

State of Arizona
COMMISSION ON JUDICIAL CONDUCT

Disposition of Complaint 07-140

Complainant: No. 1311110620A

Judge: No. 1311110620B

ORDER

The commission reviewed the complaint filed in this matter, as well as the recording of the hearings, and found insufficient evidence of misconduct on the part of the judge to justify any further proceeding.

Therefore, the complaint is dismissed pursuant to Rules 16(a) and 23(a).

Dated: October 1, 2007.

FOR THE COMMISSION

\g\ Keith Stott
Executive Director

Copies of this order were mailed to the complainant and the judge on October 1, 2007.

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

To anyone who cares .

I am at a loss as to what I should do . This situation has gone from bad to worse.

I asked the ladies at the court window and they said tell the presiding Judge .I asked my bail bonds man , he said tell the presiding judge , I have tried going through the courts chain of command , I mistakenly thought Judge Cooper was the Presiding Judge .I also gave this to the Presiding Judge GOULD .

I did not graduate high school , I joined the Army , so I make no pretense of being able to write , I do this with dictionary and spell check and having passed in only one book report my entire school career. So please take it for what it is , the best I can do and I apologize if I repeat myself throughout .

The first page or 3 is background about the attorney's conduct . The complaint against the Judge follows that . I am sending a copy of this to the State Bar and to the Commission on Judicial Conduct . I am sure that if I am questions many more offense will be uncovered against both the lawyer and the Judge . I do not know what is important to you folks and what is not and I am sure I missed a lot of important points .

I was arrested on my Birthday , July 26th , 2006 Case Number J1401MS2006

I was appointed Amanda Taylor as my Attorney . She never met with me at any time . I never talked with her on the phone or anywhere else . I talked to her secretary a number of times , but never about my case . Mostly we (the secretary and I) talked about her filling out papers for a garnishment for the civil side of this case (Case #J1401CV200601032) and her acting in her capacity as a Para-legal .

As the court date was coming right up and I still had never met with Amanda Taylor . I started getting alarmed and tried to arrange an appointment , but to no avail . I finally , after talking with many attorney's here in town , decide I needed to ask for another attorney , it seemed she did not return calls to anyone , let alone me . And that she wanted to meet me at the table , in court the day of my trial for the very first time . I did not see how she could possible defend me with no preparation of any kind. I asked the court for another attorney and was granted one . I also asked at that time for any judge other then Torak , this was also granted. It is on the record .

Mr Geller .

What follows is my observations about our relationship .

I gave the portion of this that has to do with Mr. Geller to Mr. Geller in an misguided attempt to get him to stop threatening and bully me , and try to make him realize he would have to really represent me and not just rubber stamp some paperwork at my expense . I tried to make it as truthful and accurate as possible because my intent was not for him to take issue with what I was saying , but for him to see how he was acting . He never took issue about "what" I said here , only that I said it .

From first phone call ,Before Mr. Geller had the police report . I wrote this down right away as he said it because I had never heard anyone say such a thing before . Quote's from Geller :

"I went to Cornell, I worked in the Manhattan DA's office ..I have been around ..I know what I am talking about , It might be egotistical of me , I am the smartest person I know , I have never met anyone smarter , before someone even talks (OR WE TALK) I know I am smarter ."

He made numerous contemptuous remarks about my preceding Public Defender , Amanda Taylor , that I was lucky I got rid of her and have him etc.

"Do not talk when I am talking ,you are talking when I am talking , you keep doing it . you may not talk until I am completely done , then I will ask you to talk ..do you understand me , do you understand me ...do you understand what I am saying ."

After several minutes of this ..I said " Am I representing you , or are you representing me " and which point Mr. Geller said " I will not be your lawyer , I will recused myself ". He said this several times and continued to be belligerent , threatening and intimidating , this was basically his last statement before we hung up . At this point I was under the impression he had quit .

