

State of Arizona
COMMISSION ON JUDICIAL CONDUCT

Disposition of Complaint 06-216

Complainant: No. 1293110213A

Judge: No. 1293110213B

ORDER

The commission reviewed the complaint filed in this matter and found no misconduct on the part of the judge. The issues raised are solely legal or appellate in nature. If a judge makes an incorrect ruling or misinterprets the evidence, the correct remedy is to appeal to a court with appropriate jurisdiction.

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

Dated: September 19, 2006.

FOR THE COMMISSION

/s/ Keith Stott
Executive Director

Copies of this order were mailed to the complainant and the judge on September 19, 2006.

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

8-8-06
BJI

CJC-06-216

To the Commission of Judicial conduct AUG 11 2006

I [redacted] am writing this in regards to a sentence I received in [redacted] by JUDGE [redacted] [redacted] and because I was denied a request for a new judge, for a 3rd trial in a row.

In [redacted] my 1st case TW front of [redacted] involved the illegal entry of [redacted] anti-warcotics task force. All evidence was thrown out because of this I feel that judge [redacted] held this against me TW a second case that went to trial one month later [redacted] These charges I picked up TW jail @ [redacted] county and was first arrested in [redacted] The trial [redacted] 1 month after 1st trial was dropped, I was found guilty of 2 class 3 felonies by jury. As I have never been arrested TW my life which I am 46 yrs old, the charges were probation available and the judge gave me the max of 3.5 yrs each = 7 yrs.

Well first of all I was arrested [redacted] the judge asked my public defender [redacted] if defendant would waive time. My P.D, "with out asking me" said yes to this question for the first 5 months I was in jail. I did not know what this

ment until I asked my P.D. He stated it gave him more time to prepare for my trial. At this point I said no way, no more waiving time. Shortly after this I received these new charges in jail for I was convicted of 2 class 3 Felonies by jury. So what I'm getting at is If my P.D. didn't waive time in the first place and If the judge would of asked me about the waiving of time I would have never had O.K. =D this and then had my speedy trial and would maybe not been taken advantage of by a 9 time Felon inmate, cell mate, snitch who set me up.

So I feel the judge held my 1st trial, which was dropped, against me 1 month later at my 2nd trial, which I really shouldn't have even had off the judge would of asked me or explained to me about waiving this in the first place.

So now over one year later I'm still in jail at [redacted] Facing a 3rd trial in front of the same judge. This trial really should have been held 1st or 150 days (speedy trial) from arrested, end of [redacted] or early [redacted] In stead after change of P.D. because of conflict and over one year later I was to go

to trial [redacted] In front of Judge
[redacted] for the 3rd time, I had asked
for a new judge this was turned down
by Judge [redacted] Now I have
no choice but go In front of [redacted] for
the 3rd time Involving 10 class 2 Felonies
The state gave me a plea of 12 yrs to run
consecutive to the 7 yrs I got in [redacted]
or go to trial [redacted] Afraid of the jury's in
this small town court [redacted] and what
the judge might do if I was found guilty
I feel I had no choice but take the plea
There was a notice of Appeal submitted

[redacted] The court's under advisement Relying
Denying my motion for a New trial Dated [redacted]
[redacted] I have heard nothing
about the appeal on my 2nd trial.

At the very least I think the courts,
Judge [redacted] and the P.D. office should be
held some what responsible for waiving
time which I did not understand what
it meant, There fore I was in county jail
longer than the speedy trial time limit
and subsequently picked up New charges.

I'm asking that if the Appeal is not
over turned that the charges in [redacted]
get run concurrently and then the plea
in [redacted] be run concurrently with a

Thanks [redacted]