

State of Arizona
COMMISSION ON JUDICIAL CONDUCT

Disposition of Complaint 07-033

Complainant: No. 1302513073A

Judge: No. 1302513073B

ORDER

The commission reviewed the complaint filed in this matter as well as the recording of the court proceeding and found no misconduct on the part of the judge.

Because the contents of the complaint do not support the claims, the complaint is dismissed pursuant to Rules 16(a) and 23(a).

Dated: June 25, 2007.

FOR THE COMMISSION

/s/ Keith Stott
Executive Director

Copies of this order were mailed to the complainant and the judge on June 25, 2007.

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

CJC-07-033

COMPLAINT AGAINST A JUDGE

Your name: [redacted]

Judge's name: [redacted]

Date: 1/29/2007

MY BRIEF ON WHAT OCCURRED IN THE ACCIDENT ON [redacted]

I was in an accident on [redacted] where a woman backed into me as we waited on a red light. It knocked me over; I hit my head and was knocked unconscious. The woman watched me as I scrambled around, badly burned, trying to get someone to stop. The wound and pain progressed, I was dazed, but in denial, as I became desperate and panicky. I asked the woman to drive me to the [redacted] as it was beyond the work of a hospital. I was fearful that I might lose use of my leg, seeing the muscle of my thigh burned so badly, but she stated she could not take me. I felt mad and helpless, so I asked her to help me pick up the bike, and then I will take myself. She agreed, so I asked for her name and number, as she stated she would take care of the damage. She stated just call that number, so I quickly jotted it down on my registration. I had a little trouble starting the bike, as it flooded from falling over, but it started and the noise sent her back to her car. I then committed to the trip, the danger is imminent and so off I went.

I got to the intersection of 83rd Avenue and Grand Avenue, but I had to stop for traffic and as I put my feet down, I felt the injuries. My leg gave out and I fell over again. I attempted to pick up the 420 lb. bike, as a man came up and helped me, after we got the bike up; I remember thanking him and wanting to stay. I stood around for a couple of minutes, but still no help and I felt panic setting in again, so I got on the bike and headed for the burn center again. I remember telling myself repeatedly, that I have to hold on, as I reached Northern Avenue, I realized I could not make it, so I turned east and headed for my house, as it was on the way. When I arrived, my roommate, [redacted] saw me collapse and saw the burns, then called 911, to get some help, when they told him it would be faster to drive me. He helped me to his truck and he dropped me at the [redacted] where they took me straight back, as my thigh potentially needed skin grafting. They said they would release me early the next day, if my fiancée had promised to change the bandages every twelve hours; otherwise, I had to stay there. They prescribed Morphine Sulphate and Percocet for the pain and this went on as I stayed in bed until the end of [redacted]

REQUIREMENTS OF PROBABLE CAUSE IN CRIMINAL PROCEEDINGS

Arizona Rules of Criminal Procedure Rule 5.4 Determination of probable cause
c. Evidence. The finding of probable cause shall be based on substantial evidence, which may be hearsay in whole or in part in the following forms:

(1) Written reports of expert witnesses;

(2) Documentary evidence without foundation, provided there is a substantial basis for believing such foundation will be available at trial and the document is otherwise admissible;

(3) The testimony of a witness concerning the declarations of another or others where such evidence is cumulative or there is reasonable ground to believe that the declarants will be personally available for trial.

COMMENTS ON THE GROUNDS OF THE CHARGE

Officer [] maliciously filed a Cleared by arrest on [] at 5:50 pm, when he did not know if I was the rider of this motorcycle, only that I owned it. The F.B.I. standards in their UCR program are clear, specific and are the guide for the [] Police Departmental Procedures, as it states many times in the manuals. It is no mistake that this happened, as there are steps that two people follow, in order to get this into the system, a supervisor's signature and a supervisor with the clearance to enter data are the last ones. By the time this report was filled out, inspected and entered, the accident was less than two hours old, as is shown on page 1 of the incident report, by the time that follows the Cleared date. This fact is confirmed by the Accident Report, and the citation that the officer stated was ready for me on []. The determination made by the officer, based on a statement that did not coincide with the calls to 911, with a witness who saw a back up of traffic, then a motorcyclist riding away and a woman conversing on her phone, at the driver side of her car, where I could not see her. Then he is quoted as seeing the motorcycle being picked up and the rider rode away, "heading South East on Grand Avenue. [] followed the motorcycle to 43rd Avenue and Northern, the motorcycle turned South on 43rd Avenue, but [] did not follow."

