

State of Arizona
COMMISSION ON JUDICIAL CONDUCT

Disposition of Complaint 11-251

Complainant: No. 1428400268A

Judge: No. 1428400268B

ORDER

The complainant alleged that a municipal court judge failed to properly investigate complaints he made about a police officer and mishandled a criminal case in which he was the defendant.

The responsibility of the Commission on Judicial Conduct is to impartially determine if the judge engaged in conduct that violated the provisions of Article 6.1 of the Arizona Constitution or the Code of Judicial Conduct and, if so, to take appropriate disciplinary action. The purpose and authority of the commission is limited to this mission.

After reviewing the information provided by the complainant and the court record available online, the members of the commission found no evidence of ethical misconduct and concluded that the judge did not violate the Code in this case. Accordingly, the complaint is dismissed in its entirety pursuant to Rules 16(a) and 23.

Dated: November 16, 2011.

FOR THE COMMISSION

/s/ George Riemer

George A. Riemer
Executive Director

Copies of this order were mailed to the complainant and the judge on November 16, 2011.

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

27 September 2011

From:

To: The Arizona Commission on Judicial Conduct

Subj: **INCIDENT REPORT ON SERIOUS VIOLATIONS OF THE JUDICIAL MISCONDUCT ON ARIZONA STATE JUDGE CASE OF**

Cc: City of Tucson Court

United States Justice Department

With the respect of The Arizona Commission on Judicial Conduct, The Rules for Judicial-Conduct, Arizona Rules of Professional / Personal Conduct and The Constitutional Law, Due Process, Right to Counsel. This incident was a matter of serious violations and concern to public confidence in the State of Arizona judiciary's ability to redress misconduct or disability.

"It is not because no one sees the truth that it becomes an error." – Gandhi

The defendant was a multiracial individual of an African-American and Asian parents. He had served twelve years in the U.S. Marines Corps, six years in the U.S. Air Force, and three additional years as a Commissioned Officer in the U.S. Army. At the time of the incident he was on active duty training for a special assignment overseas.

On Jan 13, 2011, at or about 8:00 am, Officer Knight had abused of authority, rampaged through Defendant's private residence, busted walls and window frames, obtaining Federal Personnel Data from the Armed Force Recruiting Station without Service member consent, Aggravated assault with numerous harassment phone calls, Unlawful threatened by constantly banging on the door and window at a private residence, occurred before Defendants was clearly informed to his Miranda rights and prior to Officer Knight's unethical interrogation inside Defendant's living room. Such conduct was malicious, reckless disregard of Defendant's rights, Violated the Personal Data Privacy Act of 1974, Civil Rights Act, Constitutional Rights of Privacy, Violates the Provisions of the four Amendment, intrusion at a private residence of Defendant's elderly mother rights whom was in seriously poor health due to heart condition to the point that she was crying from severe emotional distress.

On August 31 and September 15, 2011, Defendant filed a complaint with the Tucson City Court case on: **CR 1000** , assigned to Judge . After several months Defendant had notified The Tucson City Court's Judge of serious violations and unethical conducts on the following individual names listed below:

1. That Brian Knight, Use of Excessive Force, willfully perjury and persistent failure to perform duties by Tucson Police Department (TPD)
2. That the State of Arizona prosecutorial knowingly and intentionally falsified or misleading evidence / perjured statement, all are in violations of the Arizona Rules of Professional Conduct.
3. That the Tucson City Court's Judge had violated Defendant's Constitutional Rights to Counsel, Right to witness, Right to present evidence, cruel and unusual punishment.

4. That the complain of violation was ignored.
5. That the pattern of poor public service procedure existed.
6. That hiring procedures disregarded or did not adequately screen for poor employees.
7. That the maintenance of public's records was falsified to cover up poor or hurried recordkeeping procedures.
8. That the violations were willingly conducted by The Tucson City Court, the Prosecutorial and Tucson Police Department.
9. That Tucson City Court and its affiliated Tucson Police Department had history of practice discrimination and harassment on federal employee.

Defendant has provided a copy of Brian Knight's Deposition and Erica Murdock's falsified statement, to the Tucson City Court's Judge and its committee fails to implement any remedial measures or otherwise take steps to deal with the Defendant's complaint and failed to afford the Defendant an opportunity to Due Process and Right to Counsel all are in violations of The Constitutional Law.

The City of Tucson Judge wrongfully and intentionally denied Defendant's Rights to have a Counsel, delayed Defendant of having a fair trial and failed to encourage the litigants to try to reach an agreement resolving their dispute. The City of Tucson Judge has repeatedly prevented or hindered the Defendant from receiving full, fair, impartial hearings or the full, fair, impartial administration of justice or having improper discussions with parties or counsel for one side in a case.

As a result, The City of Tucson Judge's obstruction of justice, help cover up favorable rulings, failed to encourage the use of mediation, arbitration, and other forms of alternative dispute resolution, or "ADR," designed to produce an early resolution of a dispute without the need for trial or other court proceedings. The Arizona Commission on Judicial Conduct has the authority to hold the City of Tucson Judge personally liable for any ensuing damage or injuries.

"There is, of course, a sphere within which the individual may assert the supremacy of his own will, and rightfully dispute the authority of any human government, especially of any free government existing underwritten constitution, to interfere with the exercise of that will. But it is equally true that in every well-ordered society charged with the duty of conserving the safety of its members, the rights of the individual in respect of his liberty may at times, under the pressure of great dangers, be subjected to such restraint, to be enforced by reasonable regulations, as the safety of the general public many demand..." - John M. Harlan

It is the hope of Defendant to see justice in this case and to see laws strengthened and enforced that protect citizens and veterans from set ups, cover-ups and injustices. Defendant looks forward to the professional leadership of the Judicial Conference Committee on Judicial Conduct and Disability that the Justice Department will seek justice for those who have been denied.

Respectfully,