

State of Arizona
COMMISSION ON JUDICIAL CONDUCT

Disposition of Complaint 12-032

Complainant: No. 1434910459A

Judge: No. 1434910459B

ORDER

The complainant alleged that a superior court judge engaged in improper ex parte communications, issued erroneous rulings, and failed to report the prosecutor to the state bar.

The responsibility of the Commission on Judicial Conduct is to impartially determine if the judge 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, along with various electronic records, the commission found no evidence of ethical misconduct and concluded that the judge did not violate the Code in this case. Accordingly, the complaint is dismissed in its entirety pursuant to Rules 16(a) and 23.

Dated: March 6, 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 March 6, 2012.

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

BY WAY OF ATTORNEY

STATE OF ARIZONA)

CR: 2010

v.)

CHANGE OF JUDGE
FOR CAUSE

(REQUEST
ORAL ARGUMENT)

→ Rule 10

COME NOW

PRO SE UNDER

THE ARIZONA CONSTITUTION AND RULE OF CRIMINAL PROCEDURE
RULE 10 AND ABA STANDARDS RELATING TO THE FUNCTION OF
THE TRIAL JUDGE § 7.5; IF THE JUDGE'S CONDUCT IS SO
INTEGRATED WITH THE CONTEMPT THAT THE JUDGE CONTRIBUTED
TO OR WAS OTHERWISE INVOLVED IN IT, THE CITATION SHALL
BE REFERRED TO ANOTHER JUDGE WHO SHALL HOLD A HEARING
FOR THE FOLLOWING REASONS:

(SEE CONTEMPT) ON RECORD)
ALSO SEE JUDICIAL NOTICE ON RECORD)
AND AFFIDAVIT ON RECORD)

ALLEGED VERSION

ON SEPT 5, 2010 PHOENIX POLICE BLOCKED TRAFFIC BECAUSE OF A TRAFFIC ACCIDENT. THE DEFENDANT DROVE THROUGH THE POLICE TAPE KNOCKED DOWN SOME TRAFFIC CONES AND THEN CAME TO A STOP. BECAUSE OF THE DEFENDANT'S DRIVING, OFFICER _____ BEGAN TO CONDUCT A DUI INVESTIGATION. OFFICER _____ PATTED HIM DOWN AND NO WEAPON WAS FOUND. AFTER CONDUCTING A PORTION OF HIS INVESTIGATION OFFICER _____ TOLD THE DEFENDANT TO TURN AROUND AND BEGAN TO HANDCUFF HIM, WHEN OFFICER _____ ALLEGED THAT MR. _____ TURNED AROUND AND POINTED A GUN AT HIM. OFFICER _____ PUNCHED THE DEFENDANT SEVERAL TIMES CAUSING THE DEFENDANT TO DROP THE GUN. MR. _____ ALLEGEDLY RAN AWAY. OFFICER _____ CAUGHT UP TO MR. _____ AND TACKLED HIM. OFFICER _____ STATES THAT THE DEFENDANT CONTINUED TO FIGHT WITH HIM. OFFICER _____ CAUGHT UP TO OFFICER _____ AND MR. _____ BOTH OFFICERS STATE THAT MR. _____ CONTINUED TO FIGHT WITH BOTH OF THEM. BOTH OFFICERS AND DETECTIVE SCHWARTZ MANAGED TO GET THE DEFENDANT IN HANDCUFFS. THEN CHARGED THE DEFENDANT UNDER THE NAME:

TO: 1^{CT} ASLT-DEADLY(F3); 2^{CT} AGG ASSA(F5); 3^{CT} RESISTING ARRES(F6). IN THE SUPERIOR COURT RCC-DT; JUDGE
9/5/10. (SEE ATTACHED)

FACTS

ON THE NIGHT IN QUESTION: I WAS HEADING SOUTHBOUND ON 35TH AVE; APPROACHING THE INTERSECTION OF 35TH AVE GARFIELD ST. WHERE I WITNESSED A: PHOENIX POLICE SUV; ON THE OPPOSITE SIDE OF THE INTERSECTION. I ASSUMED THAT THIS WAS DUE FOR: TRAFFIC CONTROL DETAIL; AND CAUTIOUSLY PROCEED INTO THE INTERSECTION:

UPON APPROACH, I NOTICED A YELLOW (CAUTION) BARRIER TAPE ATTACHED TO THE BUMPER, OF THE SUV; EXTENDING TO THE STOP SIGN ON THE CORNER. NOTICING THIS, I IMMEDIATELY STOPPED: PREPARING TO SHIFT GEARS AND TURN AROUND. AS THIS ACTION WAS IN PROGRESS; TWO UNIFORM OFFICERS (LATER IDENTIFIED) AS [] AN [] EXITED WITH OFFICER [] YELLING "AND DIDNT YOU SEE THE CONES"? MY REPLY WAS "WHAT CONES?" AND CAN I JUST TURN AROUND"? AT THAT POINT, OFFICER []; APPRISED ME "NO, AND TURN OFF THE CAR". DUE TO MY STATE OF SHOCK AND CONFUSION; AND TAKING TOO LONG "FOR HIS COMMAND. HE AGGRESSIVELY REACHED INTO MY VEHICLE AND SLIT OFF THE IGNITION " WHILE " TOSSING THE KEYS INTO THE DASH BOARD" AND AGAIN INSTRUCTED ME, "FOR MY LICENESE AND VEHICLE REGISTRATION."

