

State of Arizona
COMMISSION ON JUDICIAL CONDUCT

Disposition of Complaint 18-197

Judge:

Complainant:

ORDER

The complainant alleged a superior court judge treated him unfairly, ignored his complaints of injury, improperly forced him to plead guilty, issued erroneous orders and caused his motion to be untimely.

The responsibility of the Commission on Judicial Conduct is to impartially determine if a judicial officer 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 a judicial officer's rulings. In addition, the commission found no evidence of ethical misconduct and concluded that the judicial officer 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 Art Hinshaw did not participate in the consideration of this matter.

Dated: October 18, 2018

Copies of this order were distributed to all appropriate persons on October 18, 2018.

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

18-197

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.

Judge _____ has told me numerous times that I couldn't leave her County or the State of Arizona in _____, I also told her on court records that Probation of _____ had threatened me with bodily injury and she stated on record that she didn't care basically by saying "I am from _____ born citizen with a valid _____ Drivers License and address and I was in the _____ County Jail on extradition for an out of state warrant of charges for _____ i County. This was my _____ extradition for this same case. This Judge did not want me to leaving Arizona, but I was on _____ transfer to _____, I was never suppose to be back in Arizona juristiction, I was approved on _____ to go to _____ to do my Probation in _____ I was on probation doing fine in _____ doing everything I was suppose to. When I signed my deal on _____ I was going to trial but was forced into a guilty plea by way the Judge told my attorney if I didn't sign the plea bargain she would lock me up in jail because she held a bond of \$ _____ dollars over my head due to my being _____ late to a phone appearance, in which when I called Court was still in session technically Judge _____ could have resended the warrant, but instead forced me into signing a class-2 felony and also _____ probation. I was expecting my 1st born child and didn't want to be absent and with that being said I unwillingly had to sign. I went to Judge _____ courts for at that time straight from _____ thru _____ i. I had a phone court appearance when I was late for court, and the _____ told me court was done and the Judge had issued the warrant and thats how she held that over my head for _____ dates to make me sign the deal. Judge _____ also knows I didn't initially violate terms of probation and _____ wrongfully terminated me off _____ transfer. I was terminated for absconding or abscond and the original warrant was issued in _____ for the abscond by Judge _____ I got extradited back to Arizona for abscond warrant.

On _____ I believe _____, I was riding my motorcycle in _____ when the Sheriff's had a call of Loud music complaint, my bike was about _____ wawy from me when they pulled up to my bike I walked over to the Sheriff's ans said hows it going they explained to me what happened and asked for my drivers license they ran it told me I had a warrant out of state from Arizona, I was like wow I couldnt believe it. So after I found out what the warrant was for I started doing research, how do I have a warrant for absconding issued _____ when I checked in to _____ and _____, which in _____ when I had checked in after they said they issued the warrant. Now once I got extradited back to Arizona I found out the reason for the warrant and extradition had changed to violation of terms standard rule No.6 and No.7 of probation something to do with address change which was also untrue, I called my probation Officer for the _____ while reporting as I was told to do so, all of _____ and never got a return phone call. I left messages telling _____ this in _____ I had to move and gave probation my new address to my Aunts house in _____ In _____ and _____ probation nor the courts followed none of the rules of ICAOS rule 5.103 of ICAOS.

The _____ rule states that manditory retaking for violation of conditions of supervision upon a request by receiving state and a showing that the offender has committed 3 or more significant violations as defined by the compact arising from separate incidents that establish a pattern of non-compliance or abscond is the only way a receiving state can send an offender back to a sending state and this was the _____ I was accused of, also Rule 5.105 of ICAOS or Interstate compact says time allowed for retaking an offender is 30 days see Exhibit A and B attached,also Rule 5.108 states I should have had my probable cause hearing in _____ see Exhibit C attached I was in custody for _____ actual in _____ County Jail In _____ for Arizona warrant. And I got extradited again _____ where I did

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Phoenix, Arizona 85007

FOR OFFICE USE ONLY



COMPLAINT AGAINST A JUDGE

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actual waiting for Arizona to extradite and a Governors Warrant. After letting her know I was threatened in Court on record, and with her response I would like to get out Honorable _____ Court. I had a co-defendant Case# _____ 1 and when he got a violation with a new case he was not sent back to Arizona, his violation was held in _____ so with this why is it bios on my falsely accused violation. Now I had a court date _____, which counsel should had informed me according to rule 27.8 I did not ask for a continuance the courts vacated the court date and it is not even in the minute order that there was a court date but according to 27.8 the case should be dismissed. see Exhibit D attached. I have had different Attorneys and none of them have got any where with my case in her court, when I have found several technicalities my self grounds for dismissal, so why is it that they are not defending me properly and its like they are truly scared to in her court. The only attorney was _____ and my probation Officer _____ kept asking me why did I hire _____ now I know why because _____ and at that time I didnt know why _____ kept asking why did I hire _____. In _____ I see the bios on my case due to the fact of not getting full proper representation as well as my case being treated differently I mean my co-defended caught a case with the violation, Im dealing with a violation and the Judge wants to send me to prison. I have emailed the _____ he dont even correspond with me I sent the email about 27.8 and dismissal and havnt heard from him how can he defend me when he's telling me basically its not going to do any good whats the purpose of having bad representation thats like not having representation at all. I also was told by and attorney _____ from _____ that he had filed a rule 32 and that he used a filing company to do so when I finally checked _____ Court records they said there was no rule 32 filed and so when I went a head and finally filed it my self it was denied due to the timing but I know it was intentionally delayed and I was lied to and the judge is aware of this as well

In Division _____ I know after being in her court for _____ I will never be treated fairly, get a fair trial, be treated with bios on my case I had asked _____ attorneys to change Judges, and I have filed several motions in Judge _____ courts I had filed a motion to surpress early on for my case it was never addressed so I had to hire another attorney and _____ later I got the motion to surpress.

attached is a copy of the rule 32, along with the records to show I never absconded like I said I will never get my due process and constitional rights in Judge _____ court thank you