

FILED

08/16/2022

Bowen Greenwood  
CLERK OF THE SUPREME COURT  
STATE OF MONTANA

Case Number: PR 22-0001

FILED

AUG 16 2022

Bowen Greenwood  
Clerk of Supreme Court  
State of Montana

Anthony Weimer

1301 2<sup>nd</sup> St. W

Kalispell, MT 59901

Tel: (406)309-0321

e-mail: unitedstatescode@gmail.com

Defendant, Pro Se

CLERK OF DISTRICT COURT

2022 AUG 12 AM 11:42

FILED

BY                       
DEPUTY

PR 22-0001

IN THE ELEVENTH JUDICIAL DISTRICT OF  
THE STATE OF MONTANA, THE COUNTY OF FLATHEAD

STATE OF MONTANA,

Plaintiff,

v.

ANTHONY WEIMER

Defendant.

Cause No.: DC-20-207C

**NOTICE OF DEFENDANT  
QUESTIONING IMPARTIALITY OF  
JUDGE HEIDI J. ULBRICHT**

COMES NOW, Defendant, by and through Anthony Weimer, and provides notice that he is questioning the impartiality of the judge presiding over this matter pursuant to Montana Rules of Judicial Conduct 2.12 and gives notice of her obligation to remove herself from the case pursuant to Rule 2.12(A).

On July 20, 2022 the presiding judge's Order on State's Second Motions in Limine was filed (doc. 186).

Judge Ulbricht's order on State's second motions in limine prohibits the parties either in addressing the jury, in argument, or through questioning of witnesses, from introducing among others items:

1. The penalty for the offense charged, including the mandatory minimum and maximum penalties set forth by statute.
2. The fact that the offense charged is a felony or misdemeanor.
9. The parties shall not reference any request made after June 27, 2020, to have the Ten Commandments monument removed.

202.1

Montana law authorizes challenges for cause contrary to the presiding judge's prejudicially ordered prohibitions on items 1 and 2. Pursuant to § 46-16-115(2), MCA:

A challenge for cause may be taken for all or any of the following reasons...; as relevant here, specifically for,

- (2)(i) having a belief that the punishment fixed by law is too severe for the offense charged;

On June 29, 2020 judge Amy Eddy granted the State's motion for leave to file an information and affidavit in support charging the Defendant with "**CRIMINAL MISCHIEF, a felony**" (dkt. 2). Judge Ulbricht is acting partial with respect to the defence challenging jurors pursuant to (2)(i), confronting the degree the initiating prosecutrix and judge set on the criminal offense he is facing and its ramifications. Further, local and national news published Anthony Weimer's name and mugshot and stated that he is charged with felony criminal mischief.<sup>1</sup>

The prohibition of listed item 9 shows that judge Ulbricht has combined personal prejudice concerning the defendant and a de minimis interest in the outcome of the proceeding, partialities found under Rule 2.12(A)(1) and (A)(2)(c). The defendant made requests in writing after June 27, 2020 to have the monolith bearing the ten commandments removed to both the Kalispell City Council and Flathead County Commissioners during public meetings that attached to each of their minutes. The requests were disclosed to the prosecution. Written requests and proposals were also made to the prosecution. Judge Ulbricht provides no rationale or showing of good cause for prohibiting the Defendant from addressing a jury with his requests to have the ten

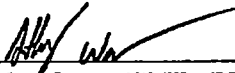
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<sup>1</sup> <https://flatheadbeacon.com/2020/06/29/ten-commandments-monument-courthouse-property-pulled-man-truck/>; <https://www.kpax.com/news/crime-and-courts/man-charged-with-removing-kalispell-10-commandments-monument-appears-in-court>; <https://www.foxnews.com/us/montana-man-ten-commandments-monument-toppling-charge>; <https://www.pacificpundit.com/2020/06/28/anthony-weimer-ten-commandments-kalispell/>; <https://www.breitbart.com/politics/2020/06/28/montana-man-charged-tearing-down-ten-commandments-statue-pick-up-truck/>; <https://www.ncregister.com/news/in-montana-man-tears-down-ten-commandments-monument-at-county-courthouse>

commandments monolith removed from Flathead County public land.

Pursuant to Montana Rules of Judicial Conduct 2.12(A), the presiding judge shall disqualify where the judge's impartiality is reasonably questioned.


Dated this 12<sup>th</sup> day of August, 2022.

  
Defendant, END-USER

### **CERTIFICATE OF SERVICE**

The undersigned hereby certifies that true and accurate copies of the foregoing **NOTICE OF DEFENDANT QUESTIONING IMPARTIALITY OF JUDGE HEIDI J. ULBRICHT** have been served on the following:

OFFICE OF THE COUNTY ATTORNEY  
Flathead County, Montana  
Stacy Lynne Boman, Deputy  
Service Method: Hand delivery

Signed by:   
Defendant, END-USER  
Dated: 8/12/2022