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EXECUTIVE SECRETARY
MS. JIMMY SHAFFER

PERSONAL AND CONFIDENTIAL

August 7, 2017

Kayce R. Powell
511 West 9th St., PO Box 4
Hopkinsville, KY 42240

RE: Case Number: 2017-188

Dear Ms. Powell:

This is to acknowledge receipt of your complaint against Judge Rene Williams. Commission staff has forwarded copies to the members of the Commission for their consideration at the next meeting. The Commission, by order of the Kentucky Supreme Court, must keep this matter confidential.

You will receive written notification once the Commission has concluded its consideration of this matter.

Sincerely,

J. Rachel Noyes

J. Rachel Noyes
Executive Assistant

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JCC COMPLAINT AGAINST JUDGE RENE' WILLIAMS

5TH JUDICIAL CIRCUIT

The facts outlined in these cases below have been an ongoing battle since 2011. Both myself and the Plaintiff have made numerous attempts to draw attention to the egregious miscarriage of justice which has taken place at the hands of Judge Rene Williams due to her close personal bias relationship with Union County Attorney Brucie Moore. It should be noted, that if the two of them work together to minimize their potential exposure, it's much easier to keep their fraudulent activities under wrap.

Although a singular ruling may be insufficient to show bias in favor of Attorney Brucie Moore, if you consider the totality of the cases at hand, the partiality and favoritism is undeniable. In any event the premature motion to strike evidence from the complaint, denied Steve Chandler his Constitutional Right to a fair trial, and set Attorney Moore up for a win.

> "Where a judge intentionally and wrongfully misused the power of his office to commit acts specifically designed to aid and benefit a close personal friend the penalty of removal from office was not unreasonable. Wilson b. Judicial Retirement & Removal Com., 673 S.W.2d 426, 1984 Ky. LEXIS 259 (Ky. 1984)."

You will come to discover that the case cited above is applicable to the federal fraud investigation concerning Attorney Moore's representation of United Community Bank as well as the cases discussed below. It would be extremely hard pressed to locate a case of similar nature that reveals such an extreme bias and constant prejudicial rulings throughout. Judge Williams has issued countless orders and made numerous rulings which directly violate the Canons contained in Rule 4.300 of Kentucky Code of Judicial Conduct.

CANON 1

"A JUDGE SHALL UPHOLD THE INTEGRITY AND INDEPENDENCE OF THE JUDICIARY."

"An independent and honorable judiciary is indispensable to justice in our society. A judge shall actively participate in establishing, maintaining and enforcing high standards of conduct, and shall personally observe those standards so that the integrity and independence of the judiciary will be preserved."

CANON 2

"A JUDGE SHALL AVOID IMPROPRIETY AND THE APPEARANCE OF IMPROPRIETY IN ALL OF THE JUDGE'S ACTIVITIES."

"The test for appearance of impropriety is whether the conduct would create in reasonable minds a perception that the judge's ability to carry out judicial responsibilities with integrity impartiality and competence is impaired."

A. A Judge Shall Respect And Comply With The Law And Shall Act At All Times In A Manner That Promotes Public Confidence In The Integrity And Impartiality Of The Judiciary.

D. A Judge Shall Not Allow Family, Social, Political Or Other Relationships To Impair The Judge's Objectivity. A Judge Shall Not Lend The Prestige Of Judicial Office To Advance The Private Interest Of The Judge Or Others; Nor Shall A Judge Convey Or Permit Others To Convey The Impression That They Are In A Special Position To Influence The Judge. …

CANON 3

"A JUDGE SHALL PERFORM THE DUTIES OF JUDICIAL OFFICE IMPARTIALLY AND DILIGENTLY.

A. Judicial Duties in General. The judicial duties of a judge take precedence over all the judge's other activities. The judges' judicial duties include all the duties of the judge's office prescribed by law. In the performance of these duties, the following standards apply.

B. Adjudicative Responsibilities.

1. A judge shall hear and decide matters assigned to the judge except those in which disqualification is required.
2. A judge shall be faithful to the law and maintain professional competence in it.
3. A judge shall require order and decorum in proceedings before the judge.
4. A judge shall be patient, dignified and courteous to litigants, jurors and witnesses, lawyers and others with whom the judge deal in an official capacity, and shall requires similar conduct of lawyers, and other staff, court officials and others subject to the judge's direction and control.
5. A judge shall perform judicial duties without bias or prejudice. A judge shall not, in the performance of judicial duties, by words or conduct manifest bias or prejudice, including but not limited to bias or prejudice based upon race, sex, religion, national origin, disability, age, sexual orientation or socioeconomic status, and in proceedings before the judge, shall not permit staff, court officials and others subject to the judge's direction and control to do so.

> "A judge must perform judicial duties impartially and fairly. A judge who manifest bias on any basis in a proceeding impairs the fairness of the proceeding and brings the judiciary into disrepute. Facial expression and body language, in addition to oral communication, can give to parties or lawyers in the proceeding, jurors, the media and others an appearance of judicial bias. A judge must be alert to avoid behavior that may be perceived as prejudicial."

6. A judge shall accord to every person who has a legal interest in a proceeding, or that person's lawyer, the right to be heard according to the law. With regard to a pending or impending proceeding, a judge shall not initiate, permit, or consider ex parte communications with attorneys and shall not initiate, encourage or consider ex parte communications with parties, except that:

(b). As part of legal research, a judge may obtain the advice of a disinterest expert on the law applicable to the proceedings before the judge.

> "A judge must not independently investigate facts in a case and must consider only the evidence presented. A judge may request a party to submit proposed findings of fact and conclusions of law, so long as the other parties are apprised of the request and are given an opportunity to respond to the proposed findings and conclusions. "

DISQUALIFICATIONS.

(1) A judge **shall** disqualify himself or herself in a proceeding in which the judge's impartiality might be reasonably be questioned, including but not limited to instances where:

a. The judge has a personal bias or prejudice concerning a party or a party's lawyer, or personal knowledge of disputed evidentiary facts concerning the proceedings; or has expressed an opinion concerning the merits of the proceedings."

e. where he has knowledge of any other circumstances in which his impartiality might reasonably be questioned, "recusal is mandatory."

Both the statute and the judicial canons, look prospectively at recusal to guide judges and litigants regarding ongoing or future proceedings. The standard for determining whether a motion to recuse is legally sufficient is whether the facts alleged would place a reasonably prudent person in fear of not receiving a fair and impartial trial.

Steve Chandler was in fear of not receiving a fair trial before the initial Motion to Strike Hearing even took place due to the reputation of favoritism that has long existed between Judge Rene' Williams and Attorney Brucie Moore. When these concerns were initially expressed to me by several potential witnesses, I laughed it off and dismissed it without another thought. However, the legitimacy of their concerns, as well as Steve Chandler's concerns became abundantly clear during the first scheduled hearing in December 2011.

Judge Williams' impartiality was called into question during the initial Strike Hearing in December 2011. Judge Williams began making arguments for the Defendants. She specifically stated that if Keith had a job, had a driver's license and graduated high school, she doesn't understand how someone could say he was incompetent.

More importantly it would appear that Judge Williams had already had a conversation with Attorney Brucie Moore about Steve Chandler's will contest. As stated under Steve's equity claim, Keith Chandler was named executor of his mother's estate.[1] Please note, the Complaint mentioned personal property and family heirlooms that were never distributed by Keith Chandler. At no time did the Complaint, subsequent filings, or any party during the proceeding mention the monetary value of the Estate of Mary Katherine Chandler. Regardless, Judge Williams specifically stated that it is her "understanding that Mary Katherine left a substantial estate." This statement was immediately followed with her stating that she could take judicial notice of Mary Katherine's estate.

[1] Reason being, he lived in the family residence and would be the one who distributed family heirlooms.

Furthermore, Judge Williams turned her attention to the Plaintiff and began questioning him specifically with respect to his own personal actions or inactions to look after his brother, or to protect his mother after his brother turned hostile toward family members. Both my client and myself, left that hearing knowing that as long as Brucie Moore was the attorney on the opposing side, Steve Chandler did not stand a chance at receiving an impartial trial.

Judge Williams attitude and demeanor during the unprecedented Strike Hearing by every indication revealed that she had already formed an opinion upon the merits of Steve Chandler's will contest. So much to the point that opposing counsel states, "I am like you Judge---- the fact that in 2007 that he was the executor I think that goes to…."

During the hearing upon Defendants Motion to Strike from the Complaint, I vehemently protested the use of the phrase "estranged brother" within the court filings. There had been zero proof taken at this point, and nothing supported the use of the phrase "estranged brother" to describe the relationship between Steve and Keith Chandler. I stressed to Judge Williams that such a derogatory statement in the record without proof of any kind would be improper. Especially in light of the fact, evidence would establish that Steven Chandler was the one looking out for his little brother the last three years of his life. Despite objections and direct vocal concerns against Defendants use of the phrase, "estranged brother," Judge Williams Order Granting Defendants Motion to Strike in its entirety, reference Steve Chandler as the "estranged brother."

Judge Williams Strike Order struck everything outside a two-year temporal reference. Several paragraphs were stricken simply because the Complaint did not state the exact date and time a conversation or event had occurred. **FOR EXAMPLE: [ROA VOL 1: pages 57-66 ¶33-35]**

It should be noted that I specifically argued within the Plaintiff's memorandum in opposition to the Motion to Strike, that the Defendants were citing to case law concerning JNOV, Directed Verdict, Summary Judgments… all of which only come about after a party has a complete full opportunity to conduct discovery. Steve Chandler was essentially forced to make fact based summary judgment type arguments within his memorandum in opposition to Defendants Motion to Strike in order to establish the relevancy of each paragraph of the Complaint to the totality of the entire case. Steve Chandler was denied even the basic discovery protection which is afforded to a party before a pretrial summary judgment can be granted against them. [**ROA Vol. 1:51-55]**

There is zero case law supporting a motion to strike evidentiary assertions from a complaint, prior to Defendants having to submit their Answer. In fact, just the opposite STRIKE ORDERS are highly disfavored in the State of Kentucky, because it essentially wipes the entire record clean of the

material, whether it be proposed testimony and/or potential evidence. *Roman Catholic Archdioceses of Lexington v. Noble, Ky*., 92 S.W.3d 724, 733-34 (2002).

Appellant's Brief mentioned (Paragraph 37 of the Strike Order) because it left no doubt that Judge Rene' Williams had more than picked a side and formed opinion concerning the merits of the case. (SEE PAGE 9 of the Appellate Brief). The paragraph referenced the fact that Keith Chandler went to Union County Attorney Brucie Moore to write his will despite having prior relationship with Crittenden County Attorney.

> Judge Williams Strike Order read, "**Keith had the right to use an attorney of his choice to prepare his will and it appears he did just that."**
> **[ROA VOL 1: page 64]**

Judge Williams completely disregarded and even acknowledged that the Plaintiff filed an Equity Count and made a request for a Constructive Trust to protect the personal property that remained in family homestead. Which Steve Chandler was still legally entitled to 50% of the personal property, regardless the outcome of the will contest. Instead Judge Williams simply issued a sweeping Strike Order of paragraphs (46-83) of the complaint. As you will soon learn the complete disregard of Steve Chandler legal interest to the contents of the home created far more problems, filings and even subsequent cases for the Court.

