

IN THE CIRCUIT COURT OF  
LIMESTONE COUNTY,  
ATHENS, ALABAMA

STATE OF ALABAMA,	}	
	}	
Plaintiff,	}	
	}	
vs.	}	AFFIDAVIT IN SUPPORT OF
	}	CRIMINAL COMPLAINT
WILLIAM G. MATHEWS,	}	
	}	
Defendant.	}	CASE NO. _____
_____ /		

**AFFIDAVIT**

*by*

**Arthur Hirsch,**

*victim and witness of criminal activity.*

I, Arthur Hirsch, an adult man, hereby solemnly affirm under penalty of perjury, declare and say the following:

I, Arthur Hirsch, complainant, being duly sworn, state as follows:

1. THAT I am competent to declare and affirm the facts set forth herein.
2. THAT I have personal knowledge of the facts set forth herein, unless based upon belief, which I will so state if applicable, and will testify to their veracity if called upon as a witness.
3. THAT I live in Lawrence County, Tennessee.
4. THAT I am unschooled in law.
5. THAT the sole purpose of this affidavit is to establish probable cause for a criminal complaint against WILLIAM G. MATHEWS of 117 South Marion Street, Athens, AL 35611 (business); 1697 Ole Carriage Drive, Athens, AL 35613 (home), alleging that he has violated –

<i>Ala. Stat. § 13A-10-2(a)(1).</i>	<i>Obstructing Governmental Operations.</i>	[COUNT 8]
<i>Ala. Stat. § 13A-10-10(a).</i>	<i>Impersonating Public Servant.</i>	[COUNT 1]
<i>Ala. Stat. § 13A-10-15(a)(2)(a).</i>	<i>Terrorist Threats.</i>	[COUNT 5]

<i>Ala. Stat. § 13A-10-62(a).</i>	<i>Failure to Disclose Conflict of Interest.</i>	[COUNT 4]
<i>Ala. Stat. § 13A-10-123(a)(2),(3).</i>	<i>Intimidating a Witness.</i>	[COUNT 7]
<i>Ala. Stat. § 13A-10-124(a)(2).</i>	<i>Tampering With a Witness.</i>	[COUNT 6]
<i>Ala. Stat. § 13A-10-130(a)(1),(3).</i>	<i>Interfering With Judicial Proceedings.</i>	[COUNTS 2, 3, 9]

*Alabama Rules of Criminal Procedure (“Rule”):*

<i>Rule 4.3</i>	<i>Procedure Upon Arrest</i>
<i>Rule 4.3(a)(1)(iii)</i>	
<i>Rule 14.2</i>	<i>Proceedings at Arraignment; Pleas</i>
<i>Rule 14.2(a)(1), (2)</i>	
<i>Rule 15</i>	<i>Preparation For Trial: Pleadings and Motions</i>
<i>Rule 15.2(d)</i>	
<i>Rule 15.3(a)(2)</i>	

<i>Alabama Constitution (1901), Article I, Section 4</i>	<i>Freedom of speech</i>
<i>Alabama Constitution (1901), Article I, Section 6</i>	<i>Rights in criminal proceedings</i>
<i>Alabama Constitution (1901), Article I, Section 7</i>	<i>Accusation, arrest, detention</i>
<i>Alabama Constitution (1901), Article I, Section 13</i>	<i>Impartiality of justice</i>
<i>Alabama Constitution (1901), Article I, Section 35</i>	<i>Objective of government - protect rights</i>
<i>Alabama Constitution (1901), Article XVI, Section 279</i>	<i>Oath of Office</i>

<i>U. S. Constitution, Article VI</i>	<i>Mandatory oath of Office</i>
<i>Fifth Amendments to the U. S. Constitution</i>	<i>Right to due process; right to silence</i>
<i>Sixth Amendment to the U. S. Constitution</i>	<i>Right to speedy trial; counsel; nature &amp; cause;</i>
<i>Fourteenth Amendment to the U. S. Constitution</i>	<i>Right to due process and equal protection</i>

