

State of Arizona  
COMMISSION ON JUDICIAL CONDUCT

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Disposition of Complaint 10-353

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Complainant: No. 1408910569A

Judge: No. 1408910569B

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**ORDER**

The complainant alleged that three superior court commissioners violated his due process rights by improperly allowing a criminal matter to proceed even though the county attorney failed to file the charges timely. The commission considered the allegations along with the online docket and minutes entries and found no evidence of ethical misconduct on the part of the commissioners. Whether the county attorney followed proper procedures in filing charges is a legal issue outside the jurisdiction of the commission. The complaint is dismissed pursuant to Rules 16(a) and 23.

Dated: March 24, 2011.

FOR THE COMMISSION

/s/ Keith Stott

\_\_\_\_\_  
Executive Director

Copies of this order were mailed to the complainant and the judge on March 24, 2011.

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

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State of Arizona  
Commission on Judicial Conduct  
1501 W. Washington Street, Suite 229  
Phoenix, Arizona 85007

FOR OFFICE USE ONLY

2010-353

### COMPLAINT AGAINST A JUDGE

Your Name:

Judge's Name:

Date: 17 DEC 2010

**Instructions:** Describe in your own words what the judge did that you believe constitutes misconduct. Please provide all of the important names, dates, times, and places related to your complaint. You can use this form or plain paper of the same size to explain your complaint, and you may attach additional pages. Do not write on the back of any page. You may attach copies of any documents you believe will help us understand your complaint.

30 NOVEMBER 2010 MON.

COMMISSIONER, MARICOPA COUNTY SUPERIOR COURT, ARIZONA

STATE, COURT ROOM - CCB-9B; DENIED, DEFENDANT ENTITLED ADMINISTRATIVE REMEDY, CASE  
NUMBER CR 2010- \_\_\_\_\_, CRIMINAL PROSECUTION COMPLAINT DISMISSAL, BASED  
UPON "TIME LIMITATIONS STATUTE - TIME BAR" ON BEING BROUGHT VERBALLY TO CRIMINAL  
TRIAL COURT ATTENTION, COMMISSIONER MADE NO EFFORT TO BRIEF DEFENDANT CASE  
FILE CONTENTS AVAILABLE, TO CONFIRM A FUNDAMENTAL UNCONSTITUTIONAL DUE PROCESS  
ERROR, NOR ADDRESSED SUBJECT MATTER ISSUE AS QUESTION TO PROSECUTOR  
FOR REFERENCE, AND WITHOUT ANY ASSERTED REASON.

ISSUES

- 1. TIME LIMITATION ARIZ. REV. STAT. SECT. 13-107 [G.]
- 2. RES JUDICATA 38 YALE L.J. 299 [1929]
- 3. COLLATERAL ESTOPPEL, 56 HARV. L. REV. 1 [1942]

FACTS AND LAWS

20 JULY 2010 JANET K. MC NAUGHTON, DEPUTY COUNTY ATTORNEY, MARICOPA COUNTY ATTORNEY OFFICE, ARIZONA  
STATE; ELEVEN MONTHS AFTER, PRIOR CRIMINAL COMPLAINT DISMISSAL, 15 AUGUST 2009, CASE  
NUMBER CR 2009-018185-002 DT, PHOENIX POLICE DEPARTMENT NUMBER DR 2009-90663663 A,  
PER HON. SUGAN G. WHITE, COMMISSIONER, MARICOPA COUNTY SUPERIOR COURT, ARIZONA STATE,  
UNTIMELY, NEW CRIMINAL COMPLAINT CASE NUMBER CR 2010-007300-001 DT WAS REFILED.  
ESTABLISHED CONTROLLING ANTECEDENT AND PRECEDENT LEGISLATURE APPLICATIONS, ARIZONA  
STATE ADMINISTRATIVE LAW AND PROCEDURE, AND PROVISIONS; OPERATES, A TIME LIMITATIONS  
STATUTE WHICH SPECIFICALLY PROHIBITS NEW PROSECUTION COMPLAINT BEING COMMENCED  
AFTER SIX MONTHS, AFTER A PRIOR PROSECUTION COMPLAINT DISMISSAL BECOMES FINAL  
FOR ANY REASON. ARIZ. REV. STAT. SECT. 106 [F.] [1969]; 107 [G.] [1997]; ARIZ. REV.  
STAT. CONST. ART. 2, SECT. 30; U.S.C.A. CONST. AMEND. 6.

