

State of Arizona
COMMISSION ON JUDICIAL CONDUCT

Disposition of Complaint 13-035

Judge: Douglas Holt

Complainant: David McBride

ORDER

The complainant alleged that Judge Douglas Holt pre-judged his case and made inappropriate statements, which demonstrated bias. During an initial appearance, the judge described the complainant's legal arguments in a submitted pleading as "stupid" and "screwy." He inferred that he had prejudged the complainant's guilt and stated to the complainant, "If you don't like it, move to Mexico."

After reviewing the complaint, the recording of the proceeding, and the judge's response, the Commission found that Judge Holt violated the Code of Judicial Conduct. Rule 1.2 requires a judge to "act at all times in a manner that promotes public confidence in the independence, integrity, and impartiality of the judiciary" and to "avoid impropriety and the appearance of impropriety." Rule 2.2 similarly requires a judge to "perform all duties of judicial office fairly and impartially." Rule 2.3(A) forbids a judge from exhibiting bias in the performance of his judicial duties. Rule 2.8(B) mandates that a judge "be patient, dignified, and courteous" to litigants. Judge Holt's comments directed at the complainant violated each of these rules.

The Commission appreciates, and finds in mitigation, that Judge Holt acknowledged and accepted responsibility for his misconduct.

Accordingly, Judge Douglas Holt is hereby publicly reprimanded for his conduct as described above and pursuant to Commission Rule 17(a). The record in this case, consisting of the complaint, the judge's response, and this order shall be made public as required by Rule 9(a).

Dated: May 31, 2013.

FOR THE COMMISSION

/s/ Louis Frank Dominguez

Louis Frank Dominguez
Commission Chair

Copies of this order were mailed to the complainant and the judge on May 31, 2013.

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

2013-035

COMPLAINT AGAINST A JUDGE

Your name: David B. McBride Judge's name: Douglas R. Holt Date: 02-25-2013

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.

On Monday January 28 2013 at 9 A.M. I had a court hearing presided over by Mr. Holt. Just before entering the court room I filed some papers with the court clerk that, it appears, Mr. Holt did not care for. I came to the conclusion that he didn't care for them because after reading them he went off on a ten to fifteen minute rant in which he threatened and belittled me. Here are some direct quotes from the court transcripts of that morning: Page 6; Lines 16 and 17 "So you can go off in some stupid, screwy, direction", (I have read the judges code of conduct it says that a judge should be courteous to people) Page 6; Lines 22 thru 24 "And if you fail to cooperate with the lawyer I appoint, then I will put you in jail, and I'll increase your bond. Do you understand?", (I thought the bond was an appearance bond to insure that the defendant shows up for court, not a weapon to use against someone out of spite) Page 7; lines 6 thru 11 "Because people like to delude themselves and think that just because they talk about the federal code and the color of the flag and the fringe on the flag that somehow they can keep smoking dope and growing weed and using paraphernalia without any repercussions.", (To me this statement says he has already made up his mind about my guilt or innocence.) Page 7; Lines 12 and 13 "You can go off and delude yourself about the constitution..." (I believe the Arizona Constitution states that the Constitution for the United States of America is the SUPREME LAW OF THE LAND. I also believe that Mr. Holt's oath of office was that he would protect and uphold the Constitution for the United States of America). Page 7; Lines 17 thru 19 "And there's no magic word that you can say about you being a natural man or suey juris , whatever the crap that means," (I don't think that ANYONE has the right to talk to ANYBODY in that manner.) Page 8; Lines 5 thru 10 "And until I see something come through the legislature or the United States Congress amending the constitution of the state or the United States, we're going to just proceed with this case like we do with everybody else in this courtroom who's smoking dope or who's using meth or whatever you're charged with here. Do you understand?" (This statement CONFIRMS that he has already found me guilty in his mind) Page 8; Lines 16 and 17 "If you don't like it, move to Mexico." (This statement leaves me speechless) Page 9; Line 17 "Anything else, Stu, on this before I go on?" (Calling the

prosecutor "Stu" is very unprofessional and, to me anyway, shows favoritism towards him and a bias against me.) Page 10; Lines 2 and 3 "you file stuff like this and it will just result in more jail time" (More jail time? What jail time? I thought that I was innocent until proven guilty. So why is there already jail time being considered?) Page 11; Lines 18 and 19 "So you got a lawyer paid for by the good taxpayers of this county, who pay their taxes, and who work." (So is he stating that I don't pay taxes or that I don't work?) I feel that Mr. Holt has violated the following rules of the Code of Judicial Conduct: Rule 1.2, Rule 2.2, Rule 2.3 parts (A), and (B) Rule 2,10 part (A),and Rule 2.11 part(A-1). I can tell you from first hand knowledge that Mr. Holt exhibits this sort of behavior on a regular basis. As with so many people with authority these days Mr. Holt shows, by his words and actions, that he has completely lost touch with what the people, who are in a lower tax bracket than him, are forced to deal with because of people like him.

