

State of Arizona
COMMISSION ON JUDICIAL CONDUCT

Disposition of Complaint 10-357

Complainant: No. 1368510363A

Judge: No. 1368510363B

ORDER

The complainant alleged that a superior court commissioner made an arbitrary and incorrect finding to support his arrest and failed to set a proper bond. The commission reviewed the matter and found no evidence of ethical misconduct on the part of the judge. The allegations involve legal issues that can only be addressed on appeal. The commission is not a court and cannot change judicial decisions. Accordingly, the complaint is dismissed pursuant to Rules 16(a) and 23.

Dated: January 24, 2011.

FOR THE COMMISSION

/s/ Keith Stott

Executive Director

Copies of this order were mailed to the complainant and the judge on January 24, 2011.

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

FEB 07 2011

TO: Commission on Judicial Conduct
1501 W. Washington street, suite 229
Phoenix, AZ 85007

Complaint no. 10-357

State of Arizona
Commission on Judicial Conduct

Pursuant to Commission on
Judicial Conduct Rule 23(b)
Motion for Reconsideration,
Request to appear before
The Commission

Pursuant to Commission on Judicial Conduct Rule 23(b) Motion for reconsideration
the Complainant files this timely motion for reconsideration
and requests to appear before the commission.

Complainant requests that the Commission on Judicial Conduct, Pursuant to
Commission on Judicial Conduct Rules, Supreme Court Rules, and other well established
Arizona law to investigate and discipline Judge Superior Court of
the State of Arizona, County of Maricopa, to protect the Public, Defendants, and
maintain high standards for the judiciary and the administration of justice.

Complainant requests the Commission on Judicial Conduct reconsider the
Complaint 10-357 filed against Honorable for the following reasons:

I A. The Director erred in the Initial Screening to determine what the Complainant Alleged. Order Dated January 24th, 2011 states "The Complainant alleged that a Superior Court Commissioner made an arbitrary and incorrect finding to support his Arrest and failed to set a proper bond"

B. The Complainant DID NOT allege that a superior court commissioner made an arbitrary and incorrect finding to support his Arrest and failed to set a proper bond. The Complainant IS Alleging ETHICAL MISCONDUCT as follows:

II The Original Complainant 10-357 dated ¹¹⁻¹⁵⁻²⁰¹⁰ ~~11-15-2010~~ and Supporting Exhibits A through H are incorporated by this reference. The Original Complaint will be referred to as "org. com." and the Exhibits as "EX". The footnote in original complaint is "FN1".

III A. The Complainant Alleged in org. com. PPI pages 4 and 5 that used the form IV dated 3/7/2009 to make an arbitrary determination of Proof beyond / Presumption grant in violation of the Constitution of Arizona, A VIOLATION of the Constitution of Arizona is ETHICAL MISCONDUCT.

B. Canon 1. A judge shall uphold the integrity and independence of the judiciary. A... "A judge should participate in establishing, maintaining and enforcing high standards of conduct and shall personally observe those standards so that the integrity and independence of the judiciary will be preserved."

VII Judicial ETHICS Rule 81 Az Code of Judicial Conduct Preamble "When the text uses "shall" or "shall not", it is intended to impose binding obligations the violation of which can result in disciplinary action."

The Phrase... "and shall personally observe those standards so the integrity and independence of the judiciary will be preserved is intended to impose binding obligations the violation of which can result in disciplinary action."

C. used the form IV (FN1, org com) that has an alleged probable cause statement from an incident on March 7th, 2009 to make an arbitrary

determination of Probable Cause / Presumption grant that the complainant committed an alleged offense of Sales / transportation of meth, on August 2nd, 2006.

using the form IV probable cause statement fails to observe conduct that Judges shall personally observe to preserve the integrity and independence of the judiciary and is a violation of the Canon 1 because using the form IV probable cause statement (FNI, org. com) to find P.E./P.G. is contrary to AZ Const Art II § 22 which explains in case law simpson v. owens 207 Ariz 471 P 28, 85 P. 3d at 487 (2004). "The burden should be more than probable cause..." and does not preserve the integrity and independence of the judiciary by failing to conform to established law.

violates the Const of Ariz Art II § 22. The Canon 1 comment [2004] states "Although judges should be independent, they must comply with the law. did not comply with the law by using a probable cause statement. the law states "The burden should be more than probable cause..." and using the form IV probable cause statement is therefore in violation of Rule 81 Arizona Code of Judicial Conduct Canon 1.

D Commission on Judicial Conduct Rules 6 Grounds for discipline. "Violation of the code." violating Canon 1 is grounds for discipline.

E. the basic function of an independent and honorable judiciary is to maintain the utmost integrity in decision making. admitting and using the form IV that has no facts what so ever to support P.E./P.G. that complainant committed an alleged Sales charge on August 2nd, 2006 is NOT maintaining the utmost integrity in decision making and is a violation of Canon 1.

F. using the form IV that has no facts what so ever is an abuse of discretion and intentional. It's not like had to make a tough decision sorting through a bunch of facts on the form IV that were somewhat close or really close to support an alleged Sales charge on August 2nd, 2006.