

State of Arizona  
COMMISSION ON JUDICIAL CONDUCT

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Disposition of Complaint 14-351

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Judge:

Complainant:

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**ORDER**

The complainant alleged a superior court judge was improperly allowing the state to prosecute him on a failure to register as a sex offender charge.

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.

The commission does not have jurisdiction to review the legal sufficiency of the judge's rulings. In addition, the commission found no evidence of ethical misconduct and concluded that the judge did not violate the Code in this case. Accordingly, the complaint is dismissed in its entirety, pursuant to Rules 16(a) and 23.

Dated: December 10, 2014

FOR THE COMMISSION

/s/ George A. Riemer

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George A. Riemer  
Executive Director

Copies of this order were mailed to the complainant and the judge on December 10, 2014.

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

2014-351

- CASE AT HAND -

LEGAL CORR/PAIN.

PEOPLE VS

STATE VS

NO

NO

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PLEA

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PLEA

(ARIZONA)

\*

By Pleading no contest /

You do not admit

Guilt; THEREFORE, NO ONE CAN USE THAT PLEA AGAINST YOU IN ANY SUBSEQUENT TRIAL OR HEARING, WHETHER IT IS CRIMINAL OR CIVIL IN NATURE

Also.....

UNLIKE A PLEA OF GUILTY, HOWEVER, IT CANNOT BE USED AGAINST A DEFENDANT AS AN ADMISSION IN A SUBSEQUENT CRIMINAL OR CIVIL CASE. 4 WIGMORE 1066(4) AT 58 (3d ed. 1940, SUPP. 1970); RULES OF EVIDENCE FOR UNITED STATES COURTS AND MAGISTRATES, RULE 803(22)



SECTION 4 - ARIZONA RULES OF EVIDENCE.

RULE 803(22) JUDGMENT OF PREVIOUS CONVICTION.

EVIDENCE OF A FINAL JUDGMENT, ENTERED AFTER A TRIAL OR UPON A PLEA OF GUILTY (but not upon a plea of OR ADJUDGING A PERSON GUILTY OF A CRIME, TO PROVE ANY FACT ESSENTIAL TO SUSTAIN THE JUDGMENT.

ONE OF THE PLEAS A DEFENDANT MAY ENTER IN RESPONSE TO BEING CHARGED W/ A CRIME. A GUILTY PLEA ADmits THE CHARGES AND SUBJECTS THE DEFENDANT TO PUNISHMENT FOR THEM. GUILTY ALSO REFERS TO THE STATE OF BEING FOUND GUILTY (CULPABLE, THE OPPOSITE OF INNOCENT) BY A JUDGE OR JURY.

(CULPABLE = DESERVING OF BLAME)

BY PLEADING OTHERWISE, "You do not Admit Guilt"; THEREFORE, NO ONE CAN USE THAT PLEA AGAINST YOU IN ANY SUBSEQUENT TRIAL OR HEARING, WHETHER IT IS CRIMINAL OR CIVIL IN NATURE. SEE 4 WIGMORE 1066(4), AT 58 (3d ed. 1940, SUPP. 1970). RULES OF EVIDENCE FOR UNITED STATES COURTS AND MAGISTRATES, RULE 803(22)

THERE IS A TRUE DISTINCTION BETWEEN A "GUILTY PLEA" AND A "NOT GUILTY PLEA", THAT SUCH DISTINCTION DESERVES THAT EACH BE ACCEPTED FOR ITS DISTINCT FUNCTION AND ITS PURPOSE AS THE LAW'S RULES PROVIDE AS MANDATED.



MEMBERS OF THE COMMISSION RE:

United States FEDERAL RULES OF EVIDENCE FOR United States Courts And Magistrates, Rule 803 (2) (Nov 1971) has been violated. BY NUMEROUS JUDGES in PREVIOUS convictions AND PROSECUTORS in CASE \_\_\_\_\_ have Permitted UP TO \_\_\_\_\_ COUNTY JUDGES TO ADJUDGE MR.

AS GUILTY OF A \_\_\_\_\_ in \_\_\_\_\_ OF \_\_\_\_\_ THAT IS BEING CLAIMED A \_\_\_\_\_ PLEA.

