

State of Arizona
COMMISSION ON JUDICIAL CONDUCT

Disposition of Complaint 08-281

Complainant: No. 1317810033A

Judge: No. 1317810033B

ORDER

The commission reviewed the complaint filed in this matter and found no evidence of ethical misconduct on the part of the judge. The commission is not a court and cannot review speedy trial rights, habeas corpus questions, disclosure issues, or investigate the incidents surrounding a person's arrest or incarceration. Only an appeals court has jurisdiction over these matters.

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

Dated: March 6, 2009.

FOR THE COMMISSION

 \s\ Keith Stott
Executive Director

Copies of this order were mailed to the complainant and the judge on March 6, 2009.

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 - 281

COMPLAINT AGAINST A JUDGE

Date: 11-6-08

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.

ON THE REQUEST OF DEFENDANT A RULE 10.2 WAS SET
TO ORDER ON MAY 9, (COURT STAMPED:
) REASSIGNING THIS MATTER TO THE
HONORABLE THE
FIRST HEARING SET FOR JUNE 26, . PRIOR TO THIS HEARING ON
JUNE 17,
ATTORNEY FILED "MOTION TO WITHDRAW AS
COUNSEL OF RECORD" STATING, "UNRECONCILABLE DIFFERENCE", PLUS THE
DEFENDANT FILED A "NOTICE OF RESPONSE AND MOTION TO WITHDRAW
APPOINTMENT OF AS ATTORNEY FOR DEFENDANT
DUE TO CONFLICT OF INTEREST ISSUES LIKE WITHHOLDING CASE FILE
INFORMATION FROM DEFENDANT; FILING FALSE CLAIMS TO SUBSTANTIATE
COMPLIANCE BOTH VERBALLY AND WRITTEN; MISLEADING HIS CLIENT, THREATENING
DEFENDANT/CLIENT, FOREMOST RESTRAINING THE DEFENDANT FROM
SUBMITTING PETITION OF WRIT FOR HABEAS CORPUS." AT THIS HEARING
BOUGHT THIS UNFIT, PREJUDICIAL CIRCUMSTANCES TO THE
COURT'S ATTENTION WITH PRESIDING COURT JUDGE IN HOPES THAT
THE DEFENDANT NOT ONLY GET SOME PROPER REPRESENTATION, BUT WOULD
RECEIVE CASE FILE INFORMATION SUCH AS DISCLOSURE BY THE STATE; GRAND
JURY TRANSCRIPTS; PLUS ANY AND ALL NEW, OR OLD DEVELOPMENTS, MOTIONS
ETC. ONLY THAT DID NOT HAPPEN, JUDGE ASKED
(COUNSEL) "DID YOU GIVE DISCLOSURE BY
THE STATE, AND GRAND JURY TRANSCRIPTS"! STATED, YES HE DID"!
COURT JUDGE RESPONDED TO THE DEFENDANT WITH "THERE YOU GO
YOU HAVE YOUR DISCLOSURE, AND GRAND JURY TRANSCRIPTS, AND
BECAUSE I BELIEVE AND NOT YOU END OF SUBJECT. I DO NOT WANT
PAGES ATTACHED (CONTINUED NEXT PAGE) ->

(Attach additional sheets as needed)

to HEAR ANY MORE ON THIS." Just prior to this EVENT IN COURT the defendant MR CHAVEZ tried to PRESENT TO THE COURT documents that would of proven dishonesty to his client defendant, among other motives Attorney may of had. During the course of this proceeding Judge stated to the defendant there ARE NO DISMISSALS WITH PREJUDICE, there is NO such thing as a APPEAL PROCESS unless you've BEEN CONVICTED, then you get Post Conviction Relief, that's it, UNDERSTAND? This is MISLEADING, AND NOT to mention inappropriate the UNITED STATES CONSTITUTION ARTICLE VI states: "This Constitution, AND THE LAWS OF THE UNITED STATES WHICH SHALL BE MADE, IN PURSUANCE THEREOF; AND ALL TREATIES MADE, OR WHICH SHALL BE MADE, UNDER THE AUTHORITY OF THE UNITED STATES, SHALL BE THE SUPREME LAW OF THE LAND; AND THE JUDGES IN EVERY STATE SHALL BE BOUND THERE BY, ANY THING IN THE CONSTITUTION OR LAWS OF ANY STATE TO THE CONTRARY NOTWITHSTANDING"

