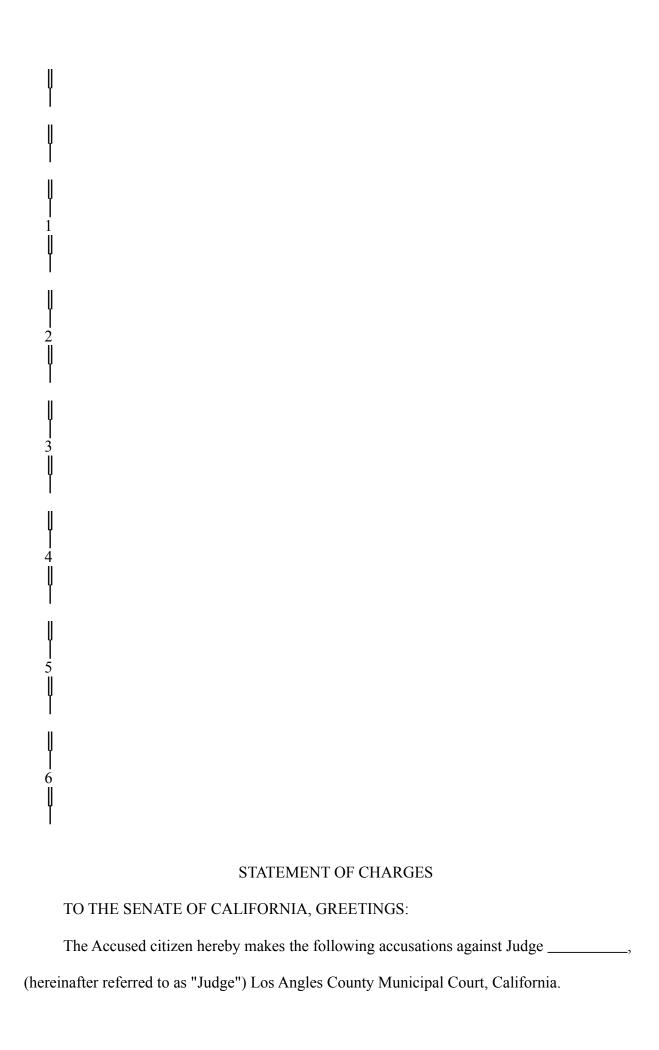


In the Senate of California

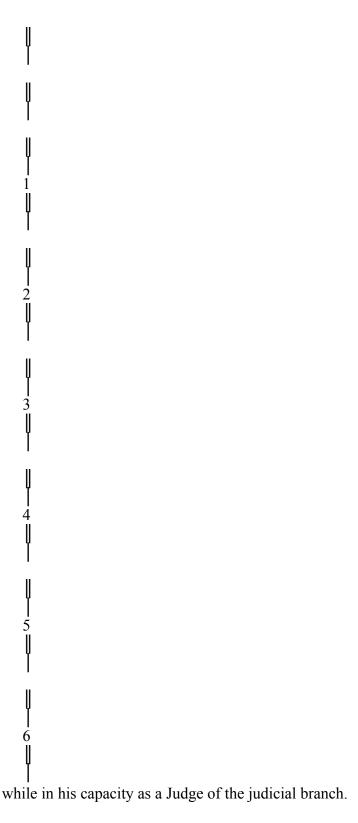
Richard J. McDonald) CASE NO. _____

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Plaintiff
                                           NOTICE OF
           VS.
                                           IMPEACHMENT
Judge____
                                           ACCUSATIONS
    Respondent
                                        ) (Const. Art, IV, §18)
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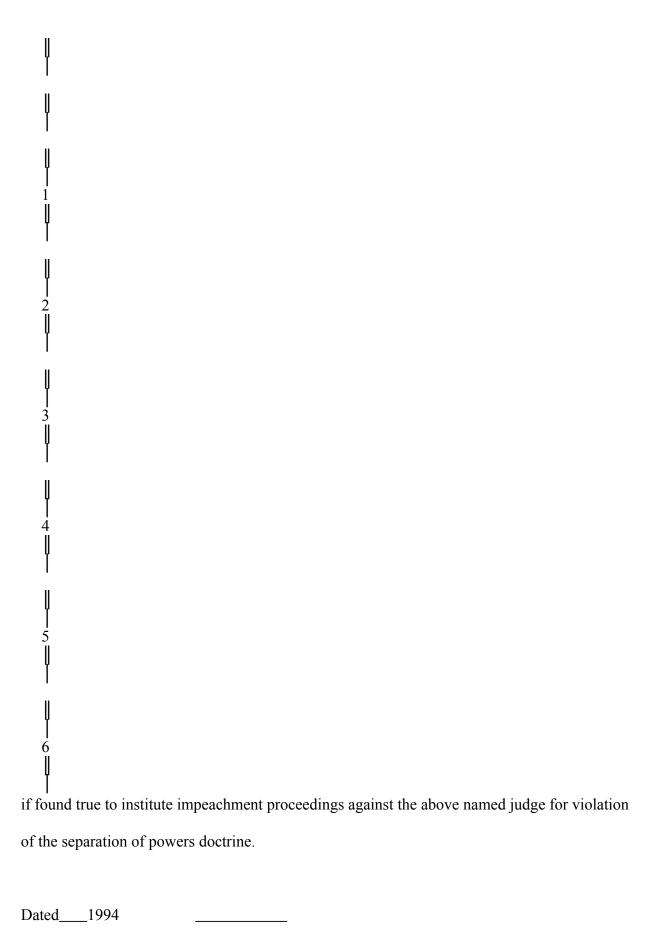
for performing such duties from the bench.

- 4. The Judge while sitting on the bench ruled in violation of the Constitution.
- 5. The judge by acting as counsel/co-counsel was in violation of the Separation of Powers Doctrine.
