

State of Arizona  
COMMISSION ON JUDICIAL CONDUCT

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Disposition of Complaint 14-195

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Judges:

Complainants:

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**ORDER**

The complainants alleged a superior court commissioner should not have presided over a criminal jury trial, had a conflict of interest and was therefore biased, and improperly denied various defense motions. The complainants also alleged that a superior court judge violated one of the complainant's speedy trial rights.

The responsibility of the Commission on Judicial Conduct is to impartially determine if the commissioner 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 review, the commission found no evidence of ethical misconduct and concluded that the commissioner and judge did not violate the Code in this case. Also, the commission does not have jurisdiction to review the legal sufficiency of the rulings. Accordingly, the complaint is dismissed in its entirety, pursuant to Rules 16(a) and 23.

Dated: July 30, 2014

FOR THE COMMISSION

/s/ George A. Riemer

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George A. Riemer  
Executive Director

Copies of this order were mailed  
to the complainants, commissioner, and judge  
on July 30, 2014

*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**

**2014-195**

**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 you believe 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.

Trial date

(1) In my research of a [redacted] in the judicial system, I found that [redacted] may conduct uncontested charges or initial appearance of defendant charged with crime " Since this was a [redacted] was defendant's case uncontested? Certainly defendant was not aware of that , however with that being said, I rarely saw defense counsel reject to anything. If a specific assigned case, what category does this specific assign case fall under? I also question de-minimis discussion between [redacted] and defendant's attorney [redacted] Was there possibly a conflict of interest here between [redacted] and [redacted] department ( relative maybe in police department or drug enforcement) and since defendant case was drug case. Whatever issue there was, why was it not disclosed to defendant? My question here is "why was this case before a [redacted] and not a trial judge, was it uncontested or what category did it fall into if it was a specific case and why was de-minimis not disclosed to defendant?

(2) Defendant made a motion to dismiss his attorney due to ineffective counsel on [redacted] when it went before the master calendar judge and [redacted] Both the master calendar judge and [redacted] denied the motion, I assume because the defendant's civil rights were already in jeopardy to being incarcerated over [redacted] days without going to trial. Since this was being pushed through the judicial system. Jury selection was to start at [redacted] however it was cancelled due to not enough jury pool per defendant's attorney.( This certainly not defendant's fault and this resulted in an extra day added to court. [redacted] discussion is held regarding delayed testing of evidence by the prosecution and prosecution didn't have a reason why this had not been completed timely but prosecution stated it would be done overnight and ready for next day. ( In my listening to this discussion [redacted] indicated she would make a decision on the delay in testing the next day and could be a mistrial. The next day the delay in testing motion went in favor of the prosecution by [redacted] and when defendant inquired about the mistrial, [redacted] said referring to the mistrial statement "No, that's not what I said." I believe court recording will indicate she did state that. This certainly seems to be prejudice in favor of the prosecution with extra day for testing of evidence allowed by [redacted] however when defendant's motion for continuance due to ineffective counsel was denied. This would seem to be prejudice on part of [redacted] in favor of prosecution.

(3) Court resumes [redacted] and again on [redacted] This is now [redacted] in reality or [redacted] of the trial due to not picking jury on [redacted] as scheduled. The Jury goes out at [redacted] to consider verdict, this basically gives jury less than [redacted] to get verdict for [redacted] and trial completed by [redacted] This is not much time and since no court on [redacted] if verdict was not reached I believe I heard [redacted]

indicate she would be in training or seminar the next week and I'm sure there was no room on trial calendar for this. I heard defense attorney indicate to court more than once that trial would be [redacted] and also indicates [redacted] as estimated length of trial on minute entry. I'm sure no jury member wanted to come back the next week and with this time constraint, if member or so of the jury was leaning toward "not guilty," this time frame left for the verdict certainly leaned toward the prosecution. I believe the extra day for the jury selection and the extra day for delayed testing{ in reality due to not picking jury as scheduled, prosecution had two days for this delayed testing} and the time frame for final verdict all point toward bias and prejudice in favor of the prosecution by [redacted]

I would also like to know answers to (1) why [redacted] and not trial judge as a judge on this case and what the diminutive issue was and why this was not discussed with defendant also.

2014-195

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After my trial it was brought to my attention that the judge has a relative working in the department of the Police Department. officer (the arresting officer) stated in trial he had been involved in a couple hundred investigations. It is my belief off and officer of the department know each other and work together which make it a conflict of interest for my judge since judge and are related and and work together also on the of the day trial was suppose to start some evidence was not back from the lab, prior to trial (when all disclosure is suppose to be entered) Rules of Criminal procedure says object of discovery is to assist the the search for truth by providing both parties with all evidence possible. It's the responsibility of the courts to be watchful of violations against my constitutional rights against stealthy encroachments my trial lasted between of at the court house

Judge (officer of police department) (officer of department, county court) also the judge would not allow me to fire my atty

## Complaint against a Judge

After my trial, it was brought to my attention that the Judge in my case has a relative working in the department.

Officer (the arresting officer) stated in trial he had been involved in a couple hundred investigations. It is my belief off and off work together which make it a conflict of interest for my Judge.

Since and are related and work together.

Also on the day of day trial was suppose to start, some evidence was not back from the state lab, prior to trial is when all disclose should be entered into the courts) Rules of Criminal procedure says the object of discovery is to assist the search for truth by providing both parties with all evidence possible.

"Its the responsibility of the courts to be watchful of violations of constitutional rights against its citizens against stealthy encroachments"

The Judge would not allow me to fire my attorney, even after I said I did not feel safe



2014-195

going to trial with  
my attorney,

as

My trial lasted

between

at

County

Courthouse

, Presiding Judge

officer of

police

department

enforcement.

, officer of

of

department

, my attorney -

prosecuting attorney

The reason was pulled over the morning of  
was for failure to yield, which I  
have not been convicted of yet and that  
is a violation to my right to due process

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Judge \_\_\_\_\_ refused to allow me to fire my lawyer, which is one of the reasons I lost my trial.

He also violated my right to speedy trial which is \_\_\_\_\_ days if in custody.

I was not brought to trial until \_\_\_\_\_ my \_\_\_\_\_

In *Boyd v. United States* it says "It is the duty of the courts to be watchful for the constitutional rights of its citizen, and against any stealthy encroachments."

And in \_\_\_\_\_ Judge \_\_\_\_\_ refused to recite to me his oath of office, I do not believe he had jurisdiction over my case.

Rules of criminal procedure Rule 8.2

(1) Defendant in custody. \_\_\_\_\_ days from arraignment if the person is held in custody, except as provided in subsection (a)

Paragraph (3) of this section

(3) Complex cases. One year from arraignment for cases in which indictment, info. or complaint is filed 12-1, 2002 and 12-1, 2005 and for

Subsequent cases \_\_\_\_\_ days From arraignment if the person is charged with any of the following:

(i)

(ii) offenses that require court to consider evidence obtained as a result of an order permitting interception of wire, electronic or oral communication.

(iii) Any complex cases as determined by a written Factual finding by the court.

None of these pertain to my case so why did it take

There seems to be a conspiracy against my rights 18 USCA 241 and 47 USCA 1983 and USCA 1988