

COMMISSION ON RETIREMENT, REMOVAL AND DISCIPLINE

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COMPLAINT ABOUT A MISSOURI JUDGE

[PLEASE TYPE OR PRINT ALL INFORMATION]

Name: Joe Wissman

Address: 1020 county road 532

Jackson, mo 63755

Phone: Work/Home: ( ) \_\_\_\_\_ Cell phone: ( ) (573)934-0986

I have information of possible misconduct or disability on the part of:

Judge (full name) BENJAMIN FREDERICK LEWIS, of the 32 Judicial Circuit Court

in Jackson, Cape Girardeau county, Missouri.  
(city) (county)

1. When and where did this happen?

Date(s): 06/01/2023 Time: 1330 Location: Jackson , Mo

2. If your information arises out of a court case, please answer these questions:

(a) What is the name and number of the case?

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Case name: JOSEPH H WISSMAN CO-T ET A Case No.: 23CG-CC00030

(b) What kind of case is it?

☐ criminal ☐ domestic relations ☐ small claims ☐ traffic  
☐ probate ☐ civil ☐ juvenile ☐ contempt  
☒ other [specify]: Condemnation / Eminent domain

(c) What is your relationship to this case?

☐ plaintiff/petitioner ☒ defendant/respondent  
☐ attorney for \_\_\_\_\_ ☐ witness for \_\_\_\_\_  
☐ other [specify]: \_\_\_\_\_

(d) If you were represented by an attorney at the time of the conduct of the judge, please identify the attorney:

Name: N/A. We had an attorney but he was unable to be present that day, so we released him

Address: the night before so we could at least present the evidence ourselves

Phone: ( ) \_\_\_\_\_

3. List any documents you have included supporting your assertion that the judge has engaged in misconduct or has a disability:

AWS appraisal stating at the clients request (ameren) the property was valued as "VACANT"

Violating RSMO 523.001. SE Hospital Director/Donor Records., Dr. statements

4. Identify, if you can, any other witnesses to the conduct of the judge:

Name(s): \_\_\_\_\_

Addresses: \_\_\_\_\_

Phone: ( ) \_\_\_\_\_ ( ) \_\_\_\_\_

5. Specify below the details of what the judge did that you think constitutes misconduct or indicates disability. [PLEASE TYPE OR PRINT LEGIBLY; ATTACH ADDITIONAL PAPER IF NECESSARY].

Our property has been condemned by the actions of Judge Lewis. We were told in advance by our lawyer (Kelvin Birk) That Lewis was going to "rubber stamp" the condemnation petition, and it wasnt really

something we even needed to show up at the hearing for. Two Big points are that (1) this project condemning our property is primarily supporting a local manufacturing facility (Procter and Gamble).

In this area they get whatever they want. Judge Lewis is a Director for Southeast Hospital. Procter and Gamble is a MAJOR donor to the hospital. I believe he should have recused himself for that alone.

However we elected to trust the "system" because I felt our evidence was very compelling. Going through the condemnation process we are entitled to due process. RSMO 523.253 describes the written offer requirements we are entitled to. It clearly states that "Generally accepted appraisal practices" must be used. An appraisal of a piece of property stating that it is vacant when it obviously is not as well as ignoring improvements is not a generally accepted appraisal practice. Lewis allowed them to submit this illegitimate document into evidence as a factual document, also knowing that it was not an accurate

representation of the property. We had a complete appraisal , but were not allowed to submit it.

Again according to counsel "Lewis wont care, if your talking value he will just send it to the commissioners". However, our "Due Process" rights were violated.

Another point I want to bring up, is the actions of Judge Lewis in the courtroom while on the bench.

I have a disability. My Dr wrote a letter describing the dangerous situation that is developing. I

provided Judge Lewis with that document. When I raised the health concern to him in court ,

He rolled his eyes. This further supports the statements which I have heard that he doesn't care, is just annoyed by his cases and wants to get things over with as fast as possible.

He made an elderly woman (Dorothy Palisch) cry as he condemned her farm.

(22PR-CC00047 ) Hearing her describe what she went through was extremely difficult. I fully

understand that there SHOULD be a rule of law, but there should also be compassion

and common sense.

The Commission on Retirement, Removal and Discipline only has jurisdiction to investigate ethical violations of judges. The Commission does not have the authority to review whether a judge has made the correct decision in a case. Disagreements with a judge's decision or order must be taken up with the appellate courts. ***Pursuant to Supreme Court en banc Opinion No. SC90937 the Commission on Retirement, Removal and Discipline no longer has jurisdiction to review complaints against court commissioners.*** Such complaints should be filed with the presiding judge of the relevant circuit or with the Office of Chief Disciplinary Counsel, 3335 American Avenue, Jefferson City, Missouri 65102; telephone (573) 635-7400.

PURSUANT TO SUPREME COURT RULE 12, THE IDENTITY OF INFORMANTS IS KEPT CONFIDENTIAL. YOU MAY CHOOSE TO WAIVE THIS CONFIDENTIALITY.

☒ I choose to waive the confidentiality of Supreme Court Rule 12 and request that a copy of my complaint be sent to the judge.

☐ I do not waive the confidentiality provided by Supreme Court Rule 12 and request that the Commission not disclose my identity to the judge.

Signature: Joe Wissman

Date: 7/4/2023