

State of Arizona
COMMISSION ON JUDICIAL CONDUCT

Disposition of Complaint 10-122

Complainant:	No. 1343600112A
Judge:	No. 1343600112B

ORDER

The complainant alleged that a superior court judge made improper comments, failed to enforce a warrant, and did not abide by a signed plea agreement. The commission investigated the claims and found no evidence of ethical misconduct on the part of the judge. The judge's comments as represented by the complainant were not improper. The remaining issues involve court rulings that are outside the jurisdiction of the commission. The complaint is dismissed pursuant to Rules 16(a) and 23.

Dated: July 8, 2010.

FOR THE COMMISSION

\s\ Keith Stott

Executive Director

Copies of this order were mailed to the complainant and the judge on July 8, 2010.

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

ATTN:

I _____, D.O.C.# _____, write this
 letter of Complaint Against _____ (Judge) who presides
 in the _____ Superior Court Division 3, _____ County,
 ARIZONA.

Judge _____ has shown Judicial Misconduct by
 conducting himself in a unprofessional manner by making
 bias and prejudice Remarks against me throughout this
 entire Case and denying me every opportunity to Fair and
 impartial Hearing and violating my Constitutional Rights.

Judge _____ violated the Judicial Code of Conduct
 by Breaching a Plea Agreement, which is governed By The
 Laws of Contract and denying me the Right to Show
 Cause of this Breach.

I signed A Amended Stipulated Plea Agreement which
 states, I will serve 85% of 12 years in prison, 15% community
 supervision and granted 386 day's time served in the county
 Jail. This amended Plea also gave the Judge No discretions
 which he voice this several Times during the sentencing
 11-5-08.

Judge _____ violated this Plea Agreement by using
 his discretion, just to Administer A harsher punishment.
 He Also Fail to Correct mistakes and Error's and had
 Knowledge of what was going on.

Judge _____ Violated this Plea Agreement by
 sentencing me to 13 years 8 months, which 12 year's in
 prison will be Flat-time, day for day Plus 1 year 8 months
 Community Supervision.

Rules of, Breach of Plea Agreement:

A defendant who alleges the government breached A Plea

agreement may be entitled to an evidentiary hearing or at the court's discretion, discovery or expansion of the Record. If the defendant demonstrates that the government did breach, the court may allow withdrawal of plea, alter the sentence, or order specific performance of the agreement

I feel that Judge _____ violated this Plea Agreement intentionally and knowing that I am limited to legal representation because of me not being able to afford money to hire someone out of the county

Judge _____ allowed the County Attorney Office to charge me with 1 count of molestation and 2 counts of sexual conduct with a minor after it was dismissed 11-30-07 by the Justice of the Peace, just to harshen the punishment.

Judge _____ also violated the Judicial Code of Conduct by voicing his own personal opinion and denying my rights to due process. Here is a few;

Title: Hearing on Request to withdraw guilty Plea, (12;03-08)

Judge: (page 4, Lines 5-6) There's other options, but frankly at this point where I am probably not considering other options that might be available,

Judge: (page 5, Lines 24-25) I am just thinking if you are sitting there ready to make that argument telling me why I should allow you to withdraw your guilty plea, I want to make sure you understand, that's a losing argument.

Judge: (page 11, Lines 1-4) I've wondered during this case and still wondering to myself now whether you are being manipulative or whether you really just can't decide what is it you want

Judge:(page 13, Lines 1-5) I am at the point now where it is because I believe you are manipulative OR because you are uneducated OR ~~astro~~ unschooled to the working OF the system, my feeling is I want this case Resolved

Judge exercise unprofessionalism when he Refuse to order a proper Pre-sentence Report and by stating that all he will do is "take a black marker and line through some OF the Pre-sentence Report", and not following proper procedures just because he didn't want to Review another Report

Rule 2.3, Rules of Court Procedures:(B) states, A Judge shall not in the performance of Judicial duties by words or conduct manifest bias or prejudice, OR engage in harassment, including, but not limited to bias, prejudice OR harassment based upon race, gender, sex, Religion Ect, and shall not permit court STAFF, court OFFICIALS or others Subject to the judge direction and control to do so

Judge allowed the Kingman Police Department to violate a search warrant that he signed, specifying certain property, person OR things to be seized, including a blood sample From me, being that I was charge with 1 count of Molestation OF A minor and 2 count's of sexual Conduct OF A minor, which they failed to do and ~~did~~ deny me when I asked to give one.

US. v. Kimbrough, 69 F3d. 723, 727 (5th Cir. 1998).
warrant's authorizing search FOR materials Related to child pornography sufficiently particular because language in warrant properly limited executing OFFICER'S discretion by informing them what items to be ~~stiz~~ seized.

Judge Appointed me a Attorney From the Public Defenders OFFice, knowing that there was a conflict, with, which the Attorney didnot provide me with proper Representation and just wanted me to signed a Plea ☹

Judge allowed the County Attorney OFFice to hire Nurse who no longer worked for the Sarah's House Organization on certain cases and is paid by the County Attorney OFFice to conduct Examinations, which just about every Results come's back almost exactly the same, just to get a conviction, also I believe that this Nurse have several sanction against her in the past in a case Steven DeBarge vs. State of Arizona. (Conflict of Intrest.)

I believe Judge has shown extreme prejudice toward and still continuing this behavioral by Retaliating against me and denying my Constitutional Right to Due Process.

I hope and pray that proper procedures be taken, and when looking through this Complaint, that this be conducted professionally, without any Favoritism just because he is A Judge.

All I ASK is to be treated Fair and have the opportunity to be heard and not be denied the Right to Fair Justice and not be discriminated against or Put down because of my Race or where I was born. No matter what the Charges is I Am still a human being and deserve to be protected by the Constitution and the Right to be treated As AN American. Isn't this what our Constitution Declares.

Thank you