

IN THE CIRCUIT COURT OF
LIMESTONE COUNTY,
ATHENS, ALABAMA

STATE OF ALABAMA, :
Plaintiff, :
vs. : CRIMINAL COMPLAINT
: :
WILLIAM G. MATHEWS, :
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
Impersonating Public Servant

July 31, 2009 to Present: From on or about July 31, 2009 to the present, in the Ardmere Municipal Court, Town of Ardmere, Limestone County, Alabama, the defendant, WILLIAM G. MATHEWS (“MATHEWS”), did commit the crime of impersonating a public servant by falsely pretending to be a public servant having subject matter jurisdiction in the case of *MUNICIPALITY OF ARDMORE v. Arthur Hirsch* (Case No. MC09-71), when the face of the record plainly shows he did not; and, he did act falsely in that capacity without authority and showed utter contempt for the law, i.e., Alabama Rules of Criminal Procedure (“Rules”), the Alabama Constitution (1901), and the U.S. Constitution, by conducting sham proceedings under color of office and under color of law on August 26, 2009 and September 23, 2009 in violation of –

● ***Ala. Stat. § 13A-10-10. Impersonating Public Servant.***

(a) A person commits the crime of impersonating a public servant if he falsely pretends to be a public servant and does any act in that capacity.

(c) Impersonating a public servant is a Class C Misdemeanor.

COUNT 2
Interfering With Judicial Proceedings

August 26, 2009: On August 26, 2009 in the Ardmere Municipal Court, Town of Ardmere, Limestone County, Alabama, defendant MATHEWS, while impersonating a public servant did commit the crime of interfering with judicial proceedings. He did engaging in contemptuous

behavior that tended to impair the respect due the court, by showing a lack of respect for fair and just judicial proceedings, for law and order generally, and specifically for the Alabama Rules of Criminal Procedure, the Alabama Constitution (1901), the decisions of the Alabama Supreme Court, the U.S. Constitution, the holdings of the U.S. Supreme Court, and the Alabama Canons of Judicial Ethics, which the complainant brought to his attention, in violation of –

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

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

(1) *He engages in disorderly, contemptuous or insolent behavior, committed during the sitting of a court in its immediate view and presence, and directly tending to interrupt its proceedings or impair the respect due its authority;*

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

COUNT 3

Interfering With Judicial Proceedings

August 26, 2009: On August 26, 2009 in the Ardmore Municipal Court, Town of Ardmore, Limestone County, Alabama, defendant MATHEWS, while purporting to be a public servant/judicial officer did commit the crime of interfering with judicial proceedings with respect to the above-referenced case. He knowingly failed to perform as required by law and violated duties of his purported 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.*

Specific violations committed by defendant include:

Failed to dismiss the aforementioned cause for lack of subject matter jurisdiction on his [MATHEWS'] own initiative when the face of the record showed the complaint was invalid because it was executed five (5) days after complainant's release from jail, in violation of –

Alabama Rules of Criminal Procedure

● ***Rule 4.3(a)(1)(iii)***

Failed to hold a mandatory and procedurally proper arraignment as required by law in violation of –

Alabama Rules of Criminal Procedure

● ***Rule 14.2(a)***

Alabama Constitution (1901)

- ***Article I, Section 7***

Failed to perform a determination as to whether complainant was represented by counsel as required by law in violation of –

Alabama Rules of Criminal Procedure

- ***Rule 14.2(a)(1)***

Alabama Constitution (1901)

- ***Article I, Section 6***
- ***Article I, Section 7***

U. S. Constitution

- ***Sixth Amendment***

Failed to inform complainant of any law allegedly violated and the source of authority thereof, and the nature and cause of the accusation, in violation of –

Alabama Constitution (1901)

- ***Article I, Section 6***
- ***Article I, Section 7***

U. S. Constitution

- ***Sixth Amendment***

Failed to determine if complainant had received a copy of the charges against him as required by law, or if he had read said charges, or if he understood said charges in the absence of counsel, in violation of –

