

State of Arizona  
COMMISSION ON JUDICIAL CONDUCT

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Disposition of Complaint 10-159

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Complainant: No. 1348810838A

Judge: No. 1348810838B

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**ORDER**

The complainant alleged that a superior court judge improperly refused to dismiss his appointed counsel. The commission reviewed the allegations and found no evidence of ethical misconduct on the part of the judge. The judge's decision whether to keep or remove appointed counsel was a legal, discretionary decision outside the commission's jurisdiction. Therefore, the complaint is dismissed pursuant to Rules 16(a) and 23.

Dated: August 31, 2010.

FOR THE COMMISSION

/s/ Keith Stott

\_\_\_\_\_  
Executive Director

Copies of this order were mailed to the complainant and the judge on August 31, 2010.

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

Defendant (Case No.: CR- \_\_\_\_\_)

June 11, 2010

JUN 16 2010

State of Arizona

Commission on Judicial Conduct

1501 W. Washington Street, Suite 229

Phoenix, AZ 85007

Re: Complaint Against Judge \_\_\_\_\_

Mohave County Superior Court

Dear Sirs or Madam:

For the following reasons I believe that on May 6, 2010, Judge \_\_\_\_\_ violated the following Canons of Judicial Ethics:

1.) Canon 1 - Rule 1.2 - "A Judge shall act at all times in a manner that promotes public confidence in the independence, integrity, and impartiality of the Judiciary..."

2.) Canon 2 - Rule 2.2 - "A Judge shall uphold and apply the law, and shall perform all duties of judicial office fairly and impartially..."

3.) Canon 2 - Rule 2.3 - "A Judge shall perform the duties of judicial office, including administrative duties without bias or prejudice..."

4.) Canon 2 - Rule 2.15 - "A Judge having knowledge that a lawyer has committed a violation of the Rules of Professional Conduct that raises a substantial question regarding the lawyer's honesty, trustworthiness or fitness as a lawyer in other respects shall inform the appropriate authority..."

The reason for this is that Judge \_\_\_\_\_ has permitted my lawyer to proceed as defense counsel after learning that on March 23, 2010, defense counsel Charles Wallace has been charged in a criminal offense (assault) he committed against me. I am a victim of my own attorney's assaultive and egregious behavior. There are police reports (Mohave

County Sheriff's Office DR. No. 10-010188) and Court records (CV-2010-821 HA) of the assault and relevant hearing for an Order of Injunction against harassment which should confirm my allegations.

A bit of background is necessary. During a November 24, 2009 hearing that which was to argue a Motion to dismiss attorney of record Charles Wallace. At the hearing, I pointed out that attorney Charles Wallace's appointment to represent me was prearranged and ill-fated. While addressing those concerns, Mr. Wallace got angry and interrupted me by painfully jerking my restraints (handcuffs and leg shackles) I reacted by spitting on him. Judge \_\_\_\_\_ was presiding over this case in Mohave County Superior Court.

It should be noted that Mr. Wallace subsequent to November 24, 2009 hearing immediately filed three Motions against his own client. One to restrain defendant with a "50,000 Volt Shock belt, another to gag his client, and a third to have Mohave County Sheriff's - open and inspect all defendant's outgoing mail including Confidential/legal mail. This action has been considered to be ill-advised by myself and my private investigator.

Three weeks later on December 14, 2009, based on "Some unknown persons" advice, Mr. Wallace filed a Motion to withdraw the 3 aforesaid Motions.

Due to the prior physical altercation on November 24, 2009 that which occurred in open court and in the presence of Judge \_\_\_\_\_ it was highly suspect that Mr. Wallace would recuse himself,addy he did not.

The Judge nonetheless permitted Mr. Wallace to continue representing me. I objected to his decision, citing that the physical altercation has led to the disintegration of the attorney client working relationship. Astonishingly Judge \_\_\_\_\_ overruled my objection.

