UNITED STATES OF AMERICA:
THE STATE OF NEW YORK:
COUNTY OF CATTARAUGUS:
CATTARAUGUS COUNTY COURT:

THE PEOPLE OF THE STATE OF NEW YORK,

- against -

CHRISTOPHER J KOCHAN, pro se

NOTICE OF MOTION
Indictment 16-116

PLEASE TAKE NOTICE that based upon the annexed pleading and exhibits for acting pro se and renewed motion for recusal of Judge Ronald Ploetz with exhibits and prior proceedings Christopher J Kochan will move this Cattaraugus County Court, Little Valley, New York at the proper time for an order granting of relief. Summary relief is requested because prosecution failed and/or refused to submit timely answering papers that controvert the factual allegations. People v Gruden 42 N.Y.2d 214 (1977)

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Copies to: Cattaraugus County District Attorney's Office; Cattaraugus County Court

UNITED STATES OF AMERICA:
THE STATE OF NEW YORK:
COUNTY OF CATTARAUGUS:
CATTARAUGUS COUNTY COURT:

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- against -

CHRISTOPHER J KOCHAN

MOTION TO ACT PRO-SE AND RENEW FOR RECUSAL OF JUDGE RONALD PLOETZ
Indictment 16-116

MOTION TO RENEW RECUSAL OF JUDGE RONALD PLOETZ

I - Motion to Renew Pursuant to CPL §710.40(4)

1. The Original Motion for Recusal of Judge Ronald Ploetz is incorporated herein for reference as if set forth in full at length. "*Judges will not shut their minds to truths that all persons can understand*" D.C.Pa. 1949 Porter v. Sunshine Packing Corp of Pa., 81 F. Supp 566, 24 Pa D 2d-383.
2. CPL §710.40(4) provides that: *"[i]f after a pre-trial determination and denial of the motion the court is satisfied, upon a showing by the defendant, that additional pertinent facts have been discovered by the defendant which he could not have discovered with reasonable diligence before the determination of the motion, it may permit him to renew the motion before trial or, if such was not possible owing to the time of the discovery of the alleged new facts, during trial."*
3. Defendants original Motion to recuse, filed/served on, or about November 11, 2016, mistakenly stated as a 30.30 notice on the notice cover page but does state "Motion to

Recuse" on motion itself filed/served on November 9, 2016 is incorporated herein as if set for in full at length.

4. The Court claims in its 26OCT16 order that the *"Grand Jury was properly instructed and the proceedings were properly conducted"*. The evidence proves otherwise, count 5 and 9 are clearly multiplicitous while Defendant was acquitted of one count (count 5) he was not acquitted of count 9 which must be dismissed [People v Senisi, 196 A.D.2d 376 [2d Dept 1994]; People v Rodrigues, 74 AD3d 1818 (4th Dept 2010) see also CPL § 100.05], see also Defendants Omnibus Motion paragraph 42 (d). The alleged conduct all took place within a 1.7 mile stretch of road. (Exhibit (Ex.) 00001) all within about a five minute time frame see (Ex. 0002, 03, 04) which is a copy of the "Officer" Kowalski's narrative of the alleged events. It was the 'same transaction' pursuant CPL § 40.10. It is apparent that the jury instructions were misleading, Further it must be noted that Defendant's trial attorney claimed it was duplicitous issue on transcript dated June 7, 2017, page 174 line 25 (Ex. 00005)
5. The court for reasons of personal animus and bias did not provide a jury charge concerning multiplicitous and/or duplicitous counts. Nowhere in the record does it show the instructions even being discussed [People v Smalls, 81 AD3d 860 (2d Dept 2011)].
6. The court would err and ordered while at a sidebar the Defendant was told he was not allowed to speak. This occurred at the beginning of the trial and hindered, impeded and confused Defendant when he was actually allowed to do so.
7. The court for reasons of personal animus and bias claimed that file number 19720 contain "the superseded [simplified information] traffic tickets [originals]. This is not the case. The moot superseding [simplified information] traffic tickets were moved from file 19741 to file 19720

in the presence of Defendant. Defendant has certified county court copies of said informations.