Without mentioning that I fell over at the next intersection, where [] helped me pick up the bike and tried to get me to stay there for a while, finally leaving me there with another man, who was trying to get me to stay. This part was not mentioned until [] was on the witness stand and the question initiated by the prosecutor, as there was no mention of this in [] statement either, who also recalled this at the trial, even though she was 8/10 of a mile away. Officer [] can be heard stating, "This is the first I've heard of this incident," as the prosecutor read of her prepared line of questioning. [] testimony took up ten pages in the transcripts and seven of them were questions from the prosecutor. This testimony, being from the only witness, but he did not see the accident, or contribute anything regarding the charges. His testimony is consistent with that of a person who witnessed an injured person, leaving an accident, as there was not a siren or emergency vehicle to be found. The actions of a person who was knocked unconscious, badly burned and in shock, leaving in a desperate attempt to get the needed medical attention, that had not been called for by anyone, as I would reasonably believe. Then [] detailed the path I stated I went, without knowing he following me. [] did not a motorcycle being picked up, as he testified I was on the bike, but he did state that I did not speed, nor, was I being evasive at any time, as it was obvious I was hurt and he did not state that I ran a red light, or several, as the call log stated. This testimony added an additional five minutes that I waited and no emergency vehicles were on scene.

Then Officer [] testified that he arrived in four and a half minutes, from the first call and that the call was updated to a hit and run in less than a minute. [] testified that before I left the accident, I was with her for 10 minutes, then quickly stating 5 or 10 minutes and with [] testimony, I have at least ten minutes there. Therefore, I was there for 5 1/2 to 10 1/2 minutes with the police, as stated by []. This covers enough for you to see there was not any evidence of probable cause to initiate these charges without a judge and you will be able to see these facts during the proceedings.

THE FACTS DURING THE TRIAL

As I was at the [] Officer [] of the [] Police Department, filed a Cleared by Arrest on me, concluding without talking to me and with no witnesses, that I left the scene without providing information. He filed the Cleared by Arrest on [] when I was in the hospital and less than two hours after the accident.

When this clearance is entered, he must have the suspect in custody, formally charged, [redacted] Police Department Policy [redacted] PROCEDURES, C. Case Assignment and Reporting, 7, Case Status: d. Cleared by Arrest (closed): Cases which terminate in the arrest of an individual and charges filed. A supervisor has to sign the report, then if qualified, he enters it, and furthermore, it closes the case as solved. Having nothing to hide, I called Officer [redacted] of the [redacted] Police, after hearing his message of concern for my injuries in the accident, upon, who demanded I show up immediately to the [redacted] Police Station, as he stated I should have waited for him, as he was there in four and a half minutes. I explained that I did not know if anyone called police and I waited over 10 minutes, so the person placed the call ten minutes after it happened, a woman backed up into my motorcycle and I was the only person injured. Furthermore, there was an imminent threat, that I may have lost my leg if I did not go to the [redacted] immediately, and that I traded the said information before I left, as he confirmed in his report.

He stated that he is citing me for leaving, that he had the citation there, ready for me, so he would put out a warrant and I could show up whenever I felt like it. I reaffirmed the fact that I was not physically, or mentally stable enough to drive to the station house, due to burns and the prescribed narcotic pain medicine. I stated I would meet the officer the next morning, who then stated, he was off until [redacted] and if I did not show up at the specified time, which was 7 pm on [redacted] then he would issue a warrant. This was the day after he filed the Cleared by Arrest and 5 days after the accident, therefore, he must arrest me on first sight. I had my fiancée drive me to the station to meet the officer at the time he required, as I have nothing to hide, I saw two officers, so I identified myself. One officer stated that he was Officer [redacted] then said to follow him and he led me, with my fiancée following, to a room just off the lobby area, where he ordered her out into the lobby. He then took my insurance form and my registration, as I stated that I wrote the information on it, which I got from the other driver before I left. I then tried to show him the hospital records, showing the reason I left.