Without question the unprecedented Strike Order set the tone for the entire litigation, as well as endless controversial issues and disputes throughout the appeal process. To summarize how the case began, even prior to the Defendants filing an answer, Judge Williams' issued an Order essentially limiting and restricting all relevant admissible testimony and evidence to a narrow two-year temporal reference time frame surrounding the execution of the will on October 23, 2006.

The unprecedented improper premature evidentiary ruling, under the guise of a Strike Order, severely prejudiced Steve Chandler from the initial start of the litigation. Judge Williams was in no way concerned with Steve Chandler's Constitutional Rights to a fair and impartial trial.

Recognizing that the Strike Order was a premature evidentiary ruling, unsupported by case law, statutes, or any civil rule, I filed a KRE 103 Objection of Record simply to Preserve the Record for Appeal. [**ROA VOL 1: pages 67-72] Please note:** That the KRE 103 Objection was filed on April 24, 2012, which was before the Defendants even answered the few remaining allegations of the complaint. In which I specifically addressed every single paragraph and discussed its relevancy, which among other things included Motive, Proof of Incompetence, Unnatural Disposition, Undue

Influence… Etc... **The KRE 103 Objection of Record <u>Did Not Ask The Court To Alter Amend Or Vacate The Order</u>.**[2]

On May 7, 2012, Brucie Moore filed an Answer and included a Counterclaim for Abuse of Process against Steve Chandler. Setting out numerous false allegations. Specifically asserting that Steve Chandler filed a baseless will contest to force, coerce and bully the Defendants to make a deal with him for the farm land. Along with other false accusations and assertions. [**ROA VOL I: pages 71-82]**

I filed a Motion to Dismiss the Counterclaim, it was baseless and without merit in that the Plaintiff was entitled to bring his action pursuant to KRS §394.240. More importantly, Attorney Brucie Moore directly threatened Steve Chandler at the initial probate hearing, when she instructed me, with Steve Chandler standing directly behind me that;

> "Mr. Chandler has a farm of his own, and has a lot to lose, since he could be facing an Abuse of Process Charge if he pursued a will contest." [**ROA VOL 1: pages 83-87]**
> **Brucie Moore made similar assertion on record during the July 20, 2011 Probate Hearing in front of Judge Daniel Heady.**
>
> **SEE <u>July 20, 2011 Probate Hearing 9:36:10 -9:36:56</u>**
>
> **<u>Brucie Moore:</u> I am hopeful that once we give Ms. Powell information that we have that she will review the law and uh the facts surrounding this case and uh because uh there really is absolutely not even a shred of evidence that there should be a Will Contest in this this Case and I think it would be an Abuse of Process uh, uh if there were uh but because I have some things that she probably doesn't have that I will be glad to share with her. I just want her to advise her client**
>
> **<u>Judge Heady</u>: It would be prudent to share, But I am not going to speak as to the**
>
> **<u>Brucie Moore:</u> I understand that I'm just stating that uh your honor, uh we have looked at this very closely and**

The Motion to Dismiss the Counterclaim was also based upon its failure to state a claim upon which relief can be granted, CR 12.06. The counterclaim failed to assert actual accrued damages. The Motion to Dismiss further attempted to draw the Courts attention to the Defendants inappropriate filings which served no basis other than to intimidate and/or bully both myself and my client. It contained direct attacks and numerous false assertions not only against the Plaintiff, but also against me. The counterclaim as well as Defendants supporting memorandum consisted of nothing but endless false statements without proper merit or cause.

[2] Side note: this is in direct contradiction to what the Court of Appeals Order states.

A hearing was scheduled and held on June 14, 2012 on the Plaintiff's Motion to Dismiss Counterclaim. At the close of the hearing, the Court asked both sides to submit additional filings in support of; or in opposition to. Both sides complied with the Court's request. **Defendants: [ROA VOL I: pages 88-99 (PDF 16-27)] and Plaintiff: [ROA VOL 1: pages 110-122]**

As the result of Attorney Moore's ridiculous lies and false assertions set out in her opposition memorandum, within my subsequent memorandum in support of dismissal, I directly drew the Court's attention to the simple fact that the "counterclaim" was a complete abuse of process without merit. I further set out that rather than engaging in such tit-for-tat by filing a legitimate claim for Abuse of Process, the Plaintiff respectfully request the Court to take any necessary actions to prevent future filings by the defendants containing such flagrant falsehoods.

In the meantime, my client and his family were becoming more and more anxious concerning the ability to receive a fair trial from Judge Williams, if Attorney Brucie Moore remained on the case. By now it had become abundantly clear that Attorney Brucie Moore did not follow the letter of the law, nor did she fear any repercussion in not doing so.

For example, within her filings related to the bogus counterclaim, she began personally attacking actions taken by myself which included filings submitted to the Court. She attempted to base Defendants Counterclaim in part upon the filings and allegations that she had stricken from the complaint. Moreover, she directly asserted outright lies and derogatory comments about my client, Steve Chandler. Attorney Moore's filings also directly misquoting case law that governs the issues at hand.

As the case progressed, I no longer thought that my client and his family's concerns regarding Judge Williams extreme bias toward Attorney Moore, were unwarranted. In fact, just the opposite, but rather than making a public spectacle and risk bringing about negative perception upon the judiciary, I sent an email to both Judge Williams and Brucie Moore on July 23, 2012. This email addressed the inappropriate actions and filings of Ms. Moore, as well as the fact that she is likely to be called as a witness, and would be precluded from being on the case. Please note, Judge Williams nor Attorney Brucie Moore ever responded to my email. **[SEE EXHIBIT 12 in Red Exhibit book]**

Thereafter, On August 9, 2012, Judge Williams issued two ORDERS. The First Order **[ROA VOL 1: pages 123-124]** consisted of an unsolicited Order OVERRULING Plaintiff's KRE 103 Filed Objection of RECORD filed against the Court's April 17, 2012; Premature Strike Order.

PLEASE NOTE, the Order specifically acknowledges that the Plaintiffs Objection of Record did not ask the Court to Alter/Amend or Vacate, nor did the Defendants submit any filings regarding the

Plaintiff's KRE 103 Objection to the Order. For All Accounts → the sua sponte Order of the Court only seemed to serve the purpose of clearing the record of the material for a speedy summary judgment,[3] as well as putting the Plaintiff on notice again that only a narrow two-year temporal reference would be considered by the Court to be relevant.

THE SECOND ORDER would almost be comical if not for the years of frustration both myself and my client have had to endure due the extreme unjust bias of Judge Rene' Williams in favor of Attorney Brucie Moore.

ORDER DENYING PLAINTIFFS MOTION TO DISMISS COUNTERCLAIM
[ROA VOL: 1: pages125-128]
DIRECT QUOTES FROM THAT ORDER:

> *"Roughly stated, the court must ask if the facts alleged in the complaint can be proved, would the [pleading party] be entitled to relief."*
>
> *"The law does not allow the Court to make any factual determination when considering a motion to dismiss."*
> *"At this point in the litigation, the Court cannot speculate about whether the Defendants have enough evidence to prove allegations set forth in the Counterclaim, the Court can only determine that the Defendants have set forth proper grounds for an abuse of process…. "*

PLEASE TAKE NOTICE OF THE OBVIOUS BIAS DRIVEN ANALYSIS.

Judge Williams had no problems prematurely striking direct testimony and evidence by way of a Motion to Strike from the Complaint of the Plaintiff. BUT A COUNTERCLAIM filed by Brucie Moore, which didn't even include damages, (i.e. claim upon which relief can be granted), Judge William's takes the position that it would be improper to dismiss without any type of discovery being conducted.

As stated previously, neither Judge Williams or Attorney Moore responded to the email that I sent to them attempting to privately address the inappropriate actions and erroneous filings submitted by Attorney Moore. My though process for sending the email was that a private admonishment could potentially wart off later necessary motions for sanctions to prevent the continuation of false flagrant filings by Attorney Moore.

The events that conspired next were even more proof of the fact that my client was not going to receive a fair trial in front of Judge Rene Williams. In September of 2012, during a judicial

[3] A month prior to the unsolicited Order, Brucie Moore submitted Request for Admission to the Plaintiff.
[**PART TWO; VOL I: PDF pages 28-39]**

conference Judge Williams approached one of my local circuit judges to strike up a derogatory conversation about me personally.

The timing of the conversation is extremely relevant to the bias shown by Judge Williams in favor of Attorney Brucie Moore. Since less than a week prior to the judicial conference, I had just served Attorney Brucie Moore with an unrelate Federal 1983 Action for her role as the Union County Attorney in a malicious prosecution case where it would appear the county was trying to help a "good ole boy" con a local business owner. *FEDERAL ACTION: 4:12-cv-00114-JHM-HBB* Obviously, the federal case had nothing to do with the Crittenden County Will Contest, but nonetheless the timing of Judge Williams inappropriate communication was suspicious.

After learning about the derogatory conversation about me initiated by Judge Rene Williams, I felt the need to protect myself since I had done absolutely nothing wrong. **Local Rule-5 MOTIONS, paragraph (G) s**ets out that no email or correspondence between the parties becomes part of the record except upon a motion. Wanting the record to be full and complete on November 7, 2012, I filed a motion requesting that all previous and future correspondence by means of email between the Court and Co-counsel be made part of the record.

A hearing was held on December 13, 2012, during the hearing, Judge Williams admitted to the conversation, but stated that part of the reason for the conversation is that she didn't know where I was practicing. Yet, recall that she directly talked to my Chief Circuit Judge. During the December 8, 2012 hearing, there was no mention of the email, or the content contained therein being partly a reason for the inappropriate disparaging conversation during the September, 2012 judicial conference.

I repeatedly attempted to express my client's as well as my own concerns to Judge Williams over conduct and filings of Attorney Moore, as well as the Court's prejudicial rulings. Each time I expressed my concerns to Judge Williams about improper filings and actions taken by Attorney Moore, she would simply ignore them entirely. On the few instances that she even acknowledged my concerns over Attorney Moore's inappropriate filings, Judge Williams responded condescendingly towards me.

> ***DECEMBER 13, 2012 9:48:21-9:48:56***
> *Kayce: As I stated, I came over here to represent my client*
>
> *Judge: Sure*
>
> *Kayce: I don't want to bicker back and forth with anyone. I want to represent my client to get a fair representation. When someone is directly putting facts in play that is not true and is out of context and using them and holding an abuse of process over my client when he, when she*

threatened that from day one. When my client hasn't done anything and she based her abuse of process claims on my filings

Brucie: Judge, I think those are all things to be litigated in that particular claim and consider the evidence or uh facts

9:58:56 – 9:49:49
Judge: I'm not sure what facts you are talking about but if, I mean almost every case I have one side disputes the facts of the other side, I mean that's

Kayce: She takes facts and twist them

Judge: that's why we are here that's part of why we have the legal system because facts (judge is laughing when she says this)

Kayce: If you read over everything you will see what I'm talking about. she takes things out of context – she claims that my client is trying to extort a deal with the other side, that my client is trying to force them into selling it. He has had no contact with them he's not even suggested "hey will you sale me the farm"

Brucie: This is an argument

Kayce: It is and all I want is the emails to be made part of the record because I need to protect my own interest and the interest of my client

Also during the December 13, 2012 hearing, a scheduling Order was issued setting out a timeline for discovery. However, the Plaintiff was still placed under a strict two-year temporal reference completely unsupported by case law for any stage, but especially during discovery period.

