

State of Arizona  
COMMISSION ON JUDICIAL CONDUCT

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Disposition of Complaint 15-092

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Judge:

Complainant:

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**ORDER**

The complainant alleged a justice of the peace failed to correct a fraud upon the court and violated his civil rights.

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.

The commission does not have jurisdiction to review the legal sufficiency of the judge's rulings. In addition, the commission found no evidence of ethical misconduct and concluded that the judge did not violate the Code in this case. Accordingly, the complaint is dismissed in its entirety, pursuant to Rules 16(a) and 23.

Dated: April 22, 2015

FOR THE COMMISSION

/s/ George A. Riemer

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George A. Riemer  
Executive Director

Copies of this order were mailed to the complainant and the judge on April 22, 2015.

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

To whom it may concern,

2015-092

It is my understanding, fraud upon the court is committed when a representative of the court, such as an administrator, a lawyer, a judge or even a law enforcement officer fraudulently presents facts to the court that interferes with the just and equitable decision making process of the court.

It is my understanding, fraud upon the court, is a serious crime, and so dire in opposition to the definition of justice that it is not subject to any statute of limitations and it is with this totality, that I write you today.

Overview of complaint against

County

Perjury / Fraud:

1. On \_\_\_\_\_ I received a copy of the sheriff's written report from an incident I was involved with on \_\_\_\_\_. Although the report was riddled with inaccurate statements and flat out lies, it was submitted to the court as fact.

Additionally, it is my opinion the false statements in the sheriff's written report, is, the sole reasoning for the absence of dismissing all charges brought forth by the \_\_\_\_\_ County Attorney's Office.

Fraud upon the Court, County Attorney:

1. On \_\_\_\_\_ I personally reported the inaccuracies to \_\_\_\_\_ Attorney, \_\_\_\_\_ who ignored my concerns.
2. On \_\_\_\_\_ and pursuant to Ariz. Revised Statute (ARS) 11-532 (A) (2) (copy of statute enclosed) I personally hand delivered to \_\_\_\_\_ Attorney, \_\_\_\_\_ a written letter that stated:
  - "Please accept this letter as my formal complaint against the Sheriff for presenting you, and the Court, false and misleading information on a legal document."

And yet,

Mr. \_\_\_\_\_ continued to engage with the proceedings and ignore his legal obligation to, at minimum, investigate this fraudulent act that has been perpetrated upon the court, by the Sheriff. Please note the wording "The \_\_\_\_\_ attorney - -shall" in (ARS) 11-532 (A).

#### Fraud upon the Court, Honorable

1. Judge \_\_\_\_\_ Court violated the rules of the court when my written request for assistance of an attorney was hand delivered to \_\_\_\_\_ Attorney, \_\_\_\_\_ This request was either ignored or denied by the court. So much for fairness and impartiality.
2. Judge \_\_\_\_\_ Court violated rules of the court when the court failed to subpoena witnesses for the Defendant. (This single act, the denial to have witnesses, violates every fiber that holds our judicial system to the highest levels)
3. Judge \_\_\_\_\_ violated the rules of the Court when he granted the Plaintiff's motion when it was not filed in a timely manner, thereby and again, revealing his intent in this matter.

#### Fraud upon the Court, Sheriff:

1. See "Perjury / Fraud" on page two.

#### Conspiracy to Defraud:

1. It is my opinion the original complaint written by the Sheriff and delivered to the court, was done with the permission and assistance of \_\_\_\_\_ Attorney, \_\_\_\_\_ in order to enhance and preserve the \_\_\_\_\_ rush to judgment and the States continuing use, discrimination and harassment of the \_\_\_\_\_ Lot.
2. It is my opinion, Per (ARS) 13-301 (copy of statute enclosed) \_\_\_\_\_ Attorneys, \_\_\_\_\_ and \_\_\_\_\_ became Accomplices to the original "fraud" and then acted with the deliberate intent to continue with the "fraud upon the court" when they knowingly failed to act in accordance with (ARS) 11-532 (A) (2) concerning the Sheriff and hunter's illegal activities.
3. It is my opinion, Per (ARS) 13-301, those individuals that continue to deny, cover-up or diminish facts in this writing, are accomplices to the original fraud and the fraud upon the court that continues to be, deliberately, over-looked today.

#### Failure to protect the civil rights of the defendant:

1. It is my opinion, the court and representatives of the court, violated my civil rights and several rules of the court, on several occasions. Therefore, I have decided to provide you with a cut and paste copy of the \_\_\_\_\_ pages of a letter that I wrote to the property owner, \_\_\_\_\_ concerning this matter.

Facts and Issues contained in the      letter:

RE: Clarification of the billing for my dealings with an illegal hunter, my arrest and subsequent plea agreement with what I consider a very corrupt judicial system.

Dear

You have asked for a summary of my dealings with the illegal hunter who crossed your property in order to herd the                      and then access the hunting area, my subsequent arrest by the                      County sheriff's department and my dealings with the County Judicial system. This letter will attempt to serve that purpose.

