

State of Arizona
COMMISSION ON JUDICIAL CONDUCT

Disposition of Complaint 15-019

Judge:

Complainant:

ORDER

The complainant alleged two superior court commissioners (one now retired) violated his constitutional rights.

The responsibility of the Commission on Judicial Conduct is to impartially determine if the commissioners 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 commissioners did not violate the Code in this case. Accordingly, the complaints are dismissed in its entirety as to the two commissioners, pursuant to Rules 16(a) and 23.

Dated: February 11, 2015

FOR THE COMMISSION

/s/ George A. Riemer

George A. Riemer
Executive Director

A copy of this order was mailed to the complainant and one of the judicial officers on February 11, 2015. When a current address becomes available, a copy of this order will be mailed to the second judicial officer

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

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State of Arizona
Commission on Judicial Conduct
1501 W. Washington Street, Suite 229
Phoenix, Arizona 85007

FOR OFFICE USE ONLY

2015-019

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.

For the discretion of this commission on the date of the Defend-
ant was Found incompetent and upon treatment unrestorable to stand jury trial
in the court court under criminal case no.
Further Found to not be restored to competency to stand trial for the duration of
months, in accordance with Arizona Law A.R. 9-813-4510; therefore these
charges were dismissed in compliance with the 14th Amendment to the United
States Constitution pursuant to the Due Process Clause that prohibits criminal
prosecution of an Defendant who is not competent to stand trial - See
Constitutional Law 92XXVII Due Process - Constitutional Law 92XXVII(H)
Criminal Law - Constitutional Law 92XXVII(H)9 Disadvantaged Persons
- Constitutional Law 92K4781 Incompetency or Mental Illness - Constitutional
Law 92K4782 K. In general. Most Cited Cases (Formerly 92K268.2(2)); 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).
Abuse of discretion - Due Process violation - Willfully under color of law to deprive an
U.S. Citizen of their Constitutional rights is charged against Judge
when upon motion to change counsel by the Defendant heard on the date of
in the jurisdiction of the court Court, regarding the
subject-matter thereof* An Review of the Docket and that Court hearing is
relevant for competent investigation by this Commission* Judge in
his official capacity in light of the "motion" requiring notice from the
court refused to protect the Defendant Fourth Amendment protected in-
terest taking into consideration that the criminal charges dismissed
under case no. had been refiled under now

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and that criminal case no. in light of the incompetency issues of the Defendant) these charges originally filed in the Court under Docket No. and were questionable considering the Defendant's U.S. Constitutional Protections, there fore the Constitution affording the Defendant myself under criminal case no. on preliminary hearing seeing that the from the commission from the trial court record would show that indeed an preliminary hearing was not given then Defendant under see *Berstein v. Pugh*, 420 U.S. 103, 114, 95 S.Ct. 854, 43 L.Ed.2d 54 (1975) (the Court hold that the Fourth Amendment requires a judicial determination of probable cause as a prerequisite to extended restraint of liberty following arrest); Since also the actual defense of the Defendant's defense under was of course also established in regards to the incompetency -unrestorability findings in the jurisdiction of the Court under criminal case no. and taking such notice of this fact and acting upon this fact was within the Court's discretion, See *State v. Tallow*, 231 Ariz. 34, 39, 914 P.2d 228, 233 (App. 2017) (holding that trial court did not abuse its discretion in taking judicial notice of prior order of the court).

The Judge is liable for criminal violation under 18 U.S.C. § 242; *Screws v. U.S.*, 325 U.S. 91, 65 S.Ct. 1031, 89 L.Ed. 1495 (plurality opinion). Imbarment from the bench is mandated. *Refer to attached Document.*

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Abuse of discretion - Due Process violation - Willfully under color of law to deprive
an U.S. Citizen of his U.S. Constitutional rights under 18 U.S.C. § 242 in charged
against Honorable _____ of the _____ County _____ Court. An
Brief inquiry shall show that on the dates of:

Judge _____ was Presiding in the [initial appearance] under _____
and [initial appearance] under _____
Case no. _____ had been criminal charges dropped
in Docket No. _____ and _____ in the jurisdiction of the _____
Court; Case no. _____ had been dismissed about an

month and a have earlier these criminal charges than filed under criminal case no. _____
and myself _____ the charges dismissed because the Defendant
had been found and ruled incompetent and
unrestorable to stand by trial in the _____ County _____ Court.

Abuse of discretion - Due Process violation - deprivation of civil rights pursuant to 18 U.S.C. § 242 is charged against Honorable
who did not in his better judgment in accordance with law order an preliminary hearing in accordance with the Fourth Amendment due as the criminal charges had actually been dropped as misdemeanors charges in the
_____ Court _____ to then be refiled as felony

charges in the _____ County _____ Court; _____ Dismissed
in the _____ County _____ Court because of the Defendant
and being incompetent to stand trial these criminal charges the refiled

see Grestein v. Rogh, 420 U.S. 103, 114, 95 S.Ct. 854,
43 L.Ed.2d 54 (1975) "[W]e hold that the Fourth Amendment requires a

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Judicial determination of probable cause as a prerequisite to extended restraint of liberty following arrest.

the facts of the Defendant incompetent-unsafe, tortible under Arizona Law A.R.S. § 13-4510 therefore the Defendant myself protected by the

Due Process Clause of the Fourteenth Amendment which prohibits the criminal prosecution of an defendant who is not competent to stand trial see Constitutional Law 92XXVII Due Process - Constitutional Law 92XXVII(H) Criminal Law - Constitutional Law 92XXVII(H) 9 Disadvantaged Person - Constitutional Law 92K4781 Incompetency or Mental Illness - Constitutional Law 92K4782

K. In general. Most cited cases (formerly 92K268.2(2)); Drope v. Missouri, 420 U.S. 162, 95 S.Ct. 846, 43 L.Ed.2d 103 (1975); Pate v. Robinson, 383 U.S. 375, 86 S.Ct. 836, 15 L.Ed.2d 815 (1966); the adjudgment by the County

on the date of under case no. ruled Defendant's incompetency and being unable to be restored to stand trial not within

Such evidential factors recognized in the [initial hearing] shall be in favor of the Defendant and within the discretion of the court see State v. Tattow, 231 Ariz. 3439, ¶ 14, 290 P.3d 228, 233 (App. 2012) (holding that trial court did not abuse its discretion in taking judicial notice of prior order of court).

The judge inactions have severely damaged the Defendant's defense in both criminal case no. This was done

by this judge purposefully and criminally. Temporary Suspension from the bench is warranted. * Refer to attached documents *