

State of Arizona
COMMISSION ON JUDICIAL CONDUCT

Disposition of Complaint 13-305

Judge:	No. 1078914810A
Complainant:	No. 1078914810B

ORDER

The complainant alleged a superior court commissioner violated his legal rights.

The responsibility of the Commission on Judicial Conduct is to impartially determine if the commissioner 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 commissioner did not violate the Code in this case. The commission does to 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 18, 2013.

FOR THE COMMISSION

/s/ George Riemer

George A. Riemer
Executive Director

Copies of this order were mailed to the complainant and the commissioner on December 18, 2013.

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

2013-303

NOV 18 2013

IN THE COURT OF APPEALS

STATE OF ARIZONA

DIVISION 1

PLAINTIFF,

CASE NO.

Vs.

COMPLAINT

COMMISSIONER

JUDGE PRO

TEM OF THE SUPERIOR COURT OF THE STATE

OF ARIZONA, IN AND FOR THE COUNTY OF

RESPONDENT JUDGE PRO TEM,

STATE OF ARIZONA,

REAL PARTY IN INTEREST

RESPONDANT CONTACT INFORMATION

NAME: COMISSIONER

JUDGE PRO TEM OF

THE SUPERIOR COURT OF ARIZONA

2013-305

NOV 18 2013

NAME: COMMISSIONER

JUDGE PRO TEM OF

THE SUPERIOR COURT OF ARIZONA

ADDRESSE:

PLAINTIFF CONTACT INFORMATION

NAME:

ADDRESS:

GLENDALE

TELEPHONE

E-MAIL

THE COMPLAINANT, (COMPLAINANT)
HEREIN PERSONALLY APPEARS AND, BEING DULY SWORN,
COMPLAINS ABOUT A DECISION MADE BY THE SUPERIOR
COURT OF THE STATE OF ARIZONA, IN AND FOR THE COUNTY
OF IN WHICH THE COMMISSIONER
SERVES AS JUDGE PRO TEM (JUDGE). THE
COMPLAINANT BELIEVES AND AFFIRMS THAT JUDGE IS IN
VIOLATION OF THE CONSTITUTIONAL OATH OF OFFICE
OUTLINED BY A.R.S 38-231, FOR THE FOLLOWING REASONS:

COUNT 1, VIOLATION: ARIZ. R. CRIM. P. 16.6(B)

THE SUPERIOR COURT OF ARIZONA, IN WHICH THE
COMMISSIONER SERVES AS JUDGE PRO
TEM, FAILED TO PERFORM A DUTY REQUIRED BY LAW, IN
WHICH THERE IS NO DISCRETION.

ARIZONA RULE OF CRIMINAL PROCEDURE 16.6(B) REQUIRES
THAT A COMPLAINT BE DISMISSED IF, ON A DEFENDANT'S
MOTION, THE COURT FINDS THAT THE INDICTMENT,
INFORMATION OR COMPLAINT, IS INSUFFICIENT AS A MATTER
OF LAW. ARIZ. R. CRIM. P. 16.6(B).

COUNT 2 VIOLATION: ARIZ. R. CRIM. P. 16.6(D)

DISMISSAL OF A PROSECUTION SHALL BE WITHOUT PREJUDICE TO COMMENCEMENT OF ANOTHER PROSECUTION, UNLESS THE COURT ORDER FINDS THAT THE INTEREST OF THE JUSTICE REQUIRE, THAT THE DISMISSAL BE WITH PREJUDICE. ARIZ. R. CRIM. P. 16.6(D)

COUNT 3 VIOLATION: A.R.S. RULES CRIM. PROC., RULE 6.1(C)

A DEFENDANT MAY WAIVE HIS OR HER RIGHTS TO COUNSEL UNDER (A) AND (B), IN WRITING, AFTER THE COURT HAS ASCERTAINED THAT HE OR SHE KNOWINGLY, INTELLIGENTLY AND VOLUNTARILY DESIRES TO FOREGO THEM. WHEN A DEFENDANT WAIVES HIS OR HER RIGHTS TO COUNSEL, THE COURT MAY APPOINT AN ATTORNEY TO ADVISE HIM OR HER DURING ANY STAGE OF THE PROCEEDINGS. SUCH ADVISORY COUNSEL SHALL BE GIVEN NOTICE OF ALL MATTER OF WHICH THE DEFENDANT IS NOTIFIED.

