
STATE OF TEXAS

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IN THE DISTRICT COURT

V.

JUDICIAL DISTRICT

JIMMY POND

MCLELLELAN COUNTY, TEXAS

DEFENDANT'S MOTION TO RECUSE ALL JUDGES CONNECTED TO THE RECENT WACO SHOOTING AS AN UNPRECEDENTED DENIAL OF DUE PROCESS RIGHTS, AND FOR EVIDENCING CLEAR BIAS AND A DE FACTO INABILITY TO IMPARTIALLY CONSIDER THE LEGALITY, VALIDITY, OR PROPRIETY OF THE ENGAGING IN ORGANIZED CRIME CHARGES THAT FAIL TO ASSERT ANY AGREEMENT BY ANY OF THE CHARGED PARTIES, AND BY SETTING INTENTIONALLY OPPRESSIVE BONDS WITH THE GOAL OF PREVENTING THE EXERCISE OF FREE SPEECH AND FREE ASSOCIATION IN VIOLATION OF DUE PROCESS AND DUE COURSE OF LAW

TO THE HONORABLE JUDGE OF SAID COURT:

NOW COMES JIMMY POND, Defendant, by and through his attorney of record, Adam King Blackwell Reposa, and moves this Court to recuse itself pursuant to Rule 18 (a) of the Texas Code of Civil Procedure and in support of which would show:

FACTS OF MAY 17, 2015

1. On May 17, 2015 at approximately 12:25 pm a shooting occurred at the Twin Peaks Restaurant in Waco, TX.
2. Law enforcement from several agencies along with several SWAT team members arrived two hours prior to the incident in the parking lot at Twin Peaks. No uniformed officers were stationed anywhere in or near the restaurant parking lot, but rather held a perimeter with numerous automatic rifles. It was apparent from the posture of law enforcement that confrontation with the attending motorcycle clubs was imminent
3. A fight broke out between several motorcycle club members and shots were allegedly fired. 9 civilian were killed, and 18 others injured, while no police were harmed. By all accounts, when shots were fired almost every person at the restaurant ran for cover and Police stormed

in with numerous automatic rifles. While it is believed that police bullets were responsible for numerous deaths and injuries, it is certain that police ordered everyone at the restaurant to the ground and detained everybody for questioning based on their presence at the scene.

4. Law Enforcement called in other agencies to assist in the arrest of 170 people and made use of the convention center and the Jack Harwell detention center to handle the overflow of persons arrested.

CRIMINAL CHARGES

5. Based on mere presence and association, 170 civilians have been charged with Engaging in Criminal Acts under §71.02 of the Texas Penal Code. The basic requirement of the statute is an agreement to commit acts. In the first paragraph of the probable cause affidavit appears a line to be filled in with the name of any person who wears a motorcycle club patch. (see exhibit 1) No other specific acts or agreements are listed for any specific Defendant, but rather a blanket charge of wearing a patch in the same place where somebody was killed by a person yet to be identified.
6. The State of Texas without alleging any criminal act or criminal agreement made JIMMY POND, have been able to get him held on a charge of first degree enhanced Engaging in Organized Criminal Activity with a punishment range of 15 years to life and no chance of probation from a jury, and an intentionally oppressive bond of \$1,000,000 set by a Justice of the Peace. The Justice of the Peace made a statement to the media that “the atrocity of the incident, the impact on the community, and a bunch of other things” figured into the high bond amounts. (Source Temple Telegraph, see exhibit 2) The Judge who set these bonds has all but admitted an improper influence that must exist given the pressure of the hysterical picture painted by Law Enforcement in the media.
7. The District Court Judges without any hearing approved of all bonds and mandated that only two District Judges would entertain bond motions.
8. While additional officers and additional facilities have been utilized to deal with the large number of people unlawfully arrested, no arrangements have ever been made for additional courts or Judges to hear the numerous writs and bond reduction motions. In fact, notwithstanding the fact that the charges are legally insufficient, all bails have been set at \$1,000,000. And even though there are several different groups charged and several different alleged levels of involvement from person involved in the altercation and involved in

criminal street gangs by DPS, to person not involved in the altercation but in the same motorcycle club recognized as criminal street gangs by the DPS, to persons not involved in the altercation and not affiliated in any way with any criminal street gang recognized by DPS. To treat all of these people as criminals just because of their association with others without any allegation of agreement or criminal conduct shows an absolute lack of concern for the rights of the accused.

