

State of Arizona
COMMISSION ON JUDICIAL CONDUCT

Disposition of Complaint 18-230

Judges:

Complainant:

ORDER

The complainant alleged a superior court judge did not afford him an opportunity to be heard, engaged in ex parte communications, improperly waived his speedy trial rights, prejudged the outcome of a motion, failed to rule on pleadings, improperly recused himself, failed to report attorney misconduct, and engaged in improper demeanor. The complainant alleged a second superior court judge conspired with the prosecutor and defense counsel to deprive him of the ability to respond to a substantive motion. Finally, the complainant alleged a third superior court judge engaged in improper ex parte communication and was improperly influenced by defense counsel.

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 officers 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 members George H. Foster, Jr. and 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.

CONFIDENTIAL

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

FOR OFFICE USE ONLY

2018-230

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.

On _____ under cause _____ and _____ I had a hearing before Judge _____. I did not appear at that hearing due to the fact that I was _____ (and was being seen by _____ at the _____. (I can retrieve _____)

During that hearing _____ allowed the _____ to respond to several motions that I had filed in the case while I was not present. I do not know which motions were responded to, because I have not been allowed to review the _____ from that hearing after repeated request to do so. (see _____)

On _____ after receiving the Minute entry filed _____ I filed a motion requesting to be allowed to reply to the _____'s responses to all of the motions which _____ allowed the _____ to respond to _____.

On _____, a _____ was held and during that hearing _____ addressed my motion filed _____, about me replying to _____ responses. During the hearing _____ stated that 'he doesn't know why I think the _____ responded to any of my motions and stated that the _____ did not respond. (see _____, _____ hearing) _____ denied my motion.

Misconduct

Violations: _____

I was _____ under _____ at the time, (/) and had a right under _____ to be allowed to reply to any responses by the _____.

The major violation I see is that _____ LIED on the record about not allowing the _____ to respond to my motions. Judges are not supposed to lie. In the minute entry filed _____ it clearly states " _____ "Why would _____ tell me that they never did? Also in another minute entry concerning the motions were _____ made rulings _____ repeatedly made statements →

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COMPLAINT AGAINST A JUDGE

Name: _____ Judge's Name: _____

Instruct _____ is form or plain paper of the same size to file a _____ describe in you _____ 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.

Continued → about how the _____ had responded concerning those motions. (see minute entry _____)

By not allowing me to respond _____ ensuring the right to be heard. He violated _____ impartially I would say was bias, prejudice, and maybe a little harassing also in _____
Also by _____ communication with the _____ outside of my presents or permission communication to opposing party. attached _____ 1)

SECOND Complaint

On _____, I had a hearing before _____ During that hearing at NO TIME _____ there discussion about any _____ uance, waiving of applicable speedy trial time limits or anything else of that nature. Yet in a minute entry _____ "wrote" + Defendant having waived a _____ "And ordered excluding _____ of time. (see _____ and

On 0 / _____ after recieved a _____ a requesting _____ to reinstate my last day bac _____ ied the motion without any explanation excluded.

Misconduct

he c _____ lled again in a minute entry, and when I br _____ t to his attention correct the mistake. → Continued to page #4 additional pages...

Third Complaint

On [redacted] under [redacted] my counsel of record for that cause # [redacted] filed a motion for [redacted]

(note: I was proper at the time under [redacted])

[redacted] during a hearing before [redacted] granted motion, in both matters the one that I was [redacted] and also the one [redacted] represented me in.

First problem I see with that is, advisory [redacted] may not file motions on my behalf.

Second, why did [redacted] order a [redacted] [redacted] under [redacted] when there was no motion filed under that cause #?

Third, during the [redacted] hearing [redacted] stated on the record that when this Rule 1 [redacted] was over we'll just continue where we left off. [redacted] from [redacted]) Basically saying that he knows that I'm [redacted] competent. So why did [redacted] the motion in the first place?

I had been representing myself for [redacted] and had [redacted] of motions and even were able to have [redacted] There's no reason I should've even had a [redacted]

[redacted] motion was strictly to continue trial, which was set to begin a [redacted] [redacted]

[redacted] helped do that.

Misconduct

Simply there was no reason for [redacted] to grant that [redacted]

I did object to any [redacted] at the hearing.

I strongly believe this was judicial misconduct on a lot of different levels.

Fourth Complaint

While I was [redacted] I filed [redacted] of motions. Following is a list of motions that [redacted] never ruled on.

- Motion to deem pending motions submitted on the record [redacted] Motion to [redacted] in the alternative suppress [redacted]
- Motion to preclude [redacted], and Motion to preclude filed [redacted]

The motions to [redacted] should've have been ruled upon before argument concerning the issues address in those motions, but they were not.

In fact during a [redacted] when the [redacted] attempted to argue the motion to strike, [redacted] his head signaling [redacted] would not argue the issues with which I brought forth in my motion to strike.

MISCONDUCT

Fifth Complaint

[redacted] removed himself as my Judge for no apparent reason that I'm aware of in violation of [redacted]

Sixth Complaint

On or about 10/26/16, I filed a motion for waiver of counsel [redacted] because my counsel at that time [redacted] had made [redacted] towards me and [redacted]

Misconduct

[redacted]
At a hearing about that motion on [redacted] [redacted] granted my motion concerning [redacted]
But [redacted] did not take appropriate action by reporting [redacted] that he thought I was a liar.

Seventh Complaint

[redacted] during a hearing before [redacted] I attempted to have filed a [redacted] (notice) that I had hand delivered to the [redacted]
[redacted] as untimely. How can a notice be untimely?

Also during that hearing [redacted] stated that the notice would be filed and placed on the record, [redacted]

**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.**