Second phone call : MON 4:55 PM Geller had the police report : He started the conversation by saying " I will talk , you cannot talk , when I am completely done , I will ask you questions, do you understand ? Do you understand ! " ...and as I , of course , did not talk , he waited until there was a prolonged, silent pause , at which point I finally said " yes " ..so he would continue his monologue " He read the report to me for several minutes ..making comments as he read ...and again not letting me talk or answer a single comment he was making . Every time he would say " There , you are talking , you cannot talk when I am talking " I finally interrupted him and said " I have the report, I have read it several times ". At which point he started talking about the deal he had discussed with the ADA. I told him I am innocent and will not take a plea for something I did not do .I had told him this many times through out our conversations , I was not taking a deal, especially when I have never even told my side .

At which point Geller immediately said " I am recusing myself from your case . I am asking to be taken off your case at the next court date" "Do you want me to quit ?" With the clear implication that I plea or he would quit .

I told him he could quit or not , that it was not up to me , but that I was going to keep going , and I am not taking a deal .

He said ..and this is not a quote ..but it was very clear from the numerous times he again said he was going to ask to be taken off the case . it was either I take the deal or he was not going to be my lawyer ... based on the language , tone and volume of the conversation I felt intimidated and threatened , and huge pressure to just give in ...without ever telling him my side of what happened ..uninterrupted and unharried by him , about talking when he was talking , and without playing the phone message from the accuser or even meeting him in person .

Our phone call ended with him telling me he was not going to be my lawyer and me telling him that I did not care , that I was going to keep going , that's all I could do and calling him an arrogant ass for having never listened to a thing I had to say

He stated " I will tell them you said that " . Tell who? Is he telling people about our private conversations ? It would seem so .

Since he had told me numerous times in both phone calls that he was going to ask not to be my lawyer , I called the Court immediately after we hung up , they said he was my lawyer until the Judge said he was not and that I would just have to wait .

I received a third phone call on Thursday , May 4th

Mr. Geller's tone was completely different ,he was not belligerent or combative .. he said that he had thought about our phone conversations , that he would make an appointment to see me and hear what I had to say and listen to the accuser's phone messages .

He asked if I still wanted him to be my lawyer . Since it was not up to me ,the court had already informed me of that , and I had never met or talked with him in person or at

length about my case , I felt a meeting would be prudent .

He then went in to a long explanation about why I should take the deal , his only argument the police statement , a police officer he said he knew ,and was on good term with , that the judge would believe him over me , that I was guilty from what the police report said , that the police officer's statement was in quotes , that I could go to jail for 18 months , that me believing I was innocent meant nothing , that me having the attitude that I did nothing wrong was not going to get me anywhere .

He said that I sounded guilty (from the report) , that it would sound guilty to the judge and that they would not believe me over the police officer ...at no point did Mr. Geller tell me how he was going to defend me from the fraudulent charges against me . All of which made me question who's side Mr. Geller was on , when his tone , questions and observations all implied I was guilty . He in fact said and I quote :

" You seem to think you are going to get out of this with out anything happening to you "

I am sure he meant anything ... more ...then getting manhandled by the police , getting arrested on my birthday for untruths, spending all the money I had to get bailed out of jail , before my dogs died ,losing my property , having to go to court 13 times , so far , have to worry about my freedom , have the accuser take my van, dogs, chickens and fish and not pay , even after taking him to court and getting a judgment, this , after the arrest, having a bad record and having to pay fines I don't have the money for, having 2 appointed attorneys already and still have never told my side of the story or played the accusers phones messages , or personally met with anyone .

I ended this conversation by stating I was not going to take a deal when I was innocent , for the 10th time at least . And a meeting was made for Monday , May 7th to be determined by Mr. Geller by phone when he was finished with morning court .

A meeting that Geller canceled 2 hours after we were suppose to have met at 11 AM on Monday the 7th of May.

I went to his office at 2:30 PM Monday the 7th of May . I stepped in the door , 3 people were inside , I stated that I was Brian Sennikoff , A man jumped up and said in a tone reserved for when a pet makes a mess on the carpet. " We just talked , your are not suppose to be here until Thursday". And through his hand up in an expression of exasperation .

