

# State Commission on Judicial Conduct

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January 3, 2019

Executive Director  
Eric Vinson

**CONFIDENTIAL**

Charles A Malouff  
704 Kettering Drive  
Cedar Park, TX 78613

Re: CJC No. 19-0559

Dear Mr. Malouff:

We have received your complaint against a Texas judge. All complaints receive a thorough review and investigation relevant to the allegations, and are presented to the Commission. After its consideration, the Commission may dismiss a complaint, impose sanctions against a judge, or take other appropriate action. The Commission's actions are governed by Article V, Section 1-a of the Texas Constitution and Chapter 33 of the Texas Government Code.

Please be advised that our proceedings are confidential. We are prohibited by Section 33.033(c) of the Texas Government Code from identifying by name the judge against whom you have filed a complaint. In order to assist us with our investigation, please reference the above-listed CJC case number in all future correspondence. Additionally, if you intend to submit additional documents for our consideration, please send photocopies.

For your additional assistance, we have enclosed an information sheet that will explain more completely the process involved in investigating allegations of judicial misconduct. We will inform you in writing of the Commission's action on your complaint.

If you have any questions or need additional information, please contact our office. When calling, please mention the above-listed CJC case number so as to expedite your phone call.

**STATE COMMISSION ON JUDICIAL CONDUCT**

Enclosure

# AMENDED COMPLAINT TO ADD EXHIBIT 9

## State Commission on Judicial Conduct

PO Box 12265  
Austin, TX 78711-2265  
Tel. (512) 463-5533 · Toll Free: (877) 228-5750

For SCJC use only.

### Complaint Form

- If you are filing a complaint about more than one judge, please use a separate form for each judge.
- You may complete this form online before printing.
- Send the completed form and any additional pages or related documents to SCJC.

\* Indicates required fields. Please note that faxed complaints will **NOT** be accepted.

\*Your name: Charles A. Malouff, Jr.

\*Judge: Karen Sage

\*Mailing Address: 704 Kettering Drive

\*Court Number: 299th District Court

\*City, State Zip: Cedar Park, Texas 78613

\*City and County: Austin, Travis County

\*Date of Birth: 27/12/1957

Your Phones: Day ( 512 ) 569.9453

Evening ( )

Cell/Other ( )

Best time to call you: After 2:30 ☐ A.M. ☒ P.M.

### If your complaint involves a court case, please provide the following information:

Cause Number: D-1-DC-13-902041

Status of your case: ☐ Pending ☐ Concluded ☒ On appeal

Your attorney: Gary Udashen

Opposing Attorney:

Address: 2311 Cedar Springs Rd, Ste. 250

Address:

City/Zip: Dallas Texas 75201

City/Zip:

Phone Number(s): 214-468-8100

Phone Number(s):

PLEASE FILL IN ALL INFORMATION AVAILABLE FOR ANY WITNESSES (attach additional pages as needed)

Name: [REDACTED]

Name: [REDACTED]

Address: [REDACTED]

Address: [REDACTED]

Phone Number(s):

Phone Number(s): [REDACTED]

What did this person witness?

Jonestown Mayor Deane Armstrong and Kirk Watson's attempt to interfere with the Jonestown Wind Energy Project. See attached documentary evidence

What did this person witness?

Interference by Kirk Watson and other criminal activity by City of Jonestown. See attached documentary evidence

If you are submitting documents, please provide copies, not originals.

I understand that as part of the Commission's investigation the judge may be provided a copy of this complaint. Please note - the Commission will do its best to maintain your confidentiality, **if you so request**. However, it may not be possible for us to pursue our investigation without revealing your identity at some point. If it is necessary to reveal your identity directly to the judge, we will advise you before proceeding.

\*I request that my identity be kept confidential. ☐ Yes

AMENDED COMPLAINT  
TO ADD EXHIBIT 9

\*Signature: [Signature]

\*Date: 2-4-2019

How did you hear about the State Commission on Judicial Conduct? (please select one) ☐ State Bar of Texas

☐ Another State agency ☐ News media ☐ Attorney ☐ Friend ☒ Other: Personal Knowledge

Revised 07/13/2009

Copy: HAND DELIVERED : FILED AT 1302 Hrs 2/5/19

## Details of Complaint

Please type or print the factual details of your complaint in the space provided below. **Please include the date(s) of the alleged misconduct.** If more space is needed, attach additional sheets. Please sign and date each additional sheet. Your complaint should be as specific as possible, PLEASE DO NOT CITE CASE LAW IN YOUR COMPLAINT.

