

Sondra Wilson

Judicial Qualifications Commission
1111 East Court Ave.
Des Moines, IA 50319

Complaint against Judge [REDACTED]

Judge [REDACTED] was involved with three criminal cases against me: two in 2006 (case #s SMSM062530 and SMSM062317), and one in 2009 (case # SMSM066553).

Case # SMSM062317 was a trespassing case. I was arrested for “trespassing” for using the women's restroom (because I'm a transgender woman). Although I did not know it at the time, Judge [REDACTED] ordered Officer [REDACTED] to arrest me. My attorney, [REDACTED] filed a motion for Judge [REDACTED] to recuse himself (see **Exhibit A – motion to recuse**) because judges do not have the authority to give orders to officers of the executive branch (separation of powers).

Three years later, at the beginning of case # SMSM066553, Judge [REDACTED] ought to have recused himself according to Iowa Code. Jud. Cond. Rule 51:2.11:

“(A) 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 the following circumstances:

(1) The judge has a personal bias or prejudice concerning a party or a party's lawyer, or personal knowledge of facts that are in dispute in the proceeding.”

Instead of recusing himself, however, Judge [REDACTED] performed an unjust ruling (abuse of power) against me. I was charged with assault even though witness testimonies directly contradicted the false accusation against me. Although the State did not enter records of witness contradictions, nor was there a court recorder, witness discrepancies are noted within my appeal (**Exhibit B – appeal**).

Immediately following the case, an officer who testified during the case approached me in the hallway. He informed me that he, too, thought the case was unfair. He told me that three years earlier – after I was arrested for using the women's restroom – there were several local officials who were upset with me. He told me that “for my safety” I should “leave the state”. He also told me that I was in more danger because now they had a violent crime (assault) attached to my record. I heeded the officer's warning and left the state. I remained homeless for several years and did not return until 2018.

Limitations Period - still a valid case:

I was not aware that my attorney had filed a motion to recuse for case # SMSM062317. He did not tell me, nor did Judge [REDACTED] mention it during case # SMSM066553. In fact I did not know that Judge [REDACTED] ordered Officer [REDACTED] to arrest me back in 2006, so I was not aware of his personal bias in 2009.

I did not discover these facts until November 2022, at which time I ordered a copy of the docket for each of the cases. There were several reasons I ordered the docket, including:

1. I am unable to get tags on my vehicle until I pay the fine for the assault crime I did not commit.
2. I was denied an apartment in 2022 because the landlord did not like what he saw in my criminal record.
3. I wanted to clear my name of these charges from when I was younger.

According to my research, Judge ██████ commit extrinsic fraud against me.

Definition of extrinsic fraud – Fraud that is collateral to the issues tried in the case in which the judgment was rendered and that constitutes grounds for setting aside the judgment; fraud that prevents a party from having a trial or from presenting his side of the case fully and fairly.¹

Iowa Code § 802.5 provides an extension of limitations period for fraud cases:

If the periods prescribed in sections 802.3 and 802.4 have expired, prosecution may nevertheless be commenced for any offense a material element of which is either fraud or a breach of fiduciary obligation within one year after discovery of the offense by an aggrieved party or by a person who has legal duty to represent an aggrieved party and who is not a party to the offense, but in no case shall this provision extend the period of limitation otherwise applicable by more than three years.

Furthermore, the **discovery rule** and **doctrine of equitable tolling** extend limitations periods in cases wherein the fraud was not discovered until after the plaintiff discovered the evidence. I have included both definitions below.

- **discovery rule** – *Civil procedure*. The rule that a limitations period does not begin to run until the plaintiff discovers (or reasonably should have discovered) the injury giving rise to the claim. * The discovery rule usually applies to injuries that are inherently difficult to detect, such as those resulting from medical malpractice.
- **equitable tolling** – 1. The doctrine that the statute of limitations will not bar a claim if the plaintiff, despite diligent efforts, did not discover the injury until after the limitations period had expired, in which case the statute is upended or tolled until the plaintiff discovers the injury. Equitable tolling does not require misconduct such as concealment by the defendant.²

It has been held that equitable tolling applies principally if the plaintiff is actively misled by the defendant about the cause of action or is prevented in some extraordinary way from asserting his or her rights. However, it has also been held that the equitable tolling doctrine does not require wrongful conduct on the part of the defendant, such as fraud or misrepresentation.³

Thank you for investigating this matter.

Sincerely,

Alexandra “Sondra” Wilson

1 [Ballantine’s Law Dictionary Legal Assistant Edition](#) by Jack Ballantine (*James Arthur 1871-1949*). [Doctored](#) by Jack G. Handler, [J.D.](#) © 1994 Delmar by Thomson Learning. ISBN 0-8273-4874-6.

2 Black's Law Dictionary *Deluxe Tenth Edition* by Henry Campbell Black & Editor in Chief Bryan A. Garner. ISBN: 978-0-314-62130-6

3 51 American Jurisprudence 2d Limitation of Actions § 174 (2007)