

State of Arizona
COMMISSION ON JUDICIAL CONDUCT

Disposition of Complaint 11-030

Complainant: No. 1411210759A

Judge: No. 1411210759B

ORDER

The complainant alleged that a justice of the peace caused him to fail to appear in a small claims matter and entered a default judgment against him. He further believed that based on the language contained in the order, the judge practiced law without a license. The commission reviewed the allegations and found no evidence that the judge practiced law without a license or tricked the complainant into failing to appear for his mandatory arbitration hearing. Accordingly, the complaint is dismissed in its entirety pursuant to Rules 16(a) and 23.

Dated: April 28, 2011

FOR THE COMMISSION

/s/ Keith Stott

Executive Director

Copies of this order were mailed
to the complainant and the judge
on April 28, 2011

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

2011-030

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RECEIVED

JAN 25 2011

STATE BAR OF ARIZONA
LAWYER REGULATION

Arizona State Bar
4201 N. 24th St., Suite 200
Phoenix, Arizona 85016-6288

Re: Violations by Tanja Kelly, Richard Swartz,
and Magistrate Judge

January 17th, 2011

Dear Friends:

This is to officially filing complaint against the above-listed persons, violations of the Code of Conduct and of Ethics on the parts of the two lawyers, and practicing law without a license on the part of Judge

I am in jail, Cochise County, Bisbee, and thus have no access to law books, and for more than 3 months have been without a competent lawyer to represent me. It has been many years since I read the Code of Conduct and Code of Ethics for attorneys, so I am unable to cite the specific numbers of the violations by the two lawyers, nor for the law against practicing law without a licence which Judge violated. Also, I possess no proof, so I ask that you take this as an affidavit of information and, for the sake of justice, take immediate action against the persons, who are doing great harm to our justice system in this county. Some proof of what I am telling you is on record, but I have no access to it. I think it is very probable that you are aware of serious problems with the justice system in Cochise County. I hope

you are very motivated to cleanse our justice system of all corruption, and will take me seriously, for there are major ongoing injustices here, violating the rights of many people. I am merely one victim of systematic injustice that is masquerading as justice by concealing violations of the law and the Constitution under a facade of legality. I wish I had concrete evidence, but since I do not, I hope you will launch a thorough investigation. Also, since jails are an extension of the courts, I hope your authority over judges includes jails, for the conditions here are deplorable, and everything is geared to deny access to legal remedy to persons without a lot of money. I suspect it is a money game that has perverted justice here, their keeping accused persons in jail aforetime trapped with no way out in order to obtain federal funds, and I think the facts will bear this out.

I have committed no crime, but am the victim of many crimes committed by the gangs of Bowle specifically against me, and am here in jail as the victim of gang control of the Cochise County Sheriff's Department and legal system. The ongoing conspiracy to deprive citizens of their rights is against federal law and beneath any moral sense.

The first so-called lawyer assigned to my case was Richard Swartz, ASB no. 026120. My case number is CR2010, Cochise County. From the very first that I even spoke with him, he was adversarial, uninformed, could not remember my name, would not do anything for me, told me he could do whatever he pleased, that it was his case not mine, refused to file for bail reduction, filed Rule 11 against me, lied to me by saying he filed for bail reduction, refused to file for suppression of evidence, and finally filed for bail reduction a week after I

filed for it pro se. He then withdrew, saying "our relationship is incredibly strained." I have observed him exhibiting signs of methamphetamine use.

I next drew Tanja Kelly. I do not know if she is even licensed, nor if that is her correct name. She gave me a card with the name "Shipman" scratched out and "Kelly" handwritten above it. I have no ASB number for her. She appears to have a "too close" relationship with Richard Swartz. She withdrew the Rule 11 motion and the motion for modification of bail, telling the court that she had no one for a third-person custody release, but would refile when one was found. She told me she would not look for anyone for me for 3rd party custody, refuses to file any motions for me, refuses to get off my case, refuses to communicate with me, told me she does not have enough time to spend on my case because she "just got a murder case which is more important," and she threatened me in court before the judge arrived. I am sure that the deputies present would verify that, but I do not know what their names are. That happened on the 17th of December at 8:54 a.m. by the clock in the courtroom. I wrote to the judge with no result. I called the Public Defender's office several times—no results. I filed a motion pro se for a new lawyer on the 7th of January (mailed on that date), but have heard nothing back. Judge Hoggatt made snide remarks about me filing the previous motion when Richard Swartz was still my "lawyer."

The legal system in Cochise County is a fraud. I believe it would take only a little investigation to prove Judge Hoggatt, Division III, prejudiced and unfit for the bench. In case

number CR 2010 , Cochise County, Arizona
versus Michael Snipes, Tanja Kelly, filed to delay
the time of Michael's case without his knowledge
or consent, using as her reason that the schedule
of the murder case conflicted with the schedule
of Michael's case. Such action is clearly against the
rules for lawyers, and that the court allowed the
motion is a blatant demonstration of prejudice
against all defendants who have Tanja Kelly as
lawyer. The legal system here is a scam and a
farce controlled by gangs, and is organized crime.
I believe many of the persons comprising the justice
system here, judges, lawyers, jail staff, and
sheriff's deputies, do drugs together and share funds
fraudulently obtained from federal and various
other sources.

In 2008, Bowie Water Improvement District
filed a lawsuit against me in small claims court,
precinct 6. Judge performed some
trickery to assure that I would not be present. I
told him prior to court that it was impossible
for me to be there on the date he had set, but he
held it without me, and later, when I objected,
he wrote a rambling motion starting out, "Comes
now as though I wrote the motion
or my lawyer wrote it. The judge practiced law
without a license to cover up his indiscretions
in my case. I do not know the case number. My
place was burned down by persons he protects
in this case, Trina Upshaw, the one who sued me
from the water company, for one.

Please help me and many others by putting
an end to the corruption here, by investigating
and suspending the violators.

Yours Truly,