

State of Arizona
COMMISSION ON JUDICIAL CONDUCT

Disposition of Complaint 11-144

Complainant: No. 1419810929A

Judge: No. 1419810929B

ORDER

The complainant alleged that a superior court judge conspired with the prosecutor and defense counsel to improperly convict him and further failed to report the attorneys to the State Bar of Arizona for professional misconduct. After reviewing the allegations along with various other supplemental materials provided by the complainant, the case history and the appellate memorandum decision, the commission found no evidence of ethical misconduct on the part of the judge. Accordingly, the complaint is dismissed in its entirety pursuant to Rules 16(a) and 23.

Dated: September 2, 2011.

FOR THE COMMISSION

/s/ George Riemer

George A. Riemer
Executive Director

Copies of this order were mailed to the complainant and the judge on September 2, 2011.

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

CONFIDENTIAL

State of Arizona
Commission on Judicial Conduct
1501 W. Washington Street, Suite 229
Phoenix, Arizona 85007

FOR OFFICE USE ONLY**2011-144****COMPLAINT AGAINST A JUDGE****Your name:****Judge's name****Date:**

5/30/11

Instructions: You can use this form or plain paper of the same size to file a complaint. Please describe in your own words what the judge did that you believe constitutes judicial misconduct. Be specific and list all of the names, dates, times and places that will help us understand your concerns. You may attach additional pages but not original court documents. Print or type on one side of the paper only, and keep a copy of the complaint for your files.

ON MAY 14, 2008 I WAS INDICTED IN YUMA COUNTY FOR FAILING TO REGISTER AS A SEX OFFENDER. (SEE EXHIBITS) THIS HAPPENED 7 MONTHS AFTER I WAS RELEASED FROM THE STATE PRISON IN SAN LUIS. AN INDICTMENT WARRANT WAS ISSUED AND BOND WAS SET AT 200 THOUSAND DOLLARS. (SEE EXHIBITS) THIS CHARGE WAS LATER DROPPED ON MAY, 28, 2009, AFTER I WAS CONVICTED IN YAVAPAI COUNTY. ON AUGUST 5, 2008 I WAS ARRESTED IN CAMP VERDE, ARIZONA, BY THE UNITED STATES MARSHAL SERVICE, WITH THE CAMP VERDE MARSHAL'S OFFICE ASSISTING. (SEE EXHIBITS: POLICE REPORT) INSTEAD OF EXTRA-DITING ME TO YUMA COUNTY, THE COUNTY THAT HAD JURISDICTION, THEY ELECT TO TRY ME IN YAVAPAI COUNTY, THE COUNTY WITHOUT JURISDICTION. KNOWING THE CASE BELONGED TO ANOTHER JURISDICTION, DEPUTY COUNTY ATTORNEY ETHAN WOLFINGER PRESENTS THE CASE TO A GRAND JURY. HE USES RUSSELL GROVER OF THE CAMP VERDE MARSHAL'S OFFICE AS THE ONLY WITNESS. MR. WOLFINGER KNEW HE DIDN'T HAVE JURISDICTION AND I'M SURE HE READ THE POLICE REPORT (SEE EXHIBITS: POLICE REPORT) SO HE KNEW THAT HIS WITNESS WAS PERJURING HIMSELF SINCE MR. WOLFINGER INDUCED HIM TO DO SO. I INCLUDED THIS IN MY PETITION FOR REVIEW. (RULE 32)

(Attach additional sheets as needed)

THE USE OF PERJURY TO GET AN INDICTMENT INVALIDATES THAT INDICTMENT. ETHAN WOLFINGER USED PERJURIOUS TESTIMONY, EVEN INCLUDES THAT TESTIMONY IN VIOLATION OF THE RULES OF PROFESSIONAL CONDUCT. (RULE 42: ER 3.3. CANDOR TOWARD THE TRIBUNAL AND (3) MISCONDUCT ER 8.4(C) AND RUSSELL GROVER IS GUILTY OF PERJURY - SINCE IT'S PART OF THE RECORD IN BLACK AND WHITE) SINCE THIS WAS INCLUDED IN MY PETITION FOR REVIEW, THE TRIAL JUDGE KNOWS ABOUT IT. I ALSO INCLUDED A LETTER TO THE YAVAPAI COUNTY ATTORNEY SHEILA S. POLK INFORMING HER OF THESE VIOLATIONS IN HER COPY OF MY PETITION. SO FAR THE JUDGE HAS NOT ACTED ON THIS IGNORING HER DISCIPLINARY RESPONSIBILITIES. IN FACT SHE'S ATTEMPTING TO DELAY THE PROCEEDINGS. SINCE THE INDICTMENT IS A DOCUMENT THAT WAS OBTAINED BY DISHONESTY, FRAUD, DECEIT, OR MISREPRESENTATION, THEN SIGNED BY THE PERSON WHO IS GUILTY OF THESE VIOLATIONS DOES IT NOT BECOME A "WRITTEN INSTRUMENT" AS DESCRIBED IN THE FORGERY STATUTES? ANYWAY, ONCE THE INDICTMENT IS HANDED DOWN THE CASE IS GIVEN TO DIVISION THREE WITH AS THE TRIAL JUDGE. SHE HAD TO KNOW THERE WAS A JURISDICTIONAL ISSUE SINCE I WAS A TARGET OF MULTIPLE