At that time, his demeanor changed, and he began an illegal interrogation on me, with insistent, intimidating and aggressive behavior. He asked direct questions about the accident, without telling me anything regarding the accident scene, therefore I could not answer to any allegations, during which he took a statement out of my papers that I had not read yet, then told me to sign it, as he kept insistently confronting me, and as he states in his report. This is a violation of the U.S. Constitution, Miranda law, State laws and [redacted] P.D.'s own policy, stating, he must arrest me, read me my rights, then he can ask these questions, but not in that manner, The U.S. Constitution 5th & 6th Amendments, Miranda v. Arizona, 384 U. S. 436. [redacted] Arizona Police Department procedure, [redacted] Constitutional Requirements. The only evidence in this case to the charge of leaving the scene without providing required documentation, ARS § 28-682. Accidents involving damage to vehicle; failure to stop; classification; driver license suspension. was that Officer [redacted] stated from the [redacted] interrogation, that my story had inconsistencies, but failed to prove any. When in fact, in the transcripts of his first testimony, page 8, line 348, to 355, regarding the inconsistencies, he stated, "He was obviously injured, based on his statement, what concerned me was the location that he documented in his report, the 91st Avenue and Grand, South West bound according to him. Which conflicted with the two prior witnesses that I took focus on.

[redacted] Did you try to clarify that with him?

[redacted] No I didn't.

This, is quoted exactly as it is stated, as he states that he did not even ask me about the thing that most concerned him and the second witness is actually the other driver. In closing, he pulled out a citation and had me sign it.

This citation had to have been filled out some time prior to our meeting; I would have seen him filling it out then, but he did not. On the citation, he had written an ARS code number as the violation and then two words, used to define what it meant, which I did not understand. He then handed me a copy, as he stated that he believed I had committed a crime. He then stood up and made his way to the lobby, so I followed him, where my fiancée walked up and waited, while Officer [] made some copies, then gave me my insurance copy and my registration. He thanked my fiancée for bringing me there, at which time my fiancée and I left. There was no doubt that it did not matter what I said in that room, he was just trying to create evidence or reasons to make me seem guilty.

I also stated the fact that I told the prosecutor of these actions in [] as she stated them to be legal, stating that anytime you get a ticket, you are actually under arrest and when you sign it, you are released. None of which the prosecutor protested at any time, as I had the proof in evidence.

Moreover, Officer [] certifies the Accident Report as complete on [] as he wrote this date in the investigation completed box, without the required information on it. This is in violation of ARS § 28-667. Written accident report: definition and [] City Code, [] - Motor Vehicles and Traffic- Sec.- 26. Police Department; accidents and accident reports. Officer [] is required to thorough, standard and impartial investigation, interviewing all parties and then, making a determination. [] Police Department Policy [] POLICY- It is the policy of the [] Police Department to efficiently investigate traffic collisions in a standard, impartial, and timely manner.

Next, the prosecution mailed me a 9-page disclosure packet, page 2 and 5 were altered accident reports, one was remade on [] Officer [] still had the closed report when we met that evening, as he gave me a copy during the time he copied my information and the only additional information to the remade report was, he originally reported 0 injuries. Now I show up with both legs in full netting and doctor's reports of some very dangerous injuries, as this may be the reason he did not arrest me, on the new report, he now showed 1 injury, but stated in his report, that he left a message and expressed his concern for my injuries?

During my cross examination of Officer [] I simply asked him what facts he used, if any, that convinced him I had violated part of the statute, which he charged me for. The prosecutor objected, and the judge sustained it and stated that it was his job to make that decision, not the officer's. However, the officer did make that decision, without even speaking to me and I believe I have the right to know why.

