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CLERK SUPREME COURT

August 27, 2024

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State Bar of Arizona

BAR COMPLAINT

Against Maricopa County Attorney Rachel Mitchell:

The address for Rachel Mitchell, is:

Maricopa County Attorney
225 West Madison Street
Phoenix, Arizona 85003

This complaint is for the following charges, now stated:

Her violation of ER Rules 1.1, 8.4 and 3.8(h) of the Rules of Professional Conduct.

It is alleged that Rachel Mitchell failed her sworn duty to obey the above rules, which resulted in the failure of her office to properly and fully vindicate Mr. Samuel P. Chamberlain, as to rectifying his false criminal plea / conviction, which occurred on Sep. 1, 2015, in Maricopa County Superior Court Case No. CR 2014 001846, due to false law wrongfully mandated by Rachel Mitchell.

Mr. Chamberlain is entitled to receive this relief, with full assistance from George M. Papa, as per the U. S. Sixth Amendment. However, a complaint can come from any source, including from this authorized source.

As per Arizona Supreme Court Rule 32, this complaint must be submitted to the State Bar of Arizona for full disposition. However, due to other contravening circumstances, which include civil rights violations for Mr. Samuel Phillip Chamberlain, which involve uncontrolled police brutality, this complaint is also filed to the Department of Justice, in Washington D. C. See: attached reference.

Above Rule 1.1 of the ER Rules of Professional Conduct states as follows:

ER 1.1 Competence

A lawyer shall provide competent representation to a client. Competent representation requires the legal knowledge, skill, thoroughness and preparation reasonably necessary for the representation. (Here the "client" is all of Maricopa County, who depends upon Rachel Mitchell to maintain law and order.)

Comment

Legal Knowledge and Skill

[1] In determining whether a lawyer employs the requisite knowledge and skill in a particular matter, relevant factors include... the lawyer's general experience, the lawyer's training and experience in the field in question. Expertise in a particular field of law may be required in some circumstances.

Thoroughness and Preparation

[5] Competent handling of a particular matter includes inquiry into and analysis of the factual and legal elements of the problem. It also includes adequate preparation. The required attention and preparation are determined in part by what is at stake.

Maintaining Competence

[6] To maintain the requisite knowledge and skill, a lawyer should keep abreast of **changes in the law and its practice** (Emphasis added).

ER Rule 8.4 demands as follows:

ER 8.4 Misconduct

It is professional misconduct for a lawyer to:

- (a) Violate or attempt to violate the Rules of Professional Conduct;
- (b) Inapplicable (Involves criminal acts, which are not at issue here.)
- (c) Engage in conduct involving dishonesty, fraud, deceit or misrepresentation;
- (d) Engage in conduct that is **prejudicial to the administration of justice**;
- (e) **Achieve results** by means that violate the **Rules of Professional Conduct or other law**.

Comment

[AMENDED EFFECTIVE DECEMBER 1, 2002] "Many kinds of illegal conduct reflect adversely on fitness to practice law, such as offenses involving fraud. Offenses involving serious interference with the administration of justice are in that category. A pattern of repeated offenses, even one of minor significance when considered separately, can indicate indifference to legal obligation."

ER Rule 3.8(h) demands as follows:

ER 3.8(h) Special Responsibilities of a Prosecutor

The prosecutor in a criminal case shall:

(h) When a prosecutor knows of clear and convincing evidence establishing that a defendant in the prosecutor's jurisdiction was convicted of an offense that the defendant did not commit, the prosecutor **shall take** appropriate steps, including giving notice to the victim, to set aside the conviction.

COMMENT

[1] A prosecutor has the responsibility of a minister of justice and not simply that of an advocate. This responsibility carries with it specific obligations to see that the defendant is accorded procedural justice, that guilt is decided upon the basis of sufficient evidence, and that special precautions are taken to **prevent** and to **rectify** the conviction of innocent persons. (Emphasis added)

EVIDENCE

The primary evidence for the justification of this complaint is twofold: (1) is the overall public performance of Rachel Mitchel, and (2) is the **Exhibit Index**, "A" through "P" attached to this complaint.

Exhibit "J" is a letter hand-delivered to Rachel Mitchell, which establishes that Rachel Mitchell wrongfully refuses to prosecute police officers who disobey their required local police protocol rules, and they illegally shoot innocent persons, such as Sam Chamberlain, and these police are never held accountable.

