

State of Arizona
COMMISSION ON JUDICIAL CONDUCT

Disposition of Complaint 17-180

Judge:

Complainant:

ORDER

The complainant alleged a superior court judge engaged in improper ex-parte communications, improperly revoked his self-represented status, and made other improper rulings in a criminal case.

The responsibility of the Commission on Judicial Conduct is to impartially determine if the judge engaged in conduct that violated the provisions of Article 6.1 of the Arizona Constitution or the Code of Judicial Conduct and, if so, to take appropriate disciplinary action. The purpose and authority of the commission is limited to this mission.

The commission does not have jurisdiction to review the legal sufficiency of the judge's rulings. In addition, the commission found no evidence of ethical misconduct and concluded that the judge did not violate the Code in this case. Accordingly, the complaint is dismissed in its entirety, pursuant to Rules 16(a) and 23(a).

Dated: August 30, 2017

FOR THE COMMISSION

/s/ George A. Riemer

George A. Riemer
Executive Director

Copies of this order were distributed to all appropriate persons on August 30, 2017.

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

I understand the commission cannot reverse court orders or assign a new judge to a case.

I declare, under penalty of perjury, that the foregoing information and the facts I have provided upon which my allegations of judicial misconduct are based are true and correct.

Signature: _____

Date: _____

INSTRUCTIONS

Use the following space or plain paper of the same size to explain your complaint. Explain why you believe what the judge did constitutes judicial misconduct. Be specific and list the names, dates, times, and places relevant to your allegations. Additional pages may be used and relevant copies of documents may be sent with your complaint (please do not send original documents). Use one side of each page only and write legibly or type your complaint. Please keep a copy of your complaint for your records.

THIS COMPLAINT IS IN REFERENCE TO JUDICIAL MISCONDUCT BY, William
 JUDGE OF THE COMPLAINANT
 DID ENGAGE IN IMPROPRIETY IN CASE NO. INMANT AVOUSTART JUDGE
 DID ENGAGE IN A CONSPIRACY OF FRAUD UPON THE ADMINISTRATION OF JUSTICE PURSUANT TO A SCHEME TO DEFRAUD A U.S. CITIZEN WHICH IS A CRIMINAL ACT AND IS IN DIRECT VIOLATION OF THE ARIZONA CRIMINAL CODE A.R.S. 13-302, 13-804, 13-1003, 13-2311, 13-2513, 13-2706, 13-2810, 13-2407 AND ARIZONA STATE SUPREME COURT RULE 81 CODES OF JUDICIAL CONDUCT RULES:
 ON litigant in case number the complainant was endorsed as a pro-per by a sharkey thereafter the case was assigned to for all preliminary purposes.
 ON the complainant filed a motion to suppress the evidence pursuant to ARIZ. R. of CRIM. PRO. Rule 16. AND THE STATE PROSECUTOR FILED A REPLY REQUESTING THAT THE MOTION BE DENIED. HOWEVER THE MOTION TO SUPPRESS CONTAINED SUBSTANTIAL MATERIAL FACT WHICH QUESTIONED THE CONSTITUTIONALITY OF THE SEIZING OF THE EVIDENCE WHICH COMPELED THE COURT TO HOLD AN EVIDENTIARY HEARING AND JUDGE [NAME] DID SET AN EVIDENTIARY HEARING FOR [NAME]
 However on said day the complainant suffered a flat tire while on his way to court and was late. upon entry into the court room judge [NAME] questioned the complainant on why he was late and the complainant addressed the court with said reasons. (SEE COURT AUDIO/VIDEO SURVEILLANCE IN COURT ROOM OF JUDGE [NAME])
 ON _____)

JUDGE STATED THAT BECAUSE THE DEFENDANT WAS LATE, THAT THE HEARING WILL BE RESET FOR BECAUSE THERE WAS NOT ENOUGH TIME TO CONDUCT THE HEARING DUE TO CONGESTION OF THE COURT CALENDAR.

ON NO EVIDENTIARY HEARING WAS HELD AND NO WITNESSES WAS IN ATTENDANCE. THE opened WITH ACCUSATIONS ALLEGING THAT THE COMPLAINANT WAS NOT FOLLOWING COURT RULES AND THAT HE HAD DISOBEYED A COURT ORDER.

THE DEFENDANT/COMPLAINANT WAS NOT AWARE OF ANY COURT RULES THAT HE WAS NOT FOLLOWING NOR ANY COURT ORDERS THAT HE MAY HAVE DISOBEYED AND MADE SAID FACTS KNOWN TO THE JUDGE. FURTHERMORE THE DEFENDANT FURTHER CHALLENGED TO ADVISED THE COURT ON EXACTLY WHEN HAD HER ALLEGATIONS OCCURED AND THE STATE HAD NO EXPLANATION AND SAID NOTHING WHEN JUDGE INTERVENED AND STATED:

" I objected.

therefore FOR NO JUSTIFIABLE CAUSE ON THE RECORD, JUDGE TOOK AWAY THE DEFENDANTS CONSTITUTIONAL RIGHTS TO DEFEND HIMSELF IN PERSON, IN VIOLATION OF ARIZONA STATE CONSTITUTION ARTICLE II SUB-SECTION 24 AND THE U.S. CONSTITUTION AMENDMENT VI]

AS FOR THE MOTION TO SUPPRESS THE EVIDENCE? AS OF there has been NO EVIDENTIARY HEARING AND NO RULING ON THE MOTION, THEREFORE THIS FAILURE TO ACT WAS AND IS IN DIRECT VIOLATION OF ARIZONA STATE CONSTITUTION ARTICLE II SUB-SECTION 21 AND ARS. SUP. CT. RULE 81 CODE OF JUDICIAL CONDUCT RULE 1.1, 1.2, 2.2, 2.5. AND 2.7.

