

State of Arizona
COMMISSION ON JUDICIAL CONDUCT

Disposition of Complaint 14-211

Judge:

Complainant:

ORDER

The complainant alleged two superior court judges were biased against her grandson and that he could not be fairly tried in the county in question.

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 review, the commission found no evidence of ethical misconduct and concluded that the judges did not violate the Code in this case. Accordingly, the complaint is dismissed in its entirety, pursuant to Rules 16(a) and 23.

Dated: August 20, 2014

FOR THE COMMISSION

/s/ George A. Riemer

George A. Riemer
Executive Director

Copies of this order were mailed to the complainant and the judges on August 20, 2014

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

** See below*

The information in the following three-page letter is being sent to you in the hope that someone with authority and knowledge will be able and willing to conduct an investigation into the Arizona police department, and into the conduct of Judges and

I realize my information is all hearsay, but I have seen and heard some of the tapes, etc. and I believe there is plenty of evidence out there. I know there are responsible and good officers and judges there, but I have no way to know who they are, and the arrogant scoff-laws tend to give all of the Arizona justice community a bad reputation.

Please investigate and find out for yourselves. I was afraid to step up and say anything, but I am and it is time to look for help. I believe you will find many others in the same position. Thank you for reading this, and for any help you can give me and the citizens of

** The letter was addressed and sent to the
County Public Defender for my*

Dear Mr.

I want to thank you for your efforts for my [redacted] last [redacted] at the sentencing hearing. I am sorry he was not there, although I understand his reasons to be afraid of custody in that area. On our way home from the courthouse, he called his dad, and both of us tried to convince him to surrender at the [redacted] jail. It was no use, and when we got home, we went by his house and they were gone. He called again the next day, but didn't say where he was, or where he was going. And, he didn't say where [redacted] were.

I want to detail some of the reasons [redacted] is afraid of being in custody, as it is more than just a person's dislike of losing his freedom. In his case, he has a history of [redacted] while in custody, starting as a youngster barely in his teens. When he was [redacted] he was infatuated with an [redacted] who let him [redacted] and started him using [redacted]. He had some scuffles with the police, and one dragged him over the carpet, giving him rug burns.

The next incident I know of happened in [redacted] was in a field across from his house, when a [redacted] appeared and grabbed his arm. He didn't know who it was, or what [redacted] wanted, and ran away. When he was caught, he found out [redacted] was a policewoman, and he was arrested for [redacted] and third degree escape. When the evidence was opened at trial, the whole courtroom laughed at the few small pieces, and the comment was made, "THIS is what this whole thing is about?" But, he was convicted.

Also in [redacted] was in a car with some friends and with his [redacted] mother's boyfriend driving. The car was stopped for drunk driving, and the occupants ordered out. When the police found [redacted] in the car, they ordered the driver, who was drunk, and the others to leave. They gave [redacted] a breathalyzer test, which registered nothing. they made him do it again, and then a third time. When they asked him to take another, he refused, saying he needed a break, and that he had not been drinking. They accused him of resisting arrest, maced him, handcuffed him, and took him to jail. He was booked, sick in the cell, then fell asleep on a top bunk. Some time later, he found himself falling from the bunk, with the mattress pulled from under him. He fell to the floor, was pulled up by the hair by [redacted] who was yelling and cursing, taken out of the cell, and held against the wall by the neck, with his feet off the floor. He was told "You aren't going to punk me" and told he was going to clean up the vomit found in the car. Other officers were watching, and [redacted] said to them, "Aren't you going to arrest him?" to which Officer [redacted] "They aren't going to do anything." [redacted] cleaned up the car. A video recording was going on in the cell, which caught the above action until it was discovered and turned off. [redacted] hired an attorney. [redacted] and when the evidence became known to the police, they settled for [redacted] Mr. [redacted] audio taped a witness deposition corroborating the above, and [redacted] and I and some others have copies of this tape. [redacted] destroyed the video from the cell.

