

State of Arizona
COMMISSION ON JUDICIAL CONDUCT

Disposition of Complaint 21-405

Judge:

Complainant:

ORDER

May 25, 2022

The Complainant alleged a superior court judge failed to take appropriate action when presented with evidence of prosecutorial misconduct.

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 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 member Christopher W. Ames did not participate in the consideration of this matter.

Copies of this order were distributed to all appropriate persons on May 25, 2022.

RE: Complaint [Judicial Deception]

Dear Executive Director:

This Commission has jurisdiction over Judges and former Judges concerning allegations of misconduct and fraud that occurred during the proceedings and allegations in Court number [redacted] now [redacted] v. State of Arizona.

This Commission is established by article 6.1 of the Arizona Constitution. This Commission is responsible for administering the judicial discipline and incapacity over all state and local Judges. Due to the misconduct and willful deception of the State, County Attorney[s], and magistrate[s] involved, the complainant has reasonable cause for the filing of this complaint.

FACTS

* On [redacted] was arrested without a warrant by the [redacted] Police Department. [see exhibit A, Court Information Sheet] vacated.

[redacted] signed a Release Order that held [redacted] Court number [redacted] [see exhibit B] vacated

a Direct Complaint was filed that held all the charges the state of Arizona held [redacted] on. The complaint holds the same [redacted] [see exhibit C] vacated

Grand Jury proceedings were held under [redacted] [see exhibit D]. In those proceedings, [redacted] County Attorney, [redacted] asked for a Notice of Supervening Indictment which was ordered and issued by the Court [see exhibit E] vacated

[redacted] two days after the vacating of [redacted] in the Arizona [redacted] Court before Judge [redacted] the cause was ordered to be transferred to the [redacted] Judicial District, ordering that the [redacted] Court number [redacted] be changed to a new court number, now [redacted] [see exhibit F]

[redacted] was taken to sign a new Release Order. This Release Order holds the [redacted] new This Release Order shows it was stamp filed [redacted] [see exhibit G]

[redacted] in the presence of trial jury, [redacted] and counsel, the Clerk in the Court of the State of Arizona, in and for the county of [redacted] read the indictment which was signed a 'true bill', dated [redacted] and most importantly, the proceeding read and presented to the court was vacated. [see exhibit H]

COMPLAINT

The complainant, _____, was arrested by _____ Police Department
The complainant was indicted and convicted by interested parties _____ County Attorney,
Detective _____, officers of the _____ Police Department, and
fraudulent testimony. Complainant was indicted before the _____ County Grand Jury,
under _____ Court number _____

An accusation of crime by presentment or indictment of a Grand Jury is made when formal charges are embodied in an indictment duly returned into a court and signed by the Foreperson. All which were done by deception in Mr. _____ case.

The state's procedures, motives, and misleading of facts which were performed, is the reason by which Mr. _____ has been incarcerated for the last _____ years. Statements made by trial Judge _____ in Reporters Transcripts _____ and by Public Defender, _____ will aid you in the understanding of this complaint, or, _____ as Judge _____ refers to it.

Fraud exists when one party knowingly and with intention of deceiving, makes representations that lead to untrue conclusions, as in the collusion of the parties in _____ State of Arizona v. _____ To constitute fraud, there must be a false representation made recklessly and without regard to its truth or falsity. A mere innocent nondisclosure does not constitute fraud. There must be some active attempt to deceive, or a concealment of facts that a party is obliged to disclose to another, as in Mr. _____ case under _____ Court number _____ now _____ which is being presented before you.

