

## BILL FOR IMPEACHMENT

With regard to this petition, Judge David C. Bonfiglio has consistently **denied Citizens of Indiana their fundamental rights** by placing himself above the law and making decisions that, in abuse of his position and people's trust, show a callous **disregard for the truth**, as well as wanton and deliberate, and at times, **criminal violations of the said Constitution and laws**. Judge David C. Bonfiglio is on record **committing lies(Perjury), falsification of official court records, false imprisonment and conspiracy**, amongst other violations.

Regrettably, **the Judicial Branch of government is answerable and accountable to no entity other than itself, resulting in the judiciary's arbitrary abuse** of the self-proclaimed doctrine of judicial "immunity", which itself is in violation of the Constitution, and leaving the People of Indiana without recourse when their inherent rights are violated by judges.

Fortunately, the Framers of the Constitution foresaw and anticipated this abuse of power and included into the Indiana Constitution provisions, such as **Article 6, §§ 7, 8 and Article 7, §§ 11, 13**, as well as the laws in pursuant thereto, that allow its citizens the authority to remove an officer of the court by "**Impeachment**".

**Under Rights and Authority of The People of the State of Indiana**, and pursuant to the **Bill of Rights, Article I of The State Of Indiana Constitution**, "We DECLARE, That all people are created equal; that they are endowed by their CREATOR with certain inalienable rights; that among these are life, liberty, and the pursuit of happiness; that all power is inherent in the people; and that all free governments are, and of right ought to be, founded on their authority, and instituted for their peace, safety, and well-being. For the advancement of these ends, the people have, at all times, an indefeasible right to alter and reform their government."

In order to prevent those, who are vested with authority, from becoming oppressors, the people have a right, at such periods and in such manner as they shall establish by their frame of government, to cause their public officers to return to private life; and to fill up vacant places by certain and regular elections and appointments.

To this end, the said Constitution provides, in its **Article 6 and Article 7** and the laws in pursuant thereto, means of impeachment to have such oppressors removed from office and replaced with men of honor and integrity who abide by the Constitution and laws pursuant thereto.

**The undersigned do hereby demand the immediate removal of Judge David C. Bonfiglio, of Elkhart County Superior Court 6, Elkhart, Elkhart County, Indiana, for the following reasons:**

1. Violates the judicial Canons and Codes of Conduct for judges.

2. Places himself above the law.
3. Holds hearings and issues orders without having jurisdiction and authority in violation of the Constitutions.
4. Violates the Indiana Codes and laws as legislated by the Indiana General Assembly in violation of Separation of Powers.
5. Violates the Indiana Child Support guidelines approved by the Indiana Supreme Court.
6. Violates the Indiana Parenting Time guidelines approved by the Indiana Supreme Court.
7. Has committed perjury, and official Misconduct of Office.
8. Engages in unauthorized *ex-parte* communications with the Indiana Court of Appeals to cover up his part in fraud and other violations in a case before the said Appellate Court.
9. Issues orders in direct violation of the Indiana Statutes and Constitution.
10. Willful neglect of duty.
11. Defrauds and conspires to defraud the Tax Payers of Indiana and United States government. Examples see Title 42 U.S.C. §658 and 669(b)
12. Gross and deliberate ignorance of official duties.
13. Willful discrimination on the basis of gender, (custodial vs non custodial)
14. Unlawful imprisonment of indigent persons from another State.
15. Gross carelessness in the discharge of official duties.
16. Oppression in office.
17. Breach of trust.
18. Endangering the psychological and physical safety and knowingly aiding and abetting injury and abuse of minor children in violation of Indiana and federal laws and Constitutions.
19. Depriving children of their caring parental home.
20. Violations of parties' human rights as guaranteed by the Constitutions and laws of Indiana and the United States.
21. Violation of Oath of Office.

22. Unlawful destruction, for profit, of livelihood and family life of parties in cases before him.
23. Violations of and disdain for the Constitutions and laws of the United States and Indiana. Direct violations of due process.
24. Obstruction of justice and perverting the course of justice, nepotism and cronyism,
25. Intimidation of parties and attorneys of record. When our attorney challenged his authority Judge Bonfiglio filed a complaint against him to stop this action of challenge of the law, and judges rulings.
26. A direct denial of ALL motions filed by the non custodial parent and his attorney. All our motions filed by an attorney, and pro se was immediately denied.
27. Unlawfully acting as a judge without having bond, nor current oaths of office as required by Indiana Constitution.

