

State of Arizona
COMMISSION ON JUDICIAL CONDUCT

Disposition of Complaint 15-030

Judge:

Complainant:

ORDER

The complainant alleged a superior court judge improperly refused to allow him to withdraw from a plea agreement or grant him a new attorney, and improperly ordered competency evaluations of him.

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 rulings. 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: February 18, 2015

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 February 18, 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

2015-030

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.

I HAVE A CRIMINAL CASE BEFORE JUDGE AND
ATTORNEY HAS BEEN ASSIGNED AS MY
DEFENSE COUNSEL. BRIEFLY STATED, THE NEXUS OF MY JUDICIAL
COMPLAINT INVOLVES THE JUDGE'S INHERENT ILLOGICALITY, AS
AFTER DESCRIBED.

MY DEFENSE LAWYER INDUCED ME TO ENTER A PLEA AGREE-
MENT FOR YEARS OF IMPRISONMENT AT A TIME THAT I
WAS MENTALLY IMPAIRED DUE TO AN EXCESSIVE AMOUNT OF
PRESCRIBED MEDICATION AND FOR A CRIMINAL OFFENSE FOR
WHICH I AM ACTUALLY INNOCENT. WHEN MY MEDICATION
HAD BEEN ADJUSTED AND I WAS ONCE AGAIN ABLE TO
THINK CLEARLY, I TOLD THE JUDGE ABOUT ENTERING THE
PLEA AGREEMENT WHILE IMPAIRED AND ASKED TO CANCEL
THE PLEA AGREEMENT AND HAVE A NEW LAWYER ASSIGNED
TO REPRESENT ME. AT A HEARING, CONDUCTED
JUDGE ORDERED MR. TO EXPLAIN IN A MOTION
TO THE COURT WHY I SHOULD BE RELEASED FROM THE
PLEA AGREEMENT.

ATTORNEY REFUSED TO FILE ANY
SUCH MOTION ON MY BEHALF. OF COURSE, BEING REPRE-
SENTED BY COUNSEL, I COULD NOT PREPARE AND FILE
THE REQUESTED MOTION OF EXPLANATION, SO I DID THE
ONLY THING I COULD DO. I FILED A SERIES OF MOTIONS
REQUESTING NEW COUNSEL, EXPLAINING MY REASONS IN DETAIL.

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THE ATTACHED EXHIBITS, LABELLED #1 THROUGH 3, TELL MY STORY IN DETAIL. I ASKED FOR A NEW LAWYER ON (SEE EXHIBIT #1), EXPLAINING THAT ATTORNEY _____ WOULD NOT COMMUNICATE WITH EITHER MYSELF OR MY WITNESSES. I SUPPLEMENTED THIS ON _____ BY PROVIDING THE COURT WITH A COMPLAINT TO THE ARIZONA STATE BAR ASSOCIATION ON ATTORNEY _____ DESCRIBING THAT _____ MALFEASANCE AND EXPLAINING TO THE COURT WHY I SHOULD BE RELEASED FROM THE PLEA AGREEMENT (SEE EXHIBIT #2). AND I FURTHER SUPPLEMENTED THIS INFORMATION WITH COPIES OF LETTERS SENT BY MY WITNESSES TO THE STATE BAR ASSOCIATION IN A PLEADING FILED (SEE EXHIBIT #3).

AND HERE IS WHERE THE JUDICIAL ILLOGICALITY ON THE PART OF JUDGE _____ COMES IN. ON MY LAST COURT DATE THIS MONTH, JUDGE _____ REFERRED ME TO RULE 11 COURT PROCEEDINGS, EXPLAINING "I DON'T THINK YOU KNOW WHAT'S GOING ON HERE," AND DENYING MY REQUEST FOR NEW COUNSEL. IN EFFECT, THE JUDGE IS SAYING I AM EITHER NOT MENTALLY COMPETENT OR NOT SAFE. SO THE QUESTION PRESENTS ITSELF:

AM I COMPETENT TO ENTER A PLEA AGREEMENT FOR YEARS OF IMPRISONMENT FOR A CRIME I DID NOT COMMIT, BUT NOT COMPETENT TO COMPLAIN ABOUT THIS TRICKERY AND ASK FOR A NEW ATTORNEY? KIND OF BOGGLES THE MIND, DOESN'T IT? PLEASE LOOK INTO THIS MATTER AND ADVISE....