

BILL FOR IMPEACHMENT

With regard to this petition, Judge Olga H. Stickel has consistently **denied Citizens of Indiana their fundamental rights** by placing herself above the law and making decisions that, in abuse of his position and people's trust, show a callous **disregard for the truth**, as well as wanton and deliberate, and at times, **criminal violations of the said Constitution and laws**. Judge Olga H. Stickel is on record **committing lies(Perjury), false imprisonment and conspiracy**, amongst other violations.

Regrettably, **the Judicial Branch of government is answerable and accountable to no entity other than itself, resulting in the judiciary's arbitrary abuse** of the self-proclaimed doctrine of judicial "immunity", which itself is in violation of the Constitution, and leaving the People of Indiana without recourse when their inherent rights are violated by judges.

Fortunately, the Framers of the Constitution foresaw and anticipated this abuse of power and included into the Indiana Constitution provisions, such as **Article 6, §§ 7, 8 and Article 7, §§ 11, 13**, as well as the laws in pursuant thereto, that allow its citizens the authority to remove an officer of the court by "**Impeachment**".

Under Rights and Authority of The People of the State of Indiana, and pursuant to the **Bill of Rights, Article I of The State Of Indiana Constitution**, "We DECLARE, That all people are created equal; that they are endowed by their CREATOR with certain inalienable rights; that among these are life, liberty, and the pursuit of happiness; that all power is inherent in the people; and that all free governments are, and of right ought to be, founded on their authority, and instituted for their peace, safety, and well-being. For the advancement of these ends, the people have, at all times, an indefeasible right to alter and reform their government."

In order to prevent those, who are vested with authority, from becoming oppressors, the people have a right, at such periods and in such manner as they shall establish by their frame of government, to cause their public officers to return to private life; and to fill up vacant places by certain and regular elections and appointments.

To this end, the said Constitution provides, in its **Article 6 and Article 7** and the laws in pursuant thereto, means of impeachment to have such oppressors removed from office and replaced with men of honor and integrity who abide by the Constitution and laws pursuant thereto.

The undersigned do hereby demand the immediate removal of Judge Olga H. Stickel, of Elkhart County Superior Court 4, Elkhart County, Goshen Indiana, for the following reasons:

1. Violates the judicial Canons and Codes of Conduct for judges.
2. Places herself above the law.

3. Violates the Indiana Codes and laws as legislated by the Indiana General Assembly in violation of Separation of Powers.
4. Has committed perjury, and official Misconduct of Office.
5. Issues orders in direct violation of the Indiana Statutes and Constitution.
6. Willful neglect of duty.
7. Defrauds and conspires to defraud the Tax Payers of Indiana and United States government. Examples see Title 42 U.S.C. §658 and 669(b)
8. Gross and deliberate ignorance of official duties.
9. Willful discrimination on the basis of gender, (custodial vs non custodial)
10. Unlawful imprisonment of indigent persons from another State.
11. Gross carelessness in the discharge of official duties.
12. Oppression in office.
13. Breach of public trust and Breach of contract.
14. Endangering the psychological and physical safety and knowingly aiding and abetting injury and abuse of minor children in violation of Indiana and federal laws and Constitutions.
15. Depriving children of their caring parental rights to visitation.
16. Violations of parties' human rights as guaranteed by the Constitutions and laws of Indiana and the United States.
17. Violation of Oath of Office.
18. Unlawful destruction, for profit, of livelihood and family life of parties in cases before her.
19. Violations of and disdain for the Constitutions and laws of the United States and Indiana. Direct violations of due process.
20. Obstruction of justice and perverting the course of justice, nepotism and cronyism,

This Petition, along with its supporting document and evidence, is respectfully submitted to the Indiana **House of Representatives** and **Senate** and the **Governor of Indiana**

for action consistent with the Duty and Authority of the members under their respective Oaths of Office to investigate these Complaints and to proceed as enunciated below.

Article 6, § 7, states, "All State officers shall, for crime, incapacity, or negligence, be liable to be removed from office, either by impeachment by the House of Representatives, to be tried by the Senate, or by a joint resolution of the General Assembly; two-thirds of the members elected to each branch voting, in either case, therefor. "

Article 6, §8, states: "All State, county, township, and town officers, may be impeached, or removed from office, in such manner as may be prescribed by law".

Article 7, § 7, states: "a Judge for each circuit" "shall hold his office for the term of six years, if he so long behaves well.

Article 7, § 13, states: "Removal of Circuit Court Judges and Prosecuting Attorneys. Any Judge of the Circuit Court or Prosecuting Attorney, who shall have been convicted of corruption or other high crime, may, on information in the name of the State, be removed from office by the Supreme Court, or in such other manner as may be prescribed by law."

