

# The Adrian Empire

Defendant	<b>Sir Trakx Greenwood (York)</b>
Charges brought by	Kingdom of York
Original charges filed	April 30, 2002
Court of Chivalry held	June 1, 2002
Appeal received	June 10, 2002
Appeal decision	September 27, 2002
Magistrate	HRM Elric Meladius (York)
Prosecutor	Unknown
Defense Advocate	Unknown
Judges	Unknown
Charge: Conduct Unbecoming	Disrespect to the Crown, violation of the Core Values of Loyalty and Respect: <b>GUILTY</b>
Charge: Conduct Unbecoming	Lying, violation of the Core Value of Integrity: <b>GUILTY</b>
Recommended sentence	Six months banishment from Adria Followed by six months revocation of knightly rank
Imperial Crown appeal	Reviewed written evidence, as well as videotape of the judicial proceedings
Final verdict	Conduct Unbecoming (Disrespect to the Crown, violation of the Core Values of Loyalty and Respect): <b>AFFIRMED IN PART</b> Conduct Unbecoming (Lying, violation of the Core Value of Integrity): <b>REVERSED IN PART</b>
Final sentence	Public Apology (delivered in open court 6/1/02) Banishment from the presence of His Royal Majesty of York for six months (6/2/02-12/2/02, credit for portion served)
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## ORIGINAL CHARGES

Sir Trakx Greenwood,

It is my duty as the Crown of York to inform you that charges are officially being filed against you for Conduct Unbecoming a Knight. This charge arises out of the incidents surrounding your actions beginning March 28, 2002 whereby you failed to address the Crown by proper title after being told to do so and a recent email on April 26, 2002, whereby you blatantly lied to several members of the Chivalry, including the Crown, regarding the events of the pending trial of your squire.

Under Article XI: Judicial Courts, Section B. Courts of Justice, Item 2. Calling a Court of Justice, Subsection a., of the Bylaws of the Adrian Empire, the Crown is calling for a Court of Justice.

Under Article XI: Judicial Courts, Section B. Courts of Justice, Item 7. Royal Court, the Crown calls for a Royal Court.

It is further the duty of this office to inform you of all your rights as follows:

1. Under Article XI: Judicial Courts, Section B. Courts of Justice, "The Chancellery shall have the obligation to fairly and impartially assist either, or both, parties in preparing their case". Please inform this office of whether or not either of you will be requesting assistance under this section.
2. Under Article XI: Judicial Courts, Section B. Courts of Justice, Item 4. Judicial Ban, the Crown has deemed that the facts presented DO NOT warrant Judicial Ban. Therefore, during the period until judgment, you shall retain all your rights that could otherwise be stripped under this section.
3. Under Article XI: Judicial Courts, Section B. Courts of Justice, Item 9. Courts of Chivalry, Knights can request a Court of Chivalry. A Court of Chivalry allows the accused Knight to designate one Knight to act as advocate, the complainant shall designate one Knight to act as advocate, and then both advocates will select a third Knight to act as Arbiter. You are officially notified of this right, pursuant to the Bylaws. Please notify this office of your intent in this regard with your submission of trial dates so that appropriate arrangements may be made.

The Court is to be held not less than 30 days from the date of this notice, therefore the trial must take place on or beyond Friday, May 31, 2002. **Please contact this office within ten days with a list of requested dates** so a date of trial can be set which will be convenient to all parties involved. Should you fail to provide a list of requested dates within the time specified, it will be presumed that you are waiving this right and a trial date will be selected for you. Should you then fail to attend, you will be tried in absentia.

The witnesses in this case will be the Myself, Dame Etaine, Dame Ana, Sir Thorvald, and Lord Wright.

As always, charges could be dispensed with should you opt to accept a plea. If this is the case, then an offer of one-year banishment, with an adjudication of guilt, is on the table.

In Service,  
King Elric Meladius

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## COURT FINDINGS

On the mundane date of April 30, 2002, Sir Trakx Greenwood was informed that he was being charged with CONDUCT UNBECOMING A KNIGHT on two counts.

First charge, in several emails to HRM starting on March 28, 2002 and continuing to April 30 Sir Trakx refused to address HRM by proper title even after being instructed to do so.

Second charge, Sir Trakx blatantly lied to several members of the Chivalry, including the Crown, regarding the events of the pending trial of his Squire.

