

State of Arizona  
COMMISSION ON JUDICIAL CONDUCT

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Disposition of Complaint 12-307

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Complainant:	No. 1455710992A
Judge:	No. 1455710992B

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**ORDER**

The complainant alleged a superior court judge and a superior court commissioner violated her constitutional and legal rights.

The responsibility of the Commission on Judicial Conduct is to impartially determine if the judicial officers engaged in conduct that violated the provisions of Article 6.1 of the Arizona Constitution or the Code of Judicial Conduct and, if so, to take appropriate disciplinary action. The purpose and authority of the commission is limited to this mission.

After reviewing the information provided by the complainant and various court records, the commission found no evidence of ethical misconduct and concluded that the judicial officers did not violate the Code in this case. The commission does not have jurisdiction to review the legal sufficiency of court rulings. Accordingly, the complaint is dismissed in its entirety, pursuant to Rules 16(a) and 23.

Dated: December 12, 2012.

FOR THE COMMISSION

/s/ George Riemer

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George A. Riemer  
Executive Director

Copies of this order were mailed to the complainant and the judge on December 12, 2012.

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

41-2405 Arizona criminal justice commission; powers and duties; staff

A. The Arizona criminal justice commission shall

2. Facilitate research among criminal justice agencies and maintain criminal justice system information.

B. The Arizona criminal justice commission may, as necessary to perform functions,

1. Request any state or local criminal justice agency to submit any necessary information.

Judges have, (b) The authority to appoint, hire, terminate and discipline all personnel of the commission including consultants

5. Establish joint research and information facilities with the government and private agencies.

### THE ARIZONA STATE CONSTITUTION

*The Arizona State Constitution was drafted and ratified during the Constitutional Convention of 1910. The Constitution paved the way for Arizona to go from being a territory of the United States to becoming a full member of the United States.*

*The Constitution establishes fundamental rights for the citizens of Arizona. It is the bedrock for the relationship between the citizen and the government. The rights enshrined and protected in the Constitution, by outlining the limits of government power and defining the rights of every citizen, provide the framework within which the criminal law must function.*

*On 9-17-10 On Counts II and III for the Resisting Arrest, The Original Departmental Report number is, not State is in violation of 15.1 disclosure by state, and Count III possession of dangerous drugs violation F4 revised states Methamphetamine, state is in violation of disclosure of evidence, list of papers, documents, photographs or tangible objects that the prosecutor intends to use at trial.*

*This case stimulated from the Original date of 3-9-10, therefore the Chain of Custody should become more important on 9-17-10, in the Court Room SEF202 Judge Pro tem of the Mesa Superior Court in which would have reduced allegations planting of evidence, and the identification of an item as having potential evidentiary value, in which binded over counts II and counts III, Resisting Arrest F6 and Possession of Dangerous drugs violation F4 LSD amended to methamphetamine, on 9-17-10 which aided in The Arizona Revised Statue violation of Rule 13-301 Accomplice, 3. Which provided means or the opportunity to another to commit the offence of 13-2308 Participation in or assisting a criminal syndicate, involving an Organized Crime.*

Arizona Rules of Criminal Procedure 5.3 Nature of Preliminary Hearing a. Procedure, the preliminary hearing was held before Judge Pro Tem on 9-17-10, in his court room

, I was in custody at that time, there was no certification of the warrant, Rule 103 offer of proof, On 9-17-10 there was an oral argument that the court was not in possession of the Original Direct Complaint, Rule 5.3 a magistrate who shall admit only such evidence as is material, to question whether it is Probable Cause exists to hold the defendant for trial, on 9-17-10 the court was also not in possession of evidence of the materials provided in reference to Count III Possession/use of Dangerous Drugs, violation-court has access to my criminal prior history to know the cited statute for 13-3407 was not a violation, I was never charged with Possession of Dangerous Drugs-methamphetamine.

United States Constitution 14<sup>th</sup> Amendment, I was also in violation of the due process of the law, Court did not ask my permission to amend the information on the Direct Complaint, which was in the Possession of the Court with Original Case number of [REDACTED], the regenerated case number of [REDACTED] in reference to the revised [REDACTED] Rule 103 offer of proof. In case the ruling is one excluding evidence was made known to the court by offer or was apparent from the context within and questions should have been asked, history of case contains filing of this warrant on 8-30-10. Officer Hector Hernandez 3648 of the Phoenix Police Department, conducted a Misconduct of a false arrest in participation of a organized crime and citation 13-2308 M. participating in or assisting a criminal syndicate.

