

State of Arizona
COMMISSION ON JUDICIAL CONDUCT

Disposition of Complaint 10-105

Complainant: No. 1296910678A

Judge: No. 1296910678B

ORDER

The complainant alleged a superior court judge failed to force his previously assigned attorney to provide the complainant with the files related to his case. The commission reviewed the matter and found no evidence of ethical misconduct on the part of the judge. The complaint is dismissed pursuant to Rules 16(a) and 23.

Dated: June 15, 2010.

FOR THE COMMISSION

 /s\ Keith Stott
Executive Director

Copies of this order were mailed to the complainant and the judge on June 15, 2010.

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

2010-105
APR 23 2010

FILED

APR 13 2010

ARIZONA COMMISSION ON
JUDICIAL CONDUCT

APRIL 21. 2010

ARRIZONA COMMISSION OF JUDICIAL CONDUCT
1501 WEST WASHINGTON STREET
PHOENIX, ARIZONA 85007

RE: CONDUCT OF PRESIDING CRIMINAL DIVISION JUDGE, THE HONORABLE

DEAR JUDICIAL COMMISSION,

I AM WRITING THIS COMMISSION ABOUT THE HONORABLE
FAILURE TO FORCE COURT APPOINTED ADVISORY COUNSEL
KENNETH S. COUNTRYMAN TO COMPLY WITH MULTIPLE COURT ORDERS TO
TURN OVER THE ENTIRE FILE, INCLUDING ALL TRANSCRIPTS IN HIS POS-
SESSION. (SEE ATTACHED MINUTE ENTRIES DATED 10-26-09, AND 2-9-2010)

I AM CURRENTLY IN POST CONVICTION RELIEF PROCEEDINGS IN WHICH
I HAVE ALLEGED THAT ON AUGUST 8, 2008 IN CAUSE # CR- COM-
MISSIONOR , THROUGH COERCIVE TACTICS IGNORED MY WRITTEN
EXPRESSED WISHES TO ENACT MY SIXTH AMENDMENT RIGHT TO SELF-REPRESENT-
ATION.

IN ORDER TO COMPLY WITH ARIZONA RULES OF CRIMINAL PROCEDURE;
RULE 32.5 PETITION SHALL CONTAIN THE DEFENDANT'S CERTIFICATION THAT
HE HAS INCLUDED EVERY GROUND KNOWN TO HIM...DEFENDANT MUST ALSO
ALLEGE FACTS WITHIN HIS PERSONAL KNOWLEDGE UNDER OATH, AND SUPPORT
THE ALLEGATIONS WITH AFFIDAVITS, RECORDS OR OTHER EVIDENCE CURRENTLY
AVAILABLE.

I HAVE WRITTEN SEVERAL TIMES TO THE HONORABLE
AND INFORMED THE COURT OF MY PROBLEMS CONCERNING MY FILE, AND TRAN-
SCRIPTS IN THE POSSESSION OF AN OFFICER OF THIS COURT; AND HIS UN-
WILLINGNESS TO TURN OVER THESE DOCUMENTS.

IF I WERE TO REFUSE TO OBEY A COURT ORDER, I WOULD BE HELD IN
CONTEMPT OF COURT, YET KENNETH S. COUNTRYMAN AN OFFICER OF THIS
COURT IGNORES MULTIPLE COURT ORDERS AND THE HONORABLE
DOES NOTHING.

WITHOUT SUPPORTING TRANSCRIPTS TO SUPPORT MY ALLEGATION AGAINST
COMMISSIONOR THE TRIAL COURT CAN RULE THAT MY ALLEG-
ATIONS ARE UNSUPPORTED AND DISMISS MY PETITION AS FRIVILIOUS.

I PRAY THAT JUDGE INACTION IS NOT AN ATTEMPT TO COVER
UP COMMISSIONER CONDUCT, AND THAT THIS COMMISSION INVEST-
IGATE WHY THE HONORABLE HAS FAILED TO MAKE AN OFF-
ICER OF THE COURT ADHERE NOT ONLY TO IT'S ORDER TO PROMPTLY TURN

OVER THE ENTIRE FILE, INCLUDING ALL TRANSCRIPTS IN HIS POSSESSION. THIS INACTION ALSO VIOLATES MY CONSTITUTIONAL RIGHT TO EQUAL PROTECTION UNDER THE LAW; SEE: BRITT VS. NORTH CAROLINA, 404 U.S. 226, 227, 30 L.Ed 400, 92 S.Ct. 431 (1971), "THE STATE MUST, AS A MATTER OF EQUAL PROTECTION, PROVIDE INDIGENT PRISONERS WITH THE BASIC TOOLS OF A ADEQUATE DEFENSE OR APPEAL, WHEN THOSE TOOLS ARE AVAILABLE FOR A PRICE TO OTHER PRISONERS".

I KNOW THROUGH COURT MINUTE ENTRY DATED 1-29-2009 (ATTACHED) THAT THE CHANGE OF PLEA TRANSCRIPTS WERE PREPARED AND PROVIDED TO COUNSEL FOR THE DEFENDANT; YET THE HONORABLE DOES NOTHING TO COMPEL OFFICER OF THE COURT KENNETH S. COUNTRYMAN TO PRODUCE THESE DOCUMENTS IN HIS POSSESSION.

IN CLOSING I WILL BE IN TRANSIT AS OF MAY 4, 2010 MOVING TO FACE NEW CHARGES, I WILL CONTACT THIS COMMISSION WITH MY NEW ADDRESS UPON ARRIVAL AT THE NEW ADDRESS.

THANK YOU FOR YOUR TIME AND ATTENTION TO THIS MATTER. I LOOK FORWARD TO NOTICE THAT YOU HAVE RECIEVED MY COMPLAINT.

YOURS TRUELY,

CC:FILE