(Attach additional sheets as needed.)

TIME LIMITATION STATUTES, IS RES JUDICATA, AND CONSTITUTES DEFENDANT AFFIRMATIVE DEFENSE. FOSTER V. HOUSE BEAUTIFUL HOUSES, 78 ARIZ. 406

[ 1965 -]; ANGEL V. RULLINGTON, 330 U.S. 183 [ 1947 ]

COLLATERAL ESTOPPEL, PERTINENT SUBJECT MATTER APPLICABLE, BECAUSE RELEVANT UNDER PRIOR PROCEEDINGS BASED UPON SAME ISSUE AND BETWEEN SAME PARTIES, ADMINISTRATIVE DISMISSED. STOPPELLI V. UNITED STATES, 340 U.S. 864 [ 1950 ].

CONSTITUTIONAL AND STATUTORY PROVISIONS, ARE TO BE LIBERALLY CONSTRUED FAVORABLE AN ACCUSED, BECAUSE, CRIMINAL TIME LIMITATIONS NATURE AND SCOPE CONSTITUTES NOT SIMPLY A LIMITATION UPON REMEDY, BUT RATHER A LIMITATION UPON SOVEREIGN POWER TO ACT. PRICE V. MAXWELL, 140 ARIZ. 314 [ APP.DIV.2 1983 ].

ACKNOWLEDGMENT AND PROMPT ASSISTANCE, APPRECIATED.

THANKS AND BLESSINGS,

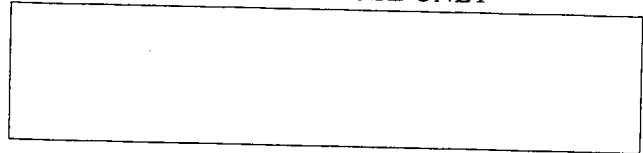
17 DECEMBER 2010.

B-UNIT.

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### COMPLAINT AGAINST A JUDGE

Your Name: \_\_\_\_\_

\_\_\_\_\_ Judge's Name: \_\_\_\_\_

Date: 17 DEC 2016

**Instructions:** Describe in your own words what the judge did that you believe constitutes misconduct. Please provide all of the important names, dates, times, and places related to your complaint. You can use this form or plain paper of the same size to explain your complaint, and you may attach additional pages. Do not write on the back of any page. You may attach copies of any documents you believe will help us understand your complaint.

21 JULY 2010 HON. \_\_\_\_\_, COMMISSIONER, MARICOPA COUNTY SUPERIOR COURT, ARIZONA STATE, COURT ROOM - 4 AT; DENIED, DEFENDANT ENTITLED LAW DUE PROCESS AND ADMINISTRATIVE REMEDY, BECAUSE INITIAL COURT PROCEEDING HEARING, CRIMINAL COMPLAINT LODGING AND BOND SECURED APPEARANCE, WAS DONE ABSENT DEFENDANT WHO WAS IN PHYSICAL CUSTODY.

FURTHER, COMMISSIONER PER CONSCIOUS CHOICE WAS DELIBERATELY INDIFFERENT TO SAFE GAURDING DEFENDANT CONSTITUTIONAL CIVIL RIGHTS, AND MADE NO APPROPRIATE EFFORT TO BRIEF OVER PERTINENT CRIMINAL CASE FILE CONTENTS, RELEVANT, PRIOR DISMISSED CRIMINAL PROSECUTION COMPLAINT TO CONFIRM FROM COURT RECORDS, REFILED NEW COMPLAINT WAS ACTUALLY BEING LODGED WITHIN SIX MONTHS PERIOD AUTHORIZED PER CRIMINAL STATUTE ISSUES.