There was no warrant for my arrest on 8-24-10.

Rule 3.3 execution and return of warrant, (b) manner of execution, a warrant shall be executed by arrest of the defendant, the Officer need not have the warrant in his possession at the time of arrest, but upon request the officer shall show the warrant to the defendant as soon as possible, if the officer does not have the warrant in possession if the officer does not have the warrant in possession at the time or arrest. He or she shall inform the defendant of the offense charged and the fact that a warrant has been issued.

On 8-24-10, I ask Officer Hector Hernandez 3648 of the Phoenix Police Department were the warrant was coming from, his response was that it was coming out of Phoenix.

#### ARIZONA CODE OF JUDICIAL CONDUCT

Rule 2.9 Ex parte Communication (c) except as otherwise provided by law, a Judge shall not investigate facts in a matter independently and shall consider only the evidence presented and any facts that may properly be judicially noticed.

The document/materials are apparent in its unlawful appearance to be not in its legal format, according to the State of Arizona criminal Procedures and the Rules that the Commissioners, Judges, lawyers and Courts must abide by so that the Proceedings of Prosecution does not violate further the violations of my Arizona and United states Constitutional Right, and also my Civil Rights.

On 8-24-10, Direct Complaint Arrest Warrant, contained initialed signature of Judge Pro Tem [REDACTED] of the Superior Court of Mesa in which the Direct Complaint warrant for Arrest was not filed within 48 hours, which was listing Judge as Commissioner [REDACTED], in which

he is a Mesa Superior Court Judge and the Deputy County Attorney Tracy Darmody is a Phoenix County Attorney, in which Rule 2.2. of the Judicial Conduct, rules against intentional disregards towards a pattern, which was'nt an error, may constitute a misconduct.

This case binded over in the State of Arizona Superior Court of Maricopa County Phoenix, with continued Prosecution of Counts I interference with Judicial Proceeding

Counts II Resisting Arrest F6, 13-2508, has a [redacted] my initial complaint of 2 Mesa Police Officers committing Aggravated Assault on me on 3-9-10, Officer C. Colburn 16148 and M. Rome 15866, Officer/sergeant S. Martin 10057 and Jennifer Doucet 16681 took reports and there was 32 digital pictures taken on 3-10-10 4<sup>th</sup> ave Jail facility. This number listed above was planted unlawfully to generate [redacted]

In Which The Original Departmental Report Number of [redacted] was hidden within Phoenix, to further crimes against me, towards intentional lost but found within The Booking Detail Report of the County 's Sheriffs departmental data report sheet.

Counts III Possession/Use of Dangerous Drugs, violation F4 13-34, after also being binded over were there was no absolute evidence for the findings of probable cause, brought about the continuance of ER 8.4 Misconduct that allowed Deputy County Attorney, Carolina Fernanda Escalante, to Rule 2.2. Judicial Conduct, intentionally disregarded the law which resulted in her misconduct, and participation in a criminal syndicate of a Organized crime with persons whom have their positions in Authority to further crimes against me, [redacted]

On November 18<sup>th</sup> 2010 Scientific Examination Report-Drugs by Forensic Scientist III S. Fredricks 15417 Mesa Police Department, in reference to the revised insufficient irregular incident/investigation report [redacted]

Drugs was planted with this regenerated docket/case number of [redacted] in reference to the revised departmental report of [redacted], the picture of the evidence was handed to me on 1-24-12 with violations of the FDA Chain of Custody, of the Test shows irregularity with dates, violations of FDA Section 8.2.2 chain of custody not marked there is 2 tracking numbers for the drugs, which created an object that's not tangible for trail this is irrelevant and not admissible, violations of Section 8.2.3.1 The Test which consist of Toxicology, it had nothing to do with testing Methamphetamine.

