government interest. Job searching has no relationship to current support obligations based on actual income.

VI. INVITATION TO PROCEED WITH PROPER LEGAL PROCEDURE

Defendant hereby INVITES the State to prosecute any alleged violations through PROPER legal channels:

1. WITH a qualified, unbiased magistrate (not a federal defendant)
2. WITH specific charges and clear notice of alleged violations
3. WITH statutory authority for any requirements imposed
4. WITH discovery rights to obtain exculpatory evidence
5. WITH due process including right to confront witnesses
6. WITH equal application of law to all parties

I am NOT avoiding accountability. I am DEMANDING proper legal procedure. If the State believes I have violated any law:

- FILE proper charges
- PROVIDE proper notice
- ASSIGN proper judge

- FOLLOW proper procedure
- PROVE allegations properly

What I will NOT do:

- Appear before my own federal defendant
- Comply with ultra vires requirements
- Participate in void proceedings
- Waive constitutional rights
- Legitimize retaliation

It is also to be noted, proof of employment or job search activity conveniently does NOT address Regina Robinson's false income reporting or custodial fraud.

This invitation demonstrates good faith and willingness to resolve matters through legitimate legal channels. Refusing proper procedure while insisting on void proceedings proves retaliatory intent.

VII. RELIEF REQUESTED

WHEREFORE, Defendant respectfully requests this Court:

1. PROVIDE written clarification answering all questions above;
2. STAY the September 18 hearing until clarification provided;
3. STRIKE the job search requirement if no legal authority exists;

4. APPLY same requirements to all parties to avoid discrimination;
5. DISCLOSE any inter-agency communications regarding Defendant;
6. ACCEPT Defendant's invitation to proceed properly or dismiss;
7. Grant such other relief as justice requires.

RULING REQUESTED BEFORE SEPTEMBER 18, 2025

Respectfully submitted,

/s/ Marvin D. Tutt

Marvin D. Tutt

Defendant

Email: marvindtutt@gmail.com

Date: August 15, 2025

CERTIFICATE OF SERVICE

I hereby certify that on Aug 19, 2025, I served a true and correct copy of this Motion in-person
to:

Charles County Circuit Court

Address: 200 Charles St, La Plata, MD 20646

Marvin D. Tutt

VERIFICATION

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

1. Job search was never discussed at the June 13 hearing
2. This requirement appeared only in written order
3. I am already subject to UI job search requirements
4. No legal basis has been provided for this requirement
5. All factual statements herein are true and correct

/s/ Marvin D. Tutt

Date: August 195, 2025