The government held proceedings that led to a "notice supervening and indictment". The exhibits show the case number it was held under, _____ and the date it was held, _____. The government vacated these proceedings as shown on exhibit A of the stamp filed Court Information Sheet

The government through Judicial Deception, took the vacated transcript proceedings that brought about the indictment under _____. Then, used those transcript proceedings which were/are vacated to take Mr. _____ to trial. The transcripts of _____ show that the indictment read to the trial jury was in fact the very indictment that was held on _____, _____, under _____. This is where the comments of trial Judge _____ and Public Defender _____ will illuminate this complaint. [See exhibit H]

The government by abuse of process, took the transcripts of the Grand Jury proceedings held against Mr. _____, also which were VACATED, decided to cross out the last Grand Jury transcript proceedings, case number, which is _____ and rewrite with a pen or pencil a different and _____ [see exhibit D]

The government not only took the vacated transcript proceedings and placed a new one on it, but it placed a stamp file on this document showing _____. Looking at the date on the cover page of the transcript proceeding, it clearly shows when these proceedings were held, which is _____

Why the government decided to take voided transcript proceedings and use them as if they were valid, and take Mr. _____ to trial and convict him, is unconstitutional in every way.

If proceedings of any kind have been vacated, the judicial process by law requires the government to hold new proceedings if they wish to proceed in the prosecuting and convicting of a U.S. citizen to a term of imprisonment.

There are numerous evidences shown through the exhibits of what Judge _____ refers to as, the "sleight of hand" in this case and Public Defender _____ comment to the judge informing her of the violation that the _____ etc.

On the Release Order of _____ it bares the charges against Mr _____ along with case number _____ stamp file date _____ signed by a Judge/Commissioner, and stamped VACATED. The next Release Order bares charges dated _____ signed by a Judge/Commissioner, but does not bare a _____ number. In fact, it replicates the one with a _____ number on it. But this one does not have a number. [See exhibit B]

You then have another Release Order dated _____, with no charges, a stamp file of _____ but bares case number _____ [See exhibit G]. Keep in mind that _____ is shown to be vacated. The file records show that all (_____ PROCEEDINGS ARE NOW INVALID AND VOID. Therefore, the government needed to hold new proceedings for Release, which were _____ days later. This being a different type of violation according to procedure in Mr. _____ case. But still an element of this claim.

Several documents including the _____, show the indictment was filed _____ So, as of _____, it is clear, due to the indictment being vacated as shown on several documents, including the _____ there are no charges that are filed against _____ No one ever notified Mr. _____ of the vacated charges that he was being held on. _____ later, that being _____ the Judge ordered a transfer of a cause, that being (_____ o the _____ Judicial District.

When they transferred the vacated case number _____, they renumbered the vacated file to hold, or bear a new number, that being _____

The fact that the state government took a vacated _____ number and applied a new number on its cause, does not allow the vacated proceedings to become active or valid. For a cause or proceeding to be vacated, that mandate, or order must come from a Judge, Magistrate, or Commissioner. Which, in the case of Mr. _____ under _____, one must have been ordered, seeing all the enclosed exhibits.

Giving Mr. _____ a new _____ number does not validate the vacated indictment that was read and presented before the trial court _____ Which is what ultimately led to Mr. _____ illegal conviction, and sentence of _____ which is also illegal. A felony proceeding in Arizona may be prosecuted only by indictment or information, AZ Const. 2 § 30, Rule 2.2 (a). The procedures governing the return of an indictment are set forth in Rule 12 of A.R.C.P. Rule 2.2 [b] of the AZ Rev. Statutes, Annotated R.C.P.state "this provision is not intended to permit refileing of a complaint...see, Arizona Revised Stat. Ann. § 22-301 [supp.1972]. This being something that the government in fact did after vacating the proceedings.

The government through judicial deception and every other type of fraud, took the Grand Jury transcript proceedings that were vacated, deceived Mr. _____ and the jury, "if" they weren't part of the deception, and willfully proceeded to violate the laws of justice when the trial judge read the indictment to the jury from _____ and stated that it was a "true bill".

She read the accurate date it was found to be a true bill, which was . The only problem is that the indictment that she read to the trial jury was vacated. Which makes the trial null and void.

The cause was vacated That indictment was and is invalid. Presenting a vacated indictment causes the entire trial to become a mock trial.

One of the essentials of legal jeopardy is the defendant be put on trial on a valid indictment. This abuse of process is a violation of great magnitude under, and in the justice system. This is the "scientific voodoo" Judge refers to.