Indiana State Code, IC 5-8-1-1 Officers; judges; prosecuting attorney; liability to impeachment

"(a) Under Article 6, Sections 7 and 8 of the Constitution of the State of Indiana, all state officers other than justices of the supreme court or judges of the court of appeals of Indiana or the Indiana tax court, **all other judges, prosecuting attorneys, and all county, city, town, and township officers are liable to impeachment for any misdemeanor in office.**"

Indiana State Code, IC 5-8-1-19 Judge or prosecuting attorney; duties of Attorney General: (a) Under **Article 7, Section 13** of the Constitution of the State of Indiana, whenever a circuit, superior, probate, or county court judge or prosecuting attorney has been convicted of corruption or any other high crime (such as by Indiana Senate upon impeachment), the attorney general shall bring proceedings in the supreme court, on information, in the name of the state, for the removal from office of the judge or prosecuting attorney.

The Government of the People of State of Indiana has a DUTY and the authority to review and to correct breaches of "good behavior" of the Judicial branches of the State of Indiana, and where appropriate, to investigate and prosecute individual public officers whose performance of the duties of their office **offends the conscience** of We the People.

Accordingly, all courts ordained and established under gubernatorial authority **shall**, as a duty, exercise judicial powers ONLY in conformance with that Constitution and just Laws of the State of Indiana and the United States and shall perform the duties of office sustaining "good behaviour".

The Petition, under Articles of State of Indiana Constitution and Constitution for the United States, affirms evidence of multiple constitutional violations by Judge Olga H. Stickel, which inflict irreparable financial, emotional and physical harm upon the Citizens of Indiana, my son and alleged grandsons life.

/s/ Michael Jack Stephens

Michael Jack Stephens

P. O. Box 781

Pooler, Georgia 31322

October 18th, 2008

912-429-3387 (private)

Supporting Documentation and
Criminal Complaint

From: Michael Jack Stephens
P. O. Box 781

Pooler, Georgia 31322
912-429-3387

Judge Olga H. Stickel Elkhart Superior Court 4

Case Number: 20D04-0612-FC-00025 2006-2007
CCS is available to anyone.

1. On June 9th, 2006 father (non-custodial parent) was arrested on a void court order, issued by a corrupt judge in violation of his Oath of Office.

2. On July 13th, 2006 father (non-custodial parent) was told the State of Indiana has now filed criminal charges for non support. Indiana Code is 35-46-1-5(a).

(a) IC 35-46-1-1; defines support as: "food, clothing, shelter, and medical care."

If the non custodial parent is charged with the above statute, why is the Mother not charged being she is the custodial parent and in this case has sole custody, and the one totally responsible for the items listed as support. But in this case the mother was NOT charged, and has to this day NOT been charged.

3. Criminal Case was originally filed as 20D06-0601-FC-8. On the start of the trial in Nov. 07, Judge David C. Bonfiglio recused himself after our lawyer challenged his original support order, because the way it was figured was in violation of the Indiana Child support guidelines, and the Judge stated upon his recusal, "he made mistakes in setting this parents child support". Both our lawyer and the Elkhart County prosecutor heard these remarks and still did nothing to correct this judicial error. This non-custodial parent now has a felony conviction under fraud upon the court, and perjury by the prosecutors office, and still NOT one court of appeals judge or the Indiana Supreme Court justices have done any thing to help correct this error, which was made by the Indiana Judicial System, in direct violation of every Judges Oath of Office.

(a) To stop our lawyer from challenging his authority, Judge Bonfiglio filed a complaint against our lawyer with the Indiana Disciplinary Commission, to make sure this lawyer backs away from his complaint on our behalf. **To note: it worked, this lawyer did back away from this challenge, to our detriment.**

4. Case was moved to Elkhart Superior Court 4; Judge Olga Stickel; under case number: 20D04-0612-FC-25.

(a) This judge even knowing an error was made in setting child support, and the statement made by Judge Bonfiglio, this Judge did nothing to correct his mistake and they continued this injustice act against defendant. This has ruined this defendants life, and his son's also, not to mention removal of this my alleged grandson from his extended family in direct violation of Title 42 U.S.C> §669b. Under this title and section the State of Indiana takes a grant (taxpayers money) to make sure all non-custodial parents have visitation, but the prosecutors office, in conspiracy with all judges **do not uphold this statute of law.**

Finally, this corruption continues in this Judicial System. What can anyone do when the Judges of the lower court are corrupt, and the Judges of the Court of Appeals cover up their misconduct, and then the Supreme Court refuses to hear or accept any petition to transfer. This has been the plot of corruption that has happened to my family. The good old boy network covers up for the good old boys to get money under false pretense, and then to get 2X the amount under the federal incentive payment program under Title 42 U.S.C. §658, Title IV-D, but refuses to enforce visitation under Title IV-D, Sec. 669(b). WHY? My alleged grandson has been stolen from his extended family. WHY?