FACTS:

- ON SEPTEMBER 30, 2013 THE STATE OF ARIZONA FILED A DIRECT COMPLAINT ON INFORMATION AND BELIEF AGAINST COMPLAINANT, CHARGING THAT IN MARICOPA COUNTY, ARIZONA:

COUNT 1: KNOWINGLY TRANSPORTED FOR SALE, IMPORTED INTO THIS STATE, OR OFFERED TO TRANSPORT FOR SALE OR IMPORT INTO THIS STATE, SOLD, TRANSFERRED OR OFFERED TO SELL OR TRANSFER AN AMOUNT OF MARIJUANA HAVING A WEIGHT OF LESS THAN TWO POUNDS, IN VIOLATION OF: A.R.S 13-3401, 13-3405, 13-3418, 13-701, 13-702, AND 13-801.

COUNT 2: UNLAWFULLY USED A WIRE COMMUNICATION OR ELECTRONIC COMMUNICATION TO FACILITATE THE CRIME OF SALE OR TRANSFER OF MARIJUANA, IN VIOLATION OF: A.R.S 13-3001, 13-3417, 13-3418, 13-701, 13-702, AND 13-801.

- ON AS THE DEFENDANT, ANSWERED THE COMPLAINT IN FULL,

STANDING ON THE AFFIRMATIVE DEFENSE LISTED IN
A.R.S 36-2811, 36-2812 AS WELL AS THE LEGAL DEFINITION
OF "MEDICAL USE" LISTED IN A.R.S. 36-2801. THE ANSWER
WAS PROPERLY FILED WITH SUPERIOR COURT CLERKS
OFFICE, HAND DELIVERED TO OFFICE OF COMMISSIONER
AND SENT BY CERTIFIED MAIL TO THE
ATTORNEY OF THE PLAINTIFF.

- ON COMPLAINANT FILES A MOTION TO
DISMISS WITHOUT PREJUDICE.

- ON THE HONORABLE
STOOD FOR COMMISSIONER.

COURT MINUTE ENTRY: "THE DEFENDANT SUBMITTED A
MOTION TO DISMISS WITHOUT PREJUDICE PRO SE. THE COURT
WILL TAKE NO ACTION ON THIS MATTER AS THE DEFENDANT IS
REPRESENTED BY COUNSEL AND HAS NOT BEEN GRANTED THE
AUTHORITY TO REPRESENT HIMSELF IN THIS MATTER."

COMMISSIONER

WAS COMMISSIONER FOR COMMISSIONER

JUDGE PRO TEM.

-ON COMMISSIONER.

DENIED A WIAVER OF COUNSEL PURSUANT TO A.R.S. RULES
CRIM. PROC., RULE 6.1(C), SIGNED BY THE COMPLAINANT
(WITHOUT PREJUDICE); THEREBY AVOIDING DECISION
REGARDING MOTION TO DISMISS WITHOUT PREJUDICE.

-THE WAIVER OF COUNSEL DOCUMENT, SUBMITTED TO
COMPLAINANT FOR SIGNING, INCLUDED LANGUAGE THAT
STRIPPED ALL RIGHTS PURSUANT TO A.R.S. RULES CRIM. PROC.,
RULE 6.1 (E)

DURING THE PROCEEDING OF THE
STATUS CONFERENCE, THE STATES ATTORNEY INQUIRED OF
COMMISSIONERS DECISION, REGARDING
COMPLAINANT MOTION TO DISMISS WITHOUT PREJUDICE THAT
WAS FILED. THE COMISSIONER FAILED TO RENDER A DECISION,
FOR THE RECORD AND ON THE RECORD.

