

State of Arizona
COMMISSION ON JUDICIAL CONDUCT

Disposition of Complaint 09-196

Complainant: No. 1368710359A

Judge: No. 1368710359B

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 legal or appellate in nature, and the more appropriate remedy would have been to appeal the judge's decision to a court with proper jurisdiction.

The commission is not an appellate court and cannot change a judge's decisions; therefore, the complaint is dismissed pursuant to Rules 16(a) and 23.

Dated: September 9, 2009.

FOR THE COMMISSION

\s\ Keith Stott
Executive Director

Copies of this order were mailed to the complainant and the judge on September 9, 2009.

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

STATEMENT OF FACTS

Your Name: _____ Judges' Name: _____ Date: _____

THIS COMPLAINT REVOLES AROUND JUDICIAL MISCONDUCT WHITH SAID
 JUDGE ON MAY3rd 2007 IN HEARING TO ESTABLISH A,
 STIPULATION ON- THE- RECORD REGARDING THE--THE FACT THAT THE COMPLAINANT
 WILL AGREE TO- TO THE COURT MAKING A DETERMINATION ON THE
 AGGRAVATION "PHASE", AND THAT THE FACT THAT I WOULD ACKNOWLEDGE
 THAT THE COMPLAINANT HAS ONE FELONY CONVITION; (SEE EXHIBIT A
 ATTACHED) A COPY OF STATE ANSWERING BRIEF IN CAUSE NO. CR-
 DT. PAGE 10. IT IS REVERSIBLE ERROR TO ALLOW A
 SUBMISSION THAT WOULD BE "TANTAMOUNTED" TO GUILTY PLEA WITHOUT
 COMPLYING WITH 17.A.R.S. RULES OF CRIMINAL PROCEDURE: RULES 17.2
 17.6. AFTER JURY HAD CONVICTED APPELLANT ,THE STATE AND DEFENSE
 COUNSEL AND JUDGE DIMISSED THE JURY. THIS WAS DONE WITH THE INTENT,
 TO VIOLATE APPELLANT RIGHTS TO BE HEARD BY A JURY ON THE AGGRAVATION
 PHASE. THE STATE WAS IN A BAD POSTION BECUASE IN THE LIST OF
 HISTORICAL PRIORS THERE WAS ONLY ONE PRIOR THAT COULD BE USED
 (SEE EXHIBIT B ATTACHED) A LIST OF THE STATE PRIORS THAT WAS
 FILED BY THE STATE KNEW SHE HAD MADE A MISTAKE,
 THEREFORE THEY CONSPIRED TO GET THIS STIPULATION ON THE RECORD
 BECUASE THERE WOULD BE NO REASON TO PUT ON A AGGRAVATION HEARING
 FOR ONE PRIOR. THEN ON MAY 3rd,2007 ELEVEN DAYS PRIOR TO SENTENCING
 DEFENSE COUNSEL SUBMITTED THE ISSUSE OF APPELLANT:S PRIOR FELONY
 CONVICTIONS ON THE BASIS OF STATE,S EXHIBIT 3, APELLANT,S PEN
 PACK FROM THE ARIZONA DEPARTMENT OF CORRECTIONS. THIS PARTICULAR
 DOCUMENT SHOULD OF BEEN PRECLUDED UNDER RULES OF COURT 16.1 B.
 IN ANY EVENT APELLANT WAS NEVER ADRESSED, THEREFORE NOT ADVISINGS
 APPELLANT AS TO WHAT RIGHTS HE WAS GIVING UP AND OR HOW MUCH

(Attach additional sheets, as needed)

