

State of Arizona
COMMISSION ON JUDICIAL CONDUCT

Disposition of Complaint 08-317

Complainant: No. 1351810258A

Judge: No. 1351810258B

ORDER

The commission reviewed the complaint filed in this matter and found no ethical misconduct on the part of the judge. The issue raised is legal in nature and can only be addressed by a court of law. The commission is not a court and cannot change a judge's decisions; therefore, the complaint is dismissed pursuant to Rules 16(a) and 23.

Dated: January 13, 2009.

FOR THE COMMISSION

 \s\ Keith Stott
Executive Director

Copies of this order were mailed to the complainant and the judge on January 13, 2009.

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

CJC -08 - 317

COMPLAINT AGAINST A JUDGE

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.

I THE ACCUSED SAYS THAT ON THE DATE OF _____ JUDGE: _____

REFUSED TO ALLOW HIM TO ADDRESS THE COURT OR TRIAL JUDGE REGARDING A
 CONFLICTUAL MATTER THAT EXIST BETWEEN THE ACCUSED AND HIS STATE APPOINTED ATTORNEY.
 INSTEAD, THE JUDGE STRONGLY DIRECTED THE ACCUSED TO ADDRESS ANY ISSUES HE HAS WITH
 THE ATTORNEY IN WHICH THE ACCUSED IS IN CONFLICT. THE ACCUSED ADDRESSED THE ISSUE WITH
 THE STATE APPOINTED ATTORNEY AS DIRECTED BY JUDGE _____. IN TURN THE STATE APPOINTED
 ATTORNEY RELAYED THE MATTER TO THE COURT, BUT NO RESOLUTION WAS SOUGHT ON BEHALF OF
 THE ACCUSED. THE ISSUE AT HAND READS AS FOLLOWS: IT IS EVIDENT TO THE ACCUSED THAT
 HIS STATE APPOINTED ATTORNEY WISHES TO VIOLATE THE RIGHT OF THE ACCUSED TO HAVE COMPULSORY
 PROCESS TO COMPEL WITNESSES ON HIS BEHALF. THE STATE APPOINTED ATTORNEY OF THE ACCUSED HAS
 DECIDED, ON HIS OWN, TO PROCEED IN TRIAL BY USING STATE'S WITNESSES AS HIS OWN. DEFERRING
 FROM RETAINING AN EXPERT WITNESS INDEPENDENT FROM THE COUNTY ATTORNEY'S OFFICE.
 DISREGARDING THE WRITTEN REQUEST OF THE ACCUSED SENT OUT ON _____ TO THE
 STATE APPOINTED ATTORNEY INSISTING THAT WE SEEK AND RETAIN THE FOLLOWING EXPERT WITNESS
 PSYCHOLOGIST - _____ THE STATE
 APPOINTED ATTORNEY _____ HAS REFUSED TO ADHERE TO THE REQUEST OF THE ACCUSED AMONG
 OTHER ISSUES. THE MATTER HAS NOT BEEN RESOLVED AND JUDGE _____ HAS REFUSED TO RESOLVE THE
 CONFLICT OF INTEREST. THESE ACTIONS OR INACTIONS UNDERSTAND ARE CONTRARY TO A JUDGE'S OATH TO
 BE FAIR AND IMPARTIAL IN COURT PROCEEDINGS.
 AND FURTHERMORE, DESPITE MY MANY REQUESTS TO PROCEED WITH TRIAL, FROM THE VERY BEGINNING
 UNTO THE PRESENT TIME WHILE JUDGE _____ HAS PRESIDED OVER MY CASE,
 WHETHER IT BE MY SPEEDY TRIAL RIGHTS OR COMPLEX CASE STATUS TIME, THERE HAS BEEN
 INFRINGEMENTS AND VIOLATIONS OF THESE RIGHTS BY WAY OF MULTIPLE CONTINUANCES ALLOWED
 BY THE COURTS, DEPRIVING ME, THE ACCUSED, THE RIGHT TO JUSTICE.

(Attach additional sheets as needed.)