

State of Arizona
COMMISSION ON JUDICIAL CONDUCT

Disposition of Complaint 18-224

Judge:

Complainant:

ORDER

The complainant alleged a superior court judge lied in an evidentiary ruling to cover up prosecutorial misconduct and made erroneous evidentiary rulings.

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).

Commission member Anna Mary Glaab did not participate in the consideration of this matter.

Dated: November 14, 2018

Copies of this order were distributed to all appropriate persons on November 14, 2018.

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

Comp

2018-224

JUDICIAL COMPLAINT

Against

I
Complainant,
VS.
Accused.
NO: _____

I) TRANSCRIPTS CAN BE
OBTAINED:	
THESE TRANSCRIPTS ARE THE EVIDENCE TO PROVE OR DISPROVE THESE CLAIMS.	

I am _____ and I appeared before _____ in the case of _____
This case _____ was assigned to _____ as my original _____ judge had _____ Judge

took over the case in and it. The in unanimously ruling and ordered an

This complaint is about what occurred at the fraudulent and ruling not to order the preparation of the so as to cover up intentional lies that made in her new ruling to once again case.

Judge entire behavior in this case shows incompetence, unethical behavior, bias and/or corruption.

has filed requests with the court, for the preparation of the evidentiary hearing transcripts, all were or also filed a action with however, jurisdiction was denied.

Judge first falsely claimed the request for transcripts was communications (Exhibit A), which is bewildering how a motion sent to the with a to opposing party is Judge In the final motion it by simply saying, " (Exhibit B).

is an indigent whose consists of claims, all involving the testimony and evidence that took place in this evidentiary hearing – how is this not good cause for transcripts to be prepared?

Without these transcripts the court could not make a proper review or fairly review this case in any manner. These transcripts are the key to if . Thank God for Court Judges who Judge ruling and ordered the preparation of these 1 (Exhibit C). A copy of these are not provided as they are long, but will be if requested by this body.

is aware that courts do not appreciate it when a party disparages a fellow judge, but when the judge is incompetent, unethical, bias and/or corrupt – an exception should be made so that higher Courts can view these bad judges' decisions through the glasses of why the decisions were made by the lower Court the way they were and not give them the benefit of any doubt.

Judge a before becoming a judge and who has a reputation among as not being a fair arbitrator of the facts, intentionally lied and mis-lead what occurred at the evidentiary hearing to justify an illegal ruling. either did this because is incompetent, or, to cover up for the criminal acts of when hid evidence and lied to the court about it which would have innocence, or, maybe judge is being paid off by the alleged victim, the

Corporation, to sustain this conviction because if it is over turned there could be a massive lawsuit as a committed at the trial on behalf of the

What other explanation could there be for a judge to blatantly lie as to what occurred at the evidentiary and then to try to cover it up by not allowing the transcripts to be transcribed and provided to the or any party for them to review? Now in all fairness it could only be incompetence as Judge currently has approximately cases that are , either , or ; the court believes out of decisions of are wrong.

EXHIBIT D - Judge dismissal order & amended dismissal order.

EXHIBIT E - remanded order.

EXHIBIT F - dismissal order.

The following are a list of the numerous errors in Judge ruling and the reasons why does not wish the transcripts to come to light and expose actions by means of becoming part of the record, as the only way to refute ruling is by means of the hearing transcripts.

- 1) erred by making up testimony & evidence that never existed and using it as a basis for , and ignoring testimony & evidence that was presented, all in order to justify Illegal . This was wrong and manifestly unjust.

a) This Court's first false fact ruling (Top of Pg. 3) states:

"As he acknowledged at the evidentiary however, the documents he discovered in the file and attached to his current as exhibits were actually duplicates of the exhibits he himself had filed as exhibits to his Petition for ."

Neither [redacted] nor [redacted] made this statement! It was created up wholly in the head of Judge [redacted]. Judge [redacted] flat out lied about [redacted] making this statement. There was no testimony or evidence presented what so ever in the [redacted] that supports this statement, It was only a theory of the [redacted]. The only reason Judge [redacted] became aware of this theory was because of the lie by [redacted] in his closing arguments at [redacted].

The [redacted] never presented any witnesses to corroborate any theory or to support any exhibits, nor was this issue even brought up during hearing. Then in closing Statements, after the [redacted] rested, [redacted] said that no [redacted] were in the case file and claimed that as an [redacted] it should be believed and accepted. This is clearly an abuse of discretion and manifestly unjust, not to mention a false statement by [redacted]. He lied and the [redacted] accepted his assertion as evidence, and put this statement falsely on [redacted] so as to claim an [redacted] to support a bad ruling. [redacted] did this without allowing [redacted] an opportunity to cross examine or to [redacted] the case file into evidence. Not to mention that closing arguments are not evidence.

[redacted] actually testified that he obtained these documents from the [redacted] file and they were not attached to his previous [redacted], they were wholly independent documents. And that these documents in [redacted] case file prove that the [redacted] hid and failed to disclose

b) This Court's second false fact ruling (Top of Pg. 3) states:

"Defendant offered no evidence that the [redacted] was in possession of the [redacted] at the time of trial or before he supplied the records as an attachment to [redacted] for [redacted]."

This statement is contrary to [redacted]

[redacted] offered the following evidence and the [redacted] never denied or refuted any of it.

- At the [redacted] submitted the [redacted] " as an exhibit. The case logs are written in the [redacted] and he wrote on [redacted] ([redacted] prior to trial):
"Called [redacted] office
Talked to about [redacted]"

- Exhibit F - Submitted the testimony, under oath in , of ,
testifying that he had possession of these and various business prior
to trial and that he handed them to .
- Exhibit J - submitted a formerly undisclosed supplemental
showing that turned over to these and various
prior to trial.

These documents are evidence and they do clearly support claim that the had possession of these prior to trial. How could court miss this? As a matter of fact, this is the exact same conclusion/language which the Court used to deny original which was by this Court Exhibit D). Court just regurgitated original dismissal.

c) This third false fact ruling states:

The Court also falsely claimed that that his plea agreement would have been a if he accepted it. was that the plea agreement which the introduced at the evidentiary hearing was a fraudulent document, not that it would have been fraud for him to accept. court erred by intentionally ; which it relied upon for its ruling

The introduced a copy of a during evidentiary hearing without any authentication that it was the related to the newly discovered offer letter. This unsubstantiated document listed of priors and said the was conditioned upon it being true. in fact other priors not listed in document. However, testified that the document was fraudulent as it did not have it; it said " " instead of " ". No one from the testified that it was the in question or authenticated the document in any way. It was a fraudulent document created specifically for the by and the court ate it up hook line and sinker and used this document solely to dismiss claim { , , }

Another made up lie by Judge .

2) The court erred as of the evidence standard was wrong and manifestly unjust, an abuse of discretion, and clearly erroneous.

Preponderance Standard definition: The greater weight of the evidence, in merit and in worth. (2) Sufficient evidence to overcome doubt or speculation.

**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.**