

State of Arizona
COMMISSION ON JUDICIAL CONDUCT

Disposition of Complaint 12-053

Complainant: No. 1436710220A

Judge: No. 1436710220B

ORDER

The complainant alleged that a superior court judge engaged in a criminal conspiracy against him and violated his constitutional rights.

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 various electronic court records, the commission found no evidence of ethical misconduct and concluded that the judge did not violate the Code in this case. The commission does not have jurisdiction to investigate the legal sufficiency of the judge's ruling. Accordingly, the complaint is dismissed in its entirety pursuant to Rules 16(a) and 23.

Dated: April 5, 2012.

FOR THE COMMISSION

George Riemer

George A. Riemer
Executive Director

Copies of this order were mailed to the complainant and the judge on April 5, 2012.

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

1 I. Parties and their Titles and Capacities

2 1 A. Complainant, injured party and victim.

3 acting as and with the title of executor and beneficiary of the
 4 legal person/entity known as He is also a man, people and beneficiary of
 5 the organic Constitution for the United States of America and California state, endowed with
 6 natural, God given, un-a-lien-able and common law rights. I am private and not a public servant,
 7 officer, employee or trustee; any claim to the contrary must be proved by payroll records and my
 8 alleged public servant title, oath and bond, and sworn to under the penalty of perjury and full
 9 commercial liability (full faith and credit).

10 1.B. Defendants who caused injury loss and harm to complainant

11 is a public trustee, bound by and under oath and bond, acting with a title of
 12 judge as a ministerial government officer, employee and trustee.

13 is a public trustee, bound by and under oath and bond, acting with a
 14 title of attorney as a licensed franchise government officer, employee and trustee. His
 15 government license number is

16 is a public trustee, bound by and under oath and bond, acting with a
 17 title of attorney as a licensed franchise government officer, employee and trustee. His
 18 government license number is unknown.

19 is a public trustee, bound by and under oath and bond, acting with a
 20 title of treasurer as a ministerial government officer, employee and trustee.

21 **Count 1**

22 **18 USC§ 242- Deprivation of rights under color of law**
 23 **As to all Defendants**

24 On August 9, 2011, (and ongoing since then) the defendants transferred title to the
 25 private property of to another for a public purpose under color of law in
 violation of 18 USC§ 242- Deprivation of rights under color of law.

26 Facts- was denied his rights to private property and his rights as
 27 Mandated by the 1st, 5th, 6th, 7th, 8th, 9th and 10th amendments, natural, God given, un-a-lien-
 28 able and common law, under color of law by all of the defendants. The defendants, under color
 29 of law, stole the private property of The defendants have a duty and are
 30 bound to abstain from injuring the person or property of or infringing
 31 upon any of his rights. The defendants violated that duty and their oath. The facts stated below
 32 are in support and true and correct.

33 **Count 2**

34 **18 USC§ 241- Conspiracy against rights under color of law**
 35 **As to all Defendants**

1 On August 9, 2011, (and ongoing since then)- the defendants, working in concert,
 2 transferred title to the private property of to another for a public
 purpose under color of law in violation of 18 USC§ 241- Conspiracy of rights under color of law.

3 Facts- was denied his rights to private property and his rights as
 4 Mandated by the 1st, 5th, 6th, 7th, 8th, 9th and 10th amendments, un-a-lien-able, God given,
 natural and common law, under color of law by all of the defendants. The defendants have a duty
 5 and are bound to abstain from injuring the person or property of or
 infringing upon any of his rights. The defendants, working in concert, under color of law, stole
 the private property of The facts stated below are in support.

6 Count 3

7 39 ARS§ 161- Presentment of False instrument for filing. 8 As to all Defendants

9 On August 9, 2011 (and ongoing since then) -The defendants caused and/or offered a
 document to be filed/recorded, in a public office in Arizona; When the defendants did that act,
 10 they knew that the document was false; The document was one that, if genuine, could be legally
 filed/recorded.

11 Facts-Defendants filed/recorded a title document #2011-12280, with knowledge and
 12 intent that it was acquired without consideration or jurisdiction and through a counterfeit,
 unlawful and void process. The defendants have a duty and are bound to abstain from injuring
 13 the person or property of or infringing upon any of his rights. The facts
 stated below are in support.

