

State of Arizona  
COMMISSION ON JUDICIAL CONDUCT

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Disposition of Complaint 09-291

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Complainant: No. 1377210667A

Judge: No. 1377210667B

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**ORDER**

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

Dated: January 20, 2010

FOR THE COMMISSION

    \s\ Keith Stott      
Executive Director

Copies of this order were mailed  
to the complainant and the judge  
on January 20, 2010

*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

CJC 09-291

COMPLAINT AGAINST A JUDGE

Your Name: \_\_\_\_\_ Judge's Name: \_\_\_\_\_ Date: 10-20-09

**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 10-08-09 a motion hearing in the superior court ruled on by Judge  
5<sup>th</sup> Flort. Case # 2009- and -002; "Co-Defendants" on  
the case docket # 21 and 22; 8:30 Am. (prosecutor) filed a motion  
to designate the case complex. who is my co-defendant and  
represented by; our case is a conflict of interest ER 1.7 in regards  
to misconduct. became impatient, no longer wanting to wait for  
assigned prosecutor and other counsel my attorney.  
picks a prosecutor that was merely just standing there to argue the  
motion of assigned prosecutor The judge allows this and calls the  
case number in order of docket. keep in mind my counsel and  
assigned prosecutor was not YET present. does not object to the  
motion to designate case complex. Hence, the judge rules to designate case complex.  
However, my counsel objected in motion form and was properly  
submitted to the court against the motion to designate case complex. ms.  
quibbles to the Judge that there is a co-defendant, making reference to me. The  
Judge says, "well they are co-defendants and if you don't oppose motion I designate  
case complex and are you standing in on behalf of co-defendant ml."  
ms. states, "yes." After the judge has already ruled ms. states,  
"well I don't know what wants to do," and chuckles. Hence, the  
Judge designates co-defendants case complex and says, "I will just call 22  
back up when his lawyer gets here." and  
both walk in the court room as the Judge and ms. finishes. The four  
of them meet in chambers, which this matter should of been argued in open  
court. The case is called again and Judge was asked if he received a

(Attach additional sheets as needed.)

2. copy of defendant's motion objecting. The judge states, "no." in open court hands Judge a hard copy of motion. Judge does not read nor review the motion. He flipped to the last page of motion and read the last lines of motion and ruled the following: To designate my case complex, yet without prejudice, hence the motion then again can be argued at a future date; yet designates co-defendants case complex. Now in accordance with A.R.C.P. Rule 8.2(3) Time limits; only certain cases are to be designated complex and mine was not one of them. Judge went against the Arizona court of Appeals for District one in Snyder v. Donato. 118 p. 3d 632 (2005) by ruling my case complex. My right to a speedy trial has been not only violated, but taken with no regard. MS. is not my counsel nor did I consent for her to represent me, for I already have counsel and there is a conflict of interest that exist. The Judge abused his discretion by allowing MS. to represent me and by allowing MS. to pick a prosecutor out of the crowd, and by not reviewing defendant's motion. The judge as well abused his discretion by ruling on this case of co-defendants as if they were severed. When in fact they were not severed. Judge was informed on record of the Arizona Appeals case and on record that defendant Williams objects. Since judge at the time had not yet reviewed motion, at least the matter should of been continued. The misconduct of Judge has hindered my defense and aided the co-defendants. The conflict of interest exist and the decision was adverse in contrast to one defendant and the other. My due process has been violated as well as Arizona Rules of criminal procedure. Attached is a copy of defendant's motion. I have as well ordered a copy of the minute of this matter. Upon my receiving I will forward a copy to the commission.

State of Arizona  
Commission of Judicial Conduct  
1501 W. Washington St. Suite 229  
Phoenix, AZ 85007

201 S. 4th Ave  
Phoenix, AZ 85003

RE:

complaint filed Oct. 21, 2009

Dear Commission of Judicial Conduct:

Here is a copy of the minute, motion, and case law. They confirm my complaint with merit. They will assist you I hope. I didn't have them at the time I filed my complaint, that is why I'm sending these documents now. Thank you!

Sincerely