

State of Arizona
COMMISSION ON JUDICIAL CONDUCT

Disposition of Complaint 10-072

Complainant: No. 1388500427A

Judge: No. 1388500427B

ORDER

The complainant alleged that three superior court judges ignored his evidence, made incorrect rulings, and allowed his counsel to provide ineffective assistance. The commission reviewed all of the issues and found no evidence of ethical misconduct involving the judges. The complaint is dismissed pursuant to Rules 16(a) and 23.

Dated: June 14, 2010.

FOR THE COMMISSION

\s\ Keith Stott

Executive Director

Copies of this order were mailed to the complainant and the judge on June 14, 2010.

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

CONFIDENTIAL

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

FOR OFFICE USE ONLY

2010-072

COMPLAINT AGAINST A JUDGE

Your name:

___ Judge's name

___ Date: 03-22-10

Instructions: Use this form or plain paper of the same size to file a complaint. Attach additional pages, as needed. Please describe in your own words what the judge said or did that you believe constitutes judicial misconduct. To help us understand your concern, be specific and list all of the names, dates, times and places where the conduct occurred. Include only copies of original documents or court recordings that are relevant to your allegations. Print or type on one side of the paper only, and keep a copy of the complaint for your files.

I am ignoring the role that the J.O.P.'s played in this matter for now. Also, I am currently a forensic patient at the Arizona State Hospital. The "Hospital" is denying me access to a Law Library. My court appointed attorney, as with all of her predecessor's, has avoided communicating with me. I can only get copies made under the proviso that I surrender them to a social worker. The delay would be substantial. I will not be sending the substantiating documentation, which is substantial, with the complaints I am filing. All are dated 03-22-10.

Briefly; In the fall of 2001, December 1st, I went to the Navajo County Sheriff's office sub-station in Snowflake AZ, to report crimes on going, and past, that were committed by persons that told me they were members of the "Hells Angels." They had solicited me to commit murder in return for the "Perks" of membership in their gang, among many other crimes they bragged about.

I spent months gathering what evidence I could, names of members, the locations of "Club" owned assets that were used for criminal enterprises, drug Labs, fronts for drug trafficking, things like that. I could not find out who they wanted me to kill. I compiled a report and went to the sheriff's office.

Lt.

(Navajo Co. Sheriff's Deputy) took over
(go to page 1A, 03-22)

(Attach additional sheets as needed)

2010-072

The interview,

For reasons I won't go into, for brevity's sake, I do not trust LT. When he took over the interview, I withheld my full report, giving him only the 3"x5" cards I had used to col-
late my data.

After I gave Lt. an abbreviated report, I mailed my full report to the Governor's office and slipped a copy of it under the door of the unoccupied F.B.I. field office in Pinetop AZ.

The Hells Angels found out I had ratted on them. I was leaving the area, stopped by a "friend's" house to tell them why and to ask them to check on my place, shut down my electrical system, if I didn't return soon.

After I told him I was going to Federal authorities, and why, my "Friend", " tried to kill me, I found out months later that Doug was a member of the Hells Angels.

I had held out at my home from Dec. 2001 until, fearing imminent violence, I tried to leave in Feb, 2003. The reasons I stayed as long as I did are too complicated for this complaint. During the many months I waited to be contacted by some law enforcement official, or the Governor's office, I was harrassed, and stalked, NOT only by the Hells Angels, BUT by LT. --- and other sheriff's deputies.

After I was forced to shoot my "Friend" to keep him from murdering me, I was arrested, confined in an isolation cell in the Apache Co. Jail, in St. John's AZ., where I nearly died from an infection because I was not treated until the stench from the rotting abscess on my back got so bad the whole jail population was complaining.

(go to page 2A, 03-22)

My court appointed attorney, Bryce Patterson, did NOT make any attempt to interview me or gather any evidence that would have supported the fact that I had acted in self-defense. In fact, Mr. Patterson, without my permission, and without any interviews or interaction; declare at the opening of my first appearance in a St. John's magistrate court, that because of what I had said to him; he felt my competence to stand trial should be determined.

After the abortive hearing, I began appealing to Judge [redacted] for adequate representation, complaining about Bryce Patterson's NOT representing me, or even investigating, or interviewing me, or anything, except declaring my competence to stand trial was questionable.

