

**STATE OF MICHIGAN
IN THE 2B DISTRICT COURT FOR COUNTY OF HILLSDALE**

PEOPLE OF THE STATE OF MICHIGAN,
Plaintiff,

vs

1. STEPHANIE SCOTT
2. STEFANIE LAMBERT

Defendants.

Hon. Megan Stiverson
24-0498-FY
24-0497-FY

Richard L. Cunningham (P29735)
Assistant Attorney General
Attorneys for Plaintiff
3030 W Grand Blvd, Suite 10-354
Detroit, MI 48202
(517) 881-4509
Cunninghamr3@michigan.gov

Stefanie Lambert Junttila (P71303)
Attorney for Defendant Scott &
Defendant Lambert
500 Renaissance Drive, 26th Floor
Detroit, MI 48243
(313) 410-6872
AttorneyLambert@protonmail.com

Ms. Scott's and Ms. Lambert's Sur-Rebuttal

Introduction

This Court conducted the most thorough preliminary hearing in the history of the State of Michigan from December 2024 through August 2025. The state had ample opportunity (9 months) to clarify and present probable cause that a crime was committed, yet it failed to do so. Moreover, Ms. Scott and Ms. Lambert's Closing Argument contained 11 relevant statutes and 50+ cases, which the state declined to address in People's Rebuttal Closing Argument.

Here in People's Rebuttal Closing, the state recognizes it has no case, and raises new, fictitious, argument as well as a statute not raised until now. For these reasons, Ms. Scott and Ms. Lambert seek leave from this Court to file a brief Sur-Rebuttal.

There simply was *no evidence* of probable cause that a crime was committed presented at preliminary hearing. Yet the state is still seeking to continue to harass and disrupt the lives of Ms. Scott and Ms. Lambert and begs this Court to bind them over Circuit Court. Of course, a bind over will force them to expend additional time and money to resolve this case, all while suffering the collateral consequences of pending charges.

Jurisdiction and Venue

The state is required to establish jurisdiction and venue for each of the charged offenses. It failed to do so. The testimony did establish that Mr. Cotton lives out of state. There was no testimony as Ms. Scott or Ms. Lambert's physical location when data (data that was "public" under MCL 168.516, never illegal nor "confidential") was provided on November 1, 2021, to Mr. Cotton. The burden was not met by the state that Ms. Scott or Ms. Lambert were in Hillsdale, Michigan or even the state of Michigan. In fact, there was no testimony that Ms. Lambert ever set foot in Hillsdale County. Jurisdiction and venue were not established for any of the charged offenses.

MCL 168.515

The state argues that MCL 168.515 does not give Ms. Scott a "blank check" to verify inaccurate registration. The legislature intentionally drafted and passed MCL 168.515 with broad language to accomplish the purpose of the statute. The legislature said Ms. Scott can march house-to-house or use "any other means" that seems "expedient."

The Michigan Legislature enacted MCL 168.515 in 1954, and has never passed an amendment. If the state does not like the language of 515, it can certainly seek a legislative amendment. The language is broad because the duty to maintain accurate registration is serious and vital to accurate elections that reflect the will of the people.

MCL 168.29

The state now references an inapplicable statute commonly used for poll workers and support workers during an election. MCL 168.29 is triggered upon receiving an “application” and an “appointment” of an assistant by a clerk. The evidence at the preliminary hearing showed that Ms. Scott needed a lawyer due to an ongoing OAG audit, and she was simultaneously asked to produce data by one state office, delete data by another state office, and her counsel informed her that he was not qualified to answer these specialized questions. Ms. Scott was in a position to either violate federal law or be accused of failing to follow Brater’s unlawful instructions (that he thinks he can change week to week without promulgation) and be accused of a state crime.

The evidence at the preliminary hearing was void of any “application” submitted to Adams Township for a role as an “assistant” under the Clerk. Section 2 states these “assistants” “shall perform duties assigned to them by the clerk.” No attorney has taken an oath of the clerk’s office to give legal advice to a clerk. That is just absurd. The evidence from preliminary hearing demonstrated that Ms. Lambert was an attorney for Ms. Scott. She sought expert opinion for her client, to defend her

client receiving unlawful demands from Brater. At no point did the evidence show Ms. Lambert, nor Ms. Scott's prior counsel applied to be "assistants" to Clerk Scott.