Simply running out of options, I filed the first Motion to Recuse against Judge Williams in May of 2013, in hopes of thwarting off such an extreme miscarriage of justice that was destined to occur if Steve Chandler's testimony and evidence was strictly limited to the two-year time frame the defendants had their thumb tightly pressed on Keith Chandler. Not to mention her disparaging conversation she struck up about me personally. In any event Judge Williams, premature evidentiary ruling out of the gate, deliberately denied my client his Constitutional Right to a fair trial. One can only assume that it was simply to assist Attorney Moore to obtain a quick and swift win.

A hearing was held on June 13, 2013 on the Plaintiff's Motion to Recuse. Recall that Attorney Brucie Moore vehemently objected to the email becoming part of the record, but within her Response to Plaintiffs Motion to Recuse, she attempted to use the email to pad to the record with direct deliberate false information. **[ROA VOL 2: page 153]** Within her response to Plaintiff's Motion to Recuse Judge Williams, Attorney Brucie Moore asserted that I sent the email to all parties re-arguing the Court's overruled motions, as well as to disparage her. Please take notice that the date on the email

was July 23, 2012 which obviously predates the August 9, 2012 Orders signed by Judge Williams. **[SEE EXHIBIT 12 in Exhibit Book.]**

Once again, during the June 13, 2013, (9:42-9:45), I made Judge Williams aware of the intentional mischaracterization of the email within Attorney Moore's response to my motion to recuse. I further specifically informed the Court that if the email was going to be mischaracterized in the official record, that I was going to insist that it be made part of the record.

The trial was still nearly a year out, when the Plaintiff filed his first Motion to Recuse Judge Rene' Williams for bias and impartiality. To avoid drawing negative public perception upon the judiciary, I respectfully requested to waive oral arguments at the hearing, and instead I tendered a supplemental memorandum directly to Judge Williams. **[ROA VOL 2 :pages 190-194]**

With the exception of the email misrepresentation, Attorney Moore's Response consisted of highly disputed allegations concerning the merits of the case. As well as an attempt to pad the record with false assertions pertaining to my filings and conduct.

> "This case had been pending for over twenty (20) months. The Plaintiff has yet to produce any evidentiary proof that the deceased, Harold Keith Chandler, aged 42 when he executed his will, lacked the mental capacity to execute a will or was unduly influence to create his will."
> [**ROA VOL 2: pages 153]**
> "The Plaintiff's motion for recusal is not supported by any evidence nor is it timely made. As set forth above, this case has been pending for twenty (20) months**. The Plaintiff seems to be dissatisfied with the Court's prior rulings and this an attempt to disparage the Court and the legal process and to cause additional unnecessary delay and prejudice to the Defendants." [ROA VOL 2: pages 155]**
> The Response went on to argue that the longer the case is pending the more this could cost the Defendants. "The deadline for the filing of an inheritance tax return and the payment of inheritance tax has already past."

Judge Williams violated her judicial duties to make rulings that are fair and just, with complete impartiality and devoid all bias. Allowing a case to continue, while simultaneously limiting admissible relevant evidence and testimony at the onset, hinders a party's constitutional right to fully litigate and present their case on its full merits. In essence, Judge Williams fixed the case for Attorney Brucie Moore, by limiting the time frame of admissible testimony and evidence, to the exact time frame these men had their thumbs firmly pressed upon Keith.

In accordance to the terms of the scheduling order **[EXHIBIT D of Exhibit Book]** issued on December 13, 2012 the parties were to exchange witness and exhibit lists by September 7, 2013. Attorney Moore submitted hers on time as counsel of record for the estate, and further included herself as a witness despite previous request for her to recuse herself.

Take notice of Attorney Moore's submitted list of Exhibits wherein she specifically names both complete probate records of Mary Katherine Chandler and Keith Chandler. Also, one issue of major controversy arises from her list to include school records of Harold Keith Chandler. **[ROA VOL 2: pages 154-162]**

Steve Chandler's witness and exhibit list can be found at **[ROA: VOL 2: pages 163-170].** One item on Steve Chandler's exhibit list created even greater controversy. Internet posts and videos made by the Defendant Randy Fish, under the username of **RJPOUTDOORS.** I had previously given Attorney Moore the username used by her client, and the specific hunting internet sites where HER client had submitted public posts.

I personally spent hours sifting through these websites cut, copying and pasting more than 1000 posts from various internet sites into one document. The post made by Defendant Randy Fish goes directly to Plaintiff's theory and motive of the case. It shows that Randy Fish was the one who was literally obsessed with hunting and the reason as to why he wanted Keith Chandlers Crittenden County property. A handful of the posts established that Randy Fish was holding himself out to be the owner of the land, years before Keith ever died. On one post in particular, Randy Fish was giving someone advise on how to gain permission to hunt on other people's property. His advise was to, "treat them like your best friend," he went on to say that it had paid off for him big time.

Rather than asking her own client for the internet posts, on September 27, 2013 Attorney Moore, filed a Motion to Compel the production of all RJPOUTDOORS post, and scheduled a hearing for Thursday, October 10, 2013.

The Scheduling Order issued in December 2012, set the discovery deadline for October 7, 2013. In addition, it set out that all motion-in-limines, including dispositive motions were to be filed by November 7, 2013. Which led me to submit two separate filings with the Court.

First, I filed a motion to extend time for discovery, and time for filing of dispositive motions. I further expressed my concerns to Judge Williams about issuing any substantial evidentiary ruling, without first issuing an Order on the Plaintiff's Motion to Recuse filed five months earlier.

Second, I filed a response to the Defendants Motion to Compel arguing that they were compiled and gathered in anticipation of litigation and clearly are part of the Plaintiff's strategy and mental impression of the case. Pointing out that "work-product doctrine" provides broader protection than attorney-client privilege and is designed to protect the right of the attorney to thoroughly prepare his case and to preclude a less diligent adversary attorney from taking undue advantage of the formers' efforts.

As previously noted, Attorney Moore was in the habit of padding the record with false, incomplete or inadequate information, and this time was no exception. Within her Motion to Compel, Attorney Moore asserted the following:

> "The undersigned hereby certifies that she has conferred by letter with opposing counsel the failure to comply with discovery requests. No response was received. Due to the ongoing contention between the parties and the rapidly approaching trial date, counsel is unable to reconcile their differences without a hearing."

Throughout the entire litigation, which includes the appeal process, Counsel has had to be on guard for never ending false information submitted to pad the record with outright lies or mischaracterizations. In response to the above mischaracterization, I submitted the following:

> "[c]ounsel advised the Court that they sent an unanswered letter to Plaintiff's counsel seeking to resolve discovery issues without a hearing. For the record, Defense Counsel sent Plaintiff's Counsel a fax on the afternoon of September 25, 2013, giving Plaintiffs' counsel until the following evening on September 26, 2013 to contact their office to discuss these matters before they filed their Motion to Compel. Due to all day DNA court in Christian County, on September 26, 2013, Plaintiff's Counsel did not even receive said fax until September 27, 2013.
>
> It is absurd and unreasonable to think that you can demand an attorney by fax to respond within 24 hours. It is Counsel's position that the contention between the parties are the direct result of actions such as this and many others by the Defense Counsel orchestrated and carried out in attempt to harass, intimidate, and/or bully opposing counsel. Defense Counsel has repeatedly attempted to mischaracterize the facts at hand, and even the actions of Plaintiff's Counsel in attempt to paint Plaintiff and/or Plaintiff's Counsel in a false light. …"

Moreover, on September 27, 2013, Attorney Brucie Moore set two depositions of the Plaintiff's witnesses, without bothering to check my availability first. I subsequently informed Attorney Moore that I had a doctors' appointment on the day she set for the depositions and the date she set did not work for me. Approximately a week and a half after the scheduled date, I received a phone call from the Court reporter asking if I wanted a copy of the deposition taken by Attorney Brucie Moore. The Court Reporter recorded Attorney Moore stating on record that I couldn't attend.[4]

Again, despite repeated attempts to inform Judge Williams of the unethical, improper actions taken by Attorney Moore, Judge Williams rather than addressing my concerns, often responded with condescending statements directed at me.

Judge Williams finally issued an Order on the Plaintiff's Motion to Recuse on October 7, 2013. Wherein, Judge Williams **adopts and reiterates her previous Orders** concerning admissible

[4] During that same scheduled doctor's appointment on October 15, 2013 I was placed on bed rest due to high-blood pressure which deemed me as a high-risk pregnancy.

relevant testimony and evidence. Thus, with less than six months before trial Judge Williams is holding steadfast to her narrow two-year window of relevancy. **Please take notice** that this particular confirmation concerning what Judge Williams was going to consider relevant and allowed in, came after the parties already exchanged exhibits and witness lists. Judge Williams further set out that all Orders have been procedural and she has not asserted an Opinion as to the correctness of any facts asserted by either party. **[SEE EXHIBIT D of Exhibit Book]**

Judge Williams' Order denying Plaintiff's Motion to Recuse, she gave an alternate explanation as to the reason she struck up a conversation about me during judicial conference. Recall, previously she stated that it was due to her confusion as to where I practiced. However, now Judge Williams asserts that the "email" which has been falsely portrayed numerous times in the record is the reason to question a fellow judge about me.[5] Judge Williams or Attorney Moore never responded to the email sent in July 2012. However, Judge Williams is now herself attempting to mischaracterize the email in the record.

Judge Williams is now stating that the unaddressed email, concerned her to the point she felt the need to ask my local judge about it over two months later in September 2012. Judge Williams specifically asserted that the email appeared to be in the nature of an argument that she felt should be on the record with both parties. The email was in fact sent to all parties. But the irony is she felt that it should have been on the record, but then later refused to allow it to be part of the record.[6]
[**SEE Exhibit 12 of exhibit book** for the controversial email] Wherein it specifically states, "that the purpose of this email is to address a few issues that I don't think are appropriately discussed in front of clients, or in a open court room subject to public perception."

