

ORIGINAL

IN THE TENNESSEE COURT OF THE JUDICIARY

FILED

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**IN RE: THE HONORABLE JOHN A. BELL
JUDGE, GENERAL SESSIONS COURT
COCKE COUNTY, TENNESSEE**

APPELLATE COURT CLERK
NASHVILLE

Docket No. M2009-02115-CJ-CJ-CJ

**COMPLAINT OF DAVID PLEAU
FILE NO. 08-3508**

ANSWER TO FORMAL CHARGES

NOW INTO COURT comes The Honorable John A. Bell, Judge, General Sessions Court, Cocke County, Tennessee (“Judge Bell”), pursuant to Tenn. Code Ann. §17-5-307(c), and answers the Formal Charges filed against him by Disciplinary Counsel for the Tennessee Court of the Judiciary as follows:

I. COUNTS I-III

1. The Formal Charges filed against Judge Bell charge him, among other things, with “obstructing justice and governmental administration,” “obstructing and interfering with evidence or witnesses and witness tampering,” and engaging in a conspiracy to subvert justice and the operation of the statutory Court of the Judiciary.” Specifically, the Formal Charges allege that Judge Bell is guilty of Class C, D and E felonies, as set forth in Tenn. Code Ann. § 39-16-107 (the “witness tampering” statute) and Tenn. Code Ann. § 39-16-402 (the “Official Misconduct” statute). Based upon these allegations and charges of criminal offenses, Judge Bell has been advised by counsel to assert and invoke, and hereby does respectfully assert and invoke, his privilege against

self-incrimination guaranteed by the Fifth Amendment of the United States Constitution and under Article I, Section 9 of the Tennessee Constitution, and therefore, Judge Bell must respectfully refuse to answer the Formal Charges made against him.

Furthermore, Judge Bell respectfully asserts and invokes the attorney-client privilege as to any communications with his counsel, including attorney Tom Testerman, of the Cocke County bar.

II. GENERAL DEFENSE

2. The Formal Charges fail to state a judicial offense for which Judge Bell might be disciplined under the Tennessee Code of Judicial Conduct or the Tennessee Code.

III. AFFIRMATIVE DEFENSES

3. Disciplinary Counsel is estopped from charging Judge Bell with alleged judicial offenses for which he merely followed or adhered to Tennessee law, including case law, statutory law, rules, regulations, and judicial ethics opinions.

4. To the extent any of the Formal Charges are based on privileged or confidential statements or communications made by or documents provided by Judge Bell's counsel, such Formal Charges should be dismissed.

WHEREFORE, Judge Bell demands that the Formal Charges issued against him by Disciplinary Counsel be dismissed.

Respectfully submitted, this 13th day of November, 2009.

A handwritten signature in black ink, appearing to read 'G. Ball', written over a horizontal line.

Gordon Ball

Ball & Scott Law Offices
550 W Main Street, Suite 601
Knoxville, TN 37902
Telephone: (865) 525-7028

CERTIFICATE OF SERVICE

A copy of the foregoing was served upon the following by United States Mail,
first class postage prepaid, upon:

Joseph S. Daniel
Disciplinary Counsel
Court of the Judiciary
503 North Maple Street
Murfreesboro, Tennessee 37130

This 13th day of November, 2009.



Gordon Ball