Without Counts I Interference with Judicial Proceeding [redacted], its apparent motive true in its color of the documents provided in evidence that [redacted] is not only defending myself in this case matter, I am being victimized, harassed judged soley on my historical criminal background (bias) and my socioeconomic statues, in which lam consider indigent.

without Count 1 interference with judicial procedure these 2 Mesa Police Officers C. Colburn 16148 and M. Rome 15866, with Officer C. Colburn 16148, admitting in the revised incident/investigation report of [redacted], that he also noted that I had an alert on the scene of [redacted]

being charged with aggravated assault with law enforcement officers, Officer C. Colburn 16148 also admitted on 9-17-10 of the witness preliminary hearing , in Judge Pro Tem . court room SEF202 that I complained of Injuries. Officer C.Colburn 16148.

The court still is in violations of Disclosures 15.1 disclosure by state, and not in preparation for trail. Im in violations of my constitutional rights of the 14<sup>th</sup> amendment, 5<sup>th</sup> amendment, this is the 3<sup>rd</sup> time this case matter was brought before the court unlawfully containing an Original Case Number , the order of Protection : in reference to DR , involving the active generated case/docket number of 1 revised I , which also violated my Arizona Constitutional 4<sup>th</sup> amended right of Due Process of the Law, being deprived of life, liberty and also was deprived of my property by being unlawfully incarcerated, involving case numbers listed above in reference to the same incident date of its reports 3-9-10, of Count I interference with judicial proceedings M1 13-2810 which on the revised incident report it contains in the incident data report of C.Colburn 16148 of the Mesa Police Report #3 list Failure to Comply Court Order M1 .

Hector Hernandez 3648 of the Police Police department, upon committing an unlawful misconduct of a false arrest he assisted in an organized criminal act, that's in evidence in reference to the Superior Court, Court of Arizona, County of Maricopa, Release Questionnaire Documentation contains a Statement in evidence that was listed in Section B. Probable Cause Statement of Kristine A5992 of the Warrants section MCSO that the warrant was issued out of MCSO for counts 1 interference with judicial proceedings class 1 misdemeanor, counts 1 resisting arrest class six felony and counts 1 possession/use of dangerous drugs -revised incident report states the drug to be methamphetamine cited as a class four felony.

The Booking Detail Report that was given to me on 4-17-10, while I was incarcerated at the MCSO estrella jail facility, contains warrant coming out of County, for count 1 Fail to Comply Court Order M1 Count 1 Resis Arrest-Physical Force F6 and Count 1 Dangerous Drug-Poss/Use F4

there is no counts I II or III, it is listed as all ones, like someone was placing an order, in evidence that this warrant was issued out of County (MCSO) which the revised report number of 7 generated another docket/case number of from West Mesa Justice Court,listing Wayne Stewart as Deputy County Attorney, was presented unlawfully as if it was introduced to theMCSO Superior Court for Prosecution, listing Commissioner Charles Donofrio III as of my copy of the initial appearance document I received after court on both dates of 3-10-10 and 8-24-10.

I'm in violation of my 5<sup>th</sup> Amendment right no person shall be subjected for the same offense twice put in jeopardy . the Charges of Count I interference with judicial Proceedings | Count II Resisting Arrest | And Counts III Possession/Use of Dangerous Drugs violation | was presented twice for Prosecution.

My name is [redacted] Im presenting this Complaint to your department, to further investigate this very serious matter, also there is an Internal Affairs LT Thompson 11241 of the Mesa Police Department conducting an investigation in regards to my complaint of misconduct involving Mesa Police Department 's Officers C.Colburn 16148, M.Rome 15866, K Gillis 11932, A Coppola 16972, S, O'leary 16632, Tennille Tejada 17985, S.Kurtz 18176 and my sister Ernice Crenshaw and boyfriend Byrant Keith Carter who gave falsified information within the Petition of the Order of Protection, which was an invalid document that never went in front of a Judge of The Mesa Municipal Court, this document contained a signature of Judge Robin Allen , and someone who was posing as a New Leaf Worker going by the name of Melissa Anne Longe, AKA Missy Melissa Longe, all in reference to the same incident date of 3-09-10 and same docket numbers, in reference to same departmental report numbers listed in this complaint.