Judge Williams Denial of Plaintiff's Recusal Motion

> "This Court makes every effort to base all its decisions on what it believes the law to be but understand there are different interpretations -this is why we have the checks and balance of our appellate courts. However, a trial court's adverse ruling, even if erroneous, does not provide for finding of bias." "this case is set to be tried before a jury panel who will be the triers of facts in determining the outcome of this case. Any preliminary matters by this Court are subject to review by the higher courts." **SEE EXHIBIT E in Exhibit Book for full RECUSAL ORDER**

As things stood in October 2013 all admissible testimony and evidence is limited to a two

[5] **PLEASE NOTE**, the conversation conveyed to me, had no mention whatsoever of the email.
[6] The email clearly set out the unethical behavior of Attorney Moore. If it was on record, then Judge Williams would have had a judiciary duty to address the matter. Instead, they both simply ignored it altogether, until I requested that It be made part of the record.

year temporal reference surrounding the execution of the will. There has not been one solitary case law submitted by either side that would support this extremely egregious narrow interpretation of relevant admissible testimony and evidence. Judge Williams is correct when she sets out that the jury will be the trier of facts in the case. However, Judge Williams is the ultimate gate keeper of the testimony and evidence allowed in at trial. It is her job and sworn duty to uphold the integrity of the judicial system and ensure that all parties with any interest in a case are allowed to be heard, and more importantly are not denied their Constitutional Rights to a fair and just trial.

On that note alone, Judge Williams violated her duty at the onset simply by failing to acknowledge and recognize that Steve Chandler asserted an Equity Claim to establish a constructive trust, to protect both his legal 50% interest of the contents of the residence, including personal memorabilia belonging to some of his family members. All of which remained undistributed in the Chandler homestead at the time of Keith Chandler's death.

The original complaint included the names of several witnesses who wanted to testify as to their direct personal knowledge of Keith Chanlder, as well as his failure to carry out his mother's wishes and distribute family memorabilia, even though Mary Katherine put post-it notes on everything. After Mary Katherine died, Keith quit answering the door altogether.

Judge Williams went on to say that if she is wrong the appellate courts will catch it, within the checks and balance system. I find this statement truly troublesome. Due to the cost alone, the probability that someone will even file an appeal is extremely low. Therefore, complete impartial judicial discretion is a paramount in the lower courts at all stages. Kentucky Justice System should except nothing less.

Judge Williams Recusal Order concludes with three sentences addressing the pending motions.

> "the Court, sua sponte, hereby grants an extension to the Plaintiff up to and including November 12, 2013 for discovery to be completed and **to comply with the requested items in the Defendant's motion to compel."**

The twelve words underlined that were slipped into the back of another order, created hours of frustration and arguments just days before trial. The sua sponte paragraph on the last page of the October 7, 2013 Order of the Court, continued the final pretrial until December 12, 2013 with any motions to be filed on or before December 5, 2013.

Thereafter, on October 21, 2013, I filed a KRS 26A.020 Motion to Recuse, along with affidavit of Steve Chandler. The motion specifically set out, "that Judge Rene' Williams has ignored or failed to address concerns of Plaintiff's Counsel regarding the inappropriate unethical filings of

Defendants Counsel Brucie Moore, including direct mischaracterizations of applicable case law and attempts to harass, intimidate and or bully. That pursuant to *Jackson v. Commonwealth, KY., 806 S.W.2d 643, 645 (1991), that the case be held in abeyance pending a ruling by the Chief Justice."*

Steve Chandler and his family were extremely concerned as to my current condition and the stress that his case could be playing into my high blood pressure. He asked me what if anything that he could do to help ensure that "these thieves" do not walk away with everything his family has worked generations for. I instructed him that he could file a JCC Complaint and we would just have to wait to hear back from our subsequent KRS 26A.020 Motion to Recuse, because it was clear that Judge Rene' Williams was not yielding in the least on her narrow two-year temporal reference time frame.

Rather than filing a Summary Judgment Motion, on December 2, 2013 Attorney Brucie Moore filed a trial brief, which she later submitted as her summary judgment motion. **[ROA VOL 2: pages 195-217.]** Immediately following Attorney Moore's submission of her Trial Brief, I filed a Motion to Strike Trial Brief because according to controlling case law, the case was to be held in abeyance. **[ROA Vol 2: page 218-219]** The whole "in abeyance" or "not in abeyance" will become relevant soon.

I received an email on January 12, 2014, from Crittenden County Circuit Clerk, that Chief Justice Minton had denied the Plaintiff's Motion to Recuse. The Order was actually signed on December 14, 2013. The Order simply stated that Plaintiff failed to demonstrate disqualifying circumstances that would require appointment of special judge. It was denied without prejudice, and any party could seek appellate review after entry of a final judgment.

Apparently, Judge Williams called the case on December 12, 2013, at which time nobody appeared, and she subsequently rescheduled the hearing until January 16, 2014. I was not able to attend the January hearing due to recent child birth and having no actual knowledge of the rescheduled hearing. During the hearing, the Court issued another Scheduling Order setting March 13, 2014 as the final pretrial conference.

Judge Williams further docketed Attorney Brucie Moore's objection to the use of **RJPOUTDOORS** during trial, because I didn't just hand them over to her like she requested. Attorney Moore also requested and was granted permission to depose Melinda McMannas, if desired. **[ROA VOL 2: page 224]** Melinda McMannas was one of the two people Attorney Moore attempted to depose in October 2013, even after being informed of my unavailability. Ms. McMannus did not

go to the deposition in October, because I informed her that it was canceled, since I was unable to attend.

On January 21, 2014, Attorney Brucie Moore's assistant Megan Randolph submitted a Motion and Memorandum for Summary Judgment, with an attached affidavit signed by Attorney Brucie Moore. **[ROA VOL 2: pages 245-249]** Please recall that immediately following Defendant's Answer, I raised concerns regarding Brucie Moore being on the case because she will be a necessary witness.

I filed three separate pleadings during the second week of February 2014. First, on February 12, 2014, I filed a motion to add four additional witnesses, and set out that it was submitted under CR 78(2), that unless an objection is received or response filed, it will automatically be granted in ten (10) days. In addition, both sides previously reserved the right to add to the names of witnesses up to the day of trial.

Second, on February 13, 2014, I submitted the plaintiff's response to defendant's summary judgment. Lastly, I submitted a response to the defendant's verbal request made during the January 16, 2014 hearing, for the court to exclude admission **RJPOUTDOORS.** Once again, I argued that under the broad interpretation of work product these posts were protected, but more importantly, the requested items could have been just as easily obtained by the defendant himself.

On February 26, 2014, the defendants submitted a reply to the plaintiff's response memorandum in opposition to their request for summary judgment. On March 6, 2014, just a week before the scheduled final pretrial hearing, Judge Williams issued an Order denying the defendant's summary judgment motion.

In Relevant Part States:

> "On the other hand, there was also testimony from several witnesses stating that Keith was not capable of living alone and that is the reason he lived with his parents his entire life. Other witnesses testified that after Keith's mother died that he spent many months without electricity and running water and that he depended on his elderly aunt and brother to bring him food. The Court finds that whether Keith lacked the mental capacity to execute a will is a genuine issue of material fact for the jury to determine."
>
> "Likewise, the court finds that whether the defendant exerted undue influence over Keith at- that led- to the execution of his will is a genuine issue of material fact."
> "The Court finds that whether Keith's will reflect his wishes is a genuine issue of material fact for the jury to determine." **[ROA Vol 3: pages 328-333]**

So, for the first time the Court was acknowledging that the Plaintiff as well as numerous family members and friends have adamantly asserted that Keith Chandler was an adult child incapable of

making decisions of his own accord. Moreover, she acknowledged that once his mother passed away, he began living months at a time without electricity. His brother Steve and Aunt Elwanda would have to take him food and water. Not to mention as set out within the Complaint, Steve Chandler is the one who repeatedly paid to have electricity and water restored for his little brother.

PLEASE NOTE, the defendants did not submit a response of any kind with respect to plaintiff's motion to add additional witnesses. Consequently, the request should have been granted pursuant to CR 78(2), as set out within the Plaintiff's Motion. **[ROA Vol 3: pages 305-306]** During what was supposed to be the final pretrial hearing, Attorney Moore submitted a Motion in Limine to prohibit all testimony and or arguments concerning Aspergers syndrome and/or Autism. During that hearing Judge Williams acknowledge that the case was held in abeyance because of the KRS 26A.020 recusal motion filed by the Plaintiff. Attorney Moore having not received the summary judgment that she was banking on, for the first time voiced an oral argument only in opposition to the motion to add additional witnesses, filed under the ten (10) day rule a month prior.

> "this is not a formal motion, I just wanted to she filed some new witnesses on February 12th that I have, discovery had closed in November and I object, I was already on the witness list but she filed a Troy Guest and a Todd Lucas… To add to any new witnesses at this late being allowed to testify in this case that has been filed for over two years plenty of pretrial dates, discovery dates and that sort of thing ."
>
> I then specifically reminded the Court that this case was held in abeyance pursuant to controlling case law, and following that time, I was out on maternity leave. Attorney Moore then chimed in with, "but this late notice February 12th and we would object to these witnesses. **[ROA March 13, 2014 Hearing at 9:19:52 - 9:21:04]**

I filed the motion to amend witness list under the 10 day rule, and Brucie Moore made no formal response of record within ten (10) days, and only expressed a vocal objection more than a month later. Therefore, I submitted a supplemental response to Attorney Moore's untimely opposition to deny Plaintiff's Amended Witness list. In addition, having not had the opportunity to respond to the Defendants in limine motion to exclude all mention of Autism and Aspergers, I submitted a response to the motion on March 19, 2014.

Thereafter, on March 25, 2014 Judge Williams issued an Order, in which she set out that Attorney Moore objected to Plaintiff's additional witnesses. Judge Williams ultimately denies the Plaintiff his additional witnesses because it would ultimately prejudice the defendants.[7] Judge

[7] Don't forget she has limited the Plaintiff to a narrow two-year temporal reference where these men had complete control over Keith. Steve Chandler was severely prejudiced by Judge Williams and the Court on the day he filed his will contest Complaint.

Williams' March 25, 2014 Order further disregarded the controlling case law concerning abeyance of proceedings, which was previously set out within the Plaintiff's KRS 26A.020 Recusal Motion. As well as, previously acknowledged by Judge Williams herself. **[ROA March 13, 2014 Hearing at 9:23:07 - 9:23:36]**

> "The Court understand that perhaps there has been some confusion in this case because the plaintiff's Motion for Recusal and the Plaintiff's subsequent Motion to the Kentucky Supreme Court. **However, this Court never issued an Order holding this case in abeyance pending the outcome of this Court's ruling on Plaintiff's Motion for Recusal or pending the outcome of the Plaintiff's Motion for Recusal before the Kentucky Supreme Court."**
> "This case has been ongoing for nearly two and half years and the Court finds that the Plaintiff had ample time to discover, procure and list witnesses within the confines of the discovery deadline."