 - 6. The judge was exercising executive functions in behalf of the State of California,



7. The judge denied an opportunity to be heard, when he arbitrarily denied the demurrer and rendered judgment against the Accused.

Thus, for the above facts, which constitute a denial of substantive Due Process, Citizen Richard J. McDonald requests that the Senate of California investigate the above allegations and



POINTS AND AUTHORITIES

A judge sitting on the bench is not an active member of the bar, and cannot be both the judge, jury and prosecutor at the same time, this smacks of a similar type of situation that has happened before it was called "STAR CHAMBERS." Where is the Due process??

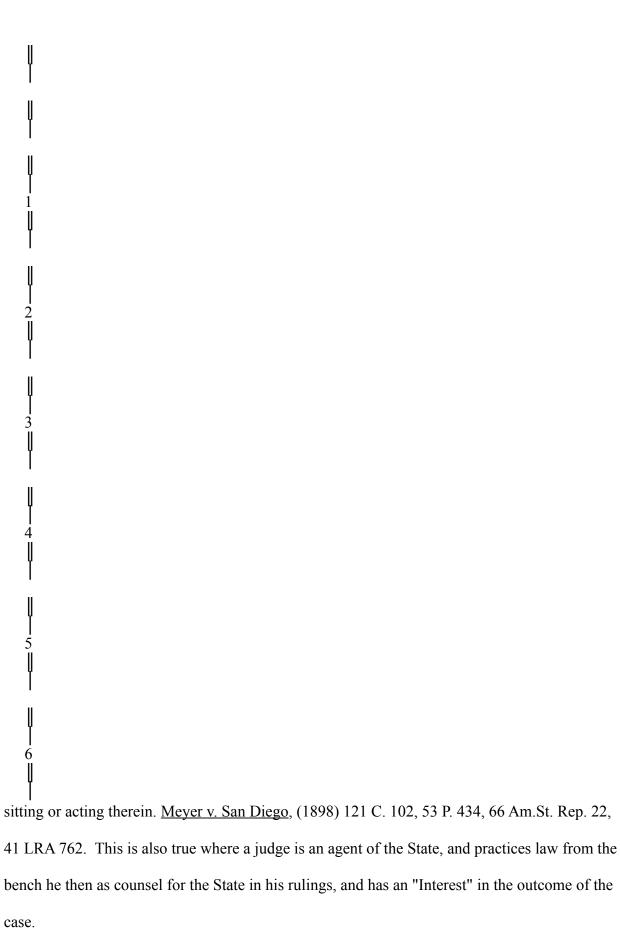
A judge was guilty of prejudicial conduct where, in an action for unlawful detainer of a