8. The court contradicted itself by claiming in its 26OCT16 order that "The files/dockets contain different material and are not *"parallel criminal matters"* See paragraph 63 and its corresponding Exhibit 11, and paragraph 52, exhibit 7 of Defendants Omnibus Motion. The 'materials' contained in both dockets are directly related to each other. They originated out of the same lower court concerning the same transaction on the same date and time. See Ex. 00006 which is a copy of the divesture of jurisdiction form which appears in the folder of case file
9. In its March 22, 2017, Decision and Order (which Defendant has certified county court copy), the Court, by and through Ronald Ploetz would directly contradict himself by stating for the record that *"Defendant was not under arrest or in custody..."* (page 2) at the scene concerning his alleged statements yet in the same order on page seven the court claimed Defendant was arrested at the scene *"'because the chemical test taken three hours after defendants arrest..."* (Order of the Court page 7, paragraph 2). See Ex. 00007, 08. A contradiction is considered perjury [People v Lillis 3 A.D.2d 44 (N.Y. App. Div. 1956)]. Defendant's alleged arrest occurred at, or about 2:44 AM and blood draw was at 5:30 AM Ex. 00009 which is a copy of the Bill of Particulars. So according to the Court the Defendant was arrested at 2:30 AM before the incident occurred, which is impossible.
10. During Voir Dire the court would suggest the complete jury panel three be removed for cause 31MAY17, page 161 Ex. 00010, however panel one and two clearly was not made up of a proper cross section on Defendant's peer, 85% of the potential jurors on panel one were either municipal corporate public employees presently employed or retired or personally

knew the District Attorney and/or law enforcement and/or related to one or more of them, and 61% of panel two exhibited the same set of circumstances. "expurgatory oath" of a juror does not end the Trial Judge's responsibility to assure an impartial jury [People v Culhane (33 NY2d 90, 107]. General common bases for challenges for cause are "Stockholder, officer, agent, or employee of a [municipal] corporate party" [James J. Gobert, Jury Selection: The Law, Art and Science of selecting a Jury (2d Ed.)]. The fact that the jury was purposely rigged by the court clerk's office which jurors who had a favorable bias for the People is easily proven by the preempt removal by 'ADA' Elizabeth Ensell of potential juror 9 (B.L. (private citizen)) of the second panel who had the substantially similar circumstantial background of potential juror 5 Barbara Smith (retired public employee), the one who lied about living out of state was chosen as a trial juror however she was a retired municipal corporate employee of the county. Both were robbed and in both cases the perpetrator was never found. To add insult to injury the Court would pick a county employee, one Gayle Faulkner as the jury foreperson.

11. The court failed to swear in the Jury. Nowhere in the record does it show that the court swore in the jury as required by the New York Petit Jury Handbook page 13 (Ex. 00011. Said Petit Jury Handbook is signed by the New York State Chief Judge Janet DiFiore.
12. Defendant was not allowed to participate in any in chamber discussions whatsoever [People v. Velasco, 570 N.E.2d 1070, 1072 (N.Y. 1991) (holding that discussion in chambers was for purpose of material part of trial matters is allowed).
13. The court would violate JL § 524 when potential juror Richard Westfall, who failed and/or refused to admit that he was a elected public official in the town of Farmerville was voir dire right before Juror Barbara Smith (Ex. 00012, 013). .

THE COURT: Okay. Now, have any of you ever served on a civil jury, a criminal jury or the Grand Jury? Mr. Westfall.

JUROR: Yes. I served on a civil jury many, many years ago, maybe at least 15 years or so.

THE COURT: Was that here in Little Valley?

JUROR: No. It was out of state.

THE COURT: Did it go to a jury verdict where you had to decide?

JUROR: Yes. It was a civil case, it went to a verdict.

THE COURT: And Miss Smith.

JUROR: Same thing, civil jury, we went to a verdict.

THE COURT: Okay. And anyone else?

Juror Barbara Smith admitted that she served on a jury 15 or so years ago out of state, however she would directly contradict the fact that she lived out of state [Lillis, *supra*] when she had jury service when she stated on page 90 (Ex. 00014, 015);

THE COURT: Miss Smith.

