

State of Arizona
COMMISSION ON JUDICIAL CONDUCT

Disposition of Complaint 19-335

Judge:

Complainant:

ORDER

January 15, 2020

The Complainant alleged a superior court judge was biased against him, lacked jurisdiction over him, and coerced him into taking a plea agreement.

The role of the Commission on Judicial Conduct is to impartially determine whether a judicial officer has engaged in conduct that violates the Arizona Code of Judicial Conduct or Article 6.1 of the Arizona Constitution. There must be clear and convincing evidence of such a violation in order for the Commission to take disciplinary action against a judicial officer.

The Commission does not have jurisdiction to overturn, amend, or remand a judicial officer's legal rulings. The Commission reviewed all relevant available information and concluded there was not clear and convincing evidence of ethical misconduct in this matter. The complaint is therefore dismissed pursuant to Commission Rules 16(a) and 23(a).

Commission members George H. Foster, Jr. and Diane M. Johnsen did not participate in the consideration of this matter.

Copies of this order were distributed to all appropriate persons on January 15, 2020.

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Arizona Commission on Judicial Conduct
1501 W. Washington Street, Suite 229
Phoenix, Arizona 85007

FOR OFFICE USE ONLY

2019-335

COMPLAINT AGAINST A JUDGE

Name: _____ Judge's Name: _____

Instructions: Use this form or plain paper of the same size to file a complaint. Describe in your own words what you believe the judge did that constitutes judicial misconduct. Be specific and list all of the names, dates, times, and places that will help the commission understand your concerns. Additional pages may be attached along with copies (not originals) of relevant court documents. Please complete one side of the paper only, and keep a copy of the complaint for your records. Systematic Comprehensive Inability or Refusal to Interpret, Apply, or Enforce Law.

deliberately ignored her total lack of jurisdiction over plaintiff in
in which NO charging document which identifies plaintiff
has ever been filed. In _____ she ignored her & the court's lack
of jurisdiction & All due process under state & federal constitutions, to allow state
to save face & proceed with a foolish & incorrectly filed proceeding, never corrected.
She also declared, on record, that she felt, if ever necessary, she could " " any
such issue under Ariz. R. Crim. P. 13.5 (b), contrary ALL precedent - she must
FIRST have jurisdiction BEFORE she can act or modify a case at all. Her only
legally permissible act within her jurisdiction & authority was to dismiss the case, which
she refused to do, circa _____ contrary all evidence & law before her, including
prior determinations & Ariz. & federal identifications & even birth certificate presented before
her. She therefore willfully & deliberately violated Ariz. R. Crim. P. 2.2 & displayed an
appearance of being biased in favor of the state solving ridiculous errors in bringing false
& deficient charges. She now continues to preside, without any lawful authority,
as defined by the Arizona constitution, Art. II s. 30, over #1

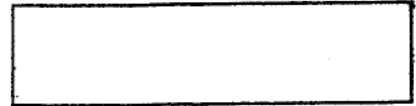
, at the very least, without a valid, complete charging document against the
defendant she holds in custody. This is not her only example of bias & exertion of
judicial authority without jurisdiction to do so by law.

_____ on record in this & other cases, did indicate in _____ she would
preserve the status quo & thereby deny several substantive motions without apparent
consideration, preserving state's opportunity to proceed to a farce trial before _____ herself.
She did so irregardless of any newly acquired or established relevant facts or evidence,
much previously unknown or unavailable to the defense until this past year, including proofs of

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flagrant state misconduct, illegal seizures, & false engineered evidence, all of which considerations have never been heard or decided, were unavailable for the court to consider or review proof or testimony until & are a preeminent issue to any admissibility concerns under Rule 404, as well as evidencing deliberate perjury by key witnesses in a 404 hearing who are the fabricators & deliverers of this same false, engineered " " illegally obtained & produced now by the state. Once again evidencing violation of Ariz. R. Jud. P. 2.2 & suggestive of also violating 2.3(B), for appearance of bias against defense - why she will not consider any such motion except a possible suggestive identification issue on its merits before she will deny them, as she stated on record.

continued her appearance of prejudice or bias against defense, forward, by acting to coerce defendant to accept & or remain in an undesired plea agreement to avoid going to trial before her, with full knowledge of defendant she had already violated due process & judiciary impartiality standards & deliberately violated state & federal due process: notice: id of defendant rights under their respective constitutions (Amend. 6, 14, & Art. II s. 30) & intended to violate & ignore defendant's 4th amendment rights against illegal seizures & their derivative uses, so no fair trial in this matter could be expected.

But her coercion continued. both she, for state, did both on record coerce defendant to " a case by return false assurances he would be given " credit due him towards a proposed stipulated sentence of in this case to forego trial & appeal. Then, on filed a brief seeking approximately 4000 days of presentence credit,

declared she would add only approximately to state's suggestion, & ignore evidence presented by defense of over including the past continuous, detention in custody on this case, contrary to & her own assurances & inducements to defendant prior, an illegal deprivation of over of detention, under this case #, verified by official records of the jailers in question, which improper act, fickle standard offered by to meet, to get further credit,

& related judicial comments resulted in yet another (2nd) sentencing postponement, to allow defendant opportunity to prepare & present legal standards necessary to show court must allow defendant to withdraw from the very same settlement agreement, coerced on. if not also before, on the hearing's coercion evident if hearing transcribed, then compared to her declarations on.