[redacted] went to his sister's house in [redacted] and the police went to [redacted] house to try to find him. They lied, saying there had been an incident [redacted] and they wanted to question [redacted] told them he was in [redacted] so it wasn't him. The next thing heard, [redacted] had been arrested by the [redacted] police, on a warrant out of [redacted] got all the paperwork together, proving the warrant had been quashed. and after

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here.

several hours, he managed to get released. stayed in for about years, working for a mortgage company. When the recession hit, they lost their house, and he returned to

The next incident I know of was the one of which he was just convicted. He borrowed his mother-in-law's car, and was pulled over by police who had been frequently following him. They found a jacket in the back seat, and found something in the pocket (I think.) told them it was not his car, and not his jacket, (it was far too large for him) and witnesses there at the time backed him up, but he was arrested and taken to jail. The trial was postponed several times, often because he had a new lawyer, but also, often at the request of prosecutors. When the prosecutor, thought would accept a plea bargain, she was ready for trial. When he said he was ready for trial, she asked for a delay. When the trial finally occurred, as you know, you had not even met and had not had time to prepare. His previous attorney, quit her practice and left town, because she was fed up with the obstructionist policies of . The prosecutors demanded that the trial proceed anyway, because of "the many previous delays." did not have time to bring his witnesses, (one was in the hospital, intubated,) and you had not even received the evidence you requested. You asked for a new trial date, so you could prepare a defense, but Judge refused. Before that, I believe, you had asked the judge to recuse himself, and also asked for a change of venue, because knew he could not receive a fair trial in County. Both these requests were denied. Then, when you saw one of the testifying officers talking to a juror in the hallway, and asked for a mistrial, that also was denied. *The jacket had conveniently disappeared!*

I believe all of the above paragraph shows that this particular trial was a miscarriage of justice. The trial never should have taken place, and that alone should nullify the full trial, and the guilty verdict. sent a statement to the judge at the sentencing hearing, claiming that Judge was prejudiced, and therefore did not have the authority to conduct the trial. So therefore there could be no verdict and no sentencing.

A year ago was arrested again, and is still waiting for that trial. He has a medical marijuana card, and when someone asked him for some, he gave it to him. It was a trap, and he was arrested. The arrest occurred in his front yard. When he asked the officer what he was being arrested for, the officer yelled "he's resisting arrest." was tackled and thrown to the ground, breaking his tooth and two ribs. There are witnesses to this arrest, too. An officer pointed a gun to his head, and threatened to shoot. car was towed from his yard, because "it probably was used to transport drugs." When it finally was O.K.d for release, he could not afford the impound costs, so lost their means of transportation.

continued to try to support his family, and prepare for trial. He found and was employed at working several double shifts, and receiving compliments for a job well done. Now, he is apart from his family, not knowing how to receive redress for many injustices. Who do we contact, to have the justice system in County investigated? When those in power abuse that power, who is MORE powerful to achieve justice? I don't know the answer, but I am sending this letter to several people, and I am hoping someone will take up the challenge to find an answer.

There is another case I forgot to mention. In about _____ when _____ a friend of his, _____ and her friend, _____ something, brought some _____ to _____ house, to see if he wanted any. When he said no, they left. The house had been under surveillance by Officer _____ and he followed them, all the way to _____ house at _____. He peered through the window blinds and watched them smoking. He knocked, went in, and questioned them. He said "I know where you were, I know what you did, and I know what you got and how much you paid for it." _____ said, "Then I guess you know everything," and "I guess so," to his questions. He took that as confirmation of his suspicions, making a tape of the conversation. He then lied about the contents of the tape _____ and his father, _____ were arrested. _____ was out on bail the next morning, but _____ was held in jail for _____ as a _____ and then charged as an adult. _____ had public defender _____ for his attorney, and attorney was _____. When Mr. _____ received the tape, he told _____ that the charges would be dropped, and Judae _____ had the case dismissed. When _____ case came up before Judge _____ His attorney told the judge that the case had to be dismissed. The judge tried to proceed with the trial, but finally had to drop the charges.

Because of a history of bias against _____ I not only believe, but I know, that he cannot receive a fair trial in _____ County. He has finally concluded that is not the place where he wants to raise _____ although both he and his wife were raised there. He has made some poor choices, and he and all his family are suffering because of that. I am a Christian, a member of a rather conservative church, and I believe in honesty and fairness. I didn't just "get religion" to appear a "good person." I have records showing tithes and offerings and weekly attendance at church going back many years. _____ and _____ are also believers, though they are not church members. He is realizing what those poor choices have done to all of us, and wants to stay away from the consequences in _____ County. I understand it has the highest percentage of it's citizens incarcerated in the whole U.S.A, and the U.S. is the country with the highest percentage of incarcerated citizens. I don't know if this is true, but it is widely believed, with reason. Isn't it time that someone, somewhere, investigated miscarriage of justice there?

I am sending copies of this letter to Public Defender _____ the Arizona Department, and the Arizona Commission on Judicial Review. I believe my _____ intended to send a letter of complaint to the commission also. Several copies are in other hands as well, for safety's sake. I will be awaiting a response from one or all of the parties. before likely also contacting the F.B.I. and newspapers if I have no response by _____. I will include my address, phone number, and email below, and, please, respond.

Sincerely,