

State of Arizona
COMMISSION ON JUDICIAL CONDUCT

Disposition of Complaint 07-236

Complainant: No. 1318410659A

Judge: No. 1318410659B

ORDER

The commission reviewed the complaint filed in this matter and found no ethical misconduct on the part of the judge. The issues raised are legal or appellate in nature.

The commission is not a court and cannot change a judge's decisions; therefore, the complaint is dismissed pursuant to Rules 16(a) and 23(a).

Dated: September 27, 2007 .

FOR THE COMMISSION

/s/ Keith Stott
Executive Director

Copies of this order were mailed to the complainant and the judge on September 27, 2007.

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

Complaint

CJC-07-236

8-19-07

Mr. Williams believes that misconduct is occurring in Cr# 200501709 and Cr# 200502150 by Honorable Joseph R. Georgini not upholding the integrity and independence of the court, Also Honorable Joseph R. Georgini is not performing the Duties of Judicial office impartially and diligently. Mr. Williams Explains as follows: On or about October 24, 2006 Honorable Joseph R. Georgini was assigned the above mentioned case numbers, since his appointment to the cases there's been no progress in either case. As of this date 8-19-07 there's not even a trial date set in either case. As you can see these are 2005 cases which will be 2 years old next month.

Mr. Williams Bonds were revoked and is currently being held without bond since June 8, 2006.

Due to the violations of the Arizona rules § Criminal Procedures Article 8 Search Warrant Subsections 13-3913, 13-3914C and 13-3915 and Chapter 27, Perjury and Related Offenses Subsections 13-2702 (A1) and 13-2703 A. Honorable Joseph R is not performing his duty in upholding the integrity of the court, by allowing the State (Kelly Neal County prosecutor) to continue to prosecute on an invalid search warrant and false statement. Mr. Williams will explain this improper conduct and impartialness supported by attachments

In A response letter to Mr. Williams
 Previous Attorney (See Attachment 5 paragraph 4)
 Mr. Kelly Neal (County Prosecutor) stated that a Search
 Warrant was requested in person. The request was
 made by Detective Chris Crowther of the Eloy Police
 Department. (See Attachment 4 page 2 first paragraph)
 (State's response To Motion To Dismiss, Request to
 Compel The disclosure of the identity of the informant).
 According to Attachment 4 first paragraph the Warrant
 was based upon an Affidavit. (See Attachment 3 Affidavit
 for Search Warrant.) (Note) Attachment 3 do not involve
 or identify any one from the Sheriff department or
 County Attorney's office in obtaining this search Warrant
 AS Mr. Neal claims in his examination in front of the
 grand jury session.) (See grand jury transcript
 112-GJ-021538.)

Rules of Arizona Criminal procedures
 Subsection 13-3913 - states no search Warrant shall
 be issued except on probable cause supported by Affidavit
 naming and describing in particular the place to be
 search and the items to be seized.

There is no evidence of an alleged investigation
 narrative reports identifying the alleged control buys
 or any statements or testimony from citizens or informants
 to prove that such investigation took place. When
 requested documentation. (See Attachment 2) The response
 was ^(above) the only ~~the~~ information i received was these property
 reports, (See Attachments 11, 12, and 13) in which he believed

WAS Field tested but there are no lab results. The Evidence was destroyed and this is not to be used as evidence. Clearly this letter identifies that there is no probable cause in which Attachment 3 can be supportive of. Which violates subsection 13-3913 Arizona Rules of criminal procedure. Also in Attachment 3 the vehicle was never described in particular as required by subsection 13-3913, which somehow end up in the search warrant which leads Mr. Williams to believe that Detective Crowther may have initialed these documents himself. (See signature closely in Attachment 3 and search warrant) There is no signature just initials. (P+JR, which stands for Pro term Judge Rodgers.)

From all the evidence that is in the file and if Honorable Joseph R. Georgini is performing his duty in reviewing these documents it is clearly evident that these rules are being violated and should not be allowed in the American legal system. Therefore this acceptance of this poor information is not showing a high standard of the court.

The information and the alleged facts in the Affidavit for search warrant is not supporting any probable cause. In Attachment 4 page 2 paragraph 3 it states Judge Rodgers relied solely on the Affidavit submitted by Detective Crowther. After reviewing the Affidavit (Attachment 3) you will conclude that the Affidavit is based solely on the informants

information, in which they attempt to abuse the Authority of law with Rule 15.4(B2) Arizona rules of Criminal procedures knowing that this rule will cover up any Alleged informant that don't exist Due to the Fact that all this information is being fabricated Against Mr. Williams. If all the information is based on an informant that they refuse to disclose How is probable Cause being Sustified? With no other evidence of a Crime being Committed to obtain a search Warrant.