JUROR: I'm Barbara Smith, I graduated from Hinsdale Central School. **I've lived in Hinsdale all my life...**

However if Juror Smith was just answering the specific question that she did served on a jury once before, the Court by failing and/or refusing to probe deeper into juror Barbara Smith's background violated Defendant's JL § 524 rights by not asking the last time she served or whether or not it was done within the State of New York, nor were any inquires made by either the 'ADA' Elizabeth Ensell.

JL 524 states;

"A person who has served on a grand or petit jury in any court of the unified court system or in a federal court shall not be competent to serve again as a trial or grand juror in any court of the unified court system for six years subsequent to the last day of such service, provided, however, that any person who serves on a grand or petit jury for

more than ten days shall not be competent to serve again as a trial or grand juror for eight years subsequent to the last day of such service."

14. The court for reasons of personal animus and bias and over the objections of Defendant's Attorney allowed Officer Kowalski to testify on reverse extrapolation (Ex. 00016, 017, 018). Kowalski admitted he was not an expert witness in the subject (Ex. 00019) 07JUN117 transcript, page 98, line 18] and further Kowalski's allegation that the body metabolizes alcohol at a .02% rate per hour was not accurate. Studies show it varies widely on a number of factors. Further witnesses are limited to testifying on the facts, which his testimony on his theoretical BAC metabolizes rate was not. *". . . testimony is equivalent to an opinion that the defendant is guilty, and the receipt of such testimony may not be condoned* [*People v Williams*, 6 NY2d 18, 23 [1959]; *People v Higgins*, 5 NY2d 607, 627-628 [1959]; *People v Gradon*, 43 AD2d 842 [2d Dept 1984])." (*People v Ciaccio*, 47 NY2d 431, 439 [1979]]. This limitation is also found in the New York State Unified Court System Jury Instructions *"witness is limited to testifying about facts and is not permitted to give an opinion."* (Ex. 00020, 00021) *"The line is crossed not when a witness relates facts that may be prejudicial, but when he or she conveys-either directly or indirectly-a personal opinion regarding the defendant's criminal guilt (citations omitted).... What was impermissible about the testimony was that its sole purpose was to bolster the testimony of another witness by explaining that his version of the events was more "believable" (citation omitted). It was thus the equivalent of an opinion that the defendant was guilty, which is impermissible."* [People v Kozlowski, 11 NY3d 223, 240 [2008]], **Still further the court admitted when discussing the closing instructions in the Law Clerks Office that <u>no expert witness was called</u> at the trial** (Ex. 00022) 07JUN117 transcript, page 106, line 20 and thereby precluded the jury instructions on it. This also allowed for Defendant to be placed on trial for a something he was not charged

with on the indictment. The Defendant can only be tried for 'crimes', *i.e. counts,* found in the indictment. In People v Dawson 79 AD3d 1610 *"the 'right of an accused to be tried and convicted of only those crimes and upon only those theories charged in the indictment is fundamental and nonwaivable' "* (People v Burnett, 306 AD2d 947, 948 [2003], quoting People v Rubin, 101 AD2d 71, 77 [1984], lv denied 63 NY2d 711 [1984]; see People v Greaves, 1 AD3d 979, 980 [2003]).

15. Only testimony from qualified experts maybe admitted on reverse extrapolation;

> *"We reach a similar conclusion with respect to defendant's generalized challenge to the theory of reverse extrapolation —the process by which an expert, taking into consideration, [1169] among other things, an individual's known BAC at a particular point in time, renders an opinion as to the individual's BAC at an earlier point in time. Assuming the expert in question is qualified and a proper foundation has been laid for such opinion, reverse extrapolation testimony may be admitted (see e.g. People v Dombrowski-Bove, 300 AD2d 1122, 1123, 753 NYS2d 259 [2002]; People v O'Connor, 290 AD2d 519, 520, 738 NYS2d 55 [2002], lv denied 97 NY2d 758, 769 NE2d 365, 742 NYS2d 619 [2002]; People v Cross, 273 AD2d 702, 703, 711 NYS2d 533 [2000]; People v MacDonald, 227 AD2d 672, 674-675, 641 NYS2d 749 [1996], affd 89 NY2d 908, 675 NE2d 1219, 653 NYS2d 267 [1996]). Here, however, the People failed to lay a proper factual foundation for Holland's testimony and, therefore, defendant's objection in this regard should have been sustained"* [People v Menegan, 107 A.D.3d 1166]