1. TIME LIMITATION. ARIZ. REV. STAT. SECT. 13-107 [G.]

2. RES JUDICATA 38 YALE L. J. 291 [1929 J.]

3. COLLATERAL ESTOPPEL. 56 HARY. L. REV. 1 [1942 J.]

FACTS AND LAWS.

20 JULY 2010 JANET K. MC NAUGHTON, DEPUTY COUNTY ATTORNEY, MARICOPA COUNTY ATTORNEY OFFICE, ARIZONA STATE; ELEVEN MONTHS AFTER, PRIOR CRIMINAL COMPLAINT DISMISSAL, 15 AUGUST 2009, CASE NUMBER CR 2009-018185-002 DT, PHOENIX POLICE DEPARTMENT NUMBER DR 2009-90663663 A, PER HON. SUSAN G. WHITE, COMMISSIONER, MARICOPA COUNTY SUPERIOR COURT, ARIZONA STATE.

UNTIMELY, NEW CRIMINAL COMPLAINT CASE NUMBER CR 2010-007300-001 DT WAS REFILED, AND ESTABLISHED, CONTROLLING ANTECEDENT AND PRECEDENT LEGISLATURE APPLICATION, PROHIBITS NEW COMPLAINT PROSECUTION COMMENCEMENT AFTER SIX MONTHS, WHEREBY PRIOR COMPLAINT DISMISSAL BECOMES FINAL FOR ANY REASON. ARIZ. REV. STAT. SECT. 106 [F.]

(Attach additional sheets as needed.)

107 [ G ] , ARIZ. REV. STAT. CONST. ART. 2, SECT. 30.

PROSECUTOR, LACKED DISCRETION PER GOOD CAUSE EXCEPTION FOR AN UNTIMELY  
NEW CRIMINAL COMPLAINT FILING, AND ARIZONA STATE LAW PROVIDES NO EXCEPTION.

STAPERT V. ARIZONA BOARD PSYCHOLOGIST EXAMINERS, 20 ARIZ. 177 [ APP. DIV. 1, 2005 ].

TIME LIMITATIONS STATUTE, IS RES JUDICATA, 38 YALE L. J. 299 [ 1929 ].

CONSTITUTES AN AFFIRMATIVE DEFENSE, FULL FAITH ENTITLEMENT APPLICABLE  
COMPLAINT DISMISSAL. FOSTER V. HOUSE BEAUTIFUL HOUSES, 78 ARIZ. 406

[ 1955 ]; ANGEL V. BILLINGTON, 320 U.S. 183 [ 1947 ].

WHICH OPERATES PER COLLATERAL ESTOPPEL. 56 HARV. L. REV. 1 [ 1942 ].

SUBJECT MATTER, APPLICABLE UNDER PRIOR PROCEEDING BASED UPON SAME  
ISSUE AND BETWEEN SAME PARTIES, ADMINISTRATIVE DISMISSED.

STOPPELL V. UNITED STATES, 340 U.S. 864 [ 1950 ].

CONSTITUTIONAL AND STATUTORY PROVISIONS, ARE TO BE LIBERALLY CONSTRUED

FAVORABLE ACCUSED, BECAUSE CRIMINAL TIME LIMITATIONS NATURE AND SCOPE

CONSTITUTES NOT SIMPLY A LIMITATION UPON REMEDY, BUT RATHER A LIMITATION

UPON FOWER SOVEREIGN ACT. PRICE V. MAXWELL, 140 ARIZ. 314 [ APP. DIV. 2, 1983 ].

ACKNOWLEDGMENT AND PROMPT ASSISTANCE APPRECIATED.

THANKS AND BLESSINGS,

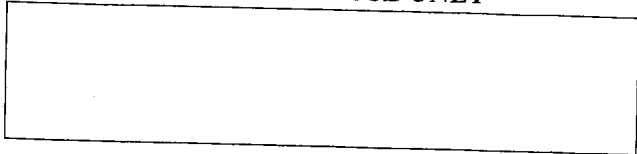
17 DECEMBER 2010.