<i>Ala. Canons of Judicial Ethics, Canon 3(A)(1)</i>	<i>Judge – faithful to the law</i>
<i>Ala. Canons of Judicial Ethics, Canon 3(A)(4)</i>	<i>Litigants right to be fully heard</i>
<i>Ala. Canons of Judicial Ethics, Canon 3(C)(1)(a)</i>	<i>Disqualification – bias, prejudice</i>
<i>Ala. Canons of Judicial Ethics, Canon 3(C)(1)(c)</i>	<i>Disqualification – conflict of interest</i>

*United States Code, Title 18, Section 242. Deprivation of rights under color of law.*  
*United States Code, Title 42, Section 1983. Civil action for deprivation of rights.*

6. THAT on the 26<sup>th</sup> day of July, 2009 at approximately 12:01 a.m., on the outskirts of the Town of Ardmore, Limestone County, Alabama, I was arrested without a warrant by two police officers, without probable cause, while I was on private property outside of the Town of Ardmore, Alabama city limits.

7. THAT I was then searched, handcuffed and placed in a patrol car by the arresting officer and taken to the Ardmore jail where I was charged with a misdemeanor, incarcerated, held for an extended period of time, then subjected to a coercive, intimidating, humiliating booking procedure

and finally released.

8. THAT upon my release from jail on Sunday morning, July 26<sup>th</sup>, around 10:30 a.m., an Ardmore police officer took me before the Ardmore clerk-magistrate, SANDRA TUCKER (“TUCKER”), at the town hall who executed an appearance bond agreement, set bail and took receipt of cash for the same and scheduled an initial appearance/ arraignment for 08/12/09 at 8:30 a.m. at the Ardmore Municipal Court, all without a probable cause determination being made for a warrantless arrest.

9. THAT I have researched, learned and believe that TUCKER did commit the crime of interfering with judicial proceedings (*Ala. Stat., § 13A-10-130(a)(3)*) in the matter of *MUNICIPALITY OF ARDMORE v. Arthur Hirsch*, Case No. MC09-71. She knowingly failed to perform and violated duties of her office, i.e., she did issue said appearance bond agreement and set bail (i) without making a probable cause determination, (ii) without receiving a complaint copy made out by either of the arresting officers, (iii) without receiving an affidavit of probable cause from either of the two arresting officers, (iv) without her taking any testimony that the alleged offense had been committed or that I committed it, (v) without her receiving and reviewing any verified evidence provided by either of the arresting police officers, (vi) without her reading or informing me of the charge against me and its nature, (vii) without citing to me the law that I allegedly violated and whether it was a state statute or municipal ordinance, (viii) without her giving me the source or authority for the alleged violated law, (ix) without her informing me of my rights (e.g., my constitutionally secured right to assistance of counsel), and of course, (x) without providing me with a copy of the complaint since it was non-existent at that time (it was not executed by the arresting police officer until five days after my release). Any allegation, presumption or prima facie evidence to the contrary is hereby rebutted.

10. THAT clerk-magistrate TUCKER telephoned me on or about the morning of August 7, 2009 saying that purported Ardmore Municipal Court (“AMC”) judge, WILLIAM G. MATHEWS (“MATHEWS”), had rescheduled my court appearance from August 12, 2009 at 8:30 a.m. to August 26, 2009 at 8:30 a.m. without giving a reason or cause for the continuance. I asked her what the nature of the proceeding was going to be. Arraignment? Trial? She said she was not sure.

11. THAT during the time period between August 3 to my August 26, 2009 court appearance I filed into the court record two pre-trial challenges to subject matter jurisdiction, i.e., NOTICE AND DEMAND and NOTICE OF OBJECTION AND DEMAND; I mailed copies to MATHEWS.

12. THAT one of the grounds for my asserting that no subject matter jurisdiction exists is the fact that the complaint is fatally defective on its face and void, which nullifies any proceedings by the court and leaves MATHEWS without authority to act. The record shows that said complaint was not executed immediately upon my arrest, but rather was completed five days later on July 31, 2009 in violation of –

***Alabama Rules of Criminal Procedure (“Rules”)***

● ***Rule 4.3(a)(1)(iii)***

● **Rule 4.3(a)(2)**

**Alabama Constitution (1901)**

● **Article I, Section 6**

*“That in all criminal prosecutions, the accused has a right . . . to demand the nature and cause of the accusation; and to have a copy thereof. . .”*

13. THAT I have researched and learned that constitutional due process under the common-law does not recognize any statutory modification thereof (e.g., extending the time for making a complaint without delay and serving it on the complainant upon release from jail for a warrantless arrest without a probable cause determination).