This Petition, along with its supporting document and evidence, is respectfully submitted to the Indiana **House of Representatives** and **Senate** and the **Governor of Indiana** for action consistent with the Duty and Authority of the members under their respective Oaths of Office to investigate these Complaints and to proceed as enunciated below.

**Article 6, § 7**, states, "All State officers shall, for crime, incapacity, or negligence, be liable to be removed from office, either by impeachment by the House of Representatives, to be tried by the Senate, or by a joint resolution of the General Assembly; two-thirds of the members elected to each branch voting, in either case, therefor. "

**Article 6, §8**, states: "All State, county, township, and town officers, may be impeached, or removed from office, in such manner as may be prescribed by law".

**Article 7, § 7**, states: "a Judge for each circuit" "shall hold his office for the term of six years, if he so long behaves well.

**Article 7, § 13**, states: "Removal of Circuit Court Judges and Prosecuting Attorneys. Any Judge of the Circuit Court or Prosecuting Attorney, who shall have been convicted of corruption or other high crime, may, on information in the name of the State, be removed from office by the Supreme Court, or in such other manner as may be prescribed by law."

**Indiana State Code, IC 5-8-1-1** Officers; judges; prosecuting attorney; liability to impeachment

"(a) Under Article 6, Sections 7 and 8 of the Constitution of the State of Indiana, all state officers other than justices of the supreme court or judges of the court of appeals of Indiana or the Indiana tax court, **all other judges, prosecuting attorneys, and all county,**

**city, town, and township officers are liable to impeachment for any misdemeanor in office.”**

**Indiana State Code, IC 5-8-1-19** Judge or prosecuting attorney; duties of Attorney General: (a) Under **Article 7, Section 13** of the Constitution of the State of Indiana, whenever a circuit, superior, probate, or county court judge or prosecuting attorney has been convicted of corruption or any other high crime (such as by Indiana Senate upon impeachment), the attorney general shall bring proceedings in the supreme court, on information, in the name of the state, for the removal from office of the judge or prosecuting attorney.

The Government of the People of State of Indiana has a DUTY and the authority to review and to correct breaches of “good behavior” of the Judicial branches of the State of Indiana, and where appropriate, to investigate and prosecute individual public officers whose performance of the duties of their office **offends the conscience** of We the People.

Accordingly, all courts ordained and established under gubernatorial authority **shall**, as a duty, exercise judicial powers ONLY in conformance with that Constitution and just Laws of the State of Indiana and the United States and shall perform the duties of office sustaining “good behaviour”.

The Petition, under Articles of State of Indiana Constitution and Constitution for the United States, affirms evidence of multiple constitutional violations by Judge David C. Bonfiglio, which inflict irreparable financial, emotional and physical harm upon the Citizens of Indiana, my son and alleged grandsons life.

/s/ Michael Jack Stephens

Michael Jack Stephens  
P. O. Box 781  
Pooler, Georgia 31322

September 29th, 2008

912-429-3387

Supporting Documentation and  
Criminal Complaint

From: Michael Jack Stephens  
P. O. Box 781  
Pooler, Georgia 31322

Judge David C. Bonfiglio

Elkhart Superior Court 6

Case Number: 20D01-0401-JP-10

Jan. 2004

1. Request filed for child support and paternity;

- (a) This violated Indiana Code 31-18-1-5; Home State; which states;  
Sec. 5; "home state" means;  
(1) the state in which a child lived with a parent or a person acting as  
parent for at least six (6) consecutive months immediately proceeding the  
time of filing of a petition or comparable pleading for support; and

***By this petition being filed the Attorney (Beverly Peters) committed Perjury (IC 35-44-2-1) by making false statements under oath or affirmation. Plaintiff has not lived within the State of Indiana for 6 months prior to filing this petition.***

2. Hearing was on March 02-2004;

Child support was set at 64.00 per week and GAL was ordered to do  
a home study.

**(a) The home study was never done, and still has not been done to date.**

3. Hearing for modification of child support.

- (a) This action violates IC 31-14-11-8 and IC 31-16-8-1. No modification except for a 20% change or 12 months, neither of which have taken place. But the Judge changed child support to 303.00 per week, for one child less than 2 years old.

***This judge now has violated his Oath of Office, the Indiana Child Support guidelines, and Indiana parenting time guidelines, committed perjury, and violated the Canons of judicial conduct***

- (b) not to mention the extreme hardship placed on the defendant (non-custodial parent) as to travel time for court appearances and visitation. It is 1900 miles round trip and about 36 hours driving time from Savannah, Georgia to Elkhart, Indiana.

