

State of Arizona
COMMISSION ON JUDICIAL CONDUCT

Disposition of Complaint 12-025

Complainant: No. 1434410960A

Judge: No. 1434410960B

ORDER

The complainant alleged that a superior court judge improperly delayed rulings and appointed him counsel contrary to his request to remain pro se.

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 review, the commission decided to dismiss this matter with a private advisory comment reminding the judge of his obligation to comply with relevant statutory and constitutional time limits. The case is dismissed pursuant to Rules 16(b) and 23(a).

Dated: May 31, 2012.

FOR THE COMMISSION

Louis Frank Dominguez
Commission Chair

Copies of this order were mailed to the complainant and the judge on May 31, 2012.

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

2012-025

COMPLAINT AGAINST A JUDGE

Your name:

Judge's name:

Date: 1/24/2012

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.

Dear Commission on Judicial Conduct,

My name is _____ and I represent myself
in Pima County Superior Court cases numbered CR _____
and _____

Dating back to July 22nd 2011, I have submitted
over thirty (30) motions which have gone
completely ignored by Judge _____

~~Mr.~~ Judge _____ actions and/or inactions are
a clear and flagrant violation of Article 2 section 11,
and Article 6 Section 21 of the constitution of
the state of Arizona which MANDATES that "justice
in all cases shall be administered openly, and without
unnecessary delay", and "every matter submitted to a
judge of the superior court for his decision shall
be decided within sixty days from submission
thereof"

In case # CR _____ I currently have
Eleven (11) motions which are beyond the sixty
day time frame noted above; And, in case # CR _____

I currently have Eight (8),
motions that are beyond the sixty day
mandate of the Arizona Constitution.

Clearly, Judge _____ has demonstrated
a flagrant pattern of misconduct by
intentionally disregarding the mandates of
Article 6 Section 21 of the Arizona Constitution.

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(Attach additional sheets as needed)

Judge deliberate disregard of the law has also resulted in the following violation's of Arizona Supreme Court Rule 81, part E of the Code of Judicial Conduct:

Rule 2.2 Impartially and Fairness

A review of the record in case numbered CR illustrates the irrefutable evidence that Judge has not acted Impartially and Fair. To prove this point all one has to look at is:

(1) currently I have eleven (11) motions dating back to September 2, 2011, which Judge has purposely ignored.

(2) In contrast, the prosecution, recently filed a motion to obtain forensic evidence, MR. did not serve a copy of said motion to either myself or my advisory counsel, S. as required by Rule 35.1 of the Arizona Rules of Criminal Procedure, and in just a matter of days from the submittal of the prosecutions motion Judge held a brief hearing on the matter.

The factual evidence show without a doubt that Judge has not upheld and applied the law fairly and impartially.

Rule 2.3 Bias, Prejudice, and Harassment

Rule 2.3 (b) states that "a Judge shall not, in the performance of judicial duties, by words or conduct manifest bias or prejudice,..."

Here, Judge [redacted] has caused me great prejudice because his purposeful delays of addressing my motions in a timely manner, has all but destroyed any opportunity that I had to present an adequate and meaningful defense against the states allegations.

Rule 2.5 Competence, Diligence, and Cooperation

Its absolutely obvious by the fact that I have motions dating back six (6) months which Judge [redacted] was purposefully ignored that Judge [redacted] has not performed his judicial and administrative duties competently, diligently and promptly.

Rule 2.6. Ensuring the Right to Be Heard

As the facts stated heretofore show Judge [redacted] has done everything that he can to make sure that there is NO-WAY THAT I CAN BE HEARD - just read my motions!!

The records in the two case's in question provide clear and convincing...

... Evidence that Judge has-Not
accorded me the right to be heard.

"There is no more cruel tyranny than
that which is exercised under cover of law,
and with the colors of justice". United States
v. Jannottie, 673 F.2d 578, 614 (3rd 1982).

What is taking place down here in
Pima County, and specifically in my
case's is absolutely atrocious!

Please intervein in this matter
immediately.

Respectfully,

End.