Then, during my questioning of Officer [] asking that after I handed the proper document to the other driver, who is responsible for processing the documents, I thought the judge muttered a derogatory comment, but I just kept going. After carefully listening to the recording of proceedings that the clerk provided, at position 3:38:14, the judge says, "Shhh, this is stupid", as in frustration. Then you hear him cough, and the loud shuffling of papers, seeming as if I was wasting his time, as he violated CANON 2, A, CANON 3, D, (2) and CANON 3, E, (1) a, this is on the audio disc.

For the second time, I questioned the fact that in Officer [] statement, he reported that he had arrested me. However, I was not informed that any person had arrested me, at any time, and again, the judge did not respond to my inquiry, furthering the prosecutor's prior assertion, that this was a legal action. I asked Officer [] again, in a different manner what part of the statute he had proof that I violated, he stated that I did not supply my drivers license as required. I explained that it states, only if requested by the other driver, as he stated that he was not sure, he has never seen the actual statute.

I then handed him a copy of the statute and after he reviewed it, he agreed that is what it says and he has no record of a request for my license. In concluding, he stated that other than [redacted] statement against mine, he has no record, or any third party statements that the information was not provided. It is clear to me, that he based his assumption, heavily on the way he believed the statute read, creating less reasonable doubt.

Another factor of my innocence is how [redacted] stated at the accident scene, that I hit her, she came back to where I was to see if I was okay and she stated I was unsteady on my feet, appearing to be injured, as I asked her to help me pick up my bike, so we did. Then we discussed insurance exchanging and decided to pull over to the parking lot on the right, at which time I kept going and did not give her any information, as she only had a partial plate number.

Looking at this from Officer [redacted] point of view, a woman called in an accident, then called back in 53 seconds to report the driver fleeing the scene. If she called 911 only seconds after impact, as she stated at trial, then for me to recover, as I was knocked unconscious, then get up and ask for help picking up the 420 lb. bike, then getting it up and discussing if/where we would pull over, then deciding where. I then get on the bike and start it after laying it over, flooding it etc, which takes a few times to start it up, then I fled the scene, where she would have called back.

The shortest version to this story is about 4 to 5 minutes, so how do you condense it into 53 seconds, as was the time I attempted to stand up and I have proof of third degree burns, the worse one is 4" x 5" on my inner thigh, going down to the muscle? Maybe she called them when I left, but she had no phone when I was with her and I would have clarified how the calls came about.

Then we have [redacted] who Officer [redacted] stated as a witness to seeing the bike being picked up and me leaving the scene, heading west on Grand Ave. He then talked to the other driver, that states I hit her and fled, so he followed me for nearly five miles, as the CAD log states I was blowing red lights, the officer quotes him saying I ran one. The witness did not see any part of the accident, only that there was a large back up of traffic, which takes time to form. On page 4 of the disclosure packet, Officer [redacted] quoted [redacted] as stating; he saw me fleeing the scene, then on page 8, he quotes [redacted] stating; he saw me leaving the accident. Then he quotes [redacted] stating that I drove off heading South East on Grand Ave, as he followed me to 43rd Ave and Northern.

We now go to arraignment, where I was sent to the prosecutor, who handed me a barely legible copy of the citation, only he added on a civil charge of ARS § 28-701. Reasonable and prudent speed; prima facie evidence; exceptions, in which, I could not read the ARS number, so he stated it was failure to control speed and the other was for leaving without providing proper information. I questioned the second charge, stating he could not add it on and he stated he could add it on. I admitted it into evidence and told the judge it was not legally entered, again, I did not get a response and it was allowed, therefore I am convicted on a fictitious charge as [redacted] Police Department Policy [redacted] PROCEDURE, B. 8, b. (1) states that the citation must be entered with a motion to amend and there were no motions on record until the appeal. This proves that a person put the copied citation into the case file without anyone knowing about it, violating ARS § 13-2702. Perjury; classification, there are only a couple of people that have this access and knowledge.

