

State of Arizona
COMMISSION ON JUDICIAL CONDUCT

Disposition of Complaint 15-082

Judge:

Complainant:

ORDER

The complainant alleged a superior court commissioner improperly refused to allow him to represent himself in a criminal proceeding.

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

Dated: April 8, 2015

FOR THE COMMISSION

/s/ George A. Riemer

George A. Riemer
Executive Director

Copies of this order were mailed to the complainant and the commissioner on April 8, 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

2015-082

Deprivation of Constitutional Rights - 6th amends.

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.

1.) Commissioner was informed by defendant within oral/verbal request "Waive assistance of Counsel";

2.) Commissioner directed the defendant to complete and file a waiver of counsel form on

3.) Commissioner set an schedule date to discuss for self-defending with defendant on; for

4.) On; counsel (then) by Ex parte and w/o defendant's consent told every purpose and detail that defendant made knowledgeable to Counsel at prior date's of effecting the hearing that specifically related to defendant's request and filed motion to waiver counsel.

5.) Commissioner has since determined to schedule an Settlement Conference at the request of faulty Counsel whom gave [her] information w/o defendant's consent which has caused defendant prejudice by the judge deferring the defendant's request to waive counsel and self-defend on three separate court dates until

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Deprivation of a right to be heard...
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.

6.) On _____ and _____
_____ was deferred by Judge _____ and
Judge _____ is not upholding the defendant's Constitution-
al RIGHTS TO DEFEND IN PERSON. Instead
judge _____ is determining my request at the
consideration of fact(s) [she] first doesn't have
a meaningful reason to deprive the defendant
for hearing his request to waive counsel for.

7.) On _____ judge _____ when upon my
case calling acknowledged Defense Counsel
State's Counsel but "did not"
Acknowledge me, "did not" ask for my name nor
date of birth she went on to Schedule again this
Settlement Conference while Simanteanianich making
hints to discussion for Defendants
At this I spoke up and she (Helen)
Interrupted me stating, "I set the hearings
here and you have nothing more to say in this
matter." When I proceeded to inform her she is
under Mandate to uphold my Constitutional Rights
She directed the Sheriff's transport Deputic to
Exeract and dejected my from the Court;

(Judge _____ is provoking me and this hurts.)
I feel I'm been punished outside
the charges I am held for to 3 // prehistorical Details
answer to by not being heard // are Attached to this
on my request to waive counsel) Record in Conclusion.
(3 of 9)

1 2.) On Court appointed petitioner
2 the Defense Counsel
3 for the petitioner as a defense attorney in the
4 Criminal Matters State vs.

6 3.) On petitioner
7 objected to 'appointed' counsel by requesting
8 Waiver of Counsel, purposed to self defend.

10 4.) Court Judge / Comm advised the
11 petitioner that a hearing would be scheduled for;
12 to discuss an for
13 Waiving Counsel on date scheduled.

15 5.) between the set court hearing's by judge/
16 Comm. for conducting an for
17 the petitioner's request to waive Counsel (a) meet
18 with the petitioner's (previous) County Attorney Prosecutor
19 Deputie from Case No.

21 6.) advised the petitioner
22 that during his meeting with deputie
23 she [conveyed] to [She] has received
24 Correspondence from petitioner She is unable to
25 respond to and further demands that petitioner
26 Cease directing Correspondence to her office.

1 7.) Simultaneously demanded that the
 2 petitioner not conduct corresponding to
 3 an previous prosecutor as he
 4 also advised [She] contemplates filing Criminal
 5 Charges against petitioner Should She continue
 6 to receive Correspondence from petitioner.

7
 8 B.) Petitioner Suggested to Mr that that event
 9 would cause the Shock of universal legal procedure
 10 and then went on to confide in Court Appointed
 11 Which regarded petitioner's Motion to
 12 Waiver Assistance of Counsel set forth in argument;

13
 14 9.) Petitioner disclosed orally to Mr at all
 15 times was appointed to Represent
 16 petitioner that petitioner
 17 needed to Self-represent because ;

18
 19 (a) Certain Documentation to which Mitigates
 20 petitioners Guilty Circumstance must be
 21 yielded Solely alone by the petitioner
 22 herein interest and not by counsel.

23
 24 (b) Petitioner is experiencing hardship's with
 25 the prison System whom processes
 26 Inmate's Legal Request at the place of his
 27 confinement and also...

1 (C) Petitioner by use of office when Self-defending
 2 as a Pro-Per Inmate to assist petitioner with
 3 his hardships imposed by his jailer's because the
 4 Inmate legal Services has a policy that treat's
 5 only Criminal Self-Represented Inmate's with
 6 Legal Request (Priority) concerning their Submissions
 7 through the prison System for it's Services.
 8

9 10.) Petitioner with those
 10 specific intentions disclosed to Counsel
 11 Petitioner went on to ask the Attorney
 12 to keep the information confidential.
 13

14 11.) orally consented and agreed to
 15 keep confidence with petitioner disclosures and
 16 request to conceal information by Counsel.
 17

18 12.) On the date Court Judge / Comm
 19 Should have the to discuss petitioner's
 20 Waiver of Counsel Rights
 21 Counsel by "ex parte" disclosed all
 22 the information petitioner hereto requested
 23 of appointed Counsel Not to reveal
 24

25 13.) Court Judge proceeded to
 26 ask the petitioner's appointed Counsel
 27 to confirm the facts he had.

**THE COMMISSION'S POLICY IS
TO POST ONLY THE FIRST FIVE
PAGES OF ANY DISMISSED
COMPLAINT ON ITS WEBSITE.**

**FOR ACCESS TO THE
REMAINDER OF THE
COMPLAINT IN THIS MATTER,
PLEASE MAKE YOUR REQUEST
IN WRITING TO THE
COMMISSION ON JUDICIAL
CONDUCT AND REFERENCE
THE COMMISSION CASE
NUMBER IN YOUR REQUEST.**