

State of Arizona
COMMISSION ON JUDICIAL CONDUCT

Disposition of Complaint 11-003

Complainant: No. 1409410206A

Judge: No. 1409410206B

ORDER

The complainant alleged that a superior court judge failed to rule on two pending motions within 60 days and made erroneous rulings. After reviewing the allegations and the electronic case history, the commission found no evidence of ethical misconduct on the part of the judge. The judge was not assigned to rule on the complainant's motions and is no longer designated to the case itself. The remaining allegations involve legal issues outside the jurisdiction of the commission or concern matters that occurred several years ago. Accordingly, the complaint is dismissed in its entirety pursuant to Rule 16(a).

Dated: May 26, 2011.

FOR THE COMMISSION

/s/ Keith Stott

Executive Director

Copies of this order were mailed to the complainant and the judge on May 26, 2011.

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

CONFIDENTIAL

State of Arizona
Commission on Judicial Conduct
1501 W. Washington Street, Suite 229
Phoenix, Arizona 85007

FOR OFFICE USE ONLY

2011-003

COMPLAINT AGAINST A JUDGE

Your name:

Judge's name:

Date: 1-4-11

Instructions: You can use this form or plain paper of the same size to file a complaint. Please describe in your own words what the judge did that you believe constitutes judicial misconduct. Be specific and list all of the names, dates, times and places that will help us understand your concerns. You may attach additional pages but not original court documents. Print or type on one side of the paper only, and keep a copy of the complaint for your files.

I enter into a plea agreement on 2-7-2001 for count Eight: Attempted child Molestation, a class 3 felony and dangerous crimes against children in the second degree; and count Three: Attempted Sexual Conduct with a minor, a class 3 felony and dangerous crime against children in the second degree, the plea stated that both of these are nondangerous, nonrepetitive offense(s) under criminal Code. Judge committed judicial conduct by failing to comply with the law in violation of Rule 1.1. because the Judge add dangerous pursuant to A.R.S. section 13-604 when it was not a part of the plea agreement, nor is 13-604 on the plea agreement (see exhibit (1)). Clearly the contract was for nondangerous on Count: 3 and 8. Judge also violate Rule 1.2. actual improprieties include violations of the law, court rules and the provisions of the plea agreement and adversely on the judge's honesty and impartiality when the stated on 2-7-2001 for change of plea hearing that Count: 3 and 8 was dangerous and nonrepetitive offense(s). (see exhibit (2)). But never says anything about A.R.S. § 13-604, which was totally violation of the contract for nondangerous and nonrepetitive on Counts: 3 and 8. A judge shall comply with the law, including the Code of Judicial Conduct, also the agreement of the plea agreements. (contract.) Judge violated code of Judicial Conduct Rule 2.2 of Impartiality and fairness when on 5-18-2001 sentencing hearing Judge sentenced defendant to Dangerous pursuant to A.R.S. section 13-604 on Count: 3 and 8 when dangerous or 13-604 was not a part of the plea agreement that defendant enter

(Attach additional sheets as needed)

into. (see Exhibit (3)) This violated Rule 2.2 because a judge shall uphold and apply the law, and shall perform all duties of judicial office fairly and impartially. The Honorable Judge _____ must sentence defendant in accordance with the plea agreement once the judge accepts it and must interpret and apply the law without regard to whether the judge approves or disapproves of the law in question. This was not a good faith error of fact or law because defendant has filed numerous petition and motion trying to correct this violation and Judge _____ has shown a pattern of legal error and an intentional disregard of the law and the provisions of the plea agreement, which truly constitute misconduct.

Because of Judge _____ actions in the performance of judicial duties, by words or conduct manifest bias and harassment the defendant has been prejudice by being held pass his release date. When Judge _____ added A.R.S. §13-604 dangerous to defendant sentence and refusing to remove it, it cause Arizona Department of Correction not to give the defendant any good-time. Thus under Count: 8 under 1986 Laws the defendant would be release after doing 2/3 of his 15 years; and 2/3 of 15 years is 10 years; making defendant release date 8-18-2010. Therefore the defendant has

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been prejudice by the conduct and words of Judge violation of Arizona Code of Judicial conduct Rule 2.2. Judge manifested bias and prejudice in the sentencing proceeding has impaired the fairness of the proceeding and brings the judiciary into disrepute, Judge fail to avoid this conduct.

Last and foremost Judge denied the defendant the right to be heard in violation of Rule 2.6 and delaying decision for Motion to Correct Clerical Mistakes filed on 6-10-2010 past the 60 days allowed by statute, the unnecessary and unwarranted delay in the rendering of a decision violate the State Constitution and still have not render a decision.

(See exhibit (A)), And refuse to inform the defendant of the status of the motion filed on October 7, 2010. (See exhibit (B)). The right to be heard is an essential component of a fair and impartial system of justice. Substantive rights of litigants can be protected only if procedures protecting the right to be heard are observed.

Judge fail to perform judicial and administrative duties competently, diligently, and promptly when the judge fail to correct the mistake of placing dangerous pursuant to A.R.S. section 13-604 on Count: 3 and 8 when the Judge knew this was not part of the plea agreement and refuse to respond diligently and

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promptly in violation of Rule 2.5 of Arizona Code of Judicial conduct. In disposing of matters promptly and efficiently, a judge must demonstrate due regard for the rights of parties to be heard and to have issues resolved without unnecessary delay and cost.

Judge conduct has brought the judiciary into disrepute, and reflect poorly on the integrity of the judiciary, and has created the appearance of impropriety. Causing me to be perjured by being in prison past my release date.