

State of Arizona  
COMMISSION ON JUDICIAL CONDUCT

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Disposition of Complaint 11-069

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Complainant: No. 0046100432A

Judge: No. 0046100432B

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**ORDER**

The complainant alleged that a superior court judge was biased, made improper statements, and issued incorrect rulings in a case that went to trial in 1995. The commission reviewed the allegations and found no evidence of ethical misconduct on the part of the judge. The allegations are all more than 15 years old and have been the subject of multiple prior complaints already reviewed and dismissed by the commission. Accordingly, the complaint is dismissed in its entirety pursuant to Rules 16(a) and 23.

Dated: June 28, 2011.

FOR THE COMMISSION

/s/ Keith Stott

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Executive Director

Copies of this order were mailed to the complainant and the judge on June 28, 2011.

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

## STATEMENT OF FACTS

**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 may 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: \_\_\_\_\_ Judge's name: \_\_\_\_\_ Date: 3/1/2011

ON MY FIRST CASE, CR- I WAS ASSIGNED PUBLIC DEFENDER, DANIEL GRILLS WHO TOLD ME  
"WE GOT STUCK WITH JUDGE AND WE SURE AS HELL DONT WANT HIM, HE PULLS ALL  
KINDS OF SHIT AND GETS AWAY WITH IT, HE THINKS YOU'RE GUILTY ALREADY, I'LL SEE  
IF I CAN'T GET ANOTHER JUDGE." EXHIBITS-PAGES,

I WAS THEN GIVEN JUDGE, HOWARD HANTMAN WHOM HAD "CONSOLIDATED BOTH  
CAUSE NUMBERS" FOR TRIAL. EXHIBITS-PAGES

AFTER I WAS SCREWED BY PUBLIC DEFENDER GRILLS IN THE FIRST CASE, CR-  
I TOLD HIM THAT HE JUST RAILROADED ME AND THAT I WOULD NEVER USE HIM FOR  
ANYTHING AGAIN, THAT THEY WOULD HAVE TO GIVE ME A REAL LAWYER FOR MY SECOND  
CASE. ( JUDGE CASE, CR- )

AFTER "THREE SCRATCH AND REFILES" WITH NUMEROUS CONTINUANCES BY THE "SAME PROSECUTOR",  
I FOUND OUT I HAD JUDGE ON THE SECOND CASE, CR- , AND THAT THE TRIAL WAS  
TO START NOV. 7, 1995 AND I HAD BEEN IN CONTINUANCE CUSTODY SINCE JAN. 27, 1995, AND  
IN PRISON FOUR MONTHS OR SO BEFORE THIS TRIAL EVEN STARTED WHICH FROM THE "THIRD  
REFILE ALONE WAS 162 DAYS. EXHIBITS-PAGES,

MY MOTHER, MARY BECKMANN, A DEFENSE WITNESS LATER, TRIED LEAVING MY CLOTHES FROM  
HOME AT THE PRISON SO I WOULDN'T HAVE TO WEAR PRISON CLOTHES TO COURT, THEY REFUSED TO  
ACCEPT THEM, PIMA COUNTY JAIL REFUSED ALSO AS WELL AS MY OWN PUBLIC DEFENDER, SO  
SHE THEN CALLED JUDGE TO LEAVE THEM AT HIS OFFICE, THE JUDGE TOLD HER SHE  
COULD NOT BRING THEM TO COURT AND IF YOUR SON WASN'T RUNNING AROUND SETTING  
OFF BOMBS HE WOULDN'T BE IN THIS PREDICAMENT, HE IS GOING TO TRIAL JUST THE  
WAY HE ARRIVES FROM THE PRISON. MY MOTHER SAT IN THE COURTROOM WITH MY  
STREET CLOTHES ON HER LAP. THE PROSECUTOR TELLS THE JUDGE, HIS MOTHER IS SITTING  
IN THE BACK OF THE COURTROOM, IF SHE OPENS HER MOUTH, WE... JUDGE THEN  
SAYS, I SEE HER, I'LL... THIS PORTION DID MAKE IT INTO THE RECORD.  
I HAD FILED ALL OF MY OWN PRETRIAL MOTIONS, SPEEDY TRIAL, DISMISS INDICTMENT,

(Attach additional sheets as needed)

DISQUALIFY PROSECUTOR, APPOINTMENT OF COUNSEL, NEW COUNSEL, DISMISS THE ALLEGATION OF A PRIOR CONVICTION, ETC. WITH A MOTION TO TAKE POLYGRAPH TO WHICH HE THOUGHT WAS A GOOD IDEA BUT AFTER TALKING TO PROSECUTOR, HE BACK-PEDDLED AND DENIED THE MOTIONS. I HAD FILED ONE OF THE MOTIONS TO DISMISS ALLEGATION OF PRIOR CONVICTION A GOOD MONTH BEFORE START OF TRIAL, JUDGE [REDACTED] HELD ON TO IT UNTIL 3 MONTHS PAST SENTENCING, THEN FILE-STAMPED IT IN MARCH OF 1996 AND I GOT IT BACK WITHOUT A RULING ON IT. HE HAD DONE THIS INTENTIONALLY UPON URSING OF THE PROSECUTOR BECAUSE ALL 3 KNEW THERE WAS NO CONVICTION IN THE FIRST CASE, WHICH WAS DISMISSED AND CLOSED BEFORE THE OCCURRENCE OF THE SECOND OFFENSE WHICH WAS ALSO DISMISSED AND CLOSED TWICE BEFORE.