This letter also explains why Mr. Samuel P. Chamberlain (Sam), who was wrongfully forced into a false plea agreement by MCAO, should be immediately vindicated of the false charges that were proffered against him by MCAO in the first place. These charges claimed that Sam assaulted three police officers, but instead, it was the shooting police who assaulted Sam. This misconduct by MCAO is very common and customary, and is contrary to ER Rules 1.1, 8.4 and 3.8(h).

POINT BY POINT SPECIFIC COMPLAINT

1. Rachel Mitchell habitually violates ER 1.1, which is that all lawyers are required to have competent legal knowledge and skill as to their performance for their client. What is at stake is **HUGE**, i.e., thousands of wrongful deaths.

In this case, the client(s) of Rachel Mitchell, who is the current Maricopa County Attorney, are all of the citizens of Maricopa County, who depend upon Rachel Mitchell to maintain true law and order. However, it is now established that Rachel Mitchell fails to do this duty, so she must be held accountable.

Specifically, Rachel Mitchel is oblivious that the U. S. Supreme Court case known as *Graham v. Connor* (1989), has been stricken and is overturned by the U. S. Supreme Court case known as *Johnson v. U. S.* (2015). **The law has changed.** However, Rachell Mitchell, AZPOST, MPD, etc., continue to deploy false law.

Ariz. statutes like §§ 13-105.24, 12-105.32, 13-404, 13-405, 13-406, 13-409 and 13-410 are also stricken by the above *Johnson* case. These false Ariz. statutes grant false "legal protection" for officers, who wrongfully shoot innocent citizens.

To make very clear that Rachel Mitchell knows that *Graham v. Connor* has been stricken, as being unconstitutional, the reason is now copied from the letter dated July 1, 2024, which was hand-delivered to Rachel Mitchel, but was ignored:

In 1984, in North Carolina, a cop named Connor beat up a citizen named Graham. Graham brought suit in Federal District Court for damages. That Court, and the 4th Circuit Appellate Court, both ruled in favor of police officer Connor.

Each of these acquittals cited the "Substantive Due Process Standard," which inquires *inter alia* as to whether the police force was applied in good faith to maintain discipline, or, was sadistically applied to cause harm. The lower courts ruled that the officer acted in good faith, based upon his "reasonable suspicion."

Graham, a diabetic, had asked his friend, Berry, to drive him to a convenience store to purchase orange juice to counteract the onset of an insulin reaction. Upon entering the store, and seeing a long line of people ahead of him, Graham ran out and asked Berry to drive him to a friend's house instead.

Connor, a police officer, became suspicious upon seeing Graham quickly enter and leave the store. Connor ordered the pair to wait while he found out what happened inside the store. Backup officers handcuffed Graham and ignored his explanation for need of treatment. Graham sustained multiple injuries, including a broken foot, multiple cuts and bruises, plus an injured shoulder. Word came that nothing was wrong inside the store, so Graham was released.

The U. S. Supreme Court granted certiorari and ruled that officer Connor wrongfully injured Graham; reversed the two lower courts and remanded back to the 4th Circuit Court for correction to be **not** under the original "Substantive Due Process Standard," but to be re-determined, under the Fourth Amendment's "Objective Reasonableness Standard." This equally false basis was the mistake of the century! Both standards are hopelessly subjunctive! And the Supreme Court even said so! *See:* below:

The U. S. Supreme Court's finding of police brutality and for damage recovery from the police was correct. However, that Supreme Court's choice of basis was false, which should have been under the 5th Amendment, which is void of all the subjunctive factors found in both the Objective Reasonableness Standard and also in the Substantive Due Process Standard. Both of these standards are vague and unconstitutional! The false *Graham v. Connor* opinion is now quoted to show its unconstitutionality:

"Today we hold that all claims that law enforcement officers have used excessive force – deadly or not – in the course of an arrest, investigatory stop, or other seizure of a free citizen should be analyzed under the Fourth Amendment and its

“reasonableness” standard, rather than under a “substantive due process” approach. Because the Fourth Amendment provides an explicit source of constitutional protection against this sort of intrusive governmental conduct, that Amendment, not the more generalized notion of “substantive due process,” must be the guide for analyzing these claims.”

Answer: this is false reasoning, yet the High Court continues:

“Because the test of reasonableness under the 4th Amendment **is not capable of precise definition**, its proper application requires careful attention to the facts and circumstances of each particular case, including the severity of the crime at issue, whether the suspect poses an immediate threat to the safety of the officers or others, and whether he is actively resisting arrest or attempting to evade arrest by flight.”