Furthermore, during the March 13, 2014 final pretrial conference, with less than a month out from trial, Attorney Moore puts the Court on notice that she had contacted Attorney Steven Downey who would be filing an entry of appearance in this case. Judge Williams, of her own accord, began to view her upcoming calendar because in her words,

> "I would anticipate there will be some more pretrial motions. I mean our next pretrial date is actually April 4th due to them redoing something in the courtroom that's our next motion day. So that's our next motion day April 4th which would be close to trial and I'm going to be gone the last week of March to a Judicial Conference. So I have next week basically that I could set a special hearing." [**ROA March 13, 2014 Hearing at 9:16:12-9:17:42]**

Throughout discovery, trial, and even post trial, scheduling orders, rules and guidelines were only enforced, if they were against the Plaintiff, and /or his witnesses. Recall the original scheduling Order set out that all motions in limine and any objections to the list of witnesses and /or exhibits be filed by November 7, 2013. Judge Williams' October 7, 2013 Order denying Plaintiffs Motion to Recuse, extended the time frame for filing all motions until December 5, 2013.

The Court ruled that amending the witness list two months before trial would prejudice the defendants, since the Plaintiff "had ample time to discover, procure and list witnesses within the confines of discovery deadline." **HOWEVER,** when it came to the prejudicial effect that the Defendants last minute filings, including the scheduling of multiple "special hearings" had on the Plaintiff, the scheduling order deadlines are completely disregarded in favor of Attorney Moore.

Not to mention, Attorney Moore harassed me repeatedly to get a deposition scheduled for Melinda McMannas. A deposition was scheduled for Friday, March 28, 2014. I had to drive over an hour to Crittenden County. Ms. McMannas had to take off work. Only to learn the morning of the scheduled deposition that Attorney Moore canceled it the evening before. She previously scheduled

and took a deposition knowing that I was unavailable, and then she cancels this deposition without adequate notice. Once again, when an attempt was made to inform Judge Williams of the deliberate actions of Attorney Moore, she simply stated that I don't know what you want me to do, it's unfortunate but I don't have a Motion from you seeking sanctions.

The egregious events that transpires next, go to a whole new level of obstructing justice beginning on Tuesday, April 1, 2014 with the arrival of Attorney Steven Downey. Which was a mere sixteen days before trial and four months past the final day to submit in-liminie motions.

During the unscheduled "final" Pre-trial Hearing on April 1, 2014, Attorney Steven Downey submitted over 30 pages in Motion in Limine's. Attorney Downey purportedly based his motion in liminies entirely off Judge William's original Strike Order. Straight out of the gate, Attorney Downey was publicly insulting, demeaning and belittling towards me and my client and even called me a liar repeatedly throughout those two special hearings which took place in Union County, Kentucky. Attorney Moore may have had the gumption to demean, ridicule and submit false filings, but Attorney Downey was out of control. Judge Williams took no action whatsoever to curtail his ridiculous performance during pretrial, trial or post-trial.

Utter chaos began on Tuesday, April 1, 2014. Attorney Moore had allegedly faxed a copy of their motion-in-liminies to my previous place of employment on Monday evening March 31, 2014. Please note, both Attorney Moore and her assistant acknowledged that they knew I was no longer with that firm. Attorney Downey was insistent that I had to have received the fax, and I must be lying about it.

Just a few quick excerpts from the first 30 minutes of that public hearing.

> ***"I understand she said she did not get the Motion, uh, there is not one thing I can do about that except take her at her word, so I don't know what we do about that other than that, there is nothing really new in it, we do need the opportunity to discuss, I mean this motion is about 15 pages long."***
> ***"and like I said I don't know, I have never been to Court when someone says that they didn't receive my pleading before we got here. I don't know what you do about that and I am not going to say that she did get it, I am just going to say that we sent it. "***
>
> ***"Your Honor, the only thing I know to do, you opened it by us talking generally and I don't know whether you want to go through this motion and I don't think, and I understand that she does have a copy and that she hasn't seen it however it's not, it's a pretty quick study given that it's all based on prior rulings of the court and it relates to people that she proposes to call as witnesses in the case so I don't know how we specifically deal with it or whether not and have to come back over here on another day to do that given that she, well given***

that it's been represented to the court that she did not receive this and I'm happy to go through it now but obviously that is the court's discretion. "

Kayce: ***"I'm not sure why you keep trying to insinuate that I received it and just failed to address" (Interrupted) CUT ME OFF AFTER LESS THAN 4 Seconds***

> ***"uh uh I told you I have given you the benefit of the doubt on that point, its' upsetting but I am giving you the benefit of the doubt"***

Regardless of such, Attorney Downey kept insisting that I received the fax, and that there was no reason that I shouldn't be able to present arguments on the motion right then and there. It was clearly his way of trying to coerce me into foregoing the actual filing of a response to his last-minute motion in limonene filings. Attorney Downey attempted to belittle and demean me into submission.

Without question, Attorney Downey was always in complete full control of the courtroom. With constant deliberate interruption to change the topic and divert the discussion every time I was making a sound legal argument which neither him or Judge Williams could defeat. Judge Williams allowed Steven Downey to constantly ridicule and demean me and my client in open court.

The few times that I could get a word in and speak up for myself and directly ask Attorney Downey if there was any reason why he kept speaking down to me, or should I say at me. Judge Williams would immediately say something to the effect, "let's be professionals," but she never called him down for chastising me like a little girl, or even speak up when the 6'4 overgrown man would directly get in my face. Attorney Downey called me a liar so many times that by the second unscheduled special hearing, without even thinking I made a public plea that we both agree to give each other the benefit of the doubt.

April 11, 2014
Time: 9:34:06-9:34:44 **Clock: 12:48-13:25**
SPEAKER: Kayce Powell
CONTENT:

> ***Your Honor I know Mr. Downey says he doesn't want to offend me but I am just going to be honest with you, I am a God Fearing Christian and you keep (Kayce is looking at Steven when she is talking and he just walks away back to his table) questioning my integrity and I do tell the truth and if that was a mistake that cut, copy and paste, if actually didn't put the one before it and I was supposed to put the other one, I cut, copied to much then my apologies and I will find that out because it is on my (Camera shows down and he is looking at his papers and stacking them and not even acknowledging that Kayce is even talking to him) WestLaw research, but every time we come in this Courtroom you keep questioning my integrity you need to look at the whole file (Camera shows Steven again and he is looking at his papers and not even acknowledging Kayce is talking to him) I have pointed out numerous misrepresentations throughout and I really would appreciate that without saying***

it out loud if you would just give me the benefit of the doubt that I am not trying to mislead this Court in anyway, I never have and I never will -- that's not what I do.

Neither Judge Williams or Attorney Downey gave me the common respect and courtesy of even looking at me while I spoke. I personally was truly offended by Attorney Downey's behavior and the Judge's failure to address it. However, I was far more demeaned and extremely embarrassed on a personal level that this conduct was taking place in open court and in front of my client.

Judge Williams remained extremely biased in favor of Brucie Moore, regardless whether Attorney Moore and Attorney Steven Downey was presenting false facts or erroneous logic. The above excerpt was the result of yet another clearly bias ruling by Judge Williams. On April 1, 2014, along with the endless Motion in Limines Attorney Steven Downey presented an Offer to Stipulate. A few items listed which is relevant to this complaint includes the following: **[ROA Vol 3: pages 414-415]**

- School records of Harold Keith Chandler
- Entire probate records of Estate of Mary Katherine Chandler; and
- The authenticity and proper execution of the Will of Harold Keith Chandler.

At which time I requested a copy of the school records, since I had not yet received them. Sometime back in December 2012, I personally telephoned the school to see about getting Keith's school records. I was informed that their records only became computerize in the early 1990's. I didn't push the topic much further because, I had already been prematurely limited to a two-year narrow time frame surrounding execution in October 2006.

Attorney Moore's exhibit list that she submitted back in September, 2013 included the phrase "high school and trade school records." Having heard Judge Williams and Attorney Moore make the statement multiple times that Keith graduated high school and later from a trade school, I assumed this meant nothing more than evidence that he did graduate high school and then from a trade school. Especially given the fact that Judge Williams and Attorney Moore were so adamant that the time frame was inadmissible and irrelevant.

However, during the April 1, 2014 "special hearing", we learned for the first time that the defendants had taken an old grade school book kept by Mary Katherine out of the family home. Attorney Moore agreed to supply me with a copy of those records by the end of the day. but they were not ready. Once I received the copies two days later, I noticed the letters (EIP) besides most Keith's classes, I instructed my client to go to the school and see if they could tell him what those letters stood for.

The school located Keith's official school transcripts and gave a certified copy to Steve, his brother. Steve Chandler was told that (EIP) stood for special education classes. In addition to confirming that his brother was in special education classes, as well as Title One Reading, the official transcript revealed that Keith had a total composite score of a mere (8) on the ACT, with a (5) in math and a (5) in English.

Keith Chandler scored lower than 97% of the individuals who took the ACT during the same year that Keith did. In light of the most recent discovery, I submitted a motion to the Court requesting permission that the school's guidance counselor, Stephanie Shoulders, be allowed to introduce the official transcripts to the jury. In the meantime, the Judge Executive of Crittenden County learned of the pending trial concerning the competency of Keith Chandler. Judge Perry did not know Steve Chandler, but was personally familiar with both Rudolph and Keith Chandler. Judge Perry went out of his way to reach out to me, to say he personally wanted to testify as to his knowledge of Keith, and how he knew Keith was not competent to make informed decisions on his own.[8]

Furthermore, after Attorney Moore filed what should have been her final Motion in Limine on March 13, 2014 to restrict the use of the phrases Autism and Asperger's, strictly in effort to reach a compromise with Attorney Moore on the matter, on April 1, 2014, I submitted a Motion requesting that the Court simply take judicial notice of the definition of Intellectual disability under KRE 201(b)(2), or KRE 803(18), in support of the request I included copies from various sources which state the same applicable adaptive skills.

None of the definitions were incomprehensible, or scientific in nature. Kentucky American with Disability Act defines intellectual disability as follows: **[ROA VOL 3: pages 399-403]**

Description: Intellectual Disability refers to substantial limitation in present functioning and is characterized by the following:

1. **Below average intelligent functioning (IQ of 70 or below)**
2. **Limitations in two or more of the following areas:**

-self-care	**-leisure**
-self direction	**-home living**
-communication	**-health and safety**
-social skills	**-community use**
-work	**-functional academic (math and English)**

Manifests before the age of 18.

During the April 1, 2014, "special hearing" Steven Downey adamantly protested against the Court taking judicial notice of a widely accepted definition that only contained elementary

[8] Crittenden County Judge Executive previously owned a feed store, and had several encounters amongst the years and had observed Keith both before and after his father past away.

terminology, without an expert to read it out loud to the court. Once I discovered the existence of the official transcripts, I requested that the Court allow the school's guidance counselor Stephanie Shoulders to introduce Keith's official certified school records, and allow her to discuss the adaptive behavior traits of an individual with an intellectual disability. **[ROA VOL 4: pages 436-440]**

Steve Chandler and his entire family and friends who knew Keith his entire life, were adamant that he was never capable of making any decision on his own. More importantly, he lacked the ability to redirect himself or even care for himself. All of which fit directly into the definition for intellectual disability.

