

State of Arizona
COMMISSION ON JUDICIAL CONDUCT

Disposition of Complaint 06-084

Complainant: No. 1084200246A

Judge: No. 1084200246B

ORDER

A review of the complaint filed in this matter reveals that the issues raised are solely legal or appellate in nature and do not involve allegations of ethical misconduct.

A judge is permitted to make decisions based on the facts before him or her. If the decisions are incorrect, the appropriate remedy is through appeal. The commission is not an appellate court and cannot change a judge's decisions.

The complaint is dismissed pursuant to Rule 16(a).

Dated: March 28, 2006.

FOR THE COMMISSION

/s/ Keith Stott
Executive Director

Copies of this order were mailed to the complainant and the judge on March 28, 2006.

This order may not be used as a basis for disqualification of a judge.



CJC-06-084


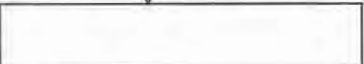
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MAR 14 2006


RE: Complaint against Numerous Superior
Court, Appellant Court, And Arizona
Supreme Court Judges.


Dear Mr. Stott:

In response to your letter dated March 6,
2006, regarding my letter of March 2, 2006
please find enclosed A copy of my petition for
Review, Its Appendix, A copy of A Complaint, A
copy of A Motion Requesting a void or Nullity order
and All its Exhibits.

Now you should have enough information, as
well as evidence and proof of Judicial misconduct
to justify opening an investigation and/or A
Complaint against Numerous Judges named in
the pertaining documentation regarding, 


I will be copying and sending the documentation
regarding additional Judicial misconduct by Judges
in the other case cited in my letter of March 2, 2006
AS SOON AS POSSIBLE.

Sincerely: 

* (note: 

package included)

Overt Acts by Judge [REDACTED]

After receiving and reviewing a copy of the petition for PCR filed by [REDACTED] petitioner within (5) days sent Judge [REDACTED] a notice of malpractice / requesting a hearing and oral argument. Petitioner also sent a copy of a complaint filed at the State Bar of Arizona against Attorney [REDACTED]

A hearing regarding the issues petitioner presented to the court took place on [REDACTED]. During this hearing petitioner did request new counsel to be appointed, as well as the opportunity to show and prove the allegations during oral argument petitioner made against [REDACTED]. Instead of appointing new counsel or making any sort of inquiry as to the conflict between the petitioner and counsel after counsel was accused of sabotaging the Rule 32, mistating the facts, covering up issues, and lying about why other issues were not raised by counsel in the PCR Judge [REDACTED] simply chose to deny both requests, thus he effectively forced petitioner to proceed with [REDACTED] as counsel regardless of the truth pertaining to counsel.

Because of the seriousness petitioner's motions and complaint implied regarding Rule 32 counsel, Judge [REDACTED] failure to make a proper inquiry to prove or disprove petitioner's contention (5) shows an abuse of discretion and authority by Judge [REDACTED] or that he had prior knowledge of what the attorney was going to do when he filed the Rule 32.

Judge [REDACTED] inaction regarding this matter indicated his willingness to allow counsel do whatever it took to cover up the corruption petitioner exposed. By doing so this Judge committed overt acts to protect a crooked attorney who had deliberately lied about numerous issues and failed purposely to properly argue the issues he did raise in order to ensure a cover-up of misconduct by various officials in this case. See Reporter's Transcript ROA dated [REDACTED]. See also Exhibit (B) in the Appendix, a copy of a motion for reconsideration (in regard).

On [REDACTED] petitioner filed a pro se motion that requested oral argument and/or a void order.

CJC-06-084

See (ROA) Request for Oral Argument and/or Void Order. Petitioner AGAIN challenged the jurisdiction of the trial court. Judge [] took further steps to help cover up these issues by purposely failing to make A ruling on the issues by completely disregarding the 60 day time frame for A Superior Court Judge to make Rulings on Motions, He Also failed to perform his Judicial duties, by failing to investigate or Report misconduct as is required under the Judicial Canons, He disregarded Court Rules, And the mandate of the Arizona State Constitution requiring him to make timely Rulings. These are Additional Overt Acts committed by Judge []. This Court should note that the request for Oral Argument and/or A Void Order was filed some (10) months prior to the Ruling on the First Rule 32.