Further Exhibiting STATE V. CANEDO, 125 ARIZ. 197, 608 P.2d 774 (1980) states: "[T]he PETITIONER'S failure to APPEAL from the judgement, SENTENCE, OR both within prescribed time was without fault on his PART." [3] with this in mind, our ANALYSIS must next focus upon the construction to be GIVEN the term "PETITIONER", UNDERSCORED ABOVE, APPELLEE would have us hold that under the LANGUAGE IN QUESTION, COUNSEL FOR THE DEFENDANT MAY WAIVE A CLIENTS right to APPELLATE relief. WE ARE PERSUADED, HOWEVER THAT THE MORE REASONED INTERPRETATION REQUIRES THE WAIVER BE SOLELY THE DECISION OF THE ACCUSED." (Attached you'll find A 4 page document 1.) ORDER SETTING PRETRIAL CONFERENCE 2.) Request Form stating "OFFICIAL NOTICE OF CORRECTION" of HEARING date

3.) Is the Back side of the Request Slip (Court Stamped

that the defendant was Appealing the Civil Rights Violation by Superior Court Judge for Non Acceptance of Petition of Writ of Habeas Corpus, after defendant gave proper notice (Verbally in Court) . 4.) CLERKS CERTIFICATE OF MAILING CASE NO. /mailed or delivered ON THE (Court Stamped

Not Only did Attorney lie to the Courts, plus Judge he left his client without ANY CASE file information, because of his fabricated testimony. The defendant was physically assaulted by jail staff personnel, and when brought this situation to the Courts attention; plus valuable information retained by the defendant to prove patient abuse issues, including mistreatment was thrown away, or destroyed, legal documents, etc. ONCE THE ISSUES WERE STATED IN COURT Judge only commits MENTIONED WAS "I DON'T CARE".

Next appointment of Counsel for the defendant WAS

filed "Motion FOR LEAVE TO WITHDRAW AS COUNSEL OF RECORD due in part because I filed a complaint with the State Bar of Arizona, REASON BASED WAS EVENTUALLY going to INTERFERE with the Appeal process the defendant had to file on his own accord due to the CONSPIRED efforts to CONCEAL illegal behavior by the Courts; Judge; Counsels, plus State prosecutors that WAS Not Allowed to be Exhibited; NOR EVIDENCE submitted.

NEVER bothered to pick up CASE file documentation, but WAS
 ASSERT to go to trial without speaking to the defendant. AGAIN ON
 PRETRIAL Judge [redacted] WAS ALLOWED to WITHDRAW by VISITING
 Judge [redacted], AND brought to the COURT'S ATTENTION he still
 HAS NOT RECEIVED CASE file INFO; STATE DISCLOSURE; OR GRAND JURY TRANSCRIPTS,
 NOTHING ACCEPT the COURT PROCEEDINGS for [redacted] ONLY. THE DEFENDANT
 ADVISE the COURTS he WAS SEEKING A APPEAL for the VIOLATION of THE PETITION
 OF WRIT FOR HABEAS CORPUS, which SURPRISED [redacted] TO SEE the COURT
 PROCEEDING documentation to STATE OTHER than the ACTUAL EVENTS TAKEN IN
 COURT. THIS is why the DEFENDANT [redacted] HAS GENERATED THE CORRECTION
 NOTICE ATTACHED.

STATUS HEARING/PRETRIAL CONFERENCE

AGAIN brought up he still HAS NOT RECEIVED ANY COURT DOCUMENTATION;
 NOR HAS ANY RIGHT, plus PRIVILEGES BEEN WAIVED both U.S. CONSTITUTIONAL, AND
 ARIZONA DECLARATION OF RIGHTS. THE DEFENDANT [redacted] INFORMED THE
 COURTS JUDGE [redacted] PRESIDING he "OBJECTED" when both JUDGE
 AND COUNSEL Mr. [redacted] WANTED to SET the NEXT PRETRIAL CONFERENCE for
 [redacted]. THE DEFENDANT EXPLAINED this would VIOLATE the SPEEDY TRIAL
 DATE OF [redacted] THIS is when JUDGE [redacted] TOLD the
 DEFENDANT, "the SPEEDY TRIAL PERIOD ENDS when COUNSEL for the DEFENDANT
 SAYS it ENDS". [redacted] EXPLAINED when he SPOKE to COUNSEL
 INFORMED the DEFENDANT that WITHHOLDING all the CASE file MATERIALS WAS A
 VIOLATION that would DISMISS the CASE with PREJUDICE, BECAUSE such a MOTIVE
 is PREJUDICIAL to DEFENDANT. JUDGE [redacted] ADJOURNED
 the PROCEEDINGS. ONLY, before BEING ESCORTED out the DEFENDANT
 ASKED JUDGE [redacted] AND STATE COUNTY ATTORNEY [redacted] if they RECEIVED
 the CLERK'S CERTIFICATE OF MAILING both DENIED DELIVERY of DOCUMENT.

