

State of Arizona
COMMISSION ON JUDICIAL CONDUCT

Disposition of Complaint 15-300

Judge:

Complainant:

ORDER

The complainant alleged a superior court judge was prejudiced against him, displayed inappropriate courtroom demeanor, and prosecuted his case from the bench in a criminal proceeding.

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 review, 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.

Commission members Anna Mary Glaab and J. Tyrrell Taber did not participate in the consideration of this matter.

Dated: February 5, 2016

FOR THE COMMISSION

/s/ George A. Riemer

George A. Riemer
Executive Director

Copies of this order were mailed to the complainant and the judge on February 5, 2016.

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

2015-300

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.

THIS JUDGE ALLOWED I.D.C. INDIGENT DEFENSE COORDINATOR TO CUT MY DEFENSE FUND, FIRST CUTTING FUND FOR MY ATTORNEY A PRIVATE I.D.C. CONTRACT DEFENSE ATTORNEY, DELAYING MY CASE TILL THAT MATTER WAS RESOLVED. HE ALSO ALLOWED THEM TO CUT THE DEFENSE FUNDING FOR THE DEFENSE INVESTIGATOR THAT I.D.C. APPOINTED TO INVESTIGATE FOR MY ATTORNEY IN THIS CASE, NOT ONCE BUT TWICE HE DENIED THE DEFENSE FUNDING. FUNDING THAT WAS MUCH NEEDED SO THAT THE ATTORNEY IN MY CASE COULD ADEQUATELY PREPARE FOR THE SUPPRESSION HEARING IN THIS CASE AS WELL AS FOR TRIAL, AND FOR THOSE REASON MY ATTORNEY COULD NOT PRESENT THE THINGS NEEDED TO ASSURE ME A FAIR TRIAL. AT THE SUPPRESSION HEARING THIS JUDGE WAS RUDE ACTUALLY PROSECUTING THE CASE HIMSELF WALKING AROUND THE COURT ROOM OBJECTING, ASKING QUESTIONS, AND PROCEEDING TO DO THE PROSECUTOR'S JOB. HE MADE BIAS STATEMENTS DURING THE HEARING TELLING MY ATTORNEY THAT HE WOULD BELIEVE ANY STATEMENT MADE BY THE _____ MADE DURING THE SUPPRESSION HEARING, AS WELL AS ANY LAW ENFORCEMENT OFFICERS THAT ALSO TESTIFIED. HE DID NOT ALLOW MY ATTORNEY TO PRESENT THE MUCH NEEDED CASE LAW TO CONTEST THE SEARCH WARRANT AT THAT HEARING. BEING RUDE INTERRUPTING MY LAWYER ACTING AS NOT ONLY THE JUDGE, BUT THE PROSECUTOR AS WELL. HE DENIED THE MOTION TO SUPPRESS WITHOUT ALLOW US TO FINISH WITH THE CLOSING ARGUMENTS. HE THREATENED TO REMOVE MY ATTORNEY FROM MY CASE IF SHE ASKED FOR A CONTINUENCE FOR THE TRIAL.

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HE ALSO DENIED US ANY MORE DEFENSE FUNDING FOR OUR MUCH
NEED INVESTIGATOR FOR THE DEFENSE TO BE ABLE TO PREPARE
FOR THE TRIAL JUST AWAY, MAKING IT IMPOSSIBLE FOR
ME TO GET A "FAIR" TRIAL. IT GOT NO BETTER AS WE STARTED
TRIAL AS WE STARTED MOST OF THE
WITNESSES MY ATTORNEY HAD SUBPOENAED TO PRESENT THE MOST
FACTUAL EVIDENCE IN THE DEFENSE HE PRECLUDED NOT ALLOWING
US TO PRESENT OUR CASE.. IN FACT MUCH LIKE THE SUPPRESSION/
HEARING BEFORE, THIS JUDGE ACTED IN THE
SAME MANNER, PROSECUTING ME HIMSELF AND ALLOWING THE
PROSECUTION ANYTHING THEY WANTED TO PRESENT, ALONG WITH
MUCH PERTURBED TESTIMONY BY THE CASE OFFICER AS WELL AS
OTHER OFFICERS THAT TESTIFIED FOR THE PROSECUTION, BUT
LIMITING MY DEFENSE ATTORNEY AS TO CