

State of Arizona
COMMISSION ON JUDICIAL CONDUCT

Disposition of Complaint 12-258

Complainant: No. 1065310741A

Judge: No. 1065310741B

ORDER

The complainant alleged a superior court judge committed ethical misconduct by failing to report his defense attorney to the state bar for violating the Arizona Rules of Professional Conduct.

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 along with various minute entries available online, the commission found no evidence of ethical misconduct and concluded that the judge did not violate the Code in this case. Accordingly, the complaint is dismissed in its entirety, pursuant to Rules 16(a) and 23.

Dated: October 19, 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 October 19, 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

2012-258

COMPLAINT AGAINST A JUDGE

Your Name: _____ Judge's Name: _____ Date: 9-20-2012

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 MARCH 29, 2012 I WAS APPOINTED PRO-PER STATUS BECAUSE ALL THE PAST LISTED ATTORNEYS FAILED TO APPOINT OR HAVE APPOINTED AN INVESTIGATION TO MY CASE FOR OVER 1 1/2 YEARS. I BECAME PRO-PER AND HAD A PRIVATE INVESTIGATOR APPOINTED TO MY CASE BY THE OFFICE OF PUBLIC DEFENSE SERVICES MR. _____ WHO WAS BASED OUT OF TUCSON ARIZONA (WHY I DO NOT KNOW) AFTER THE INVESTIGATOR " _____ FROM INFO-TRACTS P.I. FAILED TO TAKE MY CALLS OR MAKE CONTACT WITH ME FOR ONE AND ONE WEEK I MOTIONED THE COURT FOR A NEW INVESTIGATOR WHO WAS PHY. BASED. THE COURT GRANTED MY MOTION AND APPOINTED THE P.I. FIRM OF _____ AND ASSOCIATES; _____; AND LINE _____ AFTER DILIGENT RESEARCH I NOTICED A BUNCH OF MINUTE ENTRIES MISSING FROM MY CASE FILE THAT WAS TURNED OVER TO ME BY MY ADVISORY COUNSEL AT THE TIME _____ HOWEVER MY PAST ADVISORY COUNSEL FAILED TO PROVIDE THEM TO ME. _____ AND ASSOCIATES HAND DELIVERED A PORTION OF THE COURT MINUTES YESTERDAY ON 9-19-2012 AT A LEGAL VISIT HOURS AT THE 4TH AVE. JAIL. PHX, AZ. _____ IM EXPLAINING THIS BECAUSE I WOULD LIKE YOUR OFFICE TO REALIZE THAT ANY TIME SLIPUP IS NOT MY FAULT. I HAVE DILIGENTLY SOUGHT THE EVIDENCE NECESSARY TO BRING THIS COMPLAINT AGAINST JUDGE _____ MY CONCERN FOR THIS COMPLAINT IS THAT I BELIEVE THAT THE _____ ABUSED HER DISCRETION AND POWER AS A JUDGE; AND FAILED TO PERFORM HER LAWFUL DUTY TO REPORT A VIOLATION OF THE RULES OF PROFESSIONAL CONDUCT RULE 42 VIOLATION(S) TO THE STATE BAR OF ARIZONA, AS IS REQUIRED BY LAW (PLEASE SEE PAGE 2A)

AND DID SO INTENTIONALLY AND MISREPRESENTED THE FACTS AND TRUTH BY NOT PLACING THE CORRECT FACTS FOR RECORD ON THE COURTS MINUTE ENTRY DATED 08/03/2011.

ON 08/03/2011 AT THE CHANGE OF PLEA HEARING (SEE EXHIBIT NO. 1, IN TOTALITY = X 2 PAGES), MY ATTORNEY OF RECORD AT THE TIME STATE BDA ID, #

WALKED INTO COURT AND HANDED ME A COPY OF A PLEA AGREEMENT THAT THE STATE AND MR. CHAPA AGREED TO ENTER AT A SETTLEMENT CONFERENCE HELD ON 7-21-2011 AT 9:30 AM. I AM UNABLE TO PROVIDE YOUR OFFICE WITH COURT RECORDS OR TRANSCRIPTS AS JUDGE REFUSSES TO GRANT

MY DISCOVERY REQUESTS. WHEN MR. KEPT TRYING TO FORCE ME INTO INITIALING EACH BOX OF THE PLEA AGREEMENT AND JUST SIGN IT I BECAME UPSET AND TOLD MR. I WAS NOT GOING TO SIGN ANYTHING UNTIL I READ THE WHOLE PLEA-AGREEMENT. MR. GOT MAD AND LEFT THE COURTROOM AND TOLD ME TO "READ THE DAMN THING THEN".

AFTER MR. LEFT THE COURTROOM I READ THE COMPLETE PLEA-AGREEMENT! I NOTICED TOWARDS THE END OF THE PLE THAT THE STATE HAD ADDED AN ANOTHER CONDITION WHICH WAS NOT A PART OF THE AGREED TO SIX (6) YEARS I WAS WILLING TO SIGN JUST TO GET OUT OF THE 4TH AVE. SUPER MAX JAIL. WHEN MR. ENTERED THE COURTROOM I WAS FURIOUS THAT HE TRIED TO TRICK ME (AS I PERCEIVED IT) INTO INITIALIZING

and signing this plea-agreement in question. I asked Mr.

if he read the plea-agreement and he stated yes he had and I knew at that point without a doubt he was lying to me. I then showed Mr. Winchell the plea agreement and the new added stipulations about me having to do a consecutive term of probation for over one year upon my release from DOC and he stated: "That's not what we agreed to. That's not suppose to be there" (or something in that close nature. The court audio and video should reflect all of this). Again I became extremely upset and

The court judge asked me to calm down or please keep it down, something like that, and Mr. Got away from me. When my turn came to be heard judge

asked me why I was so upset and basically why I now refused to sign or accept the plea agreement. I explain that my attorney Mr. tried to get me to initial and sign the plea-agreement without ever reading it. Judge

asked Mr. on record if he read the plea prior to coming into court and attempting to get me to sign it and Mr. made some stupid comment and

judge asked Mr. again, what he finally admitted and stated on record that he had not in fact read the plea prior to coming into court and trying to get me to initial and sign the plea agreement.

