

State of Arizona
COMMISSION ON JUDICIAL CONDUCT

Disposition of Complaint 10-060

Complainant: No. 1387510064A

Judge: No. 1387510064B

ORDER

The complainant alleged three judges delayed rulings and issued erroneous decisions. The commission reviewed the complaint and the court file and found no evidence of ethical misconduct on the part of the judges. The commission is not a court and cannot change court decisions. Therefore, the complaint is dismissed pursuant to Rules 16(a).

Dated: April 21, 2010.

FOR THE COMMISSION

 \s\ Keith Stott
Executive Director

Copies of this order were mailed to the complainant and the judge on April 21, 2010.

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

COMPLAINT AGAINST A JUDGE

2010-060
MAR 05 2010

TO THE COMMISSION ON JUDICIAL CONDUCT:

I, _____ believe that Judge _____
(your name) (judge's name)

of the (check one) _____ municipal; _____ justice; superior; ~~_____ appeals~~; or _____ supreme court, in the city and county of MARICOPA, PHOENIX, Arizona, has committed the following acts:

GENERAL ALLEGATIONS

Check all of the allegations that apply to this complaint:

- 1. The judge pleaded guilty or no contest or was found guilty of a crime punishable as a felony under Arizona or Federal law or of any other crime that involves moral turpitude under such law.
- 2. The judge has a disability that seriously interferes with the performance of judicial duties that is, or is likely to become permanent;
- 3. The judge has committed acts that constitute willful and persistent misconduct in office;
- 4. The judge has committed acts that constitute willful and persistent failure to perform his or her duties;
- 5. The judge has committed acts which constitute habitual intemperance;
- 6. The judge's conduct is prejudicial to the administration of justice, so as to bring the judicial office into disrepute;

In support of these allegations, I submit the attached Statement of Facts, and request that the allegations be investigated and that appropriate action be taken by the Commission on Judicial Conduct.

Name: _____ Telephone: N/A

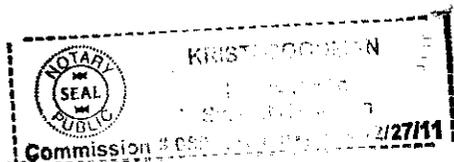
Street Address: GREAT PLAINS CORRECTIONAL FACILITY, BOX 200

City, State and Zip Code: HINTON OKLAHOMA 73047

Complainant's Signature: _____ Date: 02-07-10

VERIFICATION

SUBSCRIBED AND SWORN to or affirmed before me this 4th day of February, 192010



Notary Public
12-27-2011
My Commission Expires

STATEMENT OF FACTS

2010-060

Your Name:

Judges' Name:

Date: Feb-07-2010

ANDWHOM THIS CONCERNS:PETITIONER FEELS JUDGEHAS ABUSED THE POWER AND AUTHORITY OF THE JUDICIAL OFFICE (1) CONFLICTS OF INTEREST (2) DELAY IN MAKING RULINGS,

(3) DISREGARDING MANDATORY LAWS (4) FAILING TO MAIL ORDERS PROMPTLY (5) FAILING TO ALLOW PARTIES TO BE HEARD IN COURT (6) FAILING TO FOLLOW PROPER COURT PROCEDURE (7) IGNORING OR DISREGARDING THE LAW (8) IMPROPERLY DISPOSING OF PHYSICAL EVIDENCE (9) IMPROPER CONDUCT ON THE BENCH (9) INADEQUATE SUPERVISION OF STAFF RESULTING IN MISPLACED RECORDS (10) PREJUDICE OR BIAS ON THE PART OF THE JUDGE.