If you have any further question, I can be reached by postal mailing, of [redacted] by phone ([redacted])

I would like to add that fact of the evidence in the Direct Compliant Summons Dated 7-22-10 to appear on 8-17-10 was not returned to court. It was not signed by me [redacted] on 7-29-10, for I was not living in Mesa at the time, in reference to Case number [redacted] criminal trespassing F6 Mesa Superior Court, that was scratched on 4-23-10 and brought back up on 8-24-10 within suspiciously lower case number of [redacted] listing this charge to be the Criminal Trespassing, with the departmental report number being [redacted] I put in a complaint with the Mesa Police Department on [redacted] . This document contains the Docket Number that was generated from revised report of [redacted] also in the revised report done by Officer C.Colburn 16148 there are witness statements of other police officer of the Mesa Police Department incident/investigation report within this revised report stating NFI, needing further information, this information is used in court for the Prosecutor to be able to Prosecute those charges, this rule is in the Arizona Criminal Procedures of the Arizona revised statues, that contains the generated docket/case number of [redacted] I in violations of The Criminal Procedure Rule 3.1 this document was not signed by a magistrate...nor Rule 3.2 was not signed by a Prosecutor I was told by a Sargeant Martinez of the MCSO Estrella Jail Facility, that these numbers are all in reference to the Same Original case number of [redacted]

Mesa Municipal court is hiding the prosecution of Count I interference with judicial proceedings M1 13-2810 within the docket number of [redacted] , because it was unlawfully planted, I was seen by Judge [redacted] on 3-09-10, who use to work the custody court room of the Mesa city court.

Sincerely

CONFIDENTIAL

State of Arizona

Commission on Judicial Conduct

1501 W Washington Street, Suite 229

Phoenix, Arizona 85007

COMPLAINT AGAINST JUDGE

Your Name :

Judges Name :

Judge , did not listen to my complaints against this case matter that involves several violations of laws she's sworn in the uphold the constitution, and the Laws of the Arizona Criminal Procedures.

My Participation in this Compliant involves my life, my children, my character, my up bringing, my innocence, and my evidence presented with documentation, not based only off of hearsay.

These charges are unlawfully placed in the State Of Arizona, Superior Court of Maricopa County, on the Master Calender.

Arizona Code Of Judicial Conduct Rule 2.2 (B) A Judge shall not, in the performance of Judicial duties, by words or conduct, Manifest Bias or Prejudice or engage in Harassement, based on race, sex, gender, religion, national origin, Ethnicity disability age, Sexual Orientation, marital status, socioeconomic status or Political Comments, A Judge Who Manifest bias or Prejudice in a proceeding impairs the fairness of the Proceeding and brings the judiciary into disrepute.

On 10-31-11, Court appearance of an Oral Argument, of my motion to waive my rights to be represented by counsel, Judicial Officer Judge , is in violation of my State Of Arizona, Constitutional 24 Rights of accused in criminal Prosecution, Section 24. In criminal prosecutions, the accused shall have the right to appear and defend in person, and by counsel, I placed a motion was filed on 9-24-12, it is my right to waive counsel, without no intimidation of harassement, Arizona Rules of Criminal Procedures Rule 11 b. Orders after hearing, (1) the court finds that the defendant is competent, proceedings shall continue without delay on 4-28-11 Honorable : | | , Superior Court Maricopa County, already ruled on the rule 11, finding me competent to stand trail, on 5-3-12 Judge Pro Tem ; order Sealed and Filed Medical Records by the experts, with already Commissioner : | | on 9-6-12 was held a Comprehensive Pretrial Conference, so I was already back on the regular Master Calender.

On 10-31-12, Honorable Judge , vacated the Proceedings, in reference to her concerns involving my just getting out of Rule 11, when that was my 2<sup>nd</sup> time coming out of a Rule 11, I did not consent to. She further advised me that she would have to look into my files, and then make her