EXHIBITS-PAGES,

NOT HEARING FROM THE PUBLIC DEFENDER, PROSECUTOR, JUDGE, OR COURT, I WROTE LETTERS DIRECTLY TO JUDGE [REDACTED] WHICH WERE DATED BEFORE TRIAL, FILE-STAMPED AS RECEIVED BY HIS OFFICE, INFORMING HIM HE WAS DENYING ME A FAIR TRIAL, I NEVER HEARD FROM ANY ATTORNEY, PAST SPEEDY TRIAL TIME LIMITS AND THAT I DID NOT HAVE A PRIOR CONVICTION AND THAT HE WAS JUST RAILROADING ME.

EXHIBITS-PAGES,

ON THE FIRST DAY OF TRIAL, PUBLIC DEFENDER, DAN GRILLS WALKS INTO THE COURTROOM AND SITS DOWN NEXT TO ME, I ASKED HIM WHAT THE HELL HE THOUGHT HE WAS DOING AND THAT HE WASN'T MY LAWYER AFTER SELLING ME OUT TO THE SAME PROSECUTOR IN THE FIRST CASE AND THAT NOT HEARING FROM ANY PUBLIC DEFENDER AT ALL UNTIL THE FIRST DAY OF TRIAL WAS BULLSHIT I THEN TOLD HIM HE WAS AGAIN FIRED AND TO GET THE FUCK AWAY FROM ME, TELL JUDGE [REDACTED] (WHO HEARD US) THAT YOU'RE FIRED. HE SHOT BACK WITH, YOU'RE STUCK WITH ME,

THIS JUDGE IS NOT GOING TO LET YOU FIRE ME AND HE ALREADY TOLD ME HE DIDNT WANT ANY MISTRIALS SO YOU HAD BETTER SIT THERE AND KEEP YOUR MOUTH SHUT FROM NOW ON AND YOU ARE NOT TO LOOK INTO THE DIRECTION OF THE JURY, SMILE OR MAKE EYE CONTACT. GRILLS THEN WALKED OVER TO THE PROSECUTOR'S TABLE, LEANED OVER AND WHISPERED SOMETHING INTO HIS EAR THAT SOUNDED LIKE, YOU'D BETTER DO SOMETHING, HE KEEPS TELLING ME I'M FIRED. THEN THEY BOTH WENT TO JUDGE WHO LOOKED AT ME AND ASKED, WHATS YOUR PROBLEM. I TOLD HIM GRILLS WAS FIRED, YOU'RE NOT RAILROADING ME A SECOND TIME TO WHICH HE SHOT BACK WITH, NO, THIS IS YOUR LAWYER AND IF I HEAR ANYTHING ELSE WE'LL HAVE A TRIAL WITHOUT YOU. THE PROSECUTOR THEN SAID, HE'S TRYING TO TAKE ALL OF OUR FUN AWAY.

DURING JURY SELECTION, I WAS SITTING FACING THE PROSPECTIVE JURORS, I HAD ONE ANKLE RESTING ON THE OTHER THIGH, THEY WERE STARING AT THE LEG SHACKLES LIKE I WAS THE MOST DANGEROUS PERSON THEY EVER SAW, I WAS ALSO IN PRISON BLUES. THERE WAS NO RECORD OF WHY I HAD TO WEAR RESTRAINTS EVEN GRILLS SAID, JUDGE THEY CAN SEE THE SHACKLES, AND JUDGE SAID, WELL, WHEN HE'S INTRODUCED HAVE HIM STAND BEHIND THE TABLE, I WAS NEVER TOLD TO STAND UP OR HIDE SO THE JURY WAS TAINTED BEFORE THEY WERE PICKED. I WAS FORCED TO WEAR LEG SHACKLES SOLELY FOR PREJUDICIAL EFFECT, NOTHING ELSE. EXHIBITS-PAGES,

I WAS ALSO FORCED TO WEAR THE SAME DIRTY LOOKING CRUMBLED UP PRISON BLUES ALL THREE DAYS OF TRIAL WITHOUT THEM EVER BEING WASHED AND WHEN I WAS IDENTIFIED BY PROSECUTION

WITNESSES, THEY ALL SAID, THATS HIM SEATED AT THE DEFENSE TABLE WEARING THE 'BLUE SHIRT'.