Sir Trakx requested a Court of Chivalry and HRM agreed. This trial was held on June 1, 2002.

Upon commencement of the trial for the first charge HRM presented all emails, including the one where he instructs Sir Trakx to use his proper title. For the second charge HRM presented Sir Trakx email statements that he or his Squire was never approached until charges were pressed in a separate trial against his Squire. Further for the

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second charge HRM called 4 witnesses. All witnesses stated that HRM spoke with them about approaching Sir Trakx or Squire Wot. One witness swore that she said nothing to them. The Second witness swore that he spoke to Squire Wot. The third witness swore they informed there entire March at a march meeting in which both Squire Wot and Sir Trakx were at attendance. The Final witness swore that he told Sir Trakx and Sir Trakx's response was if HRM has evidence he should use it.

Sir Trakx admitted that for the first charge he sent emails to HRM without proper title even after instructed. He further stated that even though instructed by HRM he did not comply based on prior emails over the years with various members of the populace where he did not use titles. For the second charge Sir Trakx stated that the first witness did not speak to him. He dismissed the second witnesses statements as gossip and heresy. The third witness informed the whole March but did not name him or his Squire for the part of the meeting that they attended. The fourth witness although at an official March meeting, was not in garb and therefore did not speak to him in an official capacity.

After deliberating the Knights unanimous found Sir Trakx GUILTY of Conduct Unbecoming a Knight on both counts. As for a punishment for a third level knight acting in such a fashion they recommend 6 months Banishment from Adria followed by and additional 6 months temporary revocation of Knightly Rank. After the full year period Sir Trakx's rank as Knight should be returned to him. HRM agreed and let the sentence stand.

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## APPEAL

Unto Their Imperial Majesties of Adria and His Excellency, Imperial Chancellor, Greetings!

I forward to you two emails serving as the publishing of findings of the recent Courts of Chivalry here in York. Two Courts were held for the crimes alleged against Squire Wot, my squire, and myself for the crimes outlined in the attached findings. Having received these notices today and having read them, I wish to appeal both cases to the Imperium for further evaluation and treatment, possibly re-trials if so found fit.

## MY CLAIMS

In this trial two crimes were alleged, one of failure to properly address HRM as such in an email after being asked and the second charge of lying to my peers on facts relating to the trial of Squire Wot. On the first trial I believe the case to be more of a misunderstanding and acknowledge such during the trial and apologized for such, there is a lot of previous history and other exceptions surrounding this incident that I believe are important that were over looked by the judges. On the second charge of lying to my peers on facts about the trial. First, none of this conversation was official conversation. Second, as indicated in the findings attached, there is a lot of controversy on who said what to who and in what capacity. I argue the strengths of the merit of the alleged crimes and do not believe banishment for 6 months and then loss of titles, belt and spurs for another 6 months is hardly fitting of this crimes, if in fact they even are crimes.

This appeal for justice I send up to you for humbly consideration. Please let me know what can and will be done on this matter. I sincerely apologize for having to bring such matters before your Majesties and eagerly await a response.

Yours in Service to a (slightly bruised) Dream,  
Sir Trakx Greenwood, Knight Champion and Premier

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## FINDINGS OF THE APPEAL

SIR TRAKX, appellant, v. KINGDOM OF YORK

September 27, 2002

Appeal of Court of Chivalry Finding Conduct Unbecoming of a Knight (two counts) and Sentence

**AFFIRMED, IN PART** (Disrespect to the Crown, violation of the Core Values of Loyalty and Respect)

**REVERSED, IN PART** (Lying, violation of the Core Value of Integrity)

**SENTENCE AMENDED:** Public Apology (delivered in open court 6/1/02), Banishment from the presence of His Royal Majesty of York for six months (6/2/02-12/2/02, credit for portion served).

**Trial:** June 1, 2002

**Appeal** filed: June 10, 2002

**NOTE:** The videotape of the trial of Sir Trakx began with the trial in progress a few minutes.

## LAW

**Imperial Bylaws Article XI. B.2. e.** define Conduct Unbecoming a Knight as ". . . willful violation of Article I.B. Core Values." These are Integrity, Fairness, Loyalty, and Respect. As matters of law, lying (to deliberately make untrue statements to deceive) willfully violates Integrity, and deliberately disobeying a Sovereign's lawful command willfully violates Loyalty and Respect.

