

State of Arizona
COMMISSION ON JUDICIAL CONDUCT

Disposition of Complaint 12-198

Complainant:	No. 1447610367A
Judge:	No. 1447610367B

ORDER

The complainant alleged one superior court judge improperly denied his motion to represent himself and another failed to protect his rights in his post-conviction relief proceeding.

The responsibility of the Commission on Judicial Conduct is to impartially determine if the judges 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 various minute entry orders in the case, the commission found no evidence of ethical misconduct and concluded that the judges did not violate the Code in this case. The commission does not have jurisdiction to review the legal sufficiency of court rulings. Accordingly, the complaint is dismissed in its entirety pursuant to Rules 16(a) and 23.

Dated: August 31, 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 August 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

2012-198

COMPLAINT AGAINST A JUDGE

Your name: _____

Judge's name: _____

Date: 7/20/19

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.

The Judge knowingly denied AZ Constitution Article 2 section 24 right to represent myself protected also by U.S. Constitution Amendments 6 and 14. On 6/17/10, 6/22/10, 6/23/10, 6/30/10, and 7/6/10, as reflected per minute entry. This denial was deliberate and forced involuntary counsel and actual injury by summarily denying verbal and written motions while granting later motion by grievous and malicious counsel filed on 7/16/10. This plain error was preceded by negligence on 6/17/10 by not investigating malfeasance and misrepresentation claim against counsel with whom irreconcilable conflict was acknowledged and accepted. This court official then allowed into and on record to swear in advocate witness means that he was instructed by previously ruled irreconcilable conflicted attorney per 7/16/10 motions. To name pro tunc assign counsel while not allowing access to record during critical stage is malicious. The Judge commented in open court on 6/17/10 that I was hopeless after access to which my spouse heard and the recorded minute entry acknowledging UCC-9 form never filed by me. She has caused and perpetuated injury with intent.

(Attach additional sheets as needed)

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2012-198

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Your name:

Judge's name:

Date:

7/20/12

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The judge in question has denied right to counsel, violating my rights protected. By summarily denying and ignoring important requests he has infected or been complicit in denying relief the whole trial process. Minute entry 5/3/12. The court has had repeated notice of insufficient counsel by the appointed in rule 32 and before sentencing. Filed 10/31/11. Adequate defense cannot be held without complete record. Motion for discovery made 9/27/11. Minute entry filed 3/30/12 is a review of several requests in which court notes that I represent myself but restricts me to "strict construction" of attorney rules not merit of my claims. 2/15/12 minute entry dismissing my motion without acknowledging my response to state. The court throughout has received in my affidavits and mailed originals at no significant or meaningful contact with advisory counsel. Counsel has not provided advice or assistance in Rule 32 and went 6 months with no contact. The judge has acted as plaintiff instead of protecting my rights including dismissal with prejudice despite my sending of court requested Rule 32 form and affidavit by certified mail, post marked April 2012 to which has no response on records. My claims have been stated and relief sought in both motion for automatic reversal and filed request dated 11/22/11, filed 11/25/11, as well as throughout to deny counsel and strike or deny without states adversarial testing and on writ of form is unethical and prejudicial to prose litigant.

(Attach additional sheets as needed)

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2012-198

- 1) Filed 6/20/11 10:27:16 AM
Notice of PCR - Review (no colorable claims)
reviewed 1) Superior Court instruments and
minute entries 2) Transcripts of Change of Plea
(11/18/10), and Sentencing (2/4/11) 3) Correspondence
from Defendant
- 2) Minute entry 12/14/2011 Filed 12/16/2011 8:00 AM
Court reviewed letters filed on 11/25/11 and
12/7/11. Given 1/27/12 deadline for PCR.
Says letters filed ask for specific request.
- 3) Filed 12/7/11 4:43 PM Defendant letter dated 12/3/11
Informed court: 1) no documents from Clerk, ~~the~~ counsel,
or judge, no legal access, discrimination issues, and
90 day extension request
- 4) Filed 11/25/11 4:22 PM Defendant letter dated 11/24/11
1) notice of Judge's certified copies of oath to
uphold the U.S. and State Constitution
2) Counsel hasnt provided case file. Hinderin's
case. 3) Request the court summons
and correspondence
and case documents. Needed for a reasonable
claim. 4) No law library access on par with
prosecution. 5) Request disclosure of monies
generated in the case.
- 5) Filed 10/31/11 8:00 AM Minute Entry dated
10/28/11 1) Court Reviewed letter filed 9/20/11
and PCR counsels Response to motion to withdraw
as advisory counsel filed on 10/19/11. 2) Defendant