CONFIDENTIAL**FOR OFFICE USE ONLY****State of Arizona****Commission on Judicial Conduct****1501 W. Washington Street, Suite 229****Phoenix, Arizona 85007**

APR 04 2013

COMPLAINT AGAINST A JUDGEYour name: David B. McBride Judge's name: Douglas R. Holt Date: 04/01/2013

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.

This letter is a supplement to Case No. 13-035. The reason that I am filing this is because I had a court hearing on March 25, 2013. Judge Holt was scheduled to preside over this hearing. When it came my turn on the court docket, Judge Holt removed himself from presiding over my case and said that Judge Sanders would be taking it over. Which is fine except that in the space of just a couple of minutes he told the prosecutor at least three times to be sure that he informed Judge Sanders that "Mr. McBride was prone to filing complaints with the Judicial Commission." Which is exactly what Mr. Ross (the prosecutor) did. I could be mistaken but I believe that it was the first thing that Mr. Ross said to Judge Sanders after the initial greeting. This leaves me wondering two things: 1. What does my filing a complaint have to do with my pending case? And 2. If everything is by the book in this court why is it so important that Judge Sanders know about the complaint? I worry that Mr. Holt is trying to retaliate against me, although I don't think that Judge Sanders is that type of person. But then again I don't know for sure

David B. McBride



R. Douglas Holt
Presiding Judge

APR 25 2013

April 22, 2013

Commission of Judicial Conduct
1501 West Washington Street, Suite 229
Phoenix, Arizona 85007

Re: Notice of Complaint (Case No. 13-035)

To the Members of the Commission:

I have reviewed Mr. McBride's complaint and the supplemental letter. I have also self-reflected on this situation by mentally reviewing my conduct and statements made to Mr. McBride.

I do agree that my comments were inappropriate for a sitting judge. These comments unquestionably gave the appearance that I disapproved of Mr. McBride's defenses in the case and demonstrated that I was not "open-minded" (see Rule 2.2, Comment 1). My statements to Mr. McBride did not promote public confidence in the "independence, integrity, and impartiality of the judiciary" (Rule 1.2). I should not have referred to his "constitutionalist" defenses as "stupid" or "screwy," and I sincerely apologize to Mr. McBride and to this Commission for those misplaced terms.

I attach a copy of Mr. McBride's defenses that he filed in Court before the Arraignment for the Commission's awareness. These should help the Commission understand what I was referring to at the arraignment. Please note also that Mr. McBride was acting as his own lawyer in the matter.

As to his claims that I threatened him with jail, it is my custom and practice to always warn defendants that if they fail to appear at hearings that are set, or violate conditions of release, they are subject to increased bond or revocation of release conditions which could lead to additional jail time. At the time of this incident, Mr. McBride was out on OR, and I did not change that release or the conditions of his release. But, these customary warnings could easily be misconstrued as comments on the validity of his defenses because I merged those warnings in the context of my personal statements on his defenses.

It is also a fair statement that I misspoke regarding his defenses about the flag, the presence of fringe on the flag, and his being linked to others in the community who use such defenses to mask their

Superior Court of Arizona

Commission of Judicial Conduct
April 22, 2013
Page Two

unwillingness to work and support themselves, or to prey on the taxpayers or government to pay benefits, while they object to the status of their citizenship. I agree that I prejudged Mr. McBride and did not give him the benefit of the doubt. I also agree that I should not have said that he can "move to Mexico" if he doesn't like citizenship in the United States.

I also do not dispute the warning to Judge Sanders, the pro tempore judge who is now handling this case, about Mr. McBride's complaint against me with the Commission on Judicial Conduct. My intent was not to punish Mr. McBride in a collateral attack through Judge Sanders, but to make certain Judge Sanders was alert to not make similar judicially improper comments as I did.

It is not my job to retaliate against any defendant for any behavior, legal or illegal. I understand that my role is to defend the Constitution and to render fair and impartial justice. I agree that my comments to Mr. McBride did not help me fulfill that role in this case. I hope my record of handling thousands of cases over many years without issue carries some weight with the Commission in mitigation of this matter.

I express my sincere regret over this matter and will gladly comply with any direction the Commission may wish to offer or decision rendered. At a minimum, I will be more cautious in the future to (1) not injudiciously comment about defenses, (2) not use derogatory terms at a defendant as I did here, (3) and will refrain from personal statements about defendants such as "smoking weed" in the desert.

Sincerely yours,

GRAHAM COUNTY SUPERIOR COURT

R. Douglas Holt, Presiding Judge