

State of Arizona
COMMISSION ON JUDICIAL CONDUCT

Disposition of Complaint 08-036

Complainant: No. 1329100112A

Judge: No. 1329100112B

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 determinations made by the judge that are outside the jurisdiction of the commission. Therefore, the complaint is dismissed pursuant to Rule 16(a).

Dated: March 12, 2008.

FOR THE COMMISSION

 \s\ Keith Stott
Executive Director

Copies of this order were mailed to the complainant and the judge on March 12, 2008.

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

Attachment to complaint.

My step son is in the Jail. He is being charged by the State of Arizona for violation of probation. The State is a party to this case and they are also judging and ruling over the same case. Article 3, section 2, clause 2 National Constitution. His name is This Judge has been noticed of challenge of Jurisdiction by means of a motion to dismiss for lack of Jurisdiction Subject Matter. Once jurisdiction is challenged, the court cannot proceed when it clearly appears that the court lacks jurisdiction, the court has no authority to reach merits, but, rather, should dismiss the action." Melo v. US, 505 F2d 1026. An error was made on part that the motion was not in triplicate, Jenkins v. McKeithen, 395 U.S. 411, 421 (1959); Picking v. Pennsylvania R. Co., 151 Fed 2nd 240; Pucket v. Cox, 456 2nd 233 Pro se pleadings are to be considered without regard to technicality; pro se litigants' pleadings are not to be held to the same high standards of perfection as lawyers.. The DA. asked for a copy of it and refused to supply him a copy. This case has been drug out for months now. has been asking for months to be able to defend himself. On several occassion, has denied him of this right and appointed a public defender to REPRESENT has fired repretation twice now. He noticed the public defenders office of USC 18- 241. requested that I be assigned as his advise council. denied thie request because I am not a licensed attorney. Brotherhood of Trainmen v. Virginia ex rel. Virginia State Bar, 377 U.S. 1; v. Wainwright, 372 U.S. 335; Argersinger v. Hamlin, Sheriff 407 U.S. 425 Litigants can be assisted by unlicensed laymen during judicial proceedings. The public defender has motioned to be taken off the case for undetermined reasons. So went on this tangent of how bad it was for an uneducated person to defend himself and pointed out all the dis advantages he was up against and that he would be held to the same standards as a seasond attorney. Jenkins v. McKeithen, 395 U.S. 411, 421 (1959); Picking v. Pennsylvania R. Co., 151 Fed 2nd 240; Pucket v Cox, 456 2nd 233 Pro se pleadings are to be considered without regard to technicality; pro se litigants' pleadings are not to be held to the same high standards of perfection as lawyersHe said had the right to assistance of council and would appoint the public defenders office. The public defender quickly denied this appointment not only to herself but the entire office. The judge was trying to get her to tell him why and she refused to answer and said she was going to file a motion based on a California law. The judge said he was interested in what State law Arizona or California had that could over power a Supreme court Decision. ARGERSINGER v. HAMLIN, 407 U.S. 25 (1972) "The right of an indigent defendant in a criminal trial to the assistance of counsel, which is guaranteed by the Sixth Amendment is not governed by the classification of the offense or by whether or not a jury trial is required. No accused may be deprived of his liberty as the result of any criminal prosecution, whether felony or misdemeanor, in which he was denied the assistance of counsel." It is apparent he applies supreme corut rulings when they advantage the court. was remanded back into the custody of the Sherrif. A universal principle as old as the law is that a proceedings of a court without jurisdiction are a nullity and its judgment therein without effect either on person or property." Norwood v. Renfield, 34 C 329; Ex parte Giambonini, 49 P. 732. A court date was set for

Today is 02-11-08, and received notice from the judge that his motion was denied on merits. A departure by a court from those recognized and established requirements of law, however close apparent adherence to mere form in method of procedure, which has the effect of depriving one of a constitutional right, is an excess of jurisdiction." Wuest v. Wuest, 127 P2d 934, 937. I have added several Supreme Court cases and Constitutional Amendments that pertain to this matter. I want to mention that has also been subpoenaed for his Oath and Surety bond which he refuses to supply, and to which he is in violation of."There is no discretion to ignore lack of jurisdiction." Joyce v. U.S. 474 2D 215. Constitutional tort: A violation of one's constitutional rights by a government officer, redressable by a civil action filed directly against the officer. * A constitutional tort committed under color of state law (such as a civil-rights violation) is actionable under 42 USCA section 1983. I also want to mention that this court flies a Maritime Admiralty flag in the courtroom. A court has no jurisdiction to determine its own jurisdiction, for a basic issue in any case before a tribunal is its power to act, and a court must have the authority to decide that question in the first instance." Rescue Army v. Municipal Court of Los Angeles, 171 P2d 8; 331 US 549. 91 L. ed. 1666, 67 S.Ct. 1409.

Other Supreme Court Rulings:

1. Pro Se rights

a. Following the simple guide of rule 8(f) that all pleadings shall be so construed as to do substantial justice"... "The federal rules reject the approach that pleading is a game of skill in which one misstep by counsel may be decisive to the outcome and accept the principle that the purpose of pleading is to facilitate a proper decision on the merits." The court also cited Rule 8(f) FRCP, which holds that all pleadings shall be construed to do substantial justice.

b. Davis v. Wechler, 263 U.S. 22, 24; Stromber v. California, 283 U.S. 359; NAACP v. Alabama, 375 U.S. 449 "The assertion of federal rights, when plainly and reasonably made, are not to be defeated under the name of local practice."

c. Maty v. Grasselli Chemical Co., 303 U.S. 197 (1938) "Pleadings are intended to serve as a means of arriving at fair and just settlements of controversies between litigants. They should not raise barriers which prevent the achievement of that end. Proper pleading is important, but its importance consists in its effectiveness as a means to accomplish the end of a just judgment."

d. Picking v. Pennsylvania Railway, 151 F.2d. 240, Third Circuit Court of Appeals
The plaintiff's civil rights pleading was 150 pages and described by a federal judge as "inept". Nevertheless, it was held "Where a plaintiff pleads pro se in a suit for protection of civil rights, the Court should endeavor to construe Plaintiff's Pleadings without regard to technicalities."

2. Jurisdiction

a. US v Lopez and Hagans v Levine both void because of lack of jurisdiction. In Lopez the circuit court called it right, and in Hagans it had to go to the Supreme court before it was called right, in both cases, void. Granted, challenge jurisdiction and motion to dismiss, right off the bat. If you read the supreme court cases you will find that jurisdiction can be challenged at any time and in the case of Lopez it was a jury trial which was declared void for want of jurisdiction. If it doesn't exist, in just plain can justify conviction or judgment. Without which power (jurisdiction) the state CANNOT be said to be "sovereign." At best, to proceed would be in "excess" of jurisdiction which is as well fatal to the State's/USA's cause.

b. "A court cannot confer jurisdiction where none existed and cannot make a void proceeding valid. It is clear and well established law that a void order can be challenged in any court", OLD WAYNE MUT. L. ASSOC. v. McDONOUGH, 204 U. S. 8, 27 S. Ct. 236 (1907).

c. "Court must prove on the record, all jurisdiction facts related to the jurisdiction asserted." Lantana v. Hopper, 102 F2d 188; Chicago v. New York, 37 F Supp 150.

d. Jurisdiction is fundamental and a judgment rendered by a court that does not have jurisdiction to hear is void ab initio."
In Re Application of Wyatt, 300 P. 132; Re Cavitt, 118 P2d 846.

e. "Jurisdiction, once challenged, cannot be assumed and must be decided."
Maine v Thiboutot 100 S. Ct. 250.