

State of Arizona
COMMISSION ON JUDICIAL CONDUCT

Disposition of Complaint 09-347

Complainant: No. 1381410051A

Judge: No. 1381410051B

ORDER

The complaint alleged that the judge failed to make sure he was present at a hearing regarding his Rule 32 petition. The commission reviewed the complaint and found no evidence of ethical misconduct on the part of the judge. The complainant did not have an automatic right to be present because it was not an evidentiary hearing or an oral argument. In addition, his request to appear was improperly submitted because he was represented by counsel. Accordingly, the complaint is dismissed pursuant to Rules 16(b) and 23(b).

Dated: March 8, 2010.

FOR THE COMMISSION

 /s\ Keith Stott
Executive Director

Copies of this order were mailed to the complainant and the judge on March 8, 2010.

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

1) ST It starts with the Honorable Division
 in Pinal County. On Dec 14th 2009 I had a Review of Rule 32
 Hearing for case # CR Prior to this hearing I sent a
 letter to judge stating I wanted to be present
 at my Review Hearing. This letter was written to the judge
 on October 6th 2009, this was ample time to be transported
 and appear at my hearing for I reside in Florence's
 Complex Unit. It is my right to hear the ruling of
 this hearing. I recieved no response and to this date do not
 know the outcome of his ruling.

2) ^{NO} Appointed Counsel by Honorable failed
 to raise any issues regarding my Rule 32 Hearing prior to me
 writing her with outside assistance. Upon her sending me my legal
 work, when recieving the contents of what she sent, I and a staff
 member found that less than 25% of legal work was mine and
 the rest belonging to a one Furthermore she sent
 me a letter stating for me to file my own Pro Se Rule 32
 Petition Supplement. Also stating she was not going to
 file any issues on my Rule 32 Petition because I had no
 issues. How could she I know I
 had or had not any issues if she didn't come speak to me
 call me, or interview me. This is not her decision to make
 minus my permission. This is wrong in many ways.

2nd

complaint

3) Appointed Counsel #2 By Honorable

Mr. I do not have his address nor phone # so I cannot give you his location. Reason for this is his refusal to make contact with me, since the day being appointed to me. On numerous occasions I've requested to my Court Counselor and acting judge in my case to make contact with new appointed counsel and have him set up a legal visit/call to discuss issues I'd like to raise on my behalf for my Review of Rule 32 Hearing on case # CR and I've yet to even meet acting counsel. Furthermore my spouse appeared at my Hearing for Review of Rule 32 on Dec 14, 2009, expecting my presence. Seeing I was not present my spouse asked and was denied an answer as to why I was not present. Also, just like first appointed counsel by Honorable

Div 2 (Ms)

Mr. appointed by same judge refused to raise any sufficient issues pertinent to my case without discussing my case with me and yet again minus my presence I do not know the outcome of ruling, and why each Legal Representative appointed to me refuses to discuss or even contact me in regards to my legal issues.

Conclusion

To whom it may concern, I merely wish to be given a fair chance and proper sufficient and professional assistance be given to me for it is my legal right. Unfortunately I am in no legal financial position to obtain a private lawyer.

Resolution:

I respectfully ask that you look into this matter for I know there is wrong doing being done. I not only am sending you copies of the unprofessionalism expressed by the legal and justice system, but I am desperately attempting to prove my innocence. I find it difficult when I do not know how to contact my lawyer, and when at hearing asked by my spouse to contact me, the Mr. states he doesn't need to speak to me.

I ask of you to contact me with the outcome of this complaint. I'm taking proper steps to rectify this matter. I thank you for your time and consideration.

Respectfully

Dec 20th 2009

6:00pm