

State of Arizona
COMMISSION ON JUDICIAL CONDUCT

Disposition of Complaint 18-189

Judges:

Complainant:

ORDER

The complainant alleged a superior court judge violated Rules 1.1, 1.2, 2.2, 2.3, 2.4, 2.6, 2.7, and 2.11 of the Code. The complainant also alleged a second superior court judge failed to timely rule on a motion in a criminal matter.

The responsibility of the Commission on Judicial Conduct is to impartially determine if a judicial officer 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 a judicial officer's rulings. In addition, the commission found no evidence of ethical misconduct and concluded that the judicial officers did not violate the Code in this case. Accordingly, the complaint is dismissed in its entirety, pursuant to Rules 16(a) and 23(a).

Dated: September 26, 2018

Copies of this order were distributed to all appropriate persons on September 26, 2018.

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

12 } MOTION FOR RECONSIDERATION OF
13 } DISMISSAL OF "PETITION FOR WRIT OF
14 HABEAS CORPUS" DUE TO JUDICIAL
15 MISCONDUCT

16
17 Come now, bringing this MOTION FOR RECONSIDERATION
18 OF DISMISSAL OF "PETITION FOR WRIT OF HABEAS CORPUS" DUE TO JUDICIAL MISCONDUCT,
19 before the Honorable, in an attempt to receive a Ruling that is NOT
20 prejudiced, by this Court.

21
22 FACTS

23 Filed his PETITION FOR WRIT OF HABEAS CORPUS with this
24 Court on On "1", Lines 15-20, Petitioner effectively precluded two
25 judges from Ruling on this filing, citing Rules of Judicial Conduct, Rule 81. One

1 of these judges; Judge exceeded her authority and dismissed
2 Petitioner's Habeas Corpus action on , in violation of multiple Rules
3 within Rule 81 - having total disregard for the statutes her Oath of Office also
4 represents - both at State and Federal levels and constitutional provisions.
5

6 MEMORANDUM AND POINTS OF AUTHORITY

7 Judge appears to act in contempt of the very laws she
8 has taken an Oath of Office to uphold, **THEREFORE**, her actions
9 hereby violate the following:

10 1. Arizona Code of Judicial Conduct, Rule 81:

11 a. Preamble - Impropriety

12 b. Rule 1.1. Compliance with the Law

13 A. Judge has violated numerous sections of "this" Code, as
14 well as the following...

15 c. Rule 1.2. Promoting Confidence in the Judiciary

16 A. has totally lost confidence in the
17 judiciary of STATE OF ARIZONA, and its appellate
18 courts, due to failure to comply with A.R.S.'s.

19 d. Rule 2.2. Impartiality and Fairness

20 A. Failure to uphold and apply the written law, causing this
21 innocent man "tort" injuries - that daily continue.

22 e. Rule 2.3, Bias, Prejudice, and Harassment - 91 (A) and (B)

23 A. Judge has Ruled in this matter with bias and prejudice,
24 this man CANNOT receive a fair Ruling from this prejudiced
25 judge.

1 f. Rule 2.4. External Influences on Judicial Conduct - ¶ (B)

2 A. believes Judge is financially
3 compromised, as well as other "hidden" interests "this" Court
4 refuses to recognize, and her conduct and judgment in this
5 matter has been compromised - plus it is likely she has
6 already read of allegations against her, by me.

7 g. Rule 2.6. Ensuring the Right to Be Heard - ¶ (A)

8 A. , absolutely had a "
9 in being heard - due to numerous violations of law
10 perpetrated against his person. By filing the Dismissal
11 against his person - this action is " " of a
12 violation of this Rule.

13 h. Rule 2.7. Responsibility to Decide

14 A. Judge would normally been able to decide, but she has
15 been effectively disqualified; pursuant to Rule 2.11.

16 i. Rule 2.11. Disqualification - ¶ (A)(1)

17 A. Judge MUST be aware of numerous
18 motions he has filed into this Court, and should equally be
19 aware of his " ; Filed

20 This dispute has been heard in

21 , but

22 However, has filed his "

23 into the t

23 Court,

24 continuing to make issue of the Dismissed Rule 32

25 action by her, in this Court. has been prejudiced.

