

State of Arizona  
COMMISSION ON JUDICIAL CONDUCT

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Disposition of Complaint 10-154

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Complainant: No. 1395610673A

Judge: No. 1395610673B

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**ORDER**

The complainant alleged that a superior court judge violated his due process rights by not allowing him to speak when his attorney failed to adequately defend him and by reading a question from the jury to a police officer who was a witness. The commission reviewed the complaint and found no evidence of misconduct on the part of the judge. The allegations involve legal issues outside the jurisdiction of the commission. The complaint is dismissed pursuant to Rules 16(a) and 23.

Dated: August 10, 2010.

FOR THE COMMISSION

\s\ Keith Stott

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Executive Director

Copies of this order were mailed to the complainant and the judge on August 10, 2010.

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

2010-154

June 6, 2010

JUN 14 2010

Commission on Justice/Judicial Conduct  
1501 W. Washington Street, Suite 229  
Phoenix, Az. 85007

Dear Commission Chairperson,

I'd like to share with you the difficulties with regards to this matter of factual complaint this is a problem proving. Though the bias that was demonstrated against me happened and all the officers of the court (Prosecutor, Attorney and the Judge) were direct participants as well as witnesses against my proceedings doesn't make this abuse right. I intend to exercise my complaint to make this Commission aware of what happen specifically with/to me in the courtroom of Judge \_\_\_\_\_ regardless of whether the odds are against me because the conduct displayed towards me as a Defendant before this judge was abused and misconduct changed the due process of my proceedings. I realize the serious nature of this complaint, but how about the serious impact these events has had on my due process status and presently I am fighting for some procedural corrections from mistakes purposely imposed on my hearings. I

expect to hear from your office as soon as possible and I thank you for your valuable time and considerations.

Please have a nice day.

Sincerely,

## STATEMENT OF FACTS

Instructions: Please use this form or plain paper of the same size to explain your complaint. In your own words, describe specifically what the judge did that you believe is misconduct. You should provide all of the important names, dates, times and places related to your complaint, but you do not need to cite the applicable canons of judicial conduct. Although you may attach additional pages, do not write on the back of any page. You may attach copies of any documents you feel will help us understand your complaint.

Your name: Haldon Everton Gilkes Judge's name: Pamela Hearn Suoboda Date: \_\_\_\_\_

During my appearances before Honorable Pamela Hearn Suoboda I encountered official criticism as I would proceed to address the court regarding transcribing critical details occurring during ~~the~~ proceedings. The attorney neglecting to represent me, displayed incompetence and showed no lack of defending and arguing issues before the court that require his defense response. Critical as these matters and issue were to my defense the neglect by this attorney prompted my responses to the court to "put that in the record". Because of attorney Jeffrey A. Swierski's non-existing performance my actions to address issues not true, not valid and exaggerated by the State Attorney my only alternative was to speak for myself in order to establish issues and points mentioned for the record (transcription).

Another problem exists where Abuse of Discretion by the judge regarding allowing officer <sup>Mitchell</sup> ~~Alford~~ who testified for the state, to hear a question the jury presented to the judge while the jury were in session for understanding an uncertainty. The question was: What do you mean officer, when you decided for Mr. Gilkes whether he had contraband? The judge read this question to the officer instead of answering the questing through written response, therefore allowing officer <sup>Mitchell</sup> ~~Alford~~ to change his testimony to better accommodate the state's argument against Mr. Gilkes. The jury were in jury chambers during this inquiry. During Mr. Gilkes entire proceedings bias was displayed because he did not display the regular degree of ignorance familiar with the majority of defendants before the courts. His common sense approach protected him from other misconducts the court officers displayed creating the procedural abuses against him.

(Attach additional sheets as needed)