

State of Arizona
COMMISSION ON JUDICIAL CONDUCT

Disposition of Complaint 14-046

Judge:	No. 9100014888A
Complainant:	No. 9100014888B

ORDER

The complainant alleged a superior court judge knowingly authorized an invalid search warrant.

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 review, the commission found no evidence of ethical misconduct and concluded that the judge did not violate the Code in this case. The commission does not have jurisdiction to review the legal sufficiency of court rulings. Accordingly, the complaint is dismissed in its entirety, pursuant to Rules 16(a) and 23.

Dated: March 20, 2014.

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 20, 2014.

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

2014 048

COMPLAINT AGAINST A JUDGE

Your Name _____

Judge's Name _____

Date: _____

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.

To File A Complaint against A judge, one must prove that the judge in question, knowingly violated the law. With Judges being part of the criminal Justice system most of their career. Judges are no stranger to the laws or the Constitution. All Judges appointed to the bench have a duty to uphold the law and adhere to the rules set forth in the Judicial Conduct. To prove that a particular judge knowingly and deliberately violated the law is hard to do unless it is blatantly displayed on the record. HOWEVER, AS mentioned above, with judges being no stranger to the law, Honorable knew or should of known that when signing off on a search warrant that it complies with all the requirements set forth in local laws.

Much like in most criminal cases, the government offers evidence of Circumstances surrounding the defendant's Actions AND ASKS the Judge OR Jury to INFER the defendant's Knowledge From those Circumstances. This method CAN also be used to prove Knowledge on behalf of Honorable Circumstances surrounding Honorable Actions CAN also prove Knowledge. Such as Judge extensive Knowledge in Arizona Search warrant statutes and prior experience in Arizona law.

Judicial Conducts' own Terminology of "Knowingly", "Knowledge", "Know", and "Knows" MEANS ACTUAL Knowledge OF the FACT in question. And the FACT in question is Honorable

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extensive knowledge in the law and his/her oath to uphold that law under Rule 1.1 and 2.2. Under Judicial Conduct's own Terminology of LAW covers in part; "Statutes". The Statute in Question is A.R.S. 13-3913. Therefore Honorable had knowledge of A.R.S. 13-3913 and should have complied with its requirements when issuing search warrant against the defendant. The question that arises is, was this reckless or deliberate? This question is unknown, but with this issue now brought before Honorable Attention, Honorable has the authority to consult with another judge such as defendant's case management judge in carrying out judge adjudicative responsibilities. That Judicial responsibility in this instance is to comply with the law under Rule 1.1 and uphold the law under rule 2.2..

The exhibit attached to this Complaint is the very first page of the search warrant in question. Honorable knew or should have known that with NO ONE'S NAME directed on this search warrant as required by A.R.S. 13-3913, that it was invalid at face value. Therefore should not have been signed off on.

A.R.S. 13-3913 is NOT a long statute, nor a confusing one. A.R.S. 13-3913 requires that "All" search warrants have probable cause, A

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Supporting affidavit NAMING THE PERSON it's
targeting and with particularly describe the
place to be searched and things that are
to be seized. Fairly simple one would think.
As search warrant

Came across
Honorable desk. Judge
having read the search warrant should of
denied it after reading the very 1st page
according to Arizona law. This complaint is
NOT brought to challenge the contents of
the search warrant. This complaint is simple,
IF A SEARCH WARRANT is NOT complying with
Arizona law on the very 1st page, Then how
is Honorable complying with Judicial
Conducts Rule 1.1 AND 2.2, if the very 1st
page does not meet the requirements
set forth in A.R.S. 13-3913?

Defendant personally has nothing against the
the Honorable. Defendant is NOT ATTACKING
the creditability of the judge, nor does the
defendant want this Complaint to appear on their
record. Everyone makes mistakes AND it's believed
that those who take an OATH to uphold the law,
AND A.R.S. 13-3913 being the law, be given A chance
to correct this clear AND MANIFEST error of miscarriage
of Justice. Defendant would just like to see judge
recognize the mistake and take the
appropriate steps to correct it.

The Honorable now knows that he/she signed off on search warrant (see exhibit A, pg 2). The judge knows of A.R.S 13-3913 requirements and between the two, Judge now has the "knowledge" that these search warrants were not issued according to Arizona Law. But to ignore this all together, Then shows that the violation of law against the defendant is knowingly and intelligently made.