(2)

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claims counsel hindered Rule 32 proceedings. No fact in support provided. Ms.

- 6) Takes no position on the motion. Motion denied
Filed 10/31/11 8:00 AM Minute Entry 10/28/11
Court reviewed Motion to Extend time for Pro Per Rule 32 Relief filed on 9/27/11 and Motion for Discovery filed on 9/27/11. Defendant requests that Court order production of all transcripts, all evidence, and all minute entries relevant to the defendants case. Defendant does not state any reason why he requires all mentioned materials, or any specificity as to why specific transcripts, minute entries or evidence are needed. AZ Crim P. 32.4(d) states Court only order transcripts preparation for requests that are deemed necessary to resolve the issues raised in the notice of ~~post~~ PCR. Court - rule not satisfied. Motion for Discovery denied. Motion to Extend Time granted 12/9/11 (new date)
- 7) Filed 10/31/11 9:49 AM Defendant letter dated 10/24/11
No response on 2 motions, critical to claim. Requested and completely disclose all case file, tabs, instruments, correspondence, about case. Sent on 9/29/11 and no response. Courts and confinement stultified rights and aid in any defenses and remedies. No access to the rules played hinders preparation. Request that Judge place a certified copy

into case file of oath to uphold U.S. Constitution AZ Constitution, a license, and copies of bond and insurance by employer or private group.

8) Filed 10/19/11 7:16:13 AM Response to motion to Withdraw Advisory Counsel. Per Court order dated 9/29/11, Counsel takes no position on defendants motion, and leaves it to Courts discretion. ~~Now~~ As to factual allegations in defendants motion, counsel believes that it would be a violation of the ethical rules to take a position as to the veracity of those allegations.

9) Filed 9/30/11 8:00 AM Minute Entry dated 9/29/11 Court reviewed defendants letter filed 9/20/11. Defendant requests that he be provided a paralegal and investigator to assist in preparing pro per petition for PCR. Also requesting advisory counsel be removed from case. Denied request for paralegal and investigator. Ordered defense counsel file written response to request, ~~Now~~ within 20 days.

10) Filed 9/27/11 12:09 PM Motion to Extend time. . contends lack of resource and lack of access to law library, notary, and paralegal. Defense or remedy stultified by environments Due diligence for preparation in this matter

11) Motion for Discovery Filed 9/27/11 12:09 PM Right to competent defense and without full and

complete account of the case, a reasonable claim can not be made. Petitioner indigent, fee must be waived. Petitioner filed with intent to provide the Court of Appeals "addendums and viable proof" of the facts in said case.

- 12) Filed 9/20/11 4:20 PM Defendant letter dated 9/12/11 Attempting to gather resources for filings. has given library access once in 7 months for legal research. Right to access to prepare defense. Request paralegal, notary, and investigator to assist with my claim in accordance with Knight vs. Superior (1978) and all other applicable case law and precedent. Wish to be stricken as counsel of record as she has hindered and delayed my defense.
- 13) Filed 8/29/11 8:00 AM Minute entry dated 8/26/11 Defendant moved for extension a Good cause, granted. Extended to 9/26/11.
- 14) Filed 8/29/11 3:56 PM Defendant letter dated 8/9/11 extension on PCR filing. Appointed lawyer minimally helpful and slow to respond. Please assist me in whatever procedural method need to secure remedy. Asking for the guidelines needed to perform.
- 15) Defendant letter dated 3/29/12. No notice of my filings being labeled in docket display. Request to disclose documents