1 j. Rule 2.11. Disqualification - 9(A)(2)(a), (c)

2 A. Mr. assigned Judge 292

3 in this matter, and is a matter of record, she
4 should be fully aware of.

5 B. She has MUCH MORE than a *de minimus* interest in seeing
6 continue to fail in his proceedings in this
7 Court—therefore he is unable to receive a fair and
8 equitable decision from this judge.

9 R. Judge has failed to comply with her:

10 a. A.R.S. 38-231. Oath of office

11 A. Inclusive of Arizona Revised Statutes, found within the
12 Constitution of the State of Arizona, as follows:

13 i. A.R.S. Const. Art. 2 § 3. Supreme Law of the land

14 ii. A.R.S. Const. Art. 2 § 4. Due process of law

15 iii. A.R.S. Const. Art. 2 § 7. Oaths and affirmations

16 iv. A.R.S. Const. Art. 2 § 14. Habeas corpus

17 v. A.R.S. Const. Art. 2 § 24. Rights of accused in
18 criminal prosecutions

19 vi. A.R.S. Const. Art. 2 § 31. Damages for death or
20 personal injuries

21 vii. A.R.S. Const. Art. 2 § 32. Constitutional provisions
22 mandatory

23 viii. A.R.S. Const. Art. 2 § 33. Reservation of rights

24 ix. A.R.S. Const. Art. 2 § 36. Preferential treatment or
25 discrimination prohibited; exceptions; definition

1 x. A.R.S. Const. Art. 6 § 26. Oath of Office

2 xi. A.R.S. Const. Art. 6.1 § 2. Disqualification of Judge

3 A. Charges against Judge and
4 are included in

5 , before the

6 Court - THEREFORE, pursuant to "

7 Arizona Constitutional provision; should not Judge
8 be "

9 " ?

10 xii. A.R.S. Const. Art. 12 § 4. County officers; duties, powers,
11 and qualifications; salaries

12 A. Judge has exceeded her duties, power and
13 authority granted by Arizona Revised Statutes,
14 inclusive of Arizona Constitution,
15 Right of Due Process, enumerated violations that
16 precede and follow this statement.

17 b. Federal Laws, under U.S.C.A.:

18 i. U.S.C.A. Const. Art. 1 § 9. Privilege of Writ of Habeas Corpus
19 shall not be suspended - clause

20 ii. U.S.C.A. Const. Art. 6. Supremacy clause

21 iii. U.S.C.A. Const. Amend 1. Right to Petition for a redress
22 of grievance - Judge denied this right by Dismissal.

23 iv. U.S.C.A. Const. Amend 5. Due Process clause violated.

24 v. U.S.C.A. Const. Amend 14. Due Process clause violated.

25 vi. U.S.C.A. Const. Amend. 14. Equal Protection of law clause.

**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.**

SPECIAL ACTION FOR VIOLATION OF
SPEEDY DECISION-AR.S.CONST. ART.
6 § 21 BY SUPERIOR COURT

Come now, Petitioner in fact, brings this
Special Action before this Court for a response, forthwith.

JURISDICTIONAL STATEMENT

The Superior Court, in , has failed to file a Response to
Petitioner's MOTION FOR GRAND JURY TRANSCRIPT, filed
according to I.L.S. stamp on Petitioner's motion. (See APPENDIX A)

Pursuant to A.R.S. Const. Art. 6 § 21. Superior court; speedy decisions.
this Court has jurisdiction, Special Actions, Rule 7(b).

STATEMENT OF ISSUES

1. The Superior Court failed to file a " " to Petitioner's

- 1 " -has not received a Response
2 within the 60 day requirement -violating Petitioner's Due Process Rights,
3 additionally causing prejudice for Petitioner's "
4 " filed with the Court, because this
5 Petitioner was unable to attach as an Appendix/Exhibit something the
6 Court failed to grant by no Response.
7 2. Petitioner, while incarcerated in , has been
8 attempting to obtain Arizona Revised Statutes governing the
9 filing of a Special Action, from Inmate Legal Services, but
10 have been repeatedly met with denials.
11 3. Petitioner has a constitutional right guaranteed of Due Process
12 of Law to obtain these A.R.S.'s, also this right guaranteed
13 under Freedom of Information Act - therefore, Petitioner
14 has a " against
15 4. Due to the preceding issues, Petitioner makes claim to a
16 " against the Respondent. Issues raised.