Under Rule 81 of the Az Rules of Court, Judicial Ethics Arizona Code of Judicial Conduct, canon 1; "A judge shall uphold and promote the Independence, Integrity and Impartiality of the judiciary and shall avoid impropriety and the appearance thereof."

Rule 81 of Judicial Ethics Rule 2.15 Judge was told from Public Defender Fox, "the prosecution had dirty hands in this entire affair". R.T. Pg. 11-12, Ln 23-1. Rule 2.15 [D]" A Judge who receives information indicating a substantial likelihood that a lawyer has committed a violation of the Rules of Professional Conduct shall take appropriate action". Paragraphs [A] [B] [C] [D] of Rule 2.15 impose an obligation on the Judge to report to the appropriate disciplinary authority the known misconduct....Ignoring or denying known misconduct among ones judicial colleagues or members of the legal profession undermines a Judge's responsibility to participate in efforts to ensure public respect for the justice system.

Similarly, actions to be taken in response to information indicating that a lawyer has committed a violation of the Rules of Professional Conduct include but are NOT limited to communicating directly with the lawyer who may have committed the violation, or reporting the suspected violation to the appropriate authority, or other agency, or body.

Judge ignores the fact that an officer of the law states that something coerce, invalid, corrupt, unjust, and illegal was being done. And the magistrate not only blows it off by ignoring the request for help but participates in the "dirty hands" affair brought to her attention. See R.T. Pg. 195, Ln. 8-11. The Judge called what was being done to Mr. as some sort of See Reporter's transcripts.

Rule 81 1.1.-2.16 of AZ Rules of Court were violated. along with state and U.S. Constitutional violations all throughout the case of Mr. [. This Commission has jurisdiction over Judges and former Judges concerning allegations of these kinds that occurred during the service of Judge

The prosecutor is obligated to refrain from certain improper conduct while bringing and presenting the government's case. The prosecutor may not delay bringing an indictment when the delay is intended to gain tactical advantage and it substantially prejudices the defendant. By the stamp file on the Grand Jury Proceeding transcripts, the state would have you think that the filing was But that was part of the "sleight of hand" Judge refers to in the pretrial proceedings of The record clearly shows the indictment was in fact filed See exhibit A.

What has been done in Mr. _____ case violates "fundamental fairness", "fundamental rights", and is shocking to the universal sense of justice. A case must be warranted, and those liable must be held accountable to deter what looks to be a long history and pattern of recurring violations. No re-indictment was ever done after the Honorable Judge vacated the proceedings of _____. But the state proceeded knowingly to deceive Mr. _____ and the citizens of Arizona by using a procedure or practice meant to defraud a United States citizen.

In closing, the duty and responsibility of the prosecution and Judge are to seek justice. The prosecution should prosecute with correctness and vigor. But may not use improper methods calculated to produce a wrongful conviction. What was done to Mr. _____ was done so craftily, you can't help but know that this type of Abuse of Process by this state has been in practice for a very long time. This Commission should be grateful for the leading of the Holy Spirit that aided in the exposure of such deception done by those in positions of power and with the authority to take the freedoms of Arizona citizens.

As done by the State of Arizona, the _____ used the legal system as a major weapon against _____ in a particularly repressive manner. The _____ would also systematically violate key provisions of its constitution; _____ and other international agreements signed. Their main aim was isolation of citizens. In direct violation of international law, the _____ did illegal search and seizures, false accusations, and even imprisonment or institutionalization of their own citizens. They utilized illegally obtained evidence, engaged in prejudicial pretrial tactics, and refused an open public trial. All which are nightmarishly reminiscent in Mr. _____ case. Down to the very misleading of citizens that wished to partake and observe the trial of Mr. _____. On the day of Mr. _____ trial, citizens were told and directed by those in the _____ Court that the trial would be held at a totally different location and building. Which was untrue.

Mr. _____ has now been illegally incarcerated for _____ years. Pleading for this Commission's unbiased eyes and legal authority to bring to light the injustices and hold liable those responsible for every illegal act they have performed in the eyes of God. And, to correct this travesty of miscarriage of Justice.

This complaint is written in the interest of Justice.

Respectfully,

**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.**