

State of Arizona  
COMMISSION ON JUDICIAL CONDUCT

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Disposition of Complaint 14-237

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Judge:

Complainant:

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**ORDER**

The complainant alleged a superior court judge improperly dismissed a petition for post-conviction relief, had an alcohol problem, and was prejudiced against him.

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.

The commission does not have jurisdiction to review the legal sufficiency of the judicial officer's ruling. In addition, 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: September 10, 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 complainant and the judge on September 10, 2014.

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

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 COMPLAINANT
 

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Complainant filed (Pro Se) a Rule 32 petition (PCR) (Exh A). His trial judge had therefore case was assigned to Judge on (Exh B). Judge had no prior knowledge of the case or previous participation of the case. On (two working days after it being assigned), she summarily dismissed PCR as being untimely/successive, for both claims, and never ruled on newly discovered evidence, or violations (Exh C).

PCR was 18 pages with an 18 exhibit appendix which consisted of affidavits, letters, reports, documents, and transcripts; it was written and put together by attorney. The petition references all exhibits in the appendix. (Note: Appendix is not included in this complaint but can be obtained from the case file; it is over pages and would cost p/page, but if this tribunal is actually going to consider this complaint and not deep-six it, will submit copy upon request).

Judge dismissal order states: "Defendnat fails to provide any facts, affidavits, records, or other evidence to support why these facts could not have been produced at the trial phase through reasonable diligence".

petition outlines the reasons for both claims, step by step. His appendix consisted of the following exhibits to support his facts:

CLAIM ONE

Exh B disclosure request at trial where he requested said documents prior to trial.

Exh C Trial prosecutor's response stating that the State did not have possession of the requested business records.

Exh D Trial transcripts of the State's key witness testifying that the sought-after documents no longer existed (as they were stolen in a burglary).

Exh F These transcripts in a \_\_\_\_\_ years after  
\_\_\_\_\_ where Detective \_\_\_\_\_ testified, under oath,  
that witness \_\_\_\_\_ gave him the business records defense was  
seeking several months prior to trial, and that he turned them  
over to prosecutor \_\_\_\_\_ testified, under oath, in the same  
civil trial that \_\_\_\_\_ never gave him these records.

Exh J These are supplemental police reports that  
presented at the civil trial, which were never disclosed during  
criminal proceedings, and they state receiving sought-after records  
prior to \_\_\_\_\_ criminal trial.

Exh R These are two letter from attorney \_\_\_\_\_ in which she  
stated that she found the business records (In \_\_\_\_\_, in the criminal  
case file of prosecutor \_\_\_\_\_ when she copied it as part of a  
settlement in \_\_\_\_\_

## CLAIM TWO

Exh K \_\_\_\_\_ filed an affidavit stating he was never informed  
by his attorney of plea, per State v. Donald, 198 Ariz 406 (2000).

Exh R These are letters from attorney \_\_\_\_\_ in which she  
states finding this plea offer in prosecutor's case file

Exh Q Copy of plea addressed to \_\_\_\_\_ public defender  
and signed by prosecutor \_\_\_\_\_

The following are issues of judicial misconduct, failure to  
perform duty, and/or incapacitation due to mental or physical ailments  
which may be due to recent divorce,  
of \_\_\_\_\_ who appear before her, political ideology,  
and/or her protecting her \_\_\_\_\_ prosecutor

1) According to the \_\_\_\_\_ no documents from  
this case was checked out by Judge \_\_\_\_\_ court and these records  
are prior to E-filing. Therefore \_\_\_\_\_ issued a decision that this  
PCR was successive (a generic dismissal) without any review of the case;  
and she did it in \_\_\_\_\_ when the average time for court to issue  
a PCR finding is \_\_\_\_\_

\_\_\_\_\_ argues that Judge \_\_\_\_\_ never even reviewed the case,  
she simply saw it was a \_\_\_\_\_ and dismissed it to lighten  
her case load as she is incapable of performing her duty and working  
the hours due to \_\_\_\_\_

According to divorce records she has \_\_\_\_\_ problems  
and she had used all of her sick/vacation days for \_\_\_\_\_  
including seeing a \_\_\_\_\_

\_\_\_\_\_ is a conservative Christian and has been outspoken in  
her opposition to \_\_\_\_\_ thereby showing a bigotry towards  
which \_\_\_\_\_ is.

\_\_\_\_\_ has also made comments to court officials, negatively,  
towards \_\_\_\_\_ (prior to case being assigned to her) because  
founded the political group - \_\_\_\_\_ It is believed she ruled  
in order to keep \_\_\_\_\_ imprisoned to prevent political activities.

Judge                    should have recused herself because                    makes  
allegations against Prosecutor                    who was                    and  
whom she had

2) Judge                    intentionally lied in her ruling by stating  
no evidence was presented as she is aware that the  
will take great weight in her ruling and not accept  
Petition For Review, thereby not reviewing her decision.  
                  presented facts (SEE PCR) and evidence in the appendix,  
so for the judge to blatantly lie, it could only be because she  
never actually reviewed the case and just wanted to lighten her  
case load so she would have more time to                    or she did it for  
other nefarious reasons such as  
etc.

#### CONCLUSION

                  is aware that what-ever this tribunal may do, it will  
not affect his criminal case and he is appealing her decision. The  
problem is that how many other prisoners or litigants is she  
screwing over by allowing innocent people to remain in prison like  
                  or denying relief that should be granted. If we can get  
rid of this judge then an honest and more efficient judge can take  
her place, which will increase the integrity and efficiency of our  
court. Or in the alternative, if judge                    needs help, it  
can help her to complete her job and become an adequate judge.  
The problem is that she intentionally lied in her decision, it  
was not an accidental thing, so fixing/helping her may not be an  
option.

I swear and affirm to the best of my knowledge and belief,  
that everything is true and correct.

Respectfully submitted this                    of