Nevertheless, this is a crime and it was not addressed, as Judge [] did not respond to my assertions of facts, allowing the evidence from the illegal actions into the trial and relied on them. Furthermore, he did not make an effort to report this conduct as required in CANON 3, 5, D. (2) and (3).

My charges of failure to disclose, I showed up at trial, with what I had from the disclosure packet. Then at trial, the prosecutor brings out the incident that happened following the accident, which was used as a focal point of this case and involved statements as evidence. No part of this incident was disclosed, as they put a lot of time in preparation of this and preparation of the witnesses, keeping every aspect of it hidden without knowledge of the court or the defense. The judge still allowed it into evidence, by simply ignoring the fact that there was no disclosure of a single fact or document in this part of the case. Officer [] even stated that he was not told about this, by either two people testifying for the state.

Concluding that the prosecutor, having full knowledge of disclosure rules and rules of professional conduct, knew the weight of the damage this would cause to the defense, with no prior knowledge. Yet, knowing they had no evidence, she willingly, did not disclose these very pertinent statements, showing deceit, malice, forethought and blatant disregard for the law, without a thought of disclosing this as required, where, I would have been aware of the full accusations.

Then Officer [] testifies at trial, for no reason, that he had no prior knowledge of the second incident, as he did not mention it in the reports or disclosure, but here we are. This is proof that this was intentional, as if Officer [] was not aware of this until the testimony of [] than the prosecutor must have gotten the new and pertinent statements on her own. Therefore, she at some point received these statements and did not disclose the information. This incident of a horrible aftermath in my attempt to drive myself to the [] was used to impeach my character. The prosecutor used this as a diversion and to purport me as a wreck less driver, who happened to run into the other vehicle, while I was crashing into everything I came across. This wasted an hour of testimony, on an incident that had nothing to do with the charges.

However, this did prove that I was at the scene for over ten minutes, so [] testimony of calling 911 as she exited her vehicle, was another lie, by the fact that the police arrived in 4 1/2 minutes, after receiving the first call. Her own testimony stated I was there for 5 minutes minimum, with the second incident, it is impossible for me to have missed the police. This concludes the fact that [] did not call anyone, until after I had gone. They had no evidence to the charges, therefore, it was a last ditch effort and I was not prepared to defend the actions, in which the judge gave much weight, as he allowed it to go on.

This is in direct violation of Rule 26 (a) 1 (A), (B), and (E). Rule 26 (a) 3 (A), (B), and (C). Rule 26 (a) 4, Rule 26 (a) 5 (C), Rule 26 (a) 5 (E) and (F). It qualifies for Rule 37 (3), evasive or incomplete disclosure. Also in violation of Rule 803 (24), 804 (b) (5), 902 (11) (c), in the Rules of Evidence for Courts in the State of Arizona. The prosecutor has rules of professional conduct that she must follow; it is her duty to abide by these rules with out any reminders, as a matter of fair justice. I have statements of new finding after trial of lies, misconduct, illegal processes and tampering with evidence. Along with many other factual, supporting documents, in the statements provided. There was unbelievable negligence on the prosecutor's part, though; she is not required to tell me what to do here. She is required to follow the rules to the letter and not skip them, knowing I will not catch her. I will also present what happened at the sentencing stage of the trial. I believe in stating what she did and by her actions in processing of this case, the prosecutor should be held accountable, by the rules that seem to apply, in accordance with the RULES OF THE SUPREME COURT OF ARIZONA.

RULE 42. ARIZONA RULES OF PROFESSIONAL CONDUCT, MAINTAINING THE INTEGRITY OF THE PROFESSION, as listed on the following page, apply to the conduct stated here and the judge allowed all of this to go on.

ER 8.2. Judicial and Legal Officials

(a) A lawyer shall not make a statement that the lawyer knows to be false or with reckless disregard as to its truth or falsity concerning the qualifications or integrity of a judge, adjudicatory officer or public legal officer, or of a candidate for election or appointment to judicial or legal office.