Alabama Rules of Criminal Procedure

- ***Rule 14.2(a)(2)***

Alabama Constitution (1901)

- ***Article I, Section 6***
- ***Article I, Section 7***

Failed to give proper notice of a “surprise/ambush” trial which is a denial of complainant’s constitutionally guaranteed rights to due process and equal protection of the law in violation of –

Alabama Constitution (1901)

- ***Article I, Section 6***

U. S. Constitution

- ***Fifth Amendment***
- ***Fourteenth Amendment***

Violated his oath of office duty to support the U.S. and Alabama Constitutions by denying complainant's right to remain silent so as not to incriminate himself by repeatedly ordering him to swear in against his will in an attempt to commence the "surprise/ambush" trial, in violation of –

U. S. Constitution

- ***Article VI***
- ***Fifth Amendment***

Alabama Constitution (1901)

- ***Article I, Section 6***
- ***Article XVI, Section 279***

Denied complainant a requisite hearing on his material challenge to subject matter jurisdiction, thus depriving him of his unalienable rights to due process and to equal protection of the law in violation of –

Alabama Constitution (1901)

- ***Article I, Section 6***

U. S. Constitution

- ***Fifth Amendment***
- ***Fourteenth Amendment***

and in breach of his oath of office in violation of –

U. S. Constitution

- ***Article VI***

Alabama Constitution (1901)

- ***Article XVI, Section 279***

Violated his duty to support the U.S. and Alabama Constitutions by denying complainant his rights to due process, equal protection of the law, and attempting to deny him assistance of counsel by unfairly cajoling him repeatedly to enter a plea without the assistance of counsel after he had asserted his right to counsel, and without being charged with any offense or receiving a copy of the complaint, in violation of –

U. S. Constitution

- ***Fifth Amendment***
- ***Fourteenth Amendment***

Alabama Constitution (1901)

● **Article I, Section 6**

☐ Violated his duty to support the U.S. and Alabama Constitutions by denying complainant's unalienable rights to fundamental fairness and impartiality under due process and equal protection of the law by overtly manifesting bias, prejudice, unfairness, and hostility (same violation committed on September 23, 2009 at hearing below), in violation of –

U. S. Constitution

● **Fifth Amendment**

● **Fourteenth Amendment**

Alabama Constitution (1901)

● **Article I, Section 6**

Alabama Canons of Judicial Ethics

● **Canon 3(C)(1), (a)**

COUNT 4

Failure to Disclose Conflict of Interest

August 26, 2009 and September 23, 2009: On 08/26/09 and 09/23/09 in the Ardmore Municipal Court, Town of Ardmore, Limestone County, Alabama, during hearings, defendant MATHEWS did commit the crime of failing to disclose a known conflict of interest by advance public disclosure whereby he exercises substantial discretionary function in connection with a pecuniary transaction in the aforementioned case. He does have a direct monetary interest in the transactional outcome of the prosecution, i.e., a conviction fine funds his paycheck as purported Ardmore Municipal Court judge, in violation of –

● **Ala. Stat. § 13A-10-62. Failure to disclose conflict of interest.**

(a) A public servant commits the crime of failing to disclose a conflict of interest if he exercises any substantial discretionary function in connection with a government contract, purchase, payment or other pecuniary transaction without advance public disclosure of a known potential conflicting interest in the transaction.

Alabama Canons of Judicial Ethics

● **Canon 3(C)(1) and (c)**

C. DISQUALIFICATION:

(1) A judge should disqualify himself in a proceeding in which his disqualification is required by law or his impartiality might reasonably be questioned, including but not limited to instances where: .

