

State of Arizona  
COMMISSION ON JUDICIAL CONDUCT

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Disposition of Complaint 06-266

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Complainant: No. 1296210285A

Judge: No. 1296210285B

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**ORDER**

The commission reviewed the complaint filed in this matter and found no ethical misconduct on the part of the judge. A judge is not required to disqualify himself or herself from a case merely because the judge signed an underlying search warrant.

The complaint is dismissed pursuant to Rules 16(a) and 23(a).

Dated: November 21, 2006.

FOR THE COMMISSION

/s/ Keith Stott  
Executive Director

Copies of this order were mailed to the complainant and the judge on November 21, 2006.

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

STATE of Arizona  
Plaintiff

vs.

CJC-06-266

Assigned to: Hon.

RE:

Formal Complaint against Judge.  
For willful misconduct and gross negligence  
and conspiring with ATTORNEYS:

To undermine  
The defendant, Right to a  
Fair Trial, showing both bias and Prejudice in  
handling THE defendant case,  
and INFRINGING upon (6) amendment  
Right under THE CONSTITUTION.

TO: THE Honorable Judge.

I am Reporting This Complaint, that it may  
be Reported To THE Appropriate Authority  
with respect TO THE Violation of THE CODE of  
Judicial conduct, under Rule 81. Arizona Code  
of Judicial Conduct.

These Complaints are being Reported in good  
faith.

Judge. has been my Assigned  
Judge For The whole year I have been in The  
Jail.

In all This Time, I did NOT Know That Judge. [ ] was and is The Judge That signed THE Search Warrant, based on The disclosure by THE VICTIMES. . .

(please see. [ ] Sheriff's Department Detail Incident Report, DATED [ ] Incident #: [ ]

on [ ] after reading over [ ] Sheriff's Department Detail Incident Report; (on The incident Judge. [ ], is misspelled. on The Report it is spelled [ ]).

on said date I was made aware of said fact. Judge. [ ], it shows had prior knowledge of THE EVIDENCE that I The defendant:

[ ] has been asking For now For a year; Evidence that I wrote about to Judge. [ ] in letters as my assigned Judge.

Judge. [ ] knew that all The (3) Attorneys Appointed to me by His Court (Judge. [ ]) where ask to withdrawal because The Refusal to obtain This Evidence Through The Court under Rule 15.2 ) Rules of Criminal Procedure (Disclosure). All Attorneys [ ],

And I also filed a Complaint against all said Attorneys with THE State Bar of Arizona, in Phoenix, Arizona. Because of The said matter With Disclosure Evidence. (Received by The Bar on [ ])

Judge. [ ] saw The Conflict between The (3) ATTORNEYS Appointed To me by his COURT over said Evidence and should had disqualified himself under The CODE of JUDICIAL CONDUCT.

Commentary [Canon 3B (7)]

SO STATES.

A Judge must not independently investigate fact in a case AND must consider only the evidence presented.

Judge. [ ] sign THE Search Warrant, based on The disclosure by The victims.

also Judge. [ ] had (3) ATTORNEYS withdrawal over Conflict of said Evidence, that He had prior Knowledge of.

When ATTORNEY [ ], as he withdrawal From my Case ask to put a Motion before The COURT For my Home Computer; Judge. [ ] waved him off, NOT to speak, but The words had already Come out of My ATTORNEY mouth, putting in The Motion, that Judge. [ ] Choose To ignore; because I believe Judge. [ ] knew he could not Rule on That Motion without showing bias and Prejudice.

and if Judge. [ ] Could not Rule on that Motion For said Computer without showing bias and prejudice, then Judge. [ ] should had disqualified himself from my case, Not stay on as my assigned Judge of my case, undermining my Right to a Fair Trial by Law;  
Judge. [ ] actions shows willful misconduct.

"Willful misconduct" by a Judge is graver conduct than the lesser included prejudicial to the administration of Justice."