Judge [redacted] never responded, allowed "Experts" to present unsubstantiated "opinions"; after illegally collaborating during what were supposed to be "Independent Evaluations," (I found out later that the two evaluators are long-time friends and colleagues.)

No interviews, no efforts to gather supporting evidence, no representation at all, I eventually spent more than two years in an isolation cell,

I am NOT a criminal. I have no criminal history. Instead of rallying to my aid when gangsters came into my life, I was stalked, harassed and betrayed. Judge [redacted] turned a blind eye to so many improper irregularities that just to "out line" the situation for the Civil Rights division at the U.S. Department of Justice took more than 90 pages, I respectfully request, the Commission please investigate thoroughly, the situation I am caught up in.

(go to complaint marked "B")

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As I noted in my statement in the accompanying complaint against Judge _____; getting copies is difficult. This complaint, although on a separate form, is consecutive to the complaints against Judge _____ because Judge _____ took over my case after Judge _____ withdrew, and continued in the efforts ^{to protect} Judge _____.

Like Judge _____ Judge _____ refused to acknowledge or address my complaints of a lack of representation. Until a short time after I was improperly declared incompetent by two good friends, a Dr. Lynskey and a Dr. Potts - Dr. Potts and Dr. Lynskey both told me they discussed my case together during their "Independent Evaluations". Dr. Lynskey confided to me that Dr. Potts is his long-time friend and was his Mentor during his training. - After repeated and insistent demands that Bryce Patterson be replaced, Mr. Patterson withdrew and R. John Lee took over my defense.

Mr. Lee met with me briefly to tell me I had been declared incompetent, as we were ushered into the Judge's chambers. It was decided that I would get a competency hearing and could present evidence to counter the "opinions" of the Doctors.

R. John Lee never interviewed me. Betrayed the attorney/client privilege by disclosing some of what I told him about Doug's involvement with _____

(go to page 1B, 03-22)

(Attach additional sheets as needed)

Re:

Page 1B, 03-22

2010-072

the Hells Angels, F.Y.I. - I demanded a long overdue disclosure when Bryce Patterson finally withdrew from my case, when I looked at the few documents I found a reference to comments made by friend Troy told the deputy processing the "Crime" scene that Doug was a member of the Hells Angels.

After Doug tried so desperately to kill me, I had suspected he was involved with the gang, Troy's statement is proof that Doug was a member of the Hells Angels, Troy is a liar, and made inaccurate statements, I do believe he was telling the truth when he told the deputy Doug was a member of the H.A.'s, - R. John Lee must have told others, even the prosecutor, about Doug's membership, comments were made by jailers and deputies, and later Doctor's Potts, Lynskey and Jascinski, about the Hells Angels "conspiracy" I was "imagining".

Judge ignored my life-long history of responsible conduct, including the facts of my honorable service in the military and the reports of my good standing in the community; my friends, neighbors and a snowflake business owner all risked their lives to testify in my behalf. All to no avail. Judge ignored the facts of my history in favor of the improperly conducted, unsubstantiated evaluations done by two friends.

I have no history of criminal behavior, quite the opposite, I have no history of mental illness, no one, lawyers, doctors, or judges made any effort to ascertain the factual basis for my allegations, Drs, Potts, Lynskey, Westlake and Jascinsky all lied about what I said and did. When I protested that R. John Lee was not acting in my interests; my complaints were ignored. I heard from a jailer that everyone was laughing at me because Mr. Lee had told "people" that I thought "he was a Hells Angel."
(go to page 2B, 03-22)

Re: Judge

Page 2B, 03-22

2010-072

The last time I talked with R. John Lee, was just after the testimony of members of the community, my personal history, and my own ~~test~~ behavior while in custody had all been ignored in favor of the unsubstantiated "Expert Opinions" that I was incompetent. Mr. Lee confided as he was walking me to the courtroom door to be returned to the isolation cell; that only the opinion of a doctor would be counted as having weight in a court against the "opinions" of doctors. I found out later that I should have been allowed to obtain another "Expert" opinion. R. John Lee's failure to provide me with advice or representation was ignored by Judge Taylor, and Judge Grimsley, the testimony of my peers was ignored. The word of Good people, responsible citizens should count for something. THIS IS AMERICA!

