

State of Arizona  
COMMISSION ON JUDICIAL CONDUCT

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Disposition of Complaint 14-385

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Judge:

Complainant:

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**ORDER**

The complainant alleged two superior court judges improperly denied his petition for post-conviction relief.

The responsibility of the Commission on Judicial Conduct is to impartially determine if the judges 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 judges' rulings. In addition, the commission found no evidence of ethical misconduct and concluded that the judges did not violate the Code in this case. Accordingly, the complaint is dismissed in its entirety, pursuant to Rules 16(a) and 23.

Dated: December 17, 2014

FOR THE COMMISSION

/s/ George A. Riemer

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George A. Riemer  
Executive Director

Copies of this order were mailed to the complainant and the judges on December 17, 2014.

*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

2014-385

COMPLAINT AGAINST A JUDGE

Name: \_\_\_\_\_ Judge's Name: \_\_\_\_\_

Instructions: Use this form or plain paper of the same size to file a complaint. Describe in your own words what you believe the judge did that constitutes judicial misconduct. Be specific and list all of the names, dates, times, and places that will help the commission understand your concerns. Additional pages may be attached along with copies (not originals) of relevant court documents. Please complete one side of the paper only, and keep a copy of the complaint for your records.

\_\_\_\_\_ is A JUDGE WITH \_\_\_\_\_ County \_\_\_\_\_ Court.

\* Background Information: IN \_\_\_\_\_ I WAS CHARGED WITH ONE COUNT OF BURGLARY  
AND THE CASE WAS ASSIGNED TO JUDGE \_\_\_\_\_ OF \_\_\_\_\_ COUNTY \_\_\_\_\_ COURT.  
I HAD A TRIAL WHICH TOOK PLACE IN \_\_\_\_\_ AT THE COURT COMPLEX IN  
ARIZONA. I WAS FOUND GUILTY ON \_\_\_\_\_ AND I WAS SUBSEQUENTLY SENTENCED  
TO \_\_\_\_\_ YEARS IN PRISON BY JUDGE \_\_\_\_\_ CURRENTLY I HAVE SERVED  
\_\_\_\_\_ YEARS OF THIS SENTENCE, AND I AM AT THE \_\_\_\_\_ PRISON IN \_\_\_\_\_ AZ,  
AT THE \_\_\_\_\_ SECURITY \_\_\_\_\_ THE TRIAL IN \_\_\_\_\_ GAVE RISE TO SEVERAL  
ADDITIONAL LEGAL ISSUES, ALL OF WHICH HAVE BEEN UNDER VARIOUS FORMS OF APPEAL IN THE  
STATE OR FEDERAL COURT SYSTEMS THROUGHOUT THE YEARS OF MY SENTENCE. THE SPECIFIC  
COMPLAINT AGAINST JUDGE \_\_\_\_\_ IS AS FOLLOWS: ON \_\_\_\_\_ I FILED A NOTICE OF  
POST CONVICTION RELIEF, UNDER RULE 32 OF THE ARIZONA RULES OF COURT, WITH THE CLERK  
AT \_\_\_\_\_ COUNTY \_\_\_\_\_ COURT. ALONG WITH THE NOTICE, I FILED A SUPPLEMENTARY  
BRIEF OF 11 PAGES WHICH GOES INTO SOME DETAIL AND CASELAW CONCERNING THE NATURE OF  
THE LEGAL ISSUE AND A FULL EXPLANATION OF THE ISSUE ITSELF FOR THE BENEFIT OF THE COURT.  
IN ADDITION, I FILED A MOTION FOR THE APPOINTMENT OF THE PUBLIC DEFENDER'S OFFICE TO  
REPRESENT ME IN THE PROCEEDING BECAUSE THE ISSUE ITSELF IS SOMEWHAT COMPLEX AND SINCE  
I AM INDIGENT, WITHOUT RESOURCES TO RETAIN AN ATTORNEY, AND THIS WHOLE ISSUE REALLY HAS  
A POTENTIAL STATEWIDE IMPORTANCE FOR THE STATE JUSTICE SYSTEM, I FELT IT WAS  
JUSTIFIED TO ASK THE COURT TO ASSIST ME WITH A PUBLIC DEFENDER. IN ADDITION, I  
AM ENCLOSEING ONE (1) COPY OF THE NOTICE OF POST CONVICTION RELIEF WITH THESE  
DOCUMENTS FOR YOUR REVIEW. PLEASE READ AND REVIEW THE SUPPLEMENT BRIEF  
BECAUSE IT GIVES AN EXPLANATION OF THE LEGAL ISSUE. ONLY WHEN WE HAVE A FULL  
UNDERSTANDING OF THIS ISSUE CAN WE THEN UNDERSTAND WHAT JUDGE \_\_\_\_\_ DID.

