### State of Arizona

## COMMISSION ON JUDICIAL CONDUCT

# Disposition of Complaint 18-005

Judge:

Complainant:

## ORDER

The complainant alleged a superior court judge gave improper jury instructions and allowed prejudicial evidence in a criminal trial.

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.

The commission does not have jurisdiction to review the legal sufficiency of the judge's rulings. In addition, 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(a).

Dated: February 21, 2018

FOR THE COMMISSION

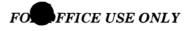
<u>/s/ Margaret H. Downie</u> Margaret H. Downie Executive Director

Copies of this order were distributed to all appropriate persons on February 21, 2018.

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



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



#### COMPLAINT AGAINST A JUDGE

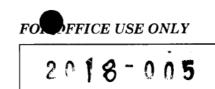
Name:

Judge's Name:

Instructions: Use this form or plain paper of the same size to file a complaint. Describe in your own words what you believe the judge did that constitutes judicial misconduct. Be specific and list all of the names, dates, times, and places that will help the commission understand your concerns. Additional pages may be attached along with copies (not originals) of relevant court documents. Please complete one side of the paper only, and keep a copy of the complaint for your records.

CONFIDENTIAL

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



#### COMPLAINT AGAINST A JUDGE

Name:

Judge's Name:

Instructions: Use this form or plain paper of the same size to file a complaint. Describe in your own words what you believe the judge did that constitutes judicial misconduct. Be specific and list all of the names, dates, times, and places that will help the commission understand your concerns. Additional pages may be attached along with copies (not originals) of relevant court documents. Please complete one side of the paper only, and keep a copy of the complaint for your records.

Working in concert with the prosecution, in The State of abused his discretion when he improperly refused a jory (Willits) instruction and failed to offer a contemporaneous limiting instruction and/or striking from the record cumulative and eggregeous testimonia elizited by the presecution in vislation of the Arizona Rules of Eurdence, Due Process and the United States Constitution. In . case a pellet gun was not preserved that was found under the victimis seat. His entire claim of self-defense rested you this item were preserved by police for DNA and/or latent prints. A Willits Instruction was requested and denied by \_\_\_\_\_ depriving the jury of making an interence unfavorable to the State even though the detendant easily satisfied the burden required for issuance of instruction. The polices negligence and the producial abuse of descrition deprived the forcy of weighing the evidence pertaining to material facts at trial thereby rendering trial fundamentally untair. Being that the Judges primary task

is ensuring a fair and impartial trial is rendered and being a guarantor of a defendants Constitutional rights, hus lack of due diligence and oversight effectively deprived df a fair trial when he failed to call a mistrial subsequent to prosecutions cumulative and eggregious prosentonal misconduct. On day 4. of trial, (prosecution) violated AZ rules of evidence 404 (b), 608 (a), 803 (8)(b), 803(24)(c) and/or 804(5)(c), the U.S. Constitutions 6th Amendment right to Contront witnesses and finally a Brady violation moder the constitutions FIFth and Fourteenth Amendments, On day 4 or trial, the prosecutor, on crossexamination of defendants Father, elicited prejudicial testimony of "other bad acts' that was pure hearsay because the incident was something detendent was not only never changed and convicted of but, these instances were, never admitted into evidence. overroling of defense counsels objection and negligent failure of exercising due-diligence resulted in a deprivation of defendants Constitutional

(3) right to contrant adverse withesses (compulsary process) and additionally violated the governments disclosure duties when this police report was impeaching, willfully or moderertently suppressed and resulted in prejudice. These matters are demonstrable instances that occurred during the course of trial in I hereby implace the AZ commission on Judicial Conduct to investigate this matter because, I took on oath upon entering military service to support and defend the constitution at the United States and I cannot sit idly by as my rights as a free citizen are trampled upon man effort to obtain an invalid and traudulent conviction. Thank you. Sincerely,