Over the months since the physical altercation, Counsel and Defendant have exchanged correspondence, some in which Mr. Wallace has outright lied to both the Court and me, astonishingly Judge \_\_\_\_\_ avoids

Addressing these concerns, when I point them out - Presenting evidence of the lawyer's deliberate lies.

On March 23, 2010 Mr. Wallace Met with me at the (MCJ) during our meeting at one point Mr. Wallace became so enraged that he told me to "Stick his dick" then Spilled in my face, as he began to pack his things to leave, he then said "I will make sure your found guilty at your trial" (The PR. No. 10-010188 report confirms Mr. Wallace's actions as Mr. Wallace admitted his statements).

A Mohave County Jail detention officer witness (see detention officer Howard's report) the assault incident and subsequently wrote his incident report. Mohave County Sheriff's office was then contacted whom dispatched a deputy to (MCJ). The deputy conducted his investigation and Mr. Wallace was charged of a Criminal offense against his own client.

Mr. Wallace three days later would launch his "Second Attack" on his client filing six more motions in an attempt to defend himself by assassinating his client's character. Those motions are:

- 1.) Restrain defendant
- 2.) Gag the defendant
- 3.) Inspect all defendant's mail
- 4.) Motion Rule 11
- 5.) Preclude defendant contact his attorney
- 6.) Motion for Clarification.

Oddly, Mr. Wallace's Motion for Clarification requests Court to order defendant to self representation insinuating that my behavior has been egregious after I am the victim of Mr. Wallace's assault.

I believe that Judge  
ethical rules:

Conduct violated the following

### Canon 2 - Rule 2.15

The initial problem was that attorney Wallace appointment was prearranged - against standard practice. When I attempted make a record of this I was attacked by Mr. Wallace in the court. At a

Minimum, one would think that by this occurring directly in front of the Judge the Judge would see this as a violation of the Rules of Professional Conduct or at least by having knowledge (police reports) of the attorney's second assault the Judge would contact the appropriate authority.

### Canon 2 - Rule 2.3

At a minimum, one would also think that due process and fundamental fairness mean that a court should not permit "others" (lawyers) manifest bias or prejudice or engage in harassment. It does not seem possible to have a fair justice system if a judge can have knowledge of such egregious behavior of an attorney and allow said attorney to carry on in such a manner. At the very least a court should dismiss counsel for this rather than consider counsel's request to compel me to self representation.

### Canon 2 - Rule 2.2

As a Judge, Judge [Name] has an ethical duty to ensure impartiality and fairness to all parties and be objective and open minded. Though allowing Mr. Wallace to proceed as defense counsel after not one but two assaults on me this should raise substantial questions regarding his fitness as a judge and the prejudice that this has caused.

### Canon 1 - Rule 1.2

It does not seem that Judge [Name] is promoting public confidence of the judiciary system if he himself is allowing the integrity of his court to be penetrated by the impropriety of attorney Wallace. I simply do not understand Judge [Name] reasoning to allow such impropriety of a lawyer's conduct in his court and that would jeopardize a defendant's rights to adequate representation and a fair trial.

To be honest I would not be filing this complaint if he had not permitted Mr. Wallace to continue representing me. I have

Never heard of a Instance Where a defendant has been assaulted by his Attorney and a Judge not only permit that Attorney to continue representing the defendant but the Judge consider giving the defendant a choice to either continue to be represented by his Counsel or represent himself, that's absolutely absurd.

I do not see how a Judge can not be concern with such intense bias. This constitutes an "act which is calculated to hinder, obstruct or embarrass a Court in the Administration of Justice, or which lessens the dignity or authority of a Court."

I do not believe that any defendant should be placed in a position where he or she is forced to choose between ineffective representation and selfrepresentation. Yet this is precisely what happened to me.

I would like to thank the Commission for it's time. Please contact me if you need follow up information or otherwise have any concerns.