

COMMONWEALTH OF MASSACHUSETTS

BARNSTABLE, SS.

SUPERIOR COURT

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JESSE E. TORRES III )  
 JENNIFER J. ADAMS )  
 Plaintiffs )  
 vs. )  
 SOPHIE J. TORRES )  
 JESSE E. TORRES IV )  
 DEBTMERICA, LLC. )  
 DONALD F. TORRES )  
 Defendants )

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Civil Docket # BACV2011-00433

**PLAINTIFFS' EMERGENCY MOTION FOR THE RECUSAL OF  
 JUDGE CHRISTOPHER J. MUSE**

**NOW COMES THE PLAINTIFFS** in the above entitled action and moves that Judge Christopher J. Muse recuse himself in the above entitled matter under 28 USCS Sec. 455, and Marshall v Jerrico Inc., 446 US 238, 242, 100 S. Ct. 1610, 64 L. Ed. 2d 182 (1980).

*"The neutrality requirement helps to guarantee that life, liberty, or property will not be taken on the basis of an erroneous or distorted conception of the facts or the law."*

The above is applicable to this court by application of Article VI of the United States Constitution and Stone v Powell, 428 US 465, 483 n. 35, 96 S. Ct. 3037, 49 L. Ed. 2D 1067 (1976).

*"State courts, like federal courts, have a constitutional obligation to safeguard personal liberties and to uphold federal law."*

**AS GROUNDS THEREOF:** The Plaintiffs in this matter did win their Appeal; the case was remanded back to the Trial Court. Judge Muse was accused in said Appeal to have been

extremely biased in this matter. He was specifically charged with bias against Pro Se Litigants and said Appeal did contain many references to the transcripts of the hearings in this Court that were argued to be extremely biased. Here is one such example:

*"My family life is irrelevant. My judge and law life is very important. I've never seen anything like this. I've never heard of an addendum to a will that's a contract. I've never heard of it." [Appeal Trans C, pg 7, line 4]*

Judge Muse was overturned by Pro Se Appellants, who are neither Attorneys nor family members. These and numerous other statements on record in this matter make it clear that there is an overwhelming appearance of impropriety.

Further, Judge Muse's actions in this case have been gaining large amounts of readership online, as indicated by the search results displayed when Googling his name. It has also been well published that Plaintiff Torres was reported to have been asked to head a Committee to promote the Election of Judges in Massachusetts. Plaintiff Torres has not agreed to this. However, it would be hard to imagine that Judge Muse has not seen these articles, and that he could set aside his personal feelings and render an impartial decision.

**WHEREFORE** the Plaintiffs pray that this motion be allowed for all of the arguments set forth herein and further, that both the United States and Massachusetts State Constitutions guarantee an unbiased Judge who will always provide litigants with full protection of ALL RIGHTS. The bar long set by the Courts is whether the average person would perceive impropriety if the Judge heard the case.

*"The test for appearance of impropriety is whether the conduct would create in reasonable minds a perception that the judge's ability to carry out judicial responsibilities with integrity, impartiality and competence is impaired."*

This bar has been far exceeded in this matter. The denial of this motion would be perceived to be clearly punitive in nature, and would blatantly deny the Plaintiffs their rights to be heard by

a fair and impartial Jurist. Further, denial of this motion would specifically violate those rights guaranteed under the Seventh Amendment of the United States Constitution, Part 1, Article 15 of the Massachusetts Constitution and under the Due Process clauses of the 5<sup>th</sup> and 14<sup>th</sup> Amendments to the United States Constitution.

Respectfully submitted,

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Dated December 31, 2013