

State of Arizona
COMMISSION ON JUDICIAL CONDUCT

Disposition of Complaint 09-279

Complainant: No. 1375310035A

Judge: No. 1375310035B

ORDER

The complainant alleged, among other things, that the judge did not consider evidence of his competency to stand trial. The complainant raised the same issues in a prior complaint that was dismissed last year. The commission reviewed the new complaint and again found no evidence of ethical misconduct. Accordingly, the complaint is dismissed pursuant to Rules 16(a) and 23.

Dated: January 15, 2010.

FOR THE COMMISSION

\s\ Keith Stott
Executive Director

Copies of this order were mailed to the complainant and the judge on January 15, 2010.

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

To: COMMISSION ON JUDICIAL CONDUCT

October 12, 2009

RE: Inability and denial of the opportunity to present documents to the Court during Rule 11 Hearings

I (Defendant) on February 20, 2009 at my pre-trial hearing to my understanding was denied the following:

1. To relieve my court appointed attorney (private-contracted attorney) even though I was instructed by the House Indigent Defense Coordinator that the proper procedures to relive a court appointed attorney was to simply request so at my pre-trial hearing. Justifications as to why I wanted to relive my now former attorney were given.

I on **March 4, 2009** filed a complaint to the Commission on Judicial Conduct in regards to this matter. RE: Case

I on **March 12, 2009** received a letter from the Commission on Judicial Conduct stating that my complaint was received.

I on **April 21, 2009** received a letter from the Commission on Judicial Conduct stating that **"The commission reviewed the complaint filed in this matter and found no ethical misconduct on the part of the judge and no evidence that the complainant's rights were violated. Accordingly, the complaint is dismissed pursuant to Rules 16(a) and 23."**

I between the date of my filing a complaint with the Commission on Judicial Conduct and receiving a determination/ disposition from the Commission of Judicial Conduct [dates: **March 4, 2009 – April 21, 2009**] shortly after **March 31, 2009** received from a letter dated **March 26, 2009** stating that he was no longer my representing me as an attorney due to:

"Undersigned attorney notifies the court that he needs to take a medical hiatus as soon as possible and will not be able to meet the needs of this client at this time in regards to representation."

The motion was signed on **March 25, 2009** and filed **March 26, 2009**. *See enclosed copy of letter and motion; five (5) pages*

I therefore present evidence that my complaint was legitimate at the time that it was made and received by the Commission on Judicial Conduct. However the matter was resolved before the determination/disposition of the matter was made and received by myself.

I filed a client complaint against by then former attorney following the proper procedures as given to me by the House Indigent Defense Coordinator

To: COMMISSION ON JUDICIAL CONDUCT

and her supervisor (name unknown) dated **April 5, 2009**. The complaint was sent and received via certified mail with return receipt. *See enclosed complaint; two (2) pages*

Now another matter I present to the Commission of Judicial Conduct:

I was deemed competent to be offered a plea agreement under former attorney . Immediately after being assigned to Mr. I was deemed competent to be offered a second (2nd) plea agreement (over the phone by attorney) with some small modifications from the first plea agreement. Both plea agreements were rejected by Me desiring to go to trial. Immediately after rejecting these two plea agreements my competency to stand trial was questioned by my current attorney and since **April 22, 2009** until present I have been dealing with this matter.

The enclosed documents in addition to this letter are my evidence to my competency to stand trial and assist in my own defense which has been withheld from the Court's viewing for reasons unknown.

I do not believe that the Honorable Judge has been informed nor made aware of the evidence supporting my claim to competency by the individuals involved in my case. I personally have not been able to deliver the evidence I now submit to you to the Honorable Judge even though I have stood before him now approx. 4-5 separate occasions.

I have **voluntarily** given up my constitutional rights for 7 years and 7 months as an active duty Soldier to defend the rights that all American citizens hold dearly. I have **volunteered** (without being ordered too by my former unit commanders) to go to war [Operation Iraqi Freedom], having my career cut short due to fighting/serving this country. At the minimum I should not be denied the right to exercise my constitutional rights to a trial, to be presumed/treated innocent until proven guilty and to be heard in regards to matters that affect my very life and my family's welfare. The treatment that I have received since **September 5, 2008** that I can prove through hard evidence is a slap in the face to all past and present veterans especially to a military retired war veteran which I am.

I fervently and yet humbly request that the Honorable Judge be thoroughly informed, by the Commission on Judicial Conduct by personally furnishing the documents and this letter that I present to you so that he may justly administer his sworn duties to uphold justice.

Additional evidence can be obtained from my current attorney Mr. the FBI of Phoenix or me upon request.

With all due respect and honor,