

IN THE CIRCUIT COURT OF
LIMESTONE COUNTY,
ATHENS, ALABAMA

STATE OF ALABAMA, }
Plaintiff, }
vs. } CRIMINAL COMPLAINT
SANDRA TUCKER, }
Defendant. } CASE NO. _____
_____ /

CRIMINAL COMPLAINT

I, Arthur Hirsch, the undersigned complainant, being duly sworn, state the following is true and correct to the best of my knowledge and belief.

COUNT 1
Interfering With Judicial Proceedings
(In violation of Ala. Stat. § 13A-10-130)

July 26, 2009: On July 26, 2009 in the town hall office of the clerk-magistrate, located at 26494 1st Street, Municipality of Ardmore,, Limestone County, Alabama, the defendant, SANDRA TUCKER (“TUCKER”), as a purported officer of the Ardmore Municipal Court, did commit the crime of interfering with judicial proceedings in the matter of *MUNICIPALITY OF ARDMORE v. Arthur Hirsch*, Case No. MC09-71, by knowingly failing to perform and violating a duty of her office in violation of –

- **Ala. Stat., § 13A-10-130. Interfering with judicial proceedings.**
(a) *A person commits the crime of interfering with judicial proceedings if:*
(3) *As an attorney, clerk or other officer of the court, he knowingly fails to perform or violates a duty of his office, or knowingly disobeys a lawful directive or order of a court;*
(b) *Interfering with judicial proceedings is a Class B misdemeanor.*

Probable Cause Fact: Upon complainant’s release from jail, defendant did unlawfully execute an appearance bond and scheduled a date for an arraignment/initial appearance in the above referenced case in violation of her official duty and without authority because,

- (a) she failed to determine whether probable cause existed to believe that an offense had occurred and that complainant had committed the charged offense by examining witnesses in accordance with the procedures for making a probable cause determination per **Alabama Rules of Criminal Procedure** (“Rule”), **Rule 2.4**,

(b) she made a subjective, groundless probable cause determination (i) without a complaint being made, (ii) without an affidavit being filed, (iii) without any testimony being taken that the alleged offense had been committed or that complainant committed it, and (iv) without any verified evidence being provided, and

(c) she did not read complainant the charge against him citing any law allegedly violated or the source of authority for the alleged violated law, and of course, she did not provide him with a copy of the complaint since it had not been made out by the arresting officer.

COUNT 2

**Theft of Property in the Second Degree
(In violation of Ala. Stat. § 13A-8-4)**

July 26, 2009: On July 26, 2009 in the town hall office of the clerk-magistrate, located at 26494 1st Street, Municipality of Ardmore, Limestone County, Alabama, defendant TUCKER did commit the crime of theft of property in the second degree in the above-referenced case, by knowingly obtaining control over the property of complainant through deception, false pretense and embezzlement with the intent to deprive him of his property (see Ala. Stat. § 13A-8-2(2) definition) in violation of –

● ***Ala. Stat. § 13A-8-4. Theft of Property in the Second Degree.***

(a) The theft of property which exceeds two hundred fifty dollars (\$250) in value but does not exceed one thousand dollars (\$1,000) in value, and which is not taken from the person of another, constitutes theft of property in the second degree.

(b) Theft of property in the second degree is a Class C felony.

Alabama Rules of Criminal Procedure

● ***Rule 4.3(1)(1)(iii)***

● ***Rule 7.2(b)***

Probable Cause Fact: Defendant TUCKER did knowingly obtain and exert unauthorized control over complainant's property (albeit loaned funds) under deceptive false pretenses with the intent to deprive complainant of his property. TUCKER embezzled from complainant \$450.00 over the allowable statutory limit for his appearance bond amount in violation of above **Rule 4.3(a)(1)(iii)** and **Rule 7.2(b)**, and would not return said embezzled funds upon notice.

