

06/07/2022

Bowen Greenwood
CLERK OF THE SUPREME COURT
STATE OF MONTANA

Case Number: PR 22-0001

Buckleycole Randall Ackerman
NAME: Lake County Detention Center
MAILING ADDRESS: 106 4TH Ave. E.
(Street or P. O. Box)
Polson, MT 59860
(City/State/Zip Code)
PHONE NUMBER: 406-883-7272

LYN FRICKER
CLERK OF DISTRICT COURT

FILED BY M Chapman

2022 MAY 20 A 8:14

FILED

JUN 07 2022

Bowen Greenwood
Clerk of Supreme Court
State of Montana

MONTANA 20TH JUDICIAL DISTRICT COURT,Lake

COUNTY

The State of Montana
Petitioner/Plaintiff,

and
Buckleycole Randall Ackerman
Respondent/Defendant.

Cause No.: DC-22-06

MOTION Disqualification for
Cause MCA 3-1-805.
(Describe what you want the Court to do)

I, Buckleycole Randall Ackerman, the [] Petitioner/Plaintiff or
☒ Respondent/Defendant above-named respectfully request that the Court enter an Order that
does the following: Disqualification for Cause MCA 3-1-805.
Disqualifies presiding judge James A. Manley for showing extreme
bias and prejudice for the accused. Replacing judge James
A. Manley with a better qualified Judge.
I am requesting this Order because judge James A. Manley has shown extreme
bias and prejudice for the accused in this matter, cause No.
DC-22-06. DISQUALIFICATION FOR CAUSE, MCA 3-1-805.
States, Whenever a party to any proceeding in any court shall
file an affidavit alleging facts showing personal bias or prejudice
of the presiding judge, SUCH JUDGE SHALL PROCEED NO FURTHER

IN THE CAUSE. If the affidavit is filed against a district judge, the matter shall be referred to the MONTANA SUPREME COURT. If the affidavit is in compliance with subsections (a), (b), and (c), the Chief Justice shall assign a district judge to hear the matter. If the affidavit is filed against a judge of a municipal court, justice court, or city court, any district judge presiding in the district of the court involved may appoint either a justice of the peace, a municipal judge or a city court judge, to hear any such proceeding.

This Motion is based upon the attached Affidavit. Cause No.

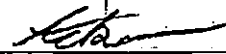
DC-22-06. 10 page, Affidavit, Dated 5.18-22 [use attachment if necessary].

I am filing the following documents along with this Motion:

- ☒ My Affidavit in support of this Motion;
- ☐ A proposed Order for the Court's signature and self-addressed, stamped envelopes for all parties;
- ☐ Other: _____

If a RESPONSE is filed in opposition to this Motion, I will file a Request for Contested Hearing. If no Response is filed, I will file a Request for an Uncontested Hearing.

Dated this 11TH day of May, 2022
(date) (month) (year)


YOUR SIGNATURE

Certificate of Service

I hereby certify that true and correct copies of the foregoing Motion, any referenced Affidavit, and other documents indicated above filed as attachments to this Motion were served upon the opposing party(ies) on the 19TH day of May, 2022 by the method and at the address as indicated below:

Lake County Courthouse
106 4TH Ave. E.
Polson, MT 59860
Name
Address
City/State/Zip Code

[] U.S. mail, first class postage prepaid

☒ Hand Delivery - Courthouse Box Delivery, Jail Staff

DATED this 19TH day of May, 2022


YOUR SIGNATURE

NAME: BuckleyCole Randall Ackerman

MAILING ADDRESS: 4728 Bailey St.

Missoula, MT 59808
(City/State/Zip Code)

PHONE NUMBER: 406.830.6670

LYNN FRICKER
CLERK OF DISTRICT COURT
FILED BY M. Chapman

2022 MAY 20 A 8:14

MONTANA 20TH JUDICIAL DISTRICT COURT, Lake COUNTY

The State of Montana
Petitioner/Plaintiff,

and

BuckleyCole Randall Ackerman
Respondent/Defendant.