G-UNIT.

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### COMPLAINT AGAINST A JUDGE

Your Name:

Judge's Name:

Date: 20 DEC 2010

**Instructions:** Describe in your own words what the judge did that you believe constitutes misconduct. Please provide all of the important names, dates, times, and places related to your complaint. You can use this form or plain paper of the same size to explain your complaint, and you may attach additional pages. Do not write on the back of any page. You may attach copies of any documents you believe will help us understand your complaint.

26 JULY 2010 HON.

COMMISSIONER, MARICOPA COUNTY SUPERIOR COURT, ARIZONA

STATE, COURT ROOM - CCB - 11012, WHO HAVING MY CRIMINAL CASE RECORDS FILE BRIEFED ITS  
CONTENT AND REALIZING THAT CRIMINAL PROSECUTION THEREIN WAS BASED UPON A NEW  
REFILED COMPLAINT, PER CONSCIOUS CHOICE WAS DELIBERATE INDIFFERENT IN OVER  
LOOKING DATE PRIOR COMPLAINT FILED RELEVANT OFFENSE FELONY CHARGED WAS  
DISMISSED, PER JUSTICE REQUIRED.

20 JULY 2010 JANET K. MC NAUGHTON \*006601, DEPUTY COUNTY ATTORNEY, MARICOPA COUNTY  
ATTORNEY OFFICE, ARIZONA STATE; ELEVEN MONTHS, AFTER PRIOR CRIMINAL COMPLAINT  
DISMISSAL IS AUGUST 2009 CRIMINAL COMPLAINT NUMBER CR 2009-018185-002 DT,  
PHOENIX POLICE DEPARTMENT REPORT NUMBER LR 2009-90663663 A, PER HON. SUSAN G. WHITE,  
COMMISSIONER, MARICOPA COUNTY SUPERIOR COURT, ARIZONA STATE, COURT ROOM - CCB - 11012,  
UNTIMELY, NEW COMPLAINT, CRIMINAL CASE NUMBER CR 2010-007300-001 DT WAS REFILED  
AND ESTABLISHED CONTROLLING LEGISLATURE PROHIBITS, NEW COMPLAINT PROSECUTION COM-  
MENTEMENT AFTER SIX MONTHS, WHEREBY PRIOR COMPLAINT DISMISSAL BECOMES FINAL FOR ANY  
REASON. THIS, TIME BARRED NO EXCEPTION, AND TIME LIMITATION STATUTE IS RES JUDICATA  
WHICH OPERATES PER COLLATERAL ESTOPPEL. CAMPBELL V. SUPERIOR COURT IN AND FOR  
MARICOPA COUNTY, 18 ARIZ. 287 [APP. DIV. 1, 1972]; ARIZ. REV. STAT. SECT. 13-106 [F.I.C. 1969];  
13-107 [G.I.C. 1997]; ARIZ. REV. STAT. CONST. ART. 2, SECT. 10.

SAID MAGISTRATE, PER ARIZONA STATE ADMINISTRATIVE PROCEDURE REVIEW ACT, SHOULD  
HAVE DISMISSED SAID REFILED NEW COMPLAINT ON OWN INITIATIVE PURSUANT MOTION, IN  
JUSTICE INTEREST PER DUTY IMPOSED BY LAW TO PROVIDE DUE PROCESS AND PROTECT  
MY CONSTITUTIONAL CIVIL RIGHTS LIBERTY INTEREST FROM VIOLATION - ONTIVEROS V. BORAK, 136 ARIZ.  
500 [1983]; ARIZ. REV. STAT. SECT. 12-542, 12-1002, 12-1031, 12-2602, 23-424.

ACKNOWLEDGMENT AND PROMPT ASSISTANCE APPRECIATED, THANKS AND BLESSINGS,

(Attach additional sheets as needed.)