dwelling in which defendants alleged a breach of implied warranty of habitability, the judge undertook a collateral investigation of the premises and thereby abdicated his responsibility for deciding the parties' dispute on the pleadings and evidence brought before him. Wenger v. Commission on Judicial Performance, (1981) 29 C3d. 615, 175 Cal.Rptr. 420, 603 P2d. 954. This is similar to the present case, where the judge does not rule on the pleadings with neutrality,

but, practices law from the bench by denying pleadings that are unopposed. To deny any motion that is unopposed by the prosecution, without the formal filing of pleading in opposition is outright favoritism and petty tyranny for the purpose of raising revenue. Similar to "I am the King of the Bench, and I can do no wrong."

A judge who is a taxpayer of a city, is interested in the litigation, and disqualified from



The most minute interest is sufficient to disqualify. The Municipal courts are more

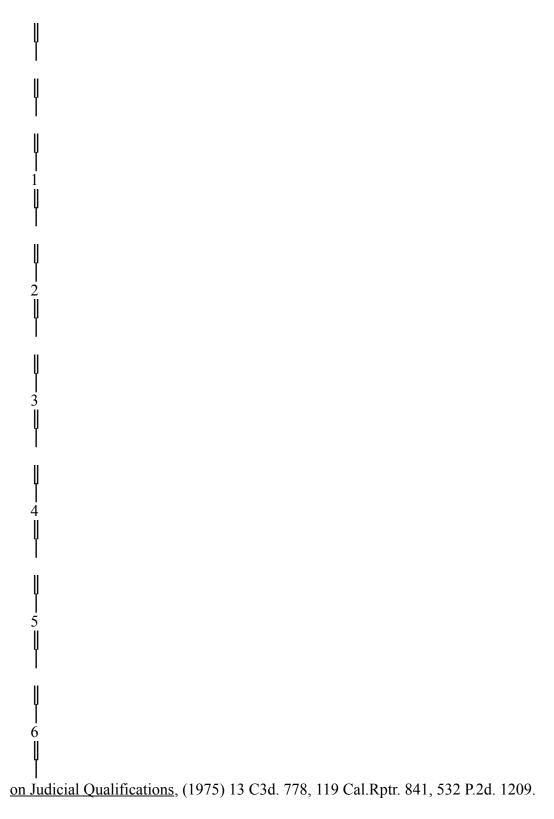
interested in raising revenue than dispensing justice. It is a well known fact that the courts are in business to make a profit so that the salaries of government employees can be paid.

A municipal court judge performace in raising revenue is one of the main items for promotional purposes, it is without question that municipal courts are in business for the purpose of raising revenue, not dispensing justice.

Accordingly, at common law, citizens who were tax payers were incompetent to sit as judges in cases in which their own town or municipality was a party in interest." <u>Clark v. Lamb</u>, 2 Allen 396 (Mass); <u>Wood v. Stoddard</u>, 2 Johns 194 (N.Y.); <u>Tollard v. Comm'r of Berkshire Co.</u>, 13 Gray 13 (Mass); <u>Peck v. Exess Freeholders</u>, 21 N.J.L. 656; <u>City of London v. Wood</u>, 12 Mod. 669 (England).