AFTER THE PROCEEDINGS OF THE STATUS CONFERENCE, COMPLAINANT WAS APPROACHED BY WHOM I BELIEVE TO BE AN AGENT OF EITHER THE PUBLIC DEFENDERS OFFICE OR OFFICE OF THE LEGAL DEFENDERS; SHE NEVER SPECIFIED WHOM; INFORMING ME, OFF OF THE RECORD, THAT THE MOTION TO DISMISS WITHOUT PREJUDICE HAD BEEN DENIED.

THE PLAINTIFF FILED A NOTICE OF SUPERVENING INDICTMENT.

- THE COMPLAINANT FILES A WAIVER OF COUNSEL NOTIFICATION, IN THE SUPERIOR COURT OF ARIZONA, PURSUANT TO ARIZ. R. CRIM. P. 6.1(C)
- ON COMPLAINANT SUBSEQUENTLY FILES A MOTION TO DISMISS WITHOUT PREJUDICE, CONSISTING OF ADDITIONAL ISSUES AND FACTS OF THE MATTER.

BOTH COUNTS LISTED WITHIN THE
CRIMINAL COMPLAINT FROM THE STATE OF ARIZONA ARE
DISMISSED DUE TO GRAND JURY INDICTMENT.

- ON COMPLAINANT, APPEARES FOR A
PRELIMINARY HEARING, WHICH WAS VACATED FROM THE
COURT CALENDER AND INDEFINITELY RESCHEDULED TO

- COMMISSIONER COURT MINUTES,

THE COURT IS ADVISED THAT A NOTICE OF SUPERVENING
INDICTMENT HAS BEEN ISSUED IN THIS CASE BY THE GRAND
JURY. THEREFORE, THE PRELIMINARY HEARING SET FOR THIS
DATE FOR THE ABOVE ENTITLED CAUSE NUMBER IS VACATED
FROM THE REGIONAL COURT CENTER CALENDAR.

ISSUES RIASED

****REASON 1: LACK OF REASONABLE BELIEF ****

- IT IS NOT REASONABLE TO BELIEVE THAT THE INHABITANTS OF PHOENIX, ARIZONA HAVE OPENLY GONE ROGUE, ACTING IN OPEN REBELLION TO THE STATUTES GOVERNING THE “MEDICAL USE” OF MEDICINAL MARIJUANA, VIA INTERNET. IT IS ALSO NOT REASONABLE TO BELIEVE THAT THESE ADVERTISEMENTS HAVE BEEN GENERATED IN ATTEMPTS TO BOLDLY AND OPENLY DEFY THE STATUTES UNDER: A.R.S. 13-3405A4, A.R.S 13-3405A2
- THIS WOULD BE SUGGESTING THAT THE CRAIGSLIST ESTABLISHMENT HAS GONE LAWLESS AS WELL, PROMOTING THE WILL OF GOVERNMENT REBELS BY CONTINUESLY PUBLISHING ILLEGAL CONSPIRACIES. IT IS PROPOSTEROUS TO ASSERT THAT HUNDREDS OF ARIZONA CITIZENS OPENLY AND KNOWINGLY COMMIT FELONIOUS VIOLATIONS, WITH STRANGERS WHO ACQUIRE THEIR

CONTACT INFO REGARDING FELONIOUS VIOLATIONS, VIA PUBLIC ADVERTISEMENT. ALL OF THE ABOVE ARE NOT REASONABLE ASSERTIONS GIVEN THE CIRCUMSTANCE.

- IT IS MORE REASONABLE TO ASSERT THAT THE POLICE DEPARTMENT SEEKS TO REGULATE THE OPENNESS OF MEDICAL MARIJUANA CRAIGSLIST ADVERTISEMENTS REGARDLESS OF LEGALITY, DUE TO THE ILLEGAL OPPORTUNITIES THAT MAY ARISE FROM THE ADVERTISEMENT OF THE PRODUCTS, OF A MULTI-BILLION DOLLAR INDUSTRY. IT IS ALSO HIGHLY REASONABLE TO ASSERT THAT THE VAST MAJORITY OF THE PHOENIX CRAIGSLIST MEDICAL MARIJUANA COMMUNITY, OPENLY ADVERTISES UNDER THE BELIEFE THAT THEY ARE OPERATING WITHIN THE LEGAL PARAMETERS LISTED IN: A.R.S 36-2811.
- ALTHOUGH IT IS UNDERSTANDABLE FOR MEASURES TO BE SOUGHT, WHICH REGULATE THE VALIDITY AND LEGALITY OF EACH MEDICAL MARIJUANA TRANSFER

