

State of Arizona
COMMISSION ON JUDICIAL CONDUCT

Disposition of Complaint 08-139

Complainant: No. 1336310098A

Judge: No. 1336310098B

ORDER

The commission reviewed the complaint filed in this matter and found no ethical misconduct on the part of the judge.

The complaint is dismissed pursuant to Rules 16(a) and 23.

Dated: September 10, 2008.

FOR THE COMMISSION

 \s\ Keith Stott
Executive Director

Copies of this order were mailed to the complainant and the judge on September 10, 2008.

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

CJC-08-139

COMPLAINT AGAINST A JUDGE

Date: 5/23/08

Instructions: Describe in your own words what the judge did that you believe constitutes misconduct. Please provide all of the important names, dates, times and places related to your complaint. You can use this form or plain paper of the same size to explain your complaint, and you may attach additional pages. Do not write on the back of any page. You may attach copies of any documents you believe will help us understand your complaint.

ATTACHED IS THE MOST RECENT RULE 10.1(a)(b)(c) ARIZ. RULES OF CRIMINAL PROCEDURE MOTION FILED ON THE LATEST EXAMPLE OF JUDGE MISCONDUCT IS PROVEN IN THE MOTION AND THE EXHIBITS.

THE MOTION CLEARLY DEMONSTRATES JUDGE IS AND HAS COMMITTED SERIOUS MISCONDUCT, THAT REQUIRES REMOVAL OF THE JUDGE FROM OFFICE.

THE MOST OBVIOUS EXAMPLES OF JUDICIAL MISCONDUCT BY JUDGE CONDUCT OF "SHREDDING" AND "SEALING" OF PUBLIC RECORDS, INCLUDE:

1. HIS BLATANT LIES - PROVEN BY THE RECORD OF IGNORING AND DISREGARDING THE LAW RULE 15.5(a)(1)(2) ARIZ. R. CRIM. P. SEE MINUTE ENTRY (REPORTER'S TRANSCRIPT. WILL BE PROVIDED WHEN AVAILABLE.) COMPARED TO MINUTE ENTRY AND REPORTER'S TRANSCRIPT - REFERENCE TO ORDER AND MINUTE ENTRY AND REPORTER'S TRANSCRIPT. ALSO RULING.

JUDGE IS ABUSING THE POWER AND AUTHORITY OF THE JUDICIAL OFFICE TO UNLAWFULLY - UNETHICALLY CONCEAL AND COVER-UP BY "SHREDDED DOCUMENTS OF STATE BAR INVESTIGATION MATERIALS" FOR TWO (2) YEARS; AND "SEALING" THESE SAME MATERIALS IN VIOLATION OF MANDATORY LAWS RULE 15.5(a) ARIZ. R. CRIM. P. AS OF THE SERIOUS NATURE OF THIS MISCONDUCT IS AGGRAVATED BY THE JUDGE'S AND HIS BROTHER'S INTERESTS, OF THEIR ASSOCIATIONS, CONNECTIONS AND RELATIONSHIPS WITH THE PUBLIC CORRUPTION SCANDAL AND THE COVER-UP.

(Attach additional sheets as needed)

