

State of Arizona
COMMISSION ON JUDICIAL CONDUCT

Disposition of Complaint 12-050

Complainant: No. 1436510311A

Judge: No. 1436510311B

ORDER

The complainant alleged that a municipal court judge took too long to decide his case after taking the matter under advisement and found him guilty only through the use of perjured testimony.

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.

After reviewing the information provided by the complainant, the commission found no evidence of ethical misconduct and concluded that the judge did not violate the Code in this case. The commission does not have jurisdiction to investigate the legal sufficiency of the judge's ruling. Accordingly, the complaint is dismissed in its entirety pursuant to Rules 16(a) and 23.

Dated: March 14, 2012.

FOR THE COMMISSION

/s/ George Riemer

George A. Riemer
Executive Director

Copies of this order were mailed to the complainant and the judge on March 14, 2012.

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

First of all I would like to mention that upon the first meeting with my court appointed council I requested a trial by jury and she specified that I was not entitled to that because of what I was being charged with which per the sixth amendment of the United States Constitution was a blatant lie – it was painfully clear that my representation did not have my best interest in mind so when called up to the stand I asked the judge to appoint me a different public counselor.

The judge immediately denied my request for change of council without even asking me why I made the request. Following the witness testimony during my trial without a jury and adequate council on September 9th 2010 Judge _____ specified that he would need some time to take things under consideration before issuing a verdict regarding this case.

There is no point of having a public trial if the judge is allowed to issue his verdict months later with an entirely different group of people in the court room.

The judge later issued his verdict of guilty on November 24th 2010, myself and everyone ~~that~~ attending the trial would have known that the witnesses testimony affirmed my good nature and solid intentions of simply diffusing this volatile situation to avoid unnecessary bloodshed because during the proceedings my council asked detective Baker “Isn’t it true that my client did not become aggressive at all until after you started to take him down” He paused as if he had to debate in his mind what had transpired on 3/31/2010 then exclaimed “Yes” so I asked the judge what it was that inspired him to rule unpropitiously in my case.

He exclaimed “Uh, well sir I base my decision—I found you guilty beyond a reasonable doubt based on the evidence presented during the trial” and upon asking him what that evidence was judge _____ stated “The testimony of the witnesses” so I filed for an appeal prior to leaving the court building on that day.

I would just like to point out that both of the witnesses had already clearly perjured themselves during the trial so their testimony should not have been considered to begin with.

The superior court denied my appeal and remanded me back to the lower court to have the judge _____ re-impose the original sentence on February 2nd 2012 after which I asked him something to the effect of:

“Even though I can prove this whole thing is farce and the officers lied you expect for me to believe that I cannot appeal this to a higher court and I have to deal with it right”
Judge _____ replied “Yes”

The Judge clearly took it upon himself to personally find me guilty regardless of the witness testimony during the trial which plainly indicated that I was not the aggressor in this matter and he also directly implied that I would be unable to appeal this to the higher court.

I would be delighted to elaborate more on the issue if needed because there is a myriad of problems and discrepancies associated with this case.