

State of Arizona
COMMISSION ON JUDICIAL CONDUCT

Disposition of Complaint 21-410

Judge:

Complainant:

ORDER

June 16, 2022

The Complainant alleged a superior court judge violated his constitutional rights.

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 Colleen E. Concannon and Joseph C. Kreamer did not participate in the consideration of this matter.

Copies of this order were distributed to all appropriate persons on June 16, 2022.

Comp
2021-410

Form

Violation Warning
Denial of Rights Under Color of Law

Citizen's statement

VIOLATED MY STATE AND FEDERAL CONSTITUTIONALLY PROTECTED, DE-PRIVED OF LAWS, ACCESS TO THE COURTS, EQUAL PROTECTION UNDER THE LAW, LIBERTY UNDER COLOR OF LAW. A FEDERAL CRIME.

Information stated here is true and correct.

Date

Legal Notice and Warning

Federal law provides that it is a crime to violate the Rights of a citizen under the color-of-law. You can be arrested for this crime and you can also be held personally liable for civil damages.

Attempting to cause a person to do something by telling that person that such action is required by law, when it is not required by law, may be a felony.

18 U.S.C. § 241.

18 USC §242 provides that whoever, under color of any law, statute, ordinance, regulation, or custom, willfully subjects any person in any State, Territory, Commonwealth, Possession, or District to the deprivation of any rights, privileges, or immunities secured or protected by the Constitution or laws of the United States ... shall be fined under this title or imprisoned not more than one year, or both.

18 USC §245 provided that Whoever, whether or not acting under color of law, intimidates or interferes with any person from participating in or enjoying any benefit, service, privilege, program, facility, or activity provided or administered by the United States; [or] applying for or enjoying employment, or any perquisite thereof, by any agency of the United States; shall be fined under this title, or imprisoned not more than one year, or both.

42 USC §1983 provides that every person who, under color of any statute, ordinance, regulation, custom, or usage, of any State or Territory or the District of Columbia, subjects, or causes to be subjected, any citizen of the United States or other person within the jurisdiction thereof to the deprivation of any rights, privileges, or immunities secured by the Constitution and laws, shall be liable to the party injured in an action at law, suit in equity, or other proper proceeding for redress.

Warning, you may be in violation of Federal Law and persisting with your demand may lead to your arrest and/or civil damages! Also understand that the law provides that you can be held personally responsible and liable, as well as your company or agency.

You are advised to cease and desist with your demand and to seek *personal* legal counsel if you do not understand the law.

Notice of Service:

I, _____ certify that I personally delivered this notice to above named recipient and address on _____ at _____.

THE COMMISSION ON JUDICIAL CONDUCT
STATE OF ARIZONA

1501 WEST WASHINGTON STREET, STE. 229, PHOENIX
ARIZONA, 85007

RE:

PURSUANT TO ARTICLE 2, AND 6, OF THE CONSTITUTION
OF ARIZONA, AND RULE 7, 18 A, AND 19 (A)(4)(E), OF THE
JUDICIAL CODE OF CONDUCT, COMPLAINANT HEREBY SUBMITS
THIS COMPLAINT TO THE COMMISSION ON JUDICIAL
CONDUCT.

THE ABOVE NAMED JUDGE, HAS BEEN IN VIOLATION
OF NUMEROUS DUE PROCESS LAWS, AS WELL AS CONSTITUTIONAL
VIOLATIONS TOWARDS COMPLAINANT. THE ABOVE NAMED
JUDGE HAS GONE BEYOND THE POINT OF EGREGIOUSNESS. THE
ABOVE NAMED JUDGE HAS COMMITTED SEVERAL FELONY ACTS,
DURING ~~THE~~ ^{THE} NORMAL COURSE OF BUSINESS, KNOWINGLY AND IN-
TEMPERATELY. (RULES OF THE JUDICIAL CODE OF CONDUCT 19(G))

• INSERTED HERSELF IN EXPIRING PROCEEDING, THAT
SHE WAS NOT AWARE OF UNTIL A REQUEST FOR RESCINDING
WAS FILED. (SEE EXHIBITS - FILED _____ DAYS
BEFORE EXPIRING WAS GRANTED BY EXPIRING JUDGE ON

• COMPLAINTANT FILED A MOTION FOR RESENTENCING, WHICH WAS DENIED. IT WAS SENT TO THE ABOVE NAMED JUDGE, YET THE JUDGE NAMED IN THE DENIAL ORDER IS THE EMPANGEMENT JUDGE. IN THE ABOVE NAMED JUDGE'S COURTROOM.

• COMPLAINTANT FILED RULE 32, POST CONVICTION RELIEF MOTION, AS DIRECTED BY SENTENCING, AND EMPANGEMENT JUDGES, PER 32.1(b) SIGNIFICANT CHANGE IN LAW, WHICH REQUIRES JUDGE, THE ABOVE NAMED SENTENCING JUDGE, TO RESENTENCE COMPLAINTANT, WITHOUT THE PRIOR, THAT WAS USED TO AWARD SENTENCE, IT HAS NOT BEEN DONE YET.

THE P.L.R., RULE 32 WAS FILED ON _____ (SEE EXHIBIT), COMPLAINTANT HAS NOT HEARD ANYTHING FROM THE COURT, NOT EVEN A NOTIFICATION OF RECEIPT OF RULE 32, IT IS CONTING UP ON _____

• ABUSE OF DISCRETION WHERE JUDGE HAS NO DISCRETION

- (NOTE: COMPLAINTANT HAS RECEIVED A NOTICE OF INITIATION OF RULE 32 FOLLOWING TRIAL/APPPOINTMENT OF COUNSEL/BRIEFING SCHEDULE - THAT PERTAINS TO A DISMISSAL OF A PETITION FOR REVIEW, FROM THE ARIZONA SUPREME COURT, WHICH HAS NOTHING TO DO WITH THE EMPANGEMENT/RESENTENCING)

EXHIBITS

COURT OF ARIZONA
COUNTY

HONORABLE

STATE OF ARIZONA

v.

JUDGE

MINUTE ENTRY

_____ The Court has reviewed the State's Motion to Set Re-Sentencing Hearings in
_____ if Petition to Expunge in _____ is granted, filed
_____ on _____ The State did not object to the expungement of the Possession of Marijuana, Class
_____ felony conviction in the _____ matter. Therefore, Judge _____ has granted the petition to
_____ expunge.

This request for resentencing is based on Rule 32, Arizona Rules of Criminal Procedure. Rule 32 provides remedies to be requested by a defendant. The Defendant is free to avail himself to the relief offered through an appropriate Petition for Post-Conviction Relief. The Defendant has not done so. Therefore, the Court takes no action on the State's Motion.

The Court notes that as to this particular defendant, it appears that resentencing would not change the outcome given, that there are other convictions on which the Court can rely to maintain the same sentence.

**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.**