

State of Arizona
COMMISSION ON JUDICIAL CONDUCT

Disposition of Complaint 06-098

Complainant: No. 1283410598A

Judge: No. 1283410598B

ORDER

A review of the complaint filed in this matter reveals that the issue raised is solely legal in nature and does not involve allegations of ethical misconduct. The complainant argues that his constitutional right to confrontation was violated at a probation revocation hearing when an officer testified from the written report of another officer. The question of the legality of this practice is outside the jurisdiction of the commission, which is not a court.

The complaint is dismissed pursuant to Rule 16(a).

Dated: May 2, 2006.

FOR THE COMMISSION

/s/ Keith Stott
Executive Director

Copies of this order were mailed to the complainant and the judge on May 2, 2006.

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

CJC-06-098

KEITH STOTT JR

APRIL 6, 2006

EXECUTIVE DIRECTOR

COMMISSION ON JUDICIAL CONDUCT

APR 11 2006

I AM WRITING FOR THE FACT OF THE RECORDS OF COURT TRANSCRIPT AND RECORD ITEMS OF [REDACTED] AND OF [REDACTED] THAT THE RULES OF THE SUPREME COURT AND THE CODE OF JUDICIAL CONDUCT HAS BEEN VIOLATED BY HONORABLE [REDACTED]
[REDACTED]

THESE ARE THE RULES THAT HAS BEEN VIOLATED.

CANON 3. A, B ADJUDICATIVE RESPONSIBILITIES (2)(5)(7)(b)(8).

COMMENTARY [CANON 3B(7)]

EXCEPT AS PROVIDED BY LAW, A JUDGE MUST NOT INDEPENDENTLY INVESTIGATE FACTS IN A CASE AND MUST CONSIDER ONLY THE EVIDENCE PRESENTED.

A JUDGE MUST MAKE REASONABLE EFFORTS, INCLUDING THE PROVISION OF APPROPRIATE SUPERVISION, TO ENSURE THAT § 3B(7) IS NOT VIOLATED THROUGH LAW.

CJC-06-098

THIS IS THE FACTS OF MY
EVIDANCE OF COURT TRANSCRIPTS
AND ITEM OF THE RECORDS OF

ON [REDACTED] THE SENIOR PROBATION
OFFICER [REDACTED] SUBMITTED TO SUPERIOR
COURT A PETITION (ITEM NO 61) ED 9 BM PAGE 61.

ON [REDACTED] THE SENIOR PROBATION
OFFICER [REDACTED] SUBMITTED TO SUPERIOR
COURT A PETITION TO REVOKE ITEM NO 67 PAGE 67.

ON [REDACTED] AT THE WITNESS VIOLATION
HEARING BEFORE THE COURT OF HONORABLE
[REDACTED] THE PROBATION
OFFICER REFUSE TO ATTEND (ITEM NO 67) PD 24
PAGE 67.

THE SIXTH AMENDMENT U.S. CONSTITUTION,
IN ALL CRIMINAL PROSECUTION, TO BE
CONFRONTED WITH THE WITNESS AGAINST
HIM; TO COMPULSORY PROCESS OF OBTAINING
WITNESSES IN HIS FAVOR.

CJC-06-098

§ 27:2 CONSTITUTIONAL RIGHT OF ACCUSED
REGARDING CROSS-EXAMINATION OF WITNESSES,
CRAWFORD V. WASHINGTON
NO 02-9410

SUPREME COURT OF THE UNITED STATES

[REDACTED] ARGUED

[REDACTED] DECIDED

PAGES 1 THROUGH 18.

ON [REDACTED] THE PETITIONER WAS APPOINTED
COUNSEL (ITEM NO 71) PAGE 71

ON [REDACTED] [REDACTED]

INTERROGATE THE PETITIONER TO SUBMIT
THE SUPPLEMENTAL PETITION (ITEM NO 71)
PAGE 71

THE [REDACTED] PROBATION OFFICER
INTERROGATED THE PETITIONER WITHOUT ADVISE
ING COUNSEL OR HAVING COUNSEL PRESENT.

THE UNITED STATES CONSTITUTION
THE SIXTH AMENDMENT
PROVISION FOR ASSISTANCE OF COUNSEL FOR
HIS DEFENSE.

THANK YOU