HONORABLE \_\_\_\_\_ CONTINUES TO REFER TO \_\_\_\_\_ AS A \_\_\_\_\_ WITH NO PROOF THAT \_\_\_\_\_ HAS EVER PLEADED GUILTY TO A \_\_\_\_\_ ON NOR CERTIFIED GROUNDS DOES HONOR \_\_\_\_\_ HAVE THAT \_\_\_\_\_ HAS EVER SIGNED TO A \_\_\_\_\_ PLEA in THE STATE OF \_\_\_\_\_ OF \_\_\_\_\_ in CASE # \_\_\_\_\_

MR. \_\_\_\_\_ has \_\_\_\_\_ conviction" on his criminal history Report no \_\_\_\_\_ FOR MEMBERS OF THE COMMISSION TO DRAW ANY BASIS TO CATEGORIES \_\_\_\_\_ AS A \_\_\_\_\_ OR REQUIRED TO \_\_\_\_\_ AS A \_\_\_\_\_

HONOR \_\_\_\_\_ REFUSES TO RELEASE ME AND ORDER MY REGIONAL FRONT \_\_\_\_\_ BECAUSE HE HAS BEEN OPERATING A CLAIMED \_\_\_\_\_ PLEA" AND HOLDING WHO IS NOT A \_\_\_\_\_ 3 held wrongfully in city Jail and FAILURE to \_\_\_\_\_ viol. since \_\_\_\_\_ (not convicted).

Also, I FEEL it is ABSOLUTELY ETCURBENT THAT THE MEMBERS OF THE COMMISSION TAKE in CONSIDERATION ARIZ. R. EVID. 410

## United States FEDERAL RULES OF EVIDENCE - 410

### SECTION 4 - ARIZONA RULES OF EVIDENCE

RULE 410 - EXCEPT AS OTHERWISE PROVIDED BY APPLICABLE ACT OF CONGRESS, ARIZONA STATUTE, OR THE ARIZONA RULES OF CRIMINAL PROCEDURE; EVIDENCE OF A PLEA OF \_\_\_\_\_ OR \_\_\_\_\_ TO THE CRIME CHARGED OR ANY OTHER CRIME, OR OF STATEMENTS MADE IN CONNECTION WITH ANY OF THE FOREGOING PLEAS IS NOT ADMISSIBLE AGAINST THE PERSON WHO MADE THE PLEA IN ANY "CIVIL" OR "CRIMINAL ACTION" OR "ADMINISTRATIVE PROCEEDING".

#### ISSUE & FACTS:

THE U.S. CONGRESS HAS NOT ENACTED A LAW THAT HAS PERMITTED THE SUBSEQUENT USE OF A PLEA AS AN ADMISSION AGAINST A DEFENDANT IN A SUBSEQUENT TRIAL OR HEARING. THE PRINCIPLES OF RULE 410, RULE 803(22) ARIZ. R. EVID. ARE AS ILLUSTRATED ABOVE THAT A PLEA IN ONE CASE CANNOT BE USED AGAINST A DEFENDANT LATER AS A PRIOR CONVICTION IN ANOTHER CASE TO PROVE DEFENDANT CULPABLE (BLAMEWORTHY) OF PRIOR ACTS.

A PLEA IS ENTERED & ACCEPTED WHEN THE COURT & PROSECUTION AGREE TO ALLOW THE DEFENDANT "NOT TO ADMIT GUILT" AND MAINTAIN HIS/HER INNOCENCE TO THE ALLEGATIONS CHARGED, PREVENTING THE PLEA FROM BEING USED AGAINST DEFENDANT IN ANY LATER CIVIL/CRIMINAL PROCEEDING.



It is not my goal to permit Hon. \_\_\_\_\_ to look bad or attack his integrity as a Judge in my case. It is also not my goal to allow that I be put in a life threatening environment, on the grounds that a choice is being made to put me in danger to conceal lack of accountability.

If I have not been convicted of a \_\_\_\_\_ to be required to \_\_\_\_\_ then the court should without delay and its own motion remove the mistake in fairness & morale.

Wherefore, I am requesting that the commission review as to what \_\_\_\_\_ conviction and signed \_\_\_\_\_ plea is being used to require me to \_\_\_\_\_ and why is Hon. \_\_\_\_\_ permitting any \_\_\_\_\_ to represent me in \_\_\_\_\_ when a complaint is pending against me \_\_\_\_\_ filed by \_\_\_\_\_ (filed \_\_\_\_\_) ( \_\_\_\_\_ called case \_\_\_\_\_)

\_\_\_\_\_ case \_\_\_\_\_ next court \_\_\_\_\_ I have not been in a courtroom in \_\_\_\_\_ and believe a bench trial will be held without me as previous hearings have been held w/o me. Please respond as diligent as possible I do fear officials are arranging to have me harmed or killed.

Sincerely