THE DEFENDANT/COMPLAINANT DOES HEREBY DECLARE THAT JUDGE DID IN FACT ENGAGE IN IMPROPER EX-PARTE COMMUNICATION WITH PRIOR TO THE HEARING held on and that she/ valid in fact CONSIDER SUCH COMMUNICATION OUTSIDE OF THE PRESENCE OF THE DEFENDANT IN VIOLATION OF THE DEFENDANTS RIGHTS TO DUE PROCESS [ARIZONA STATE CONSTITUTION ARTICLE II SUB-SECTION 4 AND ARS. SUP. CT. RULE 81 RULE 2.9]

ON THE DEFENDANT/COMPLAINANT FILED A MOTION ENTITLED "PURSUANT TO ARIZ. R. OF CRIM. PROC. RULE 11.2. SAID MOTION WAS ADDRESSED BY THE COURT WITHOUT ANY RESPONSE FROM THE STATE WHEREIN JUDGE MADE A RULING ON THE RECORD IN STATING "

" ON JUDGE ORDERED THE DEFENDANT TO PROVIDE STATE PROSECUTORS WITH THE DEFENDANTS MENTAL HEALTH RECORDS BASED ON THE FACT THAT THE DEFENDANT CLAIMS IN HIS NOTICE OF DEFENSES " However, the Defendant FELT

AND HAD FULL REASONS TO BELIEVE THAT SUCH AN ORDER WAS UNCONSTITUTIONAL, UNREASONABLE AND NOT IN KEEPING WITH THE LAW. THE DEFENDANT WAS WILLING TO TURN OVER ALL MENTAL HEALTH RECORDS AS IT PERTAINED TO A

COURT TO ASSIST MENTAL HEALTH EXPERTS IN THE EVALUATION OF THE DEFENDANT'S MENTAL CONDITION AT THE TIME OF THE OFFENSE.

ON JUDGE AGAIN ORDERS THE DEFENDANT TO TURN OVER HIS MENTAL HEALTH RECORDS TO.

THE DEFENDANT FELT THAT THE RECORDS WERE PRIVILEGED AND CONFIDENTIAL RECORDS THAT DID NOT REQUIRE FULL DISCLOSURE AND THAT SUCH AN ORDER WAS IN FACT UNREASONABLE AND OPPRESSIVE.

PURSUANT TO ARIZ. R. OF CRIM. PRO. RULE 11.2 (b) IT CLEARLY STATES:

"

NOT THAT THE RECORDS ARE TO BE GIVEN TO STATE PROSECUTORS!!

IN THE DEFENDANT'S MOTION TO HAVE DEFENDANT'S MENTAL CONDITION EXAMINED IS CLEARLY STATES THAT THE DEFENDANT HAD REASONS TO BELIEVE THAT HE MAY HAVE BEEN SUFFERING FROM A MENTAL DISEASE AT THE TIME OF THE ALLEGED OFFENSE.

JUDGE had previously determined on. THAT THE DEFENDANT'S MOTION WAS NOT A RULE 11 MOTION AND HAD ALREADY DENIED SAID MOTION. CLEARLY THESE ACTS SET THE BASIS FOR IMPROPRIETY IN VIOLATION OF THE DEFENDANT'S RIGHT TO DUE PROCESS, EQUAL PROTECTION UNDER THE LAW AND THE APPEARANCE OF BIAS AND PREJUDICIAL CONDUCT KNOWINGLY, WILLFULLY, RECKLESSLY WITH A WANTON DISREGARD FOR THE ADMINISTRATION OF JUSTICE AND IN DIRECT VIOLATION OF THE U.S. CONSTITUTION AMENDMENT VI AND XIV. [ARIZ. SUP. CT. RULE 81 CJC VII JUDICIAL ETHICS, R 81, CANON 2: RULES 2.2 AND 2.3]

FURTHERMORE THE COMPLAINANT DOES HEREBY DECLARE THAT IT APPEARS THAT JUDGE DID IN FACT ENGAGE IN AND PARTICIPATED IN ACTS OF FRAUD PURSUANT TO A SCHEME TO DEFRAUD WHEN SHE KNOWINGLY PROLONGED CASE NO. WHICH TIME LIMITS FOR TRIAL HAD ALREADY EXPIRED AND ON THE COURT'S OWN INITIATIVE, SHOULD HAVE BEEN. IN AND THAT BY PROLONGING SAID CASE SHE (JUDGE) WAS ABLE TO EXTORT FUNDS FROM THE TAXPAYERS OF THE STATE

OF ARIZONA IN ORDER TO PROVIDE PAYMENT FOR SERVICES RENDERED TO THE FOLLOWING INDIVIDUALS:

As previously Forstated the Defendants RIGHT TO A Fast AND Speedy TRIAL had already expired IN THE TAXPAYERS. This conspiracy to Defraud IS AND WAS IN DIRECT VIOLATION OF A.R.S. 13-2311 OR 13-2108 AND THE (BRAMISION ON JUDICIAL CONDUCT CODE RULES: 1.0, 1.2, 1.3, 2.1, 2.2, 2.3, 2.4. (B) AND 2.13. (A) (2) AND (B). AND 3.11. (3).

