

State of Arizona
COMMISSION ON JUDICIAL CONDUCT

Disposition of Complaint 18-236

Judge:

Complainant:

ORDER

The complainant alleged a superior court judge failed to appoint him an attorney for several years and made delayed rulings in his case.

The responsibility of the Commission on Judicial Conduct is to impartially determine if a judicial officer 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 judicial officer did not violate the Code in this case. Accordingly, the complaint is dismissed in its entirety, pursuant to Rules 16(a) and 23(a).

Commission members George H. Foster, Jr., Diane M. Johnsen and J. Tyrrell Taber did not participate in the consideration of this matter.

Dated: November 7, 2018

Copies of this order were distributed to all appropriate persons on November 7, 2018.

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

I understand the commission cannot reverse court orders or assign a new judge to a case.

I declare, under penalty of perjury, that the foregoing information and the facts I have provided upon which my allegations of judicial misconduct are based are true and correct.

Signature: _____

Date: _____

INSTRUCTIONS

Use the following space or plain paper of the same size to explain your complaint. Explain why you believe what the judge did constitutes judicial misconduct. Be specific and list the names, dates, times, and places relevant to your allegations. Additional pages may be used and relevant copies of documents may be sent with your complaint (please do not send original documents). Use one side of each page only and write legibly or type your complaint. Please keep a copy of your complaint for your records.

See Attachment.

Judge _____ was the Judge of _____ County Superior Court in _____ and as such was mandated by law to appoint Complainant counsel " _____ " after Complainant filed his NOTICE of P.C.R. Rule 32" _____ " Rule 32.4(cc)(2)(version). Judge _____ was derelict in his duty causing Complainant to go over _____ without counsel & Due Process and forcing Complainant to file his P.C.R. petition pro se on _____ after Complainant sent

Judge _____ a letter requesting counsel that Judge _____ ignored. Since filing the P.C.R. Judge _____ has been in direct violation of Ariz. Const. art. II § 21 & R.S.C. Rule 91 by ignoring and not ruling on over _____ defense motions.

Judge _____ has therefore committed perjury every time he has signed to receive pay attesting that he has no motions outstanding for more than sixty (60) days.

Judge _____ is using the powers of his office under color of state law to delay the P.C.R. because he must rule in Complainant's favor, and as such a ruling will negatively affect Judge _____ bid for re-election.

Rules of the Supreme Court Rule 81 (_____ Version) Cannon 1

Judge _____ unlawful use of the powers of his office to conceal his _____ dereliction of duty obviates both the " _____ " & " _____ " of the Judiciary.

Judge _____ complete lack of " _____ " [_____ Commentary]

is self-evident and established factually through his dereliction of duty and his current unlawful, extra-judicial, and ultra vires acts to conceal the dereliction of duty.

Judge " "

"[Commentary] & for his own future pecuniary gain at the cost of unlawfully retaining an innocent man in prison (Complainant) and the cost of the " " of the whole of Arizona's judiciary; since Judge " "[Commentary.] is based solely on preventing the body politic from discovering Judge previous dereliction of duty that caused an innocent man to remain unlawfully incarcerated for almost a decade-- as such a discovery would cost Judge any possibility of being re-elected.

Cannon 2

A. Judge dereliction of duty in directly violated Arizona Law (Rule 32.4(c)(2)) and his current dereliction of duty directly violates art. VI § 21, R.S.C. Rule 91, A.R.S. §§ 13-2702, et seq., and other laws.

B. Judge is allowing "

Judge " " " " " "

"[Cannon 2A Commentary] are self-evident by the P.C.R. record. " "

"[Cannon 2B Commentary]-- this obviously includes unlawfully retaining an

innocent man in prison to prevent the body politic from discovering the truth concerning Judge abject & repetative intentional dereliction of duty.

"

... "[Id.]

-- Judge is obviously exploiting his office to prevent the body politic from discovering the truth about him and his other exploits.

Cannon 3

A. Judge is placing his " "far below his personal re-election duties.

B. (1) Judge has refused to properly adjudicate Complainant's case because it will negatively effect Judge bid for re-election.

(2) Judge is not being " "as" "in Arizona requires Judge to dispose of matters within 60 days (Art. VI §21, R.S.C. Rule 91), and federal law as determined by the United States Supreme Court in Strunk v. U.S., 412 U.S. 430, 436, 440 (1973) Commands that Judge exonerate & release Complainant.

(3) Judge has allowed the prosecutor to repeatedly " "(A.R.S. §39-161) into the Court without sanctions, as a means to continue the matter past the mid-term election.

(5) Judge has made his bias & prejudice against Complainant obvious, as evidenced by all of his decisions in this matter, all of which are contrary to law and favor the State while depriving Complainant of his substantive rights.

(427) Judge _____ refused to allow Complainant to speak or make an Offer of Proof in the Status Conference (_____) and ordered Complainant to remain belly chained so Complainant could not access his notes and legal materials as a pro se litigant. Judge _____ has had ex-parte communications with the prosecutor - as evidenced by the dates & verbiage in Court & State filings.

(8) Judge _____ is intentionally delaying the Order to exonerate & release Complainant until after the election.

(9) Judge _____ is unlawfully using the powers of his office to prevent the discovery of his _____ of dereliction of duty.

C. (1) Judge _____ refuses to diligently discharge his administrative duties (art. VII § 21, R.S.C. Rule 91).

(3) Judge _____ of appointing counsel (Rule 32.4(c)(2)) is mandated by law (_____).

E. (1) Judge _____ refuses to disqualify himself from the matter even though his complete lack of impartiality is self-evident & he has a financial interest in the form of future pecuniary gain from being re-elected. See esp. E(1)(e)(i)(ii)

Cannon 5

Judge _____ should cease using the powers of his office to commit current acts of dereliction of duty to conceal his previous acts of dereliction of duty from other Judicial Candidates.

NOTE 1: This Review Board should note that the continuing delay of this matter after the filing of the P.C.R. was based on Judge

**THE COMMISSION'S POLICY IS
TO POST ONLY THE FIRST FIVE
PAGES OF ANY DISMISSED
COMPLAINT ON ITS WEBSITE.**

**FOR ACCESS TO THE
REMAINDER OF THE
COMPLAINT IN THIS MATTER,
PLEASE MAKE YOUR REQUEST
IN WRITING TO THE
COMMISSION ON JUDICIAL
CONDUCT AND REFERENCE
THE COMMISSION CASE
NUMBER IN YOUR REQUEST.**