Even if Kowalski was a qualified expert the People are required to lay a factual foundation for an expert's reverse extrapolation opinion, which they did not do;

> *"The record reflects some dispute as to the precise information that Holland needed in order to accurately perform this calculation—with the parties debating the extent to which defendant's extrapolated BAC was or could have been affected by her height/weight, past drinking practices/experience, the type of alcohol/number of drinks she consumed, the amount/type of food, if any, present in her stomach while she was drinking and the time at which she started/stopped drinking on the night in question. We need not decide, however, which of the cited variables Holland should have taken into consideration in performing his analysis. Rather, it is sufficient for purposes of this appeal that the People failed to lay an adequate factual foundation for the variables upon which Holland did rely."* [People v Menegan, 107 A.D.3d 1166]

Further forensic BAC results from two separate point in time are also required [People v. Elysee, 12 N.Y.3d 100], which did not occur in this matter.

16. The court for reasons of personal animus and bias allowed the highly prejudicial and inflammatory body camera pre ambulance videos to be played in their entirety. The court would allow the jury to assume that all of the body cam video material was admissible throughout the trial and it was only at final jury instructions that the court would inform the jury they could pick and chose what statements were made voluntarily and what were not which led to a confused jury, which can easily be seen in the jury notes. "*When, as part of a continuous chain of events, a defendant is subjected to custodial interrogation without Miranda warnings, any statements made in response as well as any additional statements made after the warnings are administered and questioning resumes must be suppressed*" [People v Moyer, 292 A.D.2d 793, 795] . Further even if Defendant was mirandized the People did not meet the burden of which statements were made voluntarily and/or spontaneous and which ones were not [People v. Huntley, 15 NY2d 72[1965]].
17. On June 1, 2017, the second day of the trial a very large Cattaraugus County Deputy named Abdo would appear though the door directly to the left of Defendant's location during the trial. The Deputy would walk over and talk to Clerk Jillian Koch. It appeared as if Koch would instruct the Deputy here to sit. Every time the Defendant approached the bench the Deputy, who towered over Defendant would walk over and stand right next to Defendant to make it appear as if Defendant had caused physical trouble in the court before. This occurred every time that day right in front of the jury and would easily lead any reasonable juror to believe that Defendant may have been trouble in the court before and based on the size of the deputy physical trouble. Defendant had never caused trouble before in any court and such conduct by the court personal was highly prejudicial and inflammatory towards the

Defendant. When the Court failed and/or refused to stop the highly prejudicial and inflammatory practice of the Deputy Defendant published an article on CatCountyCorruption.com titled "DA Rieman Using Visual Symbolism to Taint the Minds of the Jury" and published it the next day which described how DA Rieman was purposely tainting the minds of the jury using the large deputy. As proof of the fact that court personal were acting to prejudice and inflame the jury's thoughts against Defendant, once the article was published two days later (trial was adjourned for about one week due to Defendant's Attorney being arrested) Defendant was not escorted and watched closely by any court personal when approaching the bench and the normal court security protocol appeared to be followed throughout the rest of the trial (Ex. 00023, 024, 025, 026, 027, 028). Trial courts have the inherent authority and the affirmative obligation to control conduct and decorum in the courtroom, in order to promote the fair administration of justice for all [People v Nelson 2016 NY Slip Op 02554 citing generally Matter of Katz v Murtagh, 28 NY2d 234, 238-240 [1971]; People v Mendola, 2 NY2d 270, 276 [1957]; People v Jelke, 308 NY 56, 63 [1954]; 22 NYCRR 100.3 [b] [2]]. Furthermore, *"one accused of a crime is entitled to have his guilt or innocence determined solely on the basis of the evidence introduced at trial"* (Taylor v Kentucky, 436 US 478, 485 [1978]).