The States are kidnapping children for incentive payment money from the Federal Government, and not one person cares. This is child slavery for profit. Your child was given to you by GOD, not government. The Social Security Act of 1935 even states the agency can NOT take any child over the objections of either parent. Either parent means; mother or father. This father has filed many objections only to not have his motions heard. Trial Rule 53.1 states a judge must make a decision on all motions within 30 days. This is Judicial tyranny. WHY? What are you going to tell GOD on judgment day?

5. *IC 35-44-1-2, which states:*

A public servant who:

- (1) knowingly or intentionally performs an act that the public servant is forbidden by law to perform,...commits official misconduct, a class D felony.
- (a) Under the Indiana Constitution, Article 7, Section 13, which states:
Removal of Circuit judges or prosecuting attorneys.
Any judge of the circuit court or prosecuting attorneys, who shall have been convicted of corruption or other high crime, may, on information in the name of the State of Indiana, be removed from office by the Supreme Court, or in such other manner as may be prescribed by law.
- (b) Rule 25; Judicial Disciplinary Proceedings

III. Grounds for Discipline or involuntary retirement.

A. Any judicial officer may be disciplined for any of the following acts.

- (1) **conviction of any felony, or any crime which involves moral turpitude or conduct that adversely affects the ability to perform the duties of judicial officer.**
- (2) willful and persistent failure to perform duties;
- (3) **willful misconduct in office;**
- (4) willful misconduct unrelated to the judicial office that brings such office into disrepute;
- (5) habitual intemperance;
- (6) **conduct prejudicial to the administration of justice, including the repeated failure to adhere to the rules of procedure; or**

(7) a violation of the Code of Judicial Conduct, the rules of professional conduct, or other professional rules duly adopted by the Indiana Supreme Court.

(c) Indiana Rules of Court; Code of Judicial Conduct

Canon 2. A judge shall avoid impropriety and the appearance of impropriety to all the judge's activities.

A. A judge shall respect and comply with the law...

Canon 3. A judge shall perform the duties of judicial officer impartially and diligently.

B. Adjudicative Responsibilities.

(2) A judge shall be faithful to the law...

(d) Indiana Constitution, Article 7, Section 4; The supreme court shall have no original jurisdiction except in admission to the practice of law; **discipline and disbarment of those admitted; the unauthorized practice of law; discipline, removal, and retirement of justices and judges...**

(e) Indiana Constitution, Article 7, Section 7; ...and a judge...he shall hold his office for the term of six years, **if he so long behaves well.**

(f) IC: 35-34-2-11; Oath

Sec. 11, Before assuming the duties of a judge, a judge must take an oath to; (1) faithfully perform the duties of the judge's office; and (2) Support and defend to the best of the judge's ability the Constitution and laws of Indiana and the United States.

We are looking for people who feel they have been wronged by prosecuting attorney's office with in Elkhart County. If you or anyone you know might be willing to help and work with us, in telling people about this, or by filing a criminal complaint, please email us at: mstephenso7@aol.com.

*Judge David C. Bonfiglio, Judge Olga Stickel, Judge Evan S. Roberts of Elkhart Superior Courts has violated their Oath of Office, Indiana Constitution, U.S. Constitution, and the Indiana Statutes as passed by your legislators. **Next election please vote against these judges.***

Under the United States Attorney Manual § 8-3.010 the U.S. Attorney is responsible for the enforcement of criminal civil rights statutes in accordance with the procedures set forth. The Principal statutes are; 18 U.S.C. § 241 (conspiracy to injure citizens in the exercise of federal rights); 18 U.S.C. §242 (willful deprivation of federal rights under color of law); 18 U.S.C. §245 (interference with federally protected activities); 18 U.S.C. §247 (damage to religious property); 18 U.S.C. §1584 (involuntary servitude); and 18 U.S.C. §1589 (forced labor); and others.