18 STATEMENT OF FACTS

- 19 1. Petitioner filed his " - " expecting
20 Superior Court to provide him with the Transcript.
21 2. The Superior Court has failed to file any form of Response to
22 this motion, violating Arizona's Constitution and Due Process.
23 3. Petitioner needed to make this Transcript to be part of his
24 " but is now unable to
25 attach as an Exhibit/Appendix to make his argument in the

1 United States Supreme Court.

2 4. Petitioner has been prejudiced in his Petition,
3 due to his inability to argue the points in the Grand Jury Transcript.

4 5. This also is a " "

5 6. This also gives Petitioner a " of injury, due to
6 Rules of Sup. Ct. Rule 14.2, stating that Petitioner will be unable
7 to amend his Petition, (named in).

8 7. , has
9 continually denied this Petitioner from obtaining the Arizona
10 Revised Statutes governing proper filing of this action into this
11 Court, in Inmate Legal Services. Petitioner has also filed an
12 " to obtain redress. The following
13 Officers are now involved in this denial:

14 a. Badge (Name NOT disclosed)

15 b. Badge (Name NOT disclosed)

16 c. Badge

17 d. Badge (Name NOT disclosed)

18 8. is purposely/intentionally denying this Petitioner his
19 Due Process Rights to obtain and examine A.R.S. so he can
20 file " " Special Action, while incarcerated.

21 9. 1 actions also come under " "

22 10. has also denied Petitioner's Rights under the
23 " - a treaty.

24 11. 1. has NOT addressed Petitioner's Grievance, but only
25 continues to deny him access to A.R.S.'s.

ARGUMENT WITH CONTENTIONS

1. Petitioner believes Court was required to comply with A.R.S. Const. Art. 6 § 21. court; speedy decisions, but it did not. This constitutional statute violated Petitioner's Right to a speedy decision - creating for Petitioner, what is now a violation of Due Process, causing prejudicial injury to his Court Petition for Writ of Certiorari, creating a "claim - which is a that is NOT harmless error, due to Court, Rule 14.2., denying filing from any amendment(s).

- a. A.R.S. Const. Art. 6 § 21. Speedy decisions
- b. A.R.S. Const. Art. 2 § 4. Due Process of Law
- c. U.S.C.A. Const. Amend. 5. Due Process clause
- d. U.S.C.A. Const. Amend. 14. Due Process clause
- e. U.S.C.A. Rules Sup. Ct. Rule 14.2
- f. Tort trespass of Law (U.S.C.A.)
- g. Colorable Claim (U.S.C.A.)

A. State v. Spreitz, 202 Ariz 1, 39 P.3d 525 (2002) citing State v. Watton, 164 Ariz at 328, 793 P.2d at 85, citing State v. Schrock, 149 Ariz. 433, 441, 719 P.2d. 1049, 1057 (1986).

B."

" United States v. Hearst, 638 F.2d 1190,

1 1194 (9th Cir. 1980).

2 h. Cone v. Bell, 129 S.Ct. 1269, 1783 (2009)

3 i. U.S. v. Bagley, 473 U.S. 667 (1985)

4 j. Brady v. Maryland, 373 U.S. 83 (1963)

5 A. " supports Petitioners contentions that had
6 the Grand Jury Transcript had been granted to this
7 Petitioner for his Court filing - believes
8 he would be granted Relief.

9 1. This Petitioner herein preserves his Right to
10 again raise this issue - preserving this issue
11 to raise in the Court,
12 because this inaction by Respondent has had
13 " effect to Court.

14 k. Petitioner has been Prejudicially injured by Respondent.

15 2. Petitioner has been denied - knowingly / intentionally of A.B.S.
16 Statutes governing the filing of Special Actions, by Inmate
17 Legal Services (I.L.S.) of

18 in these actions
19 are a Denial of Due Process and Obstruction of Justice
20 against this inmate.

21 a. See Appendix B. Petitioner requested Special
22 Action Statutes - was DENIED.

23 b. See Appendix C. Petitioner requested Special
24 Action Statutes - 2nd Request - was DENIED.

25 c. See Appendix D. Petitioner requested I.L.S.

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