

State of Arizona
COMMISSION ON JUDICIAL CONDUCT

Disposition of Complaint 08-202

Complainant: No. 1341110435A

Judge: No. 1341110435B

ORDER

The commission reviewed the complaint filed in this matter and found no ethical misconduct on the part of the judge. The issues raised involve legal determinations and sentencing decisions that are outside the jurisdiction of the commission. The commission is not a court and cannot determine whether or not a judge's decision is correct. Therefore, the complaint is dismissed pursuant to Rules 16(a) and 23.

Dated: September 16, 2008.

FOR THE COMMISSION

\s\ Keith Stott
Executive Director

Copies of this order were mailed to the complainant and the judge on September 16, 2008.

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

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

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CJC -08-202

COMPLAINT AGAINST A JUDGE

Date: 8.7.02

Instructions: Describe in your own words what the judge did that you believe constitutes misconduct. Please provide all of the important names, dates, times and places related to your complaint. You can use this form or plain paper of the same size to explain your complaint, and you may attach additional pages. Do not write on the back of any page. You may attach copies of any documents you believe will help us understand your complaint.

Honorable Judge
for the County of

In the

Court in and

Allowed inappropriate conduct by appointed Counsel and District Attorney, his judgement being Biased and Highly Prejudicial against me the defendant. It is also proven that in his judgement he went beyond his objective to use his judgement as a punishment with ill-intent. Violating due process Rights and the 5th, 6th, 8th, 14th Amendment were violated due to Biased and Highly Prejudicial intention's.

Decision and Judgement:

1) Ineffectiveness of Counsel's Attorney

2) Judgement and Response: Violation Revocation
Aggravating Factors

3) Conclusion and Closing arguments Facts: 1) Intentionally Prevoke
2) Ignoring Valid evidence
3) Personal Statements

(Attach additional sheets as needed)

Judge, Was presented the first argument about the decision on the Settlement Conference Hearing. I the defendant was forced to use ineffective Counsel. Counsel tried to get me to purger my self to the Court to have evidence Stricken from the Court. Counsel tactic were proven to be in violation of the Code of Conduct of the Avid Bar, Criminal Court Procedures, and Court Conduct. I pressed this issue and requested to proceed pro se, was denied. During the lengthy plea agreement Settlement Conference Hearing, it was stated by myself to the Judge that I only accept the plea under distress, cause being forced to use a ineffective attorney, the, the violation of Civil Right of due process, violation of Amendments, The fear of being further incarceration would lead to loss of home and business. I pointed out I felt Bullied into the plea not only because of these actions but also felt the Court in its violation and conduct were and played it's part as a Co-Conspirator's in it's Role in the actence of a Bias and Prejudicial Plea.

Contents of the plea was not fully explained, The plea Took Control away from the Court and gave full discretion to the State, making The plea Biased and prejudicial. The Judge also allowed the state to exercise punishment by Changing the decision of it's agreement in the decision. State recommended the sentence of 5 years for the violation of Probation. I exercised the right to a hearing. Because I exercised the right as a punishment the Court allowed the 3 years changed to 10 years.

The State never proved that there were any violation ever committed. There were (No) new offense or Charges. The Court allowed Aggravated Factor when there were no Aggravated Factors presented. The Court also went Beyond it's objective by violating the Rights of due process of a Jury.

There was no evidence or trial to place a verdict of guilt. The defendant, me in this case plead a no Contest plea in which dose not Subject me to Self incriminating. There is no statement made by the defendant, me that in any way incriminate Self of any involvement.

The Court over Step it's objective by making a ruling on the matter of Aggravation mitigating factors. Blakely v. Washington Apprindi v. N.J. States (One) Judge Can not make this decision alone. This decision shall and should have been made by a Jury.