PETITIONER WILL CLEARLY TRY TO DESCRIBE ALL FACTS AND CIRCUMSTANCES RELATING TO THE CONDUCT OF THE JUDGE AND WILL TRY AT BEST TO SPECIFICALLY BRING ABOUT THE TURN OF EVENTS AS LISTED (1) THROUGH (10) ABOVE AND KEEP THE EVENTS IN CHRONOLOGICAL ORDER; DEFENDANT IS NOT A LAWYER, AND IS NOT WELL EDUCATED, BUT WILL TRY HIS BEST TO MAKE COMMON SENSE OF EACH ISSUE BROUGHT ON (1) THRU (7) ABUSE OF POWER OR ANY "UNREASONABLE UNCONSCIONABLE OR ARBITRARY ACTION TAKEN WITH OUT PROPER CONSIDERATION OF THE FACTS AND LAW PERTAINING TO THE MATTER SUBMITTED" SEE: 458 P2d 336-338 AND THE "ABUSE OF DISCRETION" STANDARD OF REVIEW IS ALSO USED IN ADMINISTRATIVE SETTINGS. (EXHIBIT A) P.C.R. IS FILED FROM YUMA PRISON (REJECTED FOR BEING TOO MANY PAGES) DATED AUG. 09.07 AND NOTORIZED SENT LEGAL MAIL (EXHIBIT B) REVISED P.C.R. TO 25 PAGES FILED FROM YUMA PRISON DATED SEPT. 07.07 NOTORIZED, SENT LEGAL MAIL, "NEVER HAVE RECIVED ANY ANSWER" OR HAVE I SIGNED FOR ANY ANSWER FROM THIS (P.C.R.) AS YOU CAN SEE IT WAS SENT TO EIGHT DIFFERENT PEOPLE, NOT EVEN AS MUCH AS A REPLY.

AT THIS POINT PETITIONER, ONLY COMPLAINING OF JUDGES PROFESSIONAL AND PERSONAL CONDUCT, NOW AS THE ABOVE (P.C.R) STILL HAS NOT BEEN ATTENDED TO, PETITIONER TRYS SEVERAL ATTEMPTS FOR CONTACT VARIDUS WAYS AND AFTERWARDS IS SUPPLIED WITH A COURT ORDER (EXHIBIT C) DATED FEB. 24. 2009 IT IS ORDERED (3) (FOR TRIAL COUNSEL APPELLATE COUNSEL AND POST-CONVICTION RELIEF COUNSEL TO FORWARD ALL DOCUMENTS

(Attach additional sheets, as needed)

STATEMENT OF FACTS

2010-060

Your Name: _____ Judges' Name: ATTACHMENT ③ Date: Feb-07-2010

IN THEIR POSSESSION TO DEFENDANT) THE DEFENDANT HAS HAMMERED THE COURT FOR ANSWERS AND HAS HONESTLY TRIED TO GET TRANSCRIPTS, PHOTOS, TAPES, NOTES, MOTIONS FILED PRE-TRIAL AND POST-TRIAL WITH MOTIONS TO COMPEL THE LAWYERS TO ACT UPON THE COURT ORDER, AND SANCTION THESE OFFICERS OF THE COURT, ONLY TO HAVE INSULT ADDED TO INJURY, THIS IS YET PASSED FROM HON. _____ TO ANOTHER _____ JUDGE _____, STATING YET AGAIN (JAN. 28, 2010) IN ANOTHER _____ COURT ORDER, THAT NOW IVE BEEN LIMITED TO FILING, AND MAY ONLY RAISE CLAIMES IF REQUIREMENT ARE MET UNDER RULE 32.1 (d)(e)(f)(g) OR (H) AZ.R.C.P. AND 34.2(A) LIKEWISE, AND ONE MORE TIME (IT IS ORDERED THAT ALL PREVIOUS COUNSEL FOR DEFENDANT SEND TO DEFENDANT ALL TRANSCRIPTS OR COURT FILINGS IN THEIR POSSESSION REGARDING THIS CASE BY NO LATER THAN MARCH 01, 2010.)

APPELLANT HAS WAITED FOR OVER 2 YEARS FOR THE COMPLEATION OF THE TRANSCRIPTS, PHOTOS, TAPES, NOTES, AND ETC... AND IS EXHAUSTED, KNOWING THAT EVIDENCE ENTERED AT TRIAL AS EXHIBIT 30, IS WITH-HELD NOT ONLY FROM THE JURY WHICH IS ALLEGEDLY (IN REACHING THEIR VERDICT MUST CONSIDER ONLY EVIDENCE PRESENTED DURING TRIAL AND THE LAW AS THEY WERE INSTRUCTED) BUT ALSO IS WITH-HELD FROM THE APPELLATE COURT MATTER OF FACTLY NOW ON (8)(9) AND (10) THE PETITIONER WILL SHOW WITH PROOF (EXHIBIT (E) AND APPENDIX (A) THROUGH (I)) INCLUDED "EXHIBIT 30" ENTERED IN TRIAL

