

State of Arizona
COMMISSION ON JUDICIAL CONDUCT

Disposition of Complaint 12-187

Complainant: No. 1446410319A

Judge: No. 1446410319B

ORDER

The complainant alleged a superior court judge failed to act on his case timely, and a pro tem superior court judge made inappropriate comments during a hearing in his case.

The responsibility of the Commission on Judicial Conduct is to impartially determine if the judges 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.

After reviewing the information provided by the complainant and the electronic records in the case, the commission found no evidence of ethical misconduct and concluded that the judges did not violate the Code in this case. Accordingly, the complaint is dismissed in its entirety pursuant to Rules 16(a) and 23.

Dated: September 13, 2012.

FOR THE COMMISSION

/s/ George Riemer

George A. Riemer
Executive Director

Copies of this order were mailed to the complainant and the judge on September 13, 2012.

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

To whom it may concern

My name is _____ and I am currently
an inmate in the _____ County Jail. I am writing
this letter to try and get some assistance in my
case here in _____ County. I feel that my civil
rights and constitutional rights have been violated
and that someone needs to investigate and hold
the persons responsible that are violating not only
my rights but other people's rights as well. It
seems that this county does whatever it wants
and answers to know one. It seems as though
there are two sets of statutes, Arizona Civil
Statutes and _____ County Civil Statutes.
I am enclosing several letters that I have written
to the judge, county attorney and my public defender
and am trying to give a description as to what has
transpired in my case.

_____ County along with several other agencies
raided my home with a search warrant on April 19th
2010. The search warrant which they refused to show me
at the time of the raid, (when I asked to see it
the Agent _____ told me I wasn't on it, and
I then asked him why he was in my home and that
I wanted to be present while he searched my property
told me that if I didn't like it to take it up with
my attorney) when I finally obtained a copy of the

search warrant I saw that I was listed on the warrant and that the date on the Search Warrant had been altered with a pen by
I have enclosed copies of the altered search warrant, (the date was type dated the 14th and altered with a pen to the 19th) there was a second search warrant issued that was also type dated the 14th and was then corrected and initialed by a judge to the 20th. It is my understanding that a search warrant can only be altered by the judge unless there is a voice recording of the Judge giving the agent permission to make the correction. If an agent can alter the warrant why would you need a judge to issue a warrant? Also my daughter who is 32 years of age and who was living with me was not listed on the search warrant. I believe that this was an illegal search and seizure.

When the officers came on to the property I saw them and I ran towards the back of the property, I jumped the fence and two officers chased me and they yelled at me to stop which I did and I layed on the ground. The officers approached me and one handcuffed me, the other officer asked if he needed assistance and the officer said "no", the second officer turned and went back towards my home. The officer then

helped me up and he escorted me to his cruiser. This was sometime around 4:00 pm no drugs were found on me or near my person. I was then placed in a cruiser for about an hour. This whole time I was trying to get an officer's attention to explain to him that I needed medical attention due to the fact that I was in pain and suffering from a hernia. They finally took me to the hospital.

These are the same officers that state in there reports that they found 17.5 grams of meth within 15 inches of my person. The other officer's report states that I attempted to throw the meth. They did not find meth within 15 inches of my person, they found the 17.5 grams of meth later on that night I believe around 8:00 PM. I asked my public defense to look into this because I did not have any meth on me, I said to him how come two officers didn't see the 17.5 grams of meth in broad daylight but yet they found it in the dark. He said that it didn't matter because they back-tracked and found it. I told him that I did not have meth within 15 inches of my person and they had left the area unsecured for several hours thus permitting public access. My daughter was left sitting at a table outside my home and can verify everything that took place as she was not arrested. I bonded out and started coming to court.

After one of my court dates, I met in the front of the courthouse as he was getting into his car. I asked him if he could get my belongings back that the sheriff's department had taken and he said that he would file a motion to get the items returned. A few months later I asked him if they were going to return them and he said it was no use because they never return anything. He also informed me while we were in the parking lot that the court had awarded us \$3000⁰⁰ for investigator fees. He also stated that he was pleased with that because he said that the court had told him to pay for investigator fees out of his fees. A friend of mine by the name of _____ was present during this conversation. I do not believe that a private investigator was ever hired or whether or not he actually received the investigator fees. I have been trying to get my discovery and all my transcripts since the beginning of my case but I have yet to receive them.

Seeing that I was not going to get any type of defense I agreed to sign a plea agreement to 5 years of intense probation. After I signed the plea agreement _____ conflicted out of my case, and they appointed a new public defender.

She was present during my sentencing hearing.

On the day of sentencing I was told to report to the probation department immediately. I reported to the

probation department where I met my probation officer, who went over a few of the guidelines with me and had me sign a paper stating that I had received the probation manual which to this day I have never received. He also gave me a U.A. and at this time I informed him that I would try but with a double hernia that had been diagnosed by, at the time 3 doctors was life threatening. The county attorney also stated during my change of plea hearing that I should be released because the jail did not want me in there facility due to my medical condition. It states that in the change of plea transcript. I have also been trying to get a copy of the Probation Department Guidelines.

came to my home a couple days later and said that he was going to put me in a rehab because the U.A. was positive. I have seen several people come thru this jail and they were all given 72 hrs before a U.A. was used against them. My surveillance officer told me that it would take a couple of weeks for them to find a bed in a rehab. When I went to report to probation she gave me a swab test that I held in my mouth for 30 minutes and it never turned blue.

