

State of Arizona
COMMISSION ON JUDICIAL CONDUCT

Disposition of Complaint 16-290

Judge:

Complainant:

ORDER

The complainant alleged a superior court commissioner improperly interpreted and applied a statute in a criminal case that dates back to 2008.

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(a).

Dated: December 7, 2016

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 December 7, 2016.

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

Comp

2016-290

Re: letter dated

Dear

I am in receipt of your letter dated . I am actually surprised you are writing me as I have not personally sent you any correspondence. I must admit that I am quite intrigued to see how this has evolved and, it appears, the has contacted you on my behalf.

Based on the facts of the situation I am dealing with, I discern that the is preparing to shift the blame to the judiciary - if I were to decide to go public and seek support for the corruption that has plagued Arizona's criminal justice system.

I am unsure if the included any other information with what was sent - so your office could get up to speed with the situation. The problem dates all the way back to when the legislature created a statute designed to replace the sentencing of two enumerated acts. See A.R.S. §13-604.01 Laws 1986.

Arizona Courts interpreted the statute to apply to only one act and used it as a sentence enhancement. Generally, the sentencing is enhanced by an average 11.28 years per conviction for a single offense.

I am fully aware your office is not interested in reviewing Arizona judicial decisions. Because most people involved in the criminal justice system are ill equipped to fully investigate the law - let alone apply simple rules of grammar. While reviewing a penal statute, Arizona Courts played off of people's ignorance to the law. In addition, the class of offender this statute is designed for, is generally looked upon by society as the worst of the worst, thus nobody cares if the State is only entitled, by law, to a five year sentence and the Court imposes a 17 or 20 year flat sentence.

I have fully reviewed the history behind the judicial system concerning this statute. I am convinced, and the evidence supports, that

intentionally caused this fiasco back in period the same Court caused quietly tried to sweep it under the rug in

That is about the same time misapplication of Federal law, then See McKinney v. Ryan (2015)

It is also the same time period when determined elements of a crime cannot be double counted and applied twice to a conviction. The concern that overruled that decision based upon its of convictions were had upon the erroneous application of a previous decision. And how a new correct interpretation could impact the system. See State v. Malone (1991) correctly

I offer this information so your office is fully informed as to the circumstances that led up to where we are today, and to show a pattern of misconduct by these Courts.

To answer your question as to who I would like to file a complaint against,

your first customer is _____ out of _____
 He has a law degree and is educated. Relief from the misapplication was sought
 in _____ under the name _____. By law the
 State was entitled to a _____ year max sentence. He now faces a _____ year
 sentence due to the "enhancement."

For your information, the game between the State and the Courts is to get
 the defendants to sign a plea. Not once is a defendant informed his sentence is
 being enhanced. Once a plea is signed the defendants are stuck. The Courts
 rely upon the plea, basically saying "Hey, you agreed to the enhancement." When
 a defendant correctly seeks redress the Courts simply state "no colorable claim".
 Equally important to take into consideration is this. There are two statutes on the
 books that proscribe the exact same conduct for State officials. A.R.S. §13-
 1409 and 13-1419. It's absurd and ridiculous to think that the legislature would
 subject citizens of the State to more harsh penalties than those with positions
 of trust.

Please investigate this fully. I ask you to take into consideration the fact
 that somewhere around _____ people are sitting in prison currently based upon
 the lack of integrity Arizona Courts have. Also, it is not like they claim - "they
 all claim they're innocent". People want justice and what the law allows them -
 a just sentence for their mistakes. Not to be taken advantage of because they
 are a certain class of offender.

Within the next _____ the _____ will be given an
 opportunity to correct its own mistakes. We will be submitting the argument to
 the Court under the name _____. Hopefully this time the Court

will shine and show its commitment to integrity.

Respectfully,