Online USA manual at: www.usdoj.gov/usao/eousa/foia_reading_room/usam/3mcvr.html

NOTICE TO ALL CITIZENS

- 1) IC 35-46-1-5(a): non-support of a dependant child is a class D felony... Anyone who knowingly or intentionally fails to provide support to a dependant child
- 2) IC 35-46-1-4: neglect of a dependant which reads:
 - (a) a person have the care of a dependant, whether assumed voluntarily or because of a legal obligation, who knowingly, or intentionally;
 - (1) places the dependant in a situation that endangers the dependant's life or health;
 - (2) abandons or cruelly confines the dependant;
 - (3) deprives the dependant of necessary support; or
 - (4) deprives the dependant of education as required by law;commits neglect of a dependant, a class D felony.
- 3) IC 35-46-1-1; defines "support" as food, clothing, shelter, or medical care.

Most fathers/males (non-custodial parents) are being charged falsely of a criminal statute when the language is very clear.

The Indiana Court of Appeals in *Rzeszutek v Beck*; 649 N.E. 2d 673, 678 (1995) [citing *Miller v Walker*, 642 N.E. 2d 1000, 1001-2 (1994)] stated: "When a statute is clear and unambiguous on its face, this court need not, and indeed may not, interpret the statute." *Whitacre v State*, 629 N.E. 2d 605, (Ind. App. 1993), opinion adopted by *Whitacre v State*, 629 N.E. 2d 1236, (Ind. App. 1994); "instead, we hold the statute to its clear and plain meaning." Also see, *Scheub v Town of Schererville*, 617 N.E. 2d 585 (Ind. App. 1993); *Coute v Lafayette Neighborhood HSG Ser.*, 792 N.E. 2d 907 (Ind. App. 2003); *South Bend Tribune v South Bend Cmty. Sch. Corp.*, 740 N.E. 2d 937, 938 (Ind. App. 2000); *Wernie, Ristine, & Ayers v Yund*, 758 N.E. 2d 558 (Ind. App. 2001); *Guerin v Schalfer*, 772 N.E. 2d 1119 (Ind. App. 2000); *Eyster v S. A. Birnbaum Contracting Inc.*, 662 N.E. 2d 201 (Ind. App. 1996); *Madison v Hawkins*, 664 N.E. 2d 184 (Ind. App. 1994).

Ware v State, 441 N.E. 2d 20 (Ind. App. 1983); when it held that; "When the legislature provides a definition of a word, courts are bound by it regardless of other possible meanings attributed to the word." Also see; *Department of State Revenue v Crown Co.*, 109 N.E. 2d 426, 231 Ind. 449 (1952); *State v Grange*, 165 N.E. 239, 200 Ind. 506 (1929); *Bettembrock v Miller*, 112 N.E. 771, 185, Ind. 600 (1916). *Boss v Indiana*; "in construing a statute, our objective is to determine and give effect to legislative intent". *Millian v State*; 646 N.E. 2d 998, 1001 (Ind. App. 1995); "Because the statute here imposes criminal penalties, the state may only prevail if the plain language of the statute is clear." *State v Moore*, 688 N.E. 2d 917, 918 (Ind. App. 1997); "Because the statute involved is penal, the state may only prevail if the plain language of the statute is clear. Ambiguities must be resolved in favor of the criminal defendant." Also see, *Gore v State*, 456 N.E. 2d 1030 (Ind. App. 1983), "In the instant case, the statute in question is penal in nature and, therefore must be strictly construed against the State." Also see, *Pennington v State*, 426 N.E. 2d 408, 410 (Ind. App. 1981); *City of Muncie v Campbell*, 259 N.E. 2d at 382, 156 Ind. App. At 63.

Thus, from a plain reading the charge that states; "anyone who knowingly or intentionally fails to provide food, clothing, shelter, or medical care to a dependant child commits non-

support... of a dependant, a class D felony. For the charging information cite the code that only evidence relating to actual food, clothing, shelter, or medical care can be introduced.

The prosecutor may argue, and is likely interpreting the statute as applying to child support payments. As you have just read it is a crime to withhold adequate food, clothing, shelter and medical care, from your child. For the prosecutor presents the statute as ambiguous arguing it could mean money used to buy those items that is must be resolved in the defendants favor and that is can only have the strict interpretation of providing those items listed, not money itself.

First, you will need to file an Indiana Rule of evidence 404 B motion. This motion directed to the prosecutor ask, that she/he disclose any intention to offer into evidence any other crimes, wrongs, or acts perpetrated by the defendant for the purpose of showing motive, intent, etc.

The prosecutor most likely, incorrectly, feels that the statute you are charged with applies to civil orders of child support payments. It does not as you have read above. Most likely the prosecutor will see no reason to disclose the evidence from the civil order. Once the deadline passes to submit 404 B acts you will move on to the next motion. Any prior civil contempt should be considered as other wrongs or acts for purpose of 404 B. A Motion in limine¹ is stated below. The prosecutor will attempt to mislead the jury with child support orders and testimony. To prevent this confusion from being presented you will need to file a motion in limine. For this cause cite IRE 402 and ask to exclude all documents from [cause number of support order/civil case] related to financial support arrearage, however named, and testimony by any prosecution witness related to such documents from admission into evidence or consideration by the court.