14. THAT I have learned and believe that defendant MATHEWS, being notified of said fatally defective complaint and his lack of subject matter jurisdiction, did commit the crime of impersonating a public servant by falsely pretending to be a public servant having lawful subject matter jurisdiction in the above-referenced case. He did act falsely in that capacity without authority and showed utter contempt for the law, i.e., he scoffed at demeaned the Alabama Rules of Criminal Procedure (“Rules”), the Alabama Constitution (1901), and the U.S. Constitution, by conducting sham proceedings on August 26, 2009 and September 23, 2009, denying me a host of constitutionally protected rights, not the least of which are the rights to due process and equal protection of the laws. All this 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.*

15. THAT on the morning of 08/26/09 at approximately 8:15 a.m. at the Ardmore Municipal Court I and my friend, Col. George Nelson (USAF, Retired), arrived in special appearance for what I thought was to be a scheduled initial appearance/arraignment in the above-referenced case. I intended to come in special appearance and address only my challenge to the court’s subject matter jurisdiction.

16. THAT defendant MATHEWS, purporting to be a public servant, did commit the crime of making a retaliatory terrorist threat of violence against me as a party-witness to the proceedings. MATHEWS did arrange on said morning for his fellow town employees and friends at the Ardmore Police Department to employ their S.W.A.T. Team to engage in an intimidation exercise calculated to terrorize me and my court proceedings witnesses.

17. THAT the witnesses of said hearing event include the following:

Col. George Nelson (USAF, Retired)  
7612 Teal Drive

Huntsville, AL 35802  
(256) 881-6180

Greg Chapman (media)  
4800 Whitesburg Drive, Suite 30-166  
Huntsville, AL 35802  
(256) 587-9130

Michael Hollaway (media)  
78 Hollaway Drive  
Scottsboro, AL 35768  
(256) 244-2547

18. THAT media reporter witnesses, Greg Chapman and Michael Hollaway, met us in the courthouse front parking lot and warned us that a heavily armed Ardmore Police Department S.W.A.T. team-like formation was out in force patrolling the building and side parking area. They said they had never seen such a menacing and frightening show of force at a municipal court hearing before. Upon exiting Col. George Nelson's vehicle I saw about 6-7 police in what appeared to be a high state of alert guarding the front of the municipal court building. The courthouse entrance door was guarded by a police officer who was carrying a fully automatic military M-16 assault rifle and wearing military-style, laced-high top, jack-boots. Next to him was another officer wearing black riot gloves and who stood guard on the courthouse sidewalk. Other well armed and equipped police officers were spaced apart in the front and side of the building. One S.W.A.T. member was positioned behind an SUV in the side parking lot about 60 yards away, presumably with a sniper rifle since he was appeared to be out of effective pistol range. As I walked toward the building's entrance I sensed I was the reason for the high security, because the police officers all stared and glared intently at me and appeared tense and, for the most part, ignored the other court attendees approaching the building. Any allegation, presumption, or prima facie evidence to the contrary is hereby rebutted.

19. THAT I believe I am correct in my above analysis of reasons for the police department's show of force because the S.W.A.T. Team members relaxed and began moving away from the municipal court building after my hearing was over and I had come outside the court room (even though the court was still in session inside). The police SUV, and (presumably) the S.W.A.T. sniper referenced above, had driven away before I exited the building since I, the "terrorist target," was leaving. Game's over.

