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 Plaintiff Pro Se

**MONTANA TWENTY-SECOND JUDICIAL DISTRICT COURT,  
 BIG HORN COUNTY**

	)	<b>Your Cause No. DV 2024-67</b>
Robert Frank Simpson,	)	
	)	
Plaintiff,	)	<b>Affidavit in Support of Disqualification</b>
	)	<b>of Judge Olivia Rieger</b>
vs.	)	
	)	
Jeramie Paul Middlestead,	)	
Jeanne Torske,	)	
Calvin Stacey,	)	
Larry Vandersloot,	)	
George Real Bird III,	)	
Lawrence Pete Big Hair,	)	
And John Does 1-4	)	
Defendants	)	

I, Robert Frank Simpson, Plaintiff Pro Se, hereinafter referred to as Plaintiff does swear  
 (or affirm) under oath that:

1. I am the Plaintiff in the above captioned action and a Big Horn County elector.
2. I, hereby, certify that I make this affidavit in good faith, pursuant to MCA 3-1-805.
3. Montana Code of Judicial Conduct Rule 1.2 requires that a judge shall act at all times  
 in a manner that promotes public confidence in the independence, integrity, and  
 impartiality of the judiciary, and shall avoid impropriety and the appearance of

impropriety. Comment 3 to this Rule states, “Conduct that compromises or appears to compromise the independence, integrity, and impartiality of a judge undermines public confidence in the judiciary. Because it is not practicable to list all such conduct, the Rule is necessarily cast in general terms.”

4. In the above captioned action, Judge Olivia Rieger has not held any hearings and has addressed one motion, without hearing, in this action almost seven months, regarding the violation of election laws under MCA Title 13; which in, and of itself is a violation of MCA 13-36-206, which compromises the independence, integrity, and impartiality of public confidence in the judiciary (Montana Rule 1.2 with Comment 3) in a prejudicial manner.
5. Judge Rieger’s failure to abide by the MCA 13-36-206, creates and supports an unfair, prejudicial bias in favor of the Defendants in this action.
6. Montana Code of Judicial Conduct Rule 2.12 requires a judge to disqualify himself when in any proceeding in which the judge’s impartiality might reasonably be questioned.
7. For the failure of Judge Olivia Rieger, in ignoring the mandates of a Title 13 residency violation, without any hearings whatsoever, reeks of election and political interference in favor of the Public Official Defendants.
8. Montana Code of Judicial Conduct Rule 2.4 states, “A judge shall not permit....political...or other interests or relationships to influence the judge’s conduct or judgment.” Comment 1 to this Rule “requires that the judges decide cases according to the law and facts without regard to whether particular laws or litigants are popular or unpopular with the public, the media, government officials, or the

judge's friends or family. Confidence in the judiciary is eroded if judicial decision making is perceived to be subject to inappropriate outside influences."

9. The inaction of Judge Olivia Rieger in this above captioned case has the offensive appearance of political and election influences and interference, specifically when Judge Rieger is in violation of the criminal statutes contained in MCA 13-35-103, MCA 13-35-104, MCA 13-35-105, and 45-7-401(1)(a).
10. Judge Rieger's action (or inaction) in regard to Montana Code of Judicial Conduct Rule 2.2 opposes the mandate, "A judge shall uphold and apply the law, and shall perform all duties of judicial office fairly and impartially." Comment 4 states, "A judge should manage the courtroom in a manner that provides all litigants the opportunity to have their matters fairly adjudicated in accordance with the law."
11. Not only has the Plaintiff in the above captioned action not been allowed a fair adjudication "in accordance with the law," the Plaintiff has not received any adjudication at all and that is a violation of Montana Code of Judicial Conduct and MCA 13-36-206; in addition to in MCA 13-35-103, MCA 13-35-104, MCA 13-35-105, and 45-7-401(1)(a).
12. Montana Code of Judicial Conduct Rule 2.12 requires a judge to disqualify himself or herself when the judge has exhibited a personal bias or prejudice concerning the action, which in this case is by failing to abide by the law which governs the action such as MCA 13-36-206.
13. In August 2024, I filed a formal complaint with the Big Horn County Elections Administrator, challenging Defendant Middlestead's MCA 7-4-2201 qualifications

for appearing on the November 5, 2024, Ballot; a formal complaint which Judge Rieger is fully aware.

14. In answer to my formal complaint, Defendant Middlestead filed a Sworn Notarized Statement in reply wherein, Defendant Middlestead admitted to owning a “residence” and a “business operating out of that residence,” in violation of Title 13.
15. Judge Rieger was, and is, aware of the Sworn Statement in response to Plaintiff’s formal complaint since at least November 2024.
16. Montana Code of Judicial Conduct Rule 2.1 requires that the duties of judicial office, as prescribed by law, shall take precedence over all of a judge’s personal and extrajudicial activities. Comment 1 states; “To ensure that judges are available to fulfill their judicial duties, judges must conduct their personal and extrajudicial activities to minimize the risk of conflicts that would result in frequent disqualification.”
17. Judge Olivia Rieger had a duty to address the admissions and violations of MCA Title 13 Elections Code by Defendant Middlestead, immediately upon her knowledge of the Sworn Statement of admissions of the violations of MCA 7-4-2201, MCA 7-32-2133, MCA 13-1-111, MCA 13-1-112, and MCA 13-1-113, by Defendant Middlestead, which Judge Olivia Rieger intentionally and/ or negligently failed to do.
18. As an elected official, Judge Olivia Rieger knew, or should have known, the mandates of MCA 7-2-2201; and the MCA Title 13 Election Laws, which according to his sworn affidavit, Defendant Middlestead admitted his failure to satisfy.
19. This Court has intentionally allowed the violation of the Montana Title 13 Election Statutes, cited herein, in multiple cases since June 11, 2024 (over a year), when the

