

State of Arizona
COMMISSION ON JUDICIAL CONDUCT

Disposition of Complaint 12-200

Complainant: No. 1329210064A

Judge: No. 1329210064B

ORDER

The complainant alleged a superior court judge made an improper statement at his trial and refused to replace two tainted jurors with alternates. He further alleged the judge conducted two identical trials, which violated his constitutional right to be free from double jeopardy.

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 appellate court decision, the commission found no evidence of ethical misconduct and concluded that the judge did not violate the Code in this case. The complainant's allegations involve legal issues that are not within the jurisdiction of the commission to consider. Accordingly, the complaint is dismissed in its entirety pursuant to Rules 16(a) and 23.

Dated: August 31, 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 August 31, 2012.

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

OFFICE OF JUDICIAL CONDUCT,

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THIS INQUIRY BEING PRESENTED TO YOU, IN THIS LETTER INVOLVES A RATHER SERIOUS DEFICIENCY IN THE PERFORMANCE OF A BIAS, AND PREJUDICE JUDGE WHO PRESIDED A CAPITOL CASE.

APPELLANT, RESPECTFULLY REQUESTS FROM THIS OFFICE OF JUDICIAL CONDUCT, TO ASSIST IN A LEGAL MATTER WHICH INVOLVES A VIOLATION OF § RULE 42 (PAGE 744) OF THE ARIZONA REVISED STATUTES, CANON - VII JUDICIAL ETHICS, RULES 1.1, RULES 1.3, RULES 2, RULES 2.2, RULES 2.10, (PAGE 746) RULES 2.15.

* CASE NO. CR 2005- (TRIAL COURT)
• CR 08- (APPEAL)

* OTHER VIOLATIONS INCLUDE; ARIZONA RULES OF CRIMINAL PROCEDURE, RULE 31.17 (4)(d), PAGES 370, 371, DEFINING: MODIFICATION OF JUDGMENT UPON FINDING OF INSUFFICIENT EVIDENCE AT TRIAL.

CASE LAW: STATE V. MATHERS, 165 ARIZ. 64, 67, 794 P.2D.

866, 869 (1990) HELD, JUDGMENT OF ACQUITTAL IS APPROPRIATE WHEN THERE IS NO SUBSTANTIAL EVIDENCE TO WARRANT A CONVICTION. RULE 20 (a).

** ARGUMENT: TO EXCULPATE FROM THIS ARBITRARY, AND ERRONEOUS JURISPRUDENCE, THE IMPROPER EFFICACY OF THIS JUDGE'S ACTIONS IS CLEAR JABBERWOCKY.

* * DURING MAY/2007, AFTER PICKING WHAT WAS DEPICTED TO BE A TAINTED JURY PANEL ON A CAPITOL CASE: STATE V. , CR 2005-

JUDGE

DECIDED TO KEEP THIS -

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(CONTINUED FROM PAGE ONE)

TAINTED JURY PANEL, OVER DEFENSE COUNSEL'S OBJECTION. BECAUSE OF THE TIME IT TOOK TO PICK THIS JURY. * JUDGE _____ COULD HAVE EARLY REMOVED THIS TAINT BY REPLACING TWO SELECTED JURORS. WITH TWO ALTERNATE JURORS WHOM WERE ALREADY CHOSEN TO SIT ON THE PANEL OF THIS CAPITOL CASE.

* JUDGE _____, QUOTED "I WILL TAKE MY CHANCES WITH THE APPELLATE COURTS, IF THEY DONT AGREE WITH MY RULING". END QUOTE.

- TWO DAYS LATER -

**** JUDGE _____, QUOTED "AFTER CAREFULL REVIEW OF THE FACTS AND EVIDENCE IN THIS CASE, I'M READY TO CALL FOR AN ACQUITTAL, EXCEPT WE ALREADY PICKED A JURY, AND I DONT WANT TO WASTE THE TAXPAYER'S MONEY." END QUOTE

* THIS ARBITRARY AND CAPRICIOUS PERSONAL STATEMENT IS COMPLETELY ERRONEOUS, AND UNDERMINES THE INTEGRITY OF THE ENTIRE JUDICIAL SYSTEM. THIS EXCULPATORY EVIDENCE IS NO WHERE TO BE FOUND IN THE TRIAL COURT TRANSCRIPTS, SO THERE FORE IT MUST BE ELECTRONICALLY FILED, TO BE EXEMPT FROM THE RECORD.

