

State of Arizona
COMMISSION ON JUDICIAL CONDUCT

Disposition of Complaint 10-053

Complainant: No. 1086410816A

Judge: No. 1086410816B

ORDER

The complainant alleged that a superior court judge failed to make a probable cause determination as required by the Rules of Criminal Procedure and engaged in ex parte communications with the state which resulted in two additional interim complaints that included a new charge. After analyzing the allegations, the judge's response, and listening to the relevant hearings, the commission no evidence of misconduct on the part of the judge. Accordingly, the complaint is dismissed pursuant to Rules 16(a) and 23.

Dated: July 23, 2010.

FOR THE COMMISSION

\s\ Keith Stott

Executive Director

Copies of this order were mailed to the complainant and the judge on July 23, 2010.

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

BEFORE THE COMMISSION ON JUDICIAL CONDUCT

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COMMISSION BAR No. _____

IN PROPRIA PERSONA

FEB 25 2010

IN THE MATTER OF, the
Hon
an Magistrate in Justice
Court of Precinct No. #1,
Respondent.

No. # _____
(to be supplied by the Commission)

Complaint
for an CENSURE of the
Hon
Magistrate

The Complainant, _____, bring this
Complaint against the Hon. _____ an Magistrate
in Justice Court of Precinct No. #1, for an Censure
before the Commission on Judicial Conduct, for cause
States as follow:

ON September 12th, 2009, the Complainant
_____ was arrested by the City of South
Tucson Police Department and charged with one Count
of Criminal Damages and booked in to the Pima County
Jail, whereupon he was given an initial appearance
before the Hon. _____, Magistrate, who;

1 Imposed the following sanctions against the
 2 Complainant; (1). Set Bail in
 3 the amount of \$2,500.00 dollars, (2). Set an Preliminary
 4 hearing date to commence in Justice Court on September
 5 22nd, 2009, and (3). Appointed the Pima County Public
 6 Defender's office to represent the Complainant, that
 7 became the Justice Court case No. JPO9- See,
 8 Exhibit A, which is the "order and conditions of Release"
 9 signed by the Magistrate, on September
 10 22nd, 2009, in the South Tucson Police Dept. Agency Case No.
 11 #

12 On September 12th, 2009, the Hon.
 13 an Magistrate of Precinct No. #1, failed to perform a
 14 duty required by law as to which he has no
 15 discretion in the matter, when he failed to make
 16 an prompt Judicial Probable Cause determination
 17 as to the Complainant's arrest. See, Exhibit B, which
 18 is the Interim Complaint filed against the Complainant
 19 on September 22nd, 2009. at the time of his arrest by
 20 an officer INO 10 #282, in case agency no. that
 21 bore no signature of the Magistrate and that became State's
 22 Disclosure October 2nd, 2009.

23 On September 16th, 2009, the Hon. unlawfully
 24 participated in ex Parte Null Proceedings with Representatives
 25 of the State, to give the Complainant an second initial
 26 appearance, to unlawfully consolidate an second interim
 27 Complaint along to the original Complaint, ordered that
 28 Complainant be held on an additional bail, and set an

1 Preliminary hearing done twice, and unlawfully held the
 2 Complainant; To answer to an charge
 3 Totally different than the charge contained in the original
 4 Complaint, that became the Justice Court Case No. JPO9-
 5 in the same identical Agency Case No. #
 6 and unlawfully disposing of Complainant Cases in
 7 Manner that denied Complainant the right to be heard
 8 accordingly to Law, is conduct that reflects adversely
 9 upon the Magistrate impartiality and interferes with
 10 the proper performance of his duties. See, Exhibit C,
 11 which is the "Interim Complaint" filed against the
 12 Complainant on September 16th, 2009 - Page 1-2. in Case
 13 Agency No. # ; See Also, Exhibit D, which is
 14 the "ORDER and Conditions of Release" by the Hon.
 15 Magistrate on September 16th, 2009, in
 16 Justice Court Case No. JPO9-
 17 The arbitrary and capricious actions of the Hon.
 18 Magistrate of Precinct No. #1, unlawfully
 19 bounded the Complainant over to stand trial in the Pima
 20 County Superior Court Case No. CR- , that
 21 also hold the Complainant unlawfully in restraint of
 22 his Liberty at the Pima County Jail.

23
 24 EXHIBITS A, THROUGH D, ARE RESPECTFULLY ATTACHED
 25 TO THE BACK OF THIS COMPLAINT IN GOOD FAITH.

1 State of Arizona)
2 County of PIMA ; ss.

AFFIDAVIT:

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I The Complainant before the
Commission on Judicial Conduct, deposes to say under oath that
he is the true Author of this foregoing legal complaint against
the Hon. Magistrate of Precinct No. #1.

Respectfully signed, this 21st DAY of February 2010.
By _____

WITNESSES:

We have personally witness the signing of the
Complainant; _____, name who also
states that he is the true Author of this complaint who
became known to us by his wrist-band identification on
his left-arm, identifying him as the Complainant.
who name No. is # _____

Signed, this 21st DAY of FEBRUARY, 2010

By _____

Signed, this 21st DAY of FEBRUARY, 2010. Booking No. # _____

By _____