

State of Arizona
COMMISSION ON JUDICIAL CONDUCT

Disposition of Complaint 15-013

Judge:

Complainant:

ORDER

The complainant alleged two municipal court judges improperly allowed criminal charges to be brought against him when he had been declared incompetent.

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 judicial officers' 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: February 11, 2015

FOR THE COMMISSION

/s/ George A. Riemer

George A. Riemer
Executive Director

Copies of this order were mailed to the complainant and the judges on February 11, 2015.

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

2015-013

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.

An abuse of the contempt of power; abuse of discretion; communicating improp-
erly with only one side to a proceeding; due process violation in the cont-
ext of willfully under color of law to deprive an U.S. Citizen of their const-
itutional right. On the Defendant myself

under now in the jurisdiction of the

County Court was arrested by the Department charged under

Docket Number On the date of Docket No.

was dismissed for filing - *See attached document* - the crimi-

nal charges under Docket No. in the jurisdiction of the

Court then to be refiled in the Court Court

under criminal case no with which is still pending trial.

On or about the date of the Defendant was ruled as in-

competent to stand trial and with convincing evidence that he would not

be restored to competency within months pursuant to the provisions

of Arizona Law A.R.S. § 13-4510, in accordance Constitutional Law

Incompetency or Mental Illness; Constitutional Law 92K4782 K. In general

. Most Cited Cases (Formerly 92K268.2(2)).

Arizona Law A.R.S. § 13-4510, Constitutional Law Law 92K4781 Incomp-

etency or Mental Illness; Constitutional Law 92K4782 K. In general.

Most Cited Case (Formerly 92K268.2(2)) notwithstanding shall have

[mandated] the Honorable of the

Court to exercise the power of the Court to use discretion when

determining the criminal docket No which was dismissed

in the Court to later be refiled in the Court-

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County; in light of his being adjudged as incompetent to stand jury trial under criminal case no. as outlined in this complaint.

Deprivation of the Civil Right to not be criminally charged as an incompetent person falls within the category of criminal violations by Honorable prosecutable under 18 U.S.C. § 242 the said right afforded the Defendant a right clearly defined and established, and recognized by the Court of the United States, see *Screws v. United States*, 325 U.S. 91, 65 S.Ct. 1031, 89 L.Ed. 1495 (plurality opinion); see also

Constitutional Law 92XXVII(H) Nature and Elements of Crime; Constitutional Law 92K4502 Creation and Definition of Crime; Constitutional Law 92K4508 K. Retroactive laws and decisions; change in law. Most Cited Case (Formerly 92K253(4), 92K253(2)); Criminal Law 110I Nature and Elements of Crime, Criminal Law 110K12 Statutory Provisions, Criminal Law 110K13.1 K. Certainty and definiteness. Most Cited Cases (Formerly 110K13.1(2)).

Certainly the acknowledgment of the Defendant's incompetency history on record under Docket No. See *State v. Taffour*, 231 Ariz. 34, 39, 114, 290 P.3d 228, 233 (App. 2012) (holding that the trial court did not abuse its discretion in taking judicial notice of prior order of the court) was relevant but not executed by judge. An investigation and suspension of judge from the bench is practical.

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For the Discretion of this Commission that prior to arrest by the
Police Department under Docket No. _____ and I as the
Defendant in the jurisdiction of the _____ county _____ court under cri-
iminal case no _____ was adjudged incompetent-unrestorable
to stand jury trial pursuant to Arizona Law A.R.S. § 13-4510 - the court
Finding that there was no clear and convincing evidence that the Def-
endant - myself - would be restored to competency within
months. this Law A.R.S. § 13-4510 and the Dismissal of all court und-
er criminal case no. _____ Keeping in compliance with the
Defendant/ I'm also the Defendant in the _____ court. _____ court und-
er criminal case numbers _____ as well)

(5) Due Process Protections - see Constitutional Law 92KXVII Due Process
- Constitutional Law 92KXVII(H) (Criminal) Law - (Constitutional Law
92KXVII(H) 9 Disadvantaged Persons - (Constitutional Law 92K4781 Incomp-
etency or Mental Illness - (Constitutional Law 92K4782 H. In general, what
liked cases (formerly 92K268.2(2)) as the Defendant, guaranteed by the
14th Amendment to the United States Constitution this protection which
prohibits criminal prosecution of Defendant who is not competent to stand
trial, Refer to Drope v. Missouri, 420 U.S. 162, 95 S.Ct. 896, 43 L.Ed.2d 103
(1975); Pate v. Robinson, 383 U.S. 375, 86 S.Ct. 836, 15 L.Ed.2d 815 (1966).
Due Process violation - willfully under color of law to deprive someone of
their U.S. Constitutional Rights - abuse of discretion is alleged by the
complainant certainly the Judge _____ of the
Court would not abused the discretion of the Court, See State

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v. Talbot, 231 Ariz. 34, 39, 914, 290 P.3d 228, 233 (App. 2012) (holding that
trial court did not abuse its discretion in taking judicial notice of prior
order of the Court) in acknowledging on the record under and
the Defendant's incompetency-unrestorability to stand trial
then sent to the hospital - just then released on the date of
in direct association with the proceeding under criminal
case no. in the jurisdiction of the Court
Court when the "initial appearance" in the
Court on the date or when the Defendant appeared
before that Court to answer for alleged criminal violations under Docket
no. and See Attached Document: * These criminal counts
under Docket No. and eventually was dismissed in the
Court in and refiled in the Court
County on under criminal case no.

this case is still pending.
This act as outlined in this Judicial Complaint by Judge of the
Court also has willfully under color of law deprived me of
the right to not be criminally prosecuted as the Defendant under criminal Docket
No and as an incompetent person this right of the 14
amendment is identified and decided in the Court of the United States
- therefore an criminal violation by Judge of the
Court has happened pursuant to 18 U.S.C. § 242; Screws v. United States, 325
U.S. 91, 65 S.Ct. 1031, 89 L.Ed. 1495 (plurality opinion), suspension from the bench is
mandated.