

State of Arizona
COMMISSION ON JUDICIAL CONDUCT

Disposition of Complaint 11-249

Complainant:	No. 1418010004A
Judge:	No. 1418010004B

ORDER

The complainant alleged that a superior court judge ignored the law.

The responsibility of the Commission on Judicial Conduct is to impartially determine if the judge engaged in conduct that violated the provisions of Article 6.1 of the Arizona Constitution or the Code of Judicial Conduct and, if so, to take appropriate disciplinary action. The purpose and authority of the commission is limited to this mission.

After reviewing the complaint, the members of the commission found no evidence of ethical misconduct and concluded that the judge did not violate the Code in this case. The commission has no jurisdiction to determine the legal sufficiency of the judge's decisions. Accordingly, the complaint is dismissed in its entirety pursuant to Rules 16(a) and 23.

Dated: November 10, 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 November 10, 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

2011-249

COMPLAINT AGAINST A JUDGE

Your Name:

Judge's Name:

Date: 9-21-11

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.

"An independent, fair, and impartial judiciary is indispensable to our system of justice. The United States legal system is based upon the principle that an independent, impartial, and competent judiciary, composed of men and women of integrity, will interpret and apply the law that governs our society. Thus, the judiciary plays a central role in preserving the principles of justice and the rule of law. Inherent in all the rules contained in this code are the precepts that judges, individually and collectively, must respect and honor the judicial office as a public trust and strive to maintain and enhance confidence in the legal system.

Judges should maintain the dignity of the judicial office at all times, and avoid both impropriety and the appearance of impropriety in their professional and personal lives. They should aspire at all times to conduct that ensures the greatest possible public confidence in their independence, impartiality, integrity, and competence."

Superior Court Judge. Has violated the Arizona code of Judicial conduct, Rules; 1.1 (Compliance with the Law); 1.2 (Promoting Confidence in the Judiciary); 2.2 (Impartiality and Fairness); 2.6 (A) (B) (Ensuring the right to be heard); and 2.9 (Ex parte communication).

On 8-11-11 Judge broke Rule 1.1 by not allowing me to plead no contest to my charges when Rule 14.3 of the Arizona

Rules of criminal procedures clearly allows a defendant that option. He specifically said that I did not have a right to plead no contest to the court. As I said, Arizona Law begs to differ. Also Rule 2.6(3) was broken by urging me to enter in a plead bargain with the state on 8-11-11.

on 9-21-11 Judge _____ broke Rule 1.1 Again by not allowing me the right to challenge jurisdiction, when Arizona Rules of Criminal Procedure, Rule 16.1(b) clearly states that I may exercise that right at anytime. But he said I could only exercise that right at trial. Then he broke Rule 1.2 by refusing to state on the record his authority to not follow the Arizona Rule. He would not even require state answer to jurisdiction at all, thus violating Rule 2.2 of the code. Also, is it not ex parte communication when the state can whisper with the judge's secretary and then the secretary whisper with the judge? Because that's what happens at my court dates.

This is the 3rd complaint on a judge that I have filed, and it seems that no one cares about the judges' misconduct. If the law states that I have a certain right and a judge blatantly denies me that right with absolutely no provision of law supporting his position, is that not a violation to the Arizona Code of Judicial conduct? What about when a judge refuses

to answer any questions on legal support of his position?

Rule 1.2, (Promoting Confidence in the Judiciary)

A Judge shall act at all times in a manner that promotes public confidence in the independence, integrity, and impartiality of the Judiciary, and shall avoid both, impropriety and the appearance of impropriety.

Rule 1.1, (Compliance with the Law)

A Judge shall comply with the Law, including the Code of Judicial Conduct.

These are quotes (obviously) from the code itself and just as obviously the Judge has broken the provision's of it by not complying with the law and by acting secretive about it. And if a Judge does have the absolute authority to do as he pleases, then change the provision of the code so that people are not confused and think otherwise. Because when I read the code of judicial conduct, I got the impression that this was the Agency that dealt with Judges who violate the Rules of procedure. If I am mistaken, then I apologize and would respectfully ask for the name and address of the appropriate Authority. Thank you.