determination, I replied to the fact of my files being Sealed, in reference the Judicial Code of Conduct, that Judges must respect and Honor the Judicial Office and a Public Trust and strive to maintain and entrance of confidence in the Legal System, she also said on record that I have placed 8 motions against the case, in event to capture the management unlawfully maintained, with my efforts to gain attention that there is Arizona revised Statutory violations of my rights being produced ongoingly within this Public entity within the State of Arizona, Maricopa County with a moto of the Society Of Justice that carved in the Phoenix Superior Court Building. There is no confidential citation with going to the Bench, to talk to an Judicial Officer of the Court, while a person in whom I suppose to trust, with confidence in the legal system, to then pronounce on 11-15-12 that I need to go back into Rule 11, for the 3<sup>rd</sup> time, for her professional discretion, that I need to learn my Court Appointed attorney's Participation in my case, after I already wrote her in a confidential general letter, letting her know that Mr. Thomas Chiang of the Public Defenders Office, advised me that he can not place any motions against this case or he would lose his state bar, Mr. Thomas Chiang of the Public defenders office have committed a ER 8.4 Misconduct, ( c ) in which he engaged in dishonesty, fraud, deceit or misrepresentation, and the The State of Arizona Constitution. Section 24, he did not demand anything involving this case, except on 10-12-11, the motion to suppress statements violation of Miranda.

These accusations are unlawfully placed involving my complaint number placed on 3-9-10 with reports taken by Sargeant S. Martin 10057 and Jennifer Doucet 16681 crime scene specialist who assigned incident/investigation report number [redacted], this number was used to generated case number [redacted] with the Original being [redacted], I advised Judge [redacted] of this, I also advised her the State is in violations of Disclosures, Rule 15.1 disclosure by state, also in reference 15.2 g, Disclosure by Order of the state, my constitutional rights is being violated, through this whole criminal case matter. There is violation of the United States Constitutional 14<sup>th</sup> amendment, of due process of the law.

Judicial Officer of the Superior Court working for the state of Arizona, Maricopa County, is in violation of the Judicial Code of Judicial Conduct, Canon 2, states a Judge shall perform the duties of judicial officer impartially, competently and diligently, Rule 2.1 giving precedence to judicial duties, she must respect and honor the judicial office. On 9-17-10 Judge Pro Tem of the Mesa Superior Court, the State of Arizona, Maricopa County, gave a mandated order to bind over only count II Resisting arrest [redacted] and counts III possession/use of dangerous drugs violation [redacted] the revised incident/investigation report state this drug to be methamphetamine, Judge [redacted] continued to allow Prosecution of Counts I interference with judicial Proceedings [redacted] revised/planting of this incident/investigation report being not of a Official Police Report, was giving to the court in reference to an incident of 3-9-10, on September 24<sup>th</sup> 2010, this incident/investigation report contains the obvious Failure to comply Court Order....also in reference to the Original incident/investigation number hidden within the Phoenix Police Department, in attempt to hide an attempted murder on my life, involving 2 mesa police officers C. Colburn 16148 and M. Rome 15866 of the Mesa Police Department their Original number is [redacted]

I also brought this information/material to the attention of Honorable Judge [redacted] in reference to an Booking Detail Report that contains it.

On 11-15-12, during this

hearing Honorable Judge [redacted] decision that allow the 8 motion to stay after a rule 11 I did not consent to, to be determined after the 6<sup>th</sup> experts that I would have seen when I finally again go back in regular Proceedings on a Master Calender, she then seeked advised from the State Prosecutor, who advised her to strick all 10 of my motions, the last being a Petition to challenge the incident/investigation report, which is my complaint number [redacted]

The Arizona Rules of Criminal Procedure, Rule 1.2 Purpose and Construction, these rules are intended to provide for the just, speedy determination of every criminal proceeding. They shall be construed to secure simplicity in procedure, fairness in administration, the elimination of unnecessary delays and expense, and to protect the fundamental rights of the individual while preserving the public welfare.

The State Of Arizona  
Constitution

The Arizona

State Constitution was drafted and ratified during the Constitutional Convention of 1910. The Constitution paved the way for Arizona to go from being a territory of the United States to becoming a full member of the United States.

The Constitution establishes fundamental rights for the citizens of Arizona. It is the bedrock for the relationship between the citizen and the government. The rights enshrined and protected in the Constitution, by outlining the limits of government power and defining the rights of every citizen, provide the framework within which the criminal law must function.

The Arizona Code Of Judicial Conduct Rule 2.2, 2. Although each Judge comes to the Bench with a unique background and Personal Philosophy, A Judge Must Interpret and Apply the Law without regard to whether the Judge approves or disapproves of the Law in question, 3. Good faith error or fact or law does not violate this rule.

