

State of Arizona  
COMMISSION ON JUDICIAL CONDUCT

---

Disposition of Complaint 18-191

---

Judge:

Complainant:

---

**ORDER**

The complainant alleged a superior court judge made several improper rulings in a post-conviction proceeding.

The responsibility of the Commission on Judicial Conduct is to impartially determine if a judicial officer 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 a judicial officer's rulings. In addition, the commission found no evidence of ethical misconduct and concluded that the judicial officer 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: October 3, 2018

Copies of this order were distributed to all appropriate persons on October 3, 2018.

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

2018-191

Complaint Against A Judge

Name \_\_\_\_\_

Judge's Name \_\_\_\_\_

I had a \_\_\_\_\_ case that \_\_\_\_\_ presided on. I was found guilty and sentenced to \_\_\_\_\_. Of course you know that then came a \_\_\_\_\_. The \_\_\_\_\_ Court upheld my conviction. As you also know, then comes my \_\_\_\_\_. During the early stage of the \_\_\_\_\_ there were monumental issues that came to light, ones that would be grounds for a new trial. This is the second time that I have brought a complaint against \_\_\_\_\_. After the discoveries that would be in my \_\_\_\_\_ I wanted my lawyers to file it as soon as possible, but I kept hearing that they were waiting on some \_\_\_\_\_ that the \_\_\_\_\_ was suppose to turn over. After hearing that for about \_\_\_\_\_, that's when I put in the \_\_\_\_\_ complaint. Shortly after the complaint was filed \_\_\_\_\_ finally ordered the \_\_\_\_\_ to turn over the discovery that we had been waiting on over to her, then she turned it over. It was discovered that the \_\_\_\_\_ had been withholding some \_\_\_\_\_. My lawyer pled with me to dismiss the complaint because we were gonna be submitting the \_\_\_\_\_ in front of \_\_\_\_\_. I wrote to the \_\_\_\_\_ and let them know that I was withdrawing the complaint. It was dropped, and now this is where things are and I have decided to bring this complaint against \_\_\_\_\_. My \_\_\_\_\_ was denied. What \_\_\_\_\_ has decided to do is to deny me justice by delaying me to have a new trial. In order for you to understand why I am bringing this complaint I am gonna have to start with my trial. The \_\_\_\_\_ jury that I had was dismissed and a mistrial was declared by \_\_\_\_\_. It was totally uncalled for. A juror had brought it to the courts attention, that a couple of jurors had discussed or mentioned things about the trial. They had made a comment regarding a phone that was left in the \_\_\_\_\_ of the victims \_\_\_\_\_ truck. They said: "The phone that

they were talking about was not mine, it was the house phone that the victims had left in the truck bed. In reality they weren't discussing the case. Could and should have reprimanded them. Also it was brought to light that other jurors about a " " that was in of the crime scene photos. It was time. What they said was that " " A new jury had to be seated. Fast forward to my " " It was discovered that a " " had managed to be seated on my jury. The juror had illegally registered to vote, which is how she got on the juror rolls. She was a " " , during the voir dire she said that she believed in " " and that " " ask her if she would refrain from watching the news and not get on the " " to get information regarding this case. The juror told her that she would not refrain from watching the " " or stay off of the " " It was very clear that the juror didn't understand what she was being told. " " should have excused the juror for cause. Failed. The " " had on it, " " Are you a United States Citizen? The juror marked " " didn't even bother to read the questionnaire. When it was brought to " " attention that the juror had " " failed to report it. " " ( times), which is a " " has a duty to report any crime that she is or has been made aware of. failed to do so. That's " " What " " allowed was that a " " So there was a " " also. These issues can not be argued, the only remedy is a new trial. In my " " one of my issues was that my " " lawyer was ineffective because she didn't bring it up in my " " There was an " " she basically said that she didn't get paid enough. This was in my " " denied that claim. because she agreed, the " " lawyer didn't get paid enough for her to do her job right. So if my " " ! " " lawyer was paid more she would have brought it up. I also had a " " claim on my trial lawyers, but before I get into it, I want you to know that I

had written a letter to asking for my lawyer ( ) to be removed from my case because he was lying to me and that he didn't have my best interest at heart. I found out that I couldn't write to the Judge because of " " So I told her in person to let me have a different lawyer. told me that she wasn't going to give me a new lawyer everytime that I ask for one. It was the first time that I asked for one. This happened very So my lawyer and I continued to bump heads was my chair, he was the one that would come to jail and we'd go over my defence. Fast forward to the trial, when it came time to present our " , both of my lawyers told the jury that they were gonna hear this and that, and be shown other things. In this case there were no witnesses, no weapons, and they couldn't place me there. The States case, was that I called the house to see if anyone was home so that I could do a burglary of the house. There was " that was that was from days before the murder. I had planned to take the stand in my defence. When it came time for my defence, without asking me or the said that we rest. I told him: " He didn't say anything, one of them said that the Judge would ask me if that's what I wanted to do. failed to ask me. Of course in my " I had a claim that my lawyers were ineffective. And that had kept me from testifying in my behalf by resting. The jury heard about me making a call to the house. What they didn't hear was that I knew the victim, and that before I made the call to the house, neighbors " " During that " that I mentioned, was asked if he had talked to me about not putting up a defence, or had he mentioned anything about not putting up a defence with He was on the stand and told the court that he had not mentioned anything to me or about not putting up a defence. Then was on the stand and was the same questions. He had not discussed nothing about not putting up a defence with He stated that he did not talk to me about not putting up a defence because

had already discussed me testifying in my defence. After had  
rested, asked if we were putting up a defence. It was just before lunch  
break told that we would be talking about it. That didn't happen. Nothing  
 was discussed. denied the claim that my lawyer gave up my right to testify, because  
 he mentioned that he was gonna talk with me. could have been positive if she  
 would have asked me if that's what I wanted to do. There were " issues also  
 I understand that you can't change the ruling that made.  
 What I want is to bring to light that has lost sight of what. "  
 is supposed to do. When the term " is used, what comes to mind is  
 someone who is unbiased and has integrity to where if a mistake happens  
 they try and remedy the problem. In my "the" "didn't"  
 cause the "issue, nor did they allow a" "to be seated on"  
 my jury. did. In my : does not address the "issue."  
 She doesn't take any responsibility for allowing it to happen. She kicks the can down  
 the road so that someone else will clean it up. I have heard from numerous lawyers  
 that don't like to admit that they made a mistake. Who lets this keep happening?  
 The " said that they deny review, that kinda puzzling because  
 I got a letter from them says that they were gonna get transcripts of the "  
Now the can gets kicked down the road to the "  
 If you are able too, should be asked questions and answer them  
 1. Is there a "issue in this case? ☐ Yes ☐ No  
 2. Did a "get seated on the jury? ☐ Yes ☐ No  
has denied justice to me, is delaying me getting a new trial.  
 I read where it is possible that my "could go public. I would like for it too.  
 Resolution: has lost the understanding of " should not be  
 able to preside on such cases. Or can show that her integrity is still intact  
 by fixing her own mistakes that she let happen. With "