OF COURSE THATS BEEN THE CONTINUED EFFORTS OF THESE COURT PROCEEDINGS
 THE DEFENDANT'S HAD TO ENDURE, NOW ON
 REQUESTED COUNSEL

PRETRIAL CONFERENCE
 TO FILE A RULE 8

VIOLATION FOR SPEEDY TRIAL, AND PLEASE LIST ALL THE PREJUDICES IN THE CASE SO
 IT WOULD BE A DISMISSAL WITH PREJUDICE DECISION. ONLY THAT DID NOT HAPPEN,
 NOR WERE ANY OF THEM GOING TO ALLOW THE DEFENDANT A COMPULSORY PROCESS.

INSTEAD did give SOME CASE FILE INFORMATION, BUT STOPPED
 GIVING THE DEFENDANT ANY COURT PROCEED'S DOCUMENTATION IN ORDER TO CONCEAL

OBJECTIONS, AND FACT PREVIOUS ATTORNEY, PLUS COURTS OFFICIALS,
 STAFF BOTH JAIL, AND COURT ALL CONSPIRED TO NOT HONOR THE DEFENDANTS EQUAL
 PROTECTION OF THE LAW, OR APPEAL PROCESS. THE DEFENDANT EXPLAINED TO COUNSEL

THAT THE TWO PRIOR APPOINTMENTS WERE THE COURTS WAY OF
 FINDING AWAY TO SQUANDER THE SPEEDY TRIAL TIME TABLE WITHOUT UNDER-
 MINING THE EFFECTIVENESS OF THE PROVISION. STILL THIS IS NOT THE FAULT
 OF THE DEFENDANT; BUT OF THE COURTS, AND THEIR APPOINTMENT. did

NOT WITH HOLD VITAL DOCUMENTATION FROM HIMSELF FOR 138 DAYS LEAVING ONLY
 18 DAYS IN THE SPEEDY TRIAL PROCESS, NOR HAS CONSPIRED TO WITH-

HOLD CRIMINAL BEHAVIOR BY THE THE COURTS, REPEATEDLY HAS
 TRIED TO BRING EVIDENCE OF IMPROPER ACTS OF CHANGING COURT PROCEEDING
 DOCUMENTATION FLAWED, OR OTHERWISE OBSCURED IN SOME FORM, PLUS FASHION.

NOTHING HAS BEEN DONE TO STOP A CONSPIRED EFFORT BY JUDICIAL
 MEMBERS TO ALLOW THE DEFENDANT to properly

EXERCISE THE RIGHTS, PLUS PRIVILEGES GIVEN BY THE UNITED STATES CONSTITUTION,
 OR STATE OF ARIZONA DECLARATION OF RIGHTS. THE LAW IS WELL ESTABLISHED

THAT A DEFENDANT'S RIGHT TO OBTAIN THE TESTIMONY OF WITNESSES AND
 COMPEL THEIR ATTENDANCE IS A FUNDAMENTAL ELEMENT OF DUE PROCESS
 GUARANTEED BY THE SIX AMENDMENT UNDER WASHINGTON V. TEXAS 388

U.S. 14, 18-19 875, CT. 1920, 1923, 18 L. Ed. 2d 1019 (1967) The Ninth Circuit has interpreted his right to Compulsory Process to include the defendants Right to formulate his defense uninhibited by Government Conduct that in effect prevents him from interviewing witnesses who may be involved and from determining whether he will subpoena and call them in his defense United States V. Tsutagawa 500 F.2d 420, 423 (9th Cir. 1974)

In accordance to the provisions for violations are as follows: 3B(5) - 3C(2) - 3D(1) - 3D(2) - 3E1(b) - 3B(2) due understand I the plaintiff

Judge

Expected and heard

was a max sentence judge, but that

was not why my expectations of him being appointed made me appreciate his presents, who would, I also heard Honorable Judge was firm, but fair, I can respect that in a individual always, but so far this table has again proven one sided, I've been straight with the appointies, and for what ever reason no ones given me the same consideration, Again, I will request that a full and complete copy of this complaint be returned to me, so that I may feel secured that not all judiciary municipalities are out to conceal the on going prejudicial behavior towards the plaintiff generating this complaint, please? / Thank You.

Respectfully Submitting this 6th day, November, 2008.