A Judge can not be bias, because I, [redacted] is standing, indigent, in front of her, without Versace shoes on, without channel glasses or a Gucci bag. I have a Chronic Asthma Condition that I was getting over, that I on 11-6-12, went to the Maryvale Hospital emergency room with my oxygen reading 92 percent, I was getting over a head cold, that causes irritation to my lungs, (post nasal drip) that causes me Asthma, I have a SVN machine at my apartment, with Inhalation suspension of Albuterol and A Steriod Pulmacort that I have to take every for hours or as needed, and an Abuterol inhaler that I consistly carry around with me, Im in full compliance with Pretrail Services, I never came up dirty for Methamphetamine, and never did, I even took a hair follicle for another agency, Carolina Escalante Called CPS and must to have told CPS that Im about to do time, their in Violation, They came and did a welcheck, and said everything was fine, and still came 2 days later and took my son.

Judge cannot be bias or Prejudice, she must maintain interpretation of the reasons Honorable in front of her name, to give me, A Per Sa.....Confidence in the Legal system.

a case cannot function, meaning go to trail, in which Judge [redacted] knows that state can not go to trail with the disclosures they have, on 9-17-10 Judge Pro Tem [redacted], of the Mesa Superior Court, Mandated Order was to only bind over Counts II Resisting Arrest [redacted] and Count III Possession/

use dangerous Drugs violation, 13-3407 revised incident/investigation report state this drug to be methamphetamine, Judge Christopher Whitten my assigned Judge after Commissioner S. Lynch placed another amendment of the Direct Complaint that has the Original case number [redacted] from LSD to Methamphetamine, that was already conducted without my consent on 9-17-10 Judge Pro Tem [redacted] courtroom, Witness Preliminary Hearing, that also had an Oral Argument that the Court was not in Possession of the Original Direct Complaint, nor the Possession of Evidence for the materials nor the Chain of Custody, in reference to Count III Possession/use of Dangerous Drug violation 13-3407 methamphetamine, was also not a violation, on 1-24-11, Honorable Judge Christopher Whitten, document, in support attached, states on page 3 the weight of evidence against the accused: 6. Whether the accused is using any substance if its possession or use is illegal pursuant to chapter 34 of this title. 7. Whether the accused violated 13-3407, subsection A, [redacted] was never charged with Possession or use of a dangerous drug misdemeanor nor felony citation of the revised statute, Arizona State Legislature citation of statute 13-3407 states A. a person shall not knowingly 1. Possess or use a dangerous drug, B. Violates 1. Subsection A paragraph 1 of this section is guilty of a class 4 felony. Unless the drug involved is lysergic and diethylamide, methamphetamine, amphetamine or phencyclidine or the was previously convicted of felony offense or a violation of this section or section 13-3408 the court on motion of the state, considering the nature and circumstances of the offense, for a person not previously convicted of any felony offense or violation of this section or section 13-3408 may enter judgement of conviction for class 1 misdemeanor and make disposition accordingly.

On 4-11-11 Deputy County Attorney Carolina Fernanda Escalante, who was working in this criminal matter, Master calendar docket number [redacted], Participating in a criminal syndicate, of a organized crime, 13-2308, assisted in the planting of evidence from the Mesa Police Department, on 1-24-12, involving Federal violations of the Chain of Custody, inadmissible for trial.

Pretrial conferences is to prevent also a mistrial.....

Mr. Jeremy Miller Deputy County attorney is in violations of disclosures, [redacted] on an ongoing plea to the court to listen, even though my Court Appointed Attorney Mr. Thomas Chiang of the Public Defenders Office violated my 6<sup>th</sup> amendment right of the United States Constitution, to be given a copy thereof and demand the nature of the allegations of this Prosecution of charges, that known within its contents towards questions I've answered to be of My complaint number of [redacted] issued to me on 3-10-10 by a Sargeant of the Mesa Police Department.

The State of Arizona Superior Court of Maricopa County Judicial Officer of the court, can exercise The Arizona State Legislature, State Revised Statue 13-2810, 1. When 1. Engages in disorderly....Per Sa...Misconduct, disrespectful or insolent behavior during the session ....Per Sa...Prosecution.....of a court which...has to up hold the Contitution...for the Society of Justice that not functioning diligently, which impairs its respect due to the authority.

Please contact me with the outcome of this complaint to your department.

