

In The Criminal Court of Shelby County, Tennessee for the Thirtieth
Judicial District Court at Memphis, Tennessee
Division III

FILED
CLERK OF COURT
MAY 9 2016

MOTION FOR RECUSAL

Jason White, Petitioner

Case # 17-02460

17-01568

v

State of Tennessee

Comes now Petitioner, Jason L White, Pro-se and moves to recuse the Honorable Robert "Bobby" Carter, Jr. for the reasons that throughout the criminal proceeding Judge Carter was prejudice and bias towards the Petitioner. Mr. White states on May 16, 2016 ADA Chris Scruggs and Judge Robert Carter, Jr. had an ex parte communication that began with a Transfer Order on Mr. White, but the ex parte communication continued into the circumstances of the case, on Mr. White's prior criminal history and gang affiliation (See attached transcripts).

- 1.) Mr. White states he was presented before Judge Robert Carter, Jr for Arraignment on June 2, 2016 without the knowledge of the criminal charges brought against him. Judge Carter appointed a Public Defender on the spot that had no knowledge of Mr. White and allowed the formal reading of the Indictment to be waived.
- 2.) Mr. White states Judge Carter, Jr. denied to hear to the following Pre-trial Motions filed by Mr. White's attorney On September 23, 2016 that would have protected Mr. White's constitutional rights. The motions filed were: Motion for Discovery and Inspection; Motion for Exculpatory Evidence; Motion for Disclosure of Impeaching Evidence; Motion to Extend Time With in Which to File Motions; Motion for Court to Order Sheriff's Department to Make Arrest History Inquiry Regarding

each State Witness; Motion for Inspection of Documents and Tangible Objects; Motion to Require State to Reveal any Agreements Entered into Between State and Prosecution Witnesses; Motion Reserving the Right to File Additional Motions in this Case; Defendant's Request for Notice of the State's Intention to use Evidence; Motion for Pre-Trial Hearings and for State to File Written Response to Pre-Trial Motions; Motion to Pre-Trial Written Notice of any Impeaching Conduct Relating to the Defendant; Motion to Witness Statements Prior to Trial; Motion to Suppress Evidence; Motion to Suppress Statement; Motion to Require State to Produce Electronic Recording of Preliminary Hearing; Motion to Advise the Court of Counsel's Appointment for the Purposes of the Trial Only; Motion to Pre-Trial Rule 609 Hearing.

- 3.) Mr. White states Judge Carter's failure to have Mr. White present at Co-defendant's Cole Suppress Hearing when he was aware this was a consolidated case. This denied Mr. White the right to confront the evidence brought against him when a Motion to Suppress was filed on September 23, 2016.
- 4.) Mr. White states Judge Carter, Jr. further showed prejudice in denying Mr. White to be heard or to investigate into a conflict of interest on July 10, 2017 between Mr. White and his attorney Claiborne Ferguson when Judge Carter was aware of the conflict. Judge Carter's lack of judicial responsibilities denied Mr. White to adequate counsel by failing to address Mr. Ferguson on his lack of representation when Mr. White personally addressed Judge Carter during the trial.
- 5.) Mr. White states that due to the ex parte communication between ADA Chris Scruggs and Judge Carter who took a personal interest in the case/defendant that created a prejudice and bias opinion towards Mr. White during the trial process.
- 6.) Mr. White states he filed a Petition pertaining to constitutional

violations prior to sentencing that clearly showed Mr. White was taken to trial on charges he had not been formally indicted on. Judge Carter denied to hear to Mr. White's Petition that would have shown the courts that he was convicted of charges he was never indicted on and sentenced to charges he was never convicted of. Mr. White had requested an investigation into the original charges imposed by the Grand Jury, but Judge Carter denied and ignored Mr. White's repeated concerns of the conflicting charges brought against him.

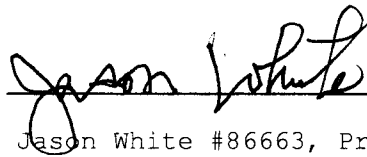
7.) Mr. White states on July 10, 2017, Judge Carter told the jury that he had no knowledge or facts in this case, when in fact Judge Carter and ADA Chris Scruggs had an ex parte communication on circumstances pertaining to the case and on specifics of Mr. White's criminal history and gang affiliation on May 16, 2016. Judge Carter did not disclose that he had detailed communication with ADA Scruggs pertaining to this case as set out in the Rules of Judicial Conduct.

Mr. White states the accumulation of Judge Carter's actions violated Mr. White's constitutional rights to have his case heard by an impartial decision maker. The purpose of the provisions set out in the Code of Judicial Conduct to protect against prejudgment of the accused rights and to avoid situations where parties might believe that a court reached a conclusion because of interest or partiality. According to the Code of Judicial Conduct the Defendant is entitled to have his case decided by a judge who can approach the case in an objective and impartial manner, and a judge that possesses personal knowledge of evidentiary facts that are in dispute in the case is most likely not to be able to meet the criterion. In the knowledge Judge Carter acquired and failed to disclose on the ex parte

communication with ADA Chris Scruggs, both state and federal authorities as well as the Code of Judicial Conduct, conclude disqualification of the judge.

