

State of Arizona
COMMISSION ON JUDICIAL CONDUCT

Disposition of Complaint 10-182

Complainant: No. 1397010678A

Judge: No. 1397010678B

ORDER

The complainant alleged that a superior court judge improperly denied several motions and failed to take into account evidence that related charges had been dismissed. The commission reviewed the complaint and found no specific allegation of ethical misconduct on the part of the judge. The commission is not a court and cannot change judicial decisions. Accordingly, the complaint is dismissed pursuant to Rules 16(a) and 23.

Dated: September 2, 2010.

FOR THE COMMISSION

 /s\ Keith Stott
Executive Director

Copies of this order were mailed
to the complainant and the judge
on September 2, 2010.

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

2. CONFIDENTIAL

State of Arizona
Commission on Judicial Conduct
1501 W. Washington Street, Suite 229
Phoenix, Arizona 85007

FOR OFFICE USE ONLY

2010-182

COMPLAINT AGAINST A JUDGE

Your Name:

Judge's Name:

Date: July 6, 2010

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.

ON FEB, 24, 2010 DEFENDANT CURTIS SIMMONS FILED A MOTION
TO BECOME PRO, PER BECAUSE HIS LAWYER ARNOLD BAIN WAS TRYING
TO GET HIM TO PLEAD GUILTY TO A CRIME HE DID NOT
COMMIT, "NAME OF CHARGE" ASSISTING A CRIMINAL STREET GANG
ON MARCH 26 2010 I WENT TO COURT TO BECOME PRO, PER
JUDGE GRANTED THE MOTION FOR ME TO

REPRESENT MYSELF,
BUT HE STARTED TALKING ABOUT I SHOULD NOT GET RID OF THIS
LAWYER ARNOLD BAIN, THE PROSECUTOR ~~W~~ WANTED ME TO SIGN A
15 YEAR PLEA BARGAIN WHICH I REFUSED, BECAUSE I DID
NOT WANT TO TAKE A PLEA BARGAIN "JUDGE

"GOT VERY UPSET" I MENTIONED THE 2 DRUG CHARGES
THAT JUDGE MARGARET MALONEY DISMISSED IN MY CASE
FEB, 16 2010 WHICH WAS NEVER REFILED BUT THE STATE
IS PRESENTLY USING THOSE CHARGES TO PROSECUTE DEFENDANT
UNDER CR WHICH IS CLEARLY A
VIOLATION OF THE STANDARD TO THE U.S CONSTITUTION
DOUBLE JEOPARDY BUT

JUDGE IGNORED WHAT I SAID AS IF HE COULD
CARELESS ABOUT ANY RIGHTS I MIGHT
HAVE, I KNEW AT THAT POINT THAT JUDGE
WAS GOING TO COMPLETELY DISREGARD MY 6TH
RIGHT TO SELF REPRESENTATION

(Attach additional sheets as needed.)

ONE OF THE MOST IMPORTANT RIGHTS IN THE RULES OF
3. CRIMINAL PROCEDURE HAS BEEN CONSTANTLY VIOLATED
IN THIS CASE & THAT IS RULE 35.1 MOTION FORM CONTENT &
RIGHTS OF REPLY ON MAY 24 2010 JUDGE DENIED
TWO OF DEFENDANT'S MOTIONS. ONE WAS A MOTION SHOWING
STATE HAS NO EVIDENCE, THE OTHER ONE, MOTION TO SUPPRESS
ALLEGED DRUG EVIDENCE;

IF YOU READ THE MOTION SHOWING STATE HAS NO
EVIDENCE IT "CLEARLY PROVES" THAT IF PUBLIC DEFENDER
HAD NOT GONE BEHIND DEFENDANT SIMMONS BACK ON DEC,
23, 2009 & WAIVED HIS "PRELIMINARY HEARING" WITHOUT
HIS KNOWLEDGE & WITHOUT HIS CONSENT, THE TWO DRUG
CHARGES IN THIS CASE WOULD HAVE BEEN DISMISSED, WITH
PREJUDICE ON DEC, 28, 2009. RULE 5.1 VIOLATION

BUT JUDGE DENIED DEFENDANT'S MOTION
"WITHOUT A REASON"
WHICH IS THE SAME AS DENYING A PERSON THEIR FREEDOM
WITHOUT A REASON, RULE 35.1 VIOLATION

ALSO IN THAT SAME MOTION SHOWING STATE HAS
NO EVIDENCE DEFENDANT PROVES WITHOUT A DOUBT THAT
HE HAS NEVER BEEN ASSOCIATED OR AFFILIATED WITH A
GANG IN ANY TYPE OF WAY

