

State of Alabama Unified Judicial System Form CR-6 Rev. 2/95	<h2 style="margin:0;">COMPLAINT</h2> <p style="margin:0;">(Felonies, Misdemeanors, or Violations - District Court or Municipal Court)</p>	Warrant Number <u>0076</u> Case Number <u>M019-91</u>
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IN THE Municipal COURT OF Andover ALABAMA
(Circuit, District, or Municipal) (Name of Municipality or County)

STATE OF ALABAMA MUNICIPALITY OF Andover

v. Arthur J. Hirsch, Defendant

Before me, the undersigned authority, personally appeared this day the undersigned complainant who, upon first being duly sworn, states on oath that he/she has probable cause for believing, and does believe, that Arthur J. Hirsch, Defendant, whose name is otherwise unknown to the complainant, did, prior to the commencement of this action, on or about July 26, 2009 (date of Occurrence) commit the offense of Carrying concealed weapon within the

County of _____

City/Town of Andover or in the police jurisdiction thereof, in that he/she did:
(State specific facts here. Continue on a separate sheet of paper, if needed.)

Defendant above did have on his person
A .22 cal pistol in news parking lot
This did happen in Andover, AL
Andover Alabama

in violation of

Section _____, Code of Alabama 1975,

Ordinance Number _____, which embraces Section (13A-11-50)
Code of Alabama 1975, previously adopted, effective and in force at the time the offense was committed.

Other _____

Sworn to and Subscribed before me this <u>31st</u> day of <u>July</u> , 19 <u>2009</u> <u>Sandra Tucker</u> Judge/Magistrate/Warrant Clerk	<u>Sgt. Tracy Lewis</u> Complainant Address _____ <u>(256) 923-2146</u> Telephone Number
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WITNESSES		
NAME	ADDRESS	TELEPHONE NUMBER
<u>Terry Johnson</u>		<u>(256) 923-2146</u>

Additional Witnesses on Reverse Side

Affidavit of Bess Huber

Observed Rights Violations committed against Arthur Hirsch in the Municipal Court Annex, Ardmore, Alabama, September 23, 2009

Bessie Mae Huber, Deponent

1. Fact Statements.

My name is Bessie Mae Huber. I am 66 years old. I am a widow. I am a retired executive secretary with over 20 years' experience in that capacity.

My address is: 406 County Road 685, Flat Rock, Alabama 35966.

My telephone number is (256) 996-7426.

My email address is: bamabess06@yahoo.com

2. Affidavit Statements of Observations of Ardmore Municipal Court Proceedings in Ardmore, Alabama on September 23, 2009:

Observation #1: I attended the scheduled court session of Arthur Hirsch in the municipal court annex in Ardmore, Alabama on 9/23/09.

Observation #2: I heard the Police Chief open the court with a veiled threat to the citizens gathered to hear the proceedings. He stated (while speaking around a wad of tobacco or snuff in his jaw) that, "The judge is t' be respected, an' if you don't respect him, you will before you leave this place!" He nearly shouted when he added, "**Do you unnerstan' whut I'm sayin'?**" Even his facial expression was threatening.

Observation #3: There was no apparent reason for such a threat, and no one present made any response except perhaps surprise, expressed by a few raised eyebrows.

Observation #4: I witnessed a man in a tan uniform (possibly a local policeman) when he called through a side door to the judge (who was not visible in the courtroom at the time) and told him, "They're frin'ly, judge! Don't be scared! You can come on in."

Observation #5: The judge (Mr. Mathews) made reference to Mr. Hirsch's previously held hearing, and his unwillingness to plead guilty and pay a fine.

Observation #6: Judge Mathews asked Mr. Hirsch if he intended to plead "guilty" or "not guilty." (There was no acknowledgement of Mr. Hirsch's charge of *subject matter jurisdiction* that was before the judge. He simply ignored it.)

Observation #7: Mr. Hirsch began to say that there was “an over-riding matter before the judge that precludes...”--but Judge Mathews would not allow Mr. Hirsch to complete his statement.

Observation #8: Mr. Hirsch tried again to make the point that there was “a prior issue that had to be addressed before...”--but the judge cut him off mid-statement, and again would not allow him to finish speaking.

Observation #9: The judge demanded to know if Mr. Hirsch had an attorney present to represent him. Mr. Hirsch did not say “yes” or “no,” but tried unsuccessfully to be heard without interruption by the judge.

Observation #10: Judge Mathews stated that without any attorney to represent him, Mr. Hirsch could not speak in the court, because (the judge said) Mr. Hirsch had to have a lawyer present to speak for him.

Observation #11: Mr. Hirsch tried again to state the essence of the prior issue of the judge’s lack of jurisdiction, but the judge spoke over his voice again and repeatedly asked him if he was going to plead “guilty” or “not guilty.”

Observation #12: Judge Mathews insisted again that Mr. Hirsch was to be silent, making it clear to me that Mr. Hirsch was not being allowed to present any defense.