**\*Date(s) of Alleged Misconduct of Judge:** Dec. 2011 thru Dec. 2013\* See EXHIBITS

**\*Factual Details of your complaint against Judge:**

Karen Sage violated multiple Canon's in violation of the Texas Code of Judicial Conduct; the BRIBERY Statue under the United States Code Service (the Grant in question was a US Department of Energy Distributed Renewable Energy Grant under the American Recovery and Reinvestment Act 2009 and there are jurisdictional issues also at hand); and other violations of Statute, accepting financial interest (\$250 direct payment on 10/23/2013 from Daniel Wannamaker, who was my first PAID attorney and who was removed from this case for CONFLICT OF INTEREST, and who was subject to disbarment and civil action for reckless and negligent conduct for allowing the DESTRUCTION OF EXONERATING EVIDENCE, in addition to criminal prosecution for Obstruction of Justice in my subsequent Federal case that was a direct result of the State instant case. ). See documentary evidence attached.

In addition, Sage was swayed by the Criminal Interference and Obstruction of Justice by State Senator Kirk Watson, who, for a DIRECT PAYMENT of \$25 on 07/25/2013 by Jonestown Mayor Dean Armstrong, went to Sage to keep Armstrong ( who should have been indicted) and others, who should have been indicted as well, from prosecution, which, in addition to this case, included the Criminal Obstruction of a Federal bankruptcy proceeding, WDTX 09-13228, directly associated with the Jonestown Wind Project. See documentary evidence attached.

Further substantiation of the BRIBERY allegation came with statements from two Officers of the Court, subject to disbarment for making false and disparaging statements against a Judge, Jackie Wood, my appointed Counsel of Record after Wannamaker was removed on November 5, 2012, and my Appellate Attorney, Ariel Payan, who both, individually and separate from each other, a week apart, said that Sage ruled against me for "votes and contributions for her upcoming re-election". See documentary evidence attached.

Deane Armstrong, Mayor of Jonestown, and Jonestown City Council Aldermen Robert Moore, Lance Wedell (who testified for the prosecution at trial), Bill Nichols, Tom Buckle and Joe Aaron actively engaged in DESTROYING MY property and EXONERATING EVIDENCE, in the City of Taylor, and EXONERATING EVIDENCE, in Jonestown, without any legal proceedings or Court Authority, then actively engaged in influencing votes for Karen Sage (and Watson) in Jonestown, Lago Vista and the Travis County precincts of the City of Cedar Park. See Texas Election Commission and Travis County Voters Registration/Information attached as documentary evidence.

Additional proof of the violations of Canon and Statute are evidenced in Sage's DENIALS of key Motions for Directed Verdict, a Franks Hearing, and more. and includes my Motion for New Trial on November 12, 2013 and the DISMISSAL of my Art. 11.07 Writ of Habeas Corpus by Sage on November 20, 2014, AFTER my filing a Federal 2255 Motion on July 9, 2013, a Federal 2254 Motion on September 19, 2014, a formal Complaint to the State Commission on Judicial Conduct on May 14, 2014, CJC No. 14-0826 and after receiving the DIRECT PAYMENT from Wannamaker and the INDIRECT PAYMENT by Armstrong to IMPROPERLY INFLUENCE by Watson.

Allegations of BRIBERY and JUDICIAL MISCONDUCT are all over these Court documents and Sage was well aware of the filings. Sage, to avoid THE APPEARANCE OF IMPROPRIETY, should have declared a Mistrial and at the very least, during several key situations in this case, recused herself from all proceedings. See Exhibits.

In addition to the OVERWHELMING APPEARANCE OF IMPROPRIETY, Sage's DENIAL OF DUE PROCESS as a result of DIRECT and INDIRECT FINANCIAL INTEREST violated Canon and Statute.

Sage benefited from Armstrong and others (involved in the Jonestown Wind Project who were subject to criminal prosecution in several jurisdictions) improper political influence in SEVERAL key voting precincts, to direct votes to Sage and Watson violates Canon and Statute.

The Exhibits with this Complaint contain substantial documentary, video and photographic EVIDENCE and WITNESS information not previously presented.

**AMENDED COMPLAINT**

**TO ADD EXHIBIT 9**

**2-4-2019**

\*Printed Name: Charles Anthony Malouff, Jr.

\*Signature: 

\*Date: **1-2-2019**

Revised 07/13/2009



## Details of Complaint

Please type or print the factual details of your complaint in the space provided below. **Please include the date(s) of the alleged misconduct.** If more space is needed, attach additional sheets. Please sign and date each additional sheet. Your complaint should be as specific as possible, PLEASE DO NOT CITE CASE LAW IN YOUR COMPLAINT.

\*Date(s) of Alleged Misconduct of Judge: Dec. 2011 thru Dec. 2013\* See EXHIBITS

\*Factual Details of your complaint against Judge:

### TABLE OF EXHIBITS

#### EXHIBIT 1-DANIEL WANNAMAKER

\*Recklessly and negligently refused to address retaliation and prosecutorial misconduct.

\*Recklessly and negligently allowed the City of Jonestown and Travis County District Attorney to destroy exonerating evidence.

\*Recklessly and criminally interfered with my Federal case.

\*Recklessly represented me at all early-stage proceedings either being grossly late or not showing up at all leaving me without counsel.

\*Recklessly and negligently failed to get discovery, including exonerating audio tape (also known as the BABECO Tape) demonstrating myself and my co-defendant were set up.