BUT JUDGE ALSO DENIED THIS ISSUE
WITHOUT A REASON. RULE 35.1 VIOLATION

4. ALSO IN THAT SAME MOTION, SHOWING STATE HAS NO EVIDENCE DEFENDANT PROVES THAT IT DONT MAKE SENSE TO TRY TO SUPPORT A MONEY LAUNDERING CHARGE WITH 33 DOLLARS HE HAD IN HIS POSSESSION, WHEN HE WAS ARRESTED

BUT JUDGE ALSO DENIED THIS ISSUE WITHOUT A REASON RULE 35.1 VIOLATION

IF YOU READ THE MOTION TO SUPPRESS ALLEGED DRUG EVIDENCE, IT CLEARLY PROVES THAT POLICE OFFICERS SEARCHED DEFENDANT CAR WITHOUT A WARRENT & WITHOUT HIS CONSENT IN VIOLATION 4TH & 14TH AMENDMENT TO THE US CONSTITUTION AGAIN JUDGE DENIED

THE MOTION WITHOUT A REASON RULE 35.1 VIOLATION

I CALL MY ADVISORY COUNSEL AMY BAIN OFFICE JULY 6 2010 & I WAS INFORMED THAT JUDGE DENIED DEFENDANTS MOTION TO DISMISS, CHARGES BECAUSE OF UNFAIR COURT PROCEEDINGS DATED JUNE 8, 2010

BUT JUDGE

DENIED THAT MOTION WITHOUT A REASON RULE, 35.1 VIOLATION JUDGE

ALSO DENIED DEFENDANTS MOTION DEMANDING A PRELIMINARY HEARING FILED JUNE 3 2010 WITHOUT A REASON RULE 35.1 VIOLATION

JUDGE DENIED DEFENDANTS MOTION TO DISMISS CHARGES AGAINST DEFENDANT BECAUSE OF RULE 16.6 VIOLATION FILE APRIL 4TH 2010

MOTION PROVES WITHOUT A DOUBT

5. THAT DEFENDANT IS PRESENTLY BEING HELD IN JAIL ON 2 CLASS
TWO DRUG CHARGES THAT WERE DISSMISSED FEB-16 2010
BY JUDGE MARGRET MAHONEY & HAS NEVER BEEN REFILED
DOUBLE JEOPARDY, DEFENDANT WAS INDICTED ON THE SAME
DRUG CHARGES TWICE ONCE ON JULY 24, 2009 & REINDICTED
ON JANUARY 26TH 2010 UNDER

AFTER THE DISSMISSAL FEB-16-2010 STATE TOOK THE
TWO DRUG CHARGES, FROM UNDER CR. & PUT THEM
TOGETHER UNDER CR NUMBER

ALONG WITH FALSE CHARGES OF MONEY LAUNDERING &
ASSISTING A CRIMINAL STREET GANG CHARGES

TO MAKE A "FALSE IMPRESSION" THAT DEFENDANT
WAS SUPPOSIDLY SELLING DRUGS LAUNDERING MONEY TO SUPPORT
A STREET GANG THE JUDGE WAS WELL

AWARE OF THIS "MALICIOUS PROSECUTION" GOING AGAINST
THE DEFENDANT BY PROSECUTOR APRIL SPONSEL

BUT JUDGE NEVER SAID OR DONE ANYTHING
ABOUT APRIL SPONSEL, VIOLATING DEFENDANTS CONSTITUTIONAL
RIGHTS, JUDGE EVEN DENIED DEFENDANTS
SUMMONS MOTION ON THIS RULE 16.6 ISSUE

WITHOUT A REASON, IN FAVOR OF THE STATE. CR# 3511012

IF YOU WERE TO CHECK THE STATES "COMPUTER" RIGHT
NOW UNDER CR YOU WOULD SEE THAT THE TWO
ORIGINAL DRUG CHARGES WERE REFILED ON FEB-16
2010 & HAVE NOT BEEN REFILED

6. BUT PROSECUTOR ~~APRIL~~ SPOUSEL IS PRESENTLY USING THE SAME POLICE REPORT, THE SAME ARREST DATE, & SAME DRUG CHARGES RESULTING FROM A CASE THAT WAS DISMISSED & NEVER REFILED, TO PROSECUTE DEFENDANT SIMMONS. RULE 16.6 VIOLATION