came to my home the next day to give me a U.A. I told him that I would try and when I couldn't urinate I asked him if he could wait or give me a

swab test. He said he can't have one. I believe according to the guidelines that you have up to an hour to drop a sample. Once again I have not been able to verify this because I have never received a copy of the guidelines which I know by law they are supposed to provide. He then told me that he was giving me 4 days to report to probation where I would be arrested until they could get a bed for me. I did not report and they issued a warrant for my arrest. I was arrested and brought to [redacted] County Jail. I was on probation for approximately 2 to 3 weeks. I knew that [redacted] Peth, was going to put me in prison because there is not a rehab in this country that will accept a person with a life threatening medical condition which I tried to explain to him, but I no he won't do this but it didn't seem to matter. I was taken before the judge on a Petition to Revoke for positive UA and absconding. I had [redacted] my public defender file a Rule 32 in my original case at my first case management hearing on my Petition to Revoke. Judge [redacted] looked at the County Attorney and asked him "what do we do now" after some discussion they decided to put my petition to revoke on "hold". I have been incarcerated since August 4th of 2011 and to date I have never had a hearing on the Petition to Revoke.

Am I not entitled to due process which would be 90 days, not 11 months. I did not want that they can just put me on hold forever. Maybe this "Hold Law" is in the County Civil Statutes along with the "Altered Search Warrant Law." I have asked for help with several problems that I have with my defense from Judge County Attorney

my first public defender
my current public defender and my
Rule 32 public defender that I have
written several letters to and I get no response.
I am enclosing the letters some of which are
rough drafts because they will not make copies of
legal material in this jail.

I failed to mention that they did get me the surgery for the double hernia and that they are charging me over \$1,000.00 for the surgery. Did I become a ward of the state and become there responsibility? They said they did the surgery because it was life threatening. The reasons I failed on probation where because of my medical condition which refused to take into consideration.
He retired a few days after he said I was going to prison for 5 years. Isn't the job of the probation department is to rehabilitate not incarcerate, with out giving the probationer a chance?
After I filed the Rule 32 they appointed

as my public defender. I have enclosed copies of the three letters that I received from her. This is the only contact I ever had with her over a 7 month period. I wrote her a few letters trying to explain to her the "ineffective Assistance of Counsel". All she obtained from the court were my Change of Plea Transcript, my Sentencing Hearing Transcript, and copies of the Search Warrants. In my letters I tried to explain that the ineffective assistance of counsel were the underlying issues of the search warrant, I asked to look into this and he didn't.

There are several other instances of "ineffective Assistance of Counsel" that I explain to in my letters to her. As you can tell in her letters to me she gave me several reasons why I couldn't win my "Rule 32" petition but she never addressed my concerns. I still don't understand why she was waiting on transcripts from my petition to revoke that had nothing to do with my Rule 32.

Another case of "ineffective assistance of counsel." I believe this is all part of this County railroading me to prison because of their mistakes. I don't believe could have passed the State Bar Exam by being this ignorant of the law, nor do I believe it would take 7 months for her to write out her finding.

Judge has given me permission to prepare my own Rule 32 petition, Pro Se Supplemental

Rule 32 petition, which I have not been able to prepare because I have not been given my Discovery or my court transcripts that I have asked for. Judge [redacted] at my case management hearing on April 19th, when I once again requested my Discovery and Court Transcripts asked my public defender to get copies from the court and get them to me. She said she would and that she would come see me in a few days. I then went to court on June 4th and was placed in front of Judge [redacted] because Judge [redacted] was on vacation. Judge [redacted] reprimanded me for speaking out when I am trying to explain what transpired in the last hearing. I was doing this because [redacted] was stating that Judge [redacted] said that [redacted] was supposed to get me the transcripts, which is not true and it will be in the court transcripts from April 19th. Judge [redacted] told me that I was rude and disrespectful to [redacted] and that everyone in the courtroom including himself and the County Attorney were against me and that [redacted] was the only person on my side. All of this is in the transcript from June 4th. I was given permission to prepare my own "Rule 32" yet I am silenced in the court. [redacted] has nothing to do with my Rules she is my public defender on my "Petition to Revoke"

How can I prepare my "Rule 32 Petition" when they refuse to give me my discovery or transcripts or let me even speak in court. With Judge ^{making the} statements he made I believe he should remove himself from hearing my case after all he said he was against me. Once again this is in the transcripts that they will not give me copies of.

These are only some of my concerns but as you can see in my letters that I have endorsed that this county has broken several laws and violated my rights on numerous occasions. I am desperately seeking assistance not only for myself but several other persons. Once again how is it that they can break laws and ruin peoples lives and continue to get away with it. I am supposed to be the criminal here!

I understand that everybody in jail claims to be innocent, but we also rights under the "Constitution of the United States of America", that these people are duly sworn to uphold. Where is the justice. There is none in ^{County} Arizona.

Everything that I have stated can be backed up by their own paperwork if someone would only take the time to look into this matter. I have done as much as I can from this jail cell but I truly believe that I have enough information for someone who has the authority to obtain the

information needed to investigate the corruption in this county.

How can the former Sheriff be hired by the County Attorney who also hired his cousin

was convicted of theft and removed from office. He is a felon now working as the chief investigator for the county attorneys office. Can convicted felons carry guns?

I hope and pray that someone will pursue this matter. I truly appreciate your time and concern and will be looking forward to hearing from you.

Thank You

6-16-2012