Answer – all of these “reasons” are vague and subjective whim! Which varies widely from officer to officer! The U. S. Supreme Court was very amiss, but nevertheless it continues:

“The “**reasonableness**” of a particular use of force must be judged from the perspective of a **reasonable** officer on the scene, rather than with the 20/20 vision of hindsight.”

Answer – this is nonsense! Every officer differs as to perspective and is biased to favor himself! *Graham v. Connor* now continues:

“The calculus of reasonableness must embody allowance for the fact that police officers are often forced to make split-second judgments – in circumstances that are tense, uncertain, and rapidly evolving about the amount of force that is necessary in a particular situation.” (Wow)

All of this is vague, subjective and unconstitutional! Twenty-six years later it was reversed by *Johnson v. U. S.* (2015), now quoted:

“The Fifth Amendment provides that “[n]o person shall... be deprived of life, liberty, or property, without **due process of law**.” Our cases establish that the Government violates the guarantee by taking away someone’s life, liberty, or property under a criminal law so vague that it fails to give ordinary people fair notice of the conduct it punishes, or so standardless that it invites arbitrary enforcement. *Kolender v. Lawson*, 461 U.S. 352, 357-358 (1983). The prohibition of vagueness in criminal statutes “is a well-recognized requirement, consonant alike with ordinary notions of fair play and the settled rules of law,” and a statute that flouts it

“violates the first essential of due process.” *Connally v. General Constr.* 269 U. S.385, 391. These principles apply not only to statutes defining elements of crimes, but to statutes fixing sentences. *U.S. v. Batchelder*, 442 U.S. 114, 123 (1979).”

Papa is the single one who discovered this correction! *Johnson v. U. S.* is the retroactive new law, since before 2015, which only George Papa has identified for Arizona and the nation. However, *Graham v. Connor* continues to prevail in error. Not only did *Graham v. Connor* get reversed, but Arizona statutes like A.R.S. §§ 13-105.32, 13.105.24, 13-404, 13-405, 13-406, 13-409 and 13-410 got terminated too!

The below Cano case is only one of many false decisions by Rachel Mitchell, who fails to determine the fault of police officers based upon the true law of *Johnson v. U. S.*, rather than to continue with the old and false law of *Graham v. Connor*, plus false A.R.S. § 13-410, etc. All of this false *Graham v. Connor* law is illegal and void.

Seventeen-year-old Anthony Cano was fatally shot by Chandler officer Chase Bebak-Miller on Jan. 2, 2021. The officer tried to stop Cano for riding a bicycle in and out of traffic without a headlight. Cano fled and was shot by the cop. Rachel Mitchell then falsely ruled as follows, not just in this case but in all other similar cases too, like Sam, where an officer simply shoots due to his own notion of fear, etc.

“In *Graham v. Connor*, the U. S. Supreme Court instructs us that the reasonableness of a particular use of force must be judged by a reasonable officer on the scene, rather than with the 20/20 vision of hindsight.” After an analysis of all these factors, I have determined that the actions of Officer Chase Bebak-Miller did not violate criminal statutes (like stricken A.R.S § 13-410, which wrongfully stays on the books) and this office will not be filing criminal charges in this matter.”

“That second shot is hard to watch but based on his (Bebak-Miller) explanation of it, that **...he thought...** that he was still in imminent danger, **...that is the crux of the decision.**” Mitchell said.

Answer: All of this is vague and standardless whim! First, no such precise “reasonable 20-20 hindsight” exists! Second, it does not matter how “scared” an officer is. All that matters is if the police obey their true police rules. See: the U.S. Supreme Court in *Tennessee v. Garner* (1985), which is now quoted:

The fact is that a majority of police departments in this country have forbidden the use of deadly force against nonviolent

suspects. [T]he long-term movement has been away from the rule that deadly force may be used against any fleeing felon... This trend is more evident and impressive when viewed in light of the policies adopted by the police departments themselves. Overwhelmingly, these are more restrictive than the common law rule.

RECAP

Rachel Mitchell continues to falsely cling to and to espouse false law, to the detriment of Sam Chamberlain and to the detriment of all of Maricopa County, which is especially contrary to ER Rule 1.1, which cannot be refuted or denied.

