

State of Arizona  
COMMISSION ON JUDICIAL CONDUCT

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Disposition of Complaint 12-065

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Complainant:	No. 1259210521A
Judge:	No. 1259210521B

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**ORDER**

The complainant alleged that two superior court judges conspired to bring about his unconstitutional conviction of certain crimes.

The responsibility of the Commission on Judicial Conduct is to impartially determine if the judges 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 judges did not violate the Code in this case. The commission does not have jurisdiction to investigate the legal sufficiency of the judges' 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

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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.*

CONFIDENTIAL

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

FOR OFFICE USE ONLY

2012-065

### COMPLAINT AGAINST A JUDGE

Your name:

Judge's name:

Date: Feb. 13, 2012

**Instructions:** You can use this form or plain paper of the same size to file a complaint. Please describe in your own words what the judge did that you believe constitutes judicial misconduct. Be specific and list all of the names, dates, times and places that will help us understand your concerns. You may attach additional pages but not original court documents. Print or type on one side of the paper only, and keep a copy of the complaint for your files.

"TO ANNOUNCE that there must be NO criticism of (the) judge, or that we are to stand by (a) judge, right or wrong; is NOT ONLY unpatriotic and servile but morally treasonable to the (American) public and defendants everywhere. -pres Theodore Roosevelt

Under those wise words, I wish to acknowledge that filing a complaint against a judge is the second most thankless job in America. (The first is the one is your job - to find a judge guilty of wrongful conduct and acts). Lets start with the simplest, easy-to-prove part first:

In late February, early March, of 2009, I filed a Rule 32 with the Pima County Superior Court in cause CR 2009-  
On March 5, 2009 I received an "In Chamber Notice" from Judge Attachment #1. I was surprised because (1) Judge had had the case for three years and was suppose to still have it (more on that below), and, (2) Judge had been listed as a witness.

[All notations and attachments were put there previously to help others understand what they were and what they meant].

On March 19, 2009 Judge Judicial Administrative Assistant, wrote to tell me my case had been "referred" to Judge Attachment #2. There was NOT (nor up until now, February 20, 2012) any indication of WHD had referred the case to Judge I wrote a letter to Ms. STERNLY objecting to the case being "referred" and why.

(Attach additional sheets as needed)

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On April 10, 2009 Judge issued a "Ruling" denying my Rule 32 and insinuating that it was the second one. Attachment # 3. She went on to say there had been NO request for an extension on the first notice. When she made that Ruling she knew that was NOT SO. Attachment # 4 are two letters from my then appeal attorney, Mr. [redacted], dated April 24, 2006, and May 2, 2006. Mr. [redacted] refuted her claim and even sent me a copy of the extension. Also under Attachment # 3. But not only did he send the motion for extension, he sent a copy of the petition to be filed. Also under Attachment # 3.

Mr. [redacted] outrage is evident in his two letters. He is a renowned attorney and in good standing with the state bar, and, then, 15 years of experience as an attorney. I believe Mr. [redacted] will be more than willing to verify what he said and did.

Then Judge [redacted] issued her infamous "ORDERS" of May 1<sup>st</sup> and May 7<sup>th</sup>, 2009. In those she not only repeated her claim that no extension was filed, but she claimed the case had never been assigned to Judge [redacted] or any other division. See Attachment # 5. Judge [redacted] can and will speak for himself on the matter, but I submit Attachment # 6 as proof Judge [redacted] committed perjury in court documents, purposely designed to mislead. These documents are: (1) A bench reassignment sheet showing ALL of her cases HAD been assigned to Judge [redacted] when she went to the juvenile bench and he came to criminal. There were NO EXCEPTIONS!! (2) A motion to preserve evidence" date filed October 19, 2007, which Judge [redacted] ruled on October 31, 2007. Copies of which was sent to the county attorney, and Mr. [redacted] but NOT to Judge [redacted].