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2014-385

So, this document was sent to

County

Court on

It was subsequently assigned to Judge

since he presided at my trial

in As we went through

and

of

I was awaiting

some type of ruling from Judge

but I did not receive any legal mail concerning

this. Finally in of , I wrote a letter to

who is a

Judge in and she runs an organization called

(It is important to remember that as an inmate doing my own legal work, I do not have anyone to monitor the legal process; I have almost no financial resources and I have no access to the internet. The judge is aware of this, because he presided over my trial and subsequently sentenced me to prison.)

In any case,

answered my letter and sent me a printout of my case from the County Court website. The printout indicated that the postconviction notice had been dismissed on

However, no minute entry or notice of dismissal

had even been sent to me in I was never notified of anything coming from Judge

Subsequently I wrote a letter to the presiding

Judge of County explaining that if any ruling had been made in the case, it certainly had never been sent to me. Finally on

I received a minute

entry from the court of Judge This simply stated that the proceeding was dismissed on

No legal explanation was even given and there was

no mention of what had happened to Judge I had to assume that Judge was now the presiding judge, although I never had any notification on this either.

Subsequent to this, I immediately filed a motion for reconsideration with Judge wherein I explained that if Judge had even made a ruling,

it certainly hadn't been sent to me at any point. In addition, I wrote a

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LETTER TO JUDGE [REDACTED] ASKING HIM TO ALLOW ME TO "BEGIN FROM THE BEGINNING" WITH THIS WHOLE ISSUE. I SENT HIM A COPY OF THE ORIGINAL LEGAL DOCUMENT WHICH HAD BEEN FILED IN [REDACTED]. I EXPLAINED THAT NO JUDGE IS ALLOWED TO MAKE A RULING SECRETLY AND THEN, IN A DELIBERATE WAY, NOT NOTIFY THE PETITIONER OF HIS RULING. TO DO SO IS ACTUALLY A FELONY OFFENSE IN ARIZONA - (SEE A.R.S. 13-2809) - THIS IS KNOWN AS EITHER TAMPERING WITH PHYSICAL EVIDENCE, OR, DIRECT JUDICIAL INTERFERENCE WITH AN OFFICIAL COURT PROCEEDING. IT APPEARS THAT JUDGE [REDACTED] MADE SOME SORT OF A PHONY RULING IN THE CASE AND THEN MADE CERTAIN THAT IT WAS NOT SENT TO ME, IN [REDACTED]. TO UNDERSTAND THIS, AGAIN, IT IS CRITICAL TO READ AND UNDERSTAND THE FACTS OF MY CASE, WHICH I OUTLINED IN THE 11 PAGE BRIEF. THE BRIEF ARGUES THAT MY CONVICTION, WHICH WAS BASICALLY MANUFACTURED BY JUDGE [REDACTED] BACK IN [REDACTED] IS INVALID. WE HAVE TO ASSUME THAT THE JUDGE READ THE BRIEF IN DETAIL. THE ONLY LOGICAL EXPLANATION IS THAT HE REALIZED THERE WAS A LEGAL PROBLEM WITH THE VALIDITY OF MY CONVICTION AND INSTEAD OF ALLOWING ME TO PROCEED, (IN ACCORDANCE WITH ARIZONA LAW) WITH THE PUBLIC DEFENDER, HE SIMPLY WANTED TO MAKE A PROBLEM CASE GO AWAY. SO HE MADE SURE THAT HIS RULING NEVER REACHED ME, IN [REDACTED]. IN ORDER TO DO THIS, WHAT IS EVEN MORE TROUBLING IS THAT HE HAD TO INVOLVE HIS COURT CLERK AS WELL, BECAUSE THEY ARE RESPONSIBLE FOR MAILINGS FROM THE COURT. AGAIN - TO DO THIS IS ACTUALLY A FELONY OFFENSE UNDER ARIZONA LAW. HE IS TAMPERING WITH AN OFFICIAL JUDICIAL PROCEEDING, KNOWING THAT THE PETITIONER IS IN PRISON - (FOR [REDACTED] YEARS) - AND, AS SUCH, HAS NO ACCESS TO THE INTERNET, NO LEGAL COUNSEL, AND BASICALLY NO FINANCIAL RESOURCES. HE BELIEVES THAT THE PROBLEM WILL BE DISPOSED OF, BECAUSE THE PETITIONER HAS NO RECOURSE TO DO ANYTHING ABOUT IT. MY CONCERN IS THAT WE HAVE A JUDGE WITH NO REGARD FOR THE LAW, NOR THE CORRECT FUNCTIONING OF THE JUSTICE SYSTEM. IF HE WOULD DO THIS TO AN INDIGENT PRISON INMATE, HE WOULD APPARENTLY

