

State of Arizona
COMMISSION ON JUDICIAL CONDUCT

Disposition of Complaint 10-090

Complainant: No. 1389900271A

Judge: No. 1389900271B

ORDER

The complainant alleged that a superior court judge erroneously dismissed his Rule 32 request for post-conviction relief. The commission reviewed the complaint and found no evidence of ethical misconduct on the part of the judge. Disagreement with a court ruling is an appellate issue outside the jurisdiction of the commission. The complaint is dismissed pursuant to Rules 16(a) and 23.

Dated: June 14, 2010.

FOR THE COMMISSION

\s\ Keith Stott

Executive Director

Copies of this order were mailed
to the complainant and the judge
on June 14, 2010.

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**2010-090****COMPLAINT AGAINST A JUDGE**

Your Name:

Judge's Name:

Date: 4-8-10

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.

abused her discretion by summarily dismissing my
Notice of Postconviction Relief, when she blatantly lied that I
raised no claim of any acceptances of Rule 32.1(d), (e), (f), (g), or (h), where
claims of ineffective assistance of counsel was articulately
raised pursuant to sections (e) and (g) of Rule 32.1, and because
of the Notice being untimely. Her actions were capricious, arbi-
trary, and improper, because, considering the allegations, she
ignored the constitutional magnitude to adequately investi-
gate into the alleged facts necessary for an intelligent decision.
This is construed to contemplate that if she would have granted
an evidentiary hearing, it would have revealed that she allowed a
right essential to my theory of defense taken away that would
undoubtedly sustained me being adjudicated as a juvenile
offender, and would have revealed that she failed to advise
me of a right, favorable to me making an informed decision
to reject the proffered plea of guilty, or to adequately ad-
minister a colloquy during the change of plea of my personal
waiver of an alleged fact of being a chronic felony offender
that would have to be proven. My entire proceeding, at the
time, structurally amounted to a Donald violation, and Judge
openly condoned the injustice, and now, instead
of revealing her arbitrary act of abusive of discretion, she
found it easy to dismiss my petition on preclusion basis. She
was reassigned my Notice on 3-16-10, and in 2 days, dismissed it

(Attach additional sheets as needed.)