- (c) Under this same order also Judge stated and I quote: "...Will also reconsider the same if complete data is filed with the court by father as to his income."

4. On October 22, 2004; father (non-custodial parent) files income documents with court.

5. On 11-12-2004; father (non-custodial parent) files motion for reconsideration.

- (a) this motion was denied. Judge Bonfiglio has committed perjury (IC 35-44-2-1).

6. Notice of appeal filed;

(a) Court of appeals dismissed appeal. This non custodial parent has now been denied due process of law, because he is indigent, and unable to hire an attorney, and again was not offered representation by counsel, in violation of the Indiana Constitution.

7. Father files Motion to Correct Judicial error.

(a) Motion denied.

8. Motion to intervene filed by Michael Jack Stephens.

(a) Motion denied under Rule 24.

9. On June 9<sup>th</sup>, 2006 father (non-custodial parent) was arrested on a void court order, issued by a corrupt judge in violation of his Oath of Office.

10. On July 13<sup>th</sup>, 2006 father (non-custodial parent) was told the State of Indiana has now filed criminal charges for non support. Indiana Code is 35-46-1-5(a).

(a) IC 35-46-1-1; defines support as: "food, clothing, shelter, and medical care."

*If the non custodial parent is charged with the above statute, why is the Mother not charged being she is the custodial parent and in this case has sole custody, and the one totally responsible for the items listed as support. But in this case the mother was NOT charged, and has to this day NOT been charged.*

11. Criminal Case was originally filed as 20D06-0601-FC-8. On the start of the trial in Nov. 07, Judge David C. Bonfiglio recused himself after our lawyer challenged his original support order, because the way it was figured was in violation of the Indiana Child support guidelines, and the Judge stated upon his recusal, "he made mistakes in setting this parents child support". Both our lawyer and the Elkhart County prosecutor heard these remarks and still did nothing to correct this judicial error. This non-custodial parent now has a felony conviction under fraud upon the court, and perjury by the prosecutors office, and still NOT one court of appeals judge or the Indiana Supreme Court justices have done any thing to help correct this error, which was made by the Indiana Judicial System, in direct violation of every Judges Oath of Office.

(a) to stop our lawyer from challenging his authority, Judge Bonfiglio filed a complaint against our lawyer with the Indiana Disciplinary Commission, to make sure this lawyer backs away from his complaint on our behalf. **To note: it worked, this lawyer did back away from this challenge, to our detriment.**

(b) Case was moved to Elkhart Superior Court 4; Judge Olga Stickel; under case number: 20D04-0612-FC-25.

(c) This judge even knowing a error was made in setting child support, and the statement made by Judge Bonfiglio, this Judge did nothing to correct his mistake

and they continued this injustice act against defendant. This has ruined this defendants life, and his son's also.

Finally, this corruption continues in this Judicial System. What can anyone do when the Judges of the lower court are corrupt, and the Judges of the Court of Appeals cover up their misconduct, and then the Supreme Court refuses to hear or accept any petition to transfer. This has been the plot of corruption that has happened to my family. The good old boy network covers up for the good old boys to get money under false pretense, and then to get 2X the amount under the federal incentive payment program under Title 42 U.S.C. §658, Title IV-D, but refuses to enforce visitation under Title IV-D, Sec. 669(b). WHY? My alleged grandson has been stolen from his extended family. WHY?

The States are kidnapping children for incentive payment money from the Federal Government, and not one person cares. This is child slavery for profit. Your child was given to you by GOD, not government. The Social Security Act of 1935 even states the agency can NOT take any child over the objections of either parent. Either parent means; mother or father. This father has filed many objections only to not have his motions heard. Trial Rule 53.1 states a judge must make a decision on all motions within 30 days. This is Judicial tyranny. WHY? What are you going to tell GOD on judgment day?

Another example of misconduct.

On July 08, 2008 the Indiana Court of Appeals issued an opinion in the Paternity of M. M. in which a man had been defrauded into believing he was the father and had paternity testing showing that he was NOT the father. Elkhart Superior Court under Judge David C. Bonfiglio, denied his petition to rescind paternity stating that allowing a man who was defrauded into believing he was the father to rescind paternity and not pay child support would go against public policy.

