

State of Arizona
COMMISSION ON JUDICIAL CONDUCT

Disposition of Complaint 14-340

Judge:

Complainant:

ORDER

The complainant alleged a superior court judge engaged in judicial misconduct by revoking his probation.

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.

The commission does not have jurisdiction to review the legal sufficiency of the judge's ruling. In addition, 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: November 5, 2014

FOR THE COMMISSION

/s/ George A. Riemer

George A. Riemer
Executive Director

Copies of this order were mailed to the complainant and the judge on November 5, 2014.

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

CASE No.

COMPLAINT OF

ON

COURT JUDGE

OF

IN COUNTY, ARIZONA. COMMITTED A PLAIN ERROR AND FAILED, DUE PROCESS. BY RESULTS DUE TO MANIFESTED ERRORS.

(1) IN THE BEGINNING ON AT MY SENTENCING IN OPEN COURT I REQUESTED THAT IT BE BROUGHT TO THE COURTS ATTENTION THAT I WANTED IT STIPULATED THAT THERE WOULD NOT BE A PROBLEM WITH MY LIVING WITH MY GIRL FRIEND OF MY LAWYER FAILED TO GET THAT DONE FOR ME THAT DAY AS HE WAS NEW, AND NOT FAMILAR WITH MY CASE, AS MY ORIGINAL ATTORNEY, HAD WITHDRAWN FOR CONFLICT OF INTEREST.

* A JUDGE WHO MANIFESTS BIAS OR PREJUDICE IN A PROCEEDING IMPAIRS THE FAIRNESS OF THE PROCEEDING AND BRINGS THE JUDICIARY INTO DISPUTE.

(2) THE JUDGE WENT A HEAD, AND SENTENCE ME TO A SENTENCE OF STANDARD PROBATION, VIA HEARING WHERE I TOOK A GUILTY PLEA WHERE NO REAL CRIME WAS COMMITTED, AND NO EVIDENCE WAS PRESENTED, NO INDICTMENT WAS BROUGHT FORTH, DUE PROCESS WAS NOT FOLLOWED FROM THE BEGINNING. [A DIRECT VIOLATION OF SECTION 30 OF THE ARIZONA CONSTITUTION, AND THE 5TH AMENDMENT OF THE CONSITUTION OF THE UNITED STATES]

(3) ON _____, FIRST WEEK INTO MY PROBATION I WAS VIOLATED, BY A "MANIFESTED ERROR" AND "ENTRINSIC FRAUD", AND ARRESTED ON _____ AND BROUGHT BACK BEFORE JUDGE: _____ ON A PETITION TO REVOKE PROBATION.

* CANON 1: A JUDGE SHALL UPHOLD AND PROMOTE THE INDEPENDENCE, INTEGRITY, AND IMPARTIALITY OF THE JUDICIARY, AND SHALL AVOID IMPROPREITY AND THE APPEARANCE OF IMPROPRIETY.

RULE 1.1 COMPLIANCE WITH THE LAW; A JUDGE SHALL COMPLY WITH THE LAW, INCLUDING THE CODE OF JUDICIAL CONDUCT.

* CANON 2: A JUDGE SHALL PERFORM THE DUTIES OF JUDICIAL OFFICE IMPARTIALLY, COMPETENTLY, AND DILIGENTLY.

RULE 2.2 IMPARTIALITY AND FAIRNESS; A JUDGE SHALL UPHOLD AND APPLY THE LAW, AND SHALL PERFORM ALL DUTIES OF JUDICIAL OFFICE FAIRLY AND, IMPARTIALLY.

COMMENT (1) TO ENSURE IMPARTIALITY AND FAIRNESS TO ALL PARTIES, A JUDGE MUST BE OBJECTIVE, AND OPEN MINDED.

(3) A GOOD FAITH ERROR OF FACT OR LAW DOES NOT VIOLATE THIS RULE. HOWEVER, A PATTERN OF LEGAL ERROR OR INTENTIONAL DISREGARD FOR THE LAW MAY CONSITUTE MISCONDUCT.

RULE 2.3. BIAS, PREJUDICE, AND HARASSMENT (B) A JUDGE SHALL NOT, IN THE PERFORMANCE OF JUDICIAL DUTIES, BY WORDS OR CONDUCT MANIFEST BIAS OR PREJUDICE, OR ENGAGE IN HARASSMENT, INCLUDING BUT NOT LIMITED TO BIAS, PREJUDICE, OR HARASSMENT BASED UPON, RACE, SEX, GENDER, RELIGION, NATIONAL ORIGIN, ETHNICITY,

DISABILITY, AGE, SEXUAL ORIENTATION, MARITAL STATUS, SOCIOECONOMIC STATUS, OR POLITICAL AFFILIATION, AND SHALL NOT PERMIT COURT STAFF, COURT OFFICIALS OR OTHERS SUBJECT TO THE JUDGE'S DIRECTION AND CONTROL TO DO SO.

(4) BRING ME BACK BEFORE THIS COURT, JUDGE;
 OF ALLOWED MY PROBATION OFFICER TO VIOLATE ME ON
 MANIFESTED ERROR, AND INTRINSIC FRAUD, FOR KNOWINGLY ASSOCIATED WITH
 SOMEONE WITH A CRIMINAL RECORD, IN VIOLATION OF STANDARD CONDITION
 MY GIRLFRIEND OF WHO ONLY HAS ONE MISDEMEANOR CHARGE ON HER
 RECORD, BUT THE PROBATION OFFICER HAD PLACE ME IN A RESIDENCE IN
 ARIZONA WITH BOTH HAVING FELONY CRIMINAL RECORDS FROM THE BEGINNING
 THIS WAS BROUGHT TO THE JUDGE'S ATTENTION, AND HE STILL ALLOW THIS, WHICH IS
 MALICIOUS PROSECUTION, AND OR PLAIN ERROR, ON EXTRINSIC FRAUD BY THE PROBATION
 OFFICER, WHEN NO CRIME WAS COMMITTED, OR WAS THIS ALLEGED VIOLATION COMMITTED
 NO ACTUAL CRIMES WERE COMMITTED IN THIS CASE OR VIOLATION.

(5) ON JUDGE SENTENCED ME
 IN PLAIN ERROR TO IN THE DEPARTMENT OF CORRECTION.

(A) MALICIOUS PROSECUTION

(B) INTRINSIC FRAUD

(C) PLAIN ERROR / MANIFESTED ERRORS

THESE ARE ALL GROUNDS FOR DISQUALIFICATION OF JUDGE (RULE 2.11)
 AND REVERSAL.

RESPECTFULLY SUBMITTED