EXHIBITS - PAGES,

IT WAS NOV. 8TH, 1995, THE JURY WAS STILL IN DELIBERATIONS, THE JUDGE TOLD THE PROSECUTOR AND MADE DAMN SURE I HEARD HIM, I PURPOSELY SET THIS DATE FOR YOU, HE DID THIS ON DECEMBER 8TH, 1994, WELL MAKE SURE HE IS SENTENCED ON DECEMBER 8TH, 1995.

ITS HIS ONE-YEAR ANNIVERSARY PRESENT FROM US. A DAY HELL NEVER EXHIBITS - PAGES, FORGET.

ALSO WHILE THE JURY WAS STILL IN DELIBERATIONS, THE PROSECUTOR COMES RUNNING IN THE BACK DOOR TO THE COURTROOM RIGHT UP TO THE JUDGE AND SCREAMS, RICHARD WE HAVE TO GET RID OF THE CRIMINAL DAMAGE COUNT, THEY WANT TO CONVICT HIM OF JUST THAT, I CANT HAVE THAT, DO SOMETHING. THE JUDGE THEN TOLD HIM, WHEN THEY GET BACK, ILL JUST TELL THEM THEY CANT USE IT. HE THEN GESTURED AT ME WITH HIS HAND AND SAID, YEAH, HE KNEW WHAT THIS BOMB WAS GOING TO DO, DONT WORRY ABOUT IT.

THE JURY RETURNED, THE JUDGE ASKED THEM IF THEY HAD REACHED A VERDICT YET, WHEN THEY SAID THEY HAD, THE JUDGE TOLD THEM, YOU CANT USE THAT ONE, IVE TAKEN IT OUT, GO BACK AND DO IT AGAIN. THE RECORD WASNT TRANSCRIBED UNTIL FOUR YEARS LATER (1999) TO MAKE IT LOOK LIKE THE PROSECUTOR COULDN'T PROVE A DAMAGE AMOUNT BUT STILL CAME UP WITH AN ABSURD AMOUNT FOR RESTITUTION AT THE DEC. 8TH, 1995 SENTENCING.

EVEN DURING TRIAL, THIS JUDGE WOULD GIVE A WAVE OF THE HAND TO

COURT STENOGRAPHER, OR (REPORTER) BERT LUNDY SO THAT HIS OFF THE WALL COMMENTS WOULD NOT GET RECORDED OR BE IN THE RECORD, BECAUSE LUNDY'S JAW WOULD DROP, HE WOULD LOOK AROUND, THEN <sup>LOOK</sup> AT ME AND SHRUG HIS SHOULDERS AND I COULD TELL HE WAS SAYING, SORRY, HAVE TO DO IT, HE'S THE JUDGE. LUNDY KNEW IT WAS WRONG AND WAS LATER THREATENED WITH CIVIL CONTEMPT BY THE COURT OF APPEALS FOR SLOW-PLAYING TRANSCRIBING TRANSCRIPTS BECAUSE THEY HAD TO GET TOGETHER LATER TO TRY AND FIGURE OUT WHAT TO CHANGE AROUND. THIS JUDGE TAMPERED WITH AN OFFICIAL COURT RECORD!

EXHIBITS-PAGES,

ANOTHER TIME, THE PROSECUTOR ASKED THE JUDGE WHY HE DIDN'T PUT RECKLESS BURNING IN THE JURY INSTRUCTIONS AS A LESSER-INCLUDED OFFENSE OF ARSON. THE JUDGE AGAIN GESTURES AT ME WITH, HE DIDN'T DO THIS RECKLESSLY, HE KNEW WHAT HE WAS DOING, ITS NOT A LESSER INCLUDED OFFENSE SO I'M NOT GOING TO GIVE IT. HE THEN GIVES A FAULTY INSTRUCTION TO THE JURY. (see, state statute).

EXHIBITS-PAGES,

AFTER THE JURY WAS SENT TO DELIBERATE, THE PROSECUTOR 'CHEWS OUT' THE JUDGE FOR NOT DEFINING "UNOCCUPIED STRUCTURE" SAYING BY LAW THAT HE WAS BOUND TO DEFINE IT AND THAT NOW LEAVE IT ALONE, HE DIDN'T WANT TO HAVE TO REDO ALL THE FORMS AND BRING ANY ATTENTION TO IT.

THIS ONLY LEFT ME WITH "OCCUPIED" STRUCTURE, 4 COUNTS, A CLASS 2 FELONY DEPRIVING (UNCONSTITUTIONALLY) THE JURY FROM DECIDING IF ANY LESSER OFFENSE VERDICTS WERE WARRANTED.

EXHIBITS-PAGES,