

State of Arizona
COMMISSION ON JUDICIAL CONDUCT

Disposition of Complaint 14-007

Judge:	No. 1078114846A
Complainant:	No. 1078114846B

ORDER

The complainant alleged a superior court judge should have allowed him to change counsel and improperly threatened him during a settlement conference.

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 review, the commission found no evidence of ethical misconduct and concluded that the judge 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: February 26, 2014.

FOR THE COMMISSION

/s/ George Riemer

George A. Riemer
Executive Director

Copies of this order were mailed to the complainant and the judge on February 26, 2014.

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

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

2014 007

COMPLAINT AGAINST A JUDGE

Your Name:

Judge's Name:

Date:

Instructions: Describe in your own words what the judge did that you believe constitutes misconduct. Please provide all of the important names, dates, times, and places related to your complaint. You can use this form or plain paper of the same size to explain your complaint, and you may attach additional pages. Do not write on the back of any page. You may attach copies of any documents you believe will help us understand your complaint.

on my pending case was set for a settlement conference before a judge and during

this settlement conference i do believe that judge

conducted a practice of malpractice when

he blatantly threatened me and in the following

pages that follow this is what happened on

i would appreciate any and all assistance

i would receive from you so i would not be seen in

front of this judge ever again so he cannot make

good on his threat. my presiding trial judge is not

if convicted of these charges i

very well may be seen before a different judge than the current one i currently have judge

①

On _____ had a settlement conference before a Judge _____ on the 11th floor of the Superior Court of Maricopa County State of Arizona. And before that settlement conference actually began a Judge _____ had asked Judge _____ to rule on a motion to change counsel I had submitted to Judge _____. During the time Judge _____ made his ruling on the motion to change counsel Judge _____ made a few comments.

One of which was the fact that he's had presidings with _____ and that he was a good Attorney. Second he asked what type of education I had I stated 11th grade. He then went on to say that a high school diploma, a college education and a law school degree like himself so he knew the law and because I was not happy that he was not filling motions like I asked him to did not make him a bad Attorney and the fact that I was asking him to file frivolous motions could have been why he was not filling them because his education was farther along than mine so he would be denying the motion.

②

Then Judge _____ stated that I had 2 choices to make at this settlement conference either to take the plea agreement offer or take the case to trial but if I took the case to trial and lost he would be stacking the convictions on me to be sure I would be given more time. Is that not threatening? Are Judges supposed to be threatening individuals? That according to the

U.S. Constitution Amendment VI: In all criminal prosecutions, the accused shall enjoy the right to a speedy and public trial, by an impartial jury of the state and district wherein the crime shall have been committed; which district shall have been previously ascertained by law, and to be informed of the nature and cause of the accusation; to be confronted with the witnesses against him; to have compulsory process for obtaining witnesses in his favor, and to have the Assistance of Counsel for his defence.

And According to the U.S. Constitution Amendment V: No person shall be deprived of life, liberty without due process of law; definition of liberty is justice, and by this

Judge making this comment he considers me guilty and is inflicting cruel and unusual punishment upon me. definition of cruel; causing grief or misery, definition of grief; mental suffering And I am mentally suffering and am in misery due to the fact I can't stop thinking about what he said "IF you take it to trial, I will be stacking your charges". So I am at a loss in what to do because if this judge sentences me if I'm found guilty, by his threat I know what to expect more time than I would receive if I take the plea Agreement but I also don't feel I'm guilty of certain charges in the plea Agreement and feel I can beat at least 1 if not all the charges but based on Judge threat am scared to take this case to trial.

Is not A settlement conference supposed to be where Prosecution reads off the charges Against me states whatever evidence they have ASK how the defense feels

feels and defense states how they feel based on the evidence and nature of the charge defendant is not guilty and discuss a better plea Agreement than the one originally offered and either come to A settlement between both parties or take the case to trial? because I did not get that opportunity with this Judge He told me I had two choices take the plea or take it to trial and my Attorney would be doing every thing else.

Prosecution got up read off the charges stating they were offering me For certain Charges and years for another was I willing to take the plea I said no my case got set for trial by this judge

④ According to the U.S. Constitution Amendment XIV; All persons born or naturalized in the United States and subject to the jurisdiction thereof, are citizens of the United States and of the state wherein they reside. No state shall make or enforce any law which shall abridge the privileges or immunities of citizens of the United States; nor shall any state deprive any person of life or liberty without due process of law, nor deny to any person within its jurisdiction the equal protection of the laws.

The Constitution of The State of Arizona Article 2 subsection 4 No Person shall be deprived of life or liberty without due Process of law. The Constitution of The State of Arizona Article 2 subsection 3 The Constitution of the United States is the supreme law of the land. And Any and All Assistance you can assist me with will be greatly appreciated.

Therefore I bring A practice of malpractice before the Commission on Judicial Conduct I am requesting Judges be sanctioned and censure for the constant infliction of emotional and mental Abuse to myself.

requests that the Commission on Judicial Conduct protect my liberty and Constitutional right to have a conflict free Judge in any and all criminal proceedings. The Constitution of the State of Arizona Article 2 sub-section 2; All political power is inherent in the people, and governments derive their just powers from the consent of the governed, and are established to protect and maintain individual rights, Article 2 sub-section 15; nor cruel and unusual punishment inflicted and Article 2 sub-section 3; The Constitution of The United States is the supreme law of the land.

⑤

The United States Constitution, Article VI This constitution, and the laws of the United States which shall be made in Pursuance thereof; and all which shall be made under the Authority of the United States, shall be the Supreme Law of the land; and the Judges in every State shall be bound thereby, any Thing in the Constitution or laws of any State to the contrary notwithstanding. The united States Constitution. Amendment V- No person in any criminal case to be deprived of life or liberty without due process of law. The united States Constitution Amendment VIII- Nor cruel and unusual punishments inflicted. The United States Constitution Amendment IX- The enumeration in the Constitution, of certain rights, shall not be construed to deny or disparage others retained by the people

And The U.S. Constitution Amendment XIV; All persons born or naturalized in the United States and subject to the jurisdiction thereof, are citizens of the United States and of the State wherein they reside. No state shall make or enforce any law which shall abridge the privileges or immunities of citizens of the United States; nor shall any state deprive any person of life or liberty without due process of law, nor deny to any person within its jurisdiction the equal protection of the laws.

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