A judge must be on his guard not to compromise the independence of the court. Wenger v. Commission on Judicial Performance, (1981) 29 C3d. 615, 175 Cal.Rptr. 420, 603 P2d. 954.

A judge who continually denies motions without opposition from the People, is guilty of favoritism, and petty tyranny where he continually acts as counsel for the People. It is the duty of the court to preserve the integrity and independence of the judiciary. Spruance v. Commission



The bias or prejudice which may disqualify a judge must be of a character calculated to seriously impair his partiality and sway his judgment. Evans v. Superior Court, (1930) 107 CA 372, 290 P. 662. Thus, a judge who acts as counsel for the State by being the prosecutor (practicing law from the bench,) and the judge at the same time could only be biased.

"Bias is defined as a mental predilection of prejudice; a leaning of the mind; a predisposition to decide a cause or an issue in a certain way, which does not leave the mind perfectly open to conviction. <u>Lemen, In Re</u>, (1980) 113 CA3d. 769, 170 Cal.Rptr. 642.



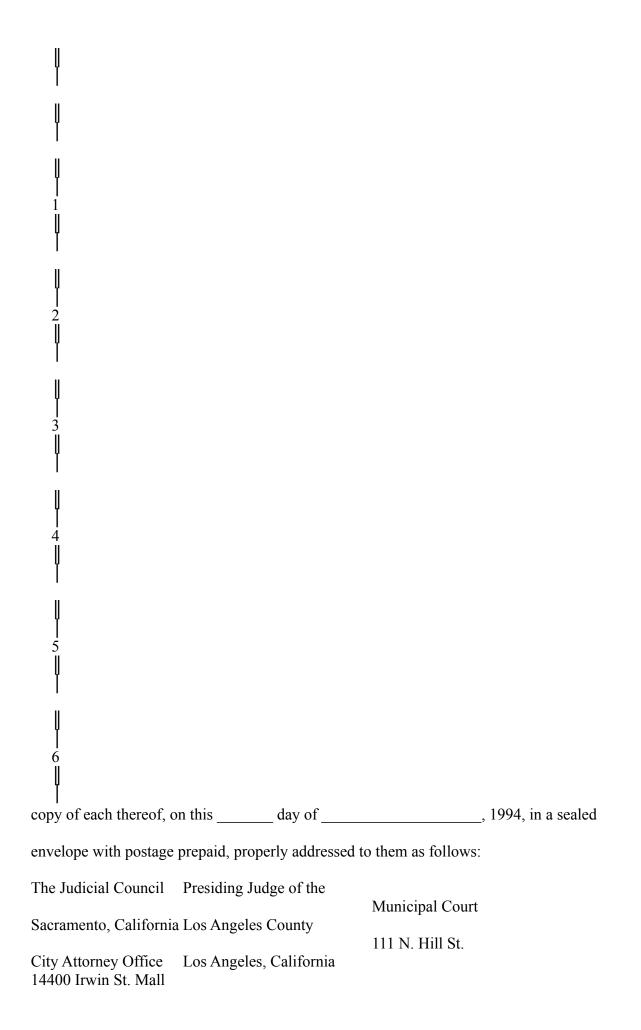
CERTIFICATE OF SERVICE

I, xxxxxxxxxxxxxxxxxxxxx, under penal of perjury, declare that I am a Citizen of California, domiciled in California and a Citizen of one of the several states under the United

States Constitution, Article IV, Sec. 2, Clause 1, and am not a citizen of the United States (District of Columbia) and a subject of Congress under the 14th Amendment, and a resident under the 14th Amendment in the State of California.

It is hereby certified that service of this _____

have been made on the Plaintiffs and interested parties by personal service or by mailing one



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Att	orney General of Cali	Supreme Court of California Ifornia	303 Second St. South Tower San Francisco, California
	5 K. Street cramento, California		94107
Da	ted	,1994	Richard J. McDonald Citizen of California