GENERATED THROUGH CRAIGSLIST, IT IS NOT LAWFUL TO
BYPASS THE LAWS AND RIGHTS, WHICH PROTECT
ARIZONA CITIZENS, WHO INDEED BENEFIT FROM THE
MEDICAL USE OF MARIJUANA, WHICH INCLUDES:
OFFERING, PROVIDING AND ASSISTING WITH
ADMINISTERING MEDICAL MARIJUANA AS PER ARIZONA
LAW:

A.R.S 36-2811B3

A.R.S 36-2811D3

FURTHERMORE, A.R.S 36-2811A EXPRESSLY STATES:

THERE IS A PRESUMPTION THAT QUALIFIED PATIENT OR
DESIGNATED CAREGIVER IS ENGAGED IN THE MEDICAL USE OF
THE MEDICAL USE OF MARIJUANA PURSUANT TO THIS
CHAPTER.

1. THE PRESUMPTION EXISTS IF THE QUALIFYING PATIENT
OR DESIGNATED CAREGIVER:

(A) IS IN POSSESSION OF A REGISTRY IDENTIFICATION
CARD.

(B) IS IN POSSESSION OF AN AMOUNT OF MARIJUANA THAT

DOES NOT EXCEED THE ALLOWABLE AMOUNT OF
MARIJUANA

- THE POLICE DEPARTMENT DID NOT FOLLOW A
DUE PROCESS AS TO ASCERTAIN THE VALIDITY OF MY
PROPOSED AZDHS REGISTRY CARD, BEFORE DRAWING
FIREARMS AND COMMANDING ME TO VACATE MY
VEHICLE. THE POLICE DEPARTMENT POSED AS A
“QUALIFIED PATIENT” IN A BAD ATTEMPT TO GENERATE A
CONVICTION OF LIABILITY, THAT I STAND LEGALLY
PROTECTED AGAINST WHILE OPERATING WITHIN THE
PERAMETERS OF A.R.S 36-2811.

- IT IS REASONABLE TO ASSERT THAT THE “CRAIGSLIST”
ESTABLISHMENT DOES NOT CONTINUESLY AND
CONSTANTLY COMMISSION THE VIOLATION PUBLISHING
LAWS. IT IS THEREBY REASONABLE TO ASSERT THAT
POSTING A MEDICAL MARIJUANA ADVERTISEMENT ON
CRAIGSLIST IS LEGAL AS LONG AS IT IS IN ACCORD WITH:
A.R.S 36-2811

****REASON 2: LACK OF PROBABLE CAUSE****

-EXPRESSLY STATED AT THE END OF THE ADVERTISEMENT ARE
PAREMETERS AND DISCLAIMERS REGARDING THE USE AND
ACQUIRING OF MEDICAL MARIJUANA FOR “MEDICAL USE”. (A
PHOTOCOPY WAS INCLUDED) THE PAREMETERS AND
DISCLAIMERS LISTED ARE AS FOLLOWS:

“PLEASE BE PREPARED TO SHOW ID CARD UPON
DELIVERY OF MEDICATION. NO CARD, NO MEDICATION, NO
EXCEPTIONS!

BY RESPONDING TO THIS AD I AGREE THAT:

- 1) I AM A ARIZONA RESIDENT AGE 18 OR OLDER.
- 2) I HAVE A WRITTEN RECOMMENDATION FOR THE USE OF
MEDICAL CANNABIS FROM MY DOCTOR.
- 3) I AM NOT A LAW ENFORCEMENT OFFICER OF ANY KIND, OR
OPERATING UNDER AN ASSUMED NAME OR IN COOPERATION
WITH ANY CRIMINAL INVESTIGATION; NOR AM I SEEKING OUT

EVIDENCE WHICH MAY SERVE AS THE BASIS FOR ANY CHARGE OF VIOLATING FEDERAL, STATE, OR LOCAL LAWS.