18. The Court, by and through Ronald Ploetz failed and or refused to declare a mistrial pursuant to 280.10 (3) when Defendants attorney was arrested and it made the local news channels and some jurors admitted that they had seen the article. At no time was a mistrial discussed with Defendant and Defendant was never allowed to participate in any chambers meetings [Velasco, *supra*]. As a result the trial was delayed for one week. A least two jurors claimed they became aware of the arrest and both were public employees, one retired, that being

Barbara Smith, the same Smith as so described in paragraph 14 herein. The other juror, Andrew Pihlblad, who did not answer in the affirmative that he could disregard what he heard regarding the defense attorney and would still would not provided an absolute affirmative answer (Ex. 00029, 030, 031, 032) [People v Hausman 285 A.D.2d 352 (2001); People v. Taylor, 120 A.D.2d 325, 326; People v. Burdo, 256 A.D.2d 737, 740; People v. Arnold 96 N.Y.2d 385, 2001 N Y LEXIS 1447].

19. To inflame the emotions of the jury the Court, by and through Ronald Ploetz uses the term *"conspiracy theory"* when he described Defendant's website (Ex. 00033, 034, 035) . This nation was founded by *"conspiracy"* theorists on a *"conspiracy theory"* and proof of this is engrained in The Declaration of Independence, which recites a number of conspiracies, one of which is as follows: *"When a long train of abuses and usurpations, pursuing invariably the same* ***object evinces a design to reduce them under absolute Despotism*** *..."* The term *"conspiracy theory"* was coined by government employees in the 1960's to discredit critical thinkers who questioned the official government narrative concerning events *"The CIA's campaign to popularize the term 'conspiracy theory' and make conspiracy belief a target of ridicule and hostility must be credited, unfortunately, with being one of the most successful propaganda initiatives of all time."* [Conspiracy Theory in America, political scientist Lance deHaven-Smith, University of Texas Press 2013]. The Court's Statement was highly prejudicial and inflammatory especially in the fact that over 50% of the jury were present or retired government employees and/or related or had relationships to one or more. Furthermore the personal secretary of Ronald Ploetz, one Mary Reynolds, District Attorney Lori Reiman and Clerk Secretary Jillian Koch filed fraudulent complaints with the CatCountyCorruption.com hosting service which led to the shutdown the Thursday before

Defendant's alleged arraignment the following Monday on the alleged indictment which set a precedent for chilling all American's first amendment rights [Norton v. Town of Brookhaven 33 F.Supp.3d 215 (2014); 47 F. Supp. 3d 152]. See (Ex. 00036, 037, 038) which are true and correct copies of the notices from the hosting company of concerning Reynolds, Riemans and Koch's fraudulent complaints. Further Rieman, Koch and Reynolds were required to send a copy of their drivers license to the hosting service to verify their identity. This alone is proof of an existence of a conspiracy to deprive Defendant of his First Amendment Rights and is shocking to the conscience that a sitting judge's personal Secretary and a District Attorney would engage in such conduct. It is further proof that CatCountyCorruption.com is not a site based on 'conspiracy' but actual facts that cannot be repudiated by the so name public employees and they had to resort to unlawful and illegal means in violation of their oaths of office to deprive Defendant of his Constitutional Rights; *"It is not necessary to prove a conspiracy before evidence of specific acts of the alleged conspirators can be received. The conspiracy itself can be established by evidence of particular acts, which, taken together, furnish a basis for a finding that a conspiracy exists"* see [The People of the State of New York, Respondent, v. Maurice E. Connolly and Frederick Seely, Appellants 253 N.Y. 330; 171 N.E. 393; 1930 citing People v. Miles, 123 App. Div. 862, 875; affd., 192 N. Y. 541].