On [] Judge [] made A ruling on the Petition for Post Conviction Relief, filed by []. See Exhibit (C) in the Appendix, A copy of the Ruling. The petition was dismissed without an Evidentiary Hearing on any of the issues raised by Counsel and as can be seen in the last paragraph of p. 3, Judge [] claims petitioner's PRO SE Arguments have NO merit. Notice the vagueness of ~~THE~~ Ruling that there is NO mention or findings made in regards to the Indictment and whether or not the trial court had jurisdiction. This shows and proves that Judge [] clearly sidestepped those issues again failing to perform his Judicial duties and obligations as A Judge. Petitioner made Judge [] aware of what the law says about A Courts duties and the consequences for failing to perform them in the legal Arguments cited in the motion Requesting A void order. One such case says, "A reviewing Court must first actively review the entire chain of legal actions that brings an Action before the reviewing Court by Judges, for the judges to determine whether actual jurisdiction was conferred upon the Court, and may not blindly Assume it has jurisdiction, A reviewing Court judge may Not assume that the Judges of the lower Courts had jurisdiction; Freytag et al. v. C.I.R. 501 U.S. 868 (1991).

Overt Acts by Judge []

ON [] Judge [] issued A minute Entry denying A motion to compel, He Also denied the timely filed motion for Rehearing And affirmed the dismissal of the Rule 32 by Judge [] See Exhibit (D) in the Appendix, A copy of the minute Entry.

By refusing to grant relief, or to conduct A hearing, or investigate the Alleged misconduct, This Judge Also participated through ignorance or by his design he helped to cover-up misconduct which deprived petitioner of his civil Rights And fair court proceedings to enforce them.

Continued Overt Acts by Judge []

ON [] petitioner filed A prose Notice of Post-conviction Relief that requested the Court to Appoint counsel Stating Numerous claims for Relief Including ineffective Assistance of Counsel in the first Rule 32 filed, the trial court's lack of jurisdiction, and A invalid indictment. The notice clearly stated that the reason(s) why the issues have not been previously raised or Argued was because Appointed counsel for the proceedings lied about them. See exhibit (E) in the Appendix.

What occurred next shows And proves that Judge [] and prosecutor, [] conspired Again to deprive petitioner of his rights by and through fraud they Attempted to treat the Notice filed by petitioner AS AN ACTUAL petition. Judge [] Again disregarded the Court Rules And instead of Appointing or denying the Appointment of Counsel for these proceedings he instead issued A minute Entry Proclaiming that petitioner had filed A second Rule 32, Also stating or claiming to have given the prosecutor A copy of the second Rule 32 in court during the proceedings, knowing very well that AN ACTUAL petition was not yet filed (A second one) He then set date's And issued orders for the State to file it's response And for petitioner to file A reply.

Shockingly the prosecutor, Instead of Notifying the Court that it errored, That NO ACTUAL second petition was filed, [] remained silent And chose to file A Response . . .

to a petition which does not exist, just as though one did. Basically the response addressed the issues petitioner stated would be raised in the second petition as grounds for relief when it was filed. Petitioner did not comply by filing a reply to the state's response. According to the minutes the judge's assistant notified him that petitioner failed to file a timely reply. The judge, then upon his own motion chose to grant petitioner an extension of time frames to file the reply, with the implied threat that if petitioner failed to do so by such and such date he would issue a ruling on the petition anyhow. See the documents pertaining to this order in the record on appeal.

Petitioner then filed a complaint to the Attorney General against both the judge and prosecutor for fraud and conspiring to deprive petitioner of fair court proceedings. Petitioner was then very quickly transported from the state prison to the [redacted] Jail for further proceedings. On [redacted] the judge again covered up misconduct by stating, "The court finds she committed no fraud," see Reporter's Transcript of Proceedings dated [redacted] IN (ROA). For the record it was at this time during the very same hearing that Judge [redacted] finally decided and agreed to have a hearing in regard to the indictment issue, and the jurisdiction issue because the petitioner had obtained additional evidence and proof which the judge was shown that supported the previously filed motion to quash the indictment and the motion requesting oral argument and/or a void order still pending because no hearing or oral argument, or ruling was issued by the judge. Petitioner was allowed to file additional pleadings. On [redacted] the petitioner filed a Notice to the Court of Additional Exhibits in support of motion requesting a void or nullity order, in which (4) additional documents all were from the court's own records and self-authenticating under Rule 902 Ariz. Rules of Evid. *

- * It should be noted that petitioner had already presented as evidence to other court documents, in the previously filed motion to quash, and the motion requesting oral argument and/or a void order. See the exhibits to these motions at (ROA).

The Notice to the Court and Additional Exhibits in support of Defendant's Motion for a void or nullity order shall be attached as exhibit (F) in the Appendix.

The State's Response to the Above stated Motion will be exhibit (G) in the Appendix. As can be seen by reviewing this response the prosecutor again has failed to meet the burden of proof standard required by law to support its claim that the Court Reporter of the grand jury proceeding had made a typographical error in the transcripts of the proceedings.

In reality she offers a hypothesis of what occurred and she supports this theory with evidence created by the County Attorneys Office, After being accused of fraud and forgery, knowing such a document is inadmissible to persuade the Court it should find the County Attorneys Records are accurate and the Courts own records are not.

