

INJUSTICE:

On October 10, 2013, I was informed the information below is not evidence of misconduct. Based upon facts, the following is a total miscarriage of justice and malicious prosecution of my constitutional rights. The court has already demonstrated a pattern of bias and contempt towards me with abuse within the system. The judge violated the Code of Judicial Conduct Canon 2 & Canon 3 with his biased behavior and derogatory comments.

The adult witness, who was legally summonsed twice, failed to appear at both September and October 2012 court hearings with no repercussions by the judge. This is in violation of my Sixth Amendment right.

The father of the witness, a former Massachusetts State Trooper tried to intimidate my attorney by telling him, "Why don't you drop the case and let it go, it would be in your best interest not to go forward with it. I'm going to call the DA." The father interfered with the witness appearing at both September and October 2012 court hearings. There were no repercussions by the judge for this action. (Witness tampering)

The father of the witness spoke to the ADA on behalf of the witness because the adult witness, who was legally summonsed twice, didn't want to appear in court. It's illegal for another person to speak on a witness's behalf.

My attorney explained to the judge she recanted her statement on a notarized affidavit. The judge throws his arms in the air, leans back in his chair and says, "Stop, you're assuming that I'll believe what she has to say".... My attorney said, "It was notarized in front of a notary!" The judge said, "OOH, so I guess that makes it true then? He then commented, "Do you think I just fell off the turnip truck?" His demeanor became agitated. "I've never seen a false affidavit before, have you?" he directed to my attorney. My attorney responded, "Yes" to him, receiving a sharp response from the judge stating, "I bet you have, I don't mean that personally (in an undertone and with apology)."

Judge refused to believe that a notarized affidavit is true and says that it's just acknowledgement of her signature, not sworn under oath.

The judge did not follow through with a court agreement from the September 25, 2012 court hearing. The court agreed if the witness didn't appear for a second time, then a bench warrant would be issued. The ADA stated, "The witness was contacted by the private investigator extensively and is afraid of the private investigator and the defendant." The judge never asked the ADA for any proof of this accusation and totally ignored the fact that the witness made contact with me twice prior to my court date. The judge didn't allow my adult witness, who was legally summonsed twice, to be present for cross examination to prove my innocence. The judge then denied a continuance date and motion for a new trial based on hearsay by the ADA which is inadmissible in court. This ruling by the judge violates my Sixth and Fourteenth Amendment rights as a citizen in the United States.

The October 23, 2012 official audio recorded courtroom proceeding was tampered with, bias and prejudicial statements by the judge during this court room procedure were deleted from the recording by the court. Five witnesses will testify to what they heard at the hearing. (Tampering with evidence)

The witness recanted her story in the year 2004 that a certain crime she witnessed in December 2000 never occurred. Anyone who gives false information to have someone arrested has committed Tort of Malicious Prosecution.

My attorney was going to represent me in an appeal for the October 2012 court hearing, but withdrew his legal service due to a threat directed to him by the motion judge in his memorandum.

Memorandum and Order (Note: This is **NOT** how the judge ruled at the October 23, 2012 court hearing.

Judge writes in his memorandum, Flores admitted he had been to the apartment but was “civil.” **Not withstanding this**, Flores pled guilty on December 20, 2000 when the judge accepted and agreed upon recommendation of two years in the House of Correction with 19 days deemed served.”

Judge writes one of the motions my attorney filed which stated, “With respect to the guilty pleas that I tendered on December 20, 2000, that morning my attorney came to me in the lock up area and told me that I should plead guilty. I told the attorney that I would not plead guilty to offenses I did not commit. A short time later the attorney returned and told me that if I signed a “release” I would be released from custody that day and would be home for the holidays. At no time did this attorney tell me that signing the “release” I was actually pleading guilty. Had I been told this “release” was actually a tender of plea form I would not have signed it and would not have pled guilty.” The judge states, **“The statement quoted above is so blatantly false that it should be the subject of a perjury complaint if it can be proved the defendant signed the affidavit. Because the signing of the affidavit would be a criminal act itself, evidence from the attorney on the provenance of the affidavit would not be subject to a claim of privilege.”**

Judge writes, **“The green sheet is unmistakably what it purports to be, to anyone who is not utterly illiterate.**

The judge threatens me with perjury and my attorney with professional conduct but doesn’t acknowledge the statement made by the ADA, “She feels the witness should be appointed legal council because she strongly believes the witness will perjure herself.”

Its very interesting the judge mentions me signing the affidavit is a criminal act, **BUT the signing of the affidavit by the witness was just an acknowledgment of her signature and not sworn under oath.**

The judge FAILED to mention that the December 20, 2000 court docket was defective. The judge did **NOT** check the box “Waiver of jury trial found after colloquy” and the “release” was signed incorrectly by the attorney and myself. **Anything signed incorrectly is invalid. It’s obvious I didn’t know what I was signing and didn’t receive a plea colloquy.**

Judge writes, “According to the affidavit and brief, count charged a violation of C266 S12, not supported by evidence.” Reading of the complaint, itself, shows charged violation of C266 S127. **Judge never requested any evidence to prove otherwise.**

Judge writes, “NO FURTHER MOTION FOR NEW TRIAL IS TO BE ACCEPTED FOR FILING WITHOUT PRIOR REVIEW AND APPROVAL BY A JUDGE.”

Important Questions:

- 1) If the court didn’t do or say anything wrong, then why was two statements deleted from the courtroom recording?
- 2) If the court did no wrong doing... Then why a new policy change regarding rules and discipline in the clerk’s office, which took place the same time my complaint ruling was released from the judicial committee?
- 3) Why was the individual who created courtroom recordings stripped of that duty during this policy change and the job was reassigned to a different employee of the clerk’s office, which took place the same time my complaint ruling was released from the judicial committee?
- 4) The big question is... If this happened to Mr. Flores, then how many others has this happen to? How many more courtroom recordings were tampered with?
- 5) How can an adult witness, who was legally summonsed twice, refuse to appear at both court hearings with no repercussions by the judge?
- 6) What happened to being able to have a witness present to prove your innocence?
- 7) What happened to the hearing I was granted for a new trial?
- 8) How can an adult witness, who was legally summonsed twice, have their father go to court and speak on their behalf?
- 9) Hearsay is inadmissible in court. How can the judge throw the case out based on hearsay from the ADA, with out asking for proof of the accusations made?
- 10) What happened to being able to present evidence to prove your innocence?

11) Why wasn't I allowed to have my opportunity to speak?

12) Why do we have a Notary Public if a notarized affidavit is inadmissible in court?

Keep in mind this is the same judge who got reprimanded August 2012 for misconduct. All facts can be proven true with compelling evidence such as court documents, motions, police reports, sworn affidavits, memorandums, and court hearing transcripts. If you can't go to our court for justice, where can you go?