

State of Arizona  
COMMISSION ON JUDICIAL CONDUCT

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Disposition of Complaint 06-018

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Complainant:

No. 1276410549A

Judge:

No. 1276410549B

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**ORDER**

An initial review of the complaint filed in this matter reveals that the issues raised are legal or appellate in nature and do not involve allegations of ethical misconduct.

Most cases involving drugs are initially charged as felonies. If the prosecutor requests a waiver, less serious cases can be taken out of the superior court and heard in the justice court. The right to be represented by a court-appointed attorney only applies to cases where the state is asking for jail time, or where the crime is one of moral turpitude. A possession of paraphernalia charge does not trigger that right. Any person may hire a lawyer at his or her own expense at any time.

Because the commission is not an appellate court and cannot change a judge's decisions, the complaint is dismissed pursuant to Rule 16(a).

Dated: February 6, 2006.

For the Commission

/s/ Keith Stott  
Executive Director

Copies of this order were mailed to the complainant and the judge on February 6, 2006.

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

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

CJC-06-018

### COMPLAINT AGAINST A JUDGE

Your name:  Judge's name:  Date: 8-03-04

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 the day  I was tried for a paraphanella violation. The Honorable Judge  dismissed the case and  brought up the case again in Judge  Court. I have asked for legal counsel and they denied me of the rights of a legal counselor. They stated that I didn't need one due to the fact that it was a misdemeanor offense. I asked why officer  received legal counsel and he replied that it is a must for officer  to receive counsel. I was then tried and convicted of paraphanella. The paraphanella in question was found outside my property and I explained to the officer I had no knowledge of where it came from. He then placed the paraphanella in his shirt pocket. This so called evidence was not placed in a sealed evidence bag and sent to lab for finger printing or anything. The paraphanella was broke in his shirt pocket. I asked  why tampered evidence was submitted to the court. And he replied there is no such thing as tampering with evidence? And Judge  agreed as well. Now officer  states he can no longer produce evidence of paraphanella or a piece of broken object.

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I feel that officer [redacted] who has numerous years experienced in Drug Enforcement Agency. should have some knowledge of being able to place evidence securely in evidence bag and not in his pocket. so I feel I have been Rail Roaded by the [redacted] Police Department and [redacted] Drug Enforcement Agencies in [redacted] County. I feel that the state of Arizona took advantage of me and persecuted me for something I did not do. I feel my case should be overlooked and my record re-examined due to the fact that Tampering with Evidence should not be overlooked and Judge [redacted] should have a better understanding for the law which he is sworn by oath to uphold. I would also like to know why I was convicted of a crime without receiving legal counsel. Because I cannot read or write and I have records to prove it at the [redacted] High School my classes in special education should be proof enough.