14 Count 4

15 38 ARS§ 443- Nonfeasance in public office.. 16 As to all Defendants

17 On August 9, 2011 (and ongoing since then) -The defendant public officers holding
 positions of trust as trustees of complainant's property and rights, knowingly omitted a duty to
 18 perform as required by the supreme law of the land and moral precepts. The defendants denied
 this complainant his court of record at law as mandated by the 7th amendment to the Constitution
 19 for the United States of America and Arizona state, article 6, section 30. They further committed
 theft of this complainants private property and his rights as mandated by the 1st, 5th, 6th, 8th, 9th
 20 and 10th amendments, un-a-lien-able, God given, natural and common law, under color of law
 by all of the defendants.

21 A court of record is mandated and defined as -"a judicial tribunal having
 22 attributes and exercising functions independently of the person of the magistrate designated
 generally to hold it, and proceeding according to the course of the common law." Ex Parte
 23 Thistleton, 52 Cal. 220. The Arizona legislature affirmed this fact at 12 ARS§ 122. The
 24 defendants have a duty and are bound not to use the legal system and their titles of trust, to lust
 after and steal the work product and property of the complainant. The facts stated below are in
 25 support.

1 and property, through the creation of a counterfeit security (evidence of debt) of the complainant.
 2 The facts stated below are in support.

3 Plain Statement of Facts

4 purchased land in 2003. Title was transferred and accepted by
 5 on January 10, 2003 and filed in the recorders office January 15, 2003.
 6 did enter his declaration and notice as assign under United States Land Patent
 7 The declaration and notice was recorded September 2, 2003 as recorders document
 8 #2003-

9 The chain of title to the private property and land of is as
 10 follows:

11 The land at issue was territory under the terms and conditions of the Northwest
 12 Ordinance of 1787. Under treaty (Treaty of Guadalupe Hidalgo, February 2, 1848) the land was
 13 made a part of the territorial jurisdiction of the United States. The State of Arizona did "... agree
 14 and declare that they forever disclaim all right and title to the unappropriated and ungranted
 15 public lands lying within the boundaries thereof..." (ENABLING ACT, Act June 20, 1910, c.
 16 310, 36 U.S.Stat. 557, 568— 579). Arizona became a state of the union on February 14, 1912.
 17 The United States held title and claim to the land at issue until November 17, 1922. On
 18 November 17, 1922 the land was forever released by the United States by patent ()
 19 which states in part-"To have and to hold the said tract of land...and to the heirs and assigns of
 20 said claimant forever..." land is subject to a servitude under Mexican law
 21 (under the Treaty of Guadalupe Hidalgo), such a servitude was forfeited by the failure of the
 22 State to assert their claim to it in the federal patent proceedings.

23 The land at issue "... became subject to a servitude under Mexican law, such a servitude
 24 was forfeited by the failure of the state to assert it in the federal patent proceedings.
 25We granted certiorari, 460 U.S. 1036 (1983), and now reverse that judgment, holding
 that even if it is assumed that the Ballona Lagoon was part of tidelands subject by
 Mexican law to the servitude described by the Supreme [466 U.S. 198, 201] Court of
 California, the state's claim to such a servitude must have been presented in the federal
 patent proceeding in order to survive the issue of a fee patent". Summa Corp. v.
California ex rel State Lands Commission & City of Los Angeles, 466 U.S. 198 (1984),
 (See also United States v ODonnell, 303, 305 US 501-515).

26 sent letters and notices (January 25, 2008; May 8, 2008 and June 10,
 27 2008) to , showing cause that his land was not a subject of the servitude.

28 did not receive a rebuttal from

29 filed a criminal complaint with the NAVAJO COUNTY SHERIFF'S
 30 OFFICE dated August 17, 2008 against The NAVAJO COUNTY

31 **Certified Complaint**

1 SHERIFF'S OFFICE failed to investigate the criminal charges and returned the complaint
2 without taking action.

3 On or about July 10, 2009 the Navajo County Board of Supervisors was sent a notice that
4 the land was without their jurisdiction and was under the Treaty of Guadalupe Hidalgo. The
5 notice and proof of service was filed with the Navajo County recorder as document #2009-

6 Navajo County Board of Supervisors was given 30 days to respond/rebut. Navajo County
7 Board of Supervisors defaulted and acquiesced.