Supremacy Clause

The state has refused to address law pertaining to the Supremacy Clause (U.S. CONST. art. VI, cl. 2.), and states that the U.S. Constitution can only be addressed before a "higher court." This Honorable Court has given the state 9 months to present its case and must consider all applicable law, including state and federal constitutions, when deciding probable cause. There is no limit on "scope" as the state puts it to suspend analysis and consideration of the Constitution in district courts. In fact, defenses such as the Supremacy Clause should be considered at a preliminary hearing.

The state had 9 months to present evidence and its own witnesses. Brater conceded he's not an expert in EPB data and was unsure if it would be a violation of 52 USC 20701 to delete the data. Yet he told every clerk in the state to do so. Dane's testimony was similar to Brater's and he also said he is not an expert and was unsure if deletion would violate 52 USC 20701. The only witness qualified to opine on this issue was Benjamin Cotton and he stated that deleting the EPB data *would* violate 52 USC 20701. Joshua McAlpine testified that he needed the EPB data from clerks (not the printouts) because the state lost the data, and there was an ongoing OAG audit taking place of the BOE.

Ms. Scott qualifies as a federal officer as a constitutional officer responsible for conducting federal elections and maintaining federal election records. Therefore, 52

USC 20701 is triggered and applicable as a matter of law. It would be a miscarriage of justice to bind this case over to Circuit Court merely to consider Supremacy Clause (U.S. CONST. art. VI, cl. 2.).

MCL 752.795

The state agrees that MCL 752.795 is not a strict liability statute, yet failed to present any evidence of Ms. Scott's and Ms. Lambert's criminal intent or criminal mens rea at the preliminary hearing. The state put forth no evidence that Ms. Lambert knew what data was contained in the encrypted file, or that she had Mr. Cotton review it for a criminal purpose. The state now brings an absurd request that the court find an "inference", supported nowhere in evidence, that Ms. Lambert was carrying out an "election-denier" agenda (what crime would this be?) and found Ms. Scott to assist in this mission. There was no evidence presented at exam, that Ms. Lambert had any relationship prior to October 2021 with Ms. Scott. Ms. Lambert did not know Ms. Scott prior to her office being contacted in October of 2021 at the time Ms. Scott was threatened by Brater. However, Ms. Lambert and Mr. Cotton did have a prior professional relationship for legal work for other clients. The contract/agreement between Mr. Cotton and Ms. Lambert's office was offered to give the Court transparency that there was an ongoing professional relationship between the two offices with confidentiality attached. Ms. Lambert's prior clients have nothing to do with Ms. Scott or this case. The state acknowledges its failure to meet probable cause at the preliminary hearing and comments that the court should bind the case

over because the defendants did not testify and they want a second shot at meeting their burden.

MCL 600.2159 prohibits a prosecutor from commenting on a defendant's choice not to testify. The law further prohibits any presumption against the defendant and states "A defendant in any criminal case or proceeding shall only at his own request be deemed a competent witness, and his neglect to testify shall not create any presumption against him, nor shall the court permit any reference or comment to be made to or upon such neglect." A prosecutor must be able to prove their case without the defendant's testimony, and may not shift the burden to the defense.

The state has had 9 months to establish probable cause, and it failed to do so. The state cannot now shift the burden to Ms. Scott and Mrs. Lambert to prove their innocence. However, Ms. Scott and Ms. Lambert did make a full effort to provide transparency to this Court to shed light on the sham charges. Ms. Lambert's engagement of Mr. Cotton to assist her client in the instant matter began in October of 2021 as testimony supported.

8 Q. Mr. Cotton, do you have an understanding as to -- you
9 testified earlier that you were originally brought in in
10 October of '21 under, that included representation because
11 of Clerk Scott's concerns about being subject to criminal
12 penalty. Do you recall that?

