

State of Arizona
COMMISSION ON JUDICIAL CONDUCT

Disposition of Complaint 11-004

Complainant: No. 1408910909A

Judge: No. 1408910909B

ORDER

The complainant alleged, in part, that a superior court commissioner violated his due process rights by allowing an initial hearing to proceed in his absence. After considering the allegations, the commission found no evidence of ethical misconduct on the part of the commissioner. The allegations involve legal or procedural issues that are outside the jurisdiction of the commission. Accordingly, the complaint is dismissed pursuant to Rules 16(a) and 23.

Dated: March 24, 2011.

FOR THE COMMISSION

/s/ Keith Stott

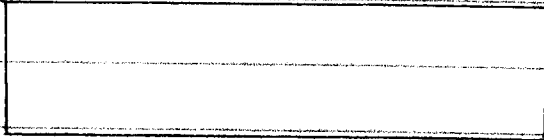
Executive Director

Copies of this order were mailed to the complainant and the judge on March 24, 2011.

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

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02 STATE OF ARIZONA
03 COMMISSION OF JUDICIAL CONDUCT
04 1601 WEST WASHINGTON STREET
05 SUITE 229
06 PHOENIX, ARIZONA 85003

07 * JUDICIAL COMPLAINT INFORMATION.

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17 MICHAEL K. JAMES, CLERK, 201 WEST JEFFERSON STREET PHOENIX, ARIZONA 85003.

18 * I AFFIRM, UNDER PERJURY PENALTY, THAT FOREGOING INFORMATION, AND ALLEGATIONS
19 CONTAINED IN ATTACHED COMPLAINT ARE TRUE. ARIZ. RUL. CIV. PROC. RUL. 80 [1].

20 29 DECEMBER 2010

21 18 JULY 2010 HON. COMMISSIONER, MARICOPA COUNTY SUPERIOR COURT, ARIZONA STATE,

22 CRIMINAL DIVISION, COURT ROOM-4 AT, CONDUCTED AN INITIAL APPEARANCE HEARING, WHEREBY

23 I WAS PRESENT AND DURING WHICH I WAS IN STATE CUSTODY WITHIN MARICOPA COUNTY SHERIFF

24 OFFICE, ARIZONA STATE, AND SET A SECURED APPEARANCE BOND FOR SUM AMOUNT FOUR

25 THOUSAND FIVE HUNDRED, PURSUANT AN ARREST UPON A WARRANT FOR OFFENSE SEX

26 OFFENDER REGISTRATION, A CLASS FOUR FELONY. ARIZ. RULS. CRIM. PROC. RUL. 4.1;

27 ARIZ. REV. STAT. SECT. 13-3821; UNTD. STAT. COD. TIT. 42, SECT. 16913 [D].

28 BECAUSE, I WAS ARRESTED FOR AN OFFENSE UPON A WARRANT, WAS DETAINED IN STATE

01 AND WAS TAKEN BEFORE COMMISSIONER WHO ISSUED WARRANT, WITHIN OPEN COURT AT
 02 INITIAL APPEARANCE HEARING WITHOUT UNNECESSARY DELAY WITHIN TWENTY-FOUR HOURS, AND
 03 AM NOT AN INDIVIDUAL WITH A SEX OFFENSE SCIENTER FINDING, NOR UNDER LAW AM
 04 REQUIRED TO REGISTER. I AM ENTITLED TO IMMEDIATE CRIMINAL COMPLAINT AND
 05 CASE DISMISSAL ON THIS MATTER, PURSUANT SAID CRIMINAL COURT COMMISSIONER OWN
 06 MOTION. [EXHIBIT-A. COURT AUDIOVISUAL RECORD 071810.] ARIZ. RULES CRIM. PROC. RUL.
 07 1.6 [A, B], 4.1 [A], [C], [D]; ARIZ. RULES CIV. PROC. RUL. 43 [K], [L], 44 [A].
 08 26 JULY 2010 STATUS CONFERENCE AND 28 JULY 2010 PRELIMINARY HEARING, PER
 09 STANDARD CONDITIONS, PROVIDED, I WAS SCHEDULED FOR SAID PROCEEDINGS AND
 10 A PRELIMINARY HEARING RELATIVE THIS MATTER WAS NEVER CONDUCTED.
 11 [EXHIBIT-B. STANDARD CONDITIONS 071810.]
 12 ALSO, WAS NEVER PROVIDED WRITTEN FILED CRIMINAL COMPLAINT COPY DOCUMENT
 13 REGARDING ALLEGED FELONY OFFENSE COMMISSION, AND NO PRELIMINARY
 14 HEARING WAS HEREON CONDUCTED WITHIN TEN DAYS FOLLOWING RECORDED
 15 COURT APPEARANCE, AND I WAS NOT AFFORDED DUE PROCESS AS REQUIRED
 16 PURSUANT LAW PROVISIONS MANDATED. ARIZ. RULES CRIM. PROC. RUL. 2.3, 2.4 [A], 4.2
 17 [C], [D], 2], 6.1 [A]; ARIZ. REV. STAT. CONST. ART. 2, SECT. 10.
 18 I DID NOT WAIVE, MY PROCEDURAL AND SUBSTANTIVE DUE PROCESS CONSTITUTIONAL
 19 RIGHT TO BE PRESENT AT A PRELIMINARY HEARING PROCEEDING BY VOLUNTARILY
 20 ABSENTING MYSELF, AND THIS JUDICIAL CONDUCT COMMITTEE CAN INFER THAT SAID
 21 ABSENCE WAS INVOLUNTARY, BECAUSE I WAS NOT PROVIDED ANY PERSONAL
 22 NOTICE REGARDING PROCEEDING RESCHEDULING TIME AND RIGHT TO BE THERE
 23 AT PRESENT. NOR A WARNING, THAT A PRELIMINARY HEARING WOULD GO FORWARD
 24 IN MY ABSENCE. ARIZ. RULES CRIM. PROC. RUL. 9.1; ARIZ. REV. STAT. CONST. ART. 2, SECT. 13.
 25 ACKNOWLEDGMENT AND PROMPT ASSISTANCE APPRECIATED.

26 THANKS AND BLESSINGS,

27
 28 PRO FEER.

29 DECEMBER 2010.