

State of Arizona
COMMISSION ON JUDICIAL CONDUCT

Disposition of Complaint 06-111

Complainant: No. 1271210639A

Judge: No. 1271210639B

ORDER

A review of the complaint filed in this matter reveals that the issues raised are groundless. There is no evidence of ethical misconduct.

The complainant's relative was charged with driving under the influence of alcohol and has filed dozens of motions that have extended the time for the trial for over two years. On the day of trial, the defendant wandered out of the courtroom and did not return until later that day, so a mistrial was declared. At that time, the defendant was taken into custody and Rule 11 (mental competency) proceedings were initiated. A Rule 11 evaluation does not require "self incrimination" testimony from an individual.

Because the contents of the complaint do not support the claims, the complaint is dismissed pursuant to Rule 16(a).

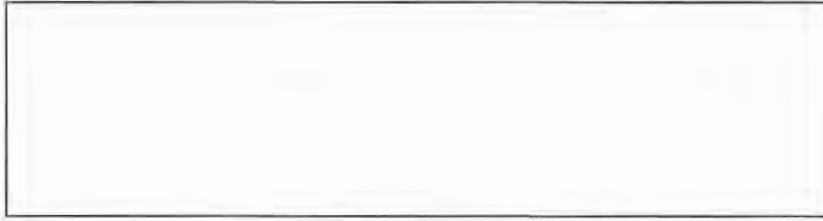
Dated: May 2, 2006.

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-06-111

April 21, 2006

Honorable To Whom It May Concern

I was present in the court hearing [redacted] I heard that mental evaluations regarding rule 11 have been reviewed by the court of Judge [redacted] [redacted] The information reviewed regarding rule 11 may be fraudulent. [redacted] state trusted public defender stated in a taped conversation that even though a detained person declines to speak to a mental evaluator the evaluator will write information anyway. The information that pertained to [redacted] was negative. I believe this implies that negative information is job security for the state appointed mental evaluators. This is scary. The mental evaluators are on the loose writing what the state requires to keep [redacted] incarcerated. Evidently state prosecutor [redacted] thiks [redacted] is competent because [redacted] clearly had a debate with state prosecutor [redacted] prior to the hearing in Judge [redacted] court. [redacted] argued for nearly 20 minutes on issues of specific law and issues regarding [redacted] illegal incarceration. [redacted] made light of [redacted] lengthy 7 month illegal incarceration of the fraudulent rule 11. [redacted] argued that maybe [redacted] too would have the opportunity to be incarcerated but in Federal Prison do to his misconduct regarding [redacted] fraudulent arrest and malicious prosecution. [redacted] responded that if that should happen he would hire an attorney. [redacted] did not respond regarding his own innocence in this matter. Witnesses to [redacted] pre hearing conversation include some of Judge [redacted] staff, 2 [redacted] deputies escorting [redacted] [redacted] placed [redacted] on rule 11. [redacted] had the duty as counsel to advise [redacted] that rule 11 evaluation could be declined by pleading the fifth amendment. A new

attorney should have been granted by the Superior Court of Arizona prior to any further rule 11 proceedings due to conflict of interest regarding rule 11 arrest. [] purposely failed to inform [] in writing details of the rule 11 and all the specific information in writing of his fifth amendment rights regarding rule 11. [] deliberate lack of advisory council information regarding rule 11 could indicate malicious intent and client deceit. [] has advised the court that he has plead the fifth regarding mental evaluations. What information was determined by the Judge [] [] court after [] has plead the fifth? Negative information written after someone pleads the fifth should be deemed as fraudulent. Or inadmissible. [] has said nothing during the evaluations? I recall Judge [] making judgement based on reference to evaluation reports. It is questionable as to what is legally admissible after the fifth amendment right is evoked. [] had the right to have competent legal representation prior to all mentall evaluations. All documentation regarding mental evaluations should be disregarded due [] inaffective assistance of council, lack of requesal and malicious motives [] spoke very plainly and clearly was mentally competent during [] hearing. Earlier in the week a mental evaluater was spoken to at the [] Jail. She confirmed that the evaluations were not always done. According to the evaluator the incarcerated have the right not to participate. So [] pleading the fifth is common. I witnessed other rule 11 victims at other hearings and they were out of it. Some rule 11 candidates did not have the physical characteristis of a normal skull since part of the head looked caved in probably by a force or natural causing head trauma. They seemed lucky to know their names much less know any law. [] is clearly not rule 11. [] is a [] and was successfully working in his own shop up until the questionable rule 11. Judge [] honored []

Change of Judge for Cause Motion. I believe that is why there was a hearing [] in Judge [] court. Judge [] must have felt [] was competent due to the **acknowledgement of the motion**

