

State of Arizona
COMMISSION ON JUDICIAL CONDUCT

Disposition of Complaint 12-143

Complainant: No. 1443200430A

Judge: No. 1443200430B

ORDER

The complainant alleged two superior court judges allowed false testimony to be presented in his case.

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 the available case history, 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 review the legal sufficiency of court rulings. Accordingly, the complaint is dismissed in its entirety pursuant to Rules 16(a) and 23.

Dated: July 17, 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 July 17, 2012.

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

Barbara Wanlass
Administrator
Commission on Judicial Conduct
1501 W. Washington, Suite 229
Phoenix, Az. 85007:

I am attempting to resolve a judgement I believe was strongly influenced by the plaintiffs and witness distortion of fact and omission of fact.

The only eye witnesses are the three plaintiffs and myself the defendant.

Date of the offense is Sunday November 1, 2009 upon the number 30 parking lot of Northern Arizona University.

Between 11-01-09 to 11-12-09 NAUPD collected evidence to present before the 101st grand jury.

Judge _____ presided at that grand jury and that indictment was sent to the Coconino County Superior Court Division 5. Nine months of hearings were presented before both Judge _____ and Judge _____

September 14, 2010 Judge [redacted] handed down a sentence of 3.5 years.

February 1, 2011 restitution hearing before Judge [redacted] victim was awarded restitution of 4,350.00.

February 2011 I informed my defense counsel I wished to file a Rule 32 petition and I obtained a photocopy of my case file CR 2009- [redacted]. I immediately discovered that the victim statements omitted their action that incited the offense against them and distortion of fact to deceive the court to believe that I had attacked them without provocation.

Because of the fact that my defense counsel I decided was not qualified to have been appointed to represent me I waited until I could study LEXIS NEXIS Arizona Revised Statutes to determine what state law defined my situation and what state law defined the plaintiff's offenses.

November 14, 2011 I confirmed that the judgement is wrong. Judge [redacted]

and Judge [redacted] I strongly believe know the evidence collected would verify my re-account of Sunday November 1, 2009 from 03:00 to 23:59.

I request not only for myself but also to include the victim, who ~~if~~ ^{she} not had intentionally distorted the facts would be liable for a misdemeanor traffic offense. Because the court abused the Victim Right Law to protect the victims from the defense counsel and specifically the defendant's U.S.C. 6 right to confront adverse witness the plaintiff's may be soon charged with multiple felony offenses. Both judges _____ and _____ should have recognized that CR 2009- _____ both the plaintiff's and the defendant's accounts charged each other with inciting the offense by tailgating, one or the other with a motor vehicle, and that, although no evidence was obtained, one or both parties may have been or was under the influence of a intoxicating substance.

My explanation/alibi/Confession as defined by ARS 13-1205 is an assault by a person who use of a street drug as I slept the second hand smoke caused a severe mental impairment by drug intoxication. Involuntary drug intoxication.

I have been held incarcerated since 14:45
November 3, 2009 to the present day.

My defense counsel apparently did not
comprehend my case and I was not
allowed access to law books or the
evidence to explain the precise legal
definition of the involuntary intoxication
or the medical explanation of the effect
of street drug intoxication.

The 911 transcription and any of the
received telephone calls I could have
begun the recreation of event based
upon the 911 record and photographs of
the crime scene. The time and measured
distance and glass pattern are the
collected evidence. That evidence when
I obtain enough 911 transcripts will it
self support my argument.

Thank You

Wallace A. Begay

ADC # 257189

ASPC YUMA-LA PAZ

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P.O. BOX 8819

San Luis, Az. 85349

5-19-12

2012-143

Commission of Judicial Conduct;

The two judges who heard my case CR 2009-1017 from December 14, 2009 until September 14, 2010 the Honorable Fred Newton and the Honorable Jeffery Coker I honestly believe have violated the oath of their office by allowing false testimony to influence the outcome of CR 2009-1017. Not once in the course of the proceeding did either of the two judges question the three victim statements, the three witness statements against the one arrest statement.

Judge Fred Newton presided the 101st grand jury held November 12, 2009 where he heard the State's witness Northern Arizona University Police Department Criminal Investigator Sgt. Melissa Freshour present the victim and witness testimony as well as the defendant's arrest statement.

The arrest statement which had been disclosed to the victim by Sgt. Freshour 43 hours after the date of the

offense Sunday November 1, 2009 @ 1850 hrs.
victim's statements made to the defendant's
Counter accusation did not appear to raise
any question of doubt of truthfulness and
the accuracy of the evidence provided
by the State's witness of exactly what had
occurred or what had occurred to cause
the offense.

The defendant made the discovery of perjury
after obtaining a copy of case file CR 2009-1017
to aid the defendant to prepare his Rule 32
petition. Defendant received the case file
February 2011 following his February 2, 2011
restitution hearing. The defendant's Rule
32 is currently before the Arizona Court of
Appeals Cause no. 1 CA-CR 11-0829 PR PC.

Because of the lack of careful examination
of the seven pages of statement the victim
who at the date of the offense may have
been found liable of a misdemeanor traffic
offense now must face counter charge of
perjury, perjury under oath to obtain court
ordered restitution, insurance fraud and
attempted insurance fraud, tampering with
witnesses to submit false testimony,
endangering her passengers as well as the
defendant by negligent operation of a
motor vehicle. The result of the judge's bias

is clearly evident as recorded by the court reporter on September 14, 2010 the day he handed down his decision to sentence the defendant.

Judge Jeffrey Coker himself did not bother to closely exam the seven statements that deputy attorneys Fanny Steinlage and Serena Serassio and the plaintiff's attorney Jackie R. Kruger spent nine months litigating without first confirming that the seven written statements when compared against each other yielded a accurate recollection of the day of November 1, 2009 between the hours of 0:00 and 23:59 Sunday November 1, 2009.

The defendant is requesting the Commission of Judicial Conduct to reveiw the named individuals.

The plaintiff distortion of fact is a violation of the U.S. and State of Arizona rule of Court the distortion of fact should have been immediatly recognized by the any of the individuals empowered to judicial office.

John A. Bagay