

State of Arizona  
COMMISSION ON JUDICIAL CONDUCT

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Disposition of Complaint 09-331

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Complainant: No. 1351310572A

Judge: No. 1351310572B

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**ORDER**

The complainant alleged that the judge erroneously denied a series of motions in violation of his constitutional rights. The commission reviewed the complaint and found no evidence of misconduct on the part of the judge. The commission is not a court and cannot change court decisions. Therefore, the complaint is dismissed pursuant to Rules 16(a) and 23.

Dated: March 2, 2010.

FOR THE COMMISSION

\s\ Keith Stott

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Executive Director

Copies of this order were mailed to the complainant and the judge on March 2, 2010.

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

DEC 03 2009

COMMISSION ON JUDICIAL CONDUCT

RE: THE ACTIONS OF PRO TEM JUDGE

DEAR COMMISSION,

PLEASE CONSIDER THIS MY FORMAL COMPLAINT AGAINST PRO TEM JUDGE

I HAVE ENCLOSED MY AFFIDAVIT OF DISQUALIFICATION AND EXHIBITS OF HER CONDUCT.

IN ADDITION, WHEN YOU ASSIGN THIS A CASE NUMBER PLEASE INCLUDE HER NAME ON THE DOCUMENT.

RESPECTFULLY SUBMITTED:

SIGNED: 2December 2, 2009.

NOV 30 2009

IN THE JUSTICE/MUNICIPAL COURT OF PRESCOTT, COUNTY OF YAVAPAI, ARIZONA.

CITY OF PRESCOTT

CASE# CV 2009

PLAINTIFF,

AFFIDAVIT FOR DIS-

QUALIFICATION OF JUDGE

VS

DEFENDANT.

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AFFIDAVIT FOR DISQUALIFICATION OF JUDGE FOR BIAN AND PREJUDICE PERSUANT TO  
A.R.S. 12-409 AND RULE 42(f)(2)

DEFENDANT STATES THE FOLLOWING FACTS IN SUPPORT OF HIS AFFIDAVIT TO DISQUALIFY PRO TEM  
JUDGE

- 1. DEFENDANT IN CASE# 2007 FILED A MOTION FOR TRIAL BY JURY DATED: 15 JAN 2008.
- 2. DEFENDANT IN THE ABOVE-ENTITLED MATTER ALSO FILED ON 6 JAN 2008 THE FOLLOWING MOTIONS:
  - 1. CHANGE OF VENUE.
  - 2. CONTINUANCE AND OBJECTION TO PRETRIAL IN COURT HEARING.

EXHIBIT D-1

3. ON 17 JAN 2008 DEFENDANT'S MOTIONS WERE DENIED. PRO TEM JUDGE

VIOLATED THE FOLLOWING: 1. SIXTH AMENDMENT TO THE U.S. CONSTITUTION - IN ALL CRIMINAL PROSECUTIONS, THE ACCUSED SHALL ENJOY THE RIGHT TO ... TRIAL BY AN IMPARTIAL JURY ... 2. ARTICLE 2, SECTION 23, ARIZONA CONSTITUTION - THE RIGHT OF RIGHT BY TRIAL BY JURY SHALL REMAIN INVIOATE. EXHIBIT D-2

4. DEFENDANT ON 16 JAN 2008 FILED WITH THE COURT A WITNESS LIST. EXHIBIT D-3

5. PRO TEM JUDGE IN A COUR HEARING DENIED DEFENDANT ALL OF HIS WITNESSES.

6. THIS DENIAL BLOCKED THE DEDENDANT FROM PRESENTING EVIDENCE THAT THE CHARGES AGAINST HIM WAS AN ACT OF MALICIOUS PROSECUTION WHICH WAS THE MAIN DEFENSE OF THE DEFENDANT. THIS IS A VIOLATION OF ARTICLE 2 SECTION 24 WHICH STATES ... TO MEET THE WITNESSES AGAINST HIM FACE TO FACE... EXHIBIT D-4

7. THIS ACTION OF THE COURT ALSO VIOLATED ARTICLE IV RULE 401 OF RELEVANT EVIDENCE MEANS EVIDENCE HAVING ANY TENDENCY TO MAKE THE EXISTENCE OF ANY FACT THAT IS OF CONSEQUENCE TO THE DETERMINATION OF THE ACTION MORE PROBABLE OR LESS PROBABLE THAN TI WOULD BE WITHOUT THE EVIDENCE.

8. ON 22 JAN 2008 DEFENDANT FILED A DISQUALIFICATION OF PRO TEM JUDGE

9. ON 23 JAN 2008 PRO TEM JUDGE RECUSED HER SELF FROM THE CASE.

EXHIBIT D-5

10. DEFENDANT IN ANOTHER ACTION FILED AN AFFIDAVIT FOR DISQUALIFICATION OF JUDGE - FOR VIOLATING DEFENDANTS RIGHT TO HIS MOTION OF WRIT OF HABEUS

CORPUS

11. IN A HEARING ON 26 JAN 09 IN WHICH THE DEFENDANT FILED AN AFFIDAVIT TO DISQUALIFY

JUDGE PRO TIEM JUDGE RULE AGAINST THE

DEFENDANT. EXHIBIT D-6

12. DEFENDANT HAD MOTIONED THE COURT, COUNTY PROSECUTOR FOR A WRIT OF HABEUS REGARDING FALSE ARREST AND INCARCERATION IN THE COUNTY JAIL BY JUDGE

THE COURT RECORDS CONTAINED THE RELEASE DOCUMENT SIGNED BY JUDGE

JUDGE STATED AT THE BOTTOM TO THE DOCUMENT THAT

AT THE TIME OF DEFENDANTS RELEASE THERE WAS NO EVIDENCE OF ANY VIOLATIONS OF THE LAW.

13. PRO TEM JUDGE EITHER DID NOT READ THE DOCUMENTS FILED IN THE COURT RECORDS OR CHOSE TO IGNORE RELEVANT EVIDENCE.

THE ABOVE DOCUMENTED FACTS PROVES BEYOND ANY DOUBT THAT THERE IS MORE THAN SUFFICIENT EVIDENCE TO REMOVE PRO TEM JUDGE FROM THIS CASE.

FURTHERMORE, THE FOREGOING DOCUMENTS CLEARLY PROVE THAT PRO TEM IS NOT ONLY UNFIT AS A PRO TEM JUDGE TO CONDUCT FAIR HEARINGS SHE BY HER ACTIONS OF

**DENYING DEFENDANTS RIGHTS TO TRIAL BY JURY, TO FACE ONE' ACCUSOR AND TO PRESENT WITNESS FOR A DEFENDANTS DEFENSE IS NOT EVEN FIT TO REPRESENT A PERSON IN THE JUDICIAL PROCESSES.**

**REASPECTFULLY SUBMITTED:**

**DATED: 27 NOV 09.**