Cause No.: DC-22-06

AFFIDAVIT

I, BuckleyCole Randall Ackerman, hereby state as follows:
(PRINT your name)

April 27TH 2022 judge James A. Manley actually committed
many Felonies in an open court room full of people. To date judge
James A. Manley has shown extreme bias and prejudice for the accused
Mr. BuckleyCole Randall Ackerman. Judge James A. Manley has actually
said a few negative remarks regarding Mr. Ackerman to a local
Polson Montana newspapers, Valley Journal - your homegrown newspaper.
Judge James A. Manley is a personal friend of the prosecuting attorney in Mr.
Ackerman's case, Mr. Steven N. Eschenbacher. Mr. Eschenbacher has actually
admitted to another Lawyer of Kalispell Montana, Mr. Lane K. Bennett
(406) 752-7300 that he does not like Mr. Ackerman on a personal level,

50

he actually admitted that! Mr. Eschenbacher actually admitted in one of his responses to one of Mr. Ackerman's Motions to the court that he actually has taken a very strong personal interest in Mr. Ackerman. This is Judge James A. Manley's personal friends! Mr. Ackerman, on April 27, 2022 actually called Judge James A. Manley and Mr. Steven N. Eschenbacher out on their personal friendship in a court-room full of people. Both of them, were as deers in the head lights and did not answer in a court room full of people. That would be an unanswered 'yes'. Judge James A. Manley in helping his friend Mr. Steven N. Eschenbacher in this case/cause No. DC-22-06, so far has committed many FELONIES. In an open court room on the date of April 27th, 2022 Mr. Ackerman actually called Mr. Eschenbacher out on many different Felonies that he is currently committing and Mr. Ackerman has evidence. Judge James A. Manley refused to dismiss Mr. Ackerman's case, even after Mr. Ackerman proved with evidence that Mr. Eschenbacher ILLEGALLY charged Mr. Ackerman with a crime! Judge James A. Manley did not stop Mr. Eschenbacher, did not take Mr. Eschenbacher into custody, did not remove Mr. Eschenbacher from the court room, from this case or from his position! Judge James A. Manley is actually helping his friend commit Felonies in an open court room by not stopping him from committing Felonies in an open court room. To date Mr. Ackerman actually has Judge James A. Manley GUILTY of many Felonies! Judge James A. Manley, a member of a small community that is honestly trying to 'Rail-Road' Mr. Buckley Cole Randall Ackerman. All members of small community are as follows, Judge James A. Manley, Prosecuting Attorney Steven N. Eschenbacher, Public Defender Elizabeth K. Ehret, Public Defender Weston Young, Lake County Detention Commander Shearer, Lake County Detention Center Corporal Miller and Lake County Detention Center Officer Serrano 2020. This is literally a 'CONSPIRACY' MCA 45-4-102, to RAILROAD Mr. Buckley Cole Randall Ackerman of Missoula Montana. Mr. Ackerman has been sitting in the Lake County Detention Center Polson Montana for over 4-months to date now. Fighting an extremely simple 'Bail Jumping' charge that he

was actually ILLEGALLY charged with! The prosecutor Steven N. Eschenbacher LIED in the original 'Affidavit' of the 'Motion and Affidavit' to formally charged Mr. Ackerman with this bail jumping charge. The entire first paragraph of the charging Affidavit is a lie, nothing in either of Mr. Ackerman's two Lake County cases/cause No. DC-20-178, DUI or Cause No. DC-22-06, Bail Jumpings ever happened on December 30th, 2021! Mr. Ackerman has solid evidence from the Lake County District Courts Clerks that nothing happened involving Mr. Ackerman as of the date 12.30.21! Judge James A. Manley helping his friend Prosecutor Steven N. Eschenbacher, REFUSES to dismiss the case! Even after it was proven to be an ILLEGALLY filed charge! Incredulous!

In this case alone Judge James A. Manley is GUILTY of 4-different FELONIES and 4-different MISDEMEANORS plus 2-general LAWS! 'CONSPIRACY' MCA 45-4-102, Obviously! 2nd Felony would be 'TAMPERING WITH OR FABRICATING PHYSICAL EVIDENCE' MCA 45-7-207. Judge James A. Manley knows this is an ILLEGALLY filed court case. The EVIDENCE comes directly from his Lake County Clerks of District Courts and yet he is allowing the case to proceed for some amusing reason! Felony number 3 would be 'Tampering With PUBLIC RECORDS OR INFORMATION' MCA 45-7-208. Judge James A. Manley knows Mr. Eschenbacher LIED in the original charging Affidavit, yet he does nothing about it... Mr. Ackerman has filed countless numbers of motions/affidavits for dismissal of this ILLEGALLY filed criminal charge. Judge Manley throws them out or completely ignores them all! 1st Misdemeanor but it actually can be a Felony.... 'OBSTRUCTING JUSTICE' MCA 45-7-303. Judge Manley knows his friend Mr. Eschenbacher is committing Felonies in his open court room, yet he's not stopping him and he's allowing Mr. Eschenbacher to proceed in committing these crimes in his court room!

