

State of Arizona
COMMISSION ON JUDICIAL CONDUCT

Disposition of Complaint 12-361

Complainant: No. 1434400432A

Judge: No. 1434400432B

ORDER

The complainant alleged a superior court judge has violated his constitutional rights by either delaying in ruling or failing to rule on his filings.

The responsibility of the Commission on Judicial Conduct is to impartially determine if the judge 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 all of the information provided by the complainant and the judge, the commission found no evidence of ethical misconduct and concluded that the judge did not violate the Code in this case. Accordingly, the complaint is dismissed in its entirety, pursuant to Rules 16(a) and 23.

Dated: March 7, 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 March 7, 2013.

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

DEC 28 2012

December 21st 2012

State of Arizona

Commission on Judicial Conduct

1501 W. Washington Street, Suite 229

Phoenix, Arizona 85007

RE: FORMAL COMPLAINT against pima county superior court judge for engaging in conduct that violated the mandatory provisions of both Article 6 Section 21 of the Arizona Constitution, and Rule 2.2 of part E of the Code of Judicial Conduct of Rule 81 of Rules of the Supreme Court of Arizona.

Dear Commission on Judicial Conduct,

This letter is intended to serve as both a formal Complaint against pima county superior court judge, and a request that something be done to address and fix the broken criminal justice system in pima county. This Complaint is based on the following facts.

As an individual who is representing myself in pima county superior court case number CR

I filed the following documents with the Court.

1.) On or about September 25th, 2012, both a petition for an order shortening time for hearing, and combined motion requesting that the court delay its ruling on Defendants motion to suppress evidence seized and to allow Defendant to supplement his motion because of the facts revealed during the deposition of detective which took place on September 24th, 2012.

Please note: that the above described motion was necessitated because of the absurd way the then trial Court, , handled the motion to suppress. (a) I filed my motion to suppress evidence seized; (b.) the court set a date to hear arguments on the matter; (c.) at the hearing on the matter the prosecutor, provided me with his unsigned and undated pleading entitled state's response to motion to suppress; (d.) without being given the opportunity to examine the state's response, the court proceeded to hear arguments on the matter; (e) at the conclusion of the hearing the court issued an order which allowed me to file a reply to the state's response; (f.) after filing my reply to the state's response the deposition of detective took place and, as indicated above, I filed the above described combined motion.

I bring all of this to your attention so that you can see for yourselves that said Combined motion is well grounded and submitted for good cause. In support thereof please see attachment 'A' on page 51 at lines 10-25, page 52 at lines 1-25, page 53 at lines 1-25, and page 54 at lines 1-14; See also, page 61 at lines 1-25, page 62 at lines 1-3, page 64 at lines 9-25, page 65 at lines 13-25, and page 66 at lines 1-8.

Clearly, the sworn testimony of detective is extremely important to my position that the search conducted in this case was wholly unlawful and thereby making my said Combined motion non-frivolous.

The above combined motion described above has gone unanswered by the court for 87 days.

2.) On or about October 4th, 2012, both a petition for an order shortening time for hearing, and motion for an order requiring material police witnesses to make themselves available for pretrial interviews by the defense.

This motion has gone unanswered by the court for 78 days.

It's also important to note that because the court ignored this motion I was forced to go to trial without completing witness interviews.

3.) On or about October 18th, 2012, both a petition for an order shortening time for hearing, and ...

• • • Motion to dismiss due to prosecutorial misconduct.

This motion has gone unanswered by the court for 64 days.

Note: This motion is based on the fact that deputy Pima County attorney, engaged in conduct involving dishonesty, deceit, and misrepresentations in violation of ER 8.4(c) of the Rules of professional conduct of the Rules of the Arizona Supreme Court.

I have filed a formal Complaint regarding the Misconduct of Mr. Said complaint and its exhibits are attached hereto as attachment 'B'.

4.) On October 22nd, 2012, I submitted in open court my motion requesting an order requiring the Pima County Sheriff's Office to allow defendant to file a formal theft complaint.

This motion has gone unanswered by the court for 60 days.

This motion is on the fact that Sheriff's detective's stole items from my house. See attachment 'A' deposition of detective, on page 65 at lines 13-25, and page 66 at lines 1-8.

Earlier this year this case, (CR.), and case number CR. was assigned to former pro tem superior court judge.

As is evident by the facts directly related to Complaint number 12-025, former judge violated the herein referenced statutory and constitutional mandates in eleven (11), instances in case and in seven (7), instances in this case, Former judge was subsequently asked to resign by the then presiding judge.

This case (CR.), was then assigned to the now presiding judge. As illustrated by the above facts, in the short time that this case has been assigned to judge he has violated both the Arizona Constitution and the code of judicial conduct on four (4) separate occasions.

If it were one oversight by one judge then an advisory comment reminding the judge of his mandatory obligations to comply with constitutional provisions and court rules may be sufficient. However, in this case there has been twenty two, (22), violations committed by two, (2), separate judges, one being the presiding judge, in a time span of just over one year.

Augmenting the seriousness of these violations is the fact they have a direct and severe negative impact on my Constitutional right to access to the court, free speech, to be free from unreasonable searches and seizures, to be heard in a meaningful manner at a meaningful time, to meaningful self representation, to due process, and to equal protection of the law.

It's a good thing that justice is blind because if lady justice could see what is taking place under her name in the court rooms in the pima county superior courthouse she would be sickened! And, speaking frankly, the irrefutable facts presented by this complaint should serve as alarming questions for the members of the Commission on judicial conduct as to just what is taking place in the pima county criminal justice system?

I am asking that you please intervene in this matter and do that which is right to correct the unconstitutional actions and/or inactions which function as business as usual here in pima county.

Respectfully,

I declare under penalty of perjury that the foregoing is true and correct. Executed on December 21st, 2012.

CC