I asked if he was Mr. Geller . I then handed him these notes (up to where he canceled the meeting at 11 am on Monday) and said " Due to the way our relationship has gone , I thought I should make clear how I feel things have been going .We can discuses it at our meeting on Thursday ". (The 10th of May). Since he clearly did not want to talk with me ,and no one said anything to me , I left .

He has stated he has a prier working relationship with the arresting Police Officer and has indicated that he considers the officer more believable then me , and that the judge will also. This before meeting me or reviewing all case files , interviewing me ,or reviewing my evidence , bringing in to question his ability to properly cross examine the officer in an unbiased and effective manner on my behalf and also his ability to give me vigorous and competent counsel and representation .

Mr. Geller has never, at anytime, or in any way, said anything about defending me against the charges against me . His only interest and the complete focus and aim of his conversations have been to get me to take a plea ..with continued threats of me going to jail for 18 months if I do not or of him quitting as my attorney . He has substantially increased the fear ,stress, aggravation and uncertainty of this situation while offering no ad-

vice or counsel .

It was observed by an incidental witness who heard a portion of the conversation , that Mr. Geller sounded like the District Attorney and not a (my) defense attorney .

I am NOT a Lawyer , nor do I know anything about the law , but it would seem right and just that a lawyer represent an appointed defendant as competently, professionally and as vigorously as a client who walks in and pays ? And not try to threaten , bully, coerce and intimidate them into making a plea simply to get the State's fee without providing (any) competent council or benefit to the Defendant ? Is it any better if they do nothing at all and expect to meet the day of the trial .

As I have to this point , never told my side of the story , completely, and uninterrupted , nor have I played the accusers phones messages to anyone ...It is presumptuous for an attorney to tell me to take a plea, over the phone and having never met me in person or listened to what I have to say ,... on a misdemeanor I believe I did not commit ..there by getting a police record , being placed on probation , being assessed fines and ordered to attend anger management classes , at my expense , with possible longer reaching and later consequences without getting some relief through some competent and interested council when my life, my freedom, my animals lives , my employment future, are at stake, at the very least .

I received a phone message from Mr. Geller on Tues the 8th of May around 5 PM . He stated he was canceling the scheduled meeting for Thursday the 10th of May ..that he hoped we could be professional about it , but he was quitting as my Attorney and hoped there would be no " Mudslinging " in court on Monday the 14th ,

Monday before court Mr Geller walked up to me and said "Are you Brian Sennikoff ? I am going to make this simple , I am going to say that you want a new attorney " I said " You may say anything you like , but it is you who are quitting , you have acted in a completely unethical manner this whole time " He said " it is going to be like that is it "

In court Mr. Geller stood up there and said " Mr Sennikoff is requesting a new attorney " This is 100 % untrue . I have Mr. Geller's phone message where he clearly quits. I told the Judge that this was completely untrue and she proceeded to give me a lecture . Mr Geller also told the Judge he had made an appointment and that I had cancelled it . I have his phone message where he clearly cancels all meetings and quits .

Previously I requested a hearing and asked the presiding Judge David Cooper if I could have any Judge but Torak , and he ruled that I could have another judge hear this case , and that she could not . So why am I in front of her again ?

I requested any Judge but her because she had made a terribly biased ruling in the civil portion of this case (Case #Ji401CV200601032). Where I made the mistake of representing myself , out of poverty . She told me it was a mistake and that I should have an attorney , I had called everyone in town and no one would take it for less then \$1,000, which I certainly do not have .I asked for the trial to be transcribed in writing weeks before , but the day of the trial Torak told me that it was being recorded .I learned later that I could not appeal her judgment and that there was no recording , that it was recorded for the court , not for me . She had allowed the accuser and his wife to call me a liar , amoral , and similar things constantly throughout the hearing , but when I said the accuser was lying just one time she told me not to do it again , that she would hold me in contempt , and yet allowed the accuser and his wife to continue to do it many more times . The accuser stood right in court and said he owed me the money and admitted how much , yet

Torak ruled that he did not have to pay even half, even after he said he had agreed to it right there in court. I showed the printed ad in the Supershopper showing the amount I was asking for the stud fee, yet she said she believed the accuser when he said I only charged him half. Why? I had printed proof of what I was saying, and yet she believed everything the accuser said. The Judge refused to listen to the accusers phone messages to me, where he said he owes the money and property, that the property is mine and that he is throwing it out in the street in front of his house and that he is leaving and will not be home. And that he will give me the check the next day, a check he swore in court he had already given me. Not only do these phone messages prove the accuser wrong, in his own words, but they also prove me innocent of the misdemeanor charges against me, yet I cannot get the judge or either appointed attorney to listen to them or me.

