

State of Arizona
COMMISSION ON JUDICIAL CONDUCT

Disposition of Complaint 08-177

Complainant: No. 1339500246A

Judge: No. 1339500246B

ORDER

The commission reviewed the complaint filed in this matter and found no ethical misconduct on the part of either judge. The issues raised involve legal determinations which are outside the commission's jurisdiction. Therefore, the complaint is dismissed pursuant to Rules 16(a) and 23.

Dated: August 27, 2008.

FOR THE COMMISSION

 \s\ Keith Stott
Executive Director

Copies of this order were mailed to the complainant and the judge on August 27, 2008.

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

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AFFIDAVIT IN
SUPPORT OF COMPLAINT

I WAS TELEPHONICALLY PRESENT FOR A STATUS CONFERENCE ON WHETHER ATTORNEY _____ WOULD CONTINUE TO REPRESENT ME IN THE MATTER OF MY RULE 32 PETITION PROCEEDING. I HAD TWICE RECEIVED CORRESPONDENCE FROM _____ INDICATING HE WOULD BE WITHDRAWING FROM THE CASE.

AFTER THE SECOND NOTICE, I FILED A RULE 32 PETITION PRO SE ON _____. AT THE TIME OF THE STATUS CONFERENCE, I INDICATED TO JUDGE _____ THAT SINCE I HAD ALREADY FILED MY PETITION WITH THE _____ COURT PRO SE, I REQUESTED THAT _____ CONTINUE AS ADVISORY COUNSEL ONLY AND THAT THE PETITION STAND AS FILED WITH THE COURT. IT WAS THEN THAT I OVERHEARD _____ TELL JUDGE _____ THAT HE WOULD NOT, IN FACT, CONTINUE AS ADVISORY COUNSEL. FEARING THAT JUDGE _____ WOULD FURTHER DELAY THE RULE 32 PROCEEDINGS, I FELT PRESSURED TO ACCEPT _____ AS DEFENSE COUNSEL. AT THAT TIME, JUDGE _____ ALSO EXTENDED THE FILING DATE OF THE PETITION AN EXTRA 48 DAYS UNTIL _____. I WAS LED TO UNDERSTAND THAT MY PREVIOUS FILED PETITION WOULD NOT BE ACCEPTED BY THE COURT. I WAS TOLD ALSO BY _____ THAT HE WOULD BE CONTACTING _____ WITHIN THE NEXT WEEK ALTHOUGH I HAVE YET TO HEAR FROM HIM.

I ALSO ATTEMPTED TO SET A DATE FOR AN

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EVIDENTIARY HEARING, FOR THE RULE 32 PETITION
BUT TOLD, "THAT'S NOT HOW WE DO THINGS HERE,"
BY JUDGE . IT WAS FOR THIS REASON
AND THAT JUDGE HAD IGNORED MITIGATING,
FACTORS AT SENTENCING, THAT I FILED A MOTION
FOR A NEW JUDGE FOR CAUSE WHICH HAS BEEN
DENIED BY COURT
JUDGE

HONORABLE JUDGE REVERSAL OF
HER RULING AS TO AS DEFENSE
COUNSEL, JUDGE CLEAR EXHIBITION OF
ANTAGONISM TOWARDS ME, AND THE COURT'S
CONTINUED MISHANDLING OF MY RULE 32 PETITION
HAS SHOWN THE COURT TO BE GUILTY OF
MISCONDUCT IN REGARDS TO MY CASE.