In Subsection 13-3914C of the Arizona Rules of Criminal Procedures Honorable Joseph R. Georgini is Aware that this Section was Also Violated, and was required due to the Prosecutor Kelly Neal response in Attachment 4 Page 4 Paragraph 1. (quote) Detective Crowther was placed under oath and he presented an Affidavit to Judge Rodgers. This statement we can Conclude that by him being placed under oath that the Magistrate took his oral statement which should have been recorded According to Subsection 13-3914C The request was made for the recorded statements As you can see From Attachment 5 Paragraph 4 No such recording was made. Once again eliminating any proof of any complaints, or written or oral testimony from any one including the officer himself.

Mr. Williams submitted motions to these Particular issues in May 15, 2007 and had a Hearing 2 months later on July 13, 2007 in which the Judge did

not hear the motions after Mr. Williams presented the first motion that was filed back in January 2007 To Dismiss or Alternatively Remand back to the Grand Jury. Mr. Williams specific request was to dismiss the indictment Due to Mr. Williams being Falsely indicted on a Prohibited Possessor (See grand jury transcript 109-GJ-021538) Without receiving any findings the case was remanded back to the Grand Jury. Mr. Williams feel if his motion was granted Mr. Williams feel the motion was to Dismiss with Prejudice. (Also see Motion to Dismiss 3 count which was the False Charge).

Mr. Williams has been indicted 3 times on the same charges in which^a charge was Add Falsely as previously stated above. (See indictments and grand jury transcripts) Mr. Williams feels this is not proper conduct of the court.

In subsection 13-3915 D it states A Duplicate Warrant may be issued only if the peace officer Applying is not in the physical presence of the Magistrate. Here Honorable Georgini After reviewing the Search Warrant Document (See Search Warrant) that this Document is not in compliance with Subsection 13-3915 D Arizona rules & criminal procedures. For the Following Reasons, 1. The Document ~~does~~ do not identify from which court it come from no court Approved seal. 2. The Document can not be recognize as original or duplicate (See Search Warrant)(note if duplicate).

In Wich the Search Warrant should have been the original since the peace officer was in the actual present of the Magistrate. (See Attachment S Paragraph 4 which states the officer went too the Judge in person.) Being there is no transcript of any testimony taking place we don't know if a Search Warrant was actually issued because the officer could have initialed the Judges signature.

The Arizona rules of criminal Procedures Chapter 27 Perjury and Related offenses has also clearly been violated in this case. (See grand Jury transcript 109-GJ-021538 and 112-GJ-021538.) Before Mr. Williams explains the Perjury Mr. Williams would like to point out a few things that could be viewed as improper preparation of the transcript 109-GJ-021538 or tampering. 1. on page 226 Index it notes that the examination was Done by Mr. Neal page 229. But when you refer to page 229 the Document states examination Done by A Mr. Raymond. Also on page 235 line 10 when the foreman read the Decision Mr. Williams was Charge in count one Drug possession which is a class 4 felony and not possession for sale in Wich Mr. Williams was Arraigned on which is a class 2 felony (See Supervising indictment 109-GJ-021538.)

The Perjury was committed by Detective Crowther on testimony in violation of subsection 13-2702 (A) 13-2703 A. In grand Jury session Detective Crowther

in 109-GJ-021538 page 229 line 12, 13, and 14 the question was ask is it true that A search warrant was executed on his Home and his Car. Answer Yes sir it is. This statement was False because he knows and come back and says in page 230 line 18-25 page 231 line 1-3. Mr. Crowther gives more False statements in the 109-GJ session page 232 line 14-23 After Detective Crowther looked at ID tech Jesse Joy report he still stated Unloaded. When in Her report she said she found A loaded Handgun (See Joy, Jesse narrative report)

In Grand Jury Session 112-GJ-021538 the introduction of possible witnesses page 12 line 9 & 10 states that Jesse Joy is from the Pinal County Attorney's Office When looking at the previous ~~the~~ transcript 109-GJ-021538 she is identified to be with the Eloy Police Department At the time of this incident. Unless she has recently been hired by the Pinal County Attorneys office Mr. Neel is still making False and misleading statements to the grand jury.

Other False reporting by Detective Crowther is Attachment 6, 7, and 10. (See Attachments) (Investigative Reports) In Detective Crowther Investigative Report Property He Documented sfx: 1, 2 and 3 was siezed/Evidence/stored But when you refer to Drug info in Attachment 10 there is no evidence to be stored for sfx: 1, 2, and 3.

(Conclusion)

In conclusion Mr. Williams submitted the following additional documents. Scientific examination Report, Article, Photo credit detail, officer Martinez Narrative report, which is identifying that Honorable Joseph R. Georgini has plenty of knowledge that Cr# 200501709 is being fabricated as the case goes on. Mr. Williams feels that this is not the High standards that the Supreme Court expects coming from the Superior Courts. This type of conduct should not be a part of our legal system. If this type of conduct is permitted in the processing of a case God have mercy on us. I respectfully request that the Commission look into this misconduct to prevent the standards of the legal system from being degraded.

Thank you

Melvin Williams Jr.