

State of Arizona
COMMISSION ON JUDICIAL CONDUCT

Disposition of Complaint 07-038

Complainant: No. 1032810340A

Judge: No. 1032810340B

ORDER

The commission reviewed the complaint filed in this matter and found no ethical misconduct on the part of the judge. The issue raised is legal or appellate in nature, and the more appropriate remedy would have been to appeal the judge's decision to a court with proper jurisdiction.

The commission is not an appellate court and cannot change a judge's decisions; therefore, the complaint is dismissed pursuant to Rules 16(a) and 23(a).

Dated: February 28, 2007.

FOR THE COMMISSION

/s/ Keith Stott
Executive Director

Copies of this order were mailed to the complainant and the judge on February 28, 2007.

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

CJC-07-038

COMPLAINT AGAINST A JUDGE

Your name: [redacted]

Judge's name: [redacted]

Date: 1-24-2007

Instructions: Describe in your own words what the judge did that you believe constitutes misconduct. Please provide all of the important names, dates, times and places related to your complaint. You can use this form or plain paper of the same size to explain your complaint, and you may attach additional pages. Do not write on the back of any page. You may attach copies of any documents you believe will help us understand your complaint.

There has been gathered material from [redacted] that this defendant received from the office of the County Attorney [redacted] on [redacted] as a motion: for admissibility of statements made to undercover officers: Page 1 had a case number of [redacted] Defendant's Name [redacted] Title of Motion: Page 2 had a victim's name: [redacted] A warrant number and reason for warrant serving for statements made about [redacted] Page 3 was signed by [redacted] County Attorney and dated [redacted]

In same package was about 5/8 of an inch of paper that was the background material being used as to being the probable cause for the right to bring in said evidence. But every word associated only concerned one case number [redacted] an unrelated dismissed case. Not one word of any of that paper had any thing to do with case number [redacted]

Three weeks later defendant received package from prosecutor [redacted] office saying that that stuff was to be in defendant's trial.

Plus prosecutor said in motion that because the defendant didn't have any representation his 6th Amendment rights hadn't been activated there fore that's why it was ok to include said statements. I had representation in two ways that day in [redacted] (by public defender and to the Bill of Rights and the Constitution activated my 6th Amendment right ~~at~~ from the time of their signing in 1/76

The Judge's misconduct is in the form allowing said material, by agreeing that the defendant had no constitutional rights. At the time, the statements allegedly were made.

(Attach additional sheets as needed)