

State of Arizona  
COMMISSION ON JUDICIAL CONDUCT

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Disposition of Complaint 11-125

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Complainant: No. 1418610580A

Judge: No. 1418610580B

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**ORDER**

The complainant alleged that a superior court judge improperly denied his motion even though the state failed to properly respond. The commission reviewed the matter and found no evidence of ethical misconduct. Whether the judge ruled properly is a legal issue outside the jurisdiction of the commission, and deciding to accept the state's untimely response was within the discretion of the judge. Accordingly, the complaint is dismissed in its entirety pursuant to Rules 16(a) and 23.

Dated: August 3, 2011.

FOR THE COMMISSION

/s/ George Riemer  
George A. Riemer  
Executive Director

Copies of this order were mailed to the complainant and the judge on August 3, 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

2011-125

COMPLAINT AGAINST A JUDGE

Your Name: \_\_\_\_\_ Judge's Name: \_\_\_\_\_ Date: 04/08/11

Instructions: Describe in your own words what the judge did that you believe constitutes misconduct. Please provide all of the important names, dates, times, and places related to your complaint. You can use this form or plain paper of the same size to explain your complaint, and you may attach additional pages. Do not write on the back of any page. You may attach copies of any documents you believe will help us understand your complaint.

ON 04/08/11, WHILE IN THE PRESENCE OF THE HON. \_\_\_\_\_, ADVISORY COUNSEL JAY ROCK AND I (Defendant) INITIATED THE MOST FUNDAMENTAL RULE IN ACCORDANCE TO ARIZONA RULES OF CRIMINAL PROCEDURE RULE 35.1 (a) BECAUSE THAT STATE CLEARLY WAIVED THEIR RIGHT TO RESPOND. HON. \_\_\_\_\_ TOOK THE ISSUE UPON HIMSELF TO PROCEED ONLY ON A DENIED DORMANT RECONSIDERATION MOTION WITH A MALICIOUS MOTIVE TOWARDS ADVISORY COUNSEL AND I (Defendant), WHICH IS CLEAR THE DEFENDANT IS NOW IN HIGH JEOPARDY TO AN UNFAIR TRIAL BECAUSE OF THE HON. \_\_\_\_\_ MISCONDUCT.

ALSO DEFENDANT, IN PRO-PER, FILED A MOTION THROUGH INMATE LEGAL SERVICES (I.L.S) ON 02/11/11 AND SET IT TO BE HEARD ON 03/07/11. DEFENDANT MOTION WAS NEVER SET ON HON. \_\_\_\_\_ DOCKET TO BE ACKNOWLEDGE, HEARD, OR ARGUED. NOW MY CURIOSITY IS WHAT CONSTITUTES HON. \_\_\_\_\_ CONDUCT UNDER SUCH CIRCUMSTANCES? SPECIFICALLY THAT THERE IS AT LEAST THE APPEARANCE, IF NOT THE FACT OF, PREJUDICE IN THE MANNER IN WHICH JUDGE \_\_\_\_\_ HAS HANDLE ALL THE AT HAND MATTERS IN THE PRESENT CASE AGAINST DEFENDANT'S INTEREST THESE INCLUDE THE GRANT OF THE MOTION FOR AN INVESTIGATOR AND EXPERT WITNESS BUT THEN NEVER ENTER AN ORDER TO EXECUTE THAT GRANT THUS DEPRIVING THIS DEFENDANT OF IMPORTANT DEFENSE ASSETS. ALSO HAVING ADVISORY COUNSEL ARGUE A MOTION ALREADY DENIED, RATHER THAN HEARING A MOTION TO SUPPRESS FILED TWO MONTHS EARLIER, BUT THEN DENYING THE UNHARD MOTION TO SUPPRESS ALONG WITH THE INCORRECTLY ARGUED MATTER. IN SHORT, IN A NUMBER OF SIMILAR DIFFICULTIES, PROCEDURAL STUMBLING BLOCKS HAVE BEEN PLACED IN JUDGE \_\_\_\_\_ COURT THAT FRUSTRATE ANY ATTEMPT AT DUE PROCESS. THIS CONDUCT DOES NOT PROMOTE FAITH IN THE JUDICIAL SYSTEM, QUITE THE OPPOSITE. THIS JUDGE HAS BEEN COMPLETELY PARTIAL, IN FAVOR OF THE STATE IN EVERY TURN. I BELIEVE MOSTLY

(Attach additional sheets as needed.)