Change of Judge for Cause. Judge [] moved aside so another judges could make a decision regarding [] **Pro Per Motion Change of Judge for Cause.** Judge [] made a release stipulation that [] was not to drive upon his release on bond. [] had already lost his license due to a Mvd hearing in which perjured testimony was clearly administered by [] in [] [] has since regained his license in [] and had been successfully driving and working at his [] in downtown [] is across the street from [] [] has worked continual in his shop until his questionable rule 11 arrest [] [] was arrested while in court just prior to his trial. Randall is still in jail. 7+ months in jail. Judge [] ordered [] not to drive thus prompting a **Double Jeopardy** senario. [] was not going to burden the family to drive him around when he had

*already lost his licence once already within the same alleged charges due to perjured testimony via [redacted] The **Double Jeopardy** regarding loss of driving is a concern that may appropriate Motion for Change of Judge. Judge [redacted] also should have been aware that a **conflict of interest with [redacted] as advisory council** is evident. Judge [redacted] allowed [redacted] to pad her reputation and try to hang [redacted] on record after placing [redacted] on rule 11. Judge [redacted] didn't seem to know whether [redacted] was in custody or not Based on a minute entry seen by the public. Judge [redacted] made a ruling that [redacted] was no longer [redacted] advisory council. [redacted] was to be defended by another sector of public defenders [redacted] explained that [redacted] was put on rule 11 because he had left the hearing and looked through a window. [redacted] explained that [redacted] was recommended for previous questionable rule 11. This had to be the one from Judge [redacted] the [redacted] Magistrate. [redacted] failed to inform judge [redacted] Court that judge [redacted] requested himself and quashed the arrest warrant regarding rule 11. The [redacted] pd went outside of their jurisdiction and harass my mother on [redacted] regarding [redacted] whereabouts. The [redacted] pd currently have no record of their appearance at moms house [redacted] regarding rule 11 warrant. Judge [redacted] had advised that he wanted to gain custody of [redacted] after it was known that the department testing the vials of blood documented had no integrity seals. **[redacted] and the state knew before hand that [redacted] had a quashed arrest warrant in [redacted] regarding rule 11 but still went along with malicious procecution. The quashed arrest warrant is public information. Why wasn't a rule 11 investigated before proceding further** Again it is now known that rule 11 victims can plead the fifth and therefore no verbal information transpires. Why then the sudden need for incarceration. [redacted] explanation for rule 11 was feable. [redacted] **did not raise any rule 11 issues during the evidentiary hearing which she attended.** During this proceding she was witnessed being ineffective and unwilling to participate. I had informed [redacted] at this time that her lack of participation was evident and that she needed to start doing her job. There was a lot of evidence that was withheld do to [redacted] pouty inaffectiveness. One of the main pieces of evidense not introduced was the perjured testimony from the [redacted] [redacted] stopped [redacted] with no probable cause. [redacted] testified in Mvd hearing that [redacted] tail light not working. [redacted] Pd video clearly shows all 3 taillights shining brightly. Coincidentally [redacted] **perjured testimony [redacted] was the same cop that forcibly removed [redacted] blood.** [redacted] was involved in the bloods questionable chain of custody. [redacted] was ordered by Judge [redacted] to depose another [redacted] pd [redacted] after [redacted] found leaks in the states blood evidense during the evidentiary hearing. (**Where was [redacted] and the rule 11 during evidentiary hearing?**) Judge [redacted] stated that states evidense regarding blood "did not pass the smell test". An extention was granted for the state to depose the cop, after questionable*

speedy trial violations had been already ruled on by Judge [redacted] The state clearly had enough time to have all its evidence completely finalized and together. The time extension for the deposition of [redacted] Pd was in the states best interest not [redacted] violating previous speedy trial issues previously ruled upon by Judge [redacted] [redacted] met with Prosecuting Attorney [redacted] to depose and record testimony from a [redacted] cop ordered by Judge [redacted] [redacted] **at this time did not yell rule 11.** There was a 32 panel jury after the evidentiary hearing. [redacted] prosecuting attorney [redacted] judge [redacted] and [redacted] were in attendance. [redacted] wittled the 32 jury panel down to just 7 by asking them questions and evaluating their personas. [redacted] was the jury evaluator led by Judge [redacted] state prosecutor [redacted] and advisory council [redacted] Again [redacted] **did not yell rule 11.** Why were these people wasting tax payers money if [redacted] was indeed rule 11? [redacted] was ineffective and she knew her time was limited because of her lack of help. [redacted] was confronted regarding her ineffective and unwillingness to participate helping [redacted] with legal issues during the evidentiary hearing in [redacted] Judge [redacted] had ordered that [redacted] was no longer Pro Per. Why then was a release order not provided by Judge [redacted] [redacted] rule 11 competency was no longer an issue when [redacted] was removed from Pro Per status. Self defense in the courtroom is no longer an issue. [redacted] is not a threat to society. [redacted] has been continually working at his [redacted] shop In [redacted] up until the point of his questionable rule 11 arrest [redacted] This rule 11 application unjustified. The lengthy detainment of more than 7 months is excessive and cruel. Defamation of character, and physical damage is unethically unconstitutional. Please feel free to fill the story lines with the appropriate law that applies in [redacted] behalf.

[redacted] 5th, Sixth, and 14th Amendment rights were violated