\*Recklessly used Attorney Antonio Wehnes to cover for his negligent and deficient conduct and responsibilities.

\*Stole \$20K from me for services NOT rendered.

#### EXHIBIT 1A- TOBY MILLER

#### EXHIBIT 2- DEANE ARMSTRONG

\*Criminally tampered with exonerating evidence.

\*Criminally interfered with Federal Bankruptcy proceeding to protect herself and her friends she brought into Wind Project.

\*Paid \$25 to Kirk Watson to interfere in criminal case at a critical time where Armstrong should have been indicted and to protect City Council members from prosecution for Tampering with Evidence and other violations of Texas Penal Code.

\*Criminally influenced voters in Jonestown, Lago Vista, and Cedar Park-Travis County voting precincts for votes for self, Jonestown City Council members running for re-election, Kirk Watson and Karen Sage.

#### EXHIBIT 2A- KIRK WATSON

#### EXHIBIT 2B- VOTER ELECTION INFO

#### EXHIBIT 2C- INTERFERENCE WITH BANKRUPTCY

#### EXHIBIT 3- GRANT: JONESTOWN WIND PROJECT

#### EXHIBIT 4- SABOTAGE

#### EXHIBIT 5- PROSECUTORIAL MISCONDUCT

#### EXHIBIT 5A- TOBY MILLER

#### EXHIBIT 5B- DESTRUCTION OF EXONERATING EVIDENCE

#### EXHIBIT 5C-UT R&D

#### EXHIBIT 6- JUDICIAL MISCONDUCT

#### EXHIBIT 7- ATTORNEYS ARIEL PAYAN AND JACKIE WOOD

#### EXHIBIT 8- MOTION FOR DISCOVERY FOR BABECO TAPE

AMENDED COMPLAINT

TO ADD EXHIBIT 9

2-4-2019

\*Printed Name: Charles Anthony Malouff, Jr.

\*Signature: 

\*Date: 1-2-2019

## Details of Complaint

Please type or print the factual details of your complaint in the space provided below. **Please include the date(s) of the alleged misconduct.** If more space is needed, attach additional sheets. Please sign and date each additional sheet. Your complaint should be as specific as possible, PLEASE DO NOT CITE CASE LAW IN YOUR COMPLAINT.

\*Date(s) of Alleged Misconduct of Judge: \_\_\_\_\_

\*Factual Details of your complaint against Judge:

EXHIBITS CONTINUED:

EXHIBIT #9: Recording, AKA the BABECO TAPE (see Exhibit 8) of Conspiracy involving City of Jonestown to set up Charlie Malouff and [REDACTED], and actively engage in cover up Attempted Murder, Destruction of a Federal Wind Energy Project, Federal Bankruptcy Fraud and over 27 other Federal crimes. This Exhibit supports the MOTIVE for Daniel Wannamaker and former Jonestown Mayor Deane Armstrong to Bribe Sage.

\*Printed Name: Charles A. Malouff, Jr

\*Signature:  

\*Date: 2-4-2019

**COPY**

TRAVIS COUNTY, TEXAS

FILED IN THE OFFICE OF THE  
CLERK OF THE DISTRICT COURT  
AT TULSA, OKLA. 1933  
MAR 13 2013  
AC 20  
JAMES H. HARRIS, JR.

2/5/19

WHEREFORE, PREMISES CONSIDERED, the parties agree that the recording should be produced with these limitations.

Respectfully submitted,



---

JOSEPH A. TURNER  
Law Offices of Joseph A. Turner, P.C.  
1504 West Avenue  
Austin, Texas 78701  
(512) 474-4892  
(512) 474-8252 (Fax)  
State Bar No. 20322500  
ATTORNEY FOR DEFENDANT

 2/5/19

### CERTIFICATE OF SERVICE

I hereby certify that a true and correct copy of the foregoing Motion for Leave to File Additional Motions was hand-delivered to the Travis County District Attorney's Office, 314 W. 11<sup>th</sup> Street, Suite #540, Austin, Texas, 78701, on this the 13<sup>th</sup> day of March, 2013.



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JOSEPH A. TURNER



D-1-DC-11-

THE STATE OF TEXAS

§

IN THE 299<sup>TH</sup> JUDICIAL

v.

§

DISTRICT COURT OF


§

TRAVIS COUNTY, TEXAS

**ORDER**

CAME ON to be heard the Agreed Motion to Produce Evidence in the above-styled and numbered cause. After due consideration, it is the opinion of the Court that the motion should be granted and this Court orders that the recording shall be produced with the limitations that said recording will only be used to further the defense in this case and for no other purposes. Specifically, it is agreed that the recording will not be disseminated to the public generally or disclosed to anyone other than the parties and their legal representatives.

SIGNED AND ENTERED this 13<sup>th</sup> day of March, 2013.

  
JUDGE PRESIDING

Filed in the Clerk's Office  
of Travis County, Texas  
MAR 13 2013  
K2P  
Katie Rodriguez