Judge James A. Manley is also guilty of the misdemeanor crime

of 'OFFICIAL MISCONDUCT,' MCA 45-7-402. Mr. Ackerman has been in the Lake County Detention Center for over 4-months to date now, fighting an extremely simple 'bail jumping' charged that was filed on him ILLEGALLY by Mr. Steven N. Eschenbacher. They have thrown out 'child endangering felons' for petty things. Mr. Ackerman seen one individual come in with 3-missed court appearances, 1 of which was a felony. They through all three of this man cases out and let him go and he didn't even see a lawyer or go to court, not even once! They are purposely trying to railroad Mr. Ackerman! Judge James A. Manley knows what he is doing is wrong and illegal but he's trying to help his friend Mr. Steven N. Eschenbacher! Judge James A. Manly is guilty of the crime of 'OBSTRUCTING PEACE OFFICER OR OTHER PUBLIC SERVANT,' MCA 45-7-302. Judge James A. Manley is purposely obstructing and hindering the enforcement of the criminal laws, himself and his friend Steven N. Eschenbacher are committing!... Judge James A. Manley is guilty of the crime 'COMPOUNDING OF FELONY,' MCA 45-7-305. Judge James A. Manley is knowingly accepting paychecks from the State of Montana, yet he is refraining from seeking prosecution or reporting to law enforcement authorities the commission or suspected commission of any felony or information relating to a felony. Regarding himself or regarding his friend Mr. Steven N. Eschenbacher! Unbelievable! Judge James A. Manley is also GUILTY of the FELONY crime of 'MALICIOUS INTIMIDATION OR HARASSMENT RELATING TO CIVIL OR HUMAN RIGHTS--Penalty,' MCA 45-5-221. Mr. Ackerman has no personal knowledge of why Judge James A. Manley is personally condemning him... Maybe it's just to help out his friend Steven N. Eschenbacher... But this harassment to railroad Mr. Ackerman has completely become incredulous! Mr. Ackerman is his own legal Pro Se and Judge James A. Manley is completely ignoring him and purposely holding him in jail for no reason for months at a time! Judge James A. Manley has thrown out countless numbers of Motions to Dismiss Mr. Ackerman's case, not even giving them a chance, even after he has proven he was ILLEGALLY charged with this bail jumping crime! Judge James A. Manley is

helping his friend Steven N. Eschenbacher in trying to railroad Mr. Buckleycole Randall Ackerman. Incredibly unprofessional and ILLEGAL!

Judge James A. Manley is also violating the Law of, 'Illegal Discrimination, Prohibited Discriminatory Practices', - 'RETALIATION PROHIBITED', MCA 49-2-301. It is mind-blowing the harassment Mr. Ackerman has endured from Judge James A. Manley over the past 4-months while he has been in jail, acting as his own legal Pro Se! Refusing to dismiss Mr. Ackerman's case, even after Mr. Ackerman has proven he was ILLEGALLY charged with this crime many times! Mr. Ackerman is also involved in this massive Human Rights Violation, Law Suit currently against 38-inmates at the Lake County Detention Center and the Lake County Detention Center. It has been on the Major NBC News station of Montana many times. Buckleycole Randall Ackerman V. Lake County Detention Center. Mr. Ackerman is one of the 38-inmates/Plaintiffs on this law suit and Judge James A. Manley and Prosecutor Steven N. Eschenbacher are two of the Defendants on this Law Suit. This alone is Violation of three different 'CONFLICT OF INTEREST' LAWS!

'CONTROL OF CONFLICT OF INTEREST', MCA 7-3-1257.

'CONTROL OF CONFLICT OF INTEREST', MCA 7-3-4367.

'CONFLICTS OF INTEREST--DEFINITION--RULEMAKING', MCA 32-1-212.

Meaning Judge James A. Manley and ~~Prosecutor~~ Prosecutor Steven N. Eschenbacher MUST FORFEIT their offices/positions with the State of Montana, due to malfeasance in office!

Just because you work for the Law does not mean that you are above it! These men need to pay for the crimes that they have committed!...



Prosecutor Steven N. ~~Eschenbacher~~ Eschenbacher, for the State of: MONTANA!! Ring leader of this whole 'CONSPIRACY', MCA 45-4-102. To try and Railroad Mr. Buckleycole Randall Ackerman!

