

Petitioner: Martin D Lynch
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IN THE SUPREME COURT

STATE OF ARIZONA

NOTICE OF MULTIPLE VIOLATIONS THE OPEN) Supreme Court Number
MEETING LAWS OF THE STATE OF ARIZONA) R-15-0006
AND SUBSEQUENT ACTIONS TO FOLLOW AS)
PRESCRIBED BY ARS TITLE 38 ARTICLE 3.1 AND)
2ND MOTION TO REPLACE BARTON WITH SWANN)

To the Honorable Justices of the Arizona State Supreme Court,

This committee held a "Public Meeting" June 24, 2015 at 10 AM. ABC 15 reporter Angie Holdsworth showed up to cover this event along with another person to operate the television camera. There was an extended discussion about how the court had not been notified 48 hours in advance as required by court rules. Ultimately television coverage of the public meeting was denied on that basis.

As anyone can readily see from the attached Rule 122, this 48 hour restriction has been completely, inappropriately and illegally misapplied to this open meeting of June 24. More importantly, petitioner does not believe that it is reasonable to presume that with all the legal horsepower residing at the Supreme Court, 1501 W Washington, that this merely a bone headed mistake. Indeed, public documents exist that clearly illustrate a pattern of this committee to systematically deny the public's right to know what is going on inside it's government thus violating the constitutional rights of every citizen of Arizona when the freedom of the press has been subverted.

Since the Rule 122 excuse is now kaput, this leaves us with the open meeting laws ARS 38-431 thru ARS 38-431.09. As anyone can plainly see per the attached ARS 38-431.01(F) agents of this court have broken the law which means that any and all remedies provided by these statutes are on the table for the specified prosecutors to discern. One thing is certain, "we the people" will insist on the "do over" provisions in the statutes. Once the public evidence of an ongoing conspiracy to subvert the public's right to know via press coverage becomes known to prosecutors "we the people" will insist that the "do over" provisions apply to the entire proceedings of this committee.

This brings us to the previous motion of June 15 seeking Chief Justice Bales replace Judge Barton with Justice Swann as chair of the committee. It is clear from the revised version of Rule 74, which has nearly been completed by the illegal actions of the secret committee, that no real reforms to protect the people and children of this state are to be forthcoming in the new Rule 74. Instead the committee under Judge Barton has assured all of the corrupt PCs and corrupt Family Court judges that Supreme Court Rule 81, Cannons 1, 2 & 3 Code of Ethics will continue to be violated all over the place. Ethical PCs and ethical Judges see this, and can only wonder "why shouldn't I also indulge myself in this snowstorm of money?" The court must recognize at some point that "We the people" are fed up with thousands of families and children being fleeced and destroyed simply to furnish this criminal syndicate with an endless supply of money. "We the people" will never accept anything other than real reform that provides protection for our families and our innocent children.

As previously stated, the evidence will show that the workings of this committee have been systematically hidden from the public rendering all of the proceedings of this committee void and moot. We will have to start over. This latest stumbling incident of incompetent law breaking presided over by Judge Barton must clearly illustrate the fact that she is no longer an asset to this court or to this community. Judge Barton should resign. Resign or not, Chief Justice Bales has the authority to appoint Justice Swann who has demonstrated himself to have a grasp of this corruption and some idea of how to address it.

The cloak of secrecy has been removed. It is in the best interests of this court and all of the people of the Great State of Arizona to get out in front of this scandal and manage a successful outcome rather than to be run over by it.

Respectfully and Sincerely,

June 26, 2015

Martin Lynch _____

Rule 122. Use of Recording Devices in a CourtroomArizona Revised Statutes Annotated
Rules of the Supreme Court of ArizonaArizona Revised Statutes Annotated
Rules of the Supreme Court of Arizona (Refs & Annos)
XII. Miscellaneous ProvisionsRule 122 does not apply to a Public Meeting in any manner whatsoever. To do so is a violation of the open meeting laws and subject to the subsequent actions and penalties set forth in ARS Title 38 Article 3.1 "Public Meetings and Proceedings"

A.R.S. Sup.Ct.Rules, Rule 122

Rule 122. Use of Recording Devices in a CourtroomCurrentness

(a) Purpose. This rule allows the use of recording devices in a courtroom, subject to specified requirements and limitations. A court must use reasonable means to inform the public of the provisions of this rule.

(b) Definitions. The following definitions apply in this rule. A term defined in the singular includes the plural.

(1) A "camera" is an electronic or mechanical device used to photograph, record, or broadcast still or moving images.

(2) A "courtroom" is an area of a "courthouse," which is defined in Rule 122.1, where a judge conducts a proceeding.

(3) "Cover" and "coverage" refer to a person's use of a recording device during a proceeding.

(4) A "judge" is a judicial officer in an appellate, superior, or limited jurisdiction court presiding over a proceeding.

(5) A "person" includes an individual and any organization except the court.

(6) A "personal audio recorder" is a device used to record audio only, and that is on, held by, or immediately next to, the person who is operating the device.

(7) A "proceeding" is an event concerning a court case that takes place in a courtroom.

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A Public Meeting is not a court case that takes place in a courtroom.