first Petition/Complaint was filed with the Big Horn County District Court pursuant to, and in accordance with, MCA 13-36-203; in the above cited cause of action and Cause No. DV-2-2024-29.

20. MCA 13-35-103, MCA 13-35-104, and MCA 13-35-105, are all criminal acts and have all been violated intentionally, or negligently, by Judge Rieger in her allowance of Defendant Middlestead to continue to illegally hold the office of Big Horn County Sheriff.
21. The Montana Rules of Professional Conduct which have been violated by Judge Rieger are clear.
22. RULE 1.1, ***Compliance with the Law***. A judge shall comply with the law, including the Code of Judicial Conduct - which Judge Rieger has not.
23. RULE 2.1 ***Giving Precedence to the Duties of Judicial Office***; The duties of judicial office, as prescribed by law, shall take precedence over all of a judge's personal and extrajudicial activities - which has not happened in this action.
24. RULE 2.2 ***Impartiality and Fairness***; A judge shall uphold and apply the law, and shall perform all duties of judicial office fairly and impartially. **Note (2)** Although each judge comes to the bench with a unique background and personal philosophy, a judge must interpret and apply the law without regard to whether the judge approves or disapproves of the law in question – which Judge Rieger is in violation.
25. RULE 2.4 ***External Influences on Judicial Conduct***; A judge shall not be swayed by public clamor or fear of criticism. **Note 1.** An independent judiciary requires that judges decide cases according to the law and facts, without regard to whether particular laws or litigants are popular or unpopular with the public, the media,

government officials, or the judge's friends or family. Confidence in the judiciary is eroded if judicial decision making is perceived to be subject to inappropriate outside influences – the law and facts have never been applied in this case.

26. **RULE 2.5 Competence, Diligence, and Cooperation;** A judge shall perform judicial and administrative duties competently and diligently. **Note (1)** Competence in the performance of judicial duties requires the legal knowledge, skill, thoroughness, and preparation reasonably necessary to perform a judge's responsibilities of judicial office – a lack of action is a lack of competence, diligence, and cooperation.
27. Judge Rieger's disregard for the mandates of the MCA Title 13 Election Code Statutes as exhibited in not only one, but two causes of action in her court, exhibits Judge Rieger's profound disregard for the laws of the State of Montana, and the Montana Rules of Professional Conduct which have been promulgated to protect the Constitutional and Statutory voting rights of the citizens of the State of Montana.

#### **Disclosure**

28. This Affidavit, and the Motion for recusal/disqualification, has been made in good faith, and in no way, is it intended to expand, delay or protract this action to the detriment of the Parties involved.
29. The purpose of this Affidavit, and the Motion for disqualification is based in good faith upon the findings opined by the Montana Supreme Court in **Bullman v. State**, 2014 MT 78, ¶ 14, 374 Mont. 323, 321 P.3d 121 and Montana Rules of Judicial Conduct.

DATED this 16 day of July, 2025.

  
Robert Frank Simpson, Plaintiff Pro Se

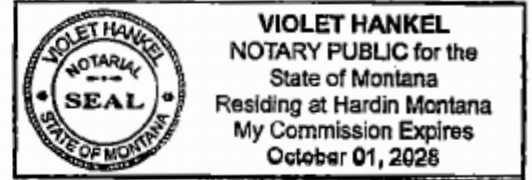
State of Montana

County of Big Horn

SIGNED AND SWORN (OR AFFIRMED) before me on

July 16, 2025.

By Robert Frank Simpson



Notary Public for the State of Montana

Printed name of notary Violet Hankel *Violet Hankel*

Title of rank Notary

Residing at Hardin MT

My Commission Expires Oct 1, 2028

**CERTIFICATE OF SERVICE**

**I hereby certify that I served true and accurate copies of the  
MOTION FOR DISQUALIFICATION OF JUDGE OLIVIA RIEGER,  
with Exhibits A, B, and C; and the  
AFFIDAVIT IN SUPPORT OF DISQUALIFICATION OF JUDGE OLIVIA REIGER,  
by depositing said copies into the U.S. Mail, postage paid, or by hand delivery,**

This 16<sup>th</sup> day of July, 2025, addressed to the following:

**To: Hon. Olivia Rieger, District Court Judge**

**At: P.O. Box 1249**

**Glendive MT 59330**



**Robert Frank Simpson, Plaintiff Pro Se**