

IN THE CIRCUIT COURT OF
LIMESTONE COUNTY,
ATHENS, ALABAMA

STATE OF ALABAMA,
Plaintiff,

vs.

SANDRA TUCKER,
Defendant.

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CRIMINAL COMPLAINT

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 office of the clerk-magistrate of the Municipality of Ardmore, Limestone County, Alabama, the Defendant, SANDRA TUCKER, as an 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: Defendant did unlawfully execute an appearance bond and scheduled a date for an arraignment/initial appearance in the above referenced case upon complainant's release from jail without authority because

(a) she failed to determine whether probable cause existed to believe that complainant committed the charged offense by examining witnesses in accordance with the procedures for making a probable cause determination per **Rule 2.4** (Ala. Rules of Criminal Procedure),

(b) she made a 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, whatsoever, 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.

Any allegation, presumption or prima facie evidence to the contrary is hereby rebutted.

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 office of the clerk-magistrate of the Municipality of Ardmore, Limestone County, Alabama, the Defendant, SANDRA TUCKER, as an officer of the Ardmore Municipal Court, did commit the crime of theft of property in the second degree in the matter of *MUNICIPALITY OF ARDMORE v. Arthur Hirsch*, Case No. MC09-71, by knowingly obtaining by deception control over the property of complainant 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.

Probable Cause Fact: Defendant TUCKER did knowingly obtain and exert unauthorized control over complainant’s property (albeit loaned funds) under 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 **Rule 4.3(a)(1)(iii)** and **Rule 7.2(b)** and would not return said embezzled funds upon notice. Any allegation, presumption or prima facie evidence to the contrary is hereby rebutted.

COUNT 3
Tampering With Governmental Records
(In violation of Ala. Stat. § 13A-10-12)

July 26, 2009: On July 26, 2009 in the office of the clerk-magistrate of the Municipality of Ardmore, Limestone County, Alabama, the Defendant, SANDRA TUCKER (“TUCKER”), as an officer of the Ardmore Municipal Court, did commit the crime of tampering with governmental records in the matter of *MUNICIPALITY OF ARDMORE v. Arthur Hirsch*, Case No. MC09-71. 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 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 Ardmore Municipal Court, namely, copies of Town of Ardmore’s liability insurance policy/bond, Town of Ardmore’s municipal charter, and oaths of office for Ardmore mayor, town council members, municipal judge, select police officers and chief of police. Any allegation, presumption or prima facie evidence to the contrary is hereby rebutted.

COUNT 4

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

July 26, 2009: On July 26, 2009 in the office of the clerk-magistrate of the Municipality of Ardmore, Limestone County, Alabama, the Defendant, SANDRA TUCKER (“TUCKER”), as an officer of the Ardmore 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 Ardmore Municipal Court, to wit, *MUNICIPALITY OF ARDMORE v. Arthur Hirsch*, Case No. MC09-71. 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, clerk TUCKER, was aware of the legal proceedings in the above styled case. She did knowingly and intentionally conceal documents and records in her custody from complainant, thus making them unavailable for use in his defense, by saying she did not know where

they were when he requested them. Said concealed documents included Town of Ardmore's liability insurance policy/bond, municipal charter, and the oaths of office for Ardmore's mayor, town council members, municipal judge, select police officers and chief of police. Any allegation, presumption or prima facie evidence to the contrary is hereby rebutted.

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

August 3, 2009: On August 3, 2009 in the office of the clerk-magistrate of the Municipality of Ardmore, Limestone County, Alabama, the Defendant, SANDRA TUCKER ("TUCKER"), as clerk of the Ardmore Municipal Court, did commit the crime of obstructing government operations (court proceedings) by means of independent, unlawful interference and intimidation, i.e., clerk TUCKER did intentionally obstruct, impair and hinder the fair and just administration of due process of law, directly affecting complainant, in the matter of *MUNICIPALITY OF ARDMORE v. Arthur Hirsch*, Case No. MC09-71 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.

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 refuse three requests by complainant to issue a subpoena and subpoena duces tecum on his behalf, which has prevented him from adequately preparing for his upcoming trial in the Ardmore Municipal Court. Clerk TUCKER told 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. Any allegation, presumption or prima facie evidence to the contrary is hereby rebutted.

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

August 3, 2009: On August 3, 2009 in the office of the clerk-magistrate of the Municipality of Ardmore, Limestone County, Alabama, the Defendant, SANDRA TUCKER (“TUCKER”), as 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 the case of *MUNICIPALITY OF ARDMORE v. Arthur Hirsch*, Case No. MC09-71. TUCKER did deny 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.*

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 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 him. As clerk of the court, 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 violation of duty, and has prevented him from adequately preparing for his upcoming trial in the Ardmore Municipal Court. 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 by TUCKER failing to perform her duty as clerk of court, as well as interfering with judicial proceedings. Any allegation, presumption or prima facie evidence to the contrary is hereby rebutted.

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

August 3, 2009: On August 3, 2009, in the office of the clerk-magistrate of the Municipality of Ardmore, Limestone County, Alabama, the Defendant, SANDRA TUCKER (“TUCKER”), as clerk of the Ardmore Municipal Court, did commit the crime of criminal coercion in the matter of *MUNICIPALITY OF ARDMORE v. Arthur Hirsch*, Case No. MC09-7. TUCKER 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 did call for Ardmore police officer, TRACY LUNA, to come and restrain complainant by arrest in retaliation of 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. Her intent was to threaten and intimidate complainant into waiving his lawful right to compulsory process in the hope of refraining him from any further efforts to obtain the issuance of a subpoena from her. Without compulsory process, complainant would be at a distinct disadvantage at trial, which would assure an easy conviction and penalty fine, all to the monetary (paycheck) benefit of Ardmore employees. By clerk TUCKER attempting to 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 have been denied. Any allegation, presumption or prima facie evidence to the contrary is hereby rebutted.

This complaint is based on these facts:

SEE ATTACHED AFFIDAVIT

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

CRIMINAL COMPLAINT

*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