

State of Arizona
COMMISSION ON JUDICIAL CONDUCT

Disposition of Complaint 08-203

Complainant: No. 1341710180A

Judge: No. 1341710180B

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 a legal question outside the commission's jurisdiction.

Therefore, the complaint is dismissed pursuant to Rules 16(a) and 23.

Dated: September 16, 2008.

FOR THE COMMISSION

 /s\ Keith Stott
Executive Director

Copies of this order were mailed to the complainant and the judge on September 16, 2008.

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

State of Arizona
Commission on Judicial Conduct
1501 W. Washington Street, Suite 229
Phoenix, Arizona 85007

FOR OFFICE USE ONLY

CJC -08-203

COMPLAINT AGAINST A JUDGE

Date: 8-6-08

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.

See Attached Info, Transcripts
Have Ben E-mailed. I wrote a letter
to the paper it is inclosed and is what
I feel a Direct caus for the retaliation
Agensit Me By Judg

(Attach additional sheets as needed)

Judge is **NOT A DOCTOR**, and he has no business acting as a doctor in the courtroom. His **MEDICAL OPINIONS** about "marijuana addicts" and Marinol is completely off base and not supported by any evidence. Arizona statutes allow a medical doctor to prescribe Marinol, a Schedule 3 drug, whether Judge likes it or not. In fact Arizona law allows Arizona doctors to even prescribe marijuana, heroin and 114 other Schedule 1 drugs, if supported by medical research findings. See ARS 13-3412.01 (pasted below). Arizona statutes also provide for a defense to driving while drug in body and related charges, if a person has a valid prescription. See ARS 28-1381 (D) (pasted below).

Judge has been made completely aware of all the relevant Arizona Statutes through preliminary hearing transcripts and defense filings. Yet he insists on acting like HE IS THE DOCTOR and acts like my prescriptions and the statutes are meaningless, because he knows better, apparently.

Please see the enclosed transcript of the proceedings dated Beginning on the bottom of page 4 lines 9-10 and on page 5 lines 11-25 and lines 1-3, Judge opines " I'm still not satisfied about the Marinol. You know, every two or three years I see somebody come through on Marinol who either convinced themselves they've got a habit or there's some left-of-center doctor who thinks that Marinol is the cure for whatever ails you. And I don't believe it. I don't believe, basically, that Marinol, which contains THC and puts the metabolite of marijuana in your system is - - is necessary. I know there's some doctors out there who believe in it and prescribe it, but it's usually for ex-addicts who convince themselves after long years that they've got to have pot or weed. Now that may not be your case. And maybe Marinol is medically indicated for you. But it may have nothing to do with this case. . . . when it's nailed down" [after I convict you] "and probation can transfer you" [because I don't believe in your defense] ' great'. Until then make yourself comfortable."

Also see the enclosed transcript of the proceedings dated Beginning on the bottom of page 7 lines 18-21 and on page 8 lines 23-24 and lines 1-6, Judge opines, "Now I've heard this Marinol theory before. The difference is I heard it from a guy that was a chronic pot user, and he claimed to need it for his personality and medical disorder . . . Just seems like everyone I bumped into who uses Marinol has some serious mental complications going on for which this Marinol is supposed to help. But in his case it was being diagnosed by a champion of marijuana use out of San Francisco".

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28-1381. Driving or actual physical control while under the influence; trial by jury; presumptions; admissible evidence; sentencing; classification

- A. It is unlawful for a person to drive or be in actual physical control of a vehicle in this state under any of the following circumstances:
1. While under the influence of intoxicating liquor, any drug, a vapor releasing substance containing a toxic substance or any combination of liquor, drugs or vapor releasing substances if the person is impaired to the slightest degree.
  2. If the person has an alcohol concentration of 0.08 or more within two hours of driving or being in actual physical control of the vehicle and the alcohol concentration results from alcohol consumed either before or while driving or being in actual physical control of the vehicle.
  - 3. While there is any drug defined in section 13-3401 or its metabolite in the person's body.**
  4. If the vehicle is a commercial motor vehicle that requires a person

to obtain a commercial driver license as defined in section 28-3001 and the person has an alcohol concentration of 0.04 or more.

B. It is not a defense to a charge of a violation of subsection A, paragraph 1 of this section that the person is or has been entitled to use the drug under the laws of this state.

C. A person who is convicted of a violation of this section is guilty of a class 1 misdemeanor.

D. A person using a drug prescribed by a medical practitioner licensed pursuant to title 32, chapter 7, 11, 13 or 17 is not guilty of violating subsection A, paragraph 3 of this section.

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13-3412.01. Prescribing controlled substances included in schedule I for seriously ill and terminally ill patients

A. Notwithstanding any law to the contrary, any medical doctor licensed to practice in this state may prescribe a controlled substance included in schedule I as prescribed by section 36-2512 to treat a disease, or to relieve the pain and suffering of a seriously ill patient or terminally ill patient, subject to the provisions of this section. In prescribing such a controlled substance, the medical doctor shall comply with professional medical standards.

B. Notwithstanding any law to the contrary, a medical doctor shall document that scientific research exists that supports the use of a controlled substance listed in schedule I as prescribed by section 36-2512 to treat a disease, or to relieve the pain and suffering of a seriously ill patient or a terminally ill patient before prescribing the controlled substance. A medical doctor prescribing a controlled substance included in schedule I as prescribed by section 36-2512 to treat a disease, or to relieve the pain and suffering of a seriously ill patient or terminally ill patient, shall obtain the written opinion of a second medical doctor that prescribing the controlled substance is appropriate to treat a disease or to relieve the pain and suffering of a seriously ill patient or terminally ill patient. The written opinion of the second medical doctor shall be kept in the patient's official medical file. Before prescribing the controlled substance included in schedule I as prescribed by section 36-2512 the medical doctor shall receive in writing the consent of the patient.

C. Any failure to comply with the provisions of this section may be the subject of investigation and appropriate disciplining action by the Arizona medical board.
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