This defiance of the true law, via the governing rule of *Johnson v. U. S.*, expressly violates ER Rule 8.4 *Misconduct*, in that it is professional **misconduct** for a lawyer to: (2) Engage in conduct involving fraud, deceit or misrepresentation; (3) Engage in conduct that is **prejudicial to the administration of justice**; and (4) **Achieve results** by means that violate the **Rules of Professional Conduct or other law**, such as the U. S. High Court edict of *Johnson v. U. S.*

In other words, by this misconduct of Maricopa County Attorney Rachel Mitchell, police officers under her watch are *de facto* encouraged, condoned and allowed to disregard their required true police rules of constitutional protocol.

Instead, the police are free shoot, kill, maim, harm and injure innocent citizens – such as Sam – who have broken no law, and yet they are subject to death and destruction, simply because some errant police officer whimsically deems that he is “in fear for his life”, which has been ruled by the U. S. High Court to be vague, standardless, inconsistent, without due process and is unconstitutional.

This malady has been presented before, by ABC15 News, clear back on June 22, 2022, but was ignored without action or response from Rachel Mitchell. *See*: Exhibit “Q” attached, entitled: **“Imbalance of Justice: Confusion, contention about police assault cases.** This article states as follows:

The ABC15 Investigators pulled dozens of court files looking for cases from 2020 and 2021 where people were charged with aggravated assault with a deadly weapon against an officer. Nearly all of the cases involved the allegation that one or more officers felt threatened, but none were actually injured. The other circumstances and alleged weapons varied widely including vehicles, guns, a machete, a set of handcuffs, and even a shard of a glass bottle. ABC15 sent questions about seven of these cases to the county attorney’s office asking about disparities in charging decisions. Mitchell has a prosecution integrity unit that reviews cases for fairness, and ABC15 will let you know when we hear back on the seven cases

Note, the case of Sam Chamberlain is now added to this list.

The **single** determining factor, as to whether or not any suspect is innocent, or the police are guilty, as to any question regarding excessive use of any police force, is strictly and exclusively whether or not the police obeyed their required police protocol rules.

Here is the very long list of police rules, which the Mesa police did not obey. These are the true, correct and constitutional MPD rules, which were in effect when Sam was shot. These true and constitutional rules are known as **Barricade / Hostage Response ADM 311**, effective April 05, 2012, as constitutionally approved by NIMS and NRF, which do not approve of any *Graham v. Connor* rules.

DEFINITIONS

- **Barricade Situation:** A situation where a barricaded suspect has seized or is believed to have asserted control of a structure, vehicle or contained open-air space, and is refusing to submit to lawful police custody. (**This was Sam's case**)
- **Barricade Suspect:** A person who is refusing to submit to lawful police custody and has asserted control over a stronghold. A barricaded suspect may be armed or unarmed, with or without hostages. (**This was the case here. Sam had simply ignored police orders to surrender into custody due to epilepsy**)
- **Contained Open Air Space:** A space that is secured by police in a manner that significantly reduces the suspects opportunity to escape. (**This was the case**)
- **Suicidal/EDP (Emotionally Disturbed Person) Barricade:** A barricaded suspect who might not necessarily be wanted for a crime, but needs to be taken into custody **due to issues** related to **his/her welfare**. (**This was Sam's case**)
- **Rapid Deployment Scenario:** A situation where swift and immediate law enforcement action is necessary to respond to an **on-going, life-threatening** situation because the suspect **is actively engaged** in conduct likely to result in death or serious physical injury to innocent persons or officers. This tactic is dangerous and is reserved for situations where the barricaded suspect is in a multiple victim location, such as a school or mall, etc., which contains groups of people, and a delayed response will likely result in death or serious physical injury to innocent persons. (**Not the case here**).
- **Multiple Victim Location:** An incident location with groups of people such as schools, churches, stadiums, movie theaters, etc.

Note — Sam **was not** in a crowded school or church. He was not actively shooting or killing people. He was sitting on a curb, behind an empty building. He was non-aggressive and he was only holding a shotgun. **MPS police rules** require the preservation of life and safety for all people, including the suspect, which was **not done**.