Since when does public policy demand stealing money, and making one pay for a child that is NOT his. Judge David Bonfiglio (being a judge on the bench since 2001) knew that the IC 31-14-2-1 provides that the exclusive methods of establishing a man's paternity of a child born out of wedlock. A man who has executed a paternity affidavit may, within sixty days following the execution, file a court action to request an order for a genetic test. When more that sixty days have passed since the execution of the paternity affidavit, the affidavit may be rescinded only when a court: (1) has determined that fraud, duress, or material mistake of fact existed in the execution of the paternity affidavit; and (2) at the request of a man described in subsection (1), has ordered a genetic test, and the test indicates that the man is excluded as the father of the child. IC §16-37-2-2.1(i). Quoting the Indiana Court of Appeals where this man had to appeal to get his paternity changed. Case no: 20A04-0802-JV-52; (2008).

Judge David Bonfiglio knew go and well he was violating this man's rights and remedies under the Indiana Statute and in direct violation of his own Oath of Office.

*IC 35-44-1-2, which states:*

A public servant who:

- (1) knowingly or intentionally performs an act that the public servant is forbidden by law to perform,...commits official misconduct, a class D felony.
- (a) Under the Indiana Constitution, Article 7, Section 13, which states:  
Removal of Circuit judges or prosecuting attorneys.  
Any judge of the circuit court or prosecuting attorneys, who shall have been convicted of corruption or other high crime, may, on information in the name of the State of Indiana, be removed from office by the Supreme Court, or in such other manner as may be prescribed by law.
  - (b) Rule 25; Judicial Disciplinary Proceedings  
  
III. Grounds for Discipline or involuntary retirement.  
A. Any judicial officer may be disciplined for any of the following acts.  
(1) **conviction of any felony, or any crime which involves moral turpitude or conduct that adversely affects the ability to perform the duties of judicial officer.**  
(2) willful and persistent failure to perform duties;  
(3) **willful misconduct in office;**  
(4) willful misconduct unrelated to the judicial office that brings such office into disrepute;  
(5) habitual intemperance;  
(6) **conduct prejudicial to the administration of justice, including the repeated failure to adhere to the rules of procedure; or**  
(7) **a violation of the Code of Judicial Conduct, the rules of professional conduct, or other professional rules duly adopted by the Indiana Supreme Court.**
  - (c) Indiana Rules of Court; Code of Judicial Conduct  
  
Canon 2. A judge shall avoid impropriety and the appearance of impropriety to all the judge's activities.  
A. **A judge shall respect and comply with the law...**  
  
Canon 3. A judge shall perform the duties of judicial officer impartially and diligently.  
B. Adjudicative Responsibilities.  
(2) **A judge shall be faithful to the law...**

- (d) Indiana Constitution, Article 7, Section 4; The supreme court shall have no original jurisdiction except in admission to the practice of law; **discipline and disbarment of those admitted;** the unauthorized practice of law; **discipline, removal, and retirement of justices and judges...**
- (e) Indiana Constitution, Article 7, Section 7; ...and a judge...he shall hold his office for the term of six years, **if he so long behaves well.**
- (f) IC: 35-34-2-11; Oath  
Sec. 11, Before assuming the duties of a judge, a judge must take an oath to; (1) faithfully perform the duties of the judge's office; and (2) Support and defend to the best of the judge's ability the Constitution and laws of Indiana and the United States.

Time Line:

I would appreciate an answer from this office within 40 days. I feel this is a reasonable amount of time for anyone to make a conscience decision as to whether an investigation should go forth, and formal charged be brought against Judge Bonfiglio for stated charges.

/s/ Michael Jack Stephens

Michael Jack Stephens  
P. O. Box 781  
Pooler, Georgia 31322

September 29th, 2008

*Affidavit*

Case number: 20D06-0401-JP-00010 Judge (unhonorable) David C. Bonfiglio

1. Request for Child Support and Paternity:  
(a) violates Ind. Code for a requirement of a person to be a resident of Ind. for a min. of 6 months before filing such a case. Mother left Georgia in Sept. 03 and filed this case in Jan. 04 which is only 4 months.
2. Hearing on 3-02-2004:  
Child support set at 64.00 per week and ordered GAL to do a home study.  
(a) Home study was never done.
3. Hearing from modification of C/S.  
(a) This action violates IC 31-14-11-8 and IC 31-16-8-1. No modification except for a 20% change or 12 months, neither of which has taken place. But unhonorable judge changed child support to 303.00 per week, for one child less than 2 years old.  
  - (i) this in violation of his Oath of Office.
  - (ii) this in violation of the Canons of Judicial Conduct.
  - (iii) this in violation of the Indiana Child support guidelines.  
(b) not to mention the extreme hardship placed on the defendant (non-custodial parent) as to travel times for court appearances and visitation. It is 950 miles one way from Sav. Georgia to Elkhart, Indiana.

