

State of Arizona
COMMISSION ON JUDICIAL CONDUCT

Disposition of Complaint 16-181

Judge:

Complainant:

ORDER

The complainant alleged judicial misconduct by a superior court commissioner in a criminal matter.

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(a).

Commission member Anna Mary Glaab did not participate in the consideration of this matter.

Dated: August 24, 2016

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 August 24, 2016.

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

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**IN THE SUPERIOR COURT OF ARIZONA 2016-181
FOR THE COUNTY OF**

STATE OF ARIZONA,

Plaintiff,

vs.

Defendant

3rd Party Plaintiff,

)
) **Case No.:**

)
) **HONORABLE**
) **Judge**

)
)

NOTICE TO

NOTICE TO

A copy of this motion will be filed

IS CLEARLY PREJUDICED AGAINST

DEFENDANT

AFFIDAVIT

According to

As Pro Per Defendant, I assert my right in this cause. Paragraph A. Grounds states:

“

”

)
Violations of Arizona Code of Judicial Conduct Rule 1.1, 1.2, 2.2, 2.3, (A), (B). 2.7, 2.11, (A)(1), (2) c, 2.15 (D)

1. Prejudicial Actions Against Defendant:

a. On hearing, denied the filings that were filed that day, that were of record, relating to Defendant's proceeding, even though the filings antecedent materially affects this matter.

b. On hearing, attempted to remove from evidence the filing from " ", which cited on Cover Page; with speaking to me stated that he didn't " ' this filing, returned it to me through my Counsel at that time, . Regardless of his prejudicial actions towards this Certified Document, remains culpable for its contents, and it was not removed from this case. This action reveals him to be incompetent as well as prejudiced.

c. On hearing denied my request for an " " review as my case has numerous matters unique to it. Although within his rights to deny this it also reveals further prejudice.

d. On hearing heard for the first time () that I had been assaulted by members of the on Important to note that any judge is responsible to review the case before the first hearing to be knowledgably to proceed in the interest of justice.

replied by stating " " Bringing this out in open court revealed clearly that I am a " " according to . However ignored this fact,

1 set another hearing, continued to keep me incarcerated. Also additional
2 evidence in the form of a CD copy of a recording of the assault continued to
3 be withheld by who refused to file them into evidence on
4 behalf of Defendant.

5 e. On held a witness hearing. I am
6 not a flight risk as I fully intend to prevail in my matter.
7 denied my immediate release thus further endangering
8 by continuing to force her to live alone against the expert advice of doctor
9 as he is her neurologist As stated by Defendant, in

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18 f. On hearing near the close of the session I made statement to
19 how my Attorney was continuing to withhold
20 evidence – the CD audio of the assault thus obstructing justice to my injury
21 and to bring awareness to the
22
23 . Instead of mercy for
24 another human’s plight and with no justice in sight I was given more time in
25 incarceration in county jail, as I was escorted out of his courtroom I told
26 that he should have indemnified me – just more obvious prejudice.
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28

1 g. After hearing [redacted] withdrew as my counsel for I had
2 validly accused him of withholding evidence and obstruction of justice to my
3 hurt. Now with [redacted] in custody and [redacted] hearings I am wondering
4 where justice in the matter can be found.

5 h. [redacted] is also a landmark day due to the fact that my [redacted] matter was
6 now in default because the STATE never replied to my motion within the
7 days, set forth in Minute Entry /Ruling by [redacted] on
8 [redacted] Defendant had until [redacted] to file his
9 petition; it was filed on [redacted] The STATE had [redacted] days to file an answer
10 but the STATE failed to do so. On [redacted] Defendant filed “

11 i. On [redacted] hearing [redacted] accepted my choice to proceed Pro Per keeping
12 as Advisory Counsel. At the end of the hearing I plead
13 again for release; [redacted] leaned forward and looking directly at me said
14 “ [redacted] .” This simple statement is clearly an
15 action of prejudice. I was sent back to jail for another [redacted] weeks.

16 j. On [redacted] hearing, my [redacted] day of incarceration as a victim and my Power
17 of Attorney filing motions of necessity and at my request and on my behalf
18 because this county jail repeatedly denies [redacted] of my Legal Requests thereby
19 obstructing my ability to defend myself. I was left with no other choice
20 seeking justice. The CD audio of the assault was finally entered into evidence
21 but [redacted] tried to quash that too because the Prosecutor denied having
22 her copy of it. [redacted] also made it abundantly clear that my Power of
23 Attorney was not to file anymore motions on my behalf without my signature
24 on the papers. This is another clear action of prejudice by [redacted].
25 [redacted] was also quick to pursue a ruling on my “

26 .” This motion is based on [redacted] Ct. Local Prac. Rules,
27 [redacted] This Rule states:

1 “
2
3 () denied this motion. Not only is this
4 prejudiced against this Defendant but he also seems to have
5 no respect for the very laws that he is assigned to the bench to uphold.

6 2. As cited in “

7
8 ” See also:

9 . I am a victim of the very party that brought this arrest upon me
10 causing even further injury to my person. The Criminal Justice System is called
11 upon to see to it that this Defendant is indemnified and proper punitive measures
12 brought against the assaulter and accessories to the assault.

13 a. Not only has violated these rights but probation officers and
14 detention officers have and these are basic rights in the Constitution for the
15 united States as well. I am a victim not only of Probation Officers, the
16 STATE, as I have prevailed in my matter, but now, according to this
17 statute, a victim of

18 b. Because my rights continue to be violated, as I remain incarcerated in county
19 jail, I am also denied my rights of due process, this includes my rights to
20 effectively defend myself in any/all further hearing in relation to settlement
21 and closure on my matter.

22 c. Numerous other rights have been violated or completely denied as
23 enumerated in “”, filed timely, but the
24 STATE failed to respond as ordered by Judge . I declare that
25 in this matter, I am innocent and the Real Injured Party. The STATE needs
26 to give me immediate relief.

27 3. The Defendant has now been held in custody by for over months and
28 has been denied any opportunity in his courtroom to bring up my position on the
alleged charges against me. Procedure has not been followed by . This is

**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.**