4) I WILL NOT USE THE INFORMATION PROVIDED FOR ANY NON-MEDICINAL PURPOSES.

5) ANYONE WHO USES THE PROVIDED INFORMATION FOR ANY PURPOSE WHAT SO EVER, WILL BE ASSUMING THEIR OWN LIABILITY, AND ARE RESPONSIBLE FOR THEIR OWN ACTION.

6) THIS MEDICINE WILL BE CONSUMED ONLY BY ME AND/OR OTHER PROP 203 PATIENTS

7) REIMBURSEMENT THAT IS GIVEN IS USED TO COVER THE COST OF OUR GROW EXPENSES, OUR MATERIALS OUR DELIVERY COSTS (FUEL, OIL, VEHICLE MAINTENANCE), AND COMPENSATION FOR A COMPREHENSIVE MEDICAL MARIJUANA CONSULTATION. NO PAYMENT SHALL BE MADE FOR THE MEDICAL MARIJUANA ITSELF AS PER ARIZONA LAW.

****THIS NOTICE IS INTENDED FOR ARIZONA MEDICAL CANNABIS PATIENTS IN ACCORDANCE WITH PROP 203. THIS INFORMATION IS NOT INTENDED FOR ANY OTHER PURPOSE ILLEGAL OR OTHERWISE. THIS IS A LEGAL ADVERTISEMENT FOR MEDICINAL MARIJUANA IN COMPLIANCE WITH ARIZONA PROP 203**"**

-THE POLICE DEPARTMENT DISREGARDED THE
PAREMETERS AND DISCLAIMERS REGARDING THE USE AND
ACQUIRING OF MEDICAL MARIJUANA, WITHIN THE CONTEXT
OF THE ADVERTISEMENT.

- THE POLICE DEPARTMENT THEN PROCEEDED TO
RESPOND TO THE ADVERTISEMENT, POSING AS A
MEDICAL MARIJUANA “QUALIFIED PATIENT”, SEEKING TO
ACQUIRE 2 OUNCES, WHICH IS AN AMOUNT CONSISTENT
WITH “MEDICAL USE” AS STATED IN A.R.S. 36-2801.

-THIS FACT THIS OPENLY STATED AND ADMITTED IN THE FIRST
PARAGRAPH OF THE FIFTH PAGE OF POLICE
DEPARTMENT REPORT.

-I, THE DEFENDANT, THEN PROCEEDED TO
REAFFIRM THE STATUS OF THE PROPOSED “QUALIFIED
PATIENT” BY VERBALLY REQUESTING THAT A PHOTOCOPY OF
A VALID WOULD BE TEXT BY PHONE. THE PROPOSED

“QUALIFIED PATIENT” COMPLIED VERBALLY AND
SUBSEQUENTLY TEXTED A PHOTOCOPY OF AN
REGISTRY CARD.

-UPON BEING PHYSICALLY CONTACTED BY POLICE
DEPARTMENT, AT THE PARKING LOT, I WAS IN
POSSESSION OF A “REGISTRY CARD” AND I WAS IN POSSESSION
OF 2 OUNCES OF MEDICAL MARIJUANA. THIS IS CONSISTENT
WITH “MEDICAL USE” UNDER A.R.S 36-2811

- LEGAL DEFINITION: “MEDICAL USE” MEANS THE
ACQUISITION, POSSESSION, CULTIVATION,
MANUFACTURE, USE, ADMINISTRATION, DELIVERY,
TRANSFER, OR TRANSPORTATION OF MARIJUANA OR
PARAPHERNALIA RELATING TO THE ADMINISTRATION OF
MARIJUANA TO TREAT OR ALLEVIATE A REGISTERED
QUALIFYING PATIENT’S DEBILITATING MEDICAL
CONDITION OR SYMPTOMS ASSOCIATED WITH THE
PATIENT’S DEBILITATING MEDICAL CONDITION.