COUNT 3

**Tampering With Governmental Records
(In violation of Ala. Stat. § 13A-10-12)**

August 3, 2009: On August 3, 2009 in the town hall office of the clerk-magistrate, located at 26494 1st Street, Municipality of Ardmore, Limestone County, Alabama, defendant TUCKER, as a purported officer of the Ardmore Municipal Court, did commit the crime of tampering with

governmental records in the aforementioned case. Clerk TUCKER, knowing she lacked the authority to do so, refused to deliver up government documents and records in her possession to which complainant was lawfully entitled upon his request. She knowingly failed to perform her duty in violation of –

● ***Ala. Stat. § 13A-10-12. Tampering With Governmental Records.***

(a) A person commits the crime of tampering with governmental records if:

(3) Knowing he lacks the authority to retain a governmental record he refuses to deliver up the record in his possession upon proper request of a person lawfully entitled to receive such record for examination or other purposes.

(b) Tampering with governmental records is a Class A misdemeanor.

Probable Cause Fact: Defendant TUCKER did refuse to deliver up governmental records in her possession upon complainant's proper request, which he was lawfully entitled to receive in preparation for his trial pending in the Ardmere Municipal Court, namely, copies of Town of Ardmere's liability insurance policy/bond, and oaths of office for Ardmere mayor, town council members, municipal judge, select police officers and chief of police.

COUNT 4

**Tampering With Physical Evidence
(In violation of Ala. Stat. § 13A-10-129)**

August 3, 2009: On August 3, 2009 in the town hall office of the clerk-magistrate, located at 26494 1st Street, Municipality of Ardmere, Limestone County, Alabama, defendant TUCKER, as an officer of the Ardmere Municipal Court, did commit the crime of tampering with physical evidence by concealing documents in her custody, without legal right or authority, with the intent that they would be unavailable to complainant for use in his defense in legal proceedings pending in the Ardmere Municipal Court referenced above. Clerk TUCKER did violate the following statute:

● ***Ala. Stat. § 13A-10-129. Tampering With Physical Evidence.***

(a) A person commits the crime of tampering with physical evidence if, believing that an official proceeding is pending or may be instituted, and acting without legal right or authority, he:

(1) Destroys, mutilates, conceals, removes or alters physical evidence with intent to impair its use, verity or availability in the pending or prospective official proceeding;

(b) "Physical evidence," as used in this section, includes any article, object, document, record or other thing of physical substance.

(c) Tampering with physical evidence is a Class A misdemeanor.

Probable Cause Fact: Defendant TUCKER was aware of the legal proceedings in the above styled case. She did knowingly and intentionally conceal documents and records in her care, custody and control from complainant, thus making them unavailable for use in his trial defense, by giving the excuse that she did not know where they were when he requested them. Said concealed documents

included Town of Ardmore's liability insurance policy/bond, and the oaths of office for Ardmore's mayor, town council members, municipal judge, select police officers and chief of police.

COUNT 5
Obstructing Governmental Operations
(In violation of Ala. Stat., § 13A-10-2(a)(1))

August 3, 2009: On August 3, 2009 in the town hall office of the clerk-magistrate, located at 26494 1st Street, Municipality of Ardmore, Limestone County, Alabama, defendant TUCKER, as purported clerk of the Ardmore Municipal Court, did commit the crime of obstructing governmental operations (court proceedings) by means of independent, unlawful interference and intimidation (see Count 7), i.e., clerk TUCKER did intentionally obstruct, impair and hinder the fair and just administration of law by denying compulsory process to complainant in the above-referenced case in violation of—

● ***Ala. Stat. § 13A-10-2. Obstructing Governmental Operations.***

(a) A person commits the crime of obstructing governmental operations if, by means of intimidation, physical force or interference or by any other independently unlawful act, he:

(1) Intentionally obstructs, impairs or hinders the administration of law or other governmental function;

(c) Obstructing governmental operations is a Class A misdemeanor.

Alabama Rules of Criminal Procedure

● ***Rule 17.1. Authority to Issue Subpoenas.***

(a) Clerk's Subpoenas. The clerk of the court in which a criminal proceeding is pending shall issue subpoenas at any time for such witnesses as any party may require for attendance at trial and at hearings, for taking depositions, or for any other lawful purpose.

● ***Rule 17.3. Subpoena Duces Tecum.***

(a) Production of Books, Papers, etc. A subpoena may command the person to whom it is directed to produce the books, papers, documents, or other objects which may be designated therein.

