

State of Arizona
COMMISSION ON JUDICIAL CONDUCT

Disposition of Complaint 06-136

Complainant: No. 1180410306A

Judge: No. 1180410306B

ORDER

A review of the complaint filed in this matter reveals that the issues raised are solely legal or appellate in nature. The judge in this case dismissed the complainant's civil lawsuit for failure to state a claim. The commission is not an appellate court and cannot change a judge's decisions.

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

Dated: May 24, 2006.

FOR THE COMMISSION

/s/ Keith Stott
Executive Director

Copies of this order were mailed to the complainant and the judge on May 24, 2006.

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

5/16/06

RE: COMPLAINT AGAINST [REDACTED]

SUPERIOR COURT JUDGE [REDACTED]

[REDACTED]

MAY 22 2006

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ARIZONA JUDICIAL COMMISSION:

I AM REQUESTING AN INVESTIGATION OF [REDACTED] SUPERIOR COURT JUDGE [REDACTED] MCNALLY. I BELIEVE SHE WAS BRIBED OR UNDULY INFLUENCED IN HER DECISION IN A CIVIL CASE WHICH I AM THE PLAINTIFF. IF SHOWN TO BE TRUE, IT WOULD BE A CRIMINAL OFFENSE. THE CASE IS [REDACTED]

THE DEFENDANT IS A FORMER [REDACTED] PROSECUTOR WHO PROSECUTED ME FOR THEFT. MY COMPLAINT ALLEGES THAT HE PARTICIPATED IN FORGING TWO SW'S IN ORDER TO OBTAIN AND USE EVIDENCE AGAINST ME. JUDGE [REDACTED] INITIALLY REFUSED TO DISMISS CASE FOR DEFENDANT'S THREE ARGUMENTS, BUT CHANGED HER MIND AFTER HAVING AN EX-PARTE COMMUNICATION IN HER CHAMBERS WITH DEFENSE ATTORNEY [REDACTED] [REDACTED], AND AFTER RECEIVING TELEPHONE

CALLS FROM TWO OF MY SUBPOENED WITNESSES
([] SUPERIOR COURT []
AND [] JUSTICE OF THE PEACE []
[]). THESE TWO WITNESSES DID NOT
WANT TO TESTIFY AS IT WOULD EMBARRASS
THEM AS THEY WERE AWARE OF FAKE SW
AND DID NOTHING TO CORRECT THIS ILLEGAL
CONDUCT. THESE TWO JUDGES "REQUESTED"
JUDGE [] TO FIND A WAY FOR CASE TO
GO AWAY (PHONE RECORDS PROVE CONVERSATIONS
TOOK PLACE BETWEEN [] TO []). JUDGE
[] THEN DID A 180 DEGREE TURN AND
NOT ONLY DISMISSED CASE, BUT DID SO IN
CLEAR CONTRADICTION OF APPELLATE COURT'S
REMANDED DECISION.

FACTS AND TIMELINE

① [] FILES MOTION TO DISMISS
CITING FOUR ISSUES (EXHIBITS A1-8).

- A) STATUTE OF LIMITATIONS.
- B) NOTICE OF CLAIM FORM.
- C) PROSECUTORIAL IMMUNITY.
- D) ATTACK ON CRIMINAL CONVICTION AND

[]

② [] - COURT MINUTE ENTRY DENYING MOTION TO DISMISS (MTD) FOR THE ISSUES OF: STATUTE OF LIMITATIONS, NOTICE OF CLAIM FORM, ATTACK ON CRIMINAL CONVICTION. BUT IT DID DISMISS CASE BASED UPON PROSECUTORIAL IMMUNITY (EXHIBIT B1).

③ [] - THE APPELLATE COURT REMANDED CASE STATING DEFENDANT [] DID NOT HAVE PROSECUTORIAL IMMUNITY FOR HIS ALLEGED VIOLATION OF 4TH AMEND OR HIS INVESTIGATIVE ACTIONS OF CASE (EXHIBITS C1-4).

