

State of Arizona
COMMISSION ON JUDICIAL CONDUCT

Disposition of Complaint 09-190

Complainant: No. 1367210593A

Judge: No. 1367210593B

ORDER

The commission reviewed the complaint filed in this matter and found no evidence of ethical misconduct on the part of the commissioner. The allegations raised involve legal issues outside the jurisdiction of the commission. The complaint is dismissed pursuant to Rules 16(a) and 23.

Dated: November 23, 2009.

FOR THE COMMISSION

 \s\ Keith Stott
Executive Director

Copies of this order were mailed to the complainant and the judge on November 23, 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 09-190

COMPLAINT AGAINST A JUDGE

Your name

Judge's name:

Date: 07/15/09

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 May 12th, 2008 was arrested for a warrant that I believe originated out of the Justice Court based on information recieved from Phoenix City Detectives and a Deputy Prosecutor (). (See Exhibit "A" attached) Upon arrest I was given a Booking slip which indicates a warrant number indicating (See Exhibit "B" attached) On May 13th, 2008 I recieved my initial appearance and on May 20th, 2008 I recieved my status conference hearing. Before the hearing, a Public Defender () interviewed the complainant. At said interview I informed the Public Defender that I would like for him to file a Motion on my behalf requesting a Modification of my release conditions. After a brief discussion with said attorney I decided that it would be in my best interest to proceed in the matter in propria persona and I inform Mr. that his services would not be needed and that I wish to waive Counsel and exercrise my sixth amendment right to condut my own Defense. Upon entering Commissioner Courtroom I was addressed by said Commissioner in reference to my Motion for modification of release conditions, which was denied. I also recieved from the Commissioner a "searching or formal" inquiry into both, my understanding of the Sixth Amendment waiver and my awarness of the disadvantages of self-representation. Therefore, the Commissioner did conduct a waiver hearing but refused to rule on the verble Motion, therby denying the complainant his right to due process. I however did present

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(Attach additional sheets as needed)

justifiable reasons as to why the commissioner should rule on my Motion to proceed in the matter in propria persona, in that by my not being endorsed as a pro per litigant, that I would not be allowed to request any case law, Arizona Revised Statutes, Rules of Criminal Procedures ect.. in order to adequately present my defense from Inmate Legal Services, as I was presently being detained within the Maricopa County Sheriff jail. I contend that Commissioner violated my rights to due process under the United States Constitution at Amendment 14. On June 3rd, 2008 again Commissioner refused to rule on my written Motion to proceed in the matter in propria persona. (See Exhibit "C" attached) Furthermore, it has come to the complainants attention that the May 20th hearing (status conference) that a motion to continue was presented by the defense. I did not request a continuance on May 20th, nor did I give the Public Defender permission to request a continuance as the Courts Audio and/or Video Tapes will clearly confirm. (See Courts Records and or Audio or Video Tapes of the May 20th, 2008 Status Conferenc Hearing) On March 26, 2009 I recieved an altered hand written Motion which changes my Motion to modify Release Conditions to a Motion for a Continuance. Which never occured in open Court as the record will clearly confirm. (See Exhibit "D" attached) Also, The United States Supreme Court has held that Counsel cannot waive a fundamental right of the defendant. Therefor I contend that my rights to a speedy trial could not be waived by the public defender when in fact I had already releived Counsel of his duty to represent me. Furthermore, Commissioner did engage in Judicial Mis-Conduct by waiving the time in Case No. and granting a Continuance that the defendant never requested nor had any knowledge of. On June 3rd, 2008 Commissioner affirmed a Preliminary Hearing that scheduled for the 6th day of June 2008 (See Exhibit "E" attached). On June 6th, 2008 a prosecutor () Filed a Motion to Vacate Preliminary Hearing in violation of the Defendants rights. (See Exhibit "F" attached) On said Motion it states that a Grand Jury has found a true bill. The time of filing is at 3:50 PM on June 6th, 2008. I contend that this document is not an authentic document. I have a

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a document that states that a Notice of a Supervening Indictment was in fact mailed to the complainant on the 9th day of June, 2008 (See Exhibit "G" attached). Also it would be against the law Pursuant to ARS Rule 5.1 For Commissioner to vacate the Preliminary Hearing because an indictment had not been recieved on the 6th day of June. Therefore, again my rights to due process was again violated by Commissioner

I am also in possession of a document entitled "" NOT GUILTY ARRAIGNMENT " which states that the Supervening Indictment was implemented on the 9th day of June, 2008. (See Exhibit "H" attached) I contend that the Grand Jury could not have found a True Bill on the 6th day of June 2008 as the notice of a Supervening indictment was mailed to the defendant on the 9th day of June 2008. Judicial Mis-Conduct is present in this Case as the Courts documents and Audio and/or Video Tapes will Clearly reveal and confirm the true fact concerning this matter.

I do hereby swear that the statements and facts presented herein are the truth to the best of my Knowledge and belief.

Dated: 07/15/2009