13 A. I do.

14 Q. Did the threat of criminal penalty against Ms. Scott still
15 exist as of May 2022?

16 A. Yes.

17 Q. Did it still exist as of September 2022?

18 A. Yes.

19 Q. And in fact, we're sitting here in 2025, and she's facing
20 criminal charges, correct?

21 A. Yes.

22 Q. So the threat of criminal penalty against Ms. Scott never
23 lifted since October '21, correct?

24 A. Correct.

10 Q. And the first time you are aware of Ms. Scott is like in
11 October of 2021?

12 A. Correct.

22 Q. What was your understanding your agreement with Ms.
23 Lambert?

24 A. That I was an expert witness in the case involving Ms.
25 Scott.

18 2

1 Q. Okay, and when did you learn about Ms. Scott? It was in
2 October, right?

3 A. October of 2021.

15 Q. What was this affidavit prepared for?

16 A. This was prepared in direct response to a question from
17 Ms. Lambert as to what the effects of a maintenance could
18 be upon a voting system.

8 Q. Okay. So you are retained -- when's the first time you
9 hear the name Stephanie Scott?

10 A. It would have been approximately the 20th of October,
11 2021.

12 Q. And in what context?

13 A. I received a phone call from Ms. Lambert saying that she
14 had a client who was concerned that she was either going
15 to be investigated or face criminal matters due to
16 retaining a poll book and a tabulator from the 2020
17 election.

3 Q. So you're told about possible charges relating to the
4 electronic poll book.

5 A. She was concerned about a possible investigation or
6 criminal case being brought against her. And it was based
7 on e-mails that she had received from various parties.

8 Q. Okay. You mean from the Bureau of Elections?

9 A. From the Bureau of Elections and from some local
10 officials, if I recall correctly.

11 Q. Okay. So at that time, that's the first you hear. Does --
12 you enter in any kind of an employment agreement with Ms.

13 Scott?

14 A. No. I'm engaged directly by the attorney.

15 Q. Okay, that's Ms. Lambert?

16 A. Yes.

MCL 168.932(b)

The state in its Rebuttal Closing asserts on page 12 that “The People here adopt the findings of the Oakland County Circuit Judge in *People v. Stefanie Lambert Junttila*, Case. No. 23-199245-CZ.” The state is referencing a circuit court decision in civil case that predates *People v. Holkeboer*, No. 365964, 2024 Mich. App. LEXIS 2984 (Ct. App. Apr. 18, 2024). *Holkeboer* is a 2024 Court of Appeals decision. The state continues its inaccurate arguments on page 12 and argued “other violations occur whether or not they are committed during that period from the beginning of the election until the results are obtained” and “in neither case is it required for the conduct to occur during the course of an election.” The state’s goal here is to argue that MCL 168.932 is not a statute pertaining to results. The Michigan Court of Appeals specifically stated in *Holkeboer* as the title of “Section B” that “MCL 168.932 CONCERNS THE INTEGRITY OF ELECTION RESULTS.” *Holkeboer* (a criminal case), is an unpublished opinion from the Michigan Court of Appeals, but is persuasive precedent related to MCL 168.932. The opinion in case 23-199245-CZ which is a circuit court opinion in a civil case is now bad law after *Holkeboer*.

Lack of “Corrupt Intent”

The states on page 13 states “She did this after repeatedly being reminded of her duty as an election administrator to keep voter information confidential.” First, Ms. Scott was not an “election administrator.” Ms. Scott was the elected constitutional clerk of Adam’s Township, and she did not work for Brater. Second, there was no “repeated reminder to keep voter information confidential.” This is

simply made up. No evidence to support this put forth at the preliminary hearing. What was testified to by Brater was that he told her to delete the EPB which was an unlawful request. Brater also never said the data was “confidential” in his letters, and made that up just for this hearing. Moreover, the data is not “confidential” it was “public” under MCL 168.516. The state goes on and on in its Rebuttal that “there was more than sufficient evidence that she purposely violated duties of office.” The state called Brater and Cotton, and Dane. No one testified that Scott acted with corrupt intent. Brater admitted deleting would violate 52 USC 20701 which contrary to his letters. In fact the testimony established that she was requesting advice on law, copies of contracts, and was conducting her own thorough research to make sure that she followed the law.

Conclusion

The defense has no burden of proof, and is not required to present evidence at a probable cause hearing, yet has done so to give this Court transparency. This case must be dismissed by this Honorable Court because the charges fail as a matter of law, there was no criminal mens rea established, and the state failed to establish that this court has jurisdiction/venue for the charged offenses.

Respectfully submitted,

/s/ Stefanie Lambert

Date October 24, 2025