20. On August 17, 2017 Clerk Jane St John answered and informed Defendant he was not allowed to have a copy of his report PSI one day before sentencing pursuant CPL 390.50(2)(a) because he had an Attorney of Record. On August 18, 2017 Jane St. John corrected herself and stated that Defendant's Attorney was required to file a Motion to Withdraw and Defendant had to file one also. It is very difficult to acquire a copy of ones PSI after sentencing and they can be riddled with mistakes and errors, whether deliberate or

unintentional. However due to the difficulty of obtaining the PSI and the fact that the Cattaraugus County Probation Office takes pleasure and enjoys entertaining itself by destroying people's lives (Ex. 00039) and the head of the department on Jerry Zimmerman was very pompous towards Defendant when Defendant served him with a federal summons and complaint 1:17-cv-00407 and the fact that the Probation Department has refused to answer defendants calls there is every reason to expect that the PSI will be riddled with intentional misrepresentations of fact in order to justify the harshest sentence as possible. This is also supported by the fact that according to Jane St John Judge Ronald Ploetz told her that the Defendant has to file a Motion to Withdraw. There is no provision in law that requires a Defendant to file a Motion to Withdraw. Motion's to withdraw are filed by the Attorney under CVP/CPLR § 321. Therefore Jane St. John again lied to Defendant which she has done so on many occasions and has also falsified documents in another case (Ex. 00040). Defendant waives his right to counsel. Defendant has no issue with an attorney advising him, but he will represent himself in this matter forward. Defendant is more than capable of defending himself and has done so successfully in the past including as recently as 2016 concerning a hearing de-novo NYDMV refusal hearing (Ex. 00041, 042), which from Defendant's research is extremely had to accomplish even by a seasoned Attorney. In 1998 (Ex. 00043), which is a copy of a court sealing CPL 160.50 order that pursuant to law cannot be granted unless the matter had been terminated in Defendants favor, which it was. Further the court should have no problem allowing Defendant to represent himself and has allowed other individuals who appeared to have little or no experience representing themselves on real crimes that involved real victims (ex. 00044) . Further, Defendant's Attorney of Record has also agreed to it (Ex. 00045) .

21. The forgoing allegations are a pattern and practice of fundamental legal error and therefore is serious misconduct, *see Matter of Jung 11 NY3d 365 373 (2008) citing Matter of Reeves 63 NY2d 105 (1984).*

22. In Matter of Feinberg 5 NY3d 206 (2205) the court held that a judge should be removed for failure to follow statutory provisions and the court also noted that judges have an obligation to *"maintain professional competence in the law"* (22 NTCRR100.3 [B][1]), Id at 214 and found that judge's "consistent disregard for fundamental statutory requirements of office demonstrates an unacceptable incompetence in the law Id at 215. It is clear that the Court is ignoring these exceptionally serious acts misconduct of misconduct as mandated by CPL §170.15 (3) (a), § 255.20, 170.20 as well as others as so stated herein, and therefore the Defendants Right to be treated equally secured by the 1st , 5th and 14th Amendment to the US Constitution and Article I § 8, 9 and 11 of the New York State Constitution has also been violated.

23. The neutrality requirement guarantee the foundations upon which this nation was founded on, in that life, liberty and property will not be lost on the basis of an erroneous or distorted conception of the facts or the law. Further it preserves both the appearance and reality of fairness, *"generating the feeling, so important to a popular government, that justice has been done,"* [Jones v. Nuclear Pharmacy Inc 741 F.2d 322] by ensuring that no person will be deprived of his rights, *i.e. interests,* without a proceeding will allow themselves to present their case with assurance that the arbiter is not predisposed to find against him. In this matter the respondent was personally biased against the Appellant. The Supreme court has guarded neutrality requirement jealously; This standard also applies to administrative tribunals as well. In Schweiker v. McClure, 456 U.S. 188, 195 (1982), the Court stated: *"As this Court*

has repeatedly recognized, due process demands impartiality on the part of those who function in judicial or quasi-judicial capacities." In Withrow v. Larkin, 421 U.S. 35, 46-47 (1975) ("*Concededly, a 'fair trial in a fair tribunal is a basic requirement of due process.' ... This applies to administrative agencies which adjudicate as well as to courts ..." Not only is a biased decision maker constitutionally unacceptable but 'our system of law has always endeavored to prevent the probability of unfairness'"*.) Accordingly in Padberg v. McGrath-McKechnie, 203 F.Supp.2d 261, 287-88 (E.D.N.Y. 2002)(with respect to the NYC Parking Violations Bureau the Court noted: *"Due process requires a 'fair trial in a fair tribunal' . . . 'administrative agencies which adjudicate' are bound by this rule as well as courts*"). It is abundantly clear that the Court, by and through Joseph Dry favored the People during this entire action and in doing so failed in his mandatory duty of remaining natural. In the Matter of the Proceedings against William F. Suglia, a Judge of the Criminal Court of the City of New York, Respondent 36 A.D.2d 326; 320 N.Y.S.2d 352, the court found; *The appearance from which favored treatment can be deduced, even without real foundation, can be very harmful to the administration of justice. Likewise is providing the opportunity from which an implication of impropriety could be drawn. No matter how innocent respondent's conduct may have been, it unnecessarily and unwisely put a burden of explanation and justification not only on himself but on the judiciary of which he is an officer.*