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SIMPLY STATED, RELEASING THE STATE BAR MATERIALS TO ALLOW THEN
A FULL AND FAIR EVIDENTIARY HEARING OF THE EGREGIOUS AND
INTENTIONAL PROSECUTORIAL/JUDICIAL MISCONDUCT, THAT STILL
TAKES THE INSTANT STATE V. PROCEEDINGS, WILL
REQUIRE JUDGE TO PRESIDE OVER A CASE WHERE HIS AND
HIS BROTHER'S INTERESTS WILL BE ADVERSELY AND SUBSTANTIALLY
AFFECTED. THEREFORE, JUDGE UNLAWFUL ACTIONS OF
"SKREDDING" AND "SEALING" PUBLIC RECORD DOCUMENTS OF
EVIDENCE OF THE PUBLIC CORRUPTION SCANDAL, PREVENTS
THE PRODUCTION OF PHYSICAL DOCUMENTARY EVIDENCE, MAKING THEM
UNAVAILABLE IN AN OFFICIAL PROCEEDING. THIS UNLAWFUL WILLFUL
CONCEALMENT PROVES THAT JUDGE IMPROPERLY DISPOSING
OF PHYSICAL EVIDENCE; FAILING TO FOLLOW PROPER COURT PROCEDURE;
DISREGARDING MANDATORY LAWS; FAILING TO ALLOW A PARTY TO BE
HEARD IN COURT; IGNORING AND DISREGARDING THE LAW; IMPROPER
CONDUCT ON THE BENCH; ABUSING THE POWER AND AUTHORITY OF THE
JUDICIAL OFFICE TO CONCEAL AND COVER-UP HIS CONFLICTS OF
INTERESTS AND HIS UNLAWFUL ACTIONS.

2. WHEN CONFRONTED WITH THE UNLAWFUL ACTIONS, JUDGE
DEMONSTRATES HE IS UNFIT FOR JUDICIAL OFFICE, BY
HIS FURTHER BLATANT LIES. JUDGE WAS CONFRONTED
WITH THE ISSUE "IS THIS THIS COURT ALLOWING MISCONDUCT
TO CONTINUE?" SEE R.T. [REDACTED]
JUDGE WAS TO HAVE A HEARING TO REVIEW HIS AND THE STATE'S
FINDINGS, ADDRESSING THE CONCEALMENT OF THE MISCONDUCT.

(Attach additional sheets as needed)

State of Arizona
Commission on Judicial Conduct
1501 W. Washington Street, Suite 229
Phoenix, Arizona 85007

FOR OFFICE USE ONLY

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THE SHREDDING OF PUBLIC RECORDS - STATE BAR MATERIALS OF
THEIR INVESTIGATION INTO THE STATE'S MISCONDUCT - OF ITS
AGENT PROSECUTOR THE "WIN-BY-ANY-MEANS-
NECESSARY" TO OBTAIN THE CONVICTIONS AND DEATH SENTENCES
IN STATE V.

ON SPECIFICALLY REQUESTED THE
COURT-JUDGE TO LOCATE THE STATE BAR MATERIALS THAT
WERE LAST KNOWN TO BE IN JUDGE POSSESSION, AS OF
SO THAT COULD OBTAIN THESE PUBLIC RECORD
DOCUMENTS OF AN INDEPENDENT STATE AGENCY'S INVESTIGATION
INTO ATTORNEY OFFICE "CULTURE OF CORRUPTION."

JUDGE DIRECTED THE PROSECUTOR TO
REVIEW THE SITUATION AS SET FORTH BY THE DEFENDANT.

JUDGE ALSO "NOTES THAT IT [JUDGE HIMSELF]
SHALL REVIEW THE COURT'S RECORDS REGARDING THE SAME." THEREFORE:
"IT IS ORDERED SETTING THIS MATTER FOR A FURTHER STATUS
CONFERENCE ON

TO REVIEW THE FINDINGS OF THE STATE
AND THE COURT."

WHAT WAS TO BE REVIEWED WAS, WHY DID THE COURT JUDGE
HAVE THE STATE BAR MATERIALS SHREDDED
AND WHY DID THE COURT JUDGE OBTAIN A DUPLICATE COPY
AND THEN SEAL THE PUBLIC RECORD STATE BAR MATERIALS

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WITHOUT COMPLYING WITH THE MANDATORY RULE 15.5(a) REQUIREMENTS AND FINDINGS, SPECIFICALLY, JUDGE DOES NOT HAVE THE LEGAL AUTHORITY TO DENY DISCLOSURE OF THE STATE BAR MATERIALS TO THE DEFENDANT. BECAUSE THE ORDER DOES NOT INCLUDE THE REQUIRED FINDINGS BY THE COURT JUDGE UNDER RULE 15.5(a)(1)(2)