- (c) Under this order also Judge stated and I quote : "...will also reconsider the same if complete data is filed with the Court by father as to his income."
4. On 10-22-2004 father files income documents with Court.
  5. Father (non-custo did parent) files Motion for Reconsideration.
    - (a) Motion denied. Judge Bonfiglio committed perjury here (IC: 35-44-2-1)
  6. Notice of Appeal to set aside Order of Dec. 07, 2004
    - (i) Court of Appeals dismisses appeal. This non-custo did parent has now been denied due process of law.
  7. Motion to Correct Judicial Error filed:
    - (i) Motion denied.
  8. Motion to intervene filed by Michael Jack Stephens.
    - (i) Motion denied.
  9. On June 9<sup>th</sup>, 2006 non-custo did parent was arrested on a void court order.
  10. On 7-13-2006 non-custo did parent was told the State of Indiana has now Filed Criminal Charges for non support. IC 35-46-1-5(a).
    - (i) under IC 35-46-1-1; defines support as "food, clothing, shelter, or medical care."
  11. Criminal Case was originally filed as 20D06-0601-FC-0008. On the start of the trial in Nov. 07, Judge David C. Bonfiglio recused himself and stated that he made mistakes in setting this parents child support.
    - (a) to stop our lawyer from challenging his authority, Bonfiglio filed a complaint against our lawyer with the Indiana Disciplinary Commission.
    - (b) case was moved to Superior Court 04 under 20D04-0612-FC-00025.
    - (c) knowing Bonfiglio made such a statement before the court and both our lawyer and the Prosecuting Attorney, no one said anything or challenged

it to try and correct such an injustice. They continued to prosecute defendant anyway. The new Judge (Ogil Stickel) did not even lift a finger to correct this injustice against this defendant. Defendant now has been charged with a felony, and convicted under false pretenses which has destroyed his life.

12. Child support case has been moved to Superior Court 1; Judge Evan Roberts  
Under case no. 20D01-0610-JP-00011. The judicial violations of the judge also is many. A Criminal complaint has been filed with the Commissioners of Elkhart County, and the Indiana Attorney Generals office, also with the U.S. Department of Justice, Office of the Inspector General, but to no avail.  
All departments are looking the other way as these Corrupt Indiana courts destroy people and non-custodial parents lives.

13. There are many other violations which has become too numerous, and too depressing to write. There is NO justice for non-custodial parents in our court system of today, just slavery, and theft of our children and violation of their rights to be with both of their parents.

I hereby declare under penalty of perjury all facts represented here are true to the best of my knowledge, as I see the truth to be.

/s/ Michael Jack Stephens; A concerned grandparent who has been denied access to his grandchild by the same corrupt courts.

Michael Jack Stephens  
September 29th, 2008

*Certificate of Service*

From: Michael Jack Stephens  
P. O. Box 781  
Pooler, Georgia 31322  
912-429-3387

To: Rep. Linda Lawson  
Ind. House of Rep.  
Judiciary committee  
200 W. Washington St.  
Indianapolis, Indiana 46204

Rep. Matt Pierce  
Ind. House of Rep.  
Judiciary Committee  
200 W. Washington St.  
Indianapolis, Indiana 46204

Senator Tim Lamane  
Judiciary Committee  
State House  
200 W. Washington St.  
Indianapolis, Indiana 46204

Rep. Ralph Foley  
Judiciary Committee  
Ind. House of Republicans  
200 W. Washington St.  
Indianapolis, Indiana 46204

Rep. Patrick Bauer  
Speaker of the House  
Ind. House of Rep.

U.S. House of Rep.  
Mr. Joe Donnelly  
Longworth House Off. Bldg. 1218

200 W. Washington St.  
Indianapolis, Indiana 46204

Washington, D.C. 20515

U.S. House of Rep.  
Mr. Mark Souder  
2231 Rayburn House off. Bldg.  
Washington, D.C. 20515

Ind. House of Republicans  
Mrs. Jackie Walorski  
200 W. Washington St.  
Indianapolis, Indiana 46204

Indiana State Senate  
Senator Marvin Riegsecker  
200 W. Washington, Street  
Indianapolis, Indiana 46204

To: Any other person whom you deem necessary to make a decision on  
said Bill of Impeachment.

Respectfully submitted;

/s/ Michael Jack Stephens  
Michael Jack Stephens

September 30<sup>th</sup>, 2008