IN THIS MOTION TO COMPEL AND MANDATORY INJUNCTION, DEFENDANT CAN SHOW THAT IN "APPENDIX A" (I.D. @ OCTOBER 18, 2006 T.R. PG. 36-37) DETECTIVE UDD'S TESTIMONY THE COURT: (30 WILL BE RECEIVED WITH OUT OBJECTION) THEN THE JURY (I.D. @ OCTOBER 24, 2006 T.R. PG. 55) JURY REQUESTING PICTURE OF GUN SHOWN DURING DETECTIVE UDD'S TESTIMONY (WHY DO WE NOT HAVE THIS PICTURE?) THEN THE JUDGE (I.D. @ OCTOBER, 24, 2006 T.R. PG. 55) THE COURT: (IS 30 IN EVIDENCE?) THIS IS THE QUESTION THAT IS AVOIDED LIKE THE PLAGE, BECAUSE IT IS DEVI STATING TO THE PROSECUTIONS CASE, SO MR. BENWINK ANSWERS JUDGE'S QUESTION WITH, (I.D. @ OCTOBER, 24, 2006 T.R. PG. 55) MR. BENWINK: (IT SHOULD

(Attach additional sheets, as needed)

STATEMENT OF FACTS

Your Name: _____ Judges' Name: ATTACHMENT (4) Date: Feb. 07. 2010

BE THERE YOUR HONOR THAT WAS 19.) AND GOES ON TO ASK THE CLERK MR. BENWINK (IS THAT IT? WHAT NUMBER IS THAT?) THE CLERK: (NUMBER 30) SO RIGHT THERE IT IS [30] WAS ENTERED INTO EVIDENCE AND IS STILL WITH THE CLERK IN THE COURT ROOM, WHEN THE JURY COMES LOOKING FOR IT, WHILE DELIBERATING ITS LOST RIGHT IN FRONT OF THEM, THE COURT: (IS 30 IN EVIDENCE?) THE CLERK: (I DONT ---) THE COURT (I DONT HAVE MY OTHER ---) RIGHT THERE EXHIBIT [30] IS NOT EVEN CHECKED BY THE COURT INDEX CARD SOMETHING A JUDGE AND THE COURT CLERK ARE SUPPOSED TO KEEP CLOSE RECORD OF, SO IMPROPERLY DISPOSING OF PHYSICAL EVIDENCE NO. (8) THEN IMPROPER CONDUCT ON THE BENCH NO. (9) WITH INADEQUATE SUPERVISION OF STAFF RESULTING IN MISPLACED RECORDS NO. (10) ALSO PREJUDICE AND BIAS ON PART OF THE JUDGE, AS A RESULT,

IN ORDER TO CONSTITUTE AN "ABUSE" OF DISCRETION THE JUDGEMENT MUST DEMONSTRATE A PERVERSITY OF WILL, A DEFIANCE OF GOOD JUDGEMENT, OR BIAS 94 N.W. 2d 810, 811, THIS COMPLAINT PROVES ALL THE ABOVE BY THE INADVERTANCE OR DISPARAGEMENT OF EXHIBIT 30, AND THE DIVERSIONS TO KEEP RECORDS FROM THE APPELLANT, WHEN THIS CAN CLEARLY BE PROVEN. (THIS IS A SWORN STATEMENT TO THE FACTS AND THE BEST OF MY MEMORY.) PETITIONER HAS ALSO FILED A (POSTCONVICTION-DEOXRIBONUCLEIC ACID TEST UNDER Ss 13-4240) ON THE WEAPON IN 2009 BECAUSE OBVIOUSLY THE JURY ASK IN "APPENDIX B" OF MOTION TO COMPEL (WOULD THIS CHEMICAL TREATING REMOVE BLOOD TRACES?) QUESTION HAS ALWAYS BEEN HOW CAN YOU BEAT A MAN FOR 10-20 MINUTES WITH A WEAPON, AND THE JURY CAN'T FIND A TRACE OF BLOOD ON THAT WEAPON, I AM INNOCENT AND NO RESPONCE TO THAT MOTION AT ALL, TO DATE.

NOTARY SEAL PUBLIC Notary Public State of Oklahoma Commission # 08006125 Expires 12/27/11 Feb. 07 2010

2-7-2010 (PLEASE ADVISE)

(Attach additional sheets, as needed)