**Imperial Estates Writ 12** establishes the procedure whereby allegations are found legitimate and warrant trial (it is established that Crowns have the authority of their officers).

**Codex Adjudicata III. Courts of Justice, A. Royal Court and C. Courts of Chivalry** establish that a person complaining about the conduct of another member (previously applied to nonmembers as well) may request the Crown convene a Royal Court and that Knights and "commoners" may be judged by three Knights. Such a court was convened. Similarly, the procedures for Calling the Court and conducting the trial are laid out in III.C. and E. Limitations appear regarding Mundane Law (III. D.) and time to file (III.F.) (which permit time to investigate and seek alternatives to litigation as long as the complaint is brought to official notice within the Statute).

**The recent case, Imperial Crown v. Dame Allora**, has raised the issue of establishing injury to prove a case and affect sentencing. Likewise previous convictions should be considered in sentencing.

## DISCUSSION

### COUNT ONE

These facts are not in dispute. During a series of e-mails between His Royal Majesty and Sir Trakx, Sir Trakx's salutation to His Royal Majesty was to Sir Elric. While His Royal Majesty concedes that sometimes e-mails are informal, since e-mail is official correspondence in Adria, Sir Trakx should thereafter refer to Him by His title. In a subsequent e-mail, Sir Trakx responded to His Royal Majesty without any salutation at all. His Royal Majesty responded with a direct command that Sir Trakx address Him by His proper title. Again, Sir Trakx responded with no salutation at all; and, His Royal Majesty notified him that charges would be filed against him of Conduct Unbecoming a Knight for these acts of disrespect.

We are aware of no apology or explanation by Sir Trakx until the June 1, Court.

### COUNT TWO

These facts are clearly in dispute, not necessarily as to what occurred but how it should be characterized. His Royal Majesty suspected that Sir Trakx's squire, Squire Wot, was involved in the satirical e-mail sent to kingdomofyork@yahoo.com, which purported to be from King Elric/howard@shoelson.net. Both Sir Trakx and Squire Wot have repeatedly denied involvement. While investigating the origin of the e-mail, His Royal Majesty made several public statements and several private ones intended to reach Sir Trakx and Squire Wot, that if the responsible person(s) came forward and apologized, that would end the matter. In November/December (?)

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conversations with their Marquessa, Dame Etaine, their Countess, Dame Ana, Sir Thorvald and the Chancellor, Lord Wright, His Royal Majesty intended they speak to either Sir Trakx, Squire Wot, or both. There was some confusion.

According to the witnesses: Dame Etaine mentioned the issue at a March Meeting in December/January (?) and subsequently asked Squire Wot about it--he denied being involved, but she did not discuss it with Sir Trakx; Lord Wright discussed the issue with Sir Trakx, after the March meeting without formality in mundane dress; in written statements (as they were unavailable for the trial both Dame Ana and Sir Thorvald stated that they had been approached by His Royal Majesty, she did not speak to either Sir Trakx or Squire Wot, he spoke only to Squire Wot. Dame Etaine did not "officially" notify Sir Trakx of anything only discussed the incident and what His Royal Majesty wanted to do about it. Lord Wright told Sir Trakx that His Royal Majesty suspected Squire Wot, had "some evidence," and expected an apology. Lord Wright recounted that Sir Trakx said if the King had evidence He should use it.

On April 26, Sir Trakx responded to an e-mail notice of a trial date to Sir Wright. In which he said "No one has ever approached either my squire or me directly concerning this issue till charges were pressed." On April 29, His Royal Majesty e-mailed Sir Trakx. He stated that Sir Trakx's comment was "an OUTRIGHT LIE!" He went on to say that "your squire was approached several times regarding this incident and so have you, by heads of your March." In a previous e-mail He notified Sir Trakx that "Marquessa Etaine informed the entire Knights council that you were apprised of the situation against your squire although you opted not to take any action. I inquired of this and your response was: 'As far as why didn't I take any action? There was no reason to. I do not react to rumors or possibilities. A charge has now been filed, and I will defend my squires innocence as is my duty.'" His Royal Majesty went on to state that he was in fact approached directly.