Pro-tem Torak gave me a Judgment for half of what the accuser admitted owing. The Accuser stood in court and said to the judge while under oath that he had tried to pay and that he would pay the judgment in full the following week. It has now been over 1/2 year and no attempt has been made to pay anything.

I filed a paper requesting a garnishment hearing on the judgment that Torak awarded me, and I never heard anything from the Court / Torak. I then went in and filed another request for a hearing, and this time I asked that I get a time dated copy back as the Judicial Oversight Committee had ask me to do after I talked with them about Torak's conduct and rulings on the civil matter in an attempt to find out what was going on and what my rights were. I then received an answer from Torak denying my request and a note telling me to get a lawyer.

I don't understand how she does not even have to enforce her own judgment. She gave the accuser my van, my dogs and all my property, what can I do ..take them to court ..I already did that. She is protecting these people from paying a lawfully granted judgment ..why? This Judge has shown prejudice against me every time I have been in front of her. She failed to inform me that the Judgment was useless unless it was certified by the court. It took me days going to different places before learning I had to go back to the court and pay a fee and have her sign the judgment, while she readily gave the accuser advise in court.

Today (5-14-07) the hearing was in front of Torak. I do not understand why, even after Judge Cooper ruled she could not hear my case, I am again back in front of her? She immediately and clearly made her negative feeling toward me known.

Judge Torak had the first portion of this very letter in front of her in court, yet she gave me a lecture about how the 2 attorneys I had already been appointed were good attorneys, very skilled at what they do, that I should listen to them, that if I was not going to listen to them, that I should represent myself. She went on to say that Mr. Geller was there (in court) to talk for me, and that I should listen to him, she said I was very close to contempt of court because I kept talking for myself, when I should let Mr. Geller talk for me.

The Court Clerk came to the table with a piece of paper for me to sign and set it down in front of me with a pen, when I looked down at the paper, Judge Torak said "See! You will not even listen or pay attention to me when I am talking" I said "the clerk put this down here, I just looked down to sign it?" at which point Torak reprimanded me for the 3rd time at least. I was being attacked by the judge and my own lawyer? I could do or say nothing that did not incur her wrath, which is why I had asked for anyone but her. What in the world is going on?

Mr. Geller stood there and represented himself, not me, he straight up lied to the

court 3 times . I have absolute proof in his recorded phone message of Tues the 8th of May . How come no one cares about the way this lawyer (acts) acted ? How come this Judge can ignore the letter in her hand and tell me that I should listen to this lawyer who is openly lying in court , and has acted in a completely unethical manner the whole time ? How can she tell me to listen to him and take a plea because he knows better , when neither of them has heard the evidence . Geller was placing all the blame on me , and Pro Tem Torak was completely accepting it and clearly blaming me for not listening to Geller and taking his deal. Geller did not want me to take the deal because it was good for me , he wanted me to take it so he did not have to do anything , why did Torak want me to take it ? Certainly not for my good either . Am I a criminal for trying to stand up for my rights ? I am going to say " yes " , very much so today in court .

Judge Torak went on to rule that I could have one more appointed attorney , that after that I would have to represent myself . That I had to make an appointment with the Public Defenders office the next day because she was setting a trial date 2 weeks away . That things were going to happen fast now. Not for my sake and the sake of a speedy trail or justice , but because I was a problem , because I had 2 appointed attorneys already . She kept insinuating that it was me that was not making the meeting with these lawyers and that was some how it was me holding up the court and it was me that was not following the appointed attorneys advice ..yet she refused to acknowledge the fact that we were there at the request of the attorney , NOT ME , and that it was a hearing for a change of plea , not for a change of council , and that Geller had requested the hearing for a change of plea a week before , completely against my stated wishes ,and how could he possibly be representing me , and acting on my wishes , when we had never talked about the case ? He had talked , I had never been allowed to .