20. THAT I believe that defendant MATHEWS' orchestration of said terrorist threat with deadly weapons was in retaliation against my written challenge to the court's subject matter jurisdiction and the potentially negative impact a case dismissal would have on the Ardmore Municipal Court's future money making racketeering enterprise. MATHEWS used his terrorist threat incident at the time of a judicial proceeding with the intent to obstruct justice by instilling fear and intimidating me and my witnesses so as to weaken my 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(a)(2). 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.*

21. THAT I believe that by the aforesaid orchestrated terrorist threat, MATHEWS did also commit the crime of tampering with a witness (me) by attempting to induce me to absent myself from the court proceeding to which I had been officially ordered to appear, and to scare and discourage me and my court-watcher witnesses from returning to future 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.*

22. THAT, further, on the morning of said 08/26/09, defendant MATHEWS, did commit the crime of intimidating a witness (me), and obstructing governmental operations. MATHEWS did attempt, by use of the aforesaid staged terrorist threat by his fellow employees and buddies directed at me and my court observer witnesses (who may be called to testify in future official proceedings), to induce us to avoid legal process summoning us to court or to testify, and/or induce us to absent ourselves from official proceedings in the above referenced matter, to which we have been (or possibly will be) legally summoned. MATHEWS knowingly and willfully attempted to impede my right to fair judicial proceedings by instilling the emotion of fear in me and my witness friends through the tactic of intimidation and threat of armed violence; he obstructed, impaired and hindered the just administration of law in the court room hearing, and 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.*

● ***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***

23. THAT said 08/26/09 hearing began at approximately 8:30 a.m. MATHEWS started the proceeding without making any introductory comment or opening statement of the case, without stating the nature of the proceedings, without reading me the charge or producing a complaint, without citing any law I allegedly violated, and without informing me of my right to counsel, etc. –nothing.

24. THAT MATHEWS immediately took me by surprised by abruptly asking for the two arresting officers to be called into the courtroom as witnesses so that the “trial” could begin. I thought that the hearing was for an arraignment, not for a trial! I was in no way prepared for a trial. I did not receive notice and I am not in receipt of any documentary evidence giving notice that my court appearance was for a trial. Any allegation, presumption, or prima facie evidence to the contrary is hereby rebutted. I have researched and learned MATHEWS’ trick of attempting to trap me into this arraignment-turned-trial without notice is a violation of –

***Alabama Rules of Criminal Procedure***

● ***Rule 14.2(a)(1), (2). Proceedings at Arraignment.***

***Alabama Constitution (1901)***

● ***Article I, Section 6***

*That in all criminal prosecutions, the accused has a right to be heard by himself and counsel, or either; to demand the nature and cause of the accusation; and to have a copy thereof; to be confronted by the witnesses against him; to have compulsory process for obtaining witnesses in his favor; to testify in all cases, in his own behalf, if he elects so to do; and, in all prosecutions by indictment, a speedy, public trial, by an impartial jury of the county or district in which the offense was committed; and he shall not be compelled to give evidence against himself, nor be deprived of life, liberty, or property, except by ***due process of law***; but the legislature may, by a general law, provide for a change of venue at the instance of the defendant in all prosecutions by indictment, and such change of venue, on application of the defendant, may be heard and determined without the personal presence of the defendant so applying therefor; provided, that at the time of the application for the change of venue, the defendant is imprisoned in jail or some legal place of confinement.*

25. THAT I objected to MATHEWS' surprise trial attempt and raised the challenge to the court's subject matter jurisdiction again, citing Constitutional authority and U.S. Supreme Court and Alabama Supreme Court holdings in support. He contemptuously brushed aside the jurisdictional issue and supporting authorities and continued ahead with the sham proceedings knowing he had no jurisdiction because of the invalid complaint (see ¶11 & ¶13 above). I have learned and believe that a judge acting without subject matter jurisdiction is impersonating a judicial officer since he has no legitimacy outside of his lawfully delegated authority.

26. THAT defendant MATHEWS again tried to begin his surprise trial without due process notice, without arraignment, without being given meaningful time to prepare, without the right of discovery and compulsory process, and without counsel. He ordered the two police officer witnesses to be brought into the court room to be sworn in for "trial" for which I was completely unprepared and for which subject matter jurisdiction had never been ruled on. He then ordered me to stand up and to raise my right hand for swearing in with the officers. I remained standing with my arms down by my sides and remained silent, not taking an oath. He twice ordered me to raise my right hand and swear to tell the truth. I silently refused to obey his orders and remained at attention, saying nothing, in exercise of my right to remain silent in a criminal proceeding.

