

State of Arizona
COMMISSION ON JUDICIAL CONDUCT

Disposition of Complaint 12-142

Complainant: No. 1443110367A

Judge: No. 1443110367B

ORDER

The complainant alleged that a superior court judge was biased in deciding to deny his motion to change counsel.

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 information provided by the complainant and the electronic court records, the commission found no evidence of ethical misconduct and concluded that the judge did not violate the Code in this case. The commission does not have jurisdiction to review the legal sufficiency of the judge's rulings. Accordingly, the complaint is dismissed in its entirety pursuant to Rules 16(a) and 23.

Dated: July 16, 2012.

FOR THE COMMISSION

/s/ George Riemer

George A. Riemer
Executive Director

Copies of this order were mailed to the complainant and the judge on July 16, 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

2012-142

COMPLAINT AGAINST A JUDGE

Your Name:

Judge's Name:

Date: 5-22-12

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 MAY 22, 2012 I APPEARED IN JUDGE _____ COURT. ONCE
MY ATTORNEY, _____ ARRIVED JUDGE _____ MADE
HER AWARE OF THE MOTION FOR CHANGE OF COUNSEL AND
ALSO THE STATE BAR COMPLAINT. BOTH OF WHICH I FILED
PRIOR TO THIS COURT DATE. THE STATE BAR COMPLAINT WAS
FILED ON MAY 16, 2012 AND THE MOTION TO CHANGE COUNSEL
ON MAY 18, 2012. ONCE _____ REVIEWED BOTH WE SPOKE
AND I TOLD HER I WISHED TO PROCEED WITH BOTH. ONCE ALL
PARTIES CHECKED IN WITH JUDGE _____ THE JUDGE ASKED
ME: WHY I FELT A CHANGE OF COUNSEL WAS APPROPRIATE?"
I STATED "I HAVE NOT BEEN AFFORDED MY RIGHTS OF FULL
DISCLOSURE OF DISCOVERY EVEN THOUGH I HAVE BEEN INCARCERATED
FOR 235 DAYS. DUE TO THIS FACT I HAVE BEEN FORCED TO
MAKE UNINFORMED DECISIONS CONCERNING MY CASE AND PLEA
BARGAINS OFFERED TO ME. I HAVE NOT BEEN GIVEN CANDID LEGAL
ADVICE AND HAVE BEEN MISLEAD ON VARIOUS OCCASIONS." JUDGE
THEN TOLD ME THAT I WAS MAKING VERY SERIOUS
ACCUSATIONS TOWARD A LAWYER THAT SHE HAS KNOWN FOR SOME
FOUR YEARS AND WHOM HAD ALWAYS CONDUCTED HERSELF IN AN
HONEST MANNER IN THE COURT. I FELT JUDGE _____ WAS NOT
BEING IMPARTIAL TO THE SITUATION, FOR SHE HAS ALSO NEVER KNOWN
ME TO ACT ANYTHING OTHER THAN UPRIGHT AND HONEST IN HER
COURT ROOM ALSO; HOWEVER, I WAS NOT TREATED AS SUCH.
I STATED FACTS AND SUPPORTED THEM WITH THE ARIZONA RULES

(Attach additional sheets as needed.)