*(c) He knows that he, individually or as a fiduciary. . . has a **financial interest**. . . that could be substantially affected by the outcome of the proceeding [e.g., conviction fines fund defendant's paycheck!];*

COUNT 5
Terrorist Threats

August 26, 2009: On the morning of August 26, 2009 at approximately 8:15 a.m. at the Ardmore Municipal Court, defendant MATHEWS, purporting to be a public servant, did commit the crime of making a retaliatory terrorist threat of violence against complainant. MATHEWS did arrange for his fellow town employees and friends at the Ardmore Police Department's S.W.A.T. Team to engage in an intimidation activity calculated to terrorize the complainant. MATHEWS' orchestrated terrorist threat with deadly weapons (including the use of a fully automatic M-16 military assault rifle) was in retaliation against complainant's written challenge to the court's subject matter jurisdiction and potential disruption to the Ardmore Municipal Court money making racket. Defendant MATHEWS employed this terrorist threat incident at the time of a judicial proceeding with the intent to obstruct justice by instilling the emotion of fear and intimidating the party-complainant so as to weaken his resolve to defend himself, and to prevent a fair, impartial, and meaningful hearing. All the above is in violation of –

● ***Ala. Stat. § 13A-10-15. Terrorist threats.***

(a) A person commits the crime of making a terrorist threat when he or she threatens by any means to commit any crime of violence or to damage any property by doing any of the following:

(2) With the intent to retaliate against any person who:

(a) Attends a judicial or administrative proceeding as a witness or party or produces records, documents, or other objects in a judicial proceeding.

(b) The crime of making a terrorist threat is a Class C felony.

COUNT 6
Tampering With a Witness

August 26, 2009: On the morning of August 26, 2009 at approximately 8:15 a.m. at the Ardmore Municipal Court, defendant MATHEWS, purporting to be a public servant, did commit the crime of tampering with a witness (complainant) by attempting to induce complainant to absent himself from the court proceeding to which he had been officially ordered to appear, and to scare and discourage complainant and his court-watcher witnesses from returning for future proceedings. MATHEWS attempted to terrorize the complainant and his court-watcher witnesses by means of arranging for and staging a threatening show of force with deadly weapons by his fellow Ardmore employees and buddies, i.e., the Ardmore Police Department S.W.A.T. Team-like formation. MATHEWS' directed threat tactics included the brandishing of a fully automatic M-16 military assault rifle in the hands of one of complainant's arresting officers "guarding" the courthouse entrance door, in an effort to frighten the complainant and his court-watcher witnesses away from official proceedings. All this is in violation of –

● ***Ala. Stat. § 13A-10-124. Tampering with a witness.***

(a) A person commits the crime of tampering with a witness if he attempts to induce a witness or a person he believes will be called as a witness in any official proceeding to:

- (2) *Absent himself from any official proceeding to which he has been legally summoned.*
(b) *Tampering with a witness is a Class B misdemeanor.*

COUNT 7
Intimidating a Witness

August 26, 2009: On the morning of August 26, 2009 at approximately 8:15 a.m. at the Ardmore Municipal Court, Town of Ardmore, Limestone County, Alabama in the above referenced case, defendant MATHEWS, did commit the crime of intimidating a witness (complainant). MATHEWS did attempt by use of a threat directed to complainant and complainant's court-observer friends (who may be called as witnesses in future official proceedings), to induce them to avoid legal process summoning them to testify and/or to induce them to absent themselves from official proceedings in the above-referenced matter to which they have been (or possibly will be) legally summoned. MATHEWS attempted to terrorize and intimidate the complainant and his court-observer witnesses by means of arranging for and staging a threatening show of force with deadly weapons by his fellow Ardmore employees and buddies, i.e., the Ardmore Police Department S.W.A.T. Team. Threat tactics included the brandishing of a fully automatic M-16 military assault rifle in the hands of one of complainant's arresting officers "guarding" the courthouse entrance door with stares and glares at complainant, in an effort to frighten and intimidate the complainant and his court-observer witnesses. All this is in violation of –

● ***Ala. Stat. § 13A-10-123. Intimidating a Witness.***

- (a) *A person commits the crime of intimidating a witness if he attempts, by use of a threat directed to a witness or a person he believes will be called as a witness in any official proceedings, to:*
(2) *Induce that person to avoid legal process summoning him to testify; or*
(3) *Induce that person to absent himself from an official proceeding to which he has been legally summoned.*
(c) *Intimidating a witness is a Class C felony.*

