

State of Arizona
COMMISSION ON JUDICIAL CONDUCT

Disposition of Complaint 07-201

Complainant: No. 1315300112A

Judge: No. 1315300112B

ORDER

The commission reviewed the complaint filed in this matter and found no ethical misconduct on the part of the judge. The issues raised is legal or appellate in nature.

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: August 15, 2007.

FOR THE COMMISSION

/s/ Keith Stott
Executive Director

Copies of this order were mailed to the complainant and the judge on August 15, 2007.

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

STATEMENT OF FACTS

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Your Name: [REDACTED] Judges' Name: [REDACTED] Date: 7-13-07

On [REDACTED], I [REDACTED] WAS SENTENCED TO 5 YEARS PROBATION IN JUDGE [REDACTED] COURT. AT THAT TIME [REDACTED] CHANGED PROBATION TERMS AND CONDITIONS OF PROBATION TO REFLECT THAT PROBATION WILL CONSECUTIVE TO MY PRISON TERM FROM [REDACTED] COUNTY. PLEA NEGOTIATIONS WERE ALREADY SIGNED AND PROBATION TERMS GIVEN. THE TERMS WERE NEVER O.K. BY ME AT SENTENCING AND I WAS NEVER INFORMED THAT AT THAT POINT I COULD REJECT MY PLEA.

On [REDACTED] I WAS ARRESTED FOR A PROBATION VIOLATION. I HAVE WRITTEN TO THE COURT TO GET COPIES OF MY SENTENCING TRANSCRIPTS TO VERIFY THAT MY TERMS WERE ACTUALLY CONSECUTIVE. THE ONLY DOCUMENT THAT WAS SENT TO ME WAS MY PRESENTENCE REPORT WHICH CONFUSED ME EVEN MORE BECAUSE THE DATE STAMP SHOWED A DATE OF [REDACTED] TWO (2) DAYS BEFORE MY PLEA WAS SIGNED, AND A FULL MONTH BEFORE IT WAS SIGNED BY SENIOR PROBATION OFFICER
SEE PAGES #1 + #4 OF THE PRESENTENCE REPORT (ATTACHED).

I HAVE TRIED SEVERAL TIMES TO OBTAIN COPIES OF MY SENTENCING TRANSCRIPTS AND OF MY PROBATION TERMS AND CONDITIONS TO

(Attach additional sheets, as needed)

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ATTACHMENT

NO AVAIL. NOW THAT I AM BACK
IN [REDACTED] I AM IN FEAR
THAT JUDGE [REDACTED] IS GOING TO
SENTENCE ME TO 10 YEARS FLAT WHICH
IS WHAT HE PROMISED ME ON [REDACTED]

[REDACTED] I AM HERE FOR A VERY
MINOR TECHNICAL VIOLATION, HELD
WITHOUT BOND, AND NOW I FEEL
THAT I AM BEING HELD ILLEGAL
BECAUSE I THOUGHT I WAS OFF OF
PROBATION AS OF [REDACTED]

ALSO, AT MY SENTENCING, I WAS
SENTENCED FOR ATTEMPTED KIDNAPPING.
MY ORIGINAL CHARGE WAS FOR A ONE
COUNT INDICTMENT OF CHILD MOLESTATION.
THE INDICTMENT WAS DISMISSED AND I
WAS NEVER CHARGED OR ARRESTED FOR
THE CRIME OF KIDNAPPING. AT SENTENCING,
I ASKED [REDACTED] IF I HAD TO REGISTER
AS A SEX-OFFENDER, HE SAID NO.
BEFORE BEING RELEASED FROM PRISON
ON [REDACTED] I WAS FORCED TO
REGISTER AS A SEX-OFFENDER. I FILED
A RULE 32 ON THIS AND [REDACTED] STATED
THAT BASICALLY IT WAS O.K. THAT THE
STATE NOW MADE ME REGISTER AS A
SEX-OFFENDER. THEN, ON [REDACTED]
[REDACTED] PROBATION OFFICER [REDACTED]
FILED A PETITION TO [REDACTED] TO
HAVE SEX-OFFENDER TERMS ADDED TO
MY PROBATION. [REDACTED] GRANTED

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THESE TERMS AT THAT TIME. THE ONLY REASON I TOOK THE PROBATION IS BECAUSE IT WAS SUPPOSED TO BE JUST 5 YEARS STANDARD PROBATION THAT WAS SUPPOSED TO START ON THE DAY I WAS SENTENCED [REDACTED]

[REDACTED] IT IS NOW JULY 13, 2007, I AM STILL IN JAIL.

AND LASTLY, I WAS ARRAIGNED ON THIS VIOLATION ON [REDACTED] THE PROBATION WAS SUPPOSED TO BRING EVIDENCE OF MY VIOLATION BY [REDACTED]

[REDACTED] (R.P. 29.8). THIS DID NOT HAPPEN. I WAS NEVER NOTIFIED OF A CONTINUANCE, I WAS NOT NOTIFIED OF WHO MY ATTORNEY OF RECORD WAS SO, I FILED A MOTION FOR MY RELEASE BASED ON THE FACT THAT THE COURT WAS OUT OF TIME FRAMES AND THE PROBATION DEPT. NEVER CAME FORWARD WITH EVIDENCE OF A VIOLATION. THIS HAS BEEN IGNORED BY THE COURTS, AND, I WAS FINALLY TAKEN BACK TO COURT ON THE [REDACTED]

[REDACTED] WHERE I FIRST MET MY ATTORNEY 32 DAYS AFTER MY I.A. MY VIOLATION WAS AGAIN CONTINUED BECAUSE MY PROBATION OFFICER DID NOT BRING HER CASE FILES TO COURT! THE JUDGE ALLOWED THIS.