

State of Arizona
COMMISSION ON JUDICIAL CONDUCT

Disposition of Complaint 06-158

Complainant: No. 1205700246A

Judge: No. 1205700246B

ORDER

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

It is clear on the face of the complaint that the complainant is seeking to overturn the judge's ruling. 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: June 20, 2006.

FOR THE COMMISSION

/s/ Keith Stott
Executive Director

Copies of this order were mailed to the complainant and the judge on June 20, 2006.

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

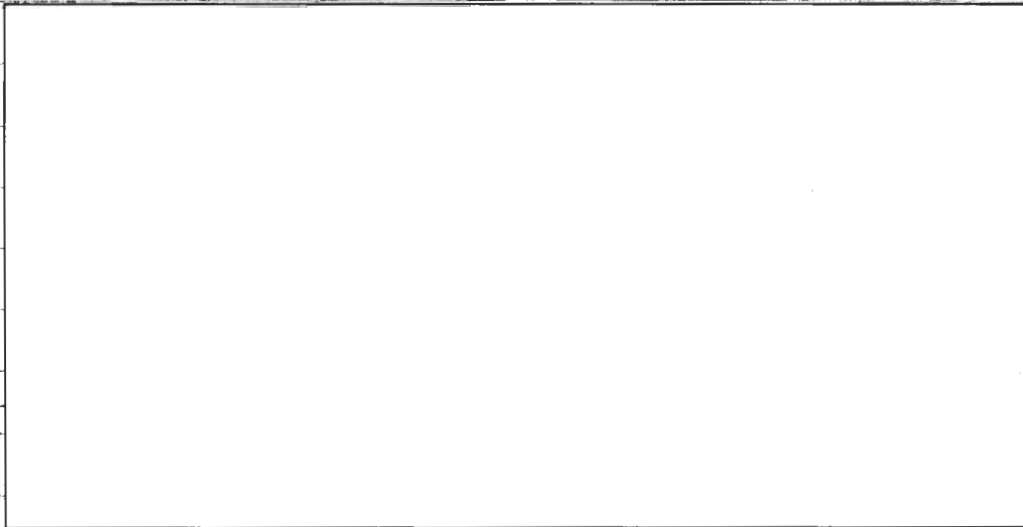
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JUN 09 2006

To: Judicial Commissioner

1501 W. Washington, Suite 229

Phoenix, Arizona, 85007



Greetings:

This missive is to be deemed as a
Formal Complaint (Disciplinary Complaint)

Against Honorable [redacted], in

[redacted] County, Superior Court (Division [redacted])

For knowingly, willingly and intentionally
violating Rule 81: Rules of Supreme
Court Code of Judicial Conduct.

31b) A Judge shall not in the perform-
-ance of judicial duties, by word or
conduct manifest bias or prejudice.

on [redacted], complainant was
charged with Aggravated Assault and
Burglary. Trial Attorney filed a Rule 11
because he believed complainant was not
fully understanding legal proceedings

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Against him - Complainant was Found Incompetent to Stand Trial, and Sent to THE ARIZONA STATE HOSPITAL (Restoration of Competency Program) He was Restored. There was a Plea Offer, Offered, Many dates were Set, So Complainant, could Accept Plea, IT WAS NEVER ENTERED INTO, DUE TO MANY DIFFERENT REASONS.

ON [REDACTED], Complainant had to STATE ON RECORD THAT HE WAS GOING TO ENTER INTO PLEA AGREEMENT. PROSECUTOR WITHDREW PLEA OFFER, (AFTER THIS VERBAL AGREEMENT) THAT COMPLAINANT WAS GOING TO SIGN IT. THAT DAY CAME AND WENT.

ON [REDACTED], A CHANGE OF PLEA HEARING WAS SET TO ACCEPT PLEA OFFER. COMPLAINANT ENTERED COURT ROOM THAT MORNING 55 MINUTES LATE. HONORABLE [REDACTED] WAS UPSET AND YELLING AT COMPLAINANT.

THAT DAY COMPLAINANT WAS NOT ALL TOGETHER, HE WAS ON DRUGS AND DRUNK. COMPLAINANT ASKED JUDGE, IF HE COULD ACCEPT PLEA OFFER THAT AFTERNOON BECAUSE HE WANTED TO DISCUSS CASE MORE WITH ATTORNEY [REDACTED].

JUDGE REFUSED TO LET COMPLAINANT ACCEPT PLEA OFFER THAT AFTERNOON, AND STATED THAT TRIAL WILL BEGON AT 10:30 A.M. THE FOLLOWING MORNING. COMPLAINANT THEN

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Asked Judge For A new Counsel, due to Counsel
not doing any kind of investigation or inter-
-viewing Any witnesses (Not even victim)
Judge, denied The request of New Counsel
Also.

Complainant, informed Judge ~~that~~ that he
has witnessed that he would like to Supreme.

Trial Attorney [redacted], Never stands up
on [redacted], to advocate Complainant's
Cause.

Trial Attorney, knew we were there to
accept plea deal, but yet Attorney never
mentioned any plea deal that day.

Trial Attorney knew Judge was upset that day,
that's why he didn't mention plea,
he did not want to upset Judge anymore
than what he already was.

Trial Attorney did inform Judge that
"we could not win case in trial", if Attorney
knew we could not win at trial, (Attorney
had a duty of loyalty to client to not
let trial proceed) And Ask Judge, for
A continuance to accept plea offer, as to
interview (any) or at least (1) witness, or
at the minimum victim, to find any
kind of evidence that could possibly
exonerate defendant.

