

State of Arizona
COMMISSION ON JUDICIAL CONDUCT

Disposition of Complaint 13-259

Judge:	No. 1074114782A
Complainant:	No. 1074114782B

ORDER

The complainant alleged the prosecutor and a superior court judge violated numerous rules of criminal procedure in his case.

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 of the complaint, the commission found no evidence of ethical misconduct and concluded that the judge 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: November 14, 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 November 14, 2013.

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

2013-259

OCT 07 2013

TO: STATE OF ARIZONA
COMM. ON JUDICIAL CONDUCT
1501 W. WASHINGTON - STE 229
PHOENIX, AZ. 85007

FM:

RE: CONDUCT OF IN SUPERIOR CT
FROM:

DEAR COMMISSION MEMBERS;

IN ACCORDANCE WITH YOUR REQUIRED
FORMAT:

1. NAME OF COMPLAINANT,
2. MAILING ADDRESS
3. CITY, ST, ZIP
4. NO TELEPHONE NUMBERS ARE AVAILABLE
5. HONORABLE
- 6.

YES, I HAD A CASE BEFORE HER -- NO, NOT PENDING
A CASE NAME STATE OF ARIZONA

B ATTORNEYS ARE
(STATE)

ATTORNEY STATE

ATTORNEY'S DEFENSE

ASSIGNED PUB. DEF'S

(C) ALL OF THE ABOVE OBSERVED AT TIMES
DURING PROCEEDINGS

7. I DO UNDERSTAND THIS COMMISSION DOES
NOT HAVE THE AUTHORITY TO REVERSE A COURT
ORDER OR ASSIGN A JUDGE.

8. I AFFIRM, UNDER PENALTY OF PERJURY, THAT
THE FOREGOING INFORMATION AND THE ALLEGATIONS
CONTAINED IN THE ATTACHED COMPLAINT ARE
TRUE

COMPLAINT AGAINST A JUDGE.

COMPLAINANT -

JUDGE'S NAME - HONORABLE

DATE

ON _____, COMPLAINANT'S
 FILED A MOTION TO DESIGNATE
 A COMPLEX CASE. IN THE
 MOTION, _____ ASSERTS ON PAGE 3 THAT
 PROSECUTOR _____ WAS AWARE OF THIS
 MOTION AND CONCURRED WITH _____ THIS
 CASE WAS ASSIGNED TO THE HONORABLE
 PLEASE NOTE - THAT THIS WAS FILED
 AND _____ EXPIRATION
 OF TIME LIMIT SET FORTH IN ARIZ. R. CRIM. PROC.

ON _____ HONORABLE _____ GRANTED THIS
 DESIGNATION TO COMPLEX CASE IN COMPLAINANT'S
 ABSENCE AND TOTALLY UNKNOWN TO COMPLAINANT.
 IN ADDITION, THE
 ALLOWS _____ AFTER ARRAIGNMENT AND TO BE
 HEARD WITHIN _____ OF FILING, NEITHER OF
 WHICH WAS FOLLOWED BY _____

ON _____, COMPLAINANT FILED A PRO PER
 MOTION TO DISMISS ^{AND} OR CHANGE COUNSEL,
 A PETITION FOR A WRIT OF HABEAS CORPUS,
 AND ATTEMPTED TO FILE A MOTION TO

SUPPRESS EVIDENCE AS TO COLLECTION OF WHILE IN CROWDED COURT-ROOM TO PRESERVE VIDEO RECORD. THE PETITION FOR WRIT OF HABEAS CORPUS WAS FOR VIOLATION OF U.S. AND ARIZONA CONSTITUTIONAL RIGHTS TO A SPEEDY TRIAL AFTER BEING IN CUSTODY 120 DAYS.

ON _____, AGAIN IN COMPLAINANT'S ABSENCE, THE COURT SET A _____ TO SET A TRIAL DATE FOR THE NEW COMPLEX CASE, THE HONORABLE _____ ALLOWED ALL OF THIS TO HAPPEN IN CONTRAST TO THE ARIZ. R. CRIM. PROC., AND ALL IN _____ ABSENCE.

ON _____ AT COMPLEX CASE SCHEDULING CONFERENCE, COMPLAINANT WAS FORCED BY _____ TO WITHDRAW MOTION TO DISMISS COUNSEL AND PETITION FOR WRIT OF HABEAS CORPUS BECAUSE HE TOLD DEFENDANT/COMPLAINANT IT WOULD TAKE ANOTHER YEAR

ON _____ HONORABLE _____ GRANTED A STATE'S MOTION FOR CONTINUANCE AND GRANTED SAME FOR _____ THIS AGAIN IS IN EXCESS OF ALLOWABLE TIME OF _____ AS SET FORTH IN THE ARIZ. R.

OF CRIM. PROC.

IN ADDITION, ON HONORABLE ORDERED ALL PRETRIAL MOTIONS TO BE FILED "NO LATER THAN" AND THE FINAL TRIAL MANAGEMENT CONFERENCE FOR WITH BOTH PARTIES TO FILE A JOINT PRETRIAL STATEMENT WITH, " SETTLEMENT STATUS, PLEA OFFER" YET DURING THE

STATE ASKED FOR AND WAS GRANTED STATING SCHEDULING OF (WHICH REQUIRES WRITTEN AUTHORIZATION FROM OF THE ARIZONA SUPREME COURT, NOT FOUND!!), ADDITIONAL TIME NEEDED FOR , AND TESTING (OVER

AND AT SETTLEMENT CONFERENCE NOT HELD AND WITNESS INTERVIEWS. " IN ARIZ. R. CRIM. PROC. RULE 8. THESE REASONS ARE NOT VALID REASONS TO CONTINUE.

THESE CONTINUANCES WERE Ongoing UNTIL SOME ORAL, SOME EXCEEDING TIME LIMITS, AND MOST FOR NON-QUALIFIED REASONS, ALL GRANTED BY GOING AGAINST HER OWN ORDERS.

ON 6 DAYS PRIOR TO MANAGEMENT CONFERENCE, FILED A 2ND NOTICE OF INTENT TO

ADMIT PRIOR ACTS UNDER ARIZ. R. EVIDENCE 404(B) AND 404(E), FOR FILING. ALLOWED THIS ALONG WITH ANOTHER CONTINUANCE

THEN ON START, THE DAY TRIAL WAS TO ALLOWED STATE TO OF LIMINE WITHOUT OBSERVING THE ARIZ. R. CRIM. PROC. OF 30 DAYS BEFORE TRIAL. THESE WERE ORALLY ARGUED AND PARTIALLY GRANTED IN FAVOR OF STATE.

THERE ARE MANY OTHER ISSUES THAT SHOULD HAVE BEEN ADDRESSED INCLUDING MANY MENTIONS OF HEAD COLD MEDICINE BOTHERING DURING MOTIONS OF LIMINE AND OTHER HEARINGS DURING MY TRIAL. GOING INTO COURT WITH CERTAIN AND IS LIKE SENDING A IN A