It is evident that the State of Texas is given preference and shown a favorable bias over the Defendant in the way that the affidavits in support of warrant of arrest have been prepared, presented and approved without any consideration of due process concerns after bails have been set.

9. Defendant has filed a writ of habeas corpus, a motion for emergency hearing, and this motion to recuse.

Wherefore, Defendant prays that the Court agree to the recusal and have a Judge appointed by the administrative Law Judge to hear this matter without further delay, or in the alternative forwards this motion to the Administrative Law Judge for an evidentiary hearing.

Respectfully submitted,

Adam King Blackwell Reposa
1106 San Antonio ST
Austin, Texas 78701
(512) 476.7376 Tel
(512) 478-1114 (facsimile)
State Bar No. 24040163

CERTIFICATE OF SERVICE

This is to certify that on _____, 2015, a true and correct copy of the above and foregoing document was served on the McClennan County District Attorney's Office by hand delivery.

Adam T. King Blackwell Repos

STATE OF TEXAS

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IN THE DISTRICT COURT

V.

JUDICIAL DISTRICT

JIMMY POND

MCLELLELAN COUNTY, TEXAS

ORDER FOR EVIDENTIARY HEARING

ON MOTION TO RECUSE ALL JUDGES CONNECTED TO THE RECENT WACO SHOOTING AS AN UNPRECEDENTED DENIAL OF DUE PROCESS RIGHTS, AND FOR EVIDENCING CLEAR BIAS AND A DE FACTO INABILITY TO IMPARTIALLY CONSIDER THE LEGALITY, VALIDITY, OR PROPRIETY OF THE ENGAGING IN ORGANIZED CRIME CHARGES THAT FAIL TO ASSERT ANY AGREEMENT BY ANY OF THE CHARGED PARTIES, AND BY SETTING INTENTIONALLY OPPRESSIVE BONDS WITH THE GOAL OF PREVENTING THE EXERCISE OF FREE SPEECH AND FREE ASSOCIATION IN VIOLATION OF DUE PROCESS AND DUE COURSE OF LAW

CAME ON this day to be presented Defendant's motion. The Court, having considered the motion, finds that the motion

Alleges / Does Not Allege

facts upon which relief might be granted, Petitioner is therefore

Entitled / Not Entitled

to an evidentiary hearing.

It is hereby ORDERED that the hearing be set _____

SIGNED on _____ day of May, 2015.

JUDGE PRESIDING

STATE OF TEXAS

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IN THE DISTRICT COURT

V.

JUDICIAL DISTRICT

JIMMY POND

MCLELLELAN COUNTY, TEXAS

ORDER ON DEFENDANT'S MOTION TO RECUSE ALL JUDGES CONNECTED TO THE UNPRECEDENTED DENIAL OF DUE PROCESS RIGHTS AND VIOLATION OF BASIC HUMAN RIGHTS AS EVIDENCING CLEAR BIAS AND A MANIFEST INABILITY TO IMPARTIALLY QUESTION THE LEGALITY, VALIDITY, OR PROPRIETY OF THE ENGAGING IN ORGANIZED CRIME CHARGES THAT FAIL TO ASSERT ANY AGREEMENT BY ANY OF THE CHARGED PARTIES

This Motion to Recuse is:

GRANTED / DENIED

Signed on _____.

JUDGE PRESIDING