

State of Arizona
COMMISSION ON JUDICIAL CONDUCT

Disposition of Complaint 13-064

Judge:	No. 1464300172A
Complainant:	No. 1464300172B

ORDER

The complainant alleged a superior court judge improperly conspired to convict him of murder and deny post-conviction relief.

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

Dated: April 26, 2013.

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 26, 2013.

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

STATEMENT OF FACTS

Your Name:

Judges' Name:

Date: Same

- 1) As this complaint is lodged, it directly involves "Outrageous Government Misconduct that denied Due Process, thru which the conviction of Mr. _____ resulted.
- 2) As Mr. _____ provides fact that should shake the confidence, at the foundation of anyone involved in serving justice, within the community, or thinks everyone receives justice, "when it's hurled down from a great height."
- 3) Mr. _____ will state the truth as he always has and did in his statement to police, which therefore has brought on the issues in this "statement of facts" as the issues mentioned are permeated with unconstitutionals steeped and stewed in a conspiracy logged in the court's record, which proves, it occurred, was ruled on by one of the conspirators, mainly Judge _____ and still exists. (cid April 08, 2008 TR, pp 75-83); (cid April 09, 08 TR, pp 54-55)
- 4) Mr. _____ further provides, this being issues involving, of the most egregious nature, and circumstances of overtly excessive involvement, in the creation of a crime, where a crime never occurred, but self-defense actually did.
- 5) On (April 08, 2008) Mr. _____ stood trial for 1st Degree Murder, even though he had acted in "Self-Defense". During Voir-Dire and before the jury was selected, Mr. _____ questioned Judge _____ by disclosing to the Court that the state had altered, deleted in part, and added in part, things to his statement given to Pima County Sheriff's Office June 29, 2007. Judge _____ ignored the objection in the afternoon session which therefore denied resolution to a...

(Attach additional sheets, as needed)

STATEMENT OF FACTS

Your Name _____

Judges' Name: _____

Date: Same

very crucial matter of the statement being used to convict, was not the verbatim copy, of what was transcribed by Pima County Public Defender's Office, which now proves the copy, I was objecting to the use of, was (23) pages short. Which this is the beginning of the conspiratorial actions.

1) Other words, this is where Mr. _____ claims under general allegations #2 Judge _____ had to have dementia, suffering from memory loss what the judicial commission is about to read in this first claim should be quite enough to have the complaint fully and fairly investigated. As this commission takes time to reflect (old April 08, 2008 Afternoon Session pp 75-85) keep that in mind as we move to the following day. The commission knows there's no mention of illegal immigrants.

2) Here, the next day (old April 09, 2008 At the Bench on the Record pp 54-55) look at what occurred (out of the hearing) of Mr. Judge _____ cannot remember what happened right before him, "20 to 21" hours prior, which therefore lays claim to #3, #4, #5 & #6 of the general allegations. He lets _____ the prosecution, make a redaction, claiming "Yesterday" (old April 08, 2008 Afternoon Session pp 75-85) Mr. _____ was "ranting" about (illegal immigrants and hispanic), the record provided does not reflect any thing of that nature. This act alone is the Judge committing acts that constitute willful and persistent failure to perform his duty, "number one" to uphold the oath to protect Mr. _____ Constitutional Rights, and not let an overzealous Mr. _____ run the Court, from a bully pulpit, or "at secreted bench conferences."

3) The fact this vulgar display of inappropriate actions, letting prosecution make a redaction, when the entire record supposed to be sealed and any redaction is to be made and provided by Judge _____ simply did not occur. See #4

(Attach additional sheets, as needed)

STATEMENT OF FACTS

Your Name _____ Judges' Name: _____ Date: Same

where Judge _____ neglects his duties, by letting Mr. _____ minimize his responsibilities by tampering with the already altered statement that actually would explain the exacting need for self protection, on his own property, in Mr. _____ defense theory.

9) For the record Mr. _____ has no idea where Detective Hess was supposed to have talked with Mr. _____ since the last time he seen her was June 29, 2007, and then again on April 09, 2008, and I remind; the judicial commission this is a authorized statement, of FACT. Now, the judicial commission can make clear determination from the Court's own record there was no ranting about immigrants instead this was a ruse to redact even more, and to further prove a conspiracy matured; the petitioner's Rule 32, was directly denied on the redaction issue, claiming; it was at, Mr. _____ request. So there is the further use, after the initial action, from the actual conspiracy, in the court room, of record.

10) Mr. _____ reduce's Judge _____ failure to adhere to the judicial rules See: Rule 26.2 (c) which effectuates the current change and states; "comment 2012"

("that if the court" withholds a portion of the statement, over the defendants objection "the attorney for the government" [must] preserve the statement. The committee believed the "better" rule would be for the court to simply seal the entire statement as a part of the record, in the event of an appeal.) Also the terminology in Rule 26.2 (c) has been changed. The rule speaks now in terms of a "REDACTED STATEMENT" instead of "excised" statement. Therefore no change in practice is intended.)

