

Verified Statement of Counsel Regarding Disqualification of the
Superior Court for the County of Los Angeles

I, Chad S. Hummel, declare and state as follows:

I am an attorney duly licensed to practice law before all of the courts of the State of California and before this Honorable Court. I make this Verification of grounds for disqualification of the Los Angeles County Superior Court pursuant to CCP § 170.1.

For the reasons described in detail in the following Memorandum of Points and Authorities, counsel for Roman Polanski asserts that several grounds exist for the disqualification of the Los Angeles County Superior Court in connection with any hearing or determination of the Request of Defendant Roman Polanski Under Penal Code § 1385 for the Court, on its Own Motion, to Dismiss this Prosecution. That Request was filed on December 2, 2008, and has been assigned to the Honorable Peter Espinoza. A hearing is currently set before Judge Espinoza on January 21, 2009.

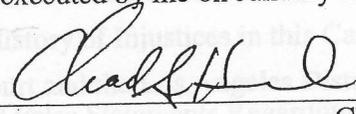
As detailed in the Request, Mr. Polanski, through his counsel, asserts that newly discovered judicial and prosecutorial misconduct justifies relief in this case.

Since the Request was filed, it has become evident that a Judge of the Superior Court (Hon. Larry Fidler) has personal knowledge of disputed evidentiary facts concerning the proceeding within the meaning of CCP § 170.1(a)(1)(A) – specifically, concerning statements made during 1997 negotiations about the case and concerning Mr. Polanski’s counsel.

In addition, in public statements to the press made by the Court itself (through its Public Information Office), the Court has expressed a predetermination of one of the issues presented by the Request -- whether Mr. Polanski must be present for a hearing -- such that “a person aware of the facts might reasonably entertain a doubt that [a Judge of this Court] would be able to be impartial” within the meaning of CCP § 170.1(a)(6)(A)(iii).

Finally, in light of statements made by the Court to the press regarding Mr. Polanski’s counsel of record, it appears that the Court itself has exhibited a “bias or prejudice toward a lawyer in the proceeding” justifying disqualification of the Court within the meaning of CCP § 170.1(a)(6)(B).

1 I hereby verify this "statement of disqualification" under penalty of perjury under the laws
2 of the State of California and incorporate by reference herein the statements made in the
3 accompanying Memorandum. This Verification was executed by me on January 5, 2009, at Los
4 Angeles, California.



5 Chad S. Hummel

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