24. In Marshall v. Jerrico, Inc., 446 U.S. 238, 242-43 (1980), the Supreme Court stated that *"decisional independence"* is essential to due process: *"The Due Process Clause entitles a person to an impartial and disinterested tribunal in both civil and criminal cases."* This requirement of neutrality in adjudicative proceedings safeguards the two central concerns of procedural due process, the prevention of unjustified or mistaken deprivations and the

promotion of participation and dialogue by affected individuals in the decision making process. In this matter, the respondent denied the Appellant his ability to due process by unfairly and unjustly using his position to threaten and/or deny his ability to exercise his rights, in doing so Respondent violated Canons 1, 2(A), 3(B) (1), (3), (4), (8) and (9).

25. This is also the manifestation of the mere appearance of impropriety on the part of the judge in this matter. In this matter one such instance was when the Court's personal secretary Mary Reynolds would file a fraudulent complaint on what appears while working in her public employee role accusing CatCountyCorruption.com of publishing personal information, which never occurred. In another such instance the court would state on record, during trial, in front of the jury that the website so mentioned was based on 'conspiracy theory' a derogatory term cooked up by government employees designed to discredit individuals offer a choice outside the official narrative. In doing so the judge knew, or should have known that he violated Administrative Rules of the Unified Court System & Uniform Rules of the Trial Courts § 100.1 and 100.2. In People v. Capuano 68 Misc.2d 481 (1971) the court determined; *"The question of when a judge should disqualify himself is generally one of conscience. Some judges disqualify themselves only when in their own mind their connection with the case is such that they feel they cannot be fair and unbiased. The practice which impresses me is that a judge should disqualify himself whenever there might be the slightest impression upon the part of a litigant that his decision might be swayed by his connection with the case or his interest in the case, for it is important in the administration of justice not only that our courts be presided over by judges who are fair and impartial, but it appears to this court that it is equally important that litigants believe that they are being tried by a judge*

who is fair and impartial and not influenced by any personal interest in the case." (See, also, Van Schaick v. Carr, 159 Misc. 873,880; People v. Rowley, 48 Misc.2d 26.)'.

26. Further Defendant reserves the right to amend this complaint, renew or proceed with other lawful options when he deems necessary in the interests of justice and further he reserves the right to file any other evidence when he acquires it that is related to this matter and seek redress if he is not satisfied with the results of this complaint.

WHEREFORE, the Defendant respectfully request, pursuant to the constitution of the United States, The New York State Constitution, at that which emanates there from, that Cattaraugus County Court "Judge" Ronald Ploetz recuse himself from this matter.

This 18th day of AUG 2017

Christopher Kochan
PO Box 21
Little Valley, New York 14755

ROBIN K. BOWSER
NOTARY PUBLIC, STATE OF NEW YORK
REG. IN CATTARAUGUS COUNTY NO. 4917576
COMMISSION EXPIRES 1/19/2018

Robin K Bowser

STATE OF NEW YORK, COUNTY OF CATTARAUGUS SS.
I, Alan Bernstein, Clerk of the County of Cattaraugus of the County Court of said County and of the Supreme Court, both being Courts of Record having a common seal.
DO HEREBY CERTIFY that I have compared this copy with the original filed, recorded, filed and recorded, filed and entered, or entered in the office and that the same is a correct transcript thereof and of the whole of said original.
IN WITNESS WHEREOF, I have hereunto set my hand and affixed the Seal of said County and Courts on
Date 8-18-17
Clerk