TWO THINGS ARE OF GREAT CONCERN HERE TO ME BECAUSE AFTER READING THE MINUTE ENTRY DATED 8-31-2011 THAT I RECEIVED ON 9-19-2012 AS ALREADY STATED BY MY P.I. I NOTED IN THE COURT'S ORDER:

"IT IS ORDERED GRANTING DEFENDANT'S REQUEST.

CHRISTOPHER M. WINCHELL IS PERMITTED TO WITHDRAW AS COUNSEL OF RECORD...".

THE JUDGE (HON.) SHOULD HAVE STATED FOR THE RECORD THAT MR. WAS NOT PERMITTED TO WITHDRAW AS COUNSEL BUT WAS FORCED AND FURTHER STATED FOR THE RECORD THAT HIS ACTIONS WERE IN DIRECT VIOLATION OF MR. CODE OF ETHICS UNDER A.R.S. RULE 42 ARIZONA RULES OF PROFESSIONAL CONDUCT AND THAT SHE WOULD NOT ALLOW AN OFFICER OF THE COURT TO ABUSE HIS CLIENT NOR THE RULES OF PROFESSIONAL CONDUCT OF THE COURT IN SUCH A MANNER BUT SHE DID NOT. WHY? THIS LEADS ME TO BELIEVE THAT THIS JUDGE WAS ATTEMPTING TO COVER UP FOR MY ATTORNEYS ETHICAL VIOLATIONS AND MAKE IT SEEM AS THOUGH THEY WERE JUST MINOR IN NATURE AND THEY WERE ABSOLUTELY NOT! NOT ONLY DID I LOSE MY TRUST IN MY JUDGE BUT I LOST ALL TRUST IN ANY FURTHER LAWYER APPOINTED TO MY CASE FROM THAT POINT ON AND IN STEAD OF LOOKING FOR DEFENSE ISSUES I WAS LOOKING TO SEE WHERE MY NEW LAWYERS AND JUDGE WERE CONTRIVING WITH THE STATE TO SEEK MY CONVICTION.

SHOULDN'T JUDGES UNDER THE RULES OF PROFESSIONAL CONDUCT RULE 42 ER 8.3. HAVE REPORTED MR. MISCONDUCT OF THE RULES OF PROFESSIONAL CONDUCT AND ETHICS TO THE STATE BAR OF ARIZONA, WHY THEN DID SHE NOT?

I FEEL THAT JUDGE ABUSED HER DISCRETION AND POWER AS A JUDGE AND DISREGARDED HER POSITION OF HIGH AUTHORITY SHE HOLDS. DOESN'T THE CODE OF JUDICIAL CONDUCT ARIZ. R. SUP. CT. 81, CANONS 1(A) STATE THAT A JUDGE SHOULD PARTICIPATE IN ESTABLISHING, MAINTAINING AND ENFORCING HIGH STANDARDS OF CONDUCT AND SHALL PERSONALLY OBSERVE THOSE STANDARDS SO THE INTEGRITY ... OF THE JUDICIARY WILL BE PRESERVED; 3(B)(8) A JUDGE SHALL DISPOSE OF ALL JUDICIAL MATTERS PROMPTLY, EFFICIENTLY, AND FAIRLY; AND 3(C)(1) THAT A JUDGE SHALL DILIGENTLY DISCHARGE THE JUDGE'S ADMINISTRATIVE RESPONSIBILITIES ... AND MAINTAIN PROFESSIONAL COMPETENCE ...

I FEEL THAT THE HON. VIOLATED HER CANONS UNDER THE CODE OF JUDICIAL CONDUCT, RULE 81, ARIZ. R. SUP. CT., AND CONSTITUTES CONDUCT PREJUDICIAL TO THE ADMINISTRATION OF JUSTICE WITHIN THE MEANING OF ARTICLE 6.1., SECTION 4 OF THE ARIZONA CONSTITUTION.

THIS JUDGE HAS CONTINUALLY AND WRONGFULLY DESTROYED MY CONFIDENCE IN THE JUDICIAL SYSTEM AND FURTHER COMPLAINTS WILL JUSTFULLY FOLLOW ONCE I OBTAIN THE TRANSCRIPTS, RECORDS, AND OTHER NECESSARY EVIDENCE FOR YOUR OFFICE FROM MY INVESTIGATORS.

I TRULY HOPE THAT YOUR OFFICE INVESTIGATES THIS

COMPLAINT AND PROVIDES ME A RULING ON YOUR FINDINGS.

THANK YOU VERY MUCH FOR YOUR TIME AND CONSIDERATION
WITH THIS ISSUE(S) PRESENTED.

RESPECTFULLY SUBMITTED THIS 20TH DAY OF SEPTEMBER 2012.

BY:

9-20-2012

SB-END.