- **Communication:** Refers to **establishing dialogue**, whether it is one-way or two-way, between the police and the suspect. (**Not done**, it stopped in minutes).
- **Negotiation:** A formalized approach to **effective** communication that employs various tactics used to convince a suspect that it is in his best interest to surrender peacefully. (**Minimally, then ceased**, the police terminated it within moments)
- **In all barricade situations**, entry (police shooting) into a stronghold is often a high-risk option for the officers, suspect and others. *Absent a Rapid Deployment situation*, officers should only make entry (shoot) after appropriate tactical planning and consideration of other reasonable options, such as TASER or negotiations. (**Not Done**)
- **Absent a Rapid Deployment Scenario**, a supervisor **must approve** of all entries (police shots) in **all** barricade situations. If multiple supervisors are on scene, the approval **must come** from the supervisor in command. (**Not Done**. No official and third-party Command Approval was ever given. The police just began to shoot.)
- **In all barricade situations**, the officer / supervisor **who made the decision to enter** (shoot) must be prepared to articulate why entry (police shooting) was appropriate in light of the circumstances. (**Not Done**)
- **Officers ... SHOULD NOT ...** enter (shoot into) the stronghold solely because the suspect discharges a firearm. (**Not Done**. As per the rules, the police should not have shot, even if Sam shot first, but the officers lost control of themselves.)

OBJECTIVES

Successfully resolve a barricaded suspect situation while minimizing dangers to all persons involved, including the suspect. (**Not Done**, the police injured Sam.)

COMMUNICATIONS WITH A BARRICADED SUSPECT

- **Establish communications** with suspect as soon as possible. (**Not done**. It was wrongfully **terminated** within moments, which harmed Sam.)
- **Instruct the suspect** to put down the weapon if he / she has one. (**Not maintained**. The loudspeaker was terminated as soon as Sam did not comply.)
- **Provide** surrender instructions. (**Minimally** then stopped against the rules)
- **Notify supervisor** of attempt to communicate and the results. (**Not Done**)

- **Make the suspect feel he / she has viable alternatives to taking their own life or the life of another. (Not Done, the police quit their communication and blasted lethal fire on Sam as soon as he did not respond to their commands to surrender)**
- **Do not make an absolute denial of any demands, if possible. (Not Done)**

NEGOTIATIONS

- **If communications are not effective, contact Hostage Negotiators. (Not Done)**
- **A trained Hostage Negotiator should be involved in a decision to meet demands or make concessions. (Not Done. At one point Sam said he wanted to go home, but this opportunity to talk was ignored by the officers, against the rules.)**
- **Hostage Negotiator will use various tactics to convince a suspect or individual in crisis that it is in his best interest to surrender peacefully. (Note Done)**
- **Immediate Action Deployment Tactics ARE NOT a substitute for conventional response tactics to a barricaded gunman. (Ignored and violated)**

RAPID DEPLOYMENT SCENARIO:

- **The subject must be: in a multiple victim location AND actively engaged in life threatening conduct (I.e.: actively shooting, detonating / placing explosives, attacking with an edged weapon). (Ignored and violated)**
- **A firearm discharge within the stronghold alone is not cause for immediate entry (return fire) to protect life, because:**
 - **Discharge may be accidental. (Ignored and violated)**
 - **Suicidal / EDP (Emotionally Disturbed Person) may discharge in order to draw officers into a suicide by cop situation. (Ignored and violated)**
 - **If the suspect discharges a firearm, entry should not be made, unless the other cues that trigger a "Rapid Deployment Response" are present. (Violated)**
- **Tactical Team. The Tactical Team shall be contacted as soon as possible if the barricaded suspect has a deadly weapon or a hostage. (Not Done)**
- **When it is determined the situation cannot be resolved safely, and there is a likelihood of danger or injury to the police, general public or suspect, contact the Tactical Team and Hostage Negotiators for response. (Not Done)**
- **Hostage Negotiators. When communications are not immediately effective (subject does not surrender) contact Hostage Negotiators. (Not Done)**

DUTIES OF RESPONDERS

- ◆ **Determine** if situation is a criminal barricade, suicidal / EDP barricade or a hostage situation. (**Not Done**. Sam showed suicidal / Emotionally Disturbed Person (EDP) characteristics. Note – Sam had a shotgun and he yelled that he wanted to go home. He was lethargic, listless and non-responsive. At one point, Officer Carroll pled with Sam to put down his weapon, but Sam was silent. Officer Carroll asked if Sam could hear or understand him, but Sam did not answer. This indicated to nearby witness George Papa that something was wrong, and it was. Sam was having a seizure.)
- ◆ **Contain Scene**. Establish an inner perimeter to cut off escape routes and prevent others from entering the area. (**This containment was done**. Sam could not leave as he was within the complete “sphere of control” of the police.)
- ◆ **Notify** the supervisor if the officer is going to attempt communication, or if communication is occurring, and the results of the communication. (**Not Done**)
- ◆ **Obtain supervisor approval** for all entries conducted (shots fired by the police) unless the entry is done in the context of a Rapid Deployment situation. (**Not Done**)