Observation #13: Mr. Hirsch said, “I object!”

Observation #14: The judge said, “Since you will not declare whether you are “guilty” “or “not guilty,” I will record that you are pleading “not guilty,” and I will set the date for your trial for October 28th!”

Observation #15: Mr. Hirsch said, “Your Honor, you have no right to speak on my behalf because you are not my attorney, and there is no contract between us. Furthermore, you have no right to proceed...”

Observation #16: Judge Mathews interrupted Mr. Hirsch again and ordered him not to say another word, and called the bailiff to have him forcibly removed from the courtroom.

Observation #17: Mr. Hirsch was putting documents back into his briefcase as he spoke, and had already stood to leave.

Observation #18: Mr. Hirsch said simply, “I am in the process of leaving.”

Observation #19: The bailiff said, “You ain’t leavin’ fas’ enuf!”

Observation #20: The bailiff took Mr. Hirsch by the arm and pushed at him, even though Mr. Hirsch was already moving toward the door of the court annex.

General Affidavit of Deponent Regarding This Court’s Proceedings

This municipal judge, Mr. Mathews, displayed no knowledge of proper decorum, and no understanding of the constitutional right of a citizen to be heard in a fair and impartial hearing and to present his own case in a court of law. Neither was he willing to address the formal challenge Mr. Hirsch had brought before the court concerning the court’s lack of jurisdiction in the case. (This was a matter of the accused person’s right to keep and bear arms, as guaranteed by the Second

Amendment to the United States Constitution (the Supreme Law of the Land), a right that is also clearly guaranteed by the Alabama Constitution of 1901 under Article I, Section 26.) From my reading it seems to me that a municipal judge has no jurisdiction in matters of constitutional guarantees, and when he violates the right to due process of law.

Judge Mathews' refusal to allow Mr. Hirsch to make statements on the record in his own defense violates his right to answer for himself in court and to have important facts put on the record without being stopped by the judge. Judge Mathews repeatedly cut Mr. Hirsch off from speaking in the court, which is a violation of due process that allows a person to be heard before a fair and impartial judge. Judge Mathews certainly showed his prejudice and ignorance of the law to all present in court. His arrogance, bias, and ignorance of legal process and terminology were quite apparent and are surely an embarrassment to the justice system of Alabama. I am concerned that if Judge Mathews' example of judicial abuse of peoples' rights and deliberate violation of the rules of law are allowed to continue while he's in office, his bad influence will spread and soon there will remain no respect for judges at any level. In my opinion this court session was a travesty of justice that I believe warrants swift remedy in the form of Judge Mathews' disqualification from this case and his removal from office.

3. Affidavit Signature.

Sworn by Bessie Mae Huber Deponent, on October 20, 2009.
(Bessie Mae Huber)

[jurisdiction], ss: (Information regarding notary)

Kym Chapman, Notary, Jackson County, Alabama, being first duly sworn on oath according to law, depose and say that I have read the foregoing AFFIDAVIT OF Bessie Mae Huber, by her subscribed, and am satisfied that the matters stated herein are true to the best of her information, knowledge and belief.

SUBSCRIBED AND SWORN to before me this 20th day of October, 2009.
Cindy Maynor, Notary Public, Jackson County, AL
(Melanie Kym Chapman)

My commission expires on the _____ day of _____ **My Commission Expires 10-14-2012**

AFFIDAVIT

State of Alabama
County of Jackson

BEFORE ME, the undersigned Notary,

Cindy Maynor [name of Notary before whom affidavit is sworn], on this 20th [day of month] day of October [month], 2009, personally appeared Melanie Kym Chapman [name of affiant], known to me to be a credible person and of lawful age, who being by me first duly sworn, on her [his or her] oath, deposes and says:

On September 23rd, 2009, I Melanie Kym Chapman, was present before, during, and after the proceedings of the Ardmore Alabama municipal court arraignment, with Arthur Hirsch as the defendant and William Mathews was the judge.

The judge was rude, he would not let Mr. Hirsch speak. Mr. Hirsch challenged Subject Matter Jurisdiction but the judge would not let Mr. Hirsch Speak.

The judge plead for Mr. Hirsch. The judge made it clear to me that he was going to find Mr. Hirsch guilty. The judge threatened Mr. Hirsch for speaking. A police officer said, "Your not moving fast enough".

[set forth affiant's statement of facts]

Melanie Kym Chapman
[signature of affiant]

Melanie Kym Chapman
[typed name of affiant]

P.O. Box 10
[address of affiant, line 1]

New Hope, AL, 35760
[address of affiant, line 2]

Subscribed and sworn to before me, this 21ST [day of month] day of OCTOBER [month], 2009.

[Notary Seal:]
Cindy Maynor
[signature of Notary]

CINDY MAYNOR
[typed name of Notary]

NOTARY PUBLIC

My commission expires: _____, 20____.

My Commission Expires 10-14-2012