Judge, Stowed his intentions also by his acceptance of False testimony of Attorney. the representative attorney in the matters of Violation, not only did (HE) being admitted ineffectiveness, he also accepted perjury testimony given by

I the defendant during the hearing requested an extention to the Violation Hearing for Cause, 1) Attorney never prepared a defense 2) Attorney never spoke with defendant myself upon matters, 3) Attorney never Call upon valid witnesses or evidence which would have fully proven the innocence, no evidence or Stoppers were made for the defense. On his own behalf stated to the Court that the reasons for his actions was due to the office policy.

out of the same office and prior attorney Case file was destroyed due to a Six month Rule any Case being inactive would be

destroyed. The Judge accepted this explanation without giving any weight to my request or arguments. I have proven to the Court that not only was I ineffective but also Perjured himself by lying to the Court. 1) first Claimed he spoken to me about my case in lengthy conversations when he did not. 2) Claimed he could not set up an adequate defense due to the destruction of Case file by prior Attorney. Case file being destroyed due to office policy. This is also an out Right lie, That was proven. The Case file in question. After a decision was made behind the Case of Violation Probation, was appointed as Counsel for The matters of Rule 32. Who in which requested the same file that Claimed was destroyed. The same file that he gave Reason why he could not set up a good defense. This same Case file was sent to By the material being sent to Attorney. it prove that each statement made by Counsel in the attempts to erase and evade blame. to be false presented to him. Still denied myself due process. The right to be able to be represented by adequate Counsel and have evidence and witnesses present during the process of the hearings.

Stated that each representative Counsel, were in fact ineffective and inadequate because in the arguments made by each attorney they failed to present physical evidence to merit the arguments made. Meaning the base of each argument made should have been backed with the statement of eye witnesses that they failed to subpoena, or log books that would show that in fact I defendant showed up for the meetings that were required causing the argument to have merit of facts.

The Judge showed ill intent with bias and prejudicial judgement because I the defendant pointed out the same facts of action of each attorney, and stated they would not follow any request that I made. I requested evidence and witnesses to be presented. I also asked the Judge to allow continuance to be able to correct the mistakes that this no fault to my own.

Yet the Court held me responsible for the action of my attorney even though the Court denied my request to represent my self pro se by the Court denying my request, removed the responsibility of fault from me. The Court acknowledge the ineffectiveness, and should have at the least appointed new Counsel or granted a continuance to fix the wrong doing. In the Court decisions it violated Right of due process and the right to have adequate legal assistance as representatives of the defender Office.

The Court made comment in saying because of my conduct he ignored and gave little weight to my arguments. This comment means he let right be broken because of improper conduct by defendant. The Court would like you to believe that I behaved bad enough for him to violate Civil Rights and

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due process of the law. Facts the court allowed false testimony, ineffective Counsel, and violated Civil Rights, Criminal procedures, and played its part in its own action as a Coconspirator against myself. There is no Transcript, recorded by tape, or Reporter of the Court that consist or give valid merit to the Court accusation about conduct, until I got sentenced to 10 years, even then I tried to maintain myself but the Court provoked the out burst. The Court would not give a cool down period the Court denied me when I asked to leave for a short period of time to regroup myself I only asked for a few moments He would not listen the Court own actions by the courts own conduct showed the ill intent bias and prejudice act toward me

Facts: I was denied to represent myself

I was forced to use ineffective Counsel

I was not allowed to present evidence or witnesses

I showed the Court proof of my allegations against Counsel

I proved my case against each Counsel representative

I gave valid reasons why I should have had extensions

I proved I had in fact had witnesses and evidence

I proved I was working and owned my own business

I was denied my first release in order to force me to plea

By the time I was released the first time I lost everything.

The Court used its hold, to force me in to a Biased plea

My whole life was changed into a 10 year sentence

and until that point of sentencing I never once had

any out burst or misconduct.

The Case was not based upon an arrest, but profiled of past history. The State and the Court took upon new Objective as a Vendetta against me because of my past history. Both State and

Court Judge went well beyond the Objective and Violated Court Conduct and Criminal procedures

This has been proven I am being charged and locked away for crimes I've already been punished for. Did time for and none of my past history had any merit to be used in the case I have no drug history