

State of Arizona
COMMISSION ON JUDICIAL CONDUCT

Disposition of Complaint 12-312

Complainant:	No. 1456110993A
Judge:	No. 1456110993B

ORDER

The complainant alleged that a superior court judge failed to rule timely on several motions and then falsely certified compliance with the 60-day rule in order to get paid. He further alleged the judge engaged in improper ex parte communications in his case and failed to take appropriate action regarding misconduct by the prosecutor.

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 found no evidence of ethical misconduct and concluded that the judge did not violate the Code in this case. The commission approved sending the judge a private advisory letter regarding the prompt resolution of pending matters. The complaint is dismissed pursuant to Rules 16(b) and 23(a).

Dated: February 27, 2013.

FOR THE COMMISSION

/s/ Louis Dominguez

Louis Frank Dominguez
Commission Chair

Copies of this order were mailed to the complainant and the judge on February 27, 2013.

This order may not be used as a basis for disqualification of a judge.

2012-312

COMPLAINT AGAINST A JUDGE

Your name: _____ Judge's name: _____ Date: _____

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.

Judge _____ has violated SECTION 21 ARTICLE IV OF THE ARIZONA CONSTITUTION, Rules of The Supreme Court, Superior Court Administration Rule 91(E), along with The Following Rules of The Supreme Court, Code of Judicial Conduct, Canon's # 1, 2.A, 3.A. B. (1)(5)(7)(8) D.(2)

The Honorable _____ was assigned to hear my criminal case #CR ON 3-26-12, both The defendant & STATE waived conflict as The Judge had previously Prosecuted me on a misdemeanor several years prior.

I have elected to represent myself on my criminal case, with _____ ESA. as my legal advisor, _____ is my prosecutor.

I have filed several motions (15) to be exact that have been pending for over 60 days, The majority have been pending for 6 months! That alone is a violation of Section 21 Art. IV of The AZ. Const., and Rule 91E of The Supreme Court! But The Judge has had to Perjure himself as he has certified he does not have any pending motions before him 60 days or more, unless he has not collected a pay check! To verify this please contact _____ DCA.

As Judge _____ has violated several canons of The Code of Judicial Conduct, Canon # 1, a Judge shall uphold The integrity and independence of The Judiciary, That charge will go with all The allegations I am alleging in This complaint, as he violates other canons & constitutional requirements, he is not upholding The integrity of The Judiciary! also Canon 2.A. A Judge shall respect and comply with The Law; by Forging and Falsifying That all pending matters are not more than 60 days old, in order to get paid, That is not complying with The Law and in turn not violating canon 2.A, also Per commentary on [Canon 2.A] [2004] Public confidence in The Judiciary is eroded by irresponsible or improper conduct... (See continuation sheets)

... ACTUAL imPROPRIETY under This STANDARD include, violations OF Law, COURT Rules, or OTHER SPECIFIC Provisions OF This code, The TEST FOR APPEARANCE OF imPROPRIETY is Whether The conduct would create in reasonable minds a Preception That The Judges ability to carry out Judicial ResPonsabilities with integrity...

How can you have integrity when you violate The Law, Falsify OFFical documents, and violate The Rules OF Supreme court Rule 91.E. ?

also by NOT Ruling or deciding ON The Pending motions That have been Pending For over 60 days The judge also violates CANON 3-B.(8) A Judge shall dispose OF All Judicial matters PROMPTly, EFFiciently and Fairly. under commentary [Canon 3B(8)] [2004] it is also A violation OF STATE Law A.R.S § 12-128.01, § 11-424.02(A) For a Judge to collect a Pay check with matters Pending For more Than 60 days, ALSO Article 6 Section 21 OF The AZ CONST.

The Judge violated CANON 3-B.(7) A Judge shall... The right to be heard according to Law. A Judge shall NOT initiate, Permit or consider ex Parte communication made to The Judge outside The Presence OF The Parties concerning a Pending or imPending Proceeding...

There are Pending motions concerning Prosecutorial misconduct That allege imPROPER conduct between The Prosecutor & and The Navajo county Sheriff Dept. Jail division, and motion For Law Library For Pro Per defendant. The Judge, initiated exParte communication with The Navajo county Sheriff's Jail division Jail cmdr. and

LT. I tried to get The Judge to do The questioning ON The record during The court Proceedings, but He refused

and ended the hearing requesting the Jail Cmdr.

+ LT. TO meet with him in chambers, OFF
the record, the "meeting" directly dealt with pending
matters in dispute before the court! At no time has
 the substance of that meeting ever been disclosed to
 myself (the defendant pro per)

This can also be verified through court transcript and
 by the prosecutor

That the Judge is also in violation of Canon 3. D. (2)
 a Judge who receives information, indicating a substantial
 likelihood that a lawyer has committed a violation of the
 rules of professional conduct should take appropriate action;
 I filed several motions in which I allege prosecutorial
 misconduct, the Judge not only refuses to hear said
 motions he fails to uphold the integrity of the judicial
 proceedings by ignoring & not even holding evidentiary
 hearings to allow me to prove the misconduct, that
 could if the allegations are proven, could amount to
 disbaring the prosecutor!

to back up a bit, The Commentary to Canon 3B7
 ... to the extent reasonable possible, all parties or their
 lawyers shall be included in communication with the
 judge ... A judge must disclose to all parties the
 substance of all ex parte communication, regarding
 a matter pending or impending before a judge ...
 ... A judge must not independently investigate facts in
 a case, and must only consider the evidence presented!

By the Judge holding the ex parte communication with
 the Jail Cmdr.

+ LT. He tried at the
 Pg 3 of 4

NEXT STATUS CONFERENCE TO ARBITRARILY DENY PENDING MOTIONS ON THE PROSECUTORIAL MISCONDUCT BETWEEN THE PROSECUTOR AND THE NAUATO COUNTY SHERIFF JAIL, AND DENIAL OF A LAW LIBRARY TO THE PRO PER DEFENDANT. IT IS VERY APPARENT THAT THE JUDGE HAD IN HIS TALK WITH THE CMDR + LT. THE MISCONDUCT CHARGES, AND WANTED TO SWEEP THINGS UNDER THE CARPET SO TO SPEAK!

SIRS, ALL ISSUES I ALLEGE IN THIS COMPLAINT, I CAN VERIFY THROUGH COURT RECORDS, MOTIONS FILED, TRANSCRIPTS OF HEARINGS, AND WITNESS TESTIMONY! I WILL BE MORE THAN GLAD TO PROVIDE YOU WITH ANY AND ALL EVIDENCE I HAVE IN MY POSSESSION, THE PROSECUTOR SHOULD AS AN ADVOCATE FOR THE STATE AND SWORN TO UPHOLD THE LAW SHOULD PROVIDE TESTIMONY IN SUPPORT OF THE ALLEGATIONS.

IF THERE IS ANYTHING AT ALL YOU NEED PLEASE CONTACT ME ASAP!

Thank you for your time