Throughout his entire life Keith Chandler followed the directions given to him by his father. Once his father passed away, he began following directions given to him by Union County Deputy Coroner Randy Fish, father of the sole minor beneficiary. The evidence to support the above assertion was without question available, if not for Judge Williams excluding it all. As previously stated, once the plant shut down in 2008 and Keith no longer had day to day contact with Randy Fish, he couldn't even provide for his own basic human survival needs. Steve Chandler was the one looking out for his brother, paying for his utilities, and taking him food and drinks beginning in early 2009, until he was found dead in July 2011.

Steve's motion which sought to include Stephanie Shoulders as a witness, yielded the most insulting belligerent tirade of record by Steven Downey. Attorney Downey's written response as well as Attorney Downey's in Court meritless verbal assault which occurred on April 11, 2014 was so far out of line, even Attorney Downey himself asked the Court to Strike all filings associated with Plaintiff's Motion in Limine to take Judicial Notice of Intellectual Disability and <u>to seal all the pleadings of record</u>.

Steven Downey written tirade falsely sets out that Steve Chandler at my urging fraudulently obtained Keith's private school records without a subpoena, Court Order or permission from the estate.

> ***"That the plaintiff has aided Crittenden county high school in the commission of an extremely serious privacy violation of both federal and state law. Plaintiff should not be allowed to profit from his disingenuous role in breaking federal and state privacy laws." "In desperation, Plaintiff and Plaintiff's counsel appear to have crossed the line of propriety in an effort to obtain records Plaintiff could have obtained a long time ago. Plaintiff played a critical role in violating federal and state privacy laws when he obtained Keith's confidential and private education records and information contained therein without a court order or the defendant's permission. Both federal and state laws protects the privacy rights of students. See 20 U.S.C §1232(g) and KRS 160.700-160.730. Under the***

family educational rights and privacy act's a school is prohibited from releasing education records and written consent of the individual
"This prohibition is in force under penalty of losing all federal funding. ID at (b)(1). Plaintiff aided and abetted a school official in violation of federal and state law. Now, he wants the Court to reward his reprehensible conduct by allowing him to add to witness and the ill-gotten records a mere 10 days before trial.
"Trading on his good relationship with Ms. Shoulders, Plaintiff induced her to violate federal and state law." "Plaintiff's counsel fails to state whether she knew Plaintiff was going to return to Crittenden County high school for these records. Plaintiff's counsel should be questioned about this by this court. Regardless, plaintiffs' counsel is now before this court attempting to use this ill- gotten evidence against the Estate of Keith Chandler. Plaintiff's counsel has intentionally placed confidential information from these records into this Court's public record. Based simply on this misconduct alone, these wrongfully obtained records and the testimony of Stephanie shoulders must be excluded, and all of these pleadings sealed. **[ROA Vol 4 :pages 470-486]**

Attorney Downey further set out that Steve Chandler directly placed the school's federal funding in jeopardy. Attorney Downey's Response goes on to threaten me with violation of SCR 3.130(8.4) ethical violations, citing to Shoney's Inc. v. Lewis, 875 S.W.2d 514 (Ky. 1994), as the bases for the Court to Strike the official certified Crittenden County High School Record. All of his arguments ultimately amounted to bla bla bla,… in light of the fact that privacy laws only survive death under HIPPA.

Throughout Attorney Downey demonstrated the characteristic of a true narcissist. In that he directly accused me of everything he was actually doing. He publicly demeaned me in open court, in front of my client and yelled that I was playing fast and loose with the laws, and frankly he wasn't used to dealing with people like that. I should mention that prior to this outburst and tirade, he looks directly at Judge Williams and says, "Your honor, I am just doing what I have to do, if you know what I mean."

Regardless, Judge Williams ruled in Attorney Moore/Attorney Downey's favor. So essentially, a random grade book kept by Mary Katherine which was inappropriately taken from the family home was admissible. As a mother, one can only assume that Mary Katherine only kept the papers that Keith performed somewhat adequately on. The gradebook revealed that while in high school Keith made B's and C's. But I was not allowed to say that they were in special education classes. I was not allowed to reveal his ACT score. I was not allowed to inform the jury that he was in Title One Reading. A random book taken from the Chandler home was admissible, but official certified school records were not. Judge Williams asserted that that since I could have obtained

those records during the Scheduling Order discovery deadline, but failed to do so, they could not be used during trial.

PLEASE TAKE SPECIAL NOTICE of the hypocrisy contained within that ruling alone along with so many others. Over the course of the entire litigation Judge Williams repeatedly excluded everything outside a two-year temporal reference, but because I was not psychic or could not predict that less than six (6) days before trial she was going to change her mind and say everything is admissible up to the day the will was executed on October 23rd, 2006, I was not permitted to reveal the whole truth concerning Keith Chandler's education history.

AGAIN, AS A REMINDER OF THE HYPOCRICY, Judge Williams allowed Attorney Moore essentially three additional hearings less than sixteen days before trial. Those hearings were to allow Attorney Downey, and Attorney Moore's assistant to argue for the exclusion of essentially all evidence and testimony previously stricken by the premature Strike Order, as well as all evidence and testimony that discredited the defendants.

All evidence and testimony which showed defendants motive, EXCLUDED. All evidence and testimony that supported Steve Chandler's legal theory, EXCLUDED. All evidence and testimony that would have allowed Steve Chandler to show there was an unnatural disposition, EXCLUDED. As well as, the EXCLUSION of all evidence and testimony that would have allowed Steve Chandler to defend himself against false slanderous bullying accusations set out by the Defendants.

Attorney Downey spent hours upon hours arguing against the admission of **RJPOUTDOORS** post. On April 14, 2014, Judge Williams ultimately excluded all posts and videos since none of them predate the October 23, 2006 execution of the will. Attorney Downey vigorously protested all testimony and evidence because Steve Chandler didn't hire an expert witness to discuss mental competency. I repeatedly submitted case law to Judge Williams that specifically set out that medical expert is not required and a lay person testimony with actual personal knowledge and observation of someone is more competent than a medical provider that never even met the deceased.

Moreover, I informed Judge Williams that it would have been asinine to hire a medical expert witness, if all they could consider and review was the measly two years she set as a temporal reference even before making Attorney Moore file the defendant's answer to Steve Chandler's complaint. Throughout pretrial hearings, the trial as well as post-trial hearings, Attorney Downey continuously interrupted me, talked directly down to me and my client. Attorney Downey's largest grand stand

came from, "the problem is they want to present all these competency arguments, but didn't want to put out any money to retain and expert to discuss competency, and they just don't get to do that.[9]

I could fill the pages of a book about the hours upon hours of insulting behavior orchestrated and carried out by Attorney Steven Downey during the April 1, 2014; April 11, 2014 hearings; April 14, 2014 telephone conference; Trial; and post-trial hearings. **The accompanied flash drive contains video of all hearings, both before and after trial, the three days of trial, as well as transcripts from the trial and several of the hearings.**

But the primary purpose of this filing being how Judge Rene Williams showed extreme favoritism and bias to Attorney Moore and Attorney Downey. Prejudicial bias and favoritism so extreme that without question Steve Chandler's constitutional rights to a fair trial were more than just violated, they were completely disregarded.

It is further important to note that during the April 11, 2014 hearing, out loud in open court Attorney Downey proclaimed that he had been paid, and that he had "them" to research and make sure that it was permissible for the estate to pay him upfront for his services. At which time Judge Williams cut him an unmistakable look. During the last day of trial, Attorney Downey, on record during a bench conference stated that he had been paid, and that "HE" had researched it to make sure that he could be paid in advance from the estate and that even if it dwindles down to nothing and ultimately awarded to someone other than the beneficiary, he researched and has case law to support that upfront advancements were permissible.

Before moving on to trial, it's important to mention the Defendants counterclaim which they fought so hard to prevent its dismissal, was ultimately dismissed by Judge Williams over my strenuous objection in the record. **[April 11, 2014 at TIME: 3:15:26-3:16:22 → CLOCK: 12:24-13:19].** I vehemently protested the dismissal of the counterclaim for several reasons.

This notion was not lost on Judge Williams either, as I directly informed her that my intention was to use the false information set out within the counterclaim for impeachment purposes of the defendants and Attorney Moore, and to show the jury who the real bullies have been throughout. Judge Williams dismissal of the counterclaim over the Plaintiff's objection was a clear violation of

[9] Ironically, Attorney Downey relentlessly kept publicly criticizing Steve Chandler for not hiring an expert, but disregards the fact that he was illegally paid $20,000 from the Estate on April 1, 2014. The payment itself is part of the FBI Investigation and it falls under Wire Fraud. Attorney Downey also received an additional $5,000 post trial for the unprecedent proffer/avowal hearing.

Civil Rule 41. [To this day, no official filing was ever submitted to dismiss the fraudulent counterclaim.]

But far more insulting is the tendered Motion in Limine Order which was ultimately signed by Judge Williams. Attorney Downey intentionally padded the record with false information and an alleged agreement.

> ***"Defendants withdrew their Counterclaim and same was dismissed. As a result, no family members shall discuss any dissatisfaction with the handling of Mary Katherine Chandler's estate or any of Keith's failure in handling the estate. This information is precluded by dismissal of the counterclaim and by the finalization of Mary Katherine Chandler's estate by court order entered October 8, 2008, in case number 07-P-00090 in probate division of Crittenden County District Court."***

The Abuse of Process counterclaim was a frivolous sham, and its only purpose was to force Steve into filing excessive pleadings and responses thereto. Purposely designed solely to bully and intimidate Steve out of his cause of action and financially strap any attorney from continuing with the fight without requiring plaintiff to pay an astronomical amount of money up front. Then to allow attorney Downey to orally dismiss it a week before trial, is a deliberate abuse of discretion. Especially since, the Defendants entire case stemmed on mere allegations that Keith told them his brother bullied him and had always bossed him around. Steve should have been permitted to show the jury who the real bullies in the case were. As well as defend himself against unfounded hearsay.

The trial itself was hellish to say the least. Illegally retained Defense Attorney Steven Downey spent a great deal of time publicly disparaging, mocking, patronizing and demeaning me, the Plaintiff and all Plaintiff's witnesses. Specific rules and laws were applicable to the Plaintiff, and his witnesses but not to the Defendants or Attorney Moore.

The omitted information prevented Steve Chandler from defending himself against the alleged bully allegations falsely set out by the Defendants. The Defendants themselves asserted that they never once saw Steve be mean to his little brother. The Defendants entire case was based on alleged hearsay conversations that these two men claim to have had with Keith Chandler.

Steve Chandler's Appeal Brief focuses primarily upon rulings of Judge Williams prior to trial which deliberately denied Steve Chandler his Constitutional Right to a fair trial. Judge Williams preliminary Orders prevented Steve Chandler from establishing motive, prevented Steve from presenting his full complete legal theory to the jury. Steven Chandler and his forty (40) some odd witnesses knew Keith Chandler. They all knew that Keith Chandler was incapable of living on his own. They all knew that Steve and his Aunt Elwanda were the ones looking after him when his mom

died and after the plant closed. Judge Williams issued numerous intentional Orders that directly prevented Steven Chandler from defending himself, or from establishing the lack of credibility amongst the Defendants and Attorney Moore. I repeatedly placed Judge Williams on notice concerning the double standard that she was employing throughout, as well as the injustice, unfair and unsound purported reasoning behind her rulings.

