

State of Arizona
COMMISSION ON JUDICIAL CONDUCT

Disposition of Complaint 11-035

Complainant: No. 1402210884A

Judge: No. 1402210884B

ORDER

The complainant alleged that a superior court commissioner violated his rights by hearing his case without his consent, accepting a motion that contained factually inaccurate information, and failing to disqualify himself because he once worked with the prosecutor. The commission reviewed the allegations and found no evidence of ethical misconduct on the part of the judge. The issue regarding consent was raised by the complainant in a prior matter and was dismissed. The allegation that the judge accepted a motion that may have contained factual inaccuracies raises a legal and not an ethical issue, and the fact that the commissioner once worked with the prosecutor does not require disqualification. (See Advisory Opinion 06-01). Accordingly, the complaint is dismissed in its entirety pursuant to Rules 16(a) and 23.

Dated: May 26, 2011.

FOR THE COMMISSION

/s/ Keith Stott

Executive Director

Copies of this order were mailed
to the complainant and the judge
on May 26, 2011.

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

2011-035

COMPLAINT AGAINST A JUDGE

Your name:

Judge's name:

Date: 1-24-11

Instructions: You can use this form or plain paper of the same size to file a complaint. Please describe in your own words what the judge did that you believe constitutes judicial misconduct. Be specific and list all of the names, dates, times and places that will help us understand your concerns. You may attach additional pages but not original court documents. Print or type on one side of the paper only, and keep a copy of the complaint for your files.

First on July 15 at 8:30 Arraignment took place before Commissioner. At that time and at no other time Did I give consent to have a judge pro tem to preside over my case. In sept. I told the court that I did not give consent yet the court continues to rape me of my right of consent.

Second. I charge Commissioner in violation of Rule 2.4. b. On JAN 7, 2011, Commissioner accepted a motion that was misleading and inaccurate. 1, The motion stated it was a fact that I sold meth to a C.I. 2, It stated that I was arrested at 7:59pm. I was arrested at 8:59pm. It stated that I was interviewed at 8:30pm. I was interviewed at 8:30 AM. It also states that the arresting officer stated that I was not under the influence at the time of the interview, well the officers were not there at the time of the interview. All of this happened within two days yet there aren't any dates. (I have sent you the motions enclosed) This motion should have been denied.

The Commissioner and Mr McGill were co-workers in the Mohave Prosecutor's office. A year to a year and a half ago. I wrote Commissioner a request form requesting that he relieve himself from my case because I did not give consent and that he was showing favor to his ex-coworker.

(Attach additional sheets as needed)