SUPERVISOR

- ◆ **Respond to scene**. (**Not Done**, no Patrol Supervisor is mentioned in the police radio traffic and he was not on scene during the event.)
- ◆ **Notify Patrol Lieutenant**. (**Not Done**, the first responding police shot and maimed the suspect with a bullet to his face and hand – without any required permission to shoot from any designated IC Commander to give that permission.)
- ◆ **Establish** an Immediate Action Team. (**Not Done**)
- ◆ **Verify** communication with the suspect is attempted. (**Not Done**)
- ◆ **Request** appropriate resources from available sources. (**Not Done**)
- ◆ **If it is determined** the situation cannot be resolved safely and there is a likelihood of danger or injury to the police, general public, or suspect, request assistance from the Tactical Team. (**Not Done**. Sam was injured against the law.)
- ◆ **Approve all entries** (police shots) conducted by Patrol, unless it is done in the context of a Rapid Deployment Scenario. Absent a Rapid Deployment Scenario, the IC supervisor must be on the scene to provide this approval. (**Not Done**).

PATROL LIEUTENANT

- ◆ **Respond to scene**. (**Not Done**, no Lieutenant was on site during event)
- ◆ **Oversee** communications with the suspect. (**Not Done**, was not present)

• **Evaluate** the need for the Tactical Team. If it is determined the situation cannot be resolved safely and there is a likelihood of danger or injury to the police, general public *or suspect*, a request for the Tactical Team *will be made*. **(Not Done! This rule was critically ignored, as shown in the police calls transcript.)**

NEGOTIATION TEAM LEADER

• **Assume** command of negotiations. Take whatever time is necessary. **(Failed)**

Note – Sgt. Cooper terminated his loud speaker and he and Officer Cooley began to shoot at Sam, who was wounded within 4 minutes and 48 seconds of the police arrival. Neither of these officers had any Official IC approval to fire in this non-Rapid Deployment Scenario. The month before, Officer Cooley shot and killed barricaded Chad Boggle without IC permission. MPD rule failures are rampant.

The radio call transcript between the four responders and the dispatcher shows that no call for the required Incident Commander (IC), or a professional Negotiator (the “Tactical Team”) was ever made, so Sgt. Cooper and Officer Cooley are “At Fault.”

The only outside call was for an AR sniper man to come on scene. See: Radio Traffic Transcript, attached. Against all protocol, the police wrongfully shot, escalated and broke the rules, then lied about it to cover up their blatant misconduct.

WHAT SGT. COOPER SHOULD HAVE DONE, BUT HE FAILED TO DO.

1. He failed to identify and to treat Sam’s condition as a Barricade situation.
2. He failed to minimize harm to all parties, including Sam.
3. He failed to treat Sam as though he might be Suicidal / EPD or Epileptic.
4. He failed to maintain effective communication with Sam.
5. He failed to “back off” and only secure the area, when Sam did not respond.
6. He failed to notify supervisor of Sam’s condition or any true Plan of Action.
7. He failed to call in the necessary Tactical Team, including the IC as required.
8. He failed to call in a negotiator, when Sam did not respond to police orders.
9. He failed to contact the Crises Intervention Trained (CIT) officer.
10. He failed to obtain the necessary supervisor approval before he shot.
11. He failed to notify the Patrol Lieutenant of all initial activity.
12. He failed to control and to properly direct the activity of his fellow officers.

WHAT SGT. COOPER DID, WHICH HE SHOULD NOT HAVE DONE.

1. He fired independent and wonton shots in this "Non-Rapid Deployment Scenario" without any authority to do so by any controlling IC.
2. He fired illegal shots and he allowed illegal shots to be fired by Officer Cooley.

FINAL INFRACTION OF RACHEL MITCHELL

After this mass of judicial incompetence, and persistent failure of Rachel Mitchell to obey the standard ER Rules of Professional Conduct, and standard U. S. Law, there is one more violation that Rachel Mitchell has committed, which is her failure to obey ER Rule 3.8(h), relative to her refusal to officially and effectively vindicate innocent Sam, who was wrongfully convicted of assaulting the police,

Because the police wrongfully claimed "fear for their lives," and because this constitutionally vague and prohibited claim was the key basis for the false grand jury indictment, Sam is innocent, and he must also be repaired as to the damage done to him.

