

State of Arizona
COMMISSION ON JUDICIAL CONDUCT

Disposition of Complaint 06-317

Complainant: No. 1299810450A

Judge: No. 1299810450B

ORDER

The commission reviewed the complaint filed in this matter and found no misconduct on the part of the judge. The issue raised is solely legal in nature. Since the commission is not an appellate court and cannot change a judge's decisions, the complaint is dismissed pursuant to Rules 16(a) and 23(a).

Dated: January 25, 2007.

FOR THE COMMISSION

/s/ Keith Stott
Executive Director

Copies of this order were mailed to the complainant and the judge on January 25, 2007.

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

STATEMENT OF FACTS

CJC-06-317

Instructions: Please use this form or plain paper of the same size to explain your complaint. In your own words, describe specifically what the judge did that you believe is misconduct. You should provide all of the important names, dates, times and places related to your complaint, but you do not need to cite the applicable canons of judicial conduct. Although you may attach additional pages, do not write on the back of any page. You may attach copies of any documents you feel will help us understand your complaint.

Your name: [redacted]

Judge's name: [redacted]

Date: 12-7-6

On [redacted] this Judge violated the Arizona Rules of Criminal Procedure by issuing 2 warrants, each with a \$5,000 bond, above & beyond the bond & release conditions previously imposed on these cases. This Judge did so & violated the ARCP by not first setting a hearing & summoning the Defendant to that hearing as prescribed by the ARCP. Judge [redacted] therefore willfully violated the applicable ARCP, but also thereby violated the Judicial Code of Conduct, according to sections 3A & 3B2, by failing to uphold the applicable laws & thereby violating my constitutional right to due process.

As a result of these warrants, for which the court never issued a Summons or Notice to Defendant at any time, I have been incarcerated since [redacted]. To date, no hearing has been set as prescribed by the ARCP to consider modifying or revoking my original release conditions, resulting in my continual unlawful detention in the county jail. Another judge heard my Oral Motion to Admitly Release following my arrest, on [redacted] but that judge did not hear, or set hearing on, the written Motion or Petition to Admitly Release which had been presented to the court between [redacted] - I have however been provided a copy of this filing, in violation of Rule 5 of the Arizona Rules of Civil Procedure.

This offense against me is so egregious as to have brought the voluntary involvement by several lawyers, seeking to effect my immediate release upon their leaving that Judge [redacted] imposed sanctions specifically prohibited by the ARCP until after a hearing has been held. This judge had no authority to violate the ARCP & rule on stated motion / petition in an ex parte manner, & further facilitated State's failure to observe the Arizona Rules of Civil Procedure in delivery & response of pleadings being delivered to all parties, with full knowledge of the resultant violation of my civil liberty & freedom that must ensue.

As this time, the illegal bond posted by this judge remains in effect, despite a prior bond in place & paid, & my release under Gen Recognizance on the pending charges.

(Attach additional sheets as needed)