State of Arizona COMMISSION ON JUDICIAL CONDUCT

	Disposition of Complaint 09-196		
Complainant:		No.	1368710359A
Judge:		No.	1368710359B

ORDER

The commission reviewed the complaint filed in this matter and found no ethical misconduct on the part of the judge. The issue raised is legal or appellate in nature, and the more appropriate remedy would have been to appeal the judge's decision to a court with proper jurisdiction.

The commission is not an appellate court and cannot change a judge's decisions; therefore, the complaint is dismissed pursuant to Rules 16(a) and 23.

Dated: September 9, 2009.

FOR THE COMMISSION

\s\ Keith Stott
Executive Director

Copies of this order were mailed to the complainant and the judge on September 9, 2009.

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

STATEMENT OF FACTS

Your Name:_	Judges' Name:	Date:
THIS COMPLAINT	REVOLES AROUND JUDICIAL MISCOND	
JUDGE	ON MAY3rd 2007 IN HEARING	TO ESTABLISH A,
STIPULATION ON-	THE- RECORD REGARDING THETHE	FACT THAT THE COMPLAINAUT
WILL AGREE TO-	TO THE COURT MAKING A DETERMINAT	TION ON THE
AGGRAVATION "PI	HASE", AND THAT THE FACT THAT I	WOULD ACKNOWLEDGE
THAT THE COMPLA	AINANT HAS ONE FELONY CONVITION;	(SEE EXHIBIT A
ATTACHED) A COPY	Y OF STATE ANSWERING BRIEF IN CAU	JSE NO. CR-
. <u>DT.</u>	. PAGE 10. IT IS REVERSIBLE ERROR	R TO ALLOW.A
SUBMISSION THAT	r would be "tantamounted" to gui	ILTY PLEA WITHOUT
COMPLYING WITH	17.A.R.S. RULES OF CRIMINAL PROC	CEDURE: RULES 17.2
17.6. AFTER JURY	Y HAD CONVICTED APPELLANT , THE ST	TATE AND DEFENSE
COUNSEL AND JUI	DGE DIMISSED THE JURY. THIS WAS	DONE WITH THE INTENT,
TO VIOLATE APP	ELLANT RIGHTS TO BE HEARD BY A J	URY ON THE AGGRAVATION
PHASE. THE STA	ATE WAS IN A BAD POSTION BECUASE	IN THE LIST OF
HISTORICAL PR	IORS THERE WAS ONLY ONE PRIOR THA	AT COULD BE USED
(SEE EXHIBIT I	B ATTACHED) A LIST OF THE STATE 1	PRIORS THAT WAS
FILED BY	THE STATE KNEW SHE HAD N	MADE A MISTAKE,
THEREFORE THEY	CONSPIRED TO GET THIS STIPULATION	ON ON THE RECORD
BECUASE THERE WO	OULD BE NO REASON TO PUT ON A AGO	GRAVATION HEARING
FOR ONE PRIOR.	THEN ON MAY 3rd, 2007 ELEVEN DAYS	PRIOR TO SENTENCING
DEFENSE COUNSEL	. SUBMITTED THE ISSUSE OF APPELLA	ANT:S PRIOR FELONY
CONVICTIONS ON	THE BASIS OF STATE, S EXHIBIT 3,	APELLANT, S PEN
PACK FROM THE	ARIZONA DEPARTMENT OF CORRECTION	IS. THIS PARTICULAR
DOCUMENT SHOUL	D OF BEEN PRECLUDED UNDER RULES	OF COURT 16.1 B.
IN ANY EVENT A	PELLANT WAS NEVER ADRESSED, THER	FORE NOT ADVISINGS
	WHAT RIGHTS HE WAS GIVING UP A	

(Attach additional sheets, as needed)

STATEMENT OF FACTS

Your Name:	Judges' Name:	Date://20/_2009
TIME HE WAS FACING: 1	IN A HEARING ON MAY 3rd	THERE IS A MINUTE-ENTRY
STATEING APPELLANT ST	TIPULATED TO PRIOR FELO	NIES BY ADMISSION OF
STATE EXHIBIT #3. AGA	AIN APPELLANT WAS NEVER	ADRESSED THIS IS A
FALSE DOCUMENT, (SEE EX	XHIRIT C ATTACHED) MINH	CE ENTRY DATED MAY 3rd
APPELLANT WAS NEVER AT	DRESSED. IT IS WILLFUL	MISCONDUCT FOR A JUDGE
TO SENTENCE APPELLANT	T TO "NOT" JUST ONE PRIC	OR. BUT TO TWO, THAT
	E A VOLUNTEER HEARING A	
AND OR POSSIBLE SENTE	NCE THAT HE COULD HAVE	GAVE. THE BIGGES ISSUSE
WITH JUDGE	ACTION HERE, IS T	HAT HE KNEW THAT THE.
STATE HAD NOT ALLEGE	THIS HISTORICAL PRIOR.	COMING FROM TRAIL, AND
		IN A PRIOR HEARING IN,
		AND THE COURT WENT IN,
TO CHANBER AND CAME UP	WITH THIS " ALL" PARTY	S WAS IN AGREEMENT, EX-
	NT TO A.R.S. 13-604 AND	
ARIZONA RULE,S OF CR	IMINAL PROCEDURE, THE S	STATE "MUST" ALLEGE "ALL"
	INTO USE FOR ENHANCEMEN	
THAN 20 DAYS BEFOR	E TRAIL A THIS IS WILLFI	II. MISCONDUCT
7/22/09		_
/ DATE	DE	FENDANT

VERIFICATION