

State of Arizona
COMMISSION ON JUDICIAL CONDUCT

Disposition of Complaint 19-150

Judges:

Complainant:

ORDER

August 28, 2019

The Complainant alleged a justice of the peace and a pro tem justice of the peace engaged in patrolling for profit schemes.

The role of the Commission on Judicial Conduct is to impartially determine whether a judicial officer has engaged in conduct that violates the Arizona Code of Judicial Conduct or Article 6.1 of the Arizona Constitution. There must be clear and convincing evidence of such a violation in order for the Commission to take disciplinary action against a judicial officer.

The Commission does not have jurisdiction to overturn, amend, or remand a judicial officer's legal rulings. The Commission reviewed all relevant available information and concluded there was not clear and convincing evidence of ethical misconduct in this matter. The complaint is therefore dismissed pursuant to Rules 16(a) and 23(a).

Commission member George H. Foster, Jr. did not participate in the consideration of this matter.

Copies of this order were distributed to all appropriate persons on August 28, 2019.

Comp

2019-150

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

Subject: Complaint for denial of due process, patrolling for profits, deprivation of rights under the color of law.

To Whom It May Concern:

I am contacting your office both to secure protection of my rights, and out of concern for general public welfare. On [redacted] I received a traffic citation from Officer [redacted] for no registration. On [redacted] I filed a motion to dismiss with prejudice. The complaint the officer filed did not qualify as a valid complaint. Therefore the court could not have subject matter jurisdiction.

On [redacted] I filed another motion to dismiss for failure to state a cause of action for which relief can be granted. Oddly, Judge [redacted] finds no relationship between the cases cited and states they are not applicable. Shapiro v. Thompson, 394 U.S. 618 (1969), a Supreme Court decision that helped to establish a fundamental "right to travel" in U.S. law. All Supreme Court cases cited in this motion, but some how not applicable in [redacted] court.

I appeared before Judge [redacted] to contest the citation. Officer [redacted] statement was true and correct. When asked to give the simple definition of a motor vehicle she required assistance. When asked how the motor vehicle code applied to me she could not explain. Officer [redacted] failed to meet Arizona Rule of evidence Rule 602, "a witness may testify to a matter only if evidence is introduced sufficient to support a finding that the witness has personal knowledge of the matter".

If [redacted] law enforcement officer does not understand how a motor vehicle code applies to the public, they cannot determine if a law as been violated.

On [redacted] I was cited for speed not reasonable/prudent by Officer [redacted]
On [redacted] I filed a motion for discovery and a motion to strike/dismiss and request for full finding of fact and conclusions of law.
I appeared before Judge [redacted] on [redacted] During questioning of Officer [redacted] I asked him why he did not provide the evidence requested in the motion for

discovery. He replied, ' _____ ', I told Judge _____ I could not properly defend myself without the information.

Officer _____ filed an invalid complaint, and presented no evidence of wrong doing at the hearing. Officer _____ also could not explain how or why the Motor Vehicle Code he claims I violated applied to me. Officer _____ also failed to meet Arizona Rule of evidence Rule 602. Officer _____ nor the plaintiff did not have standing to complain. Judge _____ did not have any jurisdiction to move forward. I was found guilty (responsible) for a traffic violation with an invalid complaint and without providing any of the requested discovery.

More recently I was stopped on while travelling to _____ on _____ Earlier in the trip I noticed the license plate on my trailer was coming loose.

When the officer inquired I explained to him what had occurred. He also asked for the registration and insurance on the truck and trailer. I presented my insurance card and registration for the truck. The trailer is a permanent plate, and is insured when attached to the truck (Delaware v. Prouse. ... Delaware v. Prouse, 440 U.S. 648 (1979), was a United States Supreme Court case in which the Court held that police may not stop motorists without any reasonable suspicion of a crime (traffic infractions are not crimes), to check their driver's license and auto registration. It is constitutionally impermissible and violates the Fourth and Fourteenth Amendments to the United States Constitution). I was unable to keep my _____ court date and notified the court in a letter dated _____ When I returned to _____ I contacted the court and was told to send a copy of the trailer registration on the court website. I now have received notice that my license is suspended and I owe _____ in fines. ("No State government entity has the power to allow or deny passage on the highways, byways, nor waterways... Travel is not a privilege requiring licensing, vehicle registration, or forced insurances.") (Chicago Coach Co. v. City of Chicago, 337 Ill. 200, 169 N.E. 22).