There are those who need to be informed because as in my son's case in Elkhart County our lawyer as well as the prosecutors office, and the judge failed to tell us about this action. My son was prosecuted for failure to pay (which is only contempt) but was prosecuted for non support of a dependant child, a felony. The lawyer we hired (Tony Zirkle) failed us and allowed this action to go forward falsely charging and prosecuting my son as a felon. Motion for Contempt cannot even be willful if you are unable to pay. How can any man be charged under these pretenses when they do not even have custody? Why is the mother who does have custody not charged?

It is important to remember that to preserve an issue for appeal, if needed, you must file a motion to reconsider within 10 days after any adverse ruling is handed down. Example if the judge violates his Oath of Office and denies your motion in limine, you must file a motion to reconsider, and then you reserve your right to an appeal.

Do not be intimidated by a prosecutor or his interpretation of the statute s. The Indiana Court of Appeals has spoken on this issue quite clearly. It must be shown that the defendant failed to provide "food, clothing, shelter and medical care" to support the charge. If you are not the

¹ Motion in limine: purpose of such motion is to avoid injection into trial of matters which are irrelevant, inadmissible and prejudicial and granting of motion is not a ruling on evidence and, where properly drawn, granting of motion cannot be error. *Reading v Ferguson*, 501 S. W. 2d 717, 724.

custo diol parent and these terms are missing, the prosecutor must also charge the mother (*custo diol parent*) with failure to provide food, clothing, shelter and medical care.

Remember just because they (prosecutor, judges, or lawyers) say so does not make it true. Prosecutor's must not try to win a case!! Long held standard in *Berger v United States*, 295 U.S.

78, 88 (1935) "The prosecution's interest, therefore, in a criminal prosecution is not that it shall win a case, but that justice shall be done." "It is his duty to refrain from improper methods calculated to produce a wrongful conviction..."

DO NOT PLEAD GUILTY; Few jurisdictions have more than 2% of their criminal cases go to jury trial. Almost no jurisdiction can handle more than 7% of criminal cases going to a jury trial. That would allow only 2 of every 25 defendants to go to trial. The others would be dismissed under the speedy trial laws for your state. Most follow this rule; from indictment to trial 90 days. After this you must file a motion to dismiss because of failure to prosecute under the speedy trial rules. Check the rule with in your state. Indiana Criminal Code has a 1 year statute of limitations for prosecution.

I have mailed this information under the 1st Amendment (freedom of speech). Hope this helps someone to avoid being a victim as my family was, and still is. Our family has been damaged due to prosecutorial misconduct, and violation of their Oaths of Office to uphold the Law. Such violations are considered a felony, under Indiana Law. You can find out Bill(s) of Impeachment against these judge(s) at: <http://corruptusjudicialsystem.org/#10072008-7ani>

Time Line:

I would appreciate an answer from this office within 40 days. I feel this is a reasonable amount of time for anyone to make a conscience decision as to whether an investigation should go forth, and formal charges be brought against Judge Ogle H. Stickel for stated charges.

/s/ Michael Jack Stephens

Michael Jack Stephens

P. O. Box 781

Pooler, Georgia 31322

October 18th, 2008

Certificate of Service

From: Michael Jack Stephens
P. O. Box 781
Pooler, Georgia 31322
912-429-3387

To: Rep. Linda Lawson

Rep. Matt Pierce

Ind. House of Rep.
Judiciary committee
200 W. Washington St.
Indianapolis, Indiana 46204

Ind. House of Rep.
Judiciary Committee
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Senator Tim Lamane
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200 W. Washington St.
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Rep. Ralph Foley
Judiciary Committee
Ind. House of Republicans
200 W. Washington St.
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Rep. Patrick Bauer
Speaker of the House
Ind. House of Rep.
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U.S. House of Rep.
Mr. Joe Donnelly
Longworth House Off. Bldg. 1218
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U.S. House of Rep.
Mr. Mark Souder
2231 Rayburn House off. Bldg.
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Ind. House of Republicans
Mrs. Jackie Walorski
200 W. Washington St.
Indianapolis, Indiana 46204

Indiana State Senate
Senator Marvin Riegsecker
200 W. Washington, Street
Indianapolis, Indiana 46204

To: Any other person whom you deem necessary to make a decision on
said Bill of Impeachment.

Respectfully submitted;

/s/ Michael Jack Stephens

Michael Jack Stephens

October 18, 2008