(go to complaint marked "C" for more.)

2010-072

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Judge failed to address my complaints as to the lack of any efforts to represent my interests and provide for my defense. Also, Judge

- Following my new attorney's suggestion of a rule 11 evaluation to ascertain my "State of Mind at the time of my shooting Doug Powell," appointed the same two doctors that had improperly found me incompetent to stand trial, to do what are supposed to be unbiased "Independent Evaluations."
- Ignored Dr. Lynskey's comment in his report to the court that he had talked to Dr. Potts during the evaluation process.
- Ignored my complaints against Laurence Kress; that he was NOT acting in my best interests.
- Ignored the illegal seizure of evidence from my home by the prosecution. I told Mr. Kress's hired investigator, Mr. Rick Garsha, about a journal at my home. When Mr. Kress requested Judge allow Mr. Garsha access to my home to retrieve my journal; the prosecutory sent sheriff's deputies who seized my work for use against me. Mr. Kress gave me the news and told me he would register a protest and complaint. The incident was never mentioned again, or resolved. The journal is not in the materials returned to me along with the incomplete file copies I finally got from Ron Wood. He replaced Mr. Kress, who left the state shortly

(go to page
1C, 03-22)

(Attach additional sheets as needed)

after he helped the state recover and destroy any evidence that might have helped me.

- Failed to address the false statements Ron Stowe submitted to the investigators and to the court. Please refer to Mr. Stowe's comments in his original statements to investigators and note his comments in his protests to the plea agreement Laurence Kress helped coerce me into signing.
- Failed to address my complaints that Ron Wood did not provide any defense or answer any of my requests for counsel and advice in regards to my case.
- Failed to acknowledge my complaints when Ron Wood did not provide me any representation, did not even bother to attend, when my case came up for review before the Psychiatric Security Review Board (P.S.R.B.) in 2007.
- After the P.S.R.B. allowed a continuance in September of 2009 so I could obtain an evaluation from a doctor Independent of the state or my case; Judge ^{again appointed Dr. Potts} for the third time, to do an unbiased "Independent Evaluation of my mental health."
- Has failed to address the misconduct of Ron Wood's replacement, a Mr. John Blischak,

All of the judges, lawyers and state employed doctors and "Experts" have ignored the "Facts" of my case and perpetrated lies, obfuscations, and catastrophizations in an effort to protect Lt. _____ and the "State" of Arizona from the liability incurred from their inaction and "Deliberate Indifference". I have forwarded requests for investigations to Federal Authorities. The summary of violations and what little supporting evidence I could get copied up to more than 100 pages. Neither I, or my family has received any response from any of the elected officials we tried to contact. 3 people who came to the jail, offered me support, and promised to return; have disappeared. Violations of my

(go to page 2C, 03-72)

Re: Judge

2010-072

Page 20, 03-22.

Constitutional Rights, and my patient's rights continue, I am preparing an addendum to my complaint to the D.O.J.

As many as 7 people have been killed after they went to Navajo and Apache Co. authorities and Reported criminal activities. 4 of my friends and neighbors, including the woman who delivered my mail, have vanished without a trace, and or, failed to contact me as they promised.

My home in Navajo County was Looted and vandalized by investigators.

Evidence, including a letter about my troubles that I wrote to my mother, vanished after she gave it to Mr. Kress. Any and all evidence that proved the Hells Angels are, and have been for decades, conducting "Criminal Enterprises" in the snowflake area has been destroyed, with the help of my "Court appointed attorneys".

This matter is so Long on going and my role in the events is so extensive that it will take a Large Book, my soon to be published Autobiography, to outline it all. The commission involvement and support to help deal with the violations of my rights will go a long way toward securing justice for me and all the other victims of the Hells Angels and thier associates.

I pray the Commission on Judicial Conduct will do its part and come to the aid of a responsible American citizen.

Currently, I have been restricted to the ward at the State Hospital. I can have no visitors. I am being kept isolated to the housing unit called Wick 5. The "Hospital" has refused me access to a Law Library so I cannot prepare meaningful Legal document to present the the courts. I am given No legal counseling or advice. Because investigators lied about what my Mother told them; she has become so depressed, so ill, she cannot function in any meaningful way. Please Help us!