OF PROFESSIONAL CONDUCT VIOLATIONS IN MY STATE BAR COMPLAINT, YET WHAT GOOD IS THE INFORMATION TO AN IMPARTIAL EAR OR EYE? I WAS THEN REFUSED A CHANGE OF COUNSEL AND INFORMED THAT IF I REFUSED TO TAKE THE PLEA I WOULD BE SUBJECT TO HAVING MY CHARGES STACKED ONE ON TOP OF THE OTHER AND COULD SPEND UP TO 25 YEARS IN PRISON OR THE REST OF MY LIFE IN PRISON AS STATED BY JUDGE I FELT AS IF I WAS BEING THREATENED BY THE JUDGE HERSELF. IT IS VERY CLEAR BY THE JUDGE'S ACTIONS THAT SHE SHOWED PARTIALITY TO OVER ME BECAUSE OF AN ACTING RELATIONSHIP BETWEEN THE TWO. I FEEL THE JUDGE IS ABUSING HER AUTHORITY USING POLITICAL POWER OVER A LEGAL INDIGENT PERSON SUCH AS MYSELF, WHO HAS NO MONEY TO PROVIDE FOR ALTERNATIVE COUNSEL, TO FORCE ME TO SIGN A PLEA BARGAIN I DON'T FEEL IS FAIR OR ACCEPT AN ATTORNEY THAT HAS FAILED ME. THE LACK OF DILIGENCE AND CONCERN I HAVE EXPERIENCED FROM MY ATTORNEY IN THE LAST SEVERAL MONTHS IS REAL, YET JUDGE DISREGARDED ALL THE FACTS AND SUPPORT BECAUSE SHE KNOWS AND NOT ME, BECAUSE IS A LAWYER AND I'M A PRISONER. I FEEL DISCRIMINATED AND PREJUDICED DUE TO THE FACTS THAT I HAVE SUPPORTED EVERYTHING I HAVE SAID AND AM STILL WITHOUT

FULL DISCLOSURE OF DISCOVERY 15.1(b), WHICH EVEN THE JUDGE REFLECTED ON RECORD AS: "HAVE BEEN REQUESTED FROM THE PROSECUTOR BACK IN FEBRUARY." TOGETHER WITH THE LACK OF INVESTIGATION, LACK OF LEGAL GUIDANCE IN MY DEFENSE AND THE MISLEADING STATEMENTS, WHICH ARE ALL SUPPORTED IN MY STATE BAR COMPLAINT, SHOULD HAVE BEEN OVERWHELMING EVIDENCE OF CONFLICT OF INTEREST. THERE IS NO FAIR MANNER IN WHICH TO CONTINUE MY CASE. IF I ACCEPT A PLEA BARGAIN I GIVE UP AND NEVER RECEIVED THE RIGHTS I'M ENTITLED TO AND IF I TAKE IT TO TRIAL HOW CAN I EXPECT TO BE REPRESENTED BY _____ TO THE BEST OF HER ABILITY AFTER I HAVE BROUGHT TO LIGHT ALL HER SHORTCOMINGS AND FILED A COMPLAINT AGAINST HER EFFORTS OR LACK THERE OF? ALL THESE FACTS AND EVIDENCE ARE RECORDED ON THE TRANSCRIPTS BY THE COURT STENOGRAPHER. FINALLY AFTER ALL WAS OVER IN COURT _____ LAUGHED AT ME AND STATED "I GUESS YOU ARE STUCK WITH ME" AND WALKED OUT.

AT THIS POINT I FEEL I HAVE NO CHOICE BUT TO FILE A NOTICE OF CLAIM PROVIDED TO ASSIST IN PRESENTING A CLAIM TO THE CITY OF PHOENIX THAT COMPLIES WITH THE REQUIREMENTS OF ARS. 12-821.01 WHICH DEFINES THE REQUIREMENTS FOR FILING A CLAIM AGAINST A PUBLIC ENTITY IN

THE STATE OF ARIZONA, SEEING THE
STATE OF ARIZONA HIRED TO
REPRESENT ME AND THE TAX PAYERS PAID
FOR IT, THIS PUBLIC ENTITY HAS VIOLATED
MY CIVIL RIGHTS WITH ABUSE OF ITS POWER,
RUNNING A CRIMINAL ENTERPRISE AGAINST PEOPLE
WHO ARE LEGALLY INDIGENT WITH NOTHING TO GIVE
BUT LIFE ITSELF. THEY ARE USING THEIR EDUCATION
AND MONEY BY ORGANIZING AN ENTERPRISE AGAINST
PEOPLE LIKE MYSELF WHO CAN NOT AFFORD TO
PAY AN HONEST ATTORNEY TO PROTECT MY RIGHTS WITH
EFFECTIVE COUNSEL. THIS IS INDEED A SOCIAL
INJUSTICE!

RESPECTFULLY SUBMITTED THIS 23RD DAY OF MAY 2012