

State of Arizona
COMMISSION ON JUDICIAL CONDUCT

Disposition of Complaint 10-359

Complainant: No. 1409110329A

Judge: No. 1409110329B

ORDER

The complainant alleged that a superior court judge failed to declare a mistrial, should have disqualified herself from considering his subsequent motion, and failed to rule on a motion. The commission considered the allegations and found no evidence of ethical misconduct on the part of the judge. The allegations involve legal issues outside the jurisdiction of the commission. The minute entry the complainant provided contradicts his claim that the judge failed to rule on his motion. Accordingly, the complaint is dismissed pursuant to Rules 16(a) and 23.

Dated: March 24, 2011.

FOR THE COMMISSION

/s/ Keith Stott

Executive Director

Copies of this order were mailed to the complainant and the judge on March 24, 2011.

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

CONFIDENTIAL

State of Arizona
Commission on Judicial Conduct
1501 W. Washington Street, Suite 229
Phoenix, Arizona 85007

FOR OFFICE USE ONLY

2010-359

COMPLAINT AGAINST A JUDGE

Your name: MR.

Judge's name:

Date: 12-26-10

Instructions: You can use this form or plain paper of the same size to file a complaint. Please describe in your own words what the judge did that you believe constitutes judicial misconduct. Be specific and list all of the names, dates, times and places that will help us understand your concerns. You may attach additional pages but not original court documents. Print or type on one side of the paper only, and keep a copy of the complaint for your files.

My complaint originates with my Trial by Jury, from March 2009, through sentencing on June 2009, and current Rule 32 pending, before Judge _____

I filed my Rule 32 on or about December 2010, @ the time of filing, since (1) of my issues within my Pro Per Brief was Abuse of Discretion, (exhibit A), I also filed within the Brief - Abuse of Discretion on Judge _____ for her failing to grant a mistrial, based upon a witness by the State testifying she was told, I was ID by previous witnesses as the alleged robber in the case(s), by the Deputy County Attorneys - Secretary. My attorney asked for a mistrial and Judge _____ denied it. There are other abuse of discretion issues within my trial and cited within my brief.

The witness (Amy Martin's) testimony and trial counsel's request for mistrial is attached exhibit B.

When I filed my Brief, I also filed for Change of Judge for Cause, (see exhibit C), with Supporting Affidavit.

Judge _____ failed to recuse herself as Canon 3 E. Disqualification (1) (A) requires, equally § A.R.S. §32.4(C) and § Rule 10.1 (a), (b), (c) and § 10.2 (a), (b) and (c). It would be impossible for a judge to be impartial, unbiased or prejudicial, when the complaints is lodged against them, as I've alleged in my Brief.

Judge _____, since receiving my Brief, has issued (2) In Chamber Rulings and not addressed the Change of Judge motion, (see exhibits D). I've written the Presiding Judge Jon Kearney and brought this matter to her attention.

(Attach additional sheets as needed)