27. THAT MATHEWS tried again to begin his surprise trial but I objected and reminded him that I had not been arraigned as yet which was mandatory (**Rule 14.2**). He then said "well, if you want an arraignment, how do you plead, guilty or not guilty?" Again, no charge was read, no complaint was given to me, no law cited allegedly violated. I told him I was not going to plead without the assistance of competent counsel of which I have a right. Prosecutor CHAD WISE immediately spoke to MATHEWS said "it isn't necessary for him to have counsel for the arraignment." I never waived my right to assistance of counsel and I expressed my desire to obtain assistance of competent counsel, but my asserted right was ignored by MATHEWS.

28. THAT MATHEWS tried unsuccessfully several times to cajole me into entering a plea on the spot without the assistance of counsel and without knowing the charge.

29. THAT three times MATHEWS made deliberate attempts at persuading me with false promises and inducements of "no jail time" into relinquishing my rights to due process notice and assistance of counsel, and to enter a plea immediately on the spot without counsel, by saying to me that I "didn't have to worry because I'm [judge] not going to put you in jail for your offense". . . "I don't plan to be putting you in jail for this". . . "you aren't going to be put in jail for your offense." From this blatant cajolery it is apparent to me that my guilt and conviction was a foregone conclusion (as it is in all kangaroo courts). Defendant MATHEWS had already made up his mind about finding me guilty before arraignment, pre-trial hearings, trial, or any of the facts of the case were known. I believe MATHEWS was pushing for a cash fine only, quick-fix plea bargain of some kind. It is clear from MATHEWS' statements that he had decided I was "guilty before proven innocent." All this 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 6***

***U.S. Constitution***

● ***Fifth Amendment***

● ***Fourteenth Amendment***

***Alabama Canons of Judicial Ethics***

● ***Canon 3(C)(1), (a)***

30. THAT 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 mentioned 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 are as follows:

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 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 and Fourteenth Amendments***

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)***

31. THAT on August 26, 2009 in the Ardmore Municipal Court, Town of Ardmore, Limestone County, Alabama, defendant MATHEWS, while impersonating a public servant did also 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.*

32. THAT MATHEWS scheduled another date for arraignment on September 23, 2009 at 8:30 a.m. without proving subject matter jurisdiction.

33. THAT at a scheduled arraignment hearing in my above-referenced case, 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 again commit the crime of interfering with judicial proceedings 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.

34. THAT the following is a partial list of witnesses to MATHEWS' numerous failures to perform and violations of duty at the 09/23/09 hearing referenced herein:

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.

35. THAT at said 09/23/09 arraignment hearing in the above-referenced case MATHEWS did knowingly fail to perform as required by law and violate duties of his purported office as follows:

MATHEWS did deny me a preliminary show cause evidentiary hearing on my challenge to the court's subject matter jurisdiction as I had requested in violation of –

**Alabama Rules of Criminal Procedure**

● **Rule 15.2(d). Objections Which May Be Raised at Any Time.**

● **Rule 15.4(a). Determination of Motions.**

Judge Mathews did deny me an opportunity to explain my request for assistance of counsel in violation of –

**Alabama Rules of Criminal Procedure**

● **Rule 14.2(a)(1). Proceedings at Arraignment; Pleas. Mandatory procedure.**

***Alabama Constitution (1901)***

● ***Article I, Section 6. Rights of persons in criminal prosecutions generally (right to be heard, right to counsel, right to due process, etc.).***

***U.S. Constitution***

- ***Fifth Amendment (Right to due process)***
- ***Sixth Amendment (Right to assistance of counsel)***
- ***Fourteenth Amendment (Right to due process and equal protection of the law)***

***Alabama Canons of Judicial Ethics***

● ***Canon 3(A)(4). (Full right to be heard)***

□ MATHEWS did deny me due process and equal protection under the law, again, by twice trying to trick me into entering a plea (i) without him having read me the charge, (ii) without him giving me a copy of the complaint, (iii) without asking if I had a copy, (iv) without asking me if I understood the charge, (v) without identifying the source from whence he was reading, and (vi) without ever citing any statute or ordinance that I allegedly violated. All in violation of –

***Alabama Rules of Criminal Procedure***

● ***Rule 14.2(a)(2). Proceedings at Arraignment; Pleas. Mandatory procedure.***

***Alabama Constitution (1901)***

● ***Article I, Section 6. Rights of persons in criminal prosecutions generally (right to know nature and cause of accusation, right to due process, etc.).***