Matter of Haddad (1981) 128 Ariz. 490. 627 P.2d 221 Judges (Key 11(4))

Commentary [Canon 3B (4)]

also states:

A Judge must perform Judicial duties impartially and fairly. A Judge who manifests bias on any basis in a proceeding impairs the fairness of the proceeding and brings the Judiciary into disrepute.

I have wasted a year of my Life or should I say, "Judge. [ ] wasted; having me fight over evidence that I should had for my defense from the beginning

Evidence that would go to support my defense and NOT the allege victim's accusations.

Judge. [REDACTED], has over the past year frustrated my EVERY attempt to obtain said Evidence. USING His Judicial power to undermine my Right to a fair Trial; also my Speedy Trial Rights where undermined by Judge. [REDACTED] because I could NOT go to Trial without said Evidence, so I was force to Waive Time; because of Judge. [REDACTED] actions and willful misconduct.

Rule 81

Canon 3.

a Judge shall Perform the Duties of Judicial Office Impartially and Diligently

#### B. Adjudicative Responsibilities

(8) A Judge shall dispose of all Judicial matters promptly, efficiently and fairly.

#### E. Disqualification

(1) A Judge shall disqualify himself or herself in a proceeding in which The Judge's impartiality might reasonably be questioned, including but NOT limited to instances where:

(2) The Judge has a personal bias or prejudice concerning a party or a party Lawyer, or personal knowledge of disputed evidentiary facts concerning The proceeding.



## Rule 81

## Canon 3

## D. Disciplinary Responsibilities.

(1) A Judge who has Knowledge or who Receives Reliable information that another Judge has Committed a Violation of This Code shall take or initiate appropriate action.

A Judge who has Knowledge or who receives reliable information that another Judge has Committed a Violation of This Code that raises a substantial question as to The Judge's honesty, Trustworthiness or Fitness as a Judge in other respect shall inform The appropriate authority.

This is why Judge. [REDACTED], I am informing you of This Complaint against Judge. [REDACTED] and will also file with The Commission on Judicial Conduct in Phoenix, Arizona. Sending a copy of This letter with The formal Complaint.

Judge. [REDACTED] was and is The Judge that signed The Search warrant that was served on my Residence on [REDACTED]

AT: [REDACTED]

This search warrant was for my Home Computer; because the alleged victim: [redacted], had said that I had shown her naked pictures of my son [redacted] on said Computer. Picture that have never been found, because they have never existed.

But what did exist on my Home Computer was E-mail, E-mail sent to [redacted] and his wife, also E-mail to [redacted] asking for advice; because my son [redacted] had told me that my wife's stepfather and halfbrother had been touching him "down there" (his words) between his legs and that my son did not wish to be around my wife [redacted], stepfather [redacted] and her half brother [redacted].

any longer and that he did not want to see them anymore. When I tried to speak to my wife about what my son was saying, my wife would get so very upset with me and tell me she did not want to talk about it. So I was seeking advice on what to do; I also went to websites, to see how a child acts after being molested.

This is what was on my Computer's hard drive; Evidence that for a year I had tried to obtain through my lawyers and letters to Judge [redacted] but was always ignored by my lawyers and Judge [redacted].



ALL LETTERS I sent To Judge. [REDACTED] are on  
Record in my Case file, filed through  
[REDACTED] Clerk For The  
SUPERIOR COURT, [REDACTED]

I have not even been given a copy of The  
Search Warrant, That I have been asking  
for since The night of my arrest and I  
have full disclosure Rights under Arizona Law.

Your Honor, it does Not take (1) year OR 8-months  
for all information, pictures, E-mail, ect  
to be downloaded from a Hard drive From  
said Computer, As The prosecution so STATED  
to you, Your Honor on [REDACTED]  
anyone That Knows anything about Computers  
Knows these facts.

