

State of Arizona
COMMISSION ON JUDICIAL CONDUCT

Disposition of Complaint 11-200

Complainant: No. 1424410552A

Judge: No. 1424410552B

ORDER

The complainant alleged that a superior court commissioner failed to disqualify herself and was biased.

The responsibility of the Commission on Judicial Conduct is to impartially determine if the judge engaged in conduct that violated 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.

After thoroughly reviewing all of the information provided by the complainant along with the recording of the hearing, the members of 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.

Dated: October 7, 2011.

FOR THE COMMISSION

/s/ George Riemer

George A. Riemer
Executive Director

Copies of this order were mailed to the complainant and the judge on October 7, 2011.

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

CONFIDENTIAL

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

FOR OFFICE USE ONLY

2011-200

COMPLAINT AGAINST A JUDGE

Your Name:

Judge's Name

Date: July 28th 2011

Instructions: Describe in your own words what the judge did that you believe constitutes misconduct. Please provide all of the important names, dates, times, and places related to your complaint. You can use this form or plain paper of the same size to explain your complaint, and you may attach additional pages. Do not write on the back of any page. You may attach copies of any documents you believe will help us understand your complaint.

IN THE MONTH OF MAY 2011 MY TRIAL WAS HELD IN FRONT
OF JUDGE AT THE CLOSE OF THE STATED CASE
A RULE 20 INDIRECT VERDICT WAS ARGUED BY THE DEFENSE ON
THE RECORD, WHEREAS JUDGE DENIED THE RULE 20
WITH NO LEGAL GROUNDS. HOWEVER DEFENSE HAD EVERY LEGAL
GROUND THERE WAS TO DISMISS ON RULE 20 FOR NO SUB-
STANTIAL EVIDENCE BY THE STATE, HOWEVER JUDGE
STATED, "SHE FEELS THEY PROVED THE CASE (THE STATE), HOWEVER
WHEN QUESTIONED AS TO WHAT EVIDENCE SHE BASED HER VERDICT
ON SHE REFUSED TO STATE AND SAID "MOTION DENIED!" THE COURT
RECORDS CAN REFLECT THIS MATTER AND ALSO AFFIRM STATEMENT.

ON JULY 22ND IN THE HONORABLE JUDGE DAVIS'S COURT ROOM OF
SUPERIOR COURT, JUDGE CAME INTO COURT TO HEAR THIS
CASE AND FOR SENTENCING, HOWEVER JUDGE HAD SINCE
BEEN REMOVED FROM CRIMINAL COURTS ON JUNE 21ST, 2011 AND DUE
TO A CASE CALENDAR ASSIGNMENT CHANGE JUDGE WAS
MOVED TO FAMILY COURT, THIS IS ON RECORD, SINCE I WAS
IN COURT THAT DAY AND I HAD NO PRESENTENCE REPORT SO
SENTENCING WAS MOVED TO JULY 22ND, 2011, HOWEVER JUDGE

MOVED EVERYTHING DEFENDANT TO A DIFFERENT CASE JUDGE
THAT DAY, SINCE IT WAS HER LAST IN CRIMINAL COURT, BUT, SHE KEPT
MY CASE FOR SOME REASON. ON JULY 22ND, 2011, WHEN I WENT TO
COURT I FILED A RULE 10.2 MOTION FOR NEW JUDGE AND MOTION TO
DISMISS AS WELL AND REMOVED MY COUNSEL, HOWEVER BEFORE I WAS

ABLE TO FILE MOTION WITH THE CLERK OF THE COURT, JUDGE DENIED MY MOTIONS VERBALLY, I ASKED ON THE RECORD FOR HER TO RECUSE HERSELF BECAUSE SHE WAS NOW A FAMILY COURT JUDGE AND NO LONGER HAD JURISDICTION IN CRIMINAL COURT MATTERS, SHE THEN BECAME OUTRAGED TO SAY THE LEAST; THERE IS A TRANSCRIPT OF THIS MATTER AS WELL FOR YOUR OFFICE TO REVIEW. I DID IN THE END GET THE MOTIONS FILED WITH THE CLERK OF THE COURTS.

ON JULY 29th 2011, I WAS TAKEN TO THE 5th FLOOR OF THE CIVIC/CIVIL BLDG. ROOM 505 OF THE FAMILY COURTS WHERE JUDGE WAS THE JUDGE, I STATED ON THE RECORD THAT I WAS IN FAMILY COURT AND NOT IN CRIMINAL COURT AND THAT MY MOTIONS FOR RULE 10.2 AND MOTIONS UNDER 16.6(B) SHOULD BE HEARD BY A JUDGE IN THE CRIMINAL DIVISION, JUDGE DENIED ALL MY MOTIONS AND EVEN DENIED A VERBAL MOTION FOR RULE 10.1, I REFUSED TO PARTICIPATE IN THE PROCEEDINGS AND OBJECTED TO WHAT WAS TRANSPIRING BEFORE ME IN THE COURT ROOM. I ALSO STATED ON THE RECORD, THE JUDGE WAS SHOWING EXTREME BIAS AND MALICE TOWARDS ME, NONE OF WHICH EVEN FAZED THE JUDGE. I EXPRESSED THERE WAS NO WAY FOR ME TO OBTAIN A FAIR AND IMPARTIAL HEARING IN FRONT OF HER, AND THAT I HAD A JUDICIAL COMPLAINT FILED AGAINST HER, AND IT WOULD

BE EXTREMELY BIAS FOR HER TO STAY ON AS THE JUDGE, SHE DENIED EVERYTHING AND SAID "I'LL BE THE SENTENCING JUDGE AND I'M GOING TO SENTENCE YOU ON AUG 19th, 2011 HERE IN MY COURT ROOM. THE WHOLE MATTER WAS TAKEN DOWN BY THE COURT REPORTER THAT I HAD TO REQUEST COME IN FROM ANOTHER COURT ROOM.

SO, EVERYTHING I'M STATING CAN BE VERIFIED (VIA) COURT TRANSCRIPTS. FOR THESE REASONS I AM REQUESTING THAT THE JUDICIAL COMMITTEE INVESTIGATE AND RULE ON MY BEHALF SINCE CONDUCT OF JUDGE _____ HAS SHOWN GROSS NEGLIGENCE AND MALICE AND THEREBY VIOLATING MY CONSTITUTIONAL AND CIVIL RIGHTS, ALONG WITH ANY AND ALL LEGAL RIGHTS. UNDER ARIZONA RULES AND CRIMINAL PROCEDURES, THE PREJUDICE THAT SHE HAS SHOWN ME IS ON THE LINE OF VII DISCRIMINATION TOWARDS MYSELF.

WHEREAS I HEREBY ASK FOR THE INVESTIGATION INTO THIS MATTER AND THE ERRONEOUS CONDUCT OF THE JUDGE _____ I WOULD ALSO REQUEST ACKNOWLEDGEMENT OF YOUR OFFICE OF THE RECEIPT OF THIS LETTER.

THANK YOU FOR YOUR TIME AND I LOOK FORWARD TO YOUR REPLY.