BUT JUDGE DENIED THIS MOTION, 6, 29, 2010 WITHOUT A REASON WHY. RULE 35.1 VIOLATION

DEFENDANT SIMMONS WAS ARRESTED DEC, 15 2009 FOR ALLEGED DRUG CHARGES, INDICTED ON THOSE DRUG CHARGES DEC, 24 2009, DENIED RULE 5.1 ON THOSE DRUG CHARGES DEC, 28 2009, ARRAIGNED ON THOSE DRUG CHARGES JAN 5, 2010 WITH A ORIGINAL LAST DAY OF JUNE 3RD 2010

UNDER RULE 8.2 TIME LIMITS IT STATES THAT ANY PERSON IN WHICH AN INDICTMENT INFORMATION OR COMPLAINT IS FILED SHALL BE TRIED BY THE COURT HAVING JURISDICTION WITHIN A 150 DAYS AFTER ARRAIGNMENT

DEFENDANT SIMMONS HAS NOW BEEN IN CUSTODY WAY PAST THE 150 DAYS REQUIRED BY LAW

DEFENDANT FILED A MOTION 6, 15, 2010 TO DISMISS CHARGES BECAUSE, HE WAS DENIED HIS 6TH AMENDED RIGHT TO FAST & SPEEDY TRIAL

BUT JUDGE DENIED THIS MOTION ON 6, 22, 2010 WITHOUT A REASON

RULE 35.1 VIOLATION

WHAT KIND OF JUDGE DENY, A MAN HIS FREEDOM? *
7. WITHOUT GIVING HIM A REASON WHY

FUNDAMENTAL, ERROR IS ERROR GOING TO THE FOUNDATION OF A
CASE THAT TAKES FROM THE DEFENDANT, A RIGHT, ESSENTIAL TO HIS
DEFENSE & ERROR OF SUCH MAGNITUDE, THAT DEFENDANT
COULD NOT POSSIBLY RECIEVE A FAIR TRIAL *

6TH AMEND TO THE US CONSTITUTION

DEFENDANT, SIMMONS HAS BEEN DEPRIVED HIS SIX AMEND
RIGHT TO APPEAL IN THIS CASE, BECAUSE
HAS DENIED ALL OF HIS MOTIONS WITHOUT GIVING HIM
A REASON WHY *

DEFENDANT * SIMMONS DOES NOT SEE ANY WAY OF
CORRECTING THE FUNDAMENTAL ERRORS COMMITTED
AGAINST, HIM IN THIS CASE NOW * ARE IN THE FUTURE

& BECAUSE OF JUDGE "FLAGRANT DISREGARD"
FOR DEFENDANTS PROCEDURAL RIGHTS

CONSTITUTIONAL RIGHTS * RIGHTS OF SELF
REPRESENTATION & ALLOWING PROSECUTOR APRIL SPOUSEL
TO FABRICATE AN ASSISTING A CRIMINAL STREET GAME
& MONEY LAUNDERING CHARGE, AGAINST DEFENDANT IN THIS
CASE

I STRONGLY BELIEVE THAT I AM BEING KEPT IN JAIL
IN VIOLATION OF MY 6TH AMEND RIGHT TO FAIR SPEEDY
TRIAL

IN ORDER TO GIVE PROSECUTOR, APRIL SPONSEL TIME TO
8. FABRICATE SOME EVIDENCE, BECAUSE SHE NEVER HAD ANY
EVIDENCE, AGAINST DEFENDANT FROM THE BEGINNING

§

BECAUSE OF JUDGE ACTIONS IN THIS CASE ONE
CANNOT HELP BUT THINK THAT HE IS BIAS AGAINST "AFRICAN"
AMERICANS IN SOME FORM OR ANOTHER

I VERY STRONGLY BELIEVE THAT IF I HAVE TO GO
TO TRIAL IN FRONT OF JUDGE § PROSECUTOR
APRIL SPONSEL *

THERE IS NO DOUBT IN MY MIND, THAT THEY WILL SET ME
UP TO GO TO PRISON, BY *

USING TWO DRUG CHARGES UNDER CR
THAT WERE DISMISSED ON "COMPUTER" BY JUDGE MARGRET
MAHONEY FEB, 16, 2010 § HAS NEVER BEEN REFILED

§ BY USING A FALSE CHARGE OF MONEY LAUNDERING &
ASISTING A CRIMINAL STREET GANG CHARGE, WITH ABSOLUTELY
EVIDENCE **

RESPECTFULLY

SUBMITTED

THIS DAY JULY 6TH, 2010