STATEMENT OF FACTS

Your Name _____

Judges' Name: _____

Date: Same

- 11) It was so fundamentally unfair, and not feasible to leave the issue open until trial. Especially where Mr. _____ objects to use of statement (entered as exhibit 137), during voir dire, before the jury was selected. At that instance, Rule 26.2(c) would've been applicable. In further, recognition of that by its nature Supra; the end results had a profound, and ultimate impact on every issue presented at trial. (Rule 26.2(c) Fed. R. Crim. P.)
- 12) Furthermore, the entirety of the jury's decision hinged -- relying upon inaccurate and unreliable, altered information when the disclosed statement exhibit 137 was used at trial by transcription & exhibits 139, 140 & 141. Then during deliberations as exhibits 139, 140 & 141, which is (3) C.D.'s of Mr. _____ alleged statement, he claims is digitally altered, was replayed by the jury countless times which is not _____ Statement, or voice.
- 13) _____ brings the substance of this claim to the point of ignition, he now possesses his entire statement without the 548 blank spaces, added and deleted statement. And when it was brought on appeal, the prosecution and the court, Judge Fel the original conspirator, denies the petition saying 175 changes deletions and additions are minimal. This is blatant disregard and derelict of all duties. Mr. _____ objection (old April 08, 2008 p.p. 75-83) should have been investigated by Judge _____ since the complaint/objection rested in his jurisdiction.
- 14) Mr. _____ proves his voice is seemingly altered on the C.D.'s then transcribed by _____ of Pima County Sheriff's Office, Officer Copeland later testifies to, they sent the C.D.'s out for transcription by an independent, which was not the truth.

(Attach additional sheets, as needed)

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15) The judicial commission, has ample time to pull the digital forensic imaging computer hard-drive and can compare themselves the transcription of Pima County Sheriff's Office's v The Computer Hardrive. This will also supply the vexatious way's the case was inflicted, from the outset, an inquiry needs to be conducted into these new developments, suggesting the potential violations of General Allegations posted, (# 2 thru #6).

16) It is very obvious the continuing conflict of interest is more likely than not. See #3, #5 & #6 an In Chamber Ruling (1st July 20, 2011) where Judge _____ accepted _____ recent (FILING) as a Rule 32-Date of filing (July 26, 2011) And then in the same ruling (Lewis Brandes) is given the normal time to answer (45) days when it does not happen Mr. _____ files for dismissal. Now Mr. _____ is told the filing date is (Oct. 26, 2011) and now the prosecution Brandes has one time at least to conspirtor has (45) days from (Oct. 26, 2011) to file his response these are facts accessible to the judicial commission readily available.

17) In this next paragraph, we will again cover General Allegations #2 thru #6. Mr. _____ gave a statement concerning the event that occurred willfully. He was not hostile by no means, he was allowed to act as his own attorney during the interrogation, when it suited the needs of the state by two detectives. But when it came time to act as his own attorney and represent himself. See Tamara v. California. Judge _____ would not let him represent himself, telling Mr. _____ he didn't know what he was doing, work out any investigation at all, into the capacity of Mr. _____ back grounds in legal experience, filings motions and etc., because now it did not suit the needs of the state.

(Attach additional sheets, as needed)

STATEMENT OF FACTS

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(18) To further, the allegation of inappropriateness Mr. had given his statement June 29, 2007 in full. And what happens on July 03, 2007 which we are sure now "we are" from the Pima County Sheriff's Office was aware of, that the Pima County Public Defender's Office had made a "flawless" transcription of Mr. state-ment. (117) pages. Which Mr. kept asking for, from Your Dire (old April 08, 2008 pp 23-85), up and until (Motion for Pro-duction "ORDER" (Id May 30, 2011 ORDER) after the Supreme Court denies relief, Council Starts, after enormous request and paid investigation into the (unredacted) transcript, which produced not one page. After the aforementioned "ORDER" is granted all the sudden the (117) page flawless transcription is sent directly to Mr. who now knows he's illegally incarcerated, when he com-pares the (117) page transcription to the (94) page altered version transcribed (July 08, 2007) by the unknowing Sheriff's Office. When Mr. questions the Judge (old April 08, 2008 pp 23-85) on the completeness of the transcription to show the full conspiracy Mr. all knew nothing, this is investigative "material", the commission can easily compare the July 08, 2007 transcription to the July 03, 2007 transcription as well, that's exactly what Mr. requested Judge do. This should "Shock the Conscience" of the judicial commission, as Mr. has already contacted of the F.B.I Phoenix Division by certified mail, to investigate into this matter simultaneously. There now is proof my voice was altered on Exhibits 137, 140 & 141, simply because there are inclusions and exclusions residing within Exhibit 137.

(Attach additional sheets, as needed)

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19) The simplest way to obtain the truth is for the commission to acquire the "digital forensic imaging computer hard-drive" the police claim under oath they downloaded the digital recording onto. The easiest way to the exacting truth of the statement, and who changed that statement inside the Pinna County Sheriff's Office, is to look at who logged in the computer with their Id. #. This is something Judge could have done when questioned to the veracity of recorded evidence is put before him again do list all his duties.

20) Again the only time Judge felt it feasible to talk of the transcripts, when it benefits the state as Det. maker his best efforts to explain away the mandibles see pp 179-182 provided, saying only he can make out the mandibles then again when Mr. objection (Id April 23, 2008 pp 75-85) it went ignored.

(Attach additional sheets, as needed)