"DISCLOSURES REQUIRED BY THIS RULE BE DENIED... WHEN IT [THE COURT] FINDS:

(1) THAT THE DISCLOSURE WOULD RESULT IN A RISK OR HARM OUTWEIGHING ANY USEFULNESS OF THE DISCLOSURE TO ANY PARTY [THE DEFENDANT], AND

(2) THAT THE RISK CANNOT BE ELIMINATED BY A LESS SUBSTANTIAL RESTRICTION OF **DISCOVERY RIGHTS** OF THE DEFENDANT." (EMPHASIS ADDED)

JUDGE FAILED TO FOLLOW COURT PROCEDURE; IGNORED AND DISREGARDED THE LAW; IMPROPERLY DISPOSING OF PHYSICAL PUBLIC RECORD DOCUMENTS - EVIDENCE; CONCEALING CONFLICTS OF INTERESTS; BY ORDERING "IT IS ORDERED PURSUANT TO RULE 15.5(d) THAT THE DOCUMENTS BE SEALED AND PRESERVED IN THE RECORD TO BE MADE AVAILABLE TO THE APPELLATE COURT IN THE EVENT OF AN APPEAL."

ALSO "AS THE EXHIBIT B [THE STATE BAR MATERIALS - PUBLIC RECORD DOCUMENTS] IS NOT IN THE COURT FILE, IT APPEARS THE DOCUMENTS WERE **SHREDDED** SUBSEQUENT TO THE

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RULING. (EMPHASIS ADDED).
THEN ON PURSUANT TO JUDGE
THE COURT. ORDER "TO REVIEW THE FINDINGS OF THE STATE AND
HIS ORDER, SEE R.T. REQUESTED JUDGE TO COMPLY WITH
JUDGE PAGES 3-5.
REFUSED TO FOLLOW PROPER COURT PROCEDURE;
ABUSED THE POWER OR AUTHORITY OF THE JUDICIAL OFFICE BY REFUSING
TO ALLOW A PARTY MOODY TO BE HEARD IN COURT ACCORDING TO LAW, AND
REFUSED TO FOLLOW HIS OWN COURT ORDER. JUDGE HAD TO
LIE "AND THE FINDINGS HAVE BEEN PLACED IN THE COURT FILE SO
RIGHT NOW WE'RE SETTING THE HEARING ON THESE TWO MOTIONS." TO
CONCEAL AND COVER-UP "THE REASON WHY YOU [JUDGE
SHREDDED THOSE [PUBLIC RECORD] DOCUMENTS," PAGE 3; ALSO
"YOUR [JUDGE] ACTIONS OF SHREDDING THE DOCUMENTS AND
SEALING ANSWER THE QUESTION THAT YOU'RE HIDING MISCONDUCT BY
THE PROSECUTOR. PAGE 4; ALSO "I'M ASKING A STRAIGHT UP
QUESTION ABOUT 15.5(A), THAT YOU FAILED TO FOLLOW THAT RULE WHEN
YOU SEALED THOSE DOCUMENTS." PAGE 5
JUDGE INTENTIONALLY AND REPEATEDLY LIED ABOUT
ERRONEOUS FINDINGS OF FACT OR CONCLUSIONS OF LAW ABOUT HIS
ACTIONS-CONDUCT CONCERNING HIS FRAUDULENT, BAD FAITH AND CORRUPT
MOTIVE OF SHREDDING AND SEALING THE STATE BAR PUBLIC RECORD
MATERIALS-THAT WERE REQUIRED TO BE DISCLOSED TO THE DEFENDANT
UNDER RULE 15.5(a), BRADY/KYLES DOCTRINE OF FAVORABLE
EXCULPATORY EVIDENCE. OBVIOUSLY JUDGE BAD FAITH CONDUCT
ON WAS TO CONCEAL FROM THE RECORD ANY FAIR REVIEW OF WHY
HE SHREDDED AND SEALED PUBLIC RECORD DOCUMENTS. WHAT IS HE HIDING?

(Attach additional sheets as needed)