* QUESTION BEING POSED! WHO DO I CONTACT AT THE SUPERIOR COURT ADMINISTRATION, OR THE ARCHIVES BUILDING, TO OBTAIN THIS STATEMENT FROM THIS JUDGE?

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APPELLANT IS CURRENTLY
AWAITING AN INVESTIGATION BY THE ARIZONA STATE
BAR INTO SERIOUS MISCONDUCT ISSUES OF APPOINTED
APPELLATE COUNSEL, IN HIS MISREPRESENTATION OF
APPELLANT'S FIRST RULE 32 PETITION FOR POST
CONVICTION RELIEF. WHERE APPELLANT IS PUTTING
TOGETHER FACTS AND EVIDENCE TO WARRANT A
MOTION FOR A CONFLICT OF INTEREST.

FURTHER EVIDENCE IS NEEDED FOR A WRONGFUL
CONVICTION. ON APRIL 04, 2005, THE 359 GJ 444 SESSION
GAVE A "TRUE BILL" WITHOUT A SHOWING OF PROBABLE
CAUSE FOR A ONE COUNT INDICTMENT OF FIRST DEGREE
MURDER. THIS GRAND JURY DID NOT GIVE A "TRUE BILL"
ON ANY AGGRAVATING CIRCUMSTANCES, WHICH IS A
PREREQUISITE REQUIREMENT FOR THE DEATH PENALTY
ACT ADOPTED APRIL 24, 1996 INTO ARIZONA LAW.

JUDGE ALLOWED THE STATE TO
CONDUCT TWO COMPLETELY IDENTICAL TRIALS, WHICH
VIOLATES THE DOUBLE JEOPARDY CLAUSE OF THE FIFTH
AMENDMENT TO THE U.S. CONSTITUTION, * ALL BECAUSE
SHE TESTIFIED ON THE RECORD. THAT AFTER SHE
DECLARED A MISTRIAL OF THE FIRST TRIAL, SHE SAID
SHE DIDNT UNDERSTAND A.R.S. §13-703.01(K).

IF THIS JUDGE ADMITS TO NOT UNDERSTANDING THE
CLEAR LETTER OF THE LAW. THEN WHAT QUALIFIES HER
TO PRESIDE A CAPITOL CASE? THAT SHE WAS GOING TO
ACQUIT, BUT DIDNT!

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CASE LAW: MCKANEY V. FOREMAN, 209 ARIZ. 268, 272,
100 P.3d 18, 22 (2004) HELD, THE DEATH PENALTY
CANNOT BE IMPOSED BECAUSE NO FINDING OF PROBABLE
CAUSE WITH RESPECT TO ANY OF THE AGGRAVATING
CIRCUMSTANCES WAS MADE EITHER BY A GRAND JURY OR
PRELIMINARY HEARING.

THIS JUDGE FAILED TO RECOGNIZE THAT THIS
CASE DIDNT QUALIFY FOR THE DEATH PENALTY, THEN
ALLOWED TWO COMPLETE IDENTICAL TRIALS, AND ALLOW
A JURY TO DELIBERATE ON EVIDENCE NOT ADMITTED IN
COURT, AND SENTENCE APPELLANT TO DEATH ROW.

WHAT HAS HAPPENED IN ARIZONA'S JUDICIAL
SYSTEM, ALLOWING THIS KIND OF PRACTICE BY BIAS,
AND PREJUDICIAL JUDGES?

I, _____, RESPECTFULLY WOULD
ASK THE OFFICE OF JUDICIAL CONDUCT IN ASSISTING ME
OBTAIN THE MISSING TRANSCRIPTS OF THE RECORD.

APPELLANT DECLARES ALL INFORMATION IN THIS
LETTER IS TRUE, CORRECT, AND ACCURATE AGAINST ALL
PENALTIES OF PERJURY.

THANK YOU FOR YOUR TIME IN THIS LEGAL MATTER.

DATED THIS _____ DAY OF JULY 2012.