

State of Arizona
COMMISSION ON JUDICIAL CONDUCT

Disposition of Complaint 07-120

Complainant: No. 1309110052A

Judge: No. 1309110052B

ORDER

The commission reviewed the complaint filed in this matter and found no ethical misconduct on the part of the judge. The issues raised involve legal and procedural matters outside the jurisdiction of the commission. Therefore, the complaint is dismissed pursuant to Rules 16(a) and 23(a).

Dated: August 22, 2007.

FOR THE COMMISSION

/s/ Keith Stott
Executive Director

Copies of this order were mailed to the complainant and the judge on August 22, 2007.

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

STATEMENT OF FACTS

CJC-07-120

Instructions: Use this form or one like it to explain your complaint in your own words. Describe specifically what the judge did that you believe is misconduct. You should provide all of the important names, places, dates and times related to your complaint, but you do not need to cite the applicable canons of judicial conduct. Although you should be brief and to the point, you can attach additional pages to this statement. Do not write on the back of any page. When you are finished, number your pages and attach copies of any documents that you feel will help us understand your complaint.

Your name: [redacted] Judge's name: [redacted] Date: 4/23/87

[redacted] Complainant was transported from the [redacted] County Jail located at the [redacted] [redacted] to the [redacted] Superior Courts Building [redacted] and was placed in a holding cell waiting to go to court; Complainant was in this holding cell for about four (4) hours and was transported back to the [redacted] County Jail without going to court.

[redacted] again Complainant was transported from the [redacted] County Jail to the [redacted] County Superior Courts Building for the purpose of sentencing [redacted] Complainant appeared before The Hon.

[redacted] to be sentenced. On this same date [redacted] prior to Complainant being sentenced; Defence Counsel [redacted] insisted that Complainant admit to a prior conviction, Complainant refused, but Counsel became persistent that Complainant admit a prior conviction, any prior conviction, and that Complainant could chose the prior conviction. Finally on the insistence of Defence Counsel [redacted]

Complainant was coerced into admitting a prior conviction. Complainant admitted Prior Conviction No. [redacted] A Felony Class 5 which on [redacted] was over ten (10) years old; And the fruit of a No Contest Plea.

As soon as Complainant admitted this prior conviction on [redacted] The Hon. [redacted] accepted this invalid prior conviction and proceed to sentence Complainant. By the use of this prior conviction and by the use of charges that are not on the indictment namely (Multiple Felony Convictions and Long Criminal History).

The Hon. [redacted] Enhanced and Aggravated Complainant sentences as Follow: ① on No. [redacted]

(Attach additional sheets as needed)

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Your name: [redacted] Judge's name: [redacted] Date: 4/23/07

Theft of Means of transportation and or by Control, A Felony Class 3, eight (8) years. (2) No. [redacted] Possession of burglary tools A Felony Class 4, three (3) years to run concurrent. After Complainant was sentenced on [redacted]

The Hon. [redacted] in complicity with County Attorney [redacted] -Defence Counsel [redacted] and Court Reporter [redacted] altered the record by falsifying a Priors Trial. The Hon. [redacted] back dated this false Priors Trial to read that it took place on [redacted]

In the beginning of this statement of fact Complainant states that he was transported to the Court house but that he was never in attendance at this priors trial.

On [redacted] Complainant submitted a Rule 32 which was filed on [redacted] By [redacted]

On this rule 32 complainant addresses this False Priors Trial among other issues. The Hon. [redacted] as well as County Attorney [redacted] skirted around this false priors issue. All the Hon. [redacted] answer was that it was part of the agreement with the State.

Complainant never made, or signed an agreement with the state.

The Hon. [redacted] denied Complainant Rule 32 without ruling on this False Priors Trial. On [redacted]

Complainant filed a motion for Rehearing on his rule 32 complaining that the issue of the Priors trial had not been ruled on. And again The Hon. [redacted] denied

complainant his Rehearing Motion, all The Hon. [redacted] answered was that he had reviewed the record and that

the record indicated that Complainant was present at this Priors Trial on [redacted] Complainant now

states that it is obvious for The Hon. [redacted]

(Attach additional sheets as needed)

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Your name: [redacted] Judge's name: [redacted] Date: 4/23/07

to reach that conclusion; since he only reviewed the false documentation that he himself is part of fabricating.

The Hon. [redacted] cannot produce the agreement nor can he produce the audiotape and the videotape for this Priors Trial, simply because this Priors Trial never happened. Nor did Complainant make or signed an agreement with the State, as he alleges. The only evidence in existence of this Priors Trial is the Priors Trial that The Hon. [redacted] fabricated in complicity with the persons above named. Complainant believes that The Hon. [redacted] and the persons aforementioned committed a criminal act because this Priors Trial was done in the absence of Complainant, and fraudulent making or alteration of documents implicates fraud, forgery, perjury, subornation of perjury and conspiracy. Complainant believes that the conduct of the Hon. [redacted] brings the judicial office into total disrepute and those whom enable him to commit this type of action in reference to [redacted] [redacted]. Bring disgrace to the judicial system if not to the whole nation.

Complainant is a sane person with a sound mind, and he reiterates that he was never in attendance at a priors trial on [redacted] and that he never made, or signed an agreement with the State. Complainant prays that the Commission review the Priors Trial audiotape and the video tape and also review the Sentencing audiotape and the videotape to verify that what Complainant alleges is the truth.

Thank you,

[redacted]
(Attach supporting items as needed)