Probable Cause Fact: Clerk TUCKER did intentionally refuse three requests by complainant for her to issue a subpoena and subpoena duces tecum (compulsory process) on his behalf, which obstructed, impaired and hindered the administration of lawful proceedings. TUCKER's denial of complainant's right to compulsory process has prevented him from adequately preparing for his upcoming trial in the Ardmore Municipal Court and has seriously impaired the lawful proceedings in his case since there can be no fair, impartial and just trial without compulsory process if requested. Clerk TUCKER did tell complainant that she would only issue a subpoena for an attorney and not for him. Thus, complainant was denied his constitutionally protected rights to compulsory process, due process of law, and equal protection under the law and valid court proceedings have been hindered thereby.

COUNT 6
Interfering With Judicial Proceedings
(In violation of Ala. Stat. § 13A-10-130)

August 3, 2009: On August 3, 2009 in the town hall office of the clerk-magistrate, located at 26494 1st Street, Municipality of Ardmore, Limestone County, Alabama, defendant TUCKER, as purported clerk of the Ardmore Municipal Court, did commit the crime of interfering with judicial proceedings by means of failing to perform and violating the duty of her office to issue a subpoena and a subpoena duces tecum on behalf of complainant upon his three requests so he could adequately prepare for his trial defense in said case of *MUNICIPALITY OF ARDMORE v. Arthur Hirsch*, Case No. MC09-71. TUCKER did fail to perform and violated her duty as court clerk by denying complainant's constitutionally protected right to compulsory process which was in violation of –

● ***Ala. Stat. § 13A-10-130. Interfering With Judicial Proceedings.***

(a) A person commits the crime of interfering with judicial proceedings if:

(3) As an attorney, clerk or other officer of the court, he knowingly fails to perform or violates a duty of his office, or knowingly disobeys a lawful directive or order of a court;

(b) Interfering with judicial proceedings is a Class B misdemeanor.

Alabama Rules of Criminal Procedure

● ***Rule 17.1. Authority to Issue Subpoenas.***

(a) Clerk's Subpoenas. The clerk of the court in which a criminal proceeding is pending shall issue subpoenas at any time for such witnesses as any party may require for attendance at trial and at hearings, for taking depositions, or for any other lawful purpose.

● ***Rule 17.3. Subpoena Duces Tecum.***

(a) Production of Books, Papers, etc. A subpoena may command the person to whom it is directed to produce the books, papers, documents, or other objects which may be designated therein.

Probable Cause Fact: Clerk TUCKER did interfere with critical pre-trial judicial proceedings in the above styled case by failing to perform a known duty as court clerk, thereby preventing the fair and just administration of the court proceedings. Clerk TUCKER did refuse three requests by complainant to issue a subpoena and subpoena duces tecum on his behalf (compulsory process), which he needed for his trial defense. Clerk TUCKER told complainant that she would only issue a subpoena for an attorney and not for this claimant. As court clerk, TUCKER was duty-bound by **Rule 17.1, Rule 17.3, the Alabama Constitution (1901), Article I, Section 6, and the Sixth Amendment to the U.S. Constitution** to issue complainant subpoenas (compulsory process) upon his request. Complainant believes TUCKER's refusal to perform as required by law was a clear violation of her official duty which has prevented him from adequately preparing for his upcoming trial in the Ardmore Municipal Court. Further, complainant's constitutionally protected rights to obtain compulsory process, due process of law, and equal protection under the law (**Fourteenth Amendment to the U.S. Constitution**) have been denied because of TUCKER failing to perform and violating her duty as clerk of court, and consequently, she has caused interference and chaos with

pre-trial judicial proceedings as well.