See also (attached) ^{version} documents sent to her, & all parties's attention to withdraw from plea agreement she materially coerced, & request her recusal for cause, namely appearance of bias & partiality for state evidenced by rulings & statements & declared intent to ignore her lack of jurisdiction, fatally deficient indictments, & despite her lack of authority to do so because of her lack of jurisdiction, to later "amend" any such fatal omitted details away - an utterly prohibited practice. And fundamental error & defect.

All of which present a clear & convincing appearance of inappropriate bias or partiality in favor of state, intent to continue with improper prejudicial judicial acts & decisions against defendant, consistent rulings contrary to the law & facts/evidence presented to her, & in hearings, repetitive ignorance or disregard of the issues in dispute (she kept repeating erroneous presumptions & disregarded defendant's clarifications, in appearance treating him as if slow or lacking of wit or understanding, when she herself was ignoring the actual issues in contention). All of which, with the attached documents's facts, law, & proofs therewith support plaintiff contention that

has violated Ariz. R. Jud. Cond. 2.2 (decisions contrary law & facts), 2-3(B) (appearance of personal bias), & 2.6 (B) (j. shall not coerce settlement), & if she has not recused herself as requested, for these above, also Rule 2.11 (A)(1).

She continued to show her utter contempt for the Arizona laws she is sworn to uphold on when she ignored A.R.S. 13-712(B)* & the verifying confirmation of dates in custody on: provided by the presentence report, & other proofs, to withhold several in custody confirmed held, on that specific case, pursuant Arizona warrant(s) & or action(s), such that petitioner would serve more actual time in an Arizona prison, out of spite, in the face of a STIPULATED sentence served in excess

by more than already at the time the plea was agreed & entered into by all parties. Utter Disgrace.

* See State v. Brooks, 161 Ariz. 177, at 181 (1999).

NOTICE OF WITHDRAWAL
FROM PLEA AGREEMENT

Accused, hereby gives this court notice of manifest injustice & his wish to withdraw from plea agreement effective immediately, & for good cause & manifest injustice shows:

On this court, on record, did say & state & attest she " " give " " time to which he is entitled credit to under the law for time(s) in custody on this case. This is & was a material representation on which, relied, integral to his election to remain in the plea agreement. promise induced cooperation.

A.R.S. 13-712 (B) mandates " " on a charge prior to sentencing must be applied to any sentence later issued. State v. Mahler, 128 Ariz. 429 (1981) clarifies the above clause makes this presentence credit a mandatory entitlement to under Arizona law, without any distinguishment between custody on THIS charge in Arizona, or any other state, so long as defendant is in custody on THIS charge or case.

State v. Pasquillo, 140 Ariz. 228, at 229 states that a foreign state's sentence is "irrelevant" to determining if defendant is entitled to credit for presentence custody, he remains entitled to this mandatory credit against sentence.

has elected to ignore these laws & lawful entitlement.

On _____ did an record state she would not obey
& intended to only issue a partial credit of perhaps one third of
the actual documented presentence custody _____ has been detained
in & on this case, contrary law. _____ intended only to award _____ credit.
Prior to this, _____ did blatantly ignore several state & federal precedents
& constitutions, which REQUIRED this court & _____ to dismiss this case, &
others, for lack of jurisdiction & for which U.S. Supreme Court precedent
states " _____ cannot stand, because the state never filed valid
charge(s). In that decision, _____ asserted she had discretion outside all
jurisdiction of this court bestowed by the Arizona constitution & therefore
outside all authority of this court & _____ to act.
These acts, singly & in concert violate _____ absolute constitutional
rights & have undermined all confidence in _____ competence & impartiality.
_____, reliant on these actions & statements, & _____ stated intent
to also ignore _____ 4th Amendment rights in re: an entirely
illegal _____ arrest & seizures on _____ without & before viewing
ANY of the newly acquired _____ testimony & evidence rise to a level of
the appearance of adverse judicial bias against _____ such
that _____ believes Ariz. R. Crim. P. 10.1 or 10.2 now applies
& the only possible way to restore any appearance of a semblance of an
impartial or unbiased judiciary or proceeding now requires the recusal,
for cause or by judicial election, of _____ before further proceedings
are held in this matter, & for the above material representations &
warrants above of _____ which induced participation against the desire
of _____, & for _____ actual innocence, & for
_____ well known & well proven actual absence from Arizona
at all times relevant to these matters, _____ claims
manifest injustice exists & for which _____ must now withdraw.

**THE COMMISSION'S POLICY IS
TO POST ONLY THE FIRST FIVE
PAGES OF ANY DISMISSED
COMPLAINT ON ITS WEBSITE.**

**FOR ACCESS TO THE
REMAINDER OF THE
COMPLAINT IN THIS MATTER,
PLEASE MAKE YOUR REQUEST
IN WRITING TO THE
COMMISSION ON JUDICIAL
CONDUCT AND REFERENCE
THE COMMISSION CASE
NUMBER IN YOUR REQUEST.**