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| **Motion for Recusal** | Ian Freeman63 Emerald St. #458 Keene, New Hampshire |

**January 31, 2013**

Court Name: Keene District

Case Name: City of Keene and Gary LaFreniere v. Ian Freeman f/k/a Ian Bernard

Case Number: **449-2013-CR-00206**

Now comes Ian Freeman (formerly known as Ian Bernard) of the Shire Society, called defendant by this court, by special appearance, not submitting to the court’s jurisdiction, hereby moves the court to recuse itself pursuant to New Hampshire Circuit Court Rule 1.8-A.  The facts supporting this motion are as follows:

1. In June of 2011, I watched a video of the court's judge Edward Burke arriving for work at the Keene Circuit Court-District Division on 06/28/11.  The exact video I watched is viewable at [http://freekeene.com/2012/03/08/edwards-burke-another-public-figure-](http://freekeene.com/2012/03/08/edwards-burke-another-public-figure-gone-wrong/)
[gone-wrong/](http://freekeene.com/2012/03/08/edwards-burke-another-public-figure-gone-wrong/)

2. The video referenced in #1 was filmed on June 28th 2011 and featured independent journalist Adam Mueller of CopBlock.org attempting to interview Edward Burke about his decision to use taxpayer funds to imprison a peaceful individual who chose to protest a ban on wearing some kinds of hats while sitting in his courtroom.  Adam asked his questions in a public area of the Keene City Hall, and the interaction captured on video (which begins as Edward Burke enters the city hall lobby and ends as Adam is arrested) was as follows:

**Adam Mueller: "Judge Burke, can I ask you a few questions about a hat, and how that constitutes contempt?"**

**Adam Mueller: "You think people want to pay for someone to be in jail for five days for wearing a hat?"**

**Adam Mueller: "It's kind of ridiculous to waste taxpayer money on something like that, isn't it?"**

**Adam Mueller: "Sir, I just want to have a conversation."**

**Edward Burke: "Bailiff!  Bailiff!  This person is threatening me about a decision I just made."**

**Adam Mueller: "I'm not threatening you.  I'm asking questions."**

**Edward Burke: "He's threatening."  \*points to Adam\*  "That's a criminal offense."**

**Bailiff: "Come on, sir, you're in custody."**

3. I learned that Adam Mueller, a member of the free press who was acting as such, was
imprisoned in a correctional facility for two days on the provably false allegations made by Edward Burke in #2 above.  Adam Mueller was only released when the Cheshire County Attorney investigated further and learned that Edward Burke had relayed false information.

4. New Hampshire law makes it a criminal offense to falsely report that another has committed a crime to law enforcement authorities.  The law, False Reports to Law Enforcement, is codified at RSA 641:4 and reads:

*A person is guilty of a misdemeanor if he:*

*I. Knowingly gives or causes to be given false information to any law enforcement officer with the purpose of inducing such officer to believe that another has committed an offense; or*

5.  The New Hampshire Constitution in Part I, Article 22 reads as follows:

*Free speech and liberty of the press are essential to the security of freedom in a state: They ought, therefore, to be* ***inviolably*** *preserved.*(emphasis added)

6. New Hampshire Supreme Court Rule 38, Canon 1, is as follows:

*“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 should 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.  The provisions of this Code should be construed and applied to further that objective without any limitation upon the supreme court in the exercise of its powers of general superintendence, whether constitutional, statutory or inherent, in areas not delineated in the Code.*

7. New Hampshire Supreme Court Rule 38, Canon 2, is as follows:

*“A JUDGE* *SHOULD AVOID IMPROPRIETY AND THE APPEARANCE OF IMPROPRIETY IN* *ALL OF THE JUDGE'S ACTIVITIES”*

*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.*

8. After watching the video referenced in #1, it is my firm belief that Edward Burke is in violation of New Hampshire Supreme Court Rule 38 Canon’s #1 and #2, New Hampshire criminal statue RSA 641:4, and the New Hampshire Constitution.

9. After watching the video referenced in #1, I learned that Sullivan County Attorney Marc Hathaway’s official criminal investigation report into Edward Burke’s conduct on 06/28/11 included the following:

“ *... Judge Burke's statement to the bailiffs that "He's threatening me, that's a criminal offense" conveys objectively false information ...*".”

10. I believe another way to describe “*convey(ing) objectively false information*” is to use the single word “lie.”

11. On 03/31/2012 I publicly signed a petition calling for Edward Burke to face impeachment in the New Hampshire House of Representatives for what I viewed in the video referenced in #1 and #2.  My public signature can be viewed at [http://www.change.org/petitions](http://www.change.org/petitions%20/nh-house-of-representatives-redress-of-grievance-committee-impeach-keene-district-court-judge-edward-burke)

[/nh-house-of-representatives-redress-of-grievance-committee-impeach-keene-district-court-judge-edward-burke](http://www.change.org/petitions%20/nh-house-of-representatives-redress-of-grievance-committee-impeach-keene-district-court-judge-edward-burke)

12. I respectfully disbelieve I can have a fair trial if the trier-of-fact remains Edward Burke as Edward Burke is a judicial officer known to openly lie to cause innocent people to be imprisoned.

13. I respectfully disbelieve I can have a fair trial if the trier-of-fact remains Edward Burke as Edward Burke is a judicial officer I am publicly advocating the removal of through Part I, Article 32 of the New Hampshire Constitution.

14. Included is a photograph of me at a Part I, Article 32 gathering on 04/06/12 outside the Keene, NH Circuit Court-District Division advocating for Edward Burke’s Impeachment.

**Request for Relief**

WHEREFORE, I, Ian Freeman, requests the court order the following relief:

1. Edward Burke recuse himself from hearing this case and have the matter reassigned to a different judge, or
2. If this motion is not granted, produce a written opinion regarding why pursuant to the aforementioned argument Edward Burke should not recuse himself pursuant to Circuit Court Rule 1.8-A, and
3. If the motion is not granted, stay all proceedings for an interlocutory appeal to the New Hampshire Supreme Court pursuant to Circuit Court Rule 1.11; and
4. Grant any other relief this court deems just and proper.

Delivered this \_\_\_\_ day of **January 2013**.

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Certificate of service

This is to certify that a true and correct copy of the foregoing has been delivered this

\_\_\_ day of **January 2013** to the alleged plaintiff.

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