COUNT 8
Obstructing Governmental Operations

September 23, 2009: On September 23, 2009 at approximately 8:30 a.m., in the Ardmore Municipal Court, Town of Ardmore, Limestone County, Alabama, defendant MATHEWS, as a purported public servant in the above-referenced case, did commit the crime of obstructing governmental operations (court proceedings) by means of independent, unlawful interference and intimidation, i.e., MATHEWS did intentionally obstruct, impair and hinder the fair and just administration of law by denying complainant due process and equal protection of the law through the use of intimidation and threats of violence. Defendant MATHEWS prevented complainant from being heard in his own defense under threat of armed force. He ordered him to silence, then ordered him out of the courtroom without cause and threatened him with physical violence, thus preventing him from making the record (court reporter present). The record shows that MATHEWS commanded the bailiff, armed with a deadly weapon, to stand behind complainant and forcibly

remove him from the court room immediately if he utter a single word. All this is 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 Constitution (1901)

● ***Article I, Section 6***

● ***Article I, Section 13***

U.S. Constitution

● ***Fifth Amendment***

● ***Fourteenth Amendment***

Alabama Canons of Judicial Ethics

● ***Canon 3(A)(1)***

● ***Canon 3(A)(4)***

COUNT 9

Interfering With Judicial Proceedings

September 23, 2009: On September 23, 2009 at approximately 8:30 a.m., in the Ardmore Municipal Court, Town of Ardmore, Limestone County, Alabama, defendant MATHEWS, while purporting to be a public servant/judicial officer did commit the crime of interfering with judicial proceedings with respect to the above mentioned case. He did knowingly fail to perform as required by law and violated duties of his purported office in violation of law as follows:

● ***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.

Failed to allow complainant a pre-trial show cause evidentiary hearing on his challenge to the court's subject matter jurisdiction as requested, in violation of –

Alabama Rules of Criminal Procedure

● ***Rule 15.2(d)***

● ***Rule 15.3(a)(2)***

Denied complainant an opportunity to explain his request for assistance of counsel in violation of –

U.S. Constitution

- *Fifth Amendment*
- *Fourteenth Amendment*

Alabama Constitution (1901)

- *Article I, Section 6*

Denied complainant due process and equal protection under the law, again, by twice trying to trick him into entering a plea without defendant having read him the charge, without giving him a copy of the complaint, without asking if he had a copy, without asking him if he understood the charge, and without citing any law complainant had allegedly violated, etc., in violation of –

Alabama Rules of Criminal Procedure

- *Rule 14.2*

Alabama Constitution (1901)

- *Article I, Section 6*
- *Article I, Section 7*

U.S. Constitution

- *Fifth Amendment*
- *Fourteenth Amendment*

Denied complainant due process by preventing him from being heard, by ordering him to silence, by ordering him out of the courtroom without cause under threat of violence so as to prevent him from making the record (court reporter present), and by commanding the bailiff to physically remove him by armed force from the court room if he utter a single word. All in violation of –

U.S. Constitution

- *Fifth Amendment*
- *Fourteenth Amendment*

Alabama Constitution (1901)

- *Article I, Section 4*
- *Article I, Section 6*
- *Article I, Section 7*
- *Article I, Section 13*

Alabama Canons of Judicial Ethics

- *Canon 3(A)(4)*

Federal Laws

● **18 U.S.C. § 242. Deprivation of rights under color of law.**

“Whoever, under color of any law, statute, ordinance, regulation, or custom, willfully subjects any person in any State. . . to the deprivation of any rights, privileges, or immunities secured or protected by the Constitution or laws of the United States. . . shall be fined under this title or imprisoned not more than one year, or both. . .”

● **42 U.S.C. § 1983. Civil action for deprivation of rights.**

“Every person who, under color of any statute, ordinance, regulation, custom, or usage, of any State. . . subjects, or causes to be subjected, any citizen of the United States or other person within the jurisdiction thereof to the deprivation of any rights, privileges, or immunities secured by the Constitution and laws, shall be liable to the party injured in an action at law, suit in equity, or other proper proceeding for redress. . .”