8 On October 7, 2009 I requested from the Navajo County Board of Supervisors to produce
9 the nature, cause, consideration (standing), authority and jurisdiction of their claims (equitable or
10 otherwise). On September 15, 2009 I received a response from (Deputy County
11 Attorney) claiming that all claims can be found filed with the Navajo County Recorders Office. I
12 did a through search of the records and found no claims upon my land from the State of Arizona,
13 Navajo County, the United States or any other person or entity.

14 On or about February 17, 2011 a claimed that he was in possession of a
15 lien which he acquired from Navajo County Arizona. I returned a letter on March 6, 2011
16 demanding that he verify and validate the jurisdiction, authority and debt as mandated by law
17 (See 15 USC§ 1692 Et Seq. and others); that failure to do so would be acceptance of all costs,
18 fees and compensation for time spent in defending against his counterfeit
19 claims. defaulted in validating the debt, supply any proof of jurisdiction or
20 objection to the agreement. did however proceed with a court action and
21 therefore acquiesced to the agreement/contract between the parties.

22 On or about April 11, 2011, through his brother and attorney
23 filed a civil action to foreclose upon the counterfeit lien. The case number is CV-
24 filed in the Superior court for Navajo County. The Judge hearing the case was
25 as trustee. The case was remanded back to the state court, by the United States federal
26 court. I received the notice of remand from the federal court and a default notice mailed by
27 on the same day. According to inferior court rules,
28 had 10 days to reply to the default. Because of the time delay for USPS mail delivery, he in fact
29 was only given 2 days. motioned and moved to have the default set
30 aside, to reconsider and requested oral arguments. rejected the motions without
31 authority, denied oral arguments, due process and the inviolate right to trial by jury (7th
32 amendment).

33 The 5th amendment to the Constitution for the united states of America is very clear, it
34 states in the pertinent part: "...nor be deprived of life, liberty, or property, without due process of
35 law; nor shall private property be taken for public use, without just compensation".

36 The accused defendants, did convert the private property to a public use. The Arizona
37 Constitution at article IX, section 1 states that "... all taxes shall be uniform upon the same class
38 of property within the territorial limits of the authority levying the tax, and shall be levied and
39 collected for public purposes only.

1 Arizona's tax lien is a punitive statute, "One which creates forfeiture or imposes
 2 penalty". Peterson v. Ball, 211 Cal. 461, 269 P. 291, 300, 74 A.L.R. 187. There is a presumption
 3 that the taxing authority is acting in a sovereign capacity. "We therefore conclude that forfeiture
 4 under these provisions constitutes "payment to a sovereign as punishment for some offense,"
 Browning-Ferris, 492 U.S., at 265, and, as such, is subject to the limitations of the Eighth
 Amendment's Excessive Fines Clause". AUSTIN v. UNITED STATES, 509 U.S. 602 (1993).

5 In the context of forfeiture this implies that two different actions for the same offence
 6 may be taken against a defendant: one against his person, the criminal action, and one against his
property, the in rem action. The assumption is that the defendants are guilty of some crime.

7 More recently, we have noted that forfeiture serves "punitive and deterrent purposes,"
 8 Calero-Toledo, 416 U.S., at 686, and "impos[es] an economic penalty," id., at 687. [509 U.S.
 9 602, 16] We conclude, therefore, that forfeiture generally and statutory in rem forfeiture in
 10 particular historically have been understood, at least in part, as punishment. At some point, we
 may have to confront the constitutional question whether forfeiture is permitted when the owner
has committed no wrong of any sort, intentional or negligent. That for me would raise a serious
 question. AUSTIN v. UNITED STATES, 509 U.S. 602 (1993).

11 I, _____ has not been charged with or have I committed a crime or wrong of any
 12 sort, intentional or negligent. The default packet, presented by _____ in the "unsworn
 13 declaration" states that the plaintiff's claim for alleged unpaid taxes is \$1,248.23. The taking, of
 _____ land and property, is an excessive fine in violation of the 5th and 8th
 14 amendments. _____ has been denied his court of record at law as mandated by
 the 7th amendment. The defendants have denied _____ 1st, 5th, 6th, 7th,
 15 8th, 9th and 10th amendments rights and their limitations, under color of law and in violation of
 their titles of trust as trustees.

16 Verification

17 Sworn, certified and affirmed to in accord with 28 USC 1746 (1) (without the territorial
 18 US). I declare under penalty of perjury at law of the united states of America that the foregoing
 is true and correct under the full liability.

19 Dated this: February 17, 2012
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