AFTER COMPLYING (ALONG WITH MY PASSENGER) [] RETURNED TO HIS VEHICLE; ALONE TO PERFORM A VERIFICATION PROCEDURE;

A SHORT TIME LATER, OFFICER []: RETURNED AND ASKED FOR ME TO GET OUT OF THE CAR" THEN WITHOUT PERMISSION; EXTENSIVELY SEARCHED MY PASSENGER AND I.

AFTER THIS MANEUVER WAS COMPLETED; WE WERE ESCORTED, TO THE CURB AND INSTRUCTED TO SIT. AT THIS TIME, I WITNESSED THE CONE; OFFICER [] STATED EARLIER; AND I HAD SLIGHTLY TILTED ONE CONE; "TOUCHING MY BUMPER IN A SLIGHTLY FORWARD POSITION."

WHILE SITTING ON THE CURB: OFFICER [] SEARCHES MY VEHICLE; THEN ABOUT AN HOUR LATER; BEFORE RETURNING AND INSTRUCTING ME TO STAND; WALK ME TO THE SIDE WALK; "ASK ME TO PLACE MY HANDS BEHIND MY BACK," IN WHICH I REPLIED; "FOR WHAT" AND WITH "NO RESPONSE"; CUFFS WERE PLACED ON MY WRIST. THE INTENTIONAL FORCE, EXECUTED CAUSED A SHARP PAIN "IN MY RIGHT WRIST. PROMPTING A "JERK RESPONSE"; WHILE SIMULTANEOUSLY ASKING: "AFTER THIS STATEMENT

AND MY BACK FACING [] "HE DROP HIS CUFFS" AND WITH HIS RIGHT CLOSED FIST; STRIKES THE RIGHT SIDE OF MY FACE" THIS MANEUVER, "IMMEDIATELY" CAUSED ME TO STEP AWAY; DROP TO MY KNEES; ASSUMING A FETAL POSITION. "BEING INCOHERENT AND SOME WHAT DAZED; I NOTICED OFFICER [] TAKE A LEFT POSITION" ALLOWING HIS PARTNER [] TO MOVE IN AND: DISREGARDFULLY "KICK ME IN ON TOP OF MY HEAD." WHILE [], KICKED MY RIBS FROM THE LEFT SIDE." THEN BOTH OFFICERS COMMENCED SIMULTANEOUSLY ACTION OF: "KICKING AND PUNCHING "VARIOUS PARTS, OF MY HEAD AND BODY.

NOT CERTAIN OF THE "TIMES STRICKEN", I CAN ONLY SPECULATE WITH RESERVE; OF SOME WHERE IN BETWEEN; 15 TO 20 BLOW TOTAL.

AFTER THE BRUTALITY, WITH MY FACE DOWN; AND OFFICER [] "KNEE IN MY BACK." HANDCUFFS FROM OFFICER [] WAS REQUESTED AND PLACED "ON MY WRIST." AND THEN I WAS ESCORTED TO THEIR VEHICLE. WHILE BLEEDING PROFUSELY; THE OFFICERS, ASSUMED THEIR DETAIL "AS NORMAL" FOR THE NEXT; HOUR OR TWO.

I WAS EVENTUALLY TRANSPORTED TO A FACILITY WHEREABOUTS, UNKNOWN BY ME; AND PLACED IN AN INTERROGATION ROOM AND "CUFFED TO A WALL." WITHOUT REQUIRED "MEDICAL ATTENTION" FOR: "BLUNT FORCE TRAUMA AND SEVERE EXHAUSTION"; INEVITABLY I FELL ASLEEP.

THANKFULLY, I WAS AWAKEN BY AN UNKNOWN OFFICER, REQUESTING TO TAKE PHOTOGRAPHS OF MY VISUAL INJURIES; AROUND 06:36 AM THE NEXT DAY; I WAS FINALLY TRANSPORTED BY MY ARRESTING OFFICERS; TO THE 4TH AVE JAIL, IN WHICH, I WAS BOOKED ON; 7 FELONY COUNTS OF; 3CTS AGG ASSA; 3CTS RESISTING ARREST; 1CT POSS WPN BY PRO; UNDER THE NAME;

: ARREST AGENCY; AZ007000D

AZ SID:

ARREST # PHX 2010

: MARICOPA COUNTY

IDENTIFICATION INFORMATION; 9-5-2010 (COVER UP)

THE ACTIONS OF THE ARRESTING OFFICERS;