

State of Arizona  
COMMISSION ON JUDICIAL CONDUCT

---

Disposition of Complaint 12-062

---

Complainant: No. 1430710941A

Judge: No. 1430710941B

---

**ORDER**

The complainant alleged that a superior court judge improperly denied several pretrial motions in his criminal case.

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 rulings. Accordingly, the complaint is dismissed in its entirety pursuant to Rules 16(a) and 23.

Dated: April 19, 2012.

FOR THE COMMISSION

/s/ George Riemer

---

George A. Riemer  
Executive Director

Copies of this order were mailed to the complainant and the judge on April 19, 2012.

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

MAR 06 2012

- \* HON. denied the following motions at the pretrial hearing the day of trial 1-24-2012 and I was found guilty 1-30-2012 for Burglary 3rd degree and Burglary tools.
- \* (1) Motion Rule 8.2. Denied of a Speedy trial. Defendant in custody must be tried within 150 days from arraignment. I been in custody over 430 days before I was tried. Public Defender, motion a Rule-11 evaluation to cause a trial delay but I refuse all evaluation and trial should have not been delay. Under Rule 8.4: (a) Delays occasioned by or on behalf of the defendant, including but not limited to delays cause by an examination and hearing to determine competency or mental retardation the defendant's absence or incompetence, or his or her inability to be arrested or taken into custody in Arizona. Rule-11, the only motion that was granted.
- \* (2) Motion Burglary 3rd Degree, is not a Felony. OTIS DO or attempt the 1st day of november, 2010 with intent to commit a theft or a felony there in, entered or remained unlawfully in or a non-residential structure of located at in violation of A.R.S. 13-1506. You are in a position to commit a Felony, not committing a felony. Burglary does not required successful completion of the underlying felony. Defendant to commit a felony and that because of acquittal. State v. Bottani (App. Div. 2/1982) 131 Ariz. 574, 643 P.2d 19. View at web2.westlaw.com
- \* (3) Motion Burglary tools, is not a felony. State v. Allen (1975) 111 Ariz. 546, 535 P.2d 3. view at web2.westlaw.com. The charge card also indicated a misdemeanor offense.
- \* Police Report: Said I admitted taking the wire and I will show them my tools. Where the wire? They don't have my prints on tools. They don't even take the tools to the lab for prints. My miranda rights was read at 1620hr. The crime occurred 1702. The only thing they have are pictures of the wire been cut and tools. How can I admitted to a crime never occurred? Police Report was alter at trial.

Continue on Back

Due to a lack of trust in state agencies, this notice have been deliver to the Federal and State department of Justice, to assure an investigation procedure.

I have inform all state disciplinary agencies and courts to conduct an investigation on Superior court conducts but, they all refuse or dismiss charge is, I'm requesting, the department of Justice, to do so.

There are many other defendants, who have been force to participate in a examination, denied them of a speedy trial or been held until they signed a plea. I been in custody over 13 months, before, on a false indictment, Technicality and Violation of Rule 8.2.

This notice have been deliver to all parties stated in this letter, under hand writing and been thoroughly inspected to assure identical notice.

American Bar Association:

State Supreme court:

State Bar Arizona:

Judicial conduct:

Trial presiding Judge.

By Sentence 3-28-2012, I'm going to inform Hon. once again and I would like someone present out of department of Justice. I'm also requesting the State Supreme Court to overturn Hon. Sentencing.

The Statute that I been indicted on is documented for Burglary.

\* HDN Cynthia Bailey, denied the following motions at the pretrial hearing the day of trial 1-24-2012 and I was found guilty 1-30-2012 for Burglary 3rd degree and Burglary tools.

\* (1) Motion Rule 8.2. Denied of a Speedy trial: Defendant in custody must be tried within 150 days from arraignment. I been in custody over 430 days before I was tried. Public Defender, Jason Rosell, motion a Rule-11 evaluation to cause a trial delay but, I refuse all evaluation and trial should have not been delay.

Under Rule 8.4 (a) Delays occasioned by or on behalf of the defendant, including but not limited to delays cause by an examination and hearing to determine competency or mental retardation the defendant's absence or incompetence, or his or her inability to be arrested or taken into custody in Arizona, Rule-11, the only motion that was granted.

\* (2) Motion Burglary 3rd Degree is not a felony: Otis Berry Brascom, on or about the 15th day of November, 2010 with intent to commit a theft or a felony therein entered or remained unlawfully in or on a non-residential structure of Garco, RV located at 3602 W. Lower Burkee Rd., in violation of A.R.S. 13-1506. You are in a position to commit a felony, not committing a felony.

Burglary does not required successful completion of the underlying felony with intent to commit a felony and that because of acquittal. State v. Bottani (App. Div. 2 1982)

131 Ariz. 574, 643 P.2d 19. View at [web2.westlaw.com](http://web2.westlaw.com).

\* (3) Motion Burglary tools, is not a felony: State v. Allen (1975) 111 Ariz. 546, 535 P.2d 3. View at [web2.westlaw.com](http://web2.westlaw.com). The charge form also indicated a misdemeanor offense.

\* Police Report: Said I admitted taking the wire and I will show them my tools. Where the wire? They don't have my prints on tools, they didn't even take the tools to the lab for prints. My miranda rights was read at 16:20hr. The crime occurred 1702. The only thing they have are pictures of the wire been cut and tools. How can I admitted to a crime never occurred? Police report was after at trial.

Continue on Back

Due to a lack of trust in state agencies, this notice have been deliver to the federal and state department of justice, to assure an investigation procedure.

I have inform all state disciplinary agencies, and courts to conduct an investigation on superior court conducts but, they all refuse or dismiss charge. So, I'm requesting the department of justice, to do so.

There are many other defendants, who have been force to participate in a examination, to denied them of a speedy trial or been held until they signed a plea. I been in custody over 13 months, before tried on a false indictment, technicality and violation rule 8.2.

This notice have been deliver to all parties stated in this letter, under this Brascam hand writing, and been thoroughly inspected to assure identical notice.

American Bar Association: Frank Brewer, 312-988-5000

State Supreme court: Rebecca white, 602-452-3300

State Bar Arizona: Roberta Tepper, 602-252-4804

Judicial Conduct: Barbara unglass, 602-452-3200

Cynthia Bailey: Trial presiding Judges.

Sentence 3-28-2012, I'm going to inform Hon. Bailey once again and I would like someone present out of department of justice. I'm also requesting the state supreme court to overturn Hon. Bailey sentencing.

The Statute that I been indicted on, is documented for Barslary.