Rulings made during trial, was no exception. Judge Williams relies heavily upon Attorney Moore's filings, regardless as to whether Attorney Moore's filings have any merit or caselaw support. It cannot be overlooked that the April 17, 2012, Strike Order, which opened this large can of worms, came verbatim, from one of two of Attorney Moore's filings. Either Attorney Moore wrote the Order, or Judge Williams unjustly accepts Attorney Moore's filings as gospel. **[ROA VOL 1: pages 13-23; 42-50; 57-66].**

Studies have consistently shown, that how an attorney is treated by the judge and co-counsel have a great influence and impact on a jury verdict. This case was no different. From start to finish it seemed like well-orchestrated chaos designed to make both myself and Steve Chandler look like the bad guys.

Attorney Downey didn't waste any time running me to the bench with unfounded objections. The jury was not privy to the conversations at the bench, so all they saw was this seasoned male attorney wiping the floor with this little girl who didn't know what she was doing. Attorney Downey made several objections even during the Plaintiff voir dire. But what is more troubling is the extent that Judge Williams not only permitted this, but sustained countless unfounded objections.

During the first day of trial, I cornered Attorney Downey outside the courtroom and specifically asked him "what gives, you know I am laying the foundation." Without missing a beat, he simply smiled and said, "just because I object doesn't mean I am right." I knew then and there that there wasn't much I could do to curtail his behavior and Judge Williams was not an ally in maintaining courtroom integrity. In fact, just the opposite.

During the first day of trial, Attorney Downey either objected or ran me to the bench a total of forty-three (43) times, three (3) of which were during my voir dire and still another three (3) times during my opening statement. Two of the three times during my opening statement, was to inform Judge Williams that he had an objection to what he thought I was about to say. Steve Chandler was the only one to give testimony on the first day. Attorney Downey drug me to the bench twenty (20) times during the Plaintiff's testimony. On the second day, fourteen (14) witness testified. Steven Downey's had a combined total of sixty-seven (67) objections and/or elaborate trips to the bench,

mostly for show. On the third and final day of trial there were a combined total of forty-six (46) objections and bench conferences made by Attorney Steven Downey.

For comparison purposes, it should be noted that all three days combined, I only made fourteen (14) objections and/or request to approach the bench. So what Judge Williams said to one of Steve's witnesses after I made a valid objection should clearly reflect the extreme bias and favoritism shown by Judge Williams. Moreover, her comment spoke volumes concerning my perceived competency to the uninformed jury panel, my client, as well as the Plaintiff's witnesses who remained in the courtroom after testifying.

While Attorney Downey was questioning the boys Aunt Elwanda, who just testified that she drove her sister around and that her sister did Keith's banking. Attorney Downey stated, "but all Mary Katherine did for Keith was simply make bank deposits." I objected because Attorney Downey was clearly speculating as to what type of bank transactions Mary Katherine Chandler handled of Keith's. Judge Williams didn't even make Attorney Downey present an argument of any kind. Instead, she looked at me and said, "he is only asking her what she knew about the type of banking transactions." Thereafter, Judge Williams paused for a minute and turned to Steve and Keith Chandler's Aunt Elwanda and apologized to her for continuously being interrupted.

Adamantly, this complaint is not about the trial in of itself, but the commission should be somewhat informed of the many counts of obstructing justice. An even more ridiculous charade carried out by Judge Williams, occurred when I was directly cross examining the Defendant Randy Fish. During the first four minutes Attorney Downey interrupted my questioning four times alone just for the sake of interrupting, "your honor I don't think the jury can hear."

Attorney Downey's game was soon replaced with even more ridiculousness. While I was cross examining Defendant Randy Fish with simple yes or no questions, Defendant Fish requested an opportunity to explain, I said no just answer the question you were asked. Attorney Downey shouts out , "your honor, your honor he has the right to answer the question and explain." I responded with, "no I don't have to let him explain, you will be given the opportunity to redirect." Attorney Downey while remaining at the table with complete up in the air arm embellishments, states, "He has, he said he would like to explain about the process and I think he is entitled to do that."

At that time with all seriousness, Judge Williams looks directly at me and said the gist of, you did open the door along those lines so he can explain. Every single juror has heard that phrase "opened the door' used on some television show or movie, but without some type of legal knowledge, none of them would have known it was being misused in the wrong context.

I was not permitted to have any control over my cross examination because Attorney Downey interrupted me every three minutes with an outburst about letting his client finish his answer and give his narrative explanation. Each time this occurred, Judge Williams would say out loud in front of the jury, "let him explain and finish his answer Ms. Powell."

Furthermore, I was prevented from questioning either defendant or Attorney Moore about the abuse of process counterclaim and the lies that they asserted against the Plaintiff and myself. I could not question them concerning why they left the planning of Keith Chandler's funeral up to his brother Steve, if Keith Chandler hated him so much. The sheer ridiculousness of this trial and the behavior of Attorney Downey was beyond reprehensible. His conduct and ultimate lack of any ethical boundaries continued throughout the appellate process.[10]

Judge Williams bias and one-sidedness at trial became far worse, when it came down to the questioning of Attorney Moore. There were several heated bench conferences concerning the limitations that Judge Williams placed upon the questioning of Attorney Moore. [**SEE EXHIBIT (7) for partial transcript; video recording Final Day of Trial; April 21, 2014, at 3:56 pm --4:06 pm]**

Then Attorney Downey did the unthinkable, during his closing argument, Attorney Downey specifically stated that Attorney Moore had nothing to gain or profit from being there to testify today. I objected and ran to the bench, where Judge Williams said I will note your objection for the record. Not only that but Steven Downey's closing went far outside the applicable boundaries of a closing. Judge Williams even had a shocked look on her face, but she did nothing whatsoever to stop it.
There are far too many things to mention concerning Judge Williams unethical behavior and bias rulings during the two preliminary hearings and the three days of trial.

To my dismay, her protection of Attorney Moore and now Attorney Downey in no way ended on the last day of trial. In fact, she is still protecting them, as well as attempting to cover up her own misconduct. After trial Judge Williams gave Attorney Downey and the Defendants a third bite of the apple by allowing them to object to properly preserved evidentiary testimony and evidence that was excluded from trial. Attorney Downey insisted on being able to object to the Plaintiff's submitted avowal/proffer. Thereafter, on May 28, 2014, I had to sit through yet another three-hour never-ending condescending, demeaning, and shaming hearing with Attorney Downey directly informing the Court what was or what wasn't properly preserved for the record. Attorney Downey went as far as to inform

[10] I only later discovered that his sister-in-law Cynthia Downey is a Court of Appeals case manager of the Judge who signed off on all the preliminary motions.

me that he would accept most of my proffer under the stipulation that I admit that all the events occurred sometime after Keith's mom died or after the plant closed. After trial Attorney Downey took the position that if I couldn't say specifically that something 100% occurred after October 23, 2006, then I can't submit it as proffer.

Please note, after his mother broke her hip in July of 2006, Keith Chandler at the age of 42, lived by himself for the very first time. By September 2006, his "friend" Defendant Randy Fish telephoned Attorney Moore for Keith to have a will drawn-up. The will was executed on October 23, 2006. Nobody in the Chandler or Newcomb family ever knew that Keith Chandler allegedly had a will drafted.

Family members and friends at the request of Mary Katherine would stop in often to check on Keith. These individuals wanted to testify as to what they observed when they would stop by the family home. Attorney Downey had it all excluded prior to trial since neither myself or my witnesses were able to say an exact date and time these visits occurred. Now he is seeking for the exclusion from my proffer/avowal under the same exact guise. That it could have occurred sometime between July and October 2006. Thus, the ridiculousness continued.

Judge Williams allowed the unprecedented proffer/avowal objections by Attorney Downey simply in effort to prevent the Court of Appeals from learning about all the improper excluded testimony and evidence. It should also be noted, that Judge Williams Order concerning Plaintiff's Proffer was not received in the mail until a week after the last day to file a notice of appeal. Moreover, just like envelopes that were received later from Attorney Moore, and Attorney Downey, the Proffer Order does not appear to have gone through the actual mail, but instead driven directly to my P.O. Box in Hopkinsville, KY. **[SEE EXHIBIT EIGHT in Exhibit Book for explanation]**

Judge Williams took no effort to conceal her extreme bias and complicit behavior to further deny Steven Chandler his right to a just and fair appeal. **[PLEASE SEE EXHIBIT FOURTEEN (14) in Exhibit Book]** Exhibit fourteen (14) combines Plaintiff's Proffer/Avowal **[ROA VOL 5: pages 691-703] with Attorney Downey's** tendered order to limit the Plaintiff's submitted avowal/proffer, **[ROA VOL 6:pages 738-745]** with the actual Avowal Order signed by Judge Williams, **[EXHIBIT (N) & ROA VOL 6: pages 746-756]**. The yellow highlighted selections mark the few times that Judge Williams slightly changed Attorney Downey's wording submitted in his tendered avowal order.

The far more insulting aspect of Judge Williams's Order **(Exhibit (N) & (14))** is where she falsely asserts that certain information was never discussed or brought to her attention until after trial.

Consequently, to combat deliberate false assertions set out by Judge Williams Avowal Order, at the end of each paragraph avowal, the red text states various times throughout that this same information was brought to Judge William's attention and preserved for appeal.

By the time the Proffer/avowal Order was signed, Judge Williams had been directly placed on notice multiple times about the misappropriation of funds fraudulently taken in the form of an advancement by Attorney Steven Downey, as well as, Attorney Moore's attempt to conceal and exclude Keith Chandler's $40,000-- 401K, that she never included within the inventory of the estate.

After Trial, despite having set and signed Steve Chandlers' Bond for his Appeal, the defense attorneys and Judge Williams have attempted to use District Court proceedings in effort to cut off Steve Chandler's legal interest to even maintain his appeal and to recoup the misappropriation of funds and hold all named defendants liable for Abuse of process, and failure to protect the personal memorabilia which remained in the family home.[11]

Recall that Judge Williams denied Steve Chandler his legal right to bring an equity claim against the Estate of Harold Keith Chandler for the personal property that remained in the Chandler Family Homestead. This was one of many issues that was up on appeal. Consequently, after trial I filed a Motion to Reopen the Estate of Mary Katherine Chandler, setting out that the sole purpose was to protect my clients legal interest in the personal property and contents in the family home.

Attorney Megan Randolph, an associate of Attorney Moore attended the District Probate Hearing in May of 2014, objecting to their (i.e. Estate of Harold Keith Chandler's) involvement with that Estate of Mary Katherine. Regardless of their protest, nearly a month later Attorney Moore's office submitted a response, and included a proposed Order for Judge Heady to sign. The tendered order denied the Plaintiff's Motion to reopen the estate through the application of an equity defense, "laches." Judge Heady did not sign the tendered order right away, but eventually did so eight months later in February 2015.