(b) A lawyer who is a candidate for judicial office shall comply with the applicable provisions of the Code of Judicial Conduct.

ER 8.3. Reporting Professional Misconduct

(a) A lawyer who knows that another lawyer has committed a violation of the Rules of Professional Conduct that raises a substantial question as to that lawyer's honesty, trustworthiness or fitness as a lawyer in other respects, shall inform the appropriate professional authority, except as otherwise provided in these Rules or by law.

(b) A lawyer who knows that a judge has committed a violation of applicable rules of judicial conduct that raises a substantial question as to the judge's fitness for office shall inform the appropriate authority.

Then there is a question of ethics here, as the trial ended. The judge asked the prosecutor if the necessity defense is still a statute and if it qualifies on this charge, as a title 28, and she said that as far as she knows, it is not a statute, then; "no, necessity is not a defense for this." She would have to know by stating that, she decided the verdict and by the rules of Judicial Ethics, this is as improper as the comment made earlier.

I again questioned the false arrest, as moderately as possible and still did not get a reply.

THE SENTENCING OF THIS CASE

The judge states that necessity is not a defense to not giving the information, therefore, he found me guilty. This offence is qualified for that defense, as there was nothing documenting a homicide or serious injury. I sought the advice of an attorney, who stated that it can be used in a Title 28 defense, they are very hard to win, but this is the closest case to the application of the statute. I found nothing in case history stating that this is only used for Title 13 defenses. The honest answer from the prosecutor would be yes, it is a statute and it can be used in this defense, or I do not know, but stating no was false. I do not believe I need this defense, but it may have acquitted me on these charges. The judge stated to me that it is his job to decide, yet he let the prosecutor do it for him.

All of these facts from the trial were ignored and the only evidence was against the prosecution, yet I am convicted, one charge is illegally entered and the judge did not care.

THE MOTION TO VACATE JUDGEMENT

THE QUALIFICATION OF EVIDENCE,

I had the recording examined, mainly where the derogatory comment was, only by digital copying the audio and then analyzing it with filters to clarify the voices. The original is in no way altered by any means, as it was copied through the sound out port of the computer. The comment is clearly stated as I quoted it above and can be heard on the original as well, the judge was biased in this case.

After reviewing my case, I knew there was no way that, they both forgot to tell the officer about this incident, the day it happened. Therefore, I called [redacted] and quickly threw out the question that if he remembered when he told Officer [redacted] about the incident, at first he avoided the answer and then he states twice, that he did tell Officer [redacted] about it and he obviously decided to leave it out. I recorded this call and have the transcripts as well, therefore, one of them is telling lies.

On [redacted] I filed a Motion to Vacate the decision, listing the facts in which I was discriminated against and my constitutional rights were violated, in a report of 70 pages. In which it contained all factual evidence such as the recorded phone call to [redacted] Where he stated twice that he did tell Officer [redacted] about the incident, so it was left out intentionally. I spent weeks of searching, contacting the F.B.I. and other agencies, where I obtained the manuals for the police reports. Then I studied the Policies and Procedures Manual of the [redacted] Police Department, to be absolutely sure, before stating that he altered the incident report, by changing the dates to [redacted] Then he submitted them, which is in violation of ARS § 12-864. Direct or constructive contempt; punishment. 13-2809. Tampering with physical evidence; classification. 13-2810. Interfering with judicial proceedings; classification. and 38-423. Making or giving false certificate; classification.

I also proved that the [redacted] meeting was a preset plan to cover up the actions on [redacted] I proved that the other driver lied at least seven times, as she testified that the phone number on my registration was not any number she knows of, and upon looking at the accident report filled out by Officer [redacted] which I put into evidence, the phone numbers are the same. With uncontestable evidence of violations to my Constitutional and Miranda rights, then violations of state laws. I requested an Oral Argument to explain the latest facts in documents.

