

State of Arizona
COMMISSION ON JUDICIAL CONDUCT

Disposition of Complaint 15-068

Judge:

Complainant:

ORDER

The complainant alleged that a superior court commissioner failed to follow the law and violated his constitutional rights.

The responsibility of the Commission on Judicial Conduct is to impartially determine if the commissioner 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 commissioner's rulings. In addition, the commission found no evidence of ethical misconduct and concluded that the commissioner did not violate the Code in this case. Accordingly, the complaint is dismissed in its entirety pursuant to Rules 16(a) and 23.

Dated: April 1, 2015

FOR THE COMMISSION

/s/ George A. Riemer

George A. Riemer
Executive Director

Copies of this order were mailed to the complainant and the commissioner on April 1, 2015.

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

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Arizona Commission on Judicial Conduct

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1501 W Washington St., Suite 229

Phoenix, Az. 85007

To Whom it may Concern

Dear: Sir or Mam,

I am reporting The Honorable _____, Judge of the _____ Court of _____ county, in case number _____ state of Arizona vs.

Involving Probation Disposition for violation of Probation. The following is being reported.

Charge one: Abuse of Discretion

On _____ made a motion to withdraw as counsel (Transcripts page 20 line 17) _____ Denied counsel's motion which can be seen (Transcripts page 20 line 18-20) compare to Okeani v. Superior Court, 178 Ariz 180 (1993) stating "Rulings on motion to withdraw as counsel are reviewed for abuse of discretion"

On _____ Sentenced Mr. _____ using wrong, incorrect information see (Transcripts page 17 lines 19-25 continued on page 18 lines 1-6) compare to Original charges placed on probation for see (Plea Agreement Filed _____ also see (Transcripts for _____ pages 29-32) Therefore _____ "failed to adequately investigate the facts relevant to sentencing" as stated in State vs. Cazares, 205 Ariz. 425, 427, 72 P3d 355, 357 (2003)

On _____ allowed admission of evidence of an uncharged sexual act to use during sentencing see (Transcript page 19 lines 1-10) compare to State vs. Garcia, 200 Ariz. 471 (2002) where it states "Courts admission of evidence of uncharged sexual act is reviewed for abuse of discretion" and in State v. Seattle, 20 Ariz. 283 (1973) states "admission of evidence in probation hearings is subject

to abuse of discretion"

~~Charge two~~ Breaking Federal law and

rights

Events transpired beginning

involving

and continuing on resulting in Mr

intentionally and knowingly

suffering permanent physical damage from violations of the eighth Amendment

Courts in Arizona are bound by the decisions of the Arizona

Court and do not have authority to modify or disregard its rulings"

State v. Smyers, 207 Ariz. 314 (2004) The

Court of Arizona reasoned

that "A non-capital sentence must be grossly disproportionate to severity

of crimes to violate the eighth amendment" State v. Barlett, 171 Ariz. 302 (1992)

Under Federal law which is applicable to all states, the

Court

in Scheuer v Rhodes, 416 US 232, 94 S.Ct. 1683, 1687 (1974) stated that "When a

state officer acts under a state law in a manner violative of the Federal

Constitution, he "comes into conflict with the superior authority of that

Constitution and he is in that case stripped of his official or representative

character and is subjected in his person to the consequences of his individual

conduct. The State has no power to impart to him any immunity from

responsibility to the supreme authority of the United States." (Emphasis

supplied in Original). By law a judge is a state officer. The judge then acts

not as a judge but as a private individual (in his person). The U.S.

Court has stated that "no state legislator or executive or judicial officer

can war against the Constitution without violating his undertaking

to support it." Cooper v Aaron, 358 US 1, 78 S.Ct. 1401 (1958) Any Judge

who does not comply with his oath to the Constitution of the United States

war against that constitution and engages in violation of the

Supreme Law of the Land. The Judge is engaged in acts of treason.

If a judge does not fully comply with the Constitution, then his

Orders are void, In re Sawyer, 124 US 200 (1888) he is without jurisdiction, and he has engaged in an act or acts of treason. US v Will, 449 US 200, 216, 101 S.Ct. 471, 66 L.Ed.2d 392, 406 (1980); Cobens v Virginia, 19 US (6 Wheat) 264, 404, 5 L.Ed 257 (1821) Therefore judge [redacted] Broke federal law by knowing the dangers and substantial harm it presented to Mr. [redacted] and failed to act or take reasonable measures to guarantee Mr. [redacted] safety, as in Hudson v Palmer, 468 US 517-27, 104 S.Ct. 3194 states, The Cruel and Unusual punishment clause of the eighth amendment imposes a duty on government officials that must ensure that the defendant receives adequate medical care and must take reasonable measures to guarantee the defendants safety. Judge [redacted] stated in court that Mr. [redacted] rights to the eighth amendment was knowingly being violated that the state has knowledge and that he would see Mr. [redacted] in court for that matter that Mr. [redacted] proof is in the transcripts on record. Therefore judge [redacted] was without jurisdiction and engaged in treason warring against the Constitution of the United States the US [redacted] Court stated that if a court is "without authority, its judgements and orders are regarded as nullities. They are not voidable, but simply void; and form no bar to a recovery sought, even prior to reversal in opposition to them. They constitute no justification; and all persons concerned in executing such judgements or sentences, are considered in law, as trespassers." Elliot v Piersol, 1 Pet 328, 340, 26 US 328, 340 (1828) Any judge or attorney who did not report [redacted] for treason as required by law may themselves be guilty of misprison of treason, 18 U.S.C. Section 2382 involving dates from

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I swear under oath and penalty of perjury that the foregoing information is true and correct to the best of my knowledge

Judge is still appointed to my case currently for my rule 32

I have transcripts, affidavits, witnesses, and ect if you wish me to send proof it is not a problem or any more information