I subsequently filed an appeal on the District Court's "laches" ruling. Because Judge Williams was already being appealed for her ruling which denied the Plaintiff his right to bring an equity claim and obtain a constructive trust to protect his legal interest in the homestead's personal property, I filed a Motion to Recuse Judge Williams from being able to review the "laches" ruling made by the District Court. It would be nonsensical to allow a judge to subsequently affirm a ruling of a lower court,

[11] In accordance with the one year statute of limitations for misappropriation of funds, I filed an independent yet related lawsuit against all named Defendants, Attorney Downey and Attorney Moore on March 31, 2015.

which ultimately affirms a previous ruling of her own, which she is currently being appealed upon. More importantly, it would appear that Judge Williams was essentially attempting to cut off Steve Chandler's legal interest to maintain his cause of action in any court proceeding.

Judge Williams issued an Order in July of 2015, which affirmed the lower court's rulings of laches. The Order cited to an inapplicable criminal law case which focused upon the necessary probable cause to conduct a warrantless search under the 4th Amendment. The case the Court relied upon to confirm the lower court's decision was not only inapplicable, it completely misquoted the standard of review set out within that case. In that exact same Order, Judge Williams mentioned in passing the Motion to Recuse, and denied it in the same swift sweep.[12]

Going back in time to immediately following the trial, I filed a Notice of Appeal (June 12, 2014) the jury verdict. Around the same time, I filed a motion to include the two applicable probate cases within the Appellate Record. The Estate of Mary Katherine Chandler and the Estate of Keith Chandler, which both played a major role throughout litigation. Attorney Downey filed a response with the Court of Appeals falsely asserting that these estates were never discussed. The Court of Appeals punted the decision back to Judge Williams since she would obviously be in a far better position to determine if the probate cases were discussed and whether arguments pertaining to them were raised within the lower court.

In December of 2014, Judge Williams issued an Order stating the following: **[SEE EXHIBIT O]**

> ***"The Court only considered the Probate cases in regard to whether they would be relevant to show whether Keith Chandler was competent to execute a will or that he may have been unduly influence by the Defendants prior to the execution said will. The Court ultimately determined they were not relevant."***
> ***"Therefore, because the Court did not find these Probate cases relevant to the determination of competency or undue influence, the Court did not consider these cases at trial and they cannot be placed into the appellate record."***

Just as a reminder Judge Williams personally asked Steve Chandler about his brother handling his mother's estate at the initial motion to strike hearing. Attorney Downey submitted a motion to stipulate to both the Estate of Harold Keith Chandler, and the Estate of Mary Katherine Chandler. Attorney Downey hung his hat proudly during trial on the fact that Mary Katherine Chandler appointed Keith to act as executor of the estate since her will was executed in December 2004, but I

[12] I filed a Motion for Discretionary Review with the Appellate Court because Judge Williams should not be permitted to affirm a decision on the exact same subject matter and same parties for which her own ruling was currently being appealed. Moreover, an equitable defense of laches in favor of a potential unvested party was inappropriately applied against a valid legal vested interest of Steve Chandler.

was not permitted to have witnesses testify how he failed to carry out his mother's wishes since she died in December 2007, after the execution of his will on October 23, 2006.

Attorney Downey's sole purpose of stating on record that he had been paid, was to initiate the one-year statute of limitations for recovery. No doubt the primary reason for excluding the probate estates had more to do with the fact that Attorney Downey, by way of Attorney Moore's office sought an after the fact court approval for the misappropriated attorney fees. The motion was never served upon the Plaintiff or myself, and was withdrawn after the Plaintiff posted a bond for the appeal.

Regardless of his intent Attorney Downey's efforts to run out the one-year statute of limitations while the case was on appeal, his efforts were futile. Prior to the expiration date of the statute of limitations, I filed a complaint against Attorney Downey, Attorney Moore, and the two named defendants for misappropriation of funds, abuse of process, along with other counts.

This was followed by a two and half year battle within the Appellate Court, beginning in June 2014. Attorney Steven Downey consistently made false assertions and directly lied to the Appellate Court within his filings. Counsel had to file repeated motions seeking permission to file a response to ensure veracity of the record. Plaintiff's truthful filings were followed up by Attorney Steven Downey, filing a Motion to Strike my response. Thus, giving Attorney Steven Downey, the last word in record, regardless of the endless false assertions set out within his filings. Obviously, there is far more to the story when it comes to the false filings submitted to the Court of Appeals by Attorney Downey, but that will be addressed within a KBA complaint.

However, for this JCC Complaint, I will do my best to restrict all content to what actions were taken by Judge Williams personally to impede Steve Chandler's Constitutional Rights to a fair trial. After filing the civil complaint, at the end of March 2015, to preserve the statute of limitations on the misappropriation of funds, I subsequently requested an accounting of the Estate of Harold Keith Chandler within the District Court Probate proceeding. Attorney Brucie Moore argued that because of the jury's ruling and Judge Williams affirmation of "laches," Steve Chandler no longer had a legal right to request an accounting of the estate or continue any existing cause of action.

Ultimately, after some persuasion District Court Judge Daniel Heady disagreed with Attorney Moore and ordered that she produce an accounting of the estate. For the first time, in August 2015, by way of Attorney Moore, Attorney Downey submitted an affidavit seeking an after the fact court approval of the attorney fees that he was illegally paid more than seventeen months prior. [It should be noted for the records that Judge Daniel Heady has never approved Attorney Downey's illegally

obtained attorney fees. Instead, the District Court continuously re-dockets it, waiting on the Court of Appeals final ruling.]

Attorney Moore's accounting failed to comply with any rules and regulations set out within KRS 395. No receipts were provided, and there were funds unaccounted for entirely. I filed an Objection to the accounting of record, and a hearing was held in August 2015. Attorney Moore vehemently protested the legality of the misappropriated advancement, and followed up her endless false assertions with multiple court filings of record. It was during this time that I noticed that Attorney Moore's filings were being dropped off at my P.O. Box and not actually placed in the mail. **[SEE EXHIBIT 8 of Exhibit Book7]** Each time Attorney Moore was making false assertions, and submitting fraudulent filings to the Court, she avoided the actual use of U.S. Mail. I would assume to avoid federal jurisdiction of mail fraud, however according to lead FBI investigator "obstruction of justice" is far more severe and contains a longer statute of limitations for prosecution than mail fraud.

As I previously stated, Judge Williams continues to protect Attorney Moore, as well as Attorney Downey. Most recently in the early part of this year, the civil action which I filed back in March 2015, to comply with the statute of limitations came up for review on an automatically generated CR 77.02 housekeeping motion for dismissal. At the time the responses were due, the Court of Appeals had yet to render a decision from the 2014 will contest case. Both sides filed a response and submitted arguments to the Court on the routine CR 77.02 Motion.

I further submitted a Motion to Recuse, and scheduled it for a hearing for Thursday, April 13, 2017. On Tuesday, April 11, 2017, I received Judge Williams Order denying the housekeeping dismissal, but also denied Plaintiff's Motion to Recuse, prior to even conducting the scheduled hearing. I attended the hearing anyway, and informed Judge Williams that due to her denial of my KRS 26A.015 Recusal Motion, that I would be filing a subsequent KRS 26A.020 Motion to Recuse with the Supreme Court of Kentucky and didn't want her to be completely caught off guard by the affidavit which I would be submitting in support of.

At which time, I directly informed her that due to her extreme obvious bias and favoritism toward Attorney Moore, I didn't think she had any business hearing any cases where Attorney Moore is involved at all, but especially not when Attorney Moore is a named defendant. In open court and as part of a filing, I told her that my position was partly based on her prior rulings, but mostly on account of the fact that she has been signing off on Attorney Moore's fraud for more than a decade.

I informed her of my limited knowledge concerning a current FBI Investigation involving Union County, Kentucky. Part of the investigation includes, Attorney Brucie Moore swapping out

her predecessor firm name of Wesley & Moore, when she represented United Community Bank, and then suing her publicly elected office under Moore & Wallace. Since Judge Williams prematurely made a ruling concerning the Plaintiff's Motion to Recuse, I followed up with a Motion to Reconsider her ruling to give her an opportunity to reevaluate her position. Within my motion to reconsider, I pointed out the obvious illegality of an attorney representing opposing sides in the same proceedings. Along with listing one of the direct fraudulent KRS violations that has been broken even when Attorney Moore is representing the bank in other counties. (KRS 411.195).

As of today's, date the Motion to Reconsider is still pending at the Court of Appeals and to be frank about it, I cut straight to the point in the Motion. The entire Order took things out of context, misquoted entirely the contents of the Appellant's Brief, made multiple false assertions, and even declined to review the relevancy of the material originally stricken from the Complaint. The Court of Appeals Order in of itself is far more concerned with protecting the reputation and rulings of Judge Williams and not the Constitutional Rights of Steve Chandler.

They were repeatedly put on notice of the misappropriation of funds, as well as other infractions set out by Attorney Downey. The Motion to Reconsider that I filed went straight to the point, by informing them of the current FBI Investigation concerning wire fraud. However, at that time I was not yet aware of the larger federal fraud investigation involving Judge Williams and Attorney Moore.

On May 25, 2017, Judge Williams, yet again denied the Plaintiff's Motion to Recuse. Judge Williams specifically asserted that:

> ***"[t]his Court is unaware of any complaints filed by any citizen or attorneys regarding Ms. Moore's representation of United Community Bank. This Court has received no information or knowledge of any attorney involved engaging in a violation of the Kentucky Rules of Professional Conduct."***

With all due respect, I may not be a well-seasoned attorney as those mentioned above. However, if the Rules of Ethics does not allow me to appear as the attorney for both parties even when I submit an uncontested divorce, I am 100% certain that a publicly elected official is not permitted to interchange business entity names to be able to sue their own elected office. But even more so when the public official signs a contract with the Commonwealth to independently represent the interest of the Commonwealth. Ironically, this doesn't even consider the fact that Attorney Moore is a Director of both United Community Bank, and United Community Bancshares, as well as their legal secretary.

It is clearly to the benefit of both Judge Williams and Attorney Moore to limit all legal outsiders from practicing in the 5th Judicial Circuit. Without question, Judge Williams has continuously and egregiously violated Steven Chandler's Constitutional rights to a fair and just trial. One can only assume that their direct and deliberate violations are all in effort to continuously conceal their fraudulent conduct. Minimizing the number of attorneys willing to accept cases within the 5th Judicial Circuit, most certainly minimizes their potential fraudulent exposure. I obviously have no way of knowing if someone turned them in, or if the FBI Investigator discovered it on his own. In any event, I was able to confirm the allegations myself through Kentucky Courtnet.

I have personally spent years attempting to quietly raise red flags concerning the horrendous nature of this case. I have been respectful to the judiciary every step along the way. With that being said, I vehemently request that this Commission put the Constitutional Rights of not only Steve Chandler and his family, but all judicial rights of citizens in the 5th Judicial Circuit first when reviewing this complaint and all accompanying documents.

Should you have any questions or concerns, or need additional clarification, please don't hesitate to contact me at the phone number or email provided.

Warmest Regards,

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