They had This Computer, my Home Computer  
Since The night of my arrest on [REDACTED]

NONE of my past Lawyers would put in a  
Motion For This said EVIDENCE, EVIDENCE  
if NOT in disclosure, Could not be brought  
up in Trial. In The END, I The defendant  
[REDACTED] put in The Motion For  
said EVIDENCE on my own behalf before The  
Court. Because I knew I had To bring This  
EVIDENCE To light. Motion was filed [REDACTED]

WITH THE Clerk of THE SUPERIOR COURT, on my own behalf.

A motion that could no longer be ignored, because it was now before THE COURT and filed.

Yet THE COURT admonish me, THE defendant for having my last (3) LAWYERS withdrawal over THE conflict over said EVIDENCE.

And again I do STATE THAT, I have THE RIGHT TO a FAIR TRIAL; with FAIR REPRESENTATION AND Diligence, without prejudice and bias AND gross negligence; NO MATTER THE ACCUSATIONS OR alleged CRIME. AND These RIGHTS where being undermined by Judge. [REDACTED] AND ATTORNEYS

[REDACTED]

THIS Rule of disclosure is known by all Judges and Lawyers, it is in THE ARIZONA REVISED STATUTES, ANNOTATED 17A Rules, (Rules of Evidence) SUPREME COURT RULES.

SO YOUR HONOR I WAS AND STILL AM FIGHTING FOR my CIVIL RIGHT, my RIGHT TO a FAIR TRIAL, my RIGHT TO obtain EVIDENCE FOR my defense. a right that was being frustrated by THE actions of Judge. [REDACTED] AND ATTORNEYS

[REDACTED]

yes Judge. [ ] you did order The Release of said Evidence on [ ], but this order does not Release Judge. [ ] and my past Lawyers From their actions That went to undermine my Right To a fair Trial and denied my speedy Trial Rights, because said Evidence was denied me, Till [ ]

Commentary [Canon 3E (1)]

A Judge should disclose on the record information that The Judge believes the parties or Their Lawyers might Consider Relevant To The question of Disqualification, even if The Judge believes there is no Real basis for disqualification.

I do believe That I been limited in scope of my Representation in This past year and That Judge. [ ] showed "Bad faith", in my Case.

I can only hope Judge. [ ] That you are not an extension of This Conspiracy, placed as my new assigned Judge, only to help cover up this injustice act By Judge. [ ] and The harm He has done To my person and my Case.

I am Requesting a full investigation by This Court into The handling of my Case, Case NO. [ ] By Judge [ ] and my past Lawyers Appointed

To me by this Honorable Court. A Copy of this Letter shall be sent to THE Commission on Judicial Conduct, in Phoenix, Arizona. and The State Bar of Arizona, also The Federal Courts. Judge. [ ] misconduct has allowed for my past lawyers misconduct. I [ ] make this STATEMENT in good Faith and believe this STATEMENT is TRUE and is made in the pursuit and interest of Justice.

Dated 10/11/06

Respectfully Submitted

[ ]

STATE of Arizona, [ ]

Subscribed and Sworn to before me this 11 day of Oct 2006

[ ]

Judge. [ ] and Attorneys [ ]  
[ ]

All knew of THE EVIDENCE I had. Tried To obtain,  
Evidence Relevant To my Case .

Evidence that had to be in disclosur, if The EVIDENCE  
was to be USED in Trial .

Also The Rule 32.1 NOTE.24 (Rules of Criminal procedure  
Other post- Conviction Relief ) so STATES :

Motion for new Trial on basis of newly discovered  
evidence will be denied if it appears That  
The newly discovered evidence could have been  
discovered with Reasonable diligence.

STATE V. Thornburg (1974) 111 Ariz. 254, 527 P.2d 762.

I do believe That Judge [ ] and above named  
Attorneys with The Prosecution, have acted in  
Bad faith Towards my person and my Case. With  
willful misconduct and gross negligence, with  
bias and Prejudice That warrants a full investigation  
into The handling of my Case, Case NO [ ]  
Because my (6) Amendment Right Guarantees me  
a Fair Trial under The Constitution.

DATED 10/11/06

[ ]  
[ ]