First off this whole situation is a violation of ILLEGAL DISCRIMINATION, Prohibited Discriminatory Practices - 'RETALIATION PROHIBITED',

MCA 49-2-301. Mr. Ackerman is unaware if it's the fact that he is a Native American, that he's educated, that he is a Veteran or the fact that he won't just roll over and except common BS from this prosecutor! Steven N. Eschenbacher is obviously a bully of Native American People! But not this time! Mr. Buckleycole Randall Ackerman has Steven Eschenbacher Stone Cold GUILTY of many different FELONIES!...

First we have the 'CONSPIRACY', MCA 45-4-102. As well as the 'RETALIATION PROHIBITED', MCA 49-2-301.

But we also have the FELONY OF 'PERJURY', MCA 45-7-201.

In the original filing of the charging documents to formally charge Mr. Ackerman with the crime of Bail jumping. In the original 'Motion and Affidavit' to formally charge Mr. Ackerman with Bail Jumping, Mr. Steven N. Eschenbacher actually LIED in the original 'Affidavit' dated January 5TH 2022! The entire first paragraph is actually a lie/false information! Mr. Ackerman has ~~no~~ evidence from the clerks of District Courts, Lake County Polson Montana. Mr. Buckleycole Randall Ackerman can actually prove that he was ILLEGALLY charged with this 'Bail Jumping' charge!

This is a Stone Cold FELONY of 'PERJURY', MCA 45-7-201.

On Mr. Steven N. Eschenbacher, Prosecutor for the State of Montana! At the end of the Affidavit form right where Mr. Eschenbacher signed his name, it states 'Under Penalty of Perjury'-Steven N. Eschenbacher!

At the beginning of the Affidavit it states 'Steven N. Eschenbacher sworn upon his oath.' This is the crime of 'FALSE SWEARING', MCA 45-7-202, Lying in official court documents!

Mr. Steven N. Eschenbacher actually used the lies he made in this false affidavit to convince the Lake County District Courts to ILLEGALLY charge Mr. Ackerman with a crime!

This is breaking the LAW of TITLE 45 CRIMES, CHAPTER 7. OFFENSES AGAINST PUBLIC ADMINISTRATION. Part 2. PERJURY and Other Falsification in Official Matters.

'UNSWORN FALSIFICATION TO AUTHORITIES', MCA 45-7-203.

Mr. Steven N. Eschenbacher took this false affidavit that he came up with and presented it to the Lake County District

Court system as GENUINE! This is another FELONY! The FELONY of TAMPERING WITH PUBLIC RECORDS OR INFORMATION, MCA 45-7-208.

Mr. Steven N. Eschenbacher knows what he did was wrong, lying in an official affidavit to ILLEGALLY charge Mr. Ackerman with a crime! Mr. Eschenbacher knows it was wrong but he is still doing nothing to correct the problem.

This is another crime, the crime of OFFICIAL MISCONDUCT, MCA 45-7-401.

Steven N. Eschenbacher knows for a fact that he is acting in an illegal manner! It's obviously not his first time doing things like this... This is another crime Steven N. Eschenbacher doesn't mind committing! The crime of OBSTRUCTING PEACE OFFICER OR OTHER PUBLIC SERVANT, MCA 45-7-302.

At a time in the month April, Mr. Ackerman submitted to the court a Motion to Dismiss, case/cause No. DC-22-06 due to Perjury/False Swearing. It was obviously ignored and dismissed by Judge James A. Manley and the Lake County District Court System. But Mr. Eschenbacher did reply with a response to this one, but in Mr. Eschenbacher's reply he tries to flip the script and DIVERT attention off of himself and put his criminal activity on other people! He does that a lot! This man Steven N. Eschenbacher really is not good at his job!! Anyway, Mr. Eschenbacher claims that Mr. Ackerman is making 'False Statements'.

This is 100% False! Every single sentence Mr. Ackerman has submitted to the courts has been triple checked!

Mr. Eschenbacher is relying on his job title for people to believe him and they really honestly should not! This is another crime Mr. Eschenbacher has committed, the crime of CRIMINAL DEFAMATION, MCA 45-8-212.

Mr. Steven N. Eschenbacher is literally committing so many crimes in office, I'm surprised nobody has ever called him on it...

Mr. Eschenbacher got Mr. Ackerman ILLEGALLY charged with a crime. This is another crime on Mr. Eschenbacher, the crime of SLANDER DEFINED, MCA 27-1-803.

