

State of Arizona  
COMMISSION ON JUDICIAL CONDUCT

---

Disposition of Complaint 13-158

---

Judge:	No. 1083813838A
Complainant:	No. 1083813838B

---

**ORDER**

The complainant alleged a superior court judge abused his discretion by failing to rule on his motion to represent himself.

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. Accordingly, the complaint is dismissed in its entirety, pursuant to Rules 16(a) and 23.

Dated: July 25, 2013.

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 25, 2013.

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

2013-159

## COMPLAINT AGAINST A JUDGE

Your name: \_\_\_\_\_ Judge's name: \_\_\_\_\_ Date: \_\_\_\_\_ -12

**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.

DEFENDANT ASSERTED his 6<sup>TH</sup>-14<sup>TH</sup> AMENDMENT rights AND pursuant to Faretta v. California, 422 U.S. 806 (1975), for propria persona status ON 6-29-12, IN courtroom.

DEFENDANT filed his propria persona motion with the Superior Clerk's office on 7-9-12, along with 6 other motions, and followed those motions up with 3 additional motions. Appointing of counsel.

DEFENDANT'S next date was 8-7-12, at this hearing stated "he was not going to rule on ANY motions filed by the defendant." Defendant's counsel would not assert his defense. ON 8-30-12, at defendant's next court date, stated again "he would not rule on defendant's motions." ON 9-28-12, defendant ENTERED into a change of plea and sentenced to 1.5 yrs. in prison; NEVER ruling on defendant's pro per status or additional motions.

DEFENDANT NEVER waived his right to pro per status. This was an abuse of discretion on part for the following reasons:

Violation of defendant's rights pursuant to the U.S. Constitution, 6<sup>TH</sup> AND 14<sup>TH</sup> AMENDMENTS.

Violation of Ariz. Const. ART. 2 §§ 21, 24:

21: Superior court; speedy decisions - SECTION 21

(1)

(Attach additional sheets as needed)

EVERY matter submitted to a judge of the superior court for his decision shall be decided within sixty days from the date of submission thereof...

SECTION 24: Some states grant the accused the right to be heard, or to defend, in person and by counsel. *Faretta v. California*, 422 U.S. 806, 814 (1975)

Violations of:

RULES OF THE SUPREME COURT CODE OF JUDICIAL CONDUCT

- (1) CANON 1 (A.) (commentary)  
(A), (B), (C)
- (2) CANON 3 (A), (B), (1), (2), (5), (7), (8), (C)
- (3) Commentary [CANON 3 (B)] [2004]

AND violation of Art. 2 § 11 of the AZ. Const., requires that "justice in all cases shall be administered openly, and without UNNECESSARY delay".

PLEASE SEE ATTACHED supporting documents.