

**FILED**

SID J. WHITE

JUL 1 1993

CLERK, SUPREME COURT IN THE SUPREME COURT OF FLORIDA

By \_\_\_\_\_

Chief Deputy Clerk

IN RE: PROPOSED AMENDMENTS TO THE CODE OF JUDICIAL CONDUCT

Case No. 81,685

RESPONSE OF DR. DAVID E. FLINCHBAUGH

COMES NOW, DR. DAVID E. FLINCHBAUGH, as pro se litigant, as a believer and supporter of the Constitutional Law of our founding forefathers, and as a friend of honest justice and a fair judicial system and hereby responds to the Proposed Amendments To The Code of Judicial Conduct as filed herein and shows this Honorable Court the following:

1. The undersigned fully supports all the said amendments to The Code of Judicial Conduct as drafted, except Canon 3(D)(2) and Canon 3(E)(1).

2. As proposed, Canon 3(D)(2) would be amended to read as follows:

" A judge who receives information or has actual knowledge that substantial likelihood exists that a lawyer has committed a violation of the Rules Regulating the Florida Bar "SHOULD" take appropriate action."

This petitioner maintains that the word "SHOULD" must be replaced with the word "SHALL", which will make it mandatory, in lieu of committing a felony offense, for the knowing judge to have to abide by state and federal laws as well as to preform within the code of ethics and lawful regulations of the Bar. The writer has direct personal knowledge of a judge co-conspiring with the totally untruthful fabricated "story" of his litigating attorney "friend" and then actually violating both state and federal criminal codes while conducting a hearing strictly to favor his "friend" in his quest for unjust enrichment. The judge freely used extortion and coercive tactics while blatantly ignoring authenticated information presented to him and then choosing to disallow admitted evidence of a felony committed by the client and his attorney "friend" for whom he was conducting his "hearing". The victim of this fraud, was

allow less than five minutes to speak in his defense, because the judge had already ordered papers to be drawn up committing the victim to 17 years of slavery and loss of all income to be derived from his previous three years of work which were "**paid**" for by a check which "bounced" from the litigator's account and went instead to help pay the judge's attorney "friend".

It is clear that for an ordinary citizen, "ignorance of the law is no excuse, and no defense". However, in the practice of the 9th Judicial Circuit Court of Florida, the judges claim that neither state nor federal codes, laws, rules or statutes have any place in "**THEIR courts**"; simply that they, the judges, have absolute power, authority and jurisdiction over life and property. Thus, we must be certain that the amended Code herein provides for some responsibility, check, balance, and meaningful penalty in order to stop this unacceptable, irreproachable, god-like behavior which befools our "justice" system.

When it is pointed out explicitly, by chapter and verse, that a judge is forcing another individual to actually commit a federal felony in his chambers, under the judge's illicit use of a contempt threat of indefinite incarceration, without relief, "if it takes the rest of your life" to obtain a clean signature (specifically demanded without any indication of duress) on papers which perpetrate a fraud against an agency of the United States Government, then it is the responsibility of appellate judges to rectify this wrongdoing, to allow oral argument, and to at least notice the appellant before simply writing: per curiam, affirmed, turning their backs, walking away with a wink and a smile at the "honorable judge" involved, and just closing the case!

3. As proposed, Canon 3(E)(1) would be amended to read as follows:

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

In the interest of "justice", "**respect**", and "**honor**" in our court system, judges must at least try to appear to be impartial and honest. The writer believes that the above wording "**SHOULD**" must be replaced with the word "**SHALL**", thus making it less likely that other victims should also experience a judge telling them (while imposing both an injunction without notice and a contempt order on them) that: "I don't believe that my friend here (the litigating attorney), whom I've known for many years, would tell me something which is not true....." and then elaborating on their already slanted fabrication and total misrepresentation of the facts. I believe that judges should be required to **ACTUALLY READ** the evidence, pertinent documents, and case history precedents which are put before them, instead of shoving them off to the side or onto the floor with an air of disgust. Why should a Florida judge have the authority to impose an injunction and jail contempt order on a citizen specifically to prevent him from discussing the case with a Federal agency? I believe that an "**honorable judge**"

should actually listen to BOTH sides before declaring in the first few minutes of the hearing what is decision and demands will be. An "impartial" judge is NOT one who takes the law into his own hands, tells the defendant that "since he did not file the suit as a plaintiff, he has no rights whatever" in the case, denies the defendant any and all Florida Constitutional Rights and any and all United States Constitutional Rights, and declares himself to have omnipotent power as "I have been given great authority... .." noted in the transcripts.

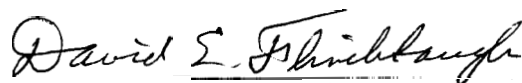
Also, a judge should disqualify himself when he openly admits that he knows nothing about the fields of law inextricably involved in the case he is hearing and openly refuses to seek expert counsel or witness in these fields when he is requested to do so by either party. A judge's INCOMPETENCE in critical areas, especially medical concerns where the life, health, and welfare of millions of people are at stake, surely constitutes a FRAUD ON THE COURT and represents contemptuous behavior by the judge along with blatant disrespect for the best interests of "We The People."

4. In addition, the undersigned recommends (having been told from both in-state and out-of-state sources that there is evidence of substantial financial support among the attorney/judge "friends" involved) that the following words be adopted as a part of the "PREAMBLE" to the Code of Judicial Conduct:

" You must not pervert judgement. You must not be partial or accept a bribe, for the bribe blinds the eyers of wise ones and distorts the words of righteous ones. Justice ---- justice you should pursue-----, "

These words provide an appropriate job description for judges and justices, who must earn and maintain the respect of "We The People" if we are to have a free-enterprise economy and prosperity without provoking popular uprisings, the further erosion of family values, and the moral decay of our great society. We should attempt to revert back to a true "Government of the People, by the People, and FOR THE PEOPLE.....NOT a government of the lawyers and judges, by the lawyers and judges, and for the exclusive benefit of the lawyers and judges.....let us reflect carefully on this matter.

Respectfully submitted this 3<sup>rd</sup> day of June, 1993



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