COUNT 7
Criminal Coercion
(In violation of Ala. Stat. § 13A-6-25)

August 3, 2009: On August 3, 2009, in the town hall office of the clerk-magistrate, located at 26494 1st Street, Municipality of Ardmore, Limestone County, Alabama, defendant TUCKER, as purported clerk of the Ardmore Municipal Court, did commit the crime of criminal coercion in the aforementioned case. TUCKER, without legal authority, threatened complainant with arrest, with the intent of inducing him against his will, to cease requesting compulsory process which was his lawful right. All this was in violation of –

● ***Ala. Stat. § 13A-6-25. Criminal coercion.***

(a) A person commits the crime of criminal coercion if, without legal authority, he threatens to confine, restrain or to cause physical injury to the threatened person or another, or to damage the property or reputation of the threatened person or another with intent thereby to induce the threatened person or another against his will to do an unlawful act or refrain from doing a lawful act.

(b) Criminal coercion is a Class A misdemeanor.

Probable Cause Fact: Defendant TUCKER did call for Ardmore police officer, TRACY LUNA, to come and restrain complainant by arrest in retaliation for him asking her for the law citation stating that only lawyers are entitled to compulsory process (subpoenas) following her denial of his request for a subpoena. Clerk TUCKER told complainant that she would only issue a subpoena for an attorney and not for him. Her obvious intent was to threaten and intimidate complainant into waiving his lawful right to compulsory process in the hope he would refrain from any further efforts to obtain the issuance of a subpoena from her. Without obtaining favorable witnesses and necessary documents and records for his defense through compulsory process, complainant would be at a disadvantage at trial, which would assure the prosecution of an easy conviction and a penalty fine for Ardmore’s coffers—all to the monetary benefit of Ardmore employees’ paychecks. TUCKER’s attempt to criminally coerce complainant into abandoning his request for compulsory process to his detriment by threatening police violence against him, complainant’s constitutionally protected rights to compulsory process, due process and equal protection were denied.

COUNT 8
Interfering With Judicial Proceedings
(In violation of Ala. Stat. § 13A-10-130)

November 23, 2009: On or about November 23, 2009, TUCKER did commit the crime of interfering with judicial proceedings by means of failing to perform and violating the duty of her office in refusing to file complainant’s civil counter claim into the court record and to issue a

summons to counter claim defendant, the Municipality of Ardmore (TUCKER's employer), in said case of *MUNICIPALITY OF ARDMORE v. Arthur Hirsch*, Case No. MC09-71. TUCKER did fail to perform and violated her duty as court clerk as stated above in violation of –

● ***Ala. Stat. § 13A-10-130. Interfering With Judicial Proceedings.***

(a) A person commits the crime of interfering with judicial proceedings if:

(3) As an attorney, clerk or other officer of the court, he knowingly fails to perform or violates a duty of his office, or knowingly disobeys a lawful directive or order of a court;

(b) Interfering with judicial proceedings is a Class B misdemeanor.

Alabama Constitution (1901)

● ***Article I, Section 10. Right to prosecute civil cause.***

That no person shall be barred from prosecuting or defending before any tribunal in this state, by himself or counsel, any civil cause to which he is a party.

● ***Article I, Section 13. Courts to be open; remedies for all injuries; impartiality of justice.***

That all courts shall be open; and that every person, for any injury done him, in his lands, goods, person, or reputation, shall have a remedy by due process of law; and right and justice shall be administered without sale, denial, or delay.

Probable Cause Fact: Complainant commenced a counter claim civil action against the Municipality of Ardmore in the above-referenced case by mailing said counter claim document and summons to court clerk TUCKER (USPS certified mail #7008 0150 0001 7526 1805) to be filed into the court record, the summons executed and issued, and served on counter claim defendant by certified mail. Complainant requested with said documents that TUCKER send him a certified copy of said counter claim and executed summons by return mail as proof for his records that she had received said documents, that she had entered them into the case docket, and that she had issued the summons. Complainant has learned that to date, TUCKER has not filed said civil counter claim into the court record (protecting her employer, Town of Ardmore), nor has she issue a summons to the counter claim defendant, nor has she communicated with complainant given him any legal reason for her inaction and for not doing her duty as court clerk.