-A LACK OF PROBABLE CAUSE STOOD PREVALENT
THROUGHOUT THE INITIATION OF THE INVESTIGATION. THERE
WAS A LACK OF PROBABLE CAUSE UPON RESPONDING TO THE
ADVERTISEMENT, WITH INTENT ON A CRIMINAL
INVESTIGATION.

-A LACK OF PROBABLE CAUSE STOOD PREVALENT WHILE
POLICE DEPARTMENT POSED AS A “QUALIFIED
PATIENT”, PLANNING ACTIONS WITH ACTUAL “REGISTERED
CARDHOLDERS” THAT ARE CONSISTENT WITH “MEDICAL USE”
OF MEDICAL MARIJUANA.

-A LACK OF PROBABLE CAUSE STOOD PREVALENT UPON BEING
PHYSICALLY CONTACTED BY POLICE DEPARTMENT. I
WAS IN POSSESSION OF “REGISTRY IDENTIFICATION CARD”
AND IN POSSESSION OF 2 OUNCES, WHICH IS CONSISTENT WITH
A.R.S 36-2811. AN IMMEDIATE PRESUMPTION PREVAILED; THAT
MY INTENT WAS TO ENGAGE IN THE “MEDICAL USE” OF
MARIJUANA PURSUANT TO A.R.S 36-2811.

POLICE DEPARTMENT EVEN FAILED ASCERTAIN THE
VALIDITY OF MY “REGISTRY IDENTIFICATION CARD” AND
VERIFY THE QUANTITY OF MEDICAL MARIJUANA BEFORE

DRAWING FIREARMS; DEMANDING THAT I RAISE MY HANDS
AND EXIT THE VEHICLE.

PROBABLE CAUSE OF A CRIME NEVER SURMOUNTED.

****REASON 3:AFFIRMATIVE DEFENSE OF A.R.S. 36-2811(B),
36-2812:****

A REGISTERED QUALIFYING PATIENT OR REGISTERED
DESIGNATED CAREGIVER IS NOT SUBJECT TO ARREST,
PROSECUTION OR PENALTY IN ANY MANNER, OR DENIAL OF
ANY RIGHT OR PRIVILEGE, INCLUDING ANY CIVIL PENALTY OR
DISCIPLINARY ACTION BY A COURT OR OCCUPATIONAL OR
PROFESSIONAL LICENSING BOARD OR BUREAU:

1. FOR THE REGISTERED QUALIFYING PATIENT'S MEDICAL USE
OF MARIJUANA PURSUANT TO THIS CHAPTER, IF THE PATIENT
DOES NOT POSSESS MORE THAN THE ALLOWABLE AMOUNT OF
MARIJUANA

-I POSSESSED 2 OUNCES ALONG WITH REGISTRY CARD, WHICH
IS CONSISTENT WITH MEDICAL USE.

****REASON 4: A.R.S. 36-2811A SUBSECTION 2:****

THE PRESUMPTION MAY BE REBUTTED BY EVIDENCE THAT CONDUCT RELATED TO MARIJUANA WAS NOT FOR THE PURPOSE OF TREATING OR ALLEVIATING THE QUALIFYING PATIENT'S DEBILITATING MEDICAL CONDITION OR SYMPTOMS ASSOCIATED WITH THE QUALIFYING PATIENT'S DEBILITATING MEDICAL CONDITION PURSUANT TO THIS CHAPTER.

-MY SOLE PURPOSE FOR NETWORKING WITHIN THE MEDICAL MARIJUANA COMMUNITY, IS TO ACQUIRE EXPENSIVE MEDICAL MARIJUANA FREE OF CHARGE, FOR THE TREATMENT OF MY DEBILITATING AILMENT. THIS IS ACHIEVED BY THE COOPERATIVE NON-PROFIT EFFORTS OF "QUALIFIED PATIENTS."

-THE PARAMETERS AND DISCLAIMERS FOR THE USE AND ACQUIRING OF MEDICAL MARIJUANA WERE EXPRESSLY STATED WITHIN THE MEDICAL MARIJUANA ADVERTISEMENT.

