

State of Arizona  
COMMISSION ON JUDICIAL CONDUCT

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Disposition of Complaint 12-226

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Complainant: No. 1449710319A

Judge: No. 1449710319B

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**ORDER**

The complainant alleged a superior court judge and a justice of the peace mishandled his various criminal cases and violated his legal rights.

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 the available electronic court records in the cases, 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 the judges' rulings in the various cases. Accordingly, the complaint is dismissed in its entirety pursuant to Rules 16(a) and 23.

Dated: September 24, 2012.

FOR THE COMMISSION

/s/ George Riemer

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George A. Riemer  
Executive Director

Copies of this order were mailed to the complainant and the judge on September 24, 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

2012-228

COMPLAINT AGAINST A JUDGE

Your name: \_\_\_\_\_ Judge's name: \_\_\_\_\_ Date: 8-20-2012

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.

(A) C.R. 2011 May 25, 2011 - Waiver of Preliminary hearing not signed by county attorney - C.R. 2011 - June 24, 2011 - Waiver of Prelim Hearing not signed because my attorney didn't show up for my arraignment on June 22 & 24 2011.

(B) July 25 2011 - Signed a Plea for C.R. 2011 - for 900<sup>00</sup> Victim comes back Feb 15, 2012 with additional \$8669<sup>00</sup> Restitution with no receipts or documentation of any kind yet Judge awards for Victim & Timos Signing Plea.

Sept 6, 2011 - Sentencing on CR2011 - not a victim is allowed to slander me for 30 mins in open court "Mr [name] is dangerous, a killer and would have killed the victim if he'd been home. Then asked if he had a pending case (No)

Aug 22 2011 - Change of Plea on CR 2011 - qualified for standard probation with an OST score of 7 of 42 Medium Low. Co-Attorney claimed more charges. Set off till Sep 6. No new charges but placed on IPS

(D) June 6, 2011 - Signed a plea on #CR 2011 - 2 in JP court. Got to Superior court My ATTA demands signing a plea, yet emailed co-Attorney on June 8, 2011 attesting to the fact that I signed. In Superior Court June 8, 2011 Nov 14, 2011 In Jail on PTR and a no Bond hold - Over nine months later PTR never addressed and still No Bond hold - My Rule 32 Lawyer told me July 24, 2012 on phone that "Judge doesn't like you very much, does she? Why do you risk? She just seems not to like you!" #CR 2011 has yet to be heard in court. Aug 10 2011 to Aug 20, 2012

Judges Name

Date 8-21-12

Justice Court, ST. Johns Ag. Attorney:

Before this Judge - Yes pending - NO

Aug. 2011 #CR2011 : Evidentiary Hearing held in Justice court by Justice of the Peace Gurnells. There is no Magistrate in Apache county. Justice of the Peace handles all felony probable cause proceedings.

May 25 2011 #CR2011 - has yet to be addressed in court. Waver of Preliminary Hearing not signed by county attorney in Justice Court.

June 22 2011 #2011- My Lawyer dont show for my arraignment - continued until Fri June 24, 2011 in SSC

June 24, 2011 #CR2011- My lawyer dont show up for my arraignment for the second time, I request another lawyer but am denied. I asked the judge what 10 day limit meant he said he could advise me. I asked for a lawyer from out in the hall to advise me on this, Judge said not gonna do that. He told me I had to give up my right to Preliminary Hearing, because I'm between a rock & a hard place. Without a lawyer, Judge said I'll do it for you. No signed waver of Preliminary Hearing for the second time.

Aug 6, 2012: Told my lawyer in court I'm writing that my legal mail had been opened on numerous occasions by jail including the letter you sent me on Aug 17, 2012.

All of these allegations are evident in the court record. I apologize for not having proof from the Transcripts as I have requested them in writing numerous time to my lawyer and Superior Court Judge

since Feb of 2012, still have yet to receive my full disclosure or all Transcripts.

I affirm, under penalty of perjury, that the foregoing information and the allegations contained in attached complaint are true.

Signature

Date 8-21-2012