

State of Arizona
COMMISSION ON JUDICIAL CONDUCT

Disposition of Complaint 13-283

Judge:	No. 1090514796A
Complainant:	No. 1090514796B

ORDER

The complainant alleged a superior court judge allowed him to plead guilty and improperly sentenced him to prison knowing the evidence against him should have been suppressed.

The responsibility of the Commission on Judicial Conduct is to impartially determine if the judge 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 review, the commission found no evidence of ethical misconduct and concluded that the judge 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 11, 2013.

FOR THE COMMISSION

/s/ George Riemer

George A. Riemer
Executive Director

Copies of this order were mailed to the complainant and the judge on December 11, 2013.

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

2013-289

COMPLAINT AGAINST A JUDGE

Name _____ Judge's Name: _____

Instructions: Use this form or plain paper of the same size to file a complaint. Describe in your own words what you believe the judge did that you believe constitutes judicial misconduct. Be specific and list all of the names, dates, times, and places that will help the commission understand your concerns. Additional pages may be attached along with copies (not originals) of relevant court documents. Please complete one side of the paper only, and keep a copy of the complaint for your records.

On I had a suppression hearing in front of
of the police department testified to what was
in his police report. was my for this hearing which was
lost due to as that the radio calls from this night I was
assisted back on Now I went Pro per and on the day I
was set for trial, The (state) gave in the Background Event
Chronology report Event Number this Chronology in fact
showed what was wrote in his report And also as to
what he testified to in court was in fact a lie, wrote
in his report that he has ~~stop~~ ran an AZ license plate of
which returned as not valid for highway use, and conducted a traffic
stop on this vehicle. Then after As I was approaching
the vehicle I observed a Temporary AZ plate in the rear window
of I told the driver why I had stopped him and that I
could see another plate in the window which I planned on running as
well. Now the day of trial and when gave this Chronology
report it in fact showed what I was telling all along was
true. That stopped he said he didn't see the other plate
in the window and I was free to go. Now after I got this Chronology
report I made my Atty, who explained to the Court that
the Chronology report might merit reconsideration of the suppression
issue of this case. Because the Chronology showed that or
at office initiated a traffic stop after running
AZ license plate number Chronology p1) Contrary to all of the

parties previous pleadings and the police report, however the
Chronology also showed that Officer [redacted] than ran AZ license
plate number [redacted] at [redacted] on [redacted]
Chronology p.1 Aside From those two plates which Officer
ran [redacted] seconds apart, the Chronology shows that Officer
ran no other plates during the stop. Chronology p.1-4 Furthermore
the Chronology shows that Officer [redacted] did not obtain personal
information from me and enter it into the system until
a little over a minute and a half after running the second of
the two plates Chronology p.1 Based on the chronology the "facts"
on which the parties and the "Court" relied were "incorrect" as
in reality, Officer [redacted] ran "both" the invalid license plate
number as well as the "valid" license plate number before
approaching me, and requesting personal information. Now I
believe that every person in the United States needs to feel
secure against unreasonable search and seizure. And the
Fourth Amendment to the United States Constitution guarantees
that right. And when Officers make traffic stops based on facts
that neither constitute a violation of the law nor constitute
reasonable grounds to suspect the driver has committed an
offense, they run afoul of the Fourth Amendment requirement
that they possess objectively reasonable grounds for the intrusion

citing

I could site case law all day where the Courts have up

held and reversed Fourth Amendment right Violations
And that is what the people of the United States "Must"
depend on the "Courts" upholding the United States. And when
the Courts (Knowingly) A has in these
matters. Do not uphold the laws in the United States Constitution
public confidence in the independence, integrity and impartiality
of the Judiciary are at great question. Canon 1 Rule 1.2
The test for appearance of impropriety is whether the conduct
would create in reasonable minds a perception that the Judge
violated this code or engaged in other conduct that reflects
adversely on the Judge's honesty, impartiality, temperament or
fitness to serve as a Judge. Rule 1.1 A Judge shall comply with
the law, which Brings us to Canon 2, Rule 2.2 A Judge shall
uphold and apply the law, and shall perform all duties of Judicial
Office fairly and impartially.

So here we go -- whe told the court about the
Chronology the court set a hearing on in order
to address a Motion to reconsider its ruling on motion to
suppress. And this was to be held in front of
who was the Judge who denied the first hearing. The reason
for this hearing is based on Newly discovered evidence,
The Background Event Chronology P.1-4 which clearly shows
that Officer knew that my plate was valid when he
approached me and questioned me. And it also seriously calls
into question Officer credibility, as to what he
testified before to what was contained in his report and
pleadings, something directly contradicted by the computer
generated Chronology

I'd point out in my transcripts. p 4 the Judge states let me first do this. Let me do the very first thing I told counsel I was going to do in chambers. let me put it this way Neither party managed to timely order the transcripts of the hearing. (First suppression hearing) Both parties need it. I had it prepared for the "Court" and shared that with the parties so as a matter of fairness to the court reporter, it is ordered that the cost of the transcripts be paid half by the County Atty's and half by the County office of the Public Defenders Services. Now that along tells me. the Judge, State, and Mr Brown first were in the Judge's chambers before this hearing and were looking at the transcripts, and reviewing this case. it would be fair to say they had all the information involving these matters there at this time. including the Background Event Chronology report. I think it would be safe to say any fair minded person would also see this scene that is what this hearing is based upon. So Hon [redacted] was aware of the fact that my Fourth Amendment rights as a matter of law were in fact violated by Officer [redacted] as shown by and clearly shown by the computer generated Chronology Computers don't lie. "people do". And he Hon [redacted] was also aware that Officer [redacted] lied on the stand when he testified at the first suppression hearing since he refers to the transcripts. I had it prepared for the court, his own words, In Arizona code of Judicial Conduct (knowingly) means actual knowledge of the fact in question. A person's knowledge may be inferred from circumstances And "Law" encompasses court rules as well as ordinances, regulations, statutes,

constitutional provisions, and decisional law. So Hon

knows that "perjury" by a officer is a violation of the law. He also knows that stopping an automobile and detaining its occupants constitutes a "seizure" within the meaning of the Fourth and Fourteenth ~~amendments~~ amendments even though such investigatory stop is brief and limited in purpose.

