

State of Arizona  
COMMISSION ON JUDICIAL CONDUCT

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Disposition of Complaint 14-401

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Judge:

Complainant:

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**ORDER**

The complainant alleged that a pro tem appellate court judge improperly excluded the prosecution from participating in the appellate process, and that three other appellate court judges violated the principle of separation of powers.

The responsibility of the Commission on Judicial Conduct is to impartially determine if the judges 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 officers' rulings. In addition, the commission found no evidence of ethical misconduct and concluded that the judges did not violate the Code in this case. Accordingly, the complaint is dismissed in its entirety as to all four appellate court judges, pursuant to Rules 16(a) and 23.

Dated: January 14, 2015

FOR THE COMMISSION

/s/ George A. Riemer

\_\_\_\_\_  
George A. Riemer

Executive Director

Copies of this order were mailed to the complainant and the judges on January 14, 2015.

*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**

**2014-401**

**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.

MY CONTACT INFORMATION:

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

PREVIOUS CASE BEFORE THE COMMISSION:

\_\_\_\_\_

JUDGES' NAMES:

3  
\_\_\_\_\_  
1  
\_\_\_\_\_  
4  
\_\_\_\_\_  
2  
\_\_\_\_\_

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

AND

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ON I WAS ON BENCH  
TRIAL BEFORE A COURT JUDGE.  
THE PROSECUTION, UPON DEALING WITH MY  
TESTIMONY, REALIZED THAT THE CHARGE  
WAS FRAUDULENT AND LOST INTEREST IN  
THE CASE.

ON JUDGE  
ISSUED AN ORDER [ENCLOSED HERE  
IT DID TWO THINGS:  
1) IT GRANTED ME LEAVE TO FILE A  
SUPPLEMENTAL BRIEF IN PROPRIA  
PERSONA, AND  
2) IT IMPROPERLY EXCLUDED THE PROSECUTION  
FROM PARTICIPATING IN THE APPEALS  
PROCESS. SEE LAST PARAGRAPH OF ORDER.

ON I FILED MY  
SUPPLEMENTAL BRIEF [NOT ENCLOSED HERE].

ON THE JUDGES ISSUED  
A MEMORANDUM DECISION UPHOLDING THE  
CONVICTION [ENCLOSED HERE

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IN THEIR EAGERNESS TO SPARE THE  
COURT THE EMBARRASSMENT OF  
FACING THE FACT THAT IT HAD ISSUED A WIZONIFUL  
VERDICT, THE JUDGES VIOLATED A BASIC TENANT OF  
THE CONSTITUTION OF THE UNITED STATES OF AMERICA:  
THE PRINCIPLE OF SEPARATION OF POWERS.  
BY ARGUING THE CASE ON BEHALF OF THE  
PROSECUTION THE JUDGES, WHO REPRESENT THE  
JUDICIAL BRANCH OF GOVERNMENT, PERFORMED  
AN EXECUTIVE FUNCTION.  
JOKES ABOUT THE JUDGE SERVING THE  
SUPPLEMENTAL ROLES OF JURY AND HANGMAN  
ARE NOT FUNNY.

I DID FILE A MOTION FOR CONSIDERATION  
REQUESTING CLARIFICATION OF A DETAIL;  
BUT I AM SAVING THE CONSTITUTIONAL  
ARGUMENT FOR THE COURT.  
— AS WELL AS TAKING UP IN  
THE ITSELF.