Moreover, MPD Detective John Sharkey used this false "fear for their lives," claim – by the police to the grand jury – in order to gain a false indictment for Sam.

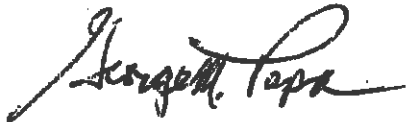
Also, this false whim of "fear for their lives" was the false "Factual Basis," which wrongfully based the false plea, which Sam was illegally induced to accept.

The key and legal consideration is this: since a true "Factual Basis" for Sam's plea is required to make the plea legal, and since the official "Factual Basis" was always false, then the plea itself was always, and still is, completely null and void.

Consequently, Samuel Phillip Chamberlain is fully innocent, and must be made officially innocent, by Maricopa County Attorney Rachel Mitchell, according to ER Rule 3.8(h), or else Rachel Mitchell must be severely disciplined, as per law.

It is only a matter of Maricopa County Attorney, Rachel Mitchell, promptly notifying the jurisdictional Maricopa County Superior Court, to set aside Sam's false conviction, and to also notify the invented police "victims" accordingly, then the matter is taken care of and done away with.

Respectfully submitted,

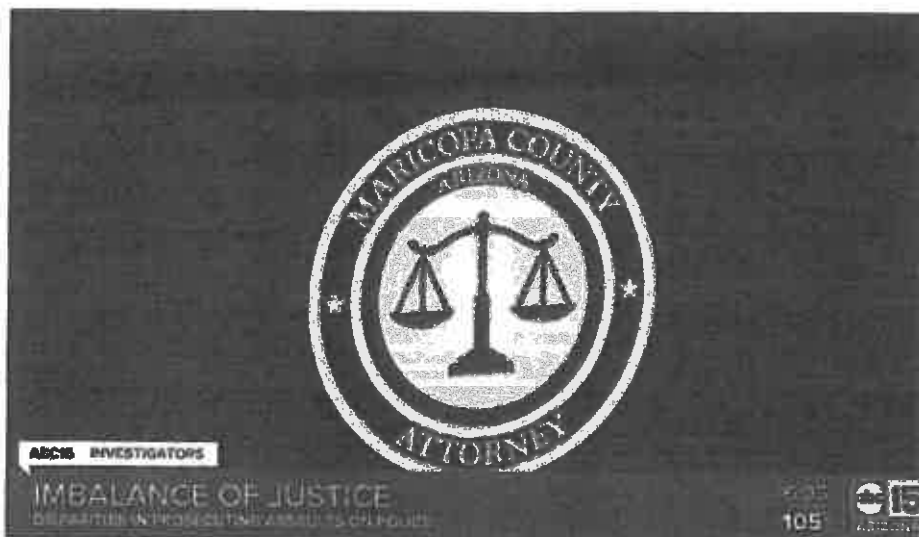


George M. Papa

EXHIBIT "Q"

Imbalance of Justice: Confusion, contention about police assault cases ABC Channel 15 News

After reviewing more than 40 cases alleging assaults against police officers, the ABC15 Investigators are finding more questions about disparities in charging decisions at the Maricopa County Attorney's Office.



By: Melissa Blasius Posted at 8:01 PM, Jun 21, 2022 and last updated 7:50 AM, Jun 22, 2022

PHOENIX — After reviewing more than 40 cases alleging assaults against police officers, the ABC15 Investigators are finding more questions about disparities in charging decisions at the Maricopa County Attorney's Office.

The ABC15 Investigators have been asking new Maricopa County Attorney Rachel Mitchell about when it's appropriate to charge someone with aggravated assault with a deadly weapon against a peace officer. It's a class 2 felony that can send you to prison for a decade or more.

"It's not simply the pointing or brandishing of a gun," Mitchell said. "It has to involve, if there is no injury, the intent to put somebody else in reasonable apprehension of their lives. So you have to prove the intent." Mitchell did not pursue the high-level charge against retired state prison director Charles Ryan.

Ryan, a former top state official, was accused of pointing a gun at Tempe police during a confrontation at his home in January.

But there are questions about how MCAO has used this charge against other people. Earlier this month, the ABC15 Investigators showed you two cases that were charged. The defendants had guns but were not accused of taking aim at officers on the scene.

