State of Arizona

COMMISSION ON JUDICIAL CONDUCT

Disposition of Complaint 06-245

Complainant: No. 1254510456A

Judge: No. 1254510456B

ORDER

The commission reviewed the complaint and found no misconduct on the part of the judge. The issues raised are solely legal or appellate in nature. If a defendant believes that a judge made an error in judgment or misinterpreted the evidence during his trial, the appropriate remedy is to file an appeal with a court of competent jurisdiction. The commission is not an appellate court and cannot change a judge's decisions.

The complaint is dismissed pursuant to Rules 16(a) and 23(a).

Dated: December 4, 2006.

FOR THE COMMISSION

/s/ Keith Stott
Executive Director

Copies of this order were mailed
to the complainant and the judge
on December 4, 2006.

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

STATEMENT OF FACTS CJC-06-245

Instructions: Please use this form or plain paper of the same size to explain your complaint. In your own words, describe specifically what the judge did that you believe is misconduct. You should provide all of the important names, dates, times and places related to your complaint, but you do not need to cite the applicable canons of judicial conduct. Although you may attach additional pages, do not write on the back of any page. You may attach copies of any documents you feel will help us understand your complaint. First [illegible] Booking Detail Report on (Jms) computer.

Your name: [redacted] **Judge's name:** [redacted] **Date:** 09-18-06

On [redacted] at approximately 10:00 am [redacted] is believed to being [illegible], by not making appropriate decisions; faithful to the law that maintains his professional competence, thus swaying for bipartisan interests, by and through initial prosecutorial clamor and fear of criticism if he doesn't advance the County attorney's office commence civil commitment proceeding, so that mental health judge [illegible] [redacted] [redacted] could [illegible] and for how long, Defendant would be ordered to remain in the [redacted] County Correctional Health Services Restoration to Competency Program, until the civil Commitment Hearing of [redacted] [redacted] ordered that Rule 11.2. In other words, his words or conduct manifest bias and prejudice. See Canons 2 and 3 et seq. (emphasis added herein). This is [illegible] standards or nepotism and/or [illegible] decorum for [redacted] et al. Why? Because the Constitutionality of [redacted] forfeiture hasn't be resolved. Any forfeiture order based on all counts for which grand jury returned not guilty verdict did violate double jeopardy, even though county prosecutor dismissed A.R.S. §§ 13-1204 A1 and 13-1602 A6 as lesser included offenses of § 13-3102, where County prosecutor didn't request initial appearance of amount limited and established by Congress. [illegible] Const. Amend. 5; § 1985 Comprehensive Conspiracy Prevention and Control Act of 1985, 21 U.S.C. [illegible] § 853(a) [illegible]. Specifically, CR No. 06-115767-001-SE, et: Counts 1 and 3 of A.R.S. §§ 13-1204 A1 and 13-1602 A6 was renumbered and dismissed on [redacted] but Count 2 A.R.S. § 13-3102 was "Bound Over" to Superior Court without initial appearance. This honorable judge along with [redacted] purposely secured against defendant's [illegible] counsel [illegible] a pending of [illegible] matter. Therefore, this honorable judge believes that the State will gain procedural or tactical advantage as result of defense counsel corruption. See Smith Vs.

(Attach additional sheets as needed)

Second Church of Christ, 87 Ariz. 400, 351 P.2d 1104 (1960), and Cervantes Vs. Richardson, 190 Ariz. 396, 949 P.2d 56 (App. Div. 2 1997).

[redacted]

Argument Continued

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See United States Vs. Garcia Abrego, 141 F.3d 142, U.S. (C.A.5 (Tex) 1998) Per Curiam [40] page 30-31 ("Constitutionality of the Criminal Forfeiture"); is a unjust preference to indigent minority defendant, creating a reverse discrimination for defendant's potential to transform the way affirmative defense policies are applied on ineffectiveness or counsel, the outcome could be cited in *Wiggins Vs. Smith, 2003, 123 S. Ct 2527. **Per Curiam [17] (emphasis altered somewhat); page 16 ¶2 2nd colum. "Had the grand jury been able to place petitioner's excruciating pharmacogenetic history on the mitigating side of Rule 15.1(a) scale, there is reasonable probability that at least one juror would have struck a different balance. Compare Borchart Vs State, 367 Md. 91, 139-140, 786 A.2d 631, 660 (2001) (noting that as long as a single juror concludes that mitigating evidence outweighs aggravating evidence the (bound over) arraignment cannot be imposed). Do you Understand?

What's more, this honorable judge must not have overstated notice or discovery pursuant to Rule 15.1(a). This is, any objects or representation or objects recorded to in the grand jurors transcript . . . (but not limited to) any:

Any item or physical or documentary evidence which records the result or pharmacogenetical analysis. Thus ("No important no charge policy") per [redacted] why hasn't [redacted] received such discovery practicalities? See State Vs. Beck, 151 Ariz. 130, 726 P.2d 227 (App. Div. 2 1986), and State Vs. Allreal, 134 Ariz. 274, 655

Argument Continued

P.2d 1326 (1982), and State Vs. Aree, 121 Ariz. 94, 588 P.2d 836 (1978).

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Furthermore, [redacted] Justice of the Peace on [redacted] either should have initiated sending Defendant to [redacted] probation revocation hearing after honorable [redacted] found defendant guilty by plea in No. [redacted] which has been terminated and dismissed with prejudice. Now, defendant has been injured in this case. See Barema V. Susong (1988) 156 Ariz. 307, 751 P.2d 967. Thus, [redacted] whom already sentenced defendant to the Arizona Department Correction via [redacted] with misgiving to defendant presentence report, and/or administrate probation provision. Furthermore this Commission (Admissions of previous testimony received at prior criminal trial) with set of general standards by which the admissibility of any previous recorded or sworn testimony has been established. Therefore, defendant requests this honorable judge be removed from this pending case for lack of judicial contention against vindictive prosecution; and he advance defendant to [redacted] court for [redacted] Settlement conference. See California Vs. Green, on remand 3 Cal.3d 981 477 P.2d 998, 92 Cal. Rptr. 494, and Duffy Vs. Estelle, 123 F.3d 1026 (8th Cir. 1997). U.S. V. Mynuis, 211 F.3d 1340 (11th Cir. 2000). [redacted] sated on [redacted] "defendant is being charged with A.R.S. § 13-1204.A1", which has been dismissed according to [redacted] electronic booking detail report. Consequently, defendant is being deemed liberty and safety based with debauched institutional record violence, and this commission maintains settled over Judge [redacted] Populace herein this not guilty verdict(s).