The Complainant does hereby declare that there is clear AND CONVINCING PROOF THAT JUDGE DID IN FACT ENGAGE IN IMPROPER ex-parte COMMUNICATIONS WITH whom was APPOINTED by the COURT UNKNOWN TO THE DEFENDANT ON IT should be NOTED THAT UNKNOWN TO THE Defendant on Filed A

even though HE HAD Never met the DEFENDANT NOR HAD HE EVER HAD ANY INTERACTIONS WITH THE DEFENDANT IN THE PAST. NO COPY OF THE MOTION WAS EVER EVEN SERVED UPON THE DEFENDANT! ON DURING A COURT HEARING, THE DEFENDANT QUESTIONED THE COURT ON EXACTLY HOW SAID ATTORNEY WAS ABLE TO FILE ON SOMEONE HE HAD NEVER met before AND STATED ON THE RECORD THAT HE HAD SPOKEN WITH ADVISORY COUNSEL AND BASED ON INFORMATION PROVIDED BY HE WAS COMPELLED TO FILE A MOTION

THE Complainant declares that this was in fact A CONSPIRACY ON PART OF "PROSECUTOR" "TO DENY THE DEFENDANT OF HIS RIGHT TO PROCEED IN CASE IN PROPRIA-PERSONA By DENYING THE DEFENDANT OF HIS RIGHT TO DUE PROCESS HIS RIGHT TO DEFEND HIMSELF AND TO DENY HIM EQUAL PROTECTION OF THE LAW.

ON A; was APPOINTED AS COUNSEL FOR THE DEFENSE AND FROM SAID ATTORNEY failed to COMMUNICATE WITH THE Complainant AND failed to be IN ATTENDANCE AT A meeting TO DISCUSS THE DEFENDANTS CASE of which SHE HERSELF HAD SCHEDULED AND DID IN FACT ENGAGE IN EX-PARTE COMMUNIC

ACTIONS WITH JUDGE, CONVINCING PROOF THAT JUDGE IMPROPER EX-PARTE COMMUNICATIONS WITH AND THAT SHE CONSIDERED SUCH COMMUNICATIONS OUTSIDE OF THE PRESENCE OF THE DEFENDANT AND MADE COURT RULINGS AGAINST THE DEFENDANT BASED ON THAT IMPROPER EX-PARTE COMMUNICATION. [ARIZ. SUP. CT R. 81 RULE 2.9]

IN CASE NO. JUDGE DID IN FACT INTERFERE IN SAID JUDICIAL PROCEEDINGS BY REMOVING AND REPLACING HIM WITH IN ORDER TO DENY THE DEFENDANT OF HIS RIGHT TO PROCEED IN THIS MATTER IN PRO-PER (COURT RECORDS WILL CONFIRM THESE FACTS)

AT THE PRESENT TIME THE DEFENDANT/COMPLAINANTS RIGHTS TO A FAST AND SPEEDY TRIAL HAVE BEEN VIOLATED PURSUANT TO ARIZONA RULES OF CRIMINAL PROCEDURE RULES 8.2 (a), 8.2 (b), 8.2 (c), 8.2 (d), 8.3 (a), 8.3 (b) (2), OR 8.3 (b) (3) IN CASE AND JUDGE HAS NOW EXTENDED THE TRIAL DATE TO COINCIDE WITH CASE IN VIOLATION OF CLEARLY ESTABLISHED LAW AND IN VIOLATION OF ALL THE DEFENDANTS RIGHTS TO DUE PROCESS PURSUANT TO RULE 8.6

THE COMMISSION OF JUDICIAL CONDUCT SHOULD INVESTIGATE THIS FORMAL COMPLAINT AND FIND THAT JUDGE HAS VIOLATED ARIZONA REVISED STATUTES CRIMINAL CODE AS WELL AS THE JUDICIAL CODES OF CONDUCT. I RESPECTFULLY REQUEST PROSECUTION OF FORMAL CHARGES OF JUDICIAL MISCONDUCT AND REMOVAL FROM OFFICE.

FURTHERMORE, I AM NOW GETTING IN TOUCH WITH THE MEDIA AND THIS CASE WILL BECOME A PART OF IT. IF ANY MORE INFORMATION IS NEEDED PLEASE FEEL FREE TO CONTACT ME.

RESPECTFULLY REQUESTED AND SUBMITTED ON THIS day of in the year of. by