

**IN THE DISTRICT COURT OF THE TWENTIETH JUDICIAL DISTRICT
OF THE STATE OF MONTANA
IN AND FOR THE COUNTY OF SANDERS**

STATE OF MONTANA,
Plaintiff,

Cause No. DC-45-2025-11-JA

v.
MARK T. FRENCH,
Defendant

Department No. 1

MOTION TO DISQUALIFY THE JUDGE FOR CAUSE DUE TO BIAS

COMES NOW, the Defendant, **Mark T. French**, appearing pro se, and respectfully moves this Court **TO disqualify and replace the Honorable Judge Molly Owen** due to demonstrated **bias and lack of impartiality** pursuant to MCA § 3-1-805 and MCA § 46-13-401.

I. LEGAL BASIS FOR MOTION

- 1. Furtherance of Justice (MCA § 46-13-401):**
Montana law provides that a court may dismiss a criminal action in furtherance of justice. This is not limited to guilt or innocence but encompasses whether the administration of justice—including fairness, impartiality, and judicial accountability—has been compromised. The errors and conduct in this case have clearly tipped the scale toward injustice.
- 2. Right to an Unbiased Judge (MCA § 3-1-805):**
A judge shall be disqualified for cause if the judge is biased or prejudiced against any party or attorney, or if the judge's impartiality **might reasonably be questioned**. The standard is appearance of bias, not only actual bias.
- 3. Due Process Violation – Judicial Conduct:**
Defendant has a constitutional right to a fair trial before an impartial tribunal. The facts in this case demonstrate that impartiality has been compromised.

II. FACTUAL GROUNDS SUPPORTING MOTION

- 4. Justice Court Misconduct:**
The District Court judge is aware of the conduct that occurred in Justice Court. The Justice Court judge unlawfully held the Defendant in the courtroom and attempted to

coerce him into paying court fees, fully aware that the Defendant intended to file a **trial de novo**. This conduct was not only inappropriate but potentially unlawful and amounts to *judicial coercion*.

5. Improper Transfer and Review of Justice Court Judgment:

After the trial de novo was filed, the Justice Court transferred its judgment and related documents to the District Court, which influenced Judge Owen. By law, once a trial de novo is filed, **the Justice Court judgment is void and should not be considered by the District Court**. Nonetheless, Judge Owen reviewed it and improperly demanded the Defendant pay Justice Court fees before the trial de novo could proceed.

6. Evidence of Bias and Prejudgment:

Judge Owen's insistence that the Defendant pay fees tied to a judgment that no longer had legal force demonstrates not just an appearance of bias, but a functional denial of Defendant's rights. A judge acting impartially would not have required those fees to be paid before allowing the case to proceed.

7. Clean Hands Doctrine and Public Trust:

There is a legal doctrine called "**Clean Hands**," which holds that a party (including the State or the Court) must act justly and fairly if it wishes to enforce the law. The public must see that the Court is acting fairly if the law is to be *respected*. Continuing this prosecution under the cloud of judicial coercion and bias erodes public confidence in the system and violates fundamental fairness.

8. Ongoing Appearance of Vexatious Prosecution:

The continued prosecution of this case—despite the lack of valid radar evidence, absence of a second witness, and absence of an actual victim—combined with judicial bias and multiple procedural errors, gives the appearance that the State is not seeking justice, but rather to *vex* the Defendant. This tactic seems designed to wear the Defendant down and compel him to surrender out of frustration.

III. REQUEST FOR RELIEF

WHEREFORE, based on the above facts and legal grounds, the Defendant respectfully requests the following relief:

1. That the Honorable Judge **Molly Owen be disqualified and replaced** due to demonstrated bias under MCA § 3-1-805;
2. That a **new, impartial judge** be assigned to this matter and that all proceedings be stayed until reassignment is complete;
3. For any and all further relief deemed just and proper by this Court.

DATED this 21st day of July, 2025.

Mark T. French, Defendant Pro Se
8682 MT Hwy 200

Plains, MT 59859
(406) 360-1284

CERTIFICATE OF SERVICE

I hereby certify that a true and correct copy of the foregoing **Replace the Judge Due for Cause due to Bias** was emailed to:

Kate Kuykendall, Deputy County Attorney
Sanders County Attorney's Office
P.O. Box 519
Thompson Falls, MT 59873
kkuykendall@sanderscounty.gov

Sanders County District Court Clerk
sandersdistcourt@mt.gov

on this 21st day of July, 2025.



Mark T. French

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