***U.S. Constitution***

- ***Fifth Amendment (Right to due process)***
- ***Sixth Amendment (Right to be informed of the nature and cause of the accusation)***
- ***Fourteenth Amendment (Right to due process and equal protection of the law)***

□ MATHEWS did entered a plea of “not guilty” over my objection to the court’s lack of subject matter jurisdiction, without a hearing on subject matter jurisdiction, and without prosecutor, CHAD WISE, proving jurisdiction on the record, in violation of –

***Alabama Rules of Criminal Procedure***

- ***Rule 15.2(d). Objections Which May Be Raised at Any Time.***
- ***Rule 15.4(a). Determination of Motions.***

□ MATHEWS did refuse to disqualify himself upon my request due to his hostile demeanor, unfairness, bias, prejudice, and due to the fact that he had been named as a defendant in my third-party complaint in violation of –

***Alabama Constitution (1901)***

● ***Article I, Section 6. Rights of persons in criminal prosecutions generally (right to know nature***

*and cause of accusation, right to due process, etc.).*

***U.S. Constitution***

- ***Fifth Amendment (Right to due process)***
- ***Fourteenth Amendment (Right to due process and equal protection of the law)***

***Alabama Canons of Judicial Ethics***

- ***Canon 3(C)(1)(a). (Disqualification for bias)***

*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: He has a personal bias or prejudice concerning a party, or personal knowledge of disputed evidentiary facts concerning the proceeding.*

□ MATHEWS did deny me due process and freedom of speech and prevented me from being heard, by ordering me to silence, by ordering me out of the courtroom under threat of violence so as to prevent me from making the record (court reporter present), and by commanding the bailiff to physically remove me by armed force from the court room if I said a single word. All in violation of –

***Alabama Constitution (1901)***

- ***Article I, Section 4. Freedom of speech and press.***

*That no law shall ever be passed to curtail or restrain the liberty of speech or of the press; and any person may speak, write, and publish his sentiments on all subjects, being responsible for the abuse of that liberty.*

- ***Article I, Section 6. Rights of persons in criminal prosecutions generally (right to be heard, right to due process, etc.)***
- ***Article XVI, Section 279. Mandatory oath of office to support the Constitution.***

***U.S. Constitution***

- ***Article VI (Mandatory oath of office to support the Constitution)***
- ***Fifth Amendment. (Due process of law - right to be heard)***
- ***Fourteenth Amendment. (Due process of law & equal protection of the law)***

***Alabama Canons of Judicial Ethics***

- ***Canon 3(A)(4). (Full right to be heard)***

□ MATHEWS, without subject matter jurisdiction and outside his lawful authority, set the trial date for 10/28/09 at 8:30 a.m. which was continued by the prosecutor to January 27, 2010.

36. THAT I objected to MATHEWS continuing this case and scheduling an arraignment, and later a trial date, without jurisdictional authority, since prosecutor CHAD WISE had not born the burden of proof that the court has subject matter jurisdiction.

37. THAT from 07/26/09 to the present MATHEWS has shown by his actions that he is a scofflaw and thinks he is above the law. His purported court operates outside the rule of law, is a disgraceful sham, a racketeering enterprise, and meets the definition of a “**kangaroo court**” precisely, i.e., “Term descriptive of a sham legal proceeding in which a person’s rights are totally disregarded and in which the result is a foregone conclusion because of the bias of the court or other tribunal.” *Black’s Law Dictionary, 6<sup>th</sup> Edition, Page 868.*

38. THAT MATHEWS is a defiant lawbreaker operating under the color of office and color of law, since he has repeatedly disregarded constitutional, statutory, common and canonical law, has interfered with judicial procedure, and has violated many of my constitutionally secured rights to due process, to equal protection of the law, to be heard, etc. He has ignored all my motions, refused to hold any pre-trial hearings, refused to disqualify himself for obvious bias, and has conspired with his fellow Ardmore employees to get a conviction without impartiality, fairness, or justice, i.e., the law be damned.

39. THAT 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!];*

END OF AFFIDAVIT