(8) A "recording device" is an electronic or mechanical apparatus and related equipment used to capture and store sound or images, or both, or from which a person can retrieve or broadcast sound or images. A camera, a smart phone, and an audio recorder are examples of recording devices.

(9) A "victim" has the same meaning as set out in Rule 39 of the Rules of Criminal Procedure.

(c) Request to cover a proceeding. Except as provided in paragraphs (h) and (i) of this rule, a person who wishes to use a recording device during a proceeding must submit a written or electronic request to cover the proceeding, as follows.

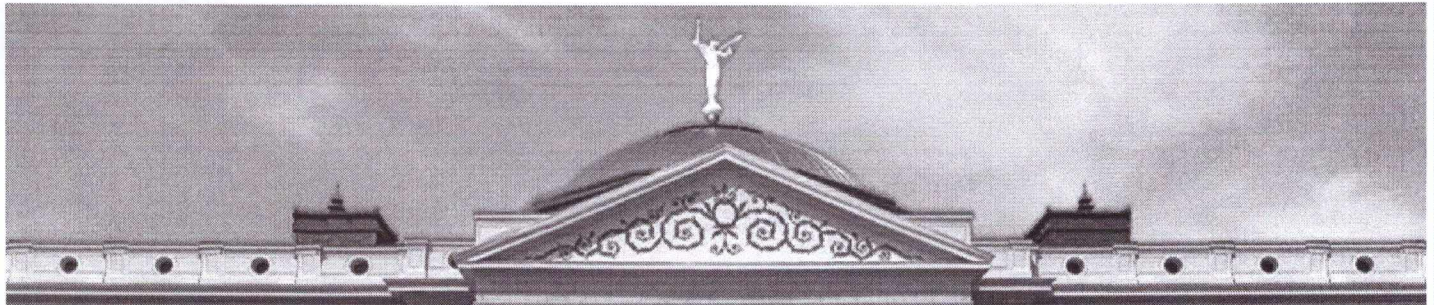
(1) *Requirements for submission of a request.* The person must submit the request to the judge who will conduct the proceeding, or to an office of the court authorized to receive requests under this rule. A person who submits a request to cover a proceeding has standing on the request, but the submission of a request does not confer upon that person the status of a party to the case.

(2) *Time limit for submission of a request.* A person must submit a request sufficiently in advance of the proceeding to allow the judge to consider it in a timely manner.

(A) If the specified proceeding is a trial, a person must submit a request at least seven calendar days before the trial date.

(B) If the proceeding is not a trial, a person must submit a request as soon as possible, and no less than forty-eight hours before the start of the proceeding.

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Fifty-second Legislature - First Regular Session

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38-431.01. Meetings shall be open to the public

A. All meetings of any public body shall be public meetings and all persons so desiring shall be permitted to attend and listen to the deliberations and proceedings. All legal action of public bodies shall occur during a public meeting.

B. All public bodies shall provide for the taking of written minutes or a recording of all their meetings, including executive sessions. For meetings other than executive sessions, such minutes or recording shall include, but not be limited to:

1. The date, time and place of the meeting.
2. The members of the public body recorded as either present or absent.
3. A general description of the matters considered.
4. An accurate description of all legal actions proposed, discussed or taken, and the names of members who propose each motion. The minutes shall also include the names of the persons, as given, making statements or presenting material to the public body and a reference to the legal action about which they made statements or presented material.

C. Minutes of executive sessions shall include items set forth in subsection B, paragraphs 1, 2 and 3 of this section, an accurate description of all instructions given pursuant to section 38-431.03, subsection A, paragraphs 4, 5 and 7 and such other matters as may be deemed appropriate by the public body.

D. The minutes or a recording of a meeting shall be available for public inspection three working days after the meeting except as otherwise specifically provided by this article.

E. A public body of a city or town with a population of more than two thousand five hundred persons shall:

1. Within three working days after a meeting, except for subcommittees and advisory committees, post on its website, if applicable, either:
 - (a) A statement describing the legal actions taken by the public body of the city or town during the meeting.
 - (b) Any recording of the meeting.

2. Within two working days following approval of the minutes, post approved minutes of city or town council meetings on its website, if applicable, except as otherwise specifically provided by this article.

3. Within ten working days after a subcommittee or advisory committee meeting, post on its website, if applicable, either:

- (a) A statement describing legal action, if any.
- (b) A recording of the meeting.

F. All or any part of a public meeting of a public body may be recorded by any person in attendance by means of a tape recorder or camera or any other means of sonic reproduction, provided that there is no active interference with the conduct of the meeting.

G. The secretary of state for state public bodies, the city or town clerk for municipal public bodies and the county clerk for all other local public bodies shall conspicuously post open meeting law materials prepared and approved by the attorney general on their website. A person elected or appointed to a public body shall review the open meeting law materials at least one day before the day that person takes office.

H. A public body may make an open call to the public during a public meeting, subject to reasonable time, place and manner restrictions, to allow individuals to address the public body on any issue within the jurisdiction of the public body. At the conclusion of an open call to the public, individual members of the public body may respond to criticism made by those who have addressed the public body, may ask staff to review a matter or may ask that a matter be put on a future agenda. However, members of the public body shall not discuss or take legal action on matters raised during an open call to the public unless the matters are properly noticed for discussion and legal action.