COUNT 9

**Tampering with governmental records
(In violation of Ala. Stat., § 13A-10-12)**

November 23, 2009: On or about November 23, 2009, in the Town of Ardmore, Limestone County, Alabama, the defendant, SANDRA TUCKER (“TUCKER”), as a purported officer of the Ardmore Municipal Court, did commit the crime of tampering with governmental records in the above-referenced case. Clerk TUCKER, knowing she lacked the authority to do so, refused to enter complainant's counter claim into the court record, which substantially impaired the verity and proceedings availability of said court document in her possession. Further, TUCKER refused to

deliver up a certified copy of complainant's counter claim to him upon request for his records. Complainant believes he was lawfully entitled to have said document recorded, certified and acted upon per his request. Defendant TUCKER did violate –

● ***Ala. Stat., § 13A-10-12. Tampering with governmental records.***

(a) A person commits the crime of tampering with governmental records if:

(2) Knowing he lacks the authority to do so, he intentionally destroys, mutilates, conceals, removes or otherwise substantially impairs the verity or availability of any governmental record; or

(3) Knowing he lacks the authority to retain a governmental record he refused to deliver up the record in his possession upon proper request of a person lawfully entitled to receive such record for examination or other purposes.

(b) Tampering with governmental records is a Class A misdemeanor.

Probable Cause Fact: Complainant commenced a counter claim action against the Municipality of Ardmore in the above referenced case by mailing said counter claim document to court clerk TUCKER (USPS certified mail #7008 0150 0001 7526 1805) to be filed into the court record. Complainant requested with said documents that TUCKER send him a certified copy of said counter claim by return mail as proof, for his records, that she had received and entered said documents into the case docket. Complainant has learned that to date, TUCKER has not filed said counter claim in her possession into the court record, nor will she deliver to complainant a certified copy of the same, thus impairing the verity and availability of said court records for proceedings and for complainant's records.

COUNT 10

**Obstructing Governmental Operations
(In violation of Ala. Stat. § 13A-10-2)**

November 23, 2009: On or about November 23, 2009, in the Town of Ardmore, Limestone County, Alabama, defendant TUCKER, as a purported officer of the Ardmore Municipal Court, did commit the crime of obstructing governmental operations (court proceedings) by means of independent, unlawful interference, i.e., TUCKER did intentionally obstruct, impair and hinder the fair and just administration of law by refusing to file complainant's counter complaint document into the court record in the above referenced case, in violation of her lawful duty as court clerk, and in violation of–

● ***Ala. Stat. § 13A-10-2. Obstructing Governmental Operations.***

(a) A person commits the crime of obstructing governmental operations if, by means of intimidation, physical force or interference or by any other independently unlawful act, he:

(1) Intentionally obstructs, impairs or hinders the administration of law or other governmental function;

(c) Obstructing governmental operations is a Class A misdemeanor.

Probable Cause Fact: Complainant commenced a counter claim action against the Municipality of Ardmore in the above-referenced case by mailing said counter claim document to court clerk TUCKER (USPS certified mail #7008 0150 0001 7526 1805) to be filed into the court record. Complainant also requested with said documents that TUCKER send him a certified copy of said counter claim by return mail as proof, for his records, that she had received and entered said documents into the case docket. To date, TUCKER has intentionally refused complainant's said request which has obstructed, impaired and hindered the administration of lawful proceedings in the above referenced case, thus impairing the verity and availability of said court records for proceedings and for complainant's records.

This complaint is based on these facts:

SEE ATTACHED AFFIDAVIT IN SUPPORT OF CRIMINAL COMPLAINT

Continued on the attached sheet and made a part hereof: X Yes ___ No

Complainant's signature - Victim and witness of criminal activity

Printed name and title
Arthur Hirsch
3121 Buffalo Road
Lawrenceburg, TN 38464
(931) 762-6999

Sworn to before me and signed in my presence.

Date: _____

City and state: _____

Judge/Magistrate's signature

Printed name and title

CERTIFICATE OF SERVICE

I hereby certify that a copy of the above AFFIDAVIT IN SUPPORT OF CRIMINAL COMPLAINT in the above referenced case was mailed to defendant, SANDRA TUCKER, by pre-paid certified mail on January_____, 2010 as follows:

SANDRA TUCKER
26494 1st Street
Ardmore, AL 35739

Arthur Hirsch