These acts are in violation of the courts own rules of evidence, and judicial canons;

Both judge and staff must observe high standards of conduct upholding the integrity of the judiciary and must avoid conflicts of interest and the appearance of impropriety

RULE 1.1 Compliance with the Law

(A) A judicial employee shall comply with the law.

RULE 1.2 Promoting Confidence in the Judiciary A judicial employee shall act at all times in a manner that promotes public confidence in the independence, integrity, and impartiality of the judiciary, and shall avoid impropriety and the appearance of impropriety.

RULE 1.3 Abuse of Position Judicial employees shall not use or attempt to use their positions for personal gain or to secure special privileges (jurisdiction) or exemptions for themselves or any other person.

RULE 2.1 Giving Priority to Ethical Duties A court employee shall regard the ethical duties provided in this code of conduct as having the highest priority.

RULE 2.2 Impartiality and Fairness A judicial employee shall perform court duties fairly and impartially.

RULE 2.5 Competence (the ability to do something successfully or efficiently), Diligence (in a way that shows care and conscientiousness in one's work or duties), and Cooperation (the process of working together to the same end)

(A) A judicial employee shall perform court duties competently, diligently, and promptly.

These acts are also in violation of Title 42, section 1983, Deprivation of rights under the color of law and many Supreme Court decisions regarding the right to travel.

Title 18, U.S.C., Section 241 Conspiracy Against Rights

Title 18, U.S.C., Section 242, Whoever, under color of any law, or statute, willfully subjects any person in any State, Territory, Commonwealth, Possession, or District to the deprivation of any rights, privileges, or immunities secured or protected by the Constitution or laws of the United States, or to different punishments, pains, or penalties, on account of such person being an alien, or by reason of his color, or race, than are prescribed for the punishment of citizens, shall be fined under this title or imprisoned not more than one year, or both.

The officers and judges have knowingly, willfully participated in fraudulent schemes to deprive me of my right to travel on public roads. The officers and judges have knowingly, willfully participated in patrolling for profit scheme. The patrol officer writes the invalid complaint for something he *believes* has been violated by the defendant. When the office appears in court and cannot articulate how the A.R.S. applies to the defendant, or does not present evidence, the judge finds the defendant guilty (responsible) and collects money (in the form of a fine).

13-2310 Fraudulent schemes and artifices; classification; definition

E. For the purposes of this section, "scheme or artifice to defraud" includes a scheme or artifice to deprive a person of the intangible right of honest services.

13-2311 Fraudulent schemes and practices; willful concealment; classification

A. Notwithstanding any provision of the law to the contrary, in any matter related to the business conducted by any department or agency of this state

or any political subdivision thereof, any person who, pursuant to a scheme or artifice to defraud or deceive, knowingly falsifies, conceals or covers up a material fact by any trick, scheme or device or makes or uses any false writing or document knowing such writing or document contains any false, fictitious or fraudulent statement or entry is guilty of a class 5 felony.

ARIZONA STATE CONSTITUTION ARTICLE II § 3. Supreme law of the land
Section 3. A. The Constitution of the United States is the supreme law of the land to which all government, state and federal, is subject.

When the Supreme Court makes a decision, it overrules any state or local statute, code or rule period. The Arizona Constitution contains no grant of power to take away my right to use the public road for any reason– and such a grant would violate the privileges and immunities clause. The actions of these state and local public employees are clearly in violation of the Constitution and Supreme Court decisions. Judicial and law enforcement officers have a fiduciary duty, they have sworn an oath of office. Their actions are the definition of treason (the crime of betraying one's country (men)).

This not only affects myself but the general public. A complaint will also be filed with the

Respectfully,

Cc: