

State of Arizona
COMMISSION ON JUDICIAL CONDUCT

Disposition of Complaint 16-201

Judge:

Complainant:

ORDER

The complainant alleged a superior court commissioner made improper rulings in a criminal case.

The responsibility of the Commission on Judicial Conduct is to impartially determine if the commissioner 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.

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

Dated: August 31, 2016

FOR THE COMMISSION

/s/ George A. Riemer

George A. Riemer
Executive Director

Copies of this order were mailed
to the complainant and the commissioner
on August 31, 2016.

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

ARIZONA STATE SUPREME COURT comp
COMMISSION ON JUDICIAL CONDUCT

2016-201

JUDGE

FORMAL COMPLAINT AGAINST A

ARIZONA STATE

COMPLAINANT

presided in the above
entitled cause during trial proceedings
and

* Trial Counsel -

* Trial County Atty.-

* Rule 32 Advisory Counsel-

COMPLAINT CHARGE AGAINST

1. Erroneous application of unpublished case opinion found and used by state favored as precedent to a oral argument ruling on eve of trial;
2. Excluding relevant proven facts to DCA admitting on the record at the to suppressing evidence and information from trial proceeding, in order denying petition;
3. Failure to recognize observable colorable claims proven to factual basis provided at the to ineffective trial counsel issues proven and testified to by on ;

4. Court refused to recognize Post Verdict Motions I, as
 - a defendant, filed to redress state's suppression of
 evidence and
 independent + investigatory findings to
 material evidence, and;
 evidence, and testing results, being ^{physical} omitted from trial.

All the aforementioned facts are apparent of the record
 to ^{conduct prejudicial to the}
 administration of justice that brings the judicial
 office into disrepute in violation of the code, oath of
 office and administration of justice; ~~is~~ as charged:

- *A) willful misconduct in office;
- *B) willful and persistent failure to perform judicial duties;
- *C) habitual intemperance-in misapplication of Rule of Law;

That requires this judicature to formally sanction upon
 review to the facts hereby submitted pursuant to
 Arizona Supreme Court Rule 81-2.15 Responding to
 judicial misconduct reporting to the appropriate authority,
 where ^{violates, including but not}
 limited to; Az. Supreme Court Rule 81-2.2; oaths of
 office to support Federal and State Constitutions; Rules
 of the Court; Ethics and Responsibilities; applying a
 pattern of legal errors with an intentional disregard
 of the law that constitutes Judicial misconduct.

The facts cited, herein after, are direct prima facie
 accounts sustained in the record in matters concerning

SUMMARY STATEMENT OF FACTS

Trial court pressing, upon
 DCA oral state motion argued on the
 eve of trial () went off the record to find and
 apply for a state ordered decision,
 vs. , to preclude
 defendant and defense witnesses from testifying to
 a not offered by the defense into evidence.
 This decision was discussed further on the record
 the next day, ()
 []), where the court knowingly
 admits to "
 ". ()

Then further on, trial counsel argues to the unpublish-
 ed case when the Court interrupts stating "

" ()

Is a clear abuse of judicial discretion where Ariz.
 Supreme Court Rule 111(c) provides that a "party" (NOT
 A JUDGE) can attach a memorandum decision to
 a pleading (not a spontaneous oral argument on the eve
 of trial - is time barred) for persuasive value (NOT
 precedent as controlled by the Court) only if decided on or
 after . (present amended rule still does not
 allow this case application)

This act alone evidences impermissible judicial
 bias knowingly and intentionally preventing the defense
 to present a complete defense to information provided
 to myself about being in the

upon barrowing
 State's objections to any and all testimony leading
 up to, any mention of. The document,
 that is linked to a coincides with a
 , as facts omitted from all proceedings; is not
 merely exculpatory but proves actual innocence not
 having any reason to believe otherwise to true
 ownership belonging to defense witness

* DCA admits on the record at
 the when asked if he was aware after
 inventory search of that officers recovered a
 ? response was " he remembers
 : No trial court

action on this issue as observable state error committed.

I pursued a Rule 32, Post-Conviction Relief, granted proper
 status by Rule 32 Management judge
 where I filed Judicial Bars determinations
 to afford trial court an opportunity to cure his errors
 that trial court precluded as Rule 31 issues not
 in scope of Rule 32: ordered granting

to issues: 1) State's suppression
 of ; and 2) Ineffective assistance
 of counsel issues; the Evidentiary Hearing was conducted on
 where Detective

(Defendant,

Trial Counsel

and Deputy County Attorney
all testified for the record.

At the conclusion of the hearing, in which this judge should review all the facts presented therein, every aspect of Mr. Pettit's allegations were proven and observable.

On the evidence bag at DCA, waiting the in the
asked
response

Just that proof alone calls for proper remedy to vacate the conviction and sentence; and precedent to dismiss with prejudice. Trial Counsel also admitted omissive acts he committed as alleged in the Rule 32 petition.

On denied Mr. Pettit for Post-Conviction relief - where he EXCLUDES admitting on the record to suppressing the evidence from trial - that was the [Sole] piece of evidence preserved incident to my arrest - merely cites

"- is a manifest injustice continuation, ruling on performance was that,"

erroneously ruling yet again; intentionally excluding relevant facts and Rules, displaying deep seated favoritism to the State, and antagonism to Defendants

**THE COMMISSION'S POLICY IS
TO POST ONLY THE FIRST FIVE
PAGES OF ANY DISMISSED
COMPLAINT ON ITS WEBSITE.**

**FOR ACCESS TO THE
REMAINDER OF THE
COMPLAINT IN THIS MATTER,
PLEASE MAKE YOUR REQUEST
IN WRITING TO THE
COMMISSION ON JUDICIAL
CONDUCT AND REFERENCE
THE COMMISSION CASE
NUMBER IN YOUR REQUEST.**