WHEREFORE, Petitioner respectfully moves and prays that the Honorable Robert "Bobby" Carter, Jr. remove and disqualify himself as judge over further decisions in Mr. White's Post-Conviction proceeding. In pursuant to the Court, another judge be assigned to hear and decide on all matters in this case.

This 14th day of May, 2020

A handwritten signature in black ink that reads "Jason White". The signature is written in a cursive style and is positioned above a solid horizontal line.

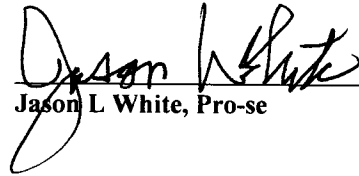
Jason White #86663, Pro-se
NENMCF
185 Doctor Michael Jenkins Rd
Clayton, NM 88415

CERTIFICATE OF SERVICE

I do hereby certify that a true and exact copy of the foregoing document has been served via hand delivery or U.S. Mail to the following:

District Attorney General's Office
201 Poplar Ave
Memphis, TN. 38103

This 14th day of May, 2020.



Jason L White, Pro-se

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25

IN THE CRIMINAL COURT OF TENNESSEE AT MEMPHIS

THE THIRTIETH JUDICIAL DISTRICT

STATE OF TENNESSEE,)

)

vs.)

Case No. 16-02794

JASON WHITE,)

Defendant.)

ORIGINAL

TRANSFER ORDER

MAY 16TH, 2016

THE HONORABLE JUDGE BOBBY CARTER, PRESIDING JUDGE

APPEARANCES

FOR THE STATE:

Chris Scruggs
Assistant District Attorney General
District Attorney General's Office
201 Poplar Avenue - Eleventh Floor
Memphis, TN 38103

Reported by:
KATIELLEN HODGE
Court Reporter

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25

TABLE OF CONTENTS

VOLUME ONE

PAGE

Appearances	1
Table of Contents	2
Style and Caption	3
May 16th, 2016	
Transfer Order Discussion	3
Certificate of Reporter	7

1 IN THE CRIMINAL COURT OF TENNESSEE AT MEMPHIS

2 DIVISION 3

3 STATE OF TENNESSEE,)

4)

5 vs.) Case No. 16-02794

6 JASON WHITE,)

7 Defendant.)

8

9 This cause came to be heard and was heard
10 on the 16th day of May, 2019, before the Honorable
11 Bobby Carter, Judge, holding the Criminal Court for
12 Shelby County, at Memphis, Tennessee, and the
13 following proceedings were had, to-wit:

14

15 MR. SCRUGGS: On a matter not on the
16 Court's calendar. It is scheduled for June the 2nd
17 is a James White (sic) and Kristina Cole. James
18 White is in a unique situation in that he is an
19 inmate at the Riverbend Maximum Security Prison in
20 Nashville. And I'm prepared -- I prepared an order
21 to have him transported if the Clerk's Office would
22 be so kind to transmit that fugitive so that they
23 will go get him.

24

25 THE COURT: I will sign the order and
hopefully he'll be here for his arraignment day.

1 MR. SCRUGGS: Okay. I think the Court
2 will enjoy the facts on this case. I've never seen
3 anything quite like it.

4 THE COURT: Conspiracy and in a drug free
5 school zone.

6 MR. SCRUGGS: Allegedly Mr. White ordered
7 half a kilo of methamphetamine from another inmate
8 in California who arranged to have it shipped FedEx
9 to his fiance's house in Bartlett, and of course, it
10 was unaccepted.

11 THE COURT: Is the shipper not involved in
12 this?

13 MR. SCRUGGS: We do not know who the
14 shipper is.

15 THE COURT: Amazon.com I guess.
16 Everything else --

17 MR. SCRUGGS: I think it'd be fun to find
18 --

19 THE COURT: -- everything else is
20 available. I guess they could always do the classic
21 surprise -- you know --

22 MR. SCRUGGS: Well, it would have been --
23 it might have been encrypted had she not been
24 getting cellphone calls from Mr. White.

25 THE COURT: Updates, huh?

1 MR. SCRUGGS: The whole time and while
2 police were there.

3 THE COURT: What's he doing time for?

4 MR. SCRUGGS: Especially agg kidnapping,
5 especially agg robbery. He's apparently a ranking
6 member --

7 THE COURT: Got a quite -- got a quite of
8 a resume.

9 MR. SCRUGGS: He's a ranking member of the
10 Vice Lords in prison.

11 THE COURT: Well --

12 MR. SCRUGGS: So he's -- he's very
13 comfortable. Have a good afternoon, Judge.

14 (END OF PROCEEDINGS WERE HEARD IN THIS
15 MATTER MAY 16TH, 2016.)

16
17
18
19
20
21
22
23
24
25

1 understanding and ability of all the evidence that
2 was heard in this cause in Division 3 of the
3 Criminal Court for Shelby County, Tennessee, before
4 the Honorable Bobby Carter, Presiding Judge, on the
5 16th day of May, 2016.

6 I do further certify that I am neither of kin,
7 counsel nor interest to any party hereto.

8 Dated this 27th day of February, 2020

9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25


KATIELLEN HODGE
Court Reporter

ORIGINAL