STATE AGENCIES. THIS CASE WAS INITIATED BY THE DEPARTMENT OF PUBLIC SAFETY WITH THE DEPARTMENT OF CORRECTIONS PROVIDING SOME EVIDENCE, SOME MANUFACTURED, SOME NOT. SO IT WAS PROBABLY DECIDED THAT THE BEST CHANCE FOR CONVICTION WAS THE YAVAPAI COUNTY CASE. NEXT ON THE LIST OF EXHIBITS IS A 17.4 HEARING WHERE THE JUDGE GIVES INFORMATION THAT ISN'T ENTIRELY TRUE. I HAD ONLY ONE HISTORICAL PRIOR. (MY SENTENCE REFLECTS THAT: 5 YEARS) SHE'S ENGAGING IN CONDUCT DESCRIBED IN THE CODE OF PROFESSIONAL CONDUCT ER 8.4. MISCONDUCT(C). (SEE FOOTNOTES) MY DEFENCE TO THESE CHARGES WAS THAT WHEN I WAS RELEASED FROM PRISON IN MARCH OF 1994 I WAS TOLD BY THE DEPARTMENT OF CORRECTIONS THAT SINCE MY CRIME AND CONVICTION FELL IN THE OCTOBER 1, 1978 TO JULY 27, 1983, "WINDOW," (THEIR NAME FOR IT) WHEN REGISTRATION REQUIREMENTS WERE REPEALED, THAT I WASN'T REQUIRED TO REGISTER. I SUCCESSFULLY COMPLETED PAROLE IN AUGUST OF 1994 AND LIVED IN THE STATE FOR 14 YEARS, UNREGISTERED. IN THAT TIME THERE WAS POLICE CONTACT (SEE EXHIBITS: CRIMINAL HISTORY - LAST THREE PAGES) INCLUDING A IDENTITY THEFT CONVICTION AND ANOTHER

PRISON SENTENCE. I HAD POLICE CONTACT AS LATE AS AUGUST 3RD OF 2007 WHEN I WAS ARRESTED IN SURPRISE, ARIZONA, FOR A PAROLE VIOLATION. I NEVER HAD ANY PROBLEMS WITH LAW ENFORCEMENT FOR NOT BEING REGISTERED UNTIL MY FRAUDULANT INDICTMENT IN YUMA COUNTY. (YES, I WAS A RESIDENT OF MARICOPA COUNTY WHEN THE INDICTMENT IN YUMA COUNTY WAS HANDED DOWN - THOMAS VARELA SHOULD BE DISBARRED) NEXT EXHIBIT IS A LETTER I GOT FROM MY DEFENCE COUNSEL (COURT APPOINTED) THE NIGHT BEFORE TRIAL. THIS LETTER ALONG WITH THE NEXT EXHIBIT (MOTION IN LIMINE) SHOWS COLLUSION BETWEEN ADAM DAGE AND TIM GRIER WITH THE TRIAL JUDGE MAKING INACCURATE STATEMENTS. (SEE MOTION IN LIMINE FOOTNOTES FOR THE SAKE OF BREVITY) THE STATE IS NOW TRYING TO EXTEND STATE VS NOBLE (STATE VS NOBLE 171 ARIZ. 171, 829 P. 2d 1217) TO MY CASE. THE TRIAL JUDGE MISINTERPRETS THIS AND EXCLUDES MY DEFENCE AND THE JURY DOESN'T GET TO HEAR THAT FOR 14 YEARS I WAS NOT REGISTERED. THE TRIAL JUDGE DID THIS WITH BAD FAITH AND SHOWING NO FAIRNESS TO THE OTHERSIDE. AT THIS TIME THERE MUST NOT HAVE BEEN A PUBLISHED CASE FOR MY SITUATION BECAUSE TWICE SHE TRIES

TO PUT THE OFFENCE INTO 1983. (SEE EXHIBITS: FOOTNOTES) ONCE AGAIN SHE'S BEING DECEITFUL AND NOT BEING COMPLETELY HONEST WITH ME. BOTH THE JUDGE AND MR. PAGE SEEM TO NOT BE READING THE WHOLE CONCLUSION IN NOBLE. AS A MATTER OF FACT, THERE'S AN -- EXCUSE ME -- SO PART OF THE CONCLUSION IS LEFT OFF THE RECORD. (SEE EXHIBITS) NEXT EXHIBIT IS RUSSELL GROVER'S POLICE REPORT. ALL THREE PAGES ARE SIGNED BY MR. GROVER IN ORDER TO SHOW THEIR VERACITY I WOULD ASSUME.

NEXT EXHIBITS ARE THE EVIDENTIARY HEARING WHERE THE TRIAL JUDGE ALLOWED JURISDICTION TO BE ESTABLISHED, AND OF COURSE MR. GROVER'S TRIAL TESTIMONY. COMPARE THE POLICE REPORT TO WHAT WAS SAID (AND PUT ON THE RECORD) IN COURT AND SEE ONE OF THE GROSSEST EXAMPLES OF JUDICIAL MISCONDUCT EVER. IT BOOGLS THE MIND THAT A SITTING SUPERIOR COURT JUDGE WOULD ALLOW THIS TYPE OF CONDUCT IN A COURT-ROOM. EACH LIE TOLD COULD BE COUNTED AS ONE COUNT OF PERJURY. SO MANY EXAMPLES OF UNTRUE STATEMENTS ARE MADE BY OFFICERS OF THE COURT AND SWORN WITNESSES - ALMOST TOO NUMEROUS TO COUNT.