④ [] - JUDGE [] ISSUED ^{FIRM} TRIAL DATE OF [], AND ISSUED CUT OFF DATES FOR PRE-TRIAL MOTIONS (EXHIBIT D1-5). SPECIFICALLY SHE ORDERED ALL DISPOSITIVE MOTIONS BE FILED BY [] (DA).

5) [] - [] DRIVES FROM HIS [] OFFICE TO [] COURTHOUSE WHERE HE HAS AN EX-PARTE TALK WITH JUDGE [] IN CHAMBERS, AND HANDS HER A "MOTION FOR JUDGMENT ON THE PLEADINGS" (EXHIBITS E1-9). WITHOUT A SHOWING OF GOOD CAUSE OR EXPLANATION THE COURT ALLOWED IT TO BE FILED 42 DAYS LATE.

THIS MOTION FOR JUDGMENT ARGUED THE EXACT SAME THREE ISSUES, ALMOST WORD FOR WORD, THAT HE ARGUED IN HIS MTD WHICH THE COURT PREVIOUSLY DENIED.

A) ATTACK ON CRIMINAL CONVICTIONS,

B) STATUTE OF LIMITATIONS,

C) NOTICE OF CLAIM FORMS

6) [] - SUBPOENA SERVED ON JUDGE [] HIS OFFICE IS IN SAME COURTHOUSE AS [] HE IMMEDIATELY TALKS TO []

17) [] - JUDGE [] ISSUED JUDGMENT FOR DEFENDANT (EXHIBITS F1-3). THIS ORDER IS CONFUSING AND TELLING. SHE REVERSES HER OPINION ON ALL THREE ISSUES (COMPARE [] (B) MINUTE ENTRY WITH THIS [] (F3) MINUTE ENTRY). THIS IS UNUSUAL AS ABSOLUTELY NO

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NEW EVIDENCE, INFORMATION OR CASE LAW WAS INTRODUCED WHICH WOULD INFLUENCE THE COURT TO ALTER ITS PREVIOUS RULINGS.

HOWEVER, EVEN THOUGH THE JUDGE'S OPINION MYSTERIOUSLY CHANGED ON ALL THREE ISSUES, SHE ACTUALLY DID NOT GRANT JUDGMENT ON ANY OF THEM, SHE JUST GAVE HER OPINION. JUDGMENT WAS GRANTED ON PROSECUTORIAL IMMUNITY AGAIN, EVEN THOUGH THE DEFENDANT DID NOT ALLEGE THIS ISSUE, AND THE APPELLATE COURT'S RULING SAID IMMUNITY WAS NOT AVAILABLE TO DEFENDANT.

CONCLUSION

SOMETHING HAD TO OCCUR TO MAKE THE JUDGE SO DRAMATICALLY ALTER HER OPINIONS ON EVERYTHING, AND AS THE RECORD FAILS TO SUSTAIN THE CHANGE, IT MUST HAVE BEEN SOMETHING OUTSIDE OF THE RECORD.

PLEASE INVESTIGATE AS TO: ① WHY THE JUDGE WOULD ACCEPT A VERY LATE MOTION AND NOT ALLOW OBJECTS ^{OF} OR MOTIONS TO STRIKE IT? ② WHY

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THE JUDGE WOULD SIMPLY REVERSE THREE PREVIOUS RULINGS WITHOUT ANY NEW INFORMATION OR EVIDENCE? (3) WHY THE JUDGE ^{would} ~~WOULD~~ RULE CONTRARY TO THE REMANDED DECISION OF THE APPELLATE COURT? (4) WHY THIS RULING OF DISMISSAL HAPPENED LESS THAN TWO WEEKS PRIOR TO START OF TRIAL AND IMMEDIATELY AFTER HAVING PRIVATE TALKS WITH

WE HAVE ENOUGH PROBLEMS IN OUR JUSTICE SYSTEM WITHOUT DEALING WITH CORRUPT JUDGES.

Sincerely,