

State of Arizona
COMMISSION ON JUDICIAL CONDUCT

Disposition of Complaint 11-145

Complainant: No. 1419910035A

Judge: No. 1419910035B

ORDER

The complainant alleged that a superior court judge acted improperly by delaying his criminal trial and refusing to allow him to represent himself. After reviewing the allegations, an addendum provided by the complainant, the case history and court records, the commission found no evidence of ethical misconduct on the part of the judge. Accordingly, the complaint is dismissed in its entirety pursuant to Rules 16(a) and 23.

Dated: September 2, 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 September 2, 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

2011-145

COMPLAINT AGAINST A JUDGE

Your name:

Judge's name:

Date: 6-3-11

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 have now been in the Cochise County Jail for one year. I have not waived my speedy trial rights but the judge has repeatedly imposed exclusionary time on my case. I was sent to 2 psychiatrists who said I was competent to stand trial. Trial date was set for March 21st. Several months before, my public defender hung up on me during a telephone conversation. She then didn't speak to me for 3 months and withdrew from my case. At that point I told the judge I didn't think counsel paid for by the County would be effective in my case and expressed that I wanted to stand in my own defense. I alluded to the psychiatrists who said I delusional at the time of the incident and indicated that this would conflict with my defense. I also stated that I was not delusional and that the psychiatric reports were conflicted in their analysis. I said it because they said I was normal and intelligent and didn't ask me what happened at the time of the incident. At that point contrary to the previous findings in my case the judge said I was incompetent. He then appointed another attorney to my case and would not allow me to object. He then ordered another psychiatric evaluation for me. The lawyer he appointed to my case has not discussed it with me for the 75 days he has been my counsel.

(Attach additional sheets as needed)