And Hon

knows when officers make traffic stops based on facts that neither constitute a violation of law nor constitute reasonable grounds to suspect the driver has committed an offense they run afoul of the Fourth Amendment requirement.

Again there could be no doubt that Hon knows My Fourth Amendment rights have been violated. And instead of upholding the law Under Canon 1 and Canon 2 in Canon 2 Rule 2.6 (D) A Judge may encourage parties to a proceeding and their lawyers to settle matters in dispute. But shall "not" coerce any party into settlement. Again transcripts have statements in them that a Judge who knows what Hon. John Hannah knows because of the clear and overwhelming evidence before the Court should not make. He knows the officer is a ~~per~~ liar. but on p. 7 line 7 he states Okay Let me ask you, do you understand that if you go to trial on these charges and lose any of them, really you're walking into a buzz saw that's going to cut you up a lot worse than the plea offer. On p 9 Hon is telling me if prevail on the suppression motion and he don't know what he's going to do until he hears from the officer. The officer has already lost credibility because of the chronology report. Anyways

he states I have 3 more case's And Ho at this
time has no knowledge of these case's or of the evidence the
state has, but he ask's p 9 lin 23 what's hanging ne up.
p 10 lin 8 he states what concerns ne is the people in your
position are not, are making decisions that are clearly not in
there own best interest. And in your situation unless youve
got at least stright face defenses for every one of these cases
you know I just wonder about why you would walk into the
buzz saw. But I belive the part that had ne is on p. 16
lin 23 Hon

States let ne say one other thing.
The results of this hearing "isn't" about some principle. My
personal opinion is that its a "very bad" idea to go ahead
for you. From your part of view to go ahead with this
hearing because "you think" in principle that your rights were
violated Because its about your future, it really is. And that
time I told my Atty Id take the plea on the Courts advice
and my Atty's Hon. stated "you think" in
principle. Im gessing at that time my rights must not have
been violated or the Judge wouldnt of said what he
said. And knowing now that my rights were infact violated
I wonder why a Judge who is sopose to uphold the
law and protect my rights under the U.S constitution
would do as he did. And to go one more I know now
that the "court" the state and my Atty Mr were
"well" aware of what they were doing a person who don't
know the law "be ware" Canon 2 Rule 2.15, (B)
Responding to Judicial and Lawyer Misconduct A Judge
having knowledge that a lawyer has committed a violation

of Rules of Professional Conduct that raises a substantial question regarding the lawyer's honesty, trustworthiness or fitness as a lawyer in other respects shall inform the appropriate authority. Mr [redacted] advice to sign a plea in these matters and in fact he was only my Atty for 15 days and didn't even look into any evidence, or did any investigation, or talked to any witnesses. In fact Mr [redacted] "didn't" even know the charge's that the state has filed against me. And this is shown in my sentencing transcripts p. 8 line 24 I'm going to ask Hon.

about the Count of Criminal Impersonation It is

Count two in matter

it is clearly on my

Indictment Count 1 Forgery Count 2 Criminal Impersonation. It is also clearly stated in the State's pretrial statements. And it is clearly that these charges were forward to the County Atty's office for consideration of prosecution from Justice Court where I was charged with contracting without a license and was found not guilty of making said document that they say I forged. Again I'm asking the court about this charge and Mr [redacted] asks me off and state: He was concerned there was an additional charge of Criminal Impersonation that wasn't dismissed along with the Forgery. I've "never" seen that count along with the Forgery count. And he did have a case of Criminal Impersonation of a misdemeanor in a Justice Court where he was found not guilty of that. He just thought it was a felony. So that's where the confusion is and he thought the court might know more about that than he does, yep my Atty either does not even know my charges or this hole this is just a sham put on by the courts, and my Atty and

Because on

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Min. Entry by

Hon. For matter granting the State's
Motion dismissing Count 2 none pro tunc correctly the sentencing
of Imprisonment dated . The court new I wasn't
guilty of Forgery or Criminal Impersonation. And to make sure
on matters There was a CD From Hon
Courtroom sent to Hon For my PCR and this
CD is now gone. I've wrote a motion for the return of evidence
this CD should infact still be on the record but it has
some how got lost after being sent to Hon From
my PCR Atty, I have the motions From my Atty Strategy it was
sent. please ask Hon to return my CD, but since
it's proof that I never told another inmate how to sign papers
And is evidence that I'm infact not guilty of this charge
I'm sure it will not be returned. by I have For evidence
~~photo~~ photo copies of the CD and the motion from my atty to
post-online along with all my other evidence. Along with going
to Newstimes and Fusion networks. There is also alot of mis-
conduct by in these matters. I will be sending
everything about and to the ABA when
released also. After this Commission looks into these matters you
will see everything I've said is true. And that if it wasn't for the
Court looking out for police who lie. And Atty's who couldn't do there
job but instead trick someone who isn't aware of the law's
Nobody's Constitutional Rights are safe anymore if the courts
will go ahead and do stuff like this.
Thank you for your tin. I have a release date of
if I don't hear nothing by then I will call