Also, Mitchell admits at least one case from 2020 was overcharged as a class 2 felony. The case involved a shoplifting suspect who was accused of using a pen as a "dangerous instrument" causing an officer a minor hand injury. "You have shown that for the first time, look, we have a Ducey appointee, who is wealthy and powerful and being treated differently than everybody else," said Julie Gunnigle, a Democrat running for county attorney against Mitchell.

"The public has no faith that there is actually equal justice under the law with the way this office has been operating," Gunnigle said.

Mitchell says she dropped the charge in the pen case, and she's moving to fire the prosecutor from that case, April Sponsel, as part of a larger investigation into mishandling cases.

Another county attorney candidate, Republican Gina Godbehere takes issue with Mitchell's interpretation of the aggravated assault law in these cases. Godbehere said it is causing confusion.

"There are questions with law enforcement," said Godbehere. "There are questions amongst the defense bar and defendants who have had their cases treated differently, and there are questions with the line attorneys at the Maricopa County Attorney's Office."

The ABC15 Investigators pulled dozens of court files looking at cases from 2020 and 2021 where people were charged with aggravated assault with a deadly weapon against an officer. Nearly all the cases involved the allegation that one or more officers felt threatened, but none were actually injured. The other circumstances and alleged weapons varied widely including vehicles, guns, a machete, a set of handcuffs, and even a shard of a glass bottle.

ABC15 sent questions about seven of these cases to the county attorney's office asking about disparities in charging decisions. Mitchell has a prosecution integrity unit that reviews cases for fairness, and ABC15 will let you know when we hear back on the seven cases.

EXHIBIT INDEX

As To Bar Complaint to Arizona Supreme Court Against Rachel Mitchel

Exhibit

"A" = AZPOST Mission. AZPOST stands of Arizona Peace Officer Standards and Training Board. This \$6.1 million budget per year State Agency is required to teach/instruct and also decertify/discipline officers who break the local police protocol rules, which AZPOST failed to do, along with MCAO, under the direction of Rachel Mitchell.

The only reason for this atrocity is the failure of the police to obey the true and constitutional rules of correct police use of force, which AZPOST, MCAO and various cities such as MPD wrongfully cling to. The culprit is *Graham v. Connor* which has been stricken by the U. S. Supreme Court in *Johnson v. U. S.*, but *Graham* prevails in error.

"B" The names of 525 people shot by the police in Arizona over a 7-year period from 2011 to 2018. By investigation, the very vast majority will prove to be improper shootings, which is a direct failure of MCAO, AZPOST and the various municipalities, such as MPD.

"C" False Lesson Plan of AZPOST, which MCAO and MPD falsely condones and practices.

"D" False police rules which are practiced by MPD.

"E" The true former rules that were in effect for the police incident of Sam Chamberlain.

"F" Synopsis of the true police rules in effect for the incident of Mr. Sam Chamberlain.

"G" Eleven-page Pictorial of the Sam Chamberlain event.

"H" False Mesa Police Report re: Sam Chamberlain event.

"I" Three False Reports from MCAO, re: Sam Chamberlain event.

"J" Open Letter to Rachel Mitchel as to her misconduct, plus existing request for relief.

"K" New Complaint to AZPOST and to City of Mesa, after the MCAO determination.

"L" Police radio traffic at scene. Re: the police did not obey their rules and shot first.

"M" Five witness statements that the police shot first, and thus lied about this sequence.

"N" Grand Jury Transcript: the police lied and used false *Graham v. Connor* against Sam.

"O" Confession of MPD Detective John Sharkey that he lied to get a false indictment.

"P" Transcript of Change of Plea Hearing. Sam was forced into a false plea by Judge Brain, who violated Ariz. Code of Jud. Conduct Rules 1.1, 1.2, 2.2, 2.6(A), 2.6 (B), 2.9(B), 2.11(A), 2.16 (B) plus Rules 33.1(f), 33.9(a) and 33.9(b) of the Ariz. R. of Crim. P. I.e. Arizona's grand jury system and the Com. on Jud. Conduct are useless and must be ended.

"Q" ABC Channel News about shocking, massive and stunning Rachel Mitchell failures.

"R" Spectacular ruling by Phoenix Police Dept. that their Sgt. Dupra was "At Fault" for shooting and killing Michelle Cusseaux even though he claimed he "feared for his life!"