September 23, 2009 to present:

Defendant MATHEWS denied complainant a hearing on the following:

- (a) Motion to Dismiss for Lack of Jurisdiction
- (b) Motion to Suppress Evidence
- (c) Notice of Magistrate Tucker’s Misconduct and Motion to Dismiss for Lack of Jurisdiction
- (d) Disqualify Arresting Officers - Challenge to Jurisdiction
- (e) Objection to Arraignment Irregularities and Judge-Entered Plea and Motion to Withdraw “Not Guilty” Plea
- (f) Amended Motion to Dismiss for Lack of Subject Matter Jurisdiction
- (g) Pre-Trial Motion
- (h) Motion to Compel Production of Documents [DISCOVERY DENIED]

All in violation of –

Alabama Rules of Criminal Procedure

● **Rule 15**

U.S. Constitution

- **Fifth Amendment**
- **Fourteenth Amendment**

Alabama Constitution (1901)

- **Article I, Section 6**
- **Article I, Section 7**
- **Article I, Section 13**
- **Article I, Section 35**

Defendant MATHEWS prejudicially granted prosecutor a two month continuance of the trial date

from December 2, 2009 to January 27, 2010 without having heard any pre-trial motions and denying complainant the right of discovery and compulsory process, in violation of numerous complainant's constitutionally guaranteed rights (including the right to a speedy trial), namely,

U.S. Constitution

- ***Fifth Amendment***
- ***Sixth Amendment***
- ***Fourteenth Amendment***

Alabama Constitution (1901)

- ***Article I, Section 6***
- ***Article I, Section 13***
- ***Article I, Section 35***

ADDITIONAL WITNESSES OF CRIMINAL ACTIVITY

The following is a partial list of witnesses of defendant's criminal activity during the 09/23/09 arraignment hearing referenced above who can testify that MATHEWS did fail to perform as required by law, did violate duties of his purported office, did obstruct, impair and hinder the fair and just administration of law, and did deny complainant due process and equal protection of the law by means of intimidation and threats of violence:

Barry, George	(256) 468-3161	189 Ashley Way, Madison, AL 35758
Brothers, Paul	(256) 593-9764	Marshall County, AL
Casey, Don	(205) 542-1730	1129 First Ave., Pleasant Grove, AL 35127
Chapman, Greg	(256) 541-1756	4800 Whitesburg Dr., Suite 30-166 Huntsville, AL 35802
Chapman, Kym	(256) 587-9130	P.O. Box 10, New Hope, AL 35760
Hollaway, Michael	(256) 244-2547	78 Hollaway Dr., Scottsboro, AL 35759
Bess Huber	(256) 996-7426	406 Co. Rd. 685, Flat Rock, AL 35966
Miles, Eana	(256) 597-0294	224 Co. Rd. 320, Scottsboro, AL 35759
Nelson, Col. George	(256) 881-6180	7612 Teal Dr., Huntsville, AL 35802
O'Connor, Ellen	(256) 599-4826	P.O. Box 357, Scottsboro, AL 35768
Postin, Janet	(931) 766-5839	58 Aaron Branch Rd., West Point, TN 38464
Reid, Larry J.	(256) 587-6624	1211 Co. Rd. #216, Woodville, AL 35776
Salhany, Alan	(931) 762-2895	1029 W. Gaines St., Lawrenceburg, TN 38464
Stewart, James	(256) 587-0107	728 Co. Rd. 21, Scottsboro, AL 35768

Other witnesses upon request.

I further state that this complaint is based on the facts set forth in the attached affidavit which is

CERTIFICATE OF SERVICE

I hereby certify that a true and correct copy of the foregoing CRIMINAL COMPLAINT was mailed postage pre-paid this _____ day of January, 20109 to the following:

WILLIAM G. MATHEWS
117 South Marion Street
Athens, AL 35611

Arthur Hirsch