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HAVE NO DIFFICULTY IN DOING THE SAME THING TO OTHERS. THIS TYPE OF BEHAVIOR REALLY UNDERMINES THE CORRECT FUNCTIONING OF THE JUSTICE SYSTEM. THE SYSTEM MUST FUNCTION THE SAME FOR EVERYONE, REGARDLESS OF WHO HAS FINANCIAL RESOURCES AND THOSE WHO DO NOT. JUDGE [REDACTED] IN MY ESTIMATION, IS A VERY DISHONEST MAN AND SHOULD NOT BE A JUDGE IN [REDACTED] COURT. HIS BEHAVIOR IS SIMPLY NOT ACCEPTABLE.

I SINCERELY HOPE THAT THE COMMISSION ON JUDICIAL CONDUCT WILL FULLY INVESTIGATE THIS MATTER AND LOOK NOT ONLY AT THE ISSUE OF HIS CONCEALMENT OF THIS RULING BUT MORE SIGNIFICANTLY THE FACT THAT MY CONVICTION HAS A STRUCTURAL DEFECT, AND THIS IS DUE TO HIS OWN HANDLING OF MY TRIAL, IN [REDACTED] HE IS, IN FACT, A ROUGE JUDGE, AND [REDACTED] COUNTY COURT WOULD BE BETTER OFF WITHOUT HIM. HE HAS HURT FAR TOO MANY PEOPLE AND THIS HAS REALLY BEEN SHOWN TO ME AND IMPRESSED UPON ME.

IN ADDITION - WE SHOULD NOT FORGET JUDGE [REDACTED] AS WELL. DESPITE THE FACT THAT I FILED A DETAILED MOTION FOR RECONSIDERATION WITH HIM, WITH GREAT DETAIL, AND DESPITE MY LETTER TO HIM AND A COPY OF ALL OF THE DOCUMENTATION SENT TO HIM - HE HAS DONE NOTHING TO EVEN BEGIN TO ADDRESS ANY OF THIS. I HAVE REACHED OUT TO HIM WITH ALL OF THE NECESSARY LEGAL DOCUMENTS AND HIS RESPONSE IS SIMPLY TO DO NOTHING.

ALL OF THIS REALLY ILLUSTRATES THE BROKEN NATURE OF [REDACTED] COUNTY COURT. IT IS TRULY A BROKEN, MALFUNCTIONING SYSTEM, AND IT REALLY HAS AN ADVERSE EFFECT ON A LOT OF LIVES. HAVING GIVEN UP ON JUDGE [REDACTED] I REDID THE ENTIRE LEGAL PETITION AND REFILED IT WITH THE CLERK OF THE COURT. I CAN ONLY IMAGINE WHAT MAY OCCUR NEXT. Sincerely, [REDACTED]