Your statement of facts dated                      is a very good description of the events of my arrest and I suggest you start with that reading in order to refresh your memory before you read this summary that will start with my first court appearance, then move forward to the court and county attorney's actions, and finally explain why I agreed to the plea agreement.

A copy of your                      statement is included and labeled (EX-1)

meeting with the court                      arraignment):

Initially you                      and I thought that this was going to be a simple matter of setting the record straight. You worked in                      so you took the day off (as vacation time) to attend the hearing as my witness, but we discovered the initial hearing was only for establishing a plea with the court.

meeting with the court                      pre-trial disposition):

I met with                      County Deputy Attorney.                      Mr.                      introduced himself and then stated that he was the person who decides if the case is to continue forward, be dismissed, or if more citations were needed, he could issue them. I then handed him a copy of your                      statement:

1. First and foremost, I explained that all charges filed against me, required the hunter to be hunting "legally", which in my opinion, he was not.
2. I explained that I did not confront the hunter "physically" as required by statute ("count A" A.R.S. 17-316 (a) (4).)
3. I explained that I was on private property when I lit the firecracker and was not in the "hunting area" as required by statute ("count B" A.R.S 17-316 (a) (7).)

It should be noted: "Upon the Motion of the Citing Officer" the third count, "count C" was previously dropped for the following reason, "best interest of justice". You should further note that the States Motion to dismiss (count C) was ruled on by the Court.

After I explained the above to Mr.            his statement was simply this:

- "Well, I see someone has done his homework, - - - - I do not care what the law says, I will convict you on your intent".

A copy of my notes in preparation for this meeting was given to Mr.            and another copy is included with this writing. It is labeled (EX-2).

Mr.            handed me a copy of the sheriff's report and a copy of the "plea agreement" he expected me to sign and agree to.

It should be noted: Mr.            quickly pointed out, if the plea agreement is not signed, I could be facing months in the            County Jail, a maximum term of probation of years, and a maximum fine of            plus            in surcharges.

Additionally, I question Mr.            ethics when he asks me to accept and sign a plea agreement, after he had just been informed of what the Arizona statutes required in order for me to be guilty, but I will address this and other issues at the end of this writing.

A copy of the plea agreement is included and labeled (EX-3).

meeting with the court            pre-trial disposition):

At my            meeting with the county, Mr.            started the meeting by introducing me to            who would become the new deputy county attorney.

This meeting was short. I handed Mr.            a            document that states the untruthfulness of the sheriff's written report and requests a copy of all audio and video in this case. The            document informs Mr.            the reasons I believe the hunter is hunting illegally, and is illegally using posted private property to access the hunting area. The document also informs Mr.            that I will not be accepting a plea.

Adding to my stress with these proceedings, Mr.       barely glances at the document and then states that he needs additional time to review the contents of my document. He then postpones the pre-trial disposition for another       days.

Because Mr.       failed to recognize the requirements for the citations that have been issued to me, on       I filed my       motion with the court to dismiss both remaining counts (A & B) for the reasons stated above.

meeting with the court       pre-trial disposition):

During the       pre-trial disposition, I handed the new attorney,       a letter that is addressed to Mr.       dated       The letter states:

1. "I have received the requested Audio and Video CD that was booked into evidence for this matter - - - - most troubling for us, the Sheriff flat out lied with many statements in his report."
2. " - - - - both       and I were stunned to hear the Sheriff inform the hunter that I was guilty and that I "would pay for it" and then give the hunter legal advice for a civil action. So much for due process!"
3. " - - - - we were appalled to hear the Sheriffs point of view when the hunter indicated he was going to start carrying his pistol and would shoot me - - - - "
4. "After listening to the audio cd - - - - I count one occasion when I attempted to file charges for pointing a deadly weapon at me (see Statement of Facts by       dated       but the Sheriff stated, he is allowed to do that. So much for ARS 17-312 (A) Misuse of Firearms.
5. With that said:
  - Please accept this letter as my formal complaint against the Sheriff for presenting you, and the Court, false and misleading information on a legal document.
  - Please accept this letter as my formal complaint against the Sheriff for not protecting my rights pursuant to ARS 17-312 (A)

After reading the letter, Mr.       ignores my point of view, then hands me another plea agreement that adds "Loitering in a Public Place" but:

- In return, drops both counts A & B.

Although I refused the plea agreement, it should be noted here:

- During this meeting, Mr.       informed me; no further continuances would be agreed to, for any reason!

**THE COMMISSION'S POLICY IS  
TO POST ONLY THE FIRST FIVE  
PAGES OF ANY DISMISSED  
COMPLAINT ON ITS WEBSITE.**

**FOR ACCESS TO THE  
REMAINDER OF THE  
COMPLAINT IN THIS MATTER,  
PLEASE MAKE YOUR REQUEST  
IN WRITING TO THE  
COMMISSION ON JUDICIAL  
CONDUCT AND REFERENCE  
THE COMMISSION CASE  
NUMBER IN YOUR REQUEST.**