

State of Arizona
COMMISSION ON JUDICIAL CONDUCT

Disposition of Complaint 08-231

Complainant: No. 1344200432A

Judge: No. 1344200432B

ORDER

The commission reviewed the complaint filed in this matter and determined that the judge did not knowingly violate the ethical canons. The complainant filed the same motions over and over, including during a time the case was stayed while a special action was pending. The issue of sentencing is a legal question outside the commission's jurisdiction.

The complaint is dismissed pursuant to Rules 16(a) and 23.

Dated: December 12, 2008.

FOR THE COMMISSION

\s\ Keith Stott
Executive Director

Copies of this order were mailed to the complainant and the judge on December 12, 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 - 231

COMPLAINT AGAINST A JUDGE

Date: 8-20-08

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.

I want to make this very clear from the beginning, that I do not trust the state bar of Arizona, nor do I trust the Commission on Judicial Conduct to do the proper investigation in this case. I am not foolish to the process of filing a complaint against a sitting judge, even though, this is my first time filing a complaint against a judge. So what I am going to do is to give you as much detail without reveal names and documents to you, unless I get a lawyer because of the possible criminal investigation by the United States Justice Department.

That Judge

Violated the Arizona Code of Judicial Conduct. That Judge

Violated Canon One, that a judge shall uphold the integrity and independence of the judiciary, which judge violated in this matter. That Judge

Violated Canon Two, that a judge shall avoid impropriety and the appearance of impropriety in all the judge's activities, and in this case, the judge's action is criminal in this case. And that Judge

Violated Canon Three, that a judge shall perform the duties of judicial office impartially and diligently. Judge

has failed criminally in this case to be impartial in this case.

(Attach additional sheets as needed)

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9/15/08

SEP 18 2008

This is a serious issue(s) that needs the Commission attention immediately. The situation with my criminal case in Judge is deteriorating weekly to the point, that if the Commission board do not act, that my family will be forced to go to the News media and expose this Judge Behavior in the Public arena concerning this criminal case

I have tried with lots of patience to resolve the problem between the Judge and me as a pro-se inmate fighting his case.

Now, here are the problems that is having an effect of my case

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Before proceeding and Ruling on any matter in this case, I filed and asked in A Notice of Change Judge from Judge Courtroom.

He denied My motion in that case. Then the Judge conspired with the county Attorney to commit Ex-parte, by holding hearings

without allowing me to participate in those hearing, and when I Complaint to the Judge about the Ex-parte communication between him and Judge and attorney prosecutor they retaliated against me, by refusing to rule on the several motions that has been filed by me in his courtroom.

Judge has refused my Constitutional issue of Speedy Trial motion, and to Rule on my Rule 11 motion to make a determination if I am competent to represent myself on this case, which this Criminal case is Complexed for me to argue in Court against a season prosecutor in this matter in Court.

I have accused Judge
and prosecutor attorney of
Conspiracy in my motion for Reconsideration
of the Court's decision, (see attachment one) to
Judge , but Judge
error in her ruling by denying my motion
for Change of Judge. (see attachment two)

My accusation along that the Judge
and the prosecutor committed
Ex-parte communication in making decisions
on how this case was to go forth without
including me in a telephonic conference.
Shows reasons why this case must and should
be transferred to another Judge in order to ensure
fair justices for both parties, that their constitution
in this matter, will not be violated.

The Court has determine that I do have a
colorable Claim Rule 32 issue(s), but the
court do not want to give me an attorney
to argue my case in his court. I am not
a legal lawyer inmate, who has the training
and skills to argue my case before the court.
I had a Jail house lawyer who filed an
affidavit stating that he was the one who
did my legal research and arguments on the
issues in my case.

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To go before Judge _____ and prosecutor _____ after accusing them of committing Ex - parte and accusing them of conspiracy, who not be a situation that I or the Judge or _____ would want to be in, because neither the Judge or the prosecutor have denied my accusations in this matter.

I Filed with the Court of Appeals in a Special Action to review the actions of the Judge and prosecutor and was denied Review.

This case is about fairness and justice and this case has been in Judge _____ courtroom and still I have not had my day in court to try and get my freedom. My issue is about my illegal sentence in this matter and that the Court realizes that a mistake was made in this case in sentencing me to prison for this long time in this case. I am complaining that this judge has shown prejudice against me because I'm pro se and that I have colorable claims, that he must rule on in this case.

This is not a personal hate toward any court officials from me, but that I was to be a free man and the court and the department of Corrections changes this entire matrix of my sentence and I continue to suffer the injustices and my illegal sentence

In this case,

My family and I are looking for relief in the fact that we need a different judge who will not be bias against me like Judge Richard Nichols, because of my accusations in this case.

That is why, I am asking the Commission to investigate and recommend that this case be transferred to another division for further legal process in this matter.

I am requesting a telephone call from the Commission staff to further discuss this matter. Please contact me and speak with my counselor, who will set up a telephone call between us in this case.