-THE POLICE DEPARTMENT POSED AS "QUALIFIED PATIENTS" CLAIMING TO HOLD "REGISTRY IDENTIFICATION CARDS", BEFORE PLANNING ACTS THAT WERE CONSISTENT WITH "MEDICAL USE". UPON MY ATTEMPT AT REAFFIRMING

THE VALIDITY OF THEIR PROPOSED, "REGISTRY
IDENTIFICATION CARD", THE POLICE DEPARTMENT
PRECEDED TO TEXT A PHOTOCOPY OF A PROPOSED VALID
AZDHS REGISTRY CARD.

- EVERY ACTION ON MY BEHALF WAS CONSISTENT WITH THE
MEDICAL USE OF MARIJUANA, FOR THE SAKE OF TREATING
AND ALLEVIATING A QUALIFIED PATIENTS DEBILITATING
AILMENT PURSUANT TO A.R.S 36-2811.

THE PLAINTIFF HOLDS NO EVIDENCE, NOR GAINED A
PROBABLE CAUSE TO REBUTE THE PRESUMPTION OF MEDICAL
USE OUTLINED BY STATUTES UNDER A.R.S 36-2811, 36-2812, 36-
2801.

ADDITIONAL FACTS OF THE MATTER:

THE STATE OF ARIZONA SEEKS PROSECUTION OF

IN THE SUPERIOR COURT OF ARIZONA, WHERE THE

HON.

PRESIDES, FOR THE FOLLOWING

VIOLATIONS:

****FIRST COUNT VIOLATIONS****

- VIOLATION OF A.R.S 13-3418

-THIS STATUTE IS INAPPLICABLE AS A CRIMINAL OFFENSE

- VIOLATION OF A.R.S 13-701

-THIS STATUTE IS INAPPLICABLE AS A CRIMINAL OFFENSE

- VIOLATION OF A.R.S. 13-702

-THIS STATUTE IS INAPPLICABLE AS A CRIMINAL OFFENSE

- A.R.S 13-3401, 13-3405

-ARE BOTH BOUND BY A.R.S. 36-2811, 36-2812, 36-2801

(DEFINITION: "MEDICAL USE")

****SECOND COUNT VIOLATIONS****

- VIOLATION OF A.R.S 13-3001

-A LIST OF DEFINITIONS IS INAPPLICABLE AS A CRIMINAL
OFFENSE

- VIOLATION OF A.R.S 13-3418

-THIS STATUTE IS INAPPLICABLE AS A CRIMINAL OFFENSE

- VIOLATION OF A.R.S 13-701

-THIS STATUTE IS INAPPLICABLE AS A CRIMINAL OFFENSE

- A.R.S. 13-702

-THIS STATUTE IS INAPPLICABLE AS A CRIMINAL OFFENSE

- A.R.S 13-3417, 13-3405

-ARE BOTH BOUND BY A.R.S. 36-2811, 36-2812, 36-2801

(DEFINITION: "MEDICAL USE") AS WELL AS THE DISCLAIMERS AND NOTIFICATIONS LISTED WITHIN THE ADVERTISEMENT.

-THE POLICE DEPARTMENT OPENLY ADMITTED TO POSING AS "QUALIFIED PATIENTS", SEEKING TO ACQUIRE 2 OUNCES, WHICH IS AN AMOUNT CONSISTENT WITH "MEDICAL USE" AS STATED IN A.R.S. 36-2801.

THIS FACT THIS OPENLY STATED AND ADMITTED IN THE FIRST PARAGRAPH OF THE FIFTH PAGE OF POLICE DEPARTMENT REPORT.

-IN SECOND PARAGRAPH OF PAGE 7, OF THE POLICE DEPARTMENT REPORT, THE PHOENIX POLICE DEPARTMENT STATES, "SAID HE DOES NOT SELL THE MARIJUANA AND DOES NOT TAKE A DONATION FOR MARIJUANA.

I AFFIRMED THAT THE MEDICAL MARIJUANA WAS A PRODUCT OF A FREE COMPREHENSIVE CONSULTATION. THE COMPREHENSIVE CONSULTATION WAS NOT A PRODUCT OF MEDICAL MARIJUANA.