(3) Another "ORDER" made by Judge [redacted] on May 20, 2008. Again, NO "courtesy copy" to Judge [redacted]; (4) A motion to add exhibits... to Judge [redacted]. I would ask the commission to take notice that the Clerk, Mrs. [redacted], sent the motion to Judge [redacted] NOT Judge [redacted]. The clerk of the court MUST know where cases are assigned to ensure they get to the right judge; (5) on May 19, 2008 sent a change of address let to [redacted].

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Not Judge ; (b) On January 4, 2007 opposing Counsel, ms. \_\_\_\_\_  
sent her response to Judge \_\_\_\_\_ (the County Attorney-  
Neys knows continuously which judge has what. All these individ-  
uals can attest to what they did.

Over the course of the case, and shortly thereafter Judge \_\_\_\_\_ did things that  
even a novice judge would not do. And this is not about a judge who innocently  
made a mistake. This is about a seasoned judge who knew the law and chose  
not to follow it on purpose. A judge who spent her entire legal life as a  
federal prosecutor or as a judge. Consider these acts (and because you have  
judges on your commission they will understand):

A. prosecutor \_\_\_\_\_ and Det. \_\_\_\_\_ of the pima county Sheriff's  
Department ("PCSD") lied to get a warrant of Arrest from Judge \_\_\_\_\_ Judge  
later acknowledged that they withheld valuable information from him. See  
my February 19, 2005 letter to him and his response along the right margin,  
dated March 3, 2005. After his answers to that letter the prosecution would  
not allow him to respond again. When I sought to call Judge \_\_\_\_\_ for a  
suppression hearing and, later, trial, Judge \_\_\_\_\_ blocked it. MY WITNESS  
and I couldn't call him. He had information that would have invalidated the  
warrant and, thus, four charges. See Attachment #7.

B. Det. \_\_\_\_\_ testified that he did not know what the pills were found in  
my car on February 6, 2004 until he got some results back from the Depart-  
ment of Public Safety on May 24, 2004. That was a lie. See his narrative  
of February 26, 2004. Also under Attachment #7. Like "A" above, Judge  
knew he was lying.

C. This same Detective swore before two juries that he recognized my  
rental car on May 28, 2004, by a bumper sticker on the back. The photos  
of that car shows NO bumper sticker — and Det. \_\_\_\_\_ was the one  
that took the photos. Also under Attachment #7. Judge \_\_\_\_\_ knew that  
man was lying about that (I got the photos later).

[ Before this ~~you~~ August body wonder "well, what was his attorney doing  
during all this?". The short answer is "Nothing!" she,  
was hand-picked by Judge \_\_\_\_\_ ]

d. During a suppression hearing on March 11, 2005, prosecutor

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I acknowledged that I/O Organizer taken from my car on May 29, 2003, probably left the jail with me when I left the jail the next day on bail. Allegedly there had been prescriptions found in it. She assured me and the court that she would get the inventory list from the jail to make sure. At trial, when a Rule 20 motion had been filed, Ms. [redacted] called officers [redacted] and [redacted] back to the stand to recognize I/O Organizer found in my car on June 3, 2003 by officers [redacted] and Det. [redacted] (both at the Tucson Airport Authority. See both transcripts under Attachment #8.

Both Judge [redacted] and prosecutor [redacted] KNEW perjury was being suborned. There was NO testimony as to how the organizer taken to the jail on May 30, 2003, found its way back into that car to be found by Det. [redacted] and [redacted] three days later. Ms. [redacted] Never fulfilled her promise to me and the court to get that inventory list. So, instead of risk losing the entire case, Ms. [redacted] purposely and knowingly invited perjury to be done.

During her trial testimony Officer [redacted] swore she was there for the whole search on June 3, 2003. Again, both Judge [redacted] and Ms. [redacted]

knew that was false. Look at the transcript pages of March 16, 2005, 109, line 24-25. Officer [redacted] was revealing that she was NOT there during the entire search. A taped interview of Officer [redacted]

on January 18, 2005 fully disclose this. THIS TAPE IS CURRENTLY UNDER THE CONTROL OF the Pima County Attorney's. I have reasons to believe that the County Attorney will destroy that tape if this body does not secure it BEFORE they tell them WHY they want it. To this day they have NOT produced it to me. See subpoena executed to the County Attorney on [redacted]. They refused to honor the subpoena, and Judge [redacted] would not compel them to do so at that time. See Attachment #6, order of Judge [redacted], in response to motion filed by CA.