Judge [] set a hearing for oral argument in regard to these issues for [] Petitioner waived the right to file a reply to the State's Response on the condition that arguments would be heard at that time. The proceeding did not get far before Judge [] recused himself from the case. See Reporters Transcript for [] at (ROA). Also see Exhibit (H) in Appendix minute entry dated []

Overt Acts by Judge []

Judge [] was assigned to the case, petitioner filed a Reply to the State's Response which shall be exhibit (I) in the Appendix. In the memorandum and points of authority petitioner's legal argument exposed the state of using inadmissible evidence to support her position. Additionally petitioner established that as a matter of law in order to disprove the accuracy of a court record undeniable proof and evidence is required. Arizona Courts have held and stated that, "A court reporters transcript is a record of the court, in State v. Anders Ariz. App. 181 Id at [2-3] The Court stated, "The Superior Court is a court of record, Ariz. Const. Art. 6 § 30; and the "Records of the Court" are of such high and supereminent authority that their truth is not to be called into question." Unless attacked for fraud the transcript is con-

clusive evidence of what occurred at the grand jury and when it occurred. The prosecutor has had almost [] years to produce evidence that shows and proves that the grand jury did not convene on [] AS the court reporter made clear in the transcript on both page 1 and 3 of his transcript of the proceedings. To date she has repeatedly failed to produce.

Oral argument regarding these issues was finally held on [] almost [] years after petitioner filed the motion to quash the indictment. During which the state produced no new evidence to support its arguments. See Reporter's Transcript dated [] in Appendix AS Exhibit (J). Judge [] through ignorance of how to proceed coerced petitioner by and through suggestion that the only way he could proceed procedurally on these issues was by or through a Rule 32, when in fact he could have and should have treated the motions as a motion to set aside the judgment under 60 (4) Arizona Rules of Civil Procedure. What Judge [] missed or failed to realize is that petitioner made it very clear that the motions and evidence within them was also being used to show and prove that initial Rule 32 counsel not only failed to properly raise and argue these issues, he was untruthful about why and made a statement declaring he could not raise or argue the issue because a lack of competent evidence was the problem, which was and is a lie proved with and by the evidence and proof petitioner has submitted. Id at p. 5 and 6 of exhibit (J). Petitioner also informed the court that it was his belief that counsel did so in order to cover up the corruption, and/or to try and get the issues later waived or precluded.

On [] when judge [] made a ruling claiming the issues were precluded, then stating that petitioner failed to assert a colorable claim was an overt act he committed to cover up misconduct, additionally he too sidestepped the issues without making any findings in regard to the indictment and the trial court's lack of jurisdiction or Rule 32 counsel's effectiveness. See copy of ruling in Appendix AS Exhibit (K). Also see Exhibit (L) copy of the motion for rehearing.

Exhibit (m) IN the Appendix is A copy of the Ruling Judge [] made on the motion for Rehearing, He clearly has no problem disregarding the law or issuing A Ruling that was designed to cover up the fact that petitioner was deprived of Effective Counsel in an OF Right proceeding. Judge [] Also failed to Acknowledge that the issues he ruled on as precluded were in fact raised and pending A Court Ruling prior to Any Rule 32 having been filed in this case or that Judge [] purposely violated the Arizona State Constitution, committed Judicial misconduct and disregarded Court Rules in order to ensure that no finding or determination of the issues would ever occur.

JOINT ACTS OF Appellant Judges

Exhibit (N) IN ATTACHED Appendix is A copy of the Ruling issued by [] ARIZONA COURT OF APPEALS ON [] which shows and proves the Judges of the Appellant Court have also chosen to enter the conspiracy in order to help protect and cover up the officials who have engaged in serious misconduct. Furthermore to admit acknowledge or consider the indictment issue or the jurisdiction issue would be to implicate themselves and show either negligence or incompetence after failing to verify the trial courts jurisdiction on Direct Appeal, shows and proves that they blindly assumed the lower court had jurisdiction making them liable also. The entire record was transmitted to the Court of Appeals for review, failure to see and/or acknowledge the repeated patterns of misconduct exposed in petitioners prosecutions over and over only shows and proves their willingness to overlook corruption or misconduct by court officials. Stating that Rule 60(b) Ariz. R. Civ. Pro. does not Apply to criminal matters such as this after petitioner filed A Notice of Supplemental Authorities which shows and proves that Relief under 60(c)(4) does in fact Apply to criminal proceedings, and that petitioner is also entitled to Relief under that subsection shows and proves how far they'll go in order to cover up what petitioner has discovered and exposed regarding the mode in which the

CJC-06-084

State Acquires indictments which will invalidate 10's of thousands of them making All those Judgements void as well. Because when a Court Acts without jurisdiction its Judgements are void. See Exhibit (C) in Appendix, Copy of Notice of Supplemental Authority.