On [redacted] I received a notice of an oral hearing on [redacted] regarding a new trial. In addition, there was a two-page response from the prosecution, as they made a despicable and blatant statement that obviously quoted Officer [redacted] but was stated through the [redacted] Police Department and by the prosecutor. [redacted] stated that I was not arrested, there was no custody and in fact, the officer remained in the lobby with me the whole time I was there, so there was no interrogation.

Meanwhile, the transcripts of the trial recording were finished and Officer [redacted] is up on the stand, as he and the prosecutor acknowledge the confrontation. Officer [redacted] stated that during the time he questioned me, we were in a room alone. I addressed this at the oral hearing in the exact manor, stating that they called my fiancée and me liars, in effect of that false statement, verified as such, by the same officer that falsely stated it. I confirmed with the prosecutor and judge that my Constitutional rights were violated, as he was to have already arrested me on [redacted] Meaning he must arrest me on sight, but on [redacted] he illegally interrogated me, knowing his responsibility of the laws, in doing so, he is showing malice and intent.

Moreover, when he brought me into the room, why did the officer order my fiancée out? If I was free to leave at any time and not restricted of freedom, then she would have been in there, as I needed her, because I was sedated with a prescribed narcotic pain medication and still recovering from being knocked unconscious. I stated to the prosecutor, in this recorded hearing, that I told her in [] and told the judge twice at the trial, of the wrongful and illegal acts of Officer [] I checked every avenue possible, even calling the internal affairs division to report the officer, as I had proof of this and everyone ignored it. Then, I began explaining this in the 10 plus minute phone conversation, which I recorded, as the Administrative Sergeant tried to explain the actions of Officer [] and in doing so, he verified the last 2 facts needed. He was caught up in the part of this, that can only be one action and he had no other answer, so he stated it is a mistake and not to base it on falsifying police reports, because he signs off on 50 to 60 reports a day and 25% have minor mistakes on them, as he talked over me. I then stated I could see where this is going and I had more, but I do not care to disclose them at this time, as I would pursue another avenue, and then we hung up. He stated that the case was inactive on [] and I was arrested on [] Which concludes the fact that a cleared date of [] then a Case Status of Cleared by Arrest on [], in which I received on [] This result could only be one thing, a Cleared by Arrest closed the case and if it states [] at 17:50, than that is when it went in, therefore, if a mistake was made, then by entering the Cleared by Arrest on [] the dates are defaulted to the last clearance date. Meaning, the dates would all be the same and the software can only report what it sees, if the cleared date was still [] in [] than the [] dates were manually placed on the reports and copied. With the false statements made in court records on [] there is proof in audio and transcripts that Officer [] lied and furthers the malicious intent there of the actions I have stated.

Then I stated to Judge [] that I have a motion I wished to file for an Oral Argument on the motion to vacate, as I requested prior, where I can show these documents to the prosecution and explain these uncontestable facts. He replied that I have to wait until he rules on what he has, so I would be hearing from him. I realized that the same judge that convicted me has just stated he would be judging the motion, with 3 pages of actions I state are misconduct, in accordance to law. I called the court the next morning and stated these concerns, when the clerk said that judge is the only judge there, he and the woman I needed to talk to are both gone until Monday, so I need to call back then. I called back on [] Monday morning to be told that the motion was denied on [] the day that I was there and I left around 3 pm. This means the 70-page motion was reviewed in less than two hours and after the recorded conversation in the hearing, he could not deny the motion, as I have the right to be heard, stating well-grounded facts.

This denial is unconstitutional, by the facts stated in the hearing and the fact it was done in two hours is exasperating and unbelievable. I am going to order the recording, as it will prove I had well grounded facts and he stated that he was going to review it, when it was signed off by a Pro Temp Justice of the Peace, who did not hear any part of the case.

Everything that I stated is of facts, with proof through testimony, documents, recording of the proceedings, phone calls and statements.

I SWEAR THESE STATEMENTS MADE BY ME, ARE TRUE AND ACCURATE.
I UNDERSTAND THAT IF THEY ARE WILLFULLY FALSE, I MAY BE PUNISHED.

SIGNED

[]

DATE

1-31-07