I just don't get it . I have never missed an appointment , a court date , a meeting with anyone ..ever . I have not even been late . I have been to court 13 times over this .and locked up in jail ...and have still never talked to an attorney . How is a new appointed attorney going to prepare for my defense when who ever they are will have less then a week to do it once they get the paperwork from the Public Defenders office by the order of Judge Torak . How can she order anything when Judge Cooper recused her from hearing my case ?

Torak went on to say that I had now said in court that I was not taking a plea ,and pointed to the District Attorney to take note . I said she was putting words in my mouth , I had said that I was not taking a plea until I had talked to my attorney and had a chance to show my evidence and play the recorded messages to my attorney , something I have never been able to do . That I was not taking a plea without some competent counsel advising me , that I have far to much at stake .

Now I have Judge Torak putting words in my mouth and giving them a meaning that I did not . She is obviously prejudice against me ,completely ignoring the reason we were in front of her to start with .

Mr. Geller stood there in front of her and the first thing he said was " Mr. Sennikoff is requesting a new attorney " I guess I was suppose to just stand there and let him lie to the court and not say anything , but I have been to court 13 times , so far on this ,and no one has represented me , ever !! And if I do not try to talk for myself ... no one else is going to . I absolutely admit to talking too much in court , but no one else is doing it for me . I need a lawyer. I do not speak well in court or anywhere else , I am hard of hearing and

talk far to loud and animated which is what started all this in the first place.

I have now had 2 court appointed attorneys. And never met either in person to discuss my case .

The first wanted to meet for the first time , at the table , in court , the day of the trial . I attempted to contact her and arrange a meeting constantly the weeks before , but was only able to receive responses from her secretary . I met her for the first time in court at the hearing for new council .

The second appointed attorney started by being belligerent, threatening and not allowing me to say a single(literally) thing , let alone go over my case . He threaten me with 18 months in jail constantly or quitting as my attorney if I did not take a plea bargain . I constantly told him I did not want a plea , I wanted to have a fair hearing .He constantly threatened to quit as my attorney . He canceled both scheduled meetings and wanted to meet for the first time and go over the case , for the first time , 4 business days before the trial . He finally did quit 6 business days before the trial over the phone . And I have the recorded message for anyone to hear .

I have lost my van ,dogs, chickens , fish and property . I have been jailed and had to pay bail .I have lost sleep and been under huge stress for 10 months with out the relief of an attorney's advice or any idea about my future . I have had police officers trespass on my yard several times to serve papers, some of which they served twice , opening my latched gate and letting my dog out in to the street to be lost for hours . I have lost my summer job I have had for 5 years in Iowa where my animals and I go each year waiting for this to be over . I have no income here in Yuma this time of year and have already lost my car and am on the verge of losing my home . I have an unpaid judgment against my accuser, I have stomach aches a day before until a day after each court date ..and I am turning into a whiner and becoming very negative , something I never was before.

I certainly do not want to make trouble , but I am suppose to ask my attorney for advice ...yet here it is 10 months later and I still have no one to answer my questions . If anyone still believes I have not tried to ask these appointed attorney questions or tried to make an appointment or tried to find out what is going on and what I should do ..it is only Judge Torak .

I do not know what the rulings Torak made today means . Do I have to represent myself , like she suggest 3 times ? Is her threat that I cannot have another attorney mean I have to take what ever the new attorney say's or does , or does not do , no matter what , or I have to represent myself ? Am I going to be on trial on the 28th of this month ? With or without an attorney . How can she tell me to represent myself ? How can she force me to have an unethical lawyer speak for me in court today , who is obviously serving his own agenda and not me ? Even after I told the court ,by giving this to Judge Cooper , before the hearing . Why is this Judge , who is obviously prejudice against me , allowed to hear anything that has to do with this case , this after the lower court's presiding judge ordered that she could not ?