

ORIGINAL

IN THE SUPREME COURT OF OHIO

David Pheils, Jr., : Case No. 2010 - 0054
Appellee, : ON APPEAL FROM THE LUCAS
v. : COUNTY COURT OF APPEALS,
: SIXTH APPELLATE DISTRICT
David Palmer, et al., : COURT OF APPEALS
Appellants. : CASE NOS.: L-98-1053 & L-08-1333

**MOTION FOR RECUSAL OF JUSTICES TERRENCE O'DONNELL,
MAUREEN O'CONNOR, EVELYN STRATTON &
JUDITH ANN LANZINGER**

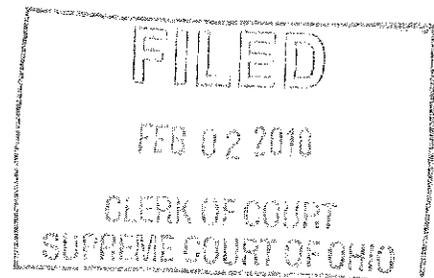
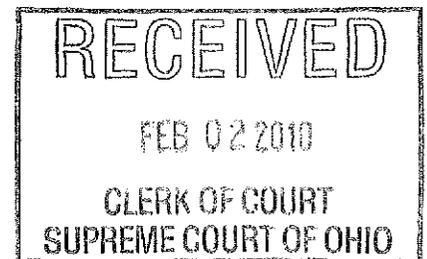
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Now comes Appellant, David Palmer, Pro Se and respectfully moves that Ohio Supreme Court Justices Terrence O'Donnell, Evelyn Stratton Lundberg and Judith Ann Lanzinger for their immediate recusal from this appeal for the reasons set forth in the Supporting Memorandum below.

SUPPORTING MEMORANDUM

Appellant hereby incorporates as if fully rewritten herein his Motion to Disqualify Chief Justice Thomas Moyer.

Rule 2.11 of the Ohio Code of Judicial Conduct mandates that a judge "shall" disqualify himself or herself in any proceeding in which the judge's impartiality might reasonably be questioned, including but not limited to circumstances wherein the judge has a personal bias or prejudice concerning a party. The above cited Rule is "mandatory" in nature and therefore requires the recusal (voluntary disqualification) of a judge.

A. Justice Terrence O'Donnell

Over the years, appellant has filed several ethics and/or criminal complaints against Justice Terrence O'Donnell (O'Donnell). On several occasions, O'Donnell unsuccessfully asked the court's to sanction appellant and/or find him in contempt

Appellant has authored several articles exposing O'Donnell's conduct, which can be found at www.noethics.net under "Ohio Reporter." Those stories are as follows:

Ohio Supreme Court Justice Terrence O'Donnell's leftover \$10 and \$20 bills
<http://tinyurl.com/yaerb4t>

Is Ohio Justice Terrence O'Donnell Chief Justice Thomas Moyer's lackey? Yes!
<http://tinyurl.com/n79guo>

Is Justice Terrence O'Donnell Ohio's premier judicial prostitute? Darn tooting he is!
<http://tinyurl.com/mf8aqs>
Is Ohio Supreme Court Justice Terrence O'Donnell a Certified Dumbass?
<http://tinyurl.com/lpuk49>

Is Ohio Supreme Court Justice Terrence O'Donnell Intellectually Impaired?

<http://tinyurl.com/mrmm5b>

Is Ohio Supreme Court Justice Terence O'Donnell a Thief?

<http://tinyurl.com/m9espb>

B. Justice Judith Ann Lanzinger

Again it would be frivolous for anyone to assert that the mere appearance does not exist in regards to Justice Judith Ann Lanzinger (Lanzinger) and appellant Palmer.

Appellant has filed ethics complaints against Lanzinger and more importantly has written and posted an article on his web site at www.noethics.net exposing Lanzinger's conduct. That article and URL are listed below.

Is Justice Judith Ann Lanzinger a scofflaw; moron and ethical gremlin?

<http://tinyurl.com/y8nuohp>

C. Justice Evelyn Stratton

As with Moyer, O'Donnell and Lanzinger, it cannot be disputed that Justice Evelyn Stratton (Stratton) is biased against appellant.

Appellant has filed complaints against Stratton and written articles that are posted on his web site as set forth below.

Is Justice Evelyn Stratton a scofflaw; moron and ethically indigent?

<http://tinyurl.com/yczn79q>

Is Justice Evelyn Stratton of Ohio a crook and an ethical hobbit?

<http://tinyurl.com/yjfb64>

D. Justice Maureen O'Connor

As with the justices aforementioned, it would be laughable for anyone to assert that Justice Maureen O'Connor (O'Connor) is not biased against appellant David Palmer.

Appellant has filed ethics complaints against O'Connor in the past, and has posted an article exposing her misconduct on his web site as set forth below.

Is Ohio Justice Maurcen O'Connor a tax scofflaw?

<http://tinyurl.com/o739t5>

Conclusion

The standard for mandatory recusal is as stated below.

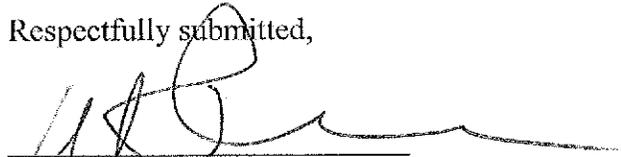
Rule 2.11 Disqualification of the Ohio Code of Judicial Conduct states in part:

(A) A judge [justice] **shall** [mandatory] disqualify himself or herself in any proceeding in which the judge's *impartiality* might reasonably be questioned, including but not limited to the following circumstances:

No reasonable person with an I.Q. of at least 55 would or could conclude from the facts set forth herein that Justices O'Donnell, Lanzinger, Stratton and O'Connor are not biased against appellant David Palmer.

WHEREFORE, for all of the foregoing reasons, appellant David Palmer respectfully moves that Justices O'Donnell, Lanzinger, Stratton and O'Connor forthwith recuse themselves from any proceedings of any kind dealing with appellant.

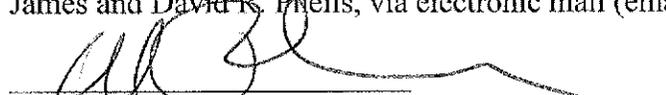
Respectfully submitted,



David Palmer, Pro Se

CERTIFICATION

The undersigned certifies that he served a copy of the foregoing on attorney Timothy James and David R. Pfeils, via electronic mail (email) this 30th day of January, 2010.



David Palmer