Attorney And Judge, knew Complainant
had mental Health Issues, as well as

drug and Alcohol Addiction Problems.

Judge, was Aware that Attorney never interviewed any witnesses, Nor did he ever file any motions.

Judge was informed that complainant wanted to accept plea offer, because counsel informed court and complainant, that "we could not win at trial".

on [redacted] complainant was forced to proceed to trial with ineffective assistance of counsel by Honorable [redacted] "Abusing his Authority".

Complainant is Alleging that Honorable [redacted] is in direct violation of Abusing his Authority: Rules of Court Code of Judicial conduct Rule 81. 3(B)5.

(1) For not withdrawing trial Attorney [redacted] AFTER complainant makes this Request

(2) For not allowing complainant to accept plea offer on afternoon of [redacted]

(3) For forcing complainant to proceed to trial, (After, trial attorney informs court that "we could not win at trial")

complainant was forced to go to trial on [redacted] was found guilty of aggravated assault and Burglary (Specific Intent crimes) Juror's Sent (2) notes to Judge during deliberations, letting know to (Judge)

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That the INTENT WAS NEVER PROVEN, would
it be criminal damage? (lesser-included
charge) Attached Jury notes.

Judge, replied to Juror questions, by
stating "you must rely on written instructions"
Judge, never allowed or gave any lesser-
included instructions to jury.

Again Judge Abused his discretion...
on Jury Instruction number 8, that was
given, it clearly states, if ALL elements
are not proven, defendant must be
acquitted.

Complainant Filed Rule 32, (Petition for
Post-conviction Relief in) 2002.

Judge, denied (5) issues that ALL had
merit. Ineffective Assistance of Counsel.

Rule 32 Attorney , Refused my
request to Petition Judge for Review.

(Complainant has letter from Rule 32 Attorney
Refusing to Petition Judge for Review,
denying my due process right)

She states on letter that Judge was biased
and Prejudice in this case.

Rule 32 Attorney petitioned court of
appeals and AZ Supreme Court for review,
BUT she failed to point out to these
courts exactly where Superior court did not
fully address certain issues.

Complainant Recently Filed a Rule 32

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"Ineffective Assistance of Counsel", on First Rule 32
Counsel [redacted], for not fully and
fairly litigating all issues.

Judge denied complainant attorney on this
Recent Rule 32, so complainant had to
represent himself (Propria Persona)

Court ordered that First Rule 32 Attorney
send complainant complete copy of criminal
file.

After complainant received file, all paperwork
was reviewed. Complainant finds that
Prosecutor's main witness [redacted] (victim)
"Testified Falsely".

Complainant filed complaint with AZ State
Bar for "Prosecutor misconduct", (eliciting
false testimony from main witness) if
Prosecutor did not elicit this false testimony
he had obligation to correct any and all
un-correct statements.

State bar responds to complainant
complaint stating that it appears that
post-conviction remedies may be available.
And such remedies require that a an
evidentiary hearing be held to make a record
to determine if Prosecutor [redacted]
acted inappropriately by eliciting false
testimony. (Attach state bar letter.)

Now [redacted], has denied
complainant this hearing to prove these

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Allegations of Prosecutor misconduct

A cursory Review of [redacted] will prove
that [redacted] forced complainant
to trial with ineffective assistance of
counsel, AFTER trial attorney informs
court "we can not win trial".

Complainant makes it clear on [redacted]
that he wanted to accept plea offer.

Complainant is asking that these allegations
be investigated. It has recently been brought
to complainant's attention that Hon. [redacted]
[redacted], had forced defendant to trial
before without competent attorney: [redacted]
[redacted].

Complainant is requesting that an order
to Hon. [redacted], be ordered to
hold an evidentiary hearing (As STATE BAR
feels is appropriate Remedy) to prove this
allegation of Prosecutor misconduct of
"eliciting false testimony".

As well as review transcripts of [redacted]
to see were trial attorney informs court,
"we can not win trial". Attach transcripts
but judge refuses to grant complainant's
request of new counsel. Judge was informed
attorney [redacted] never interviewed any
witnesses (not even victim) and trial
attorney interviewed witnesses, as ever
read police reports of victim [redacted].

From day of incident, and compare them to
Trial Statements. Trial Attorney would
have known that he was testifying falsely.
"Please" Review these transcripts and
investigate this case.

Complainant is very low IQ (he was
sent to AZ. STATE Hospital) mental issues.
Judge knew this and still knows it.

As well Judge also knows that Sentencing
Attorney informed complainant not to
comply with Pre-Sentence Reporter.
(making Sentencing Attorney ineffective)
Judge, is and was aware that complainant
was attending counseling for mental health,
counseling for drug addiction, had a full-time
job, had cirrhosis of liver early 4-stage.
Anti-social Personality traits.

Complainant was never afforded the
right to present these mitigation circumstances
on Pre-Sentence Report.

Clearly on Pre-Sentence Report in section
of Defendant's Statement: IT STATED
under Counsel's Advice NOT to comply with
Pre-Sentence Reporter.

Judge abused his discretion and gave
complainant maximum sentence of (15) FIVE
years (due to prior convictions) yet no
prior hearing was ever held to validate these
priors, nor did at any time, did complainant

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ever admit to any priors, (making sentence
illegal)

Judge, know's complainant is borderline
mental-retarded, and does not under-
stand alot of the legal-proceedings.

Please help, if there's any more
information that's needed feel free to
request.

I will patiently wait a response.

Sincerely,

[Redacted]
(Propria Persona)

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