

State of Arizona
COMMISSION ON JUDICIAL CONDUCT

Disposition of Complaint 06-311

Complainant: No. 1244910352A

Judge: No. 1244910352B

ORDER

The commission reviewed the complaint filed in this matter and found no misconduct on the part of the judge. The issue raised is solely legal in nature, and the correct remedy is to appeal to a court with appropriate jurisdiction.

The commission is not an appellate court and cannot change a judge's decisions; therefore, the complaint is dismissed pursuant to Rules 16(a) and 23(a).

Dated: January 16, 2007

FOR THE COMMISSION

/s/ Keith Stott
Executive Director

Copies of this order were mailed to the complainant and the judge on January 16, 2007.

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

Commission on Judicial Conduct
1581 W. Washington Suite 229
Phoenix, Arizona 85007

DEC 18 2006

CJC-06-311

December 14, 2006

RE:

[REDACTED]

Arizona Court of Appeals

[REDACTED]

[REDACTED]

Superior Court No

[REDACTED]

[REDACTED]

Dear Commission on Judicial Conduct:

I believe that Superior Court Judge [REDACTED] has violated my rights by a court order established the commission as an independent state agency responsible for investigating complaints against justices and judges on the Supreme Court, Court of appeals, superior court. Therefore commission uses a variety of disciplinary measures in dealing with judicial misconduct.?? 1) issue in the trial transcripts was hostile judge which that claim can only arise from prosecutorial misconduct, contending insufficiency of evidence, and erroneous instructions by the Superior Court judge to the jury. Therefore prosecutor's exposure to reference to immunized testimony did not require withdrawal from participation in case; and 2) presumption of undictiveness of prosecution did arise. Therefore, the state presented evidence in the opening statements and Arguments of Evidence that had no warrant issued to have

them for trial, Police misconduct, Police officer arrested me took evidence from me, without a search warrant to hold, police officer retained me, and held personal property of mine. The judge in Pre trial Motions court order that the state had no evidence or testimony in prior bad acts that the disclosed to the defense Counsel, Therefore judge [] violated his own court order, and violated my rights. However, the state violated my rights, Second issue is Police officers destroyed all the transcripts and police tapes and reports, which the trial Court said and expressed in there jury instructions, police officer for giving perjured testimony at the criminal trial, they destroyed the evidence so judge let them express there opinion, Although, false testimony of a police officer in itself violates constitutional rights, However, The Court has held that the prosecutor's knowing use of perjured testimony violates due process. Therefore [] police force, [] had violated his constitutional right to due process by committing perjury in The criminal proceedings leading to his conviction. First [] evidence to the state, Grand jury had no probable Cause to indict Second, Trial Judge, prosecutor, took me to trial without a indictment, knowing the evidence would not show probable Cause to a jury, unless the Judge and Prosecutor instructed the jury improper jury instructions, furthermore without the name of defendant, there no evidence identifying him to forgery. The opinion did not question

the veracity of Judge testimony, but found that the states evidence, including testimony by the prosecutor would violate rules of evidence and misconduct of evidence, alleging that Counsel was ineffective assistance of counsel, did no investigation in the case, deprived me of my constitutional rights to due process and a fair trial. Defendant did not testify "under color of law". In reviewing my case I find that the Superior Court has violated my constitutional claim and my rights in a Court of law; third claim, trial Judge misconduct lied under oath about prior convictions and he will not address the issue raised in Rule 32 proceeding. However, when a trial Judge testimony or Court order itself violates due process, should a trial Judge conduct or a official performing a critical role in the judicial process, therefore like prosecutors and judges, official witnesses may be punished criminally for willful deprivations of constitutional rights. 18 U.S.C.A. § 242.

The defendant made his own review, The common law provided absolute immunity from subsequent damages liability for all persons governmental or otherwise - who were integral parts of the judicial process. Section 1983 does not authorize a damages claim against private witnesses. Similarly, judges, Prison v. Ray, 386 U.S. 547, 87 S.Ct. 1213, 18 L.Ed.2d 288, and prosecutors, Imbler v. Pachtman, 424 U.S. 409, 96 S.Ct.

984, 42 W. Ed 2d 128, may not be held liable for damages under § 1983 for the performance of their respective duties in judicial proceedings. When a police officer appears as a witness, he may reasonably be viewed as acting like any witness sworn to tell the truth, in which event he can make a strong claim to witness immunity. Alternatively, he may be regarded as an official performing a critical role in the judicial process, in which event he may seek the benefit afforded to other governmental participants in the same proceeding. Nothing in § 1983's language suggests that a police officer witness belongs in a narrow, special category lacking protection against damages suits. Pp. 1112 - 1115.

Nor does anything in the legislative history of the statute indicate that Congress intended to abrogate common-law witness immunity in order to provide a damages remedy under § 1983 against police officers or any other witnesses. Pp. 1115 - 1118.

There is some force to the contentions that the reasons supporting common-law witness immunity -- the need to avoid intimidation and self-censorship -- apply with diminished force to police officers and that police officers' perjured testimony is likely to be more damaging to constitutional rights than such testimony by ordinary citizens. But immunity analysis rests on functional

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categories, not on the defendant's status. A police officer witness performs the same functions as any other witness. Moreover, to the extent that traditional reasons for witness immunity are less applicable to governmental witnesses, other considerations of public policy support absolute immunity for such witnesses more emphatically than for ordinary witnesses.

Subjecting government officials, such as police officers, to damages liability under § 1983 for their testimony might undermine not only their contribution to the judicial process but also the effective performance of their other public duties. P.p. 1118 1120. We have reviewed the police officer testimony, I know why they destroyed the evidence before my trial started. itself violates constitutional rights.

This case presents a question of statutory construction:
Overview A summary of the purposes of the jurisdiction and procedures of the Arizona Commission on Judicial Conduct.

I believe I have to use the commissioner's complaint form.

Sincerely,