During Mr. Ackerman's last two court appearances in Lake County Polson Montana, 3.30.22 & 4.27.22 I believe the dates were. In a court room full of people, Mr. Ackerman acting as his own Pro Se must address the judge and the court room. The entire time Mr. Ackerman was speaking, Mr. Eschenbacher was constantly trying to laugh at Mr. Ackerman, trying to belittle Mr. Ackerman in a court room full of people. Try to get the crowd behind him! Fortunately, nobody took Mr. Eschenbacher seriously and nobody got behind him! Leaving Mr. Eschenbacher as the only person laughing in a court room full of people, this is all on camera, Mr. Eschenbacher looked like an idiot and a child. Even the judge told him to stop. This is another FELONY on Steven N. Eschenbacher! The FELONY of MALICIOUS INTIMIDATION OR HARASSMENT RELATING TO CIVIL OR HUMAN RIGHTS--PENALTY, MCA 45-5-221.

Mr. Steven N. Eschenbacher is doing all of this to Mr. Ackerman on such a simple bail jumping charge that was illegally filed. Mr. Eschenbacher is a DEFENDANT on a law suit that Mr. Ackerman is a PLAINTIFF on. 38-inmates at the Lake County Detention Center V. The Lake County Detention Center.

It's a pretty major law suit in Montana at the moment, it's been on the major NBC New station of Montana, more then once.

Mr. Eschenbacher's actions regarding Mr. Ackerman is total and complete, 'Conflict of Interest'.

'CONTROL OF CONFLICT OF INTEREST, MCA 7-3-1257.

'CONTROL OF CONFLICT OF INTEREST, MCA 7-3-4367.

'CONFLICTS OF INTEREST--DEFINITION--RULEMAKING, MCA 32-1-212.

This is a VIOLATION and MALFEASANCE in office!

Mr. Steven N. Eschenbacher Must FORFEIT his office/Position with the state of Montana! ☺

May 4th 2022, 11am. Brings in a letter he is holding in the air, Commander Shearer of the Lake County Detention Center does this. It's legal mail Mr. Ackerman sent out on April 29th 2022 to the main witness in Mr. Ackerman's bail jumping case, Mr. Roman Reier. Commander Shearer states, He checked with the Prosecutor and he won't send it out because it's not legal

8 of 10

Affidavit

5.18.22

mail. But it was legal mail, an officer watched Mr. Ackerman seal it up on the 29th of April 2022. Later that day, 5.4.22, 11:20am another officer watched Mr. Ackerman reopen this letter proving that it was in fact legal mail, Mr. Ackerman then sealed it back up in a different envelope and mailed it out again. 5.4.22, 11am Commander Shearer openly admitted to Mr. Ackerman and Mr. Michael John Ramirez, 38432 Turtle Lake Loop, Polson, MT 59860 (406) 309-4500.

That he has been helping the Prosecutor in preventing Mr. Ackerman's LEGAL MAIL from being mailed out!

This is 2-FELONIES and 1-MISDEMEANOR plus a CONSPIRACY charge on both Commander Shearer of the Lake County Detention Center as well as the Prosecutor he was helping...

FELONY 'THEFT OR RECEIPT OF STOLEN MAIL MATTER GENERALLY'

U.S. Code, Title 18, Part I, Chapter 83, § 1708

FELONY 'TAMPERING WITH OR FABRICATING PHYSICAL EVIDENCE'

MCA 45-7-207.

MISDEMEANOR 'OBSTRUCTION OF MAILS GENERALLY'

U.S. Code, Title 18, Part I, Chapter 83, § 1701

'CONSPIRACY', MCA 45-4-102.

RICO (Racketeer Influenced and Corrupt Organizations Act)
Statute - Implications for Organized Labor

9 of 10

Affidavit

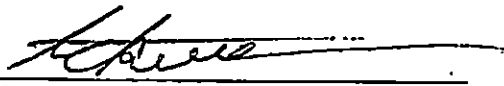
5.18.22

Incredulous!

Lake County, Polson Montana. DC-22-06

I DECLARE UNDER PENALTY OF PERJURY AND UNDER THE LAWS OF THE
STATE OF MONTANA THAT ALL STATEMENTS AND INFORMATION
CONTAINED IN THE FOREGOING AFFIDAVIT ARE TRUE AND CORRECT.

DATED this 18TH day of May, 2022.
(day) (month) (year)


YOUR SIGNATURE

Buckley Cole Randall Ackerman
PRINT YOUR NAME