FURTHERMORE, IT WAS AFFIRMED IN "THE ANSWER TO THE COMPLAINT", THAT ALL PROCEEDS WENT TO AUTHORIZED CULTIVATORS; THAT I MAY REQUEST AND ACQUIRE THE EXPENSIVE MEDICAL MARIJUANA FOR "MEDICAL USE", AT MY DISCRETION, FREE OF CHARGE.

DISPOSITION:

-THERE ARE 7 LISTED STATUTES THAT THE STATE OF ARIZONA SEEKS PROSECUTION ON, WHICH ARE INAPPLICABLE AS CRIMINAL OFFENSES

-STATUTES A.R.S 13-3417, 13-3405, 13-3401 ARE CLEARLY REFUTED AND BOUND BY A.R.S. 36-2811, A.R.S. 26-2801

-THE POLICE DEPARTMENT CLEARLY AND IRRIFUTABLY LACKED PROBABLE CAUSE.

COMMISSIONER

COMMISSIONER FOR

COMMISSIONER

JUDGE PRO TEM

ATTEMPTED TO COERCE

INTO SIGNING A

WAIVER OF COUNSEL THAT HELD LANGUAGE, NOT ONLY

WAIVING RIGHTS TO COUNSEL PURSUANT TO A.R.S. RULES

CRIM. PROC., RULE 6.1 (C), BUT STRIPPING RIGHTS PURSUANT

TO A.R.S. RULES CRIM. PROC., RULE 6.1 (E).

UPON THE UNSUCCESSFUL ATTEMPTS TO COERCE

INTO REMOVING "WITHOUT PREJUDICE" FROM THE

SIGNATURE, COMMISSIONER

ARBITRARILY

DENIED A SIGNED WAIVER OF COUNSEL, AFTER THE COURT

ASCERTAINED THAT

KNOWINGLY,

INTELLIGENTLY AND VOLUNTARILY DESIRED TO FOREGO

THEM, PURSUANT TO A.R.S. RULES OF CRIM. PROC., RULE 6.1(C)

THE SUPERIOR COURT OF ARIZONA, WHERE COMMISSIONER

SERVES AS JUDGE PRO TEM, FAILS TO

ADDRESS AND/OR GRANT MOTION TO DISMISS WITHOUT

PREJUDICE, ON A DEFENDANT'S MOTION, IN WHICH THE

CHARGING DOCUMENT IS INSUFFICIENT AS A MATTER OF LAW
PURSUANT TO ARIZ. R. CRIM. P. 16.6(B); THEREBY FAILING TO
PERFORM DUTIES REQUIRED BY LAW, IN WHICH THERE IS NO
DISCRETION.

THE MATTER WAS DISMISSED DUE TO GRAND JURY
INDICTMENT.

-DISMISSAL OF A PROSECUTION SHALL BE WITHOUT PREJUDICE
TO COMMENCEMENT OF ANOTHER PROSECUTION, UNLESS THE
COURT ORDER FINDS THAT THE INTEREST OF THE JUSTICE
REQUIRE, THAT THE DISMISSAL BE WITH PREJUDICE ARIZ. R.
CRIM. P. 16.6(D)

—

COMPLAINANT

SWORN UPON INFORMATION AND BELIEF THIS
OF

U

I CERTIFY THAT A COPY OF THIS DOCUMENT HAS BEEN OR WILL BE MAILED ON _____ TO RESPONDANT AT THE ADDRESS LISTED ABOVE .	
DATE: _____	BY: _____

CERTIFICATE OF FILINGS AND SERVICE

The original and seven copies of the foregoing was filed in person, to the Clerk,
Arizona Supreme Court, Arizona

and that a 2 copies of the Petition for Special Action will or has been served
on by certified mail to the following:

RESPONDANT CONTACT INFORMATION

NAME: COMMISSIONER, JUDGE PRO TEM OF THE
SUPERIOR COURT OF

ADDRESSE:

ARIZONA

TELEPHONE:

ATTORNEY FOR, REAL PARTY IN INTEREST

NAME:

ADDRESS:

TELEPHONE:

COMPLAINANT:

DATE: