

State of Arizona
COMMISSION ON JUDICIAL CONDUCT

Disposition of Complaint 12-334

Complainant:	No. 1456510885A
Judge:	No. 1456510885B

ORDER

The complainant alleged a superior court commissioner violated his rights by excluding him from a sidebar conference between his counsel, the prosecutor, and the commissioner. He further alleged the court has violated his right to a speedy trial by subjecting him to excessive proceedings to determine his competency to stand trial.

The responsibility of the Commission on Judicial Conduct is to impartially determine if the commissioner engaged in conduct that violated the provisions of Article 6.1 of the Arizona Constitution or the Code of Judicial Conduct and, if so, to take appropriate disciplinary action. The purpose and authority of the commission is limited to this mission.

After reviewing the information provided by the complainant and the available electronic record, the commission found no evidence of ethical misconduct and concluded that the commissioner did not violate the Code in this case. The commission does not have jurisdiction to review the legal sufficiency of court rulings. Accordingly, the complaint is dismissed in its entirety, pursuant to Rules 16(a) and 23.

Dated: January 16, 2013.

FOR THE COMMISSION

/s/ George Riemer

George A. Riemer
Executive Director

Copies of this order were mailed to the complainant and the judge on January 16, 2013.

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

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On or about, October 25th 2012 by order of Judge Pro Tem _____ of the Superior Court of Arizona. Ordered an third appointed expert to conduct a third evaluation. When on 9/21/2012 by oral motion the state's attorney objected to myself representing any defense on my own behalf.

Said by the State's attorney concern arise from Correspondant sent by me. And assisting the State's objection was newly assigned advisory counsel said; "She express concerns as to my mental competency, said; deputie notice me talking to myself as if someone was present"

And on; 9/21/2012 before judge

the state's motion was **granted**.

Transferring MV case to Pro Tem Judge. _____ to affirm my abilitie to answer legal requirements, And Upon the determination I were to be set immediately for trial as Pro Per inmate.

Due to the prior two examinerson; 10/3/2012 and 10/24/2012 the experts Summary Regarding my competency were said to be an split opinion!

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Therefore the third expert's opinion was ordered. And for that opinion to be made ready to the Courts and all other parties no later than "11/22/2012." In which I was re-evaluated on or about the 15th day of November, of 2012. By

Also being informed by his given opinion as to "myself," being an PRO-PER. Dr. stated; "One, I know that you understand the proceedings within the Court system. two, you're aware of what you're charged with and you've shown great comprehension skills, from the testing." "Do I think you're competent?" "Yes," however I'm really concerned that the State might take the advantage of you."

This ended our interview on; 11/15/2012 at lower buckeye Jail facilities. And this report was to be prepared before; 11/22/2012 one week before the date determined to decide on conclusion on; "11/29/2012." When my case was called, before Judge I was not permitted to enter the court, by the deputy, and the state's attorney and court appointed advisory counsel approached the judge as in secretly...

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After about 2 minute's of the private talk I was not permitted to know what was discussed, I was then allowed to enter the courtroom. Prior to me entering the courtroom, from the hours of; 9:30am through about 11:20am other people came before the judge those of 'US' who were in custody and those whom were public and each as were heard, in this manner; The Judge asked name and true date of birth and the State's attorney after the case numbers was called, for that person would make an recommendation. From her "seat" and each attorney would address the Judge from the "podium" prior to my case being called. " Never once did any one's attorney or the States attorney physically approach the judge And the Sheriff's deputie remained posted by the clerks desk next to the door, for the inmates in custody's entrance, Never once did the deputie move from that position until the o.k. was given to have "me" enter the courtroom' and the State's attorney returned to her "Seat" advisory counsel to the "podium" and the dupitie...

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Stood behind me as my case matter was commenced. As though I or someone all of a sudden needed his close by assistance or protection.

I had the gut feeling something erroneous was about to conspire. Then Judge _____ commenced ask my name and true date of Birth. "I then answered 'Sam Louis Fuller, 01/25/83.'"

Directly following was what I call an Violation of my constitutional Rights; Judge _____ directed to inform me that the report of the third examiner was not "Visible."

Whatever that means, and due to the way the Dr. _____ "worded" the Summary, she shall set this matter out until further dates December 20, 2012. Here's the violation's one; since; 3/24/2012 I have demanded an expedite trial to all parties, 150 days is the timeline limits for those provision pursuant to Rule 8.3. of Rule of crim proc. It's been 71 days in the Rule 11 evaluation and it's been seen by three experts, whom the 'Courts' choosed. The Standard as to expert's report are; an expert who is appointed...

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Pursuant to § 13-4505 shall submit a written report of the examination to the court within ten working days after the examination is completed. The report shall include at least the following information: 1. The name of each mental health expert who examines the defendant. 2. A description of the nature, content, extent and result of examination and any test conducted. 3. The facts on which the findings are based. 4. An opinion as to the competency of the defendant.

It is not my responsibility for the court appointment of competent expert's. no person shall be deprived of life liberty or property without due process of law. It was due to have that report accomplished and me on my way back to immediately setting for trial.

Therefore the judgement by Judge is knowingly and intentionally done to inflict delay or even avoid altogether my right to appear in person and defend myself. Infliction by unnecessary delay enforced to maximize anxiety or cause me to outburst during an court commencement...

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Whatever it is that gives Judge the Idea she can make any kind of miscellaneous ruling is erroneous and needs to be rectified.

Judge _____ knows that by the law the presence of an "mental illness" alone is not grounds to find someone **In**competent. She has allowed stealthy encroachment by the advise of those two serpents. Now for what Judge _____ terms "Cause 'I AM the Judge!'" quoting of

She has not been diligent to conduct the watchful duties of the courts, and has blindly circumvented my rights. The longevity of lost time within her court to be examined three times for a period of 71 days and still continues my case for another 23 days further. I've been in custody some about 410 days yet no one has made **good** on getting in trial as I have demanded, and the risk outweighing any usefulness in my defense since the original occurrence of these accusations; 10/14/2011, and until this current date please. This Maricopa County Judicial system has yo-yo with those timeline provisions within Ariz Rules of Crim Proc...

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In my own defense against the accusation in Criminal Prosecution. Justifying her determination with; "Reports of experts are not "visible" and because she's the Judge."

However in this case the law states when there is a "split decision" between examiners the parties are to make an stipulation considering previous experts reports which in total would be six all except one found me competent.

Judge

wanton

Scheduled my case to continue and remain in her courts to directly effect my **access** to the court and legal research and supplies which are granted only to PRO-PER Inmates. She didn't even try to make any rescheduling within the week of and the Dr.

as I understand said: "He needs to clarify his opinion." Which could have easily been ordered to be completed much earlier and my case back on the Rule 8.3. Timelines provisions of Ariz Rules of Crim proc.

"Jesus help me LORD."