Nowhere, in the sea of written and oral testimony did anyone review the timeline, the Writ 12 sequence of notice, why no written requests were made for mediation, or why His Royal Majesty or the Chancellor didn't make a straightforward demand in writing/e-mail to Sir Trakx or Squire Wot. In short, His Royal Majesty characterizes his verbal instructions to His Chancellor, Sir Trakx's and Squire Wot's Marquessa and Countess, and to Sir Thorvald, to speak to Sir Trakx and Squire Wot about the e-mail, his suspicions, "some evidence," and wanting an apology, as "approached directly." Sir Trakx characterized it as rumor or possibility until he was notified by his King. If both had used the term "official notice" there would be no issue. We have difficulty seeing anything as "direct" in this case. Once formally charged, everyone prepared for trial. Sir Trakx did raise legitimate questions of notice and the statute of limitations, but this was answered and trial proceeded. His Royal Majesty's own witnesses confirm the confusion. Why does His Royal Majesty insist that Sir Trakx's disagreement is lying? Advocates are generally given some leeway in defending the accused.

While we do not expect "non-lawyers" to use our terms of art, we recognize that those acting as Squire Wot's advocate in this matter were raising the legal issue of official notice. The right of an advocate to question a legal issue must be recognized. The facts indicate that the Crown's case was in no way impaired. While it must be recognized that the Crown has the authority to interpret and apply law, this is not diminished by the right of the advocate to question it. What the advocate may not do is defy that decision (of course it may be appealed).

We may also take note of the ongoing conflict between His Royal Majesty and Sir Trakx. Last year Sir Trakx made a comment during a Royal Court which he was subsequently convicted for making and ordered to apologize. He did, but insisted he offered to apologize well before that trial and that it was unnecessary. His Royal Majesty had no record of Sir Trakx' Arms being properly registered and ordered Sir Trakx to strike them. Sir Trakx refused to strike his Arms claiming they had been approved. His Royal Majesty threatened charges for that. Subsequently, it was confirmed that Sir Trakx's Arms were approved and His Royal Majesty's threat of charges were withdrawn. The e-mails between them demonstrate an adversarial relationship. In testimony, Sir Trakx stated that "regrettably His Royal Majesty and I don't communicate." The trial of Sir Trakx's squire and the charge of lying rising out of his serving as his squire's advocate. This conflict does not diminish the seriousness of the charges nor the admitted failure of Sir Trakx to obey his Crown, but may be considered in assessing sentence.

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## CONCLUSION

### **COUNT ONE : Conduct Unbecoming (deliberately disobeying Crown order to use proper title in e-mails to His Royal Majesty)**

The e-mail sequence was offered as proof. His Royal Majesty did not speculate on motive or intent.

Sir Trakx freely admitted his failure to properly address His Royal Majesty, and added his apology for having offended Him (several times in open court).

He offered as mitigating circumstances, that he uses e-mail sometimes 50 times a day and replies are usually informal. Sir Trakx recounted his public displays of respect to his King. He characterized his original e-mail to "Sir Elric" as respectful from a knight and the rest as responses. He implied that no thought was given to proper address.

We are aware of their conflict and also note the small number of people included in the e-mail communication and distinguish it from a more public show of disrespect. But, We must consider his prior conviction.

There is no indication what part of the sentence resulted from which count.

### **COUNT TWO: Conduct Unbecoming (lying about notification in Squire Wot's case)**

The arguments and testimony are summarized above. His Royal Majesty did not speculate on motive or intent.

Sir Trakx used His Royal Majesty's own witnesses to effectively rebut the "directness" of the communications.

Yet the Judges unanimously agreed that Sir Trakx has lied.

The standard of evidence in Adrian Trials is not "beyond reasonable doubt." We have established that the standard is a preponderance of evidence. That is, to be greater in influence or weight; to be more likely than not (Webster's New World Dictionary). If true, the Knight's honor, the Order, and the Empire are harmed. But, His Royal Majesty and the case against Squire Wot were unaffected by these procedural mistakes, therefore no actual injury can be found.

As to whether a crime was committed, only if the weight of evidence indicates that Sir Trakx was lying, then the necessary elements are present

Again, the case brings to light weaknesses in Adrian Justice. Judges may not understand "evidence" and "standard of evidence," and while we don't require great formality, we must require proof that on balance leads to a conclusion of guilt. This is not satisfied here, the evidence provided indicates the opposite finding.

There is no indication what part of the sentence resulted from which count.

Maedb, Empress

Karl, Kaiser

assisted by Sir William Baine, Chancellor, Adria