E. Following the state resting, Ms. [redacted] petitioned for a Rule 20 as to the sells/sales charges because there had been NO proof that any drugs had been sold for anything, to anybody. Judge [redacted] agreed and reduced counts 13 and 15 to simple possession and dismissed 14

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and 16 outright. See Attachment #9. (This was an act acknowledged by the Court of Appeals, Div. Two, in 2 CA-CR 2005- when it said: "The trial court partially granted motion for a judgment of acquittal pursuant to Rule 20, Ariz. R. Crim. P., dismissing the charges of transportation both a narcotic drug and a dangerous drug for sale and reducing the counts of possessing both a narcotic drug and a dangerous drug for sale to simple possession charges", page Dispite this acknowledgement, on the day of sentencing, June 3, 2005, Judge used as an aggravator "pecuniary gain", thus resurrecting the sales charges. The court to this day has not called me back for re-sentencing. (To add to that, count 13 was my own medication. See photo under attachment #7 with Det. narrative of February 26, 2004, paragraph #5. My doctor, Manfredonia, verified same

After the trial and sentencing, Judge insisted on continuing to make Rulings, even though the files had been closed. See Attachment #10: Notice of Appeal Filed on June 16, 2005; Rulings of August 10<sup>th</sup> and September 19<sup>th</sup>, 2005. Attachment #10. The judges on the Commission can appreciate the fact that once a notice of appeal is filed, the superior court loses ALL jurisdiction. Judge, a veteran, also knew this. And to make sure my attorney could not disrupt things, she called him on the day of her August 10, 2005 Ruling to tell him what she was going to do without giving him a chance to respond. See letter from Mr. dated August 10, 2005, also under Attachment #10

At the sentencing of June 3, 2005, Judge ruled that I had possessed a weapon in a case out of Arkansas in 1973. See Attachment #11. However, the "Information" from Arkansas never mentions a weapon at all. Judge was fully aware of this but needed a "historical prior" so she could enhance my sentences. Because without that alleged gun and the pecuniary gain I would have to be sentenced to the mitigated as a first-timer.

Judge Ruling on the gun charge is TOTALLY opposite of what Judge Ruled on on ~~the~~ April 2, 2009 in CR 2007- See under Attachment #12. Judge Found neither a weapon nor other elements that could be used under

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Arizona 12th SD, Judge Ruling was not only wrong by my opinion but also another judge of that bench. [In spite of his refusal to follow in Judge tracks, he still permitted the state to use Judge case so HE could enhance my sentence in CR 2007- J.

And then came Judge to try to rescue her friend and fellow judge. See all under Attachment #13. First came her April 28, 2009 "Ruling" acknowledging that I had tried over and over to get Judge off my case for OBVIOUS prejudice. Judge cites eight instances, but there were more. We may very well now be talking about the one who took the case from Judge and "referred" it to Judge - who was then on the civil bench. See letter from Mr. Court Administrator, Pima County, dated September 17, 2009 along with the bench reassignment dated June 8, 2009.

Then, on May 20, 2009 presiding Judge made a "Ruling" that was WRONG and unbelievable. That "threat" accusation was thrown in there to show support for a falling friend, by lying for her. There exist NOT ONE SHRED of proof that I made any such threats. And I encourage this body to make them produce it. It does not exist! MAKE THEM PRODUCE IT!!!

Also, when Judge made her July 31, 2009 Ruling, she tried to make it sound like Judge had went to the civil bench a few weeks earlier. But remember Mr. letter of September 17, 2009 under Attachment #13. It was not "recent", it was over 7 months. Judge July 31, 2009 Ruling also appears under Attachment #13.

Judge is not a woman to be appeased when she has it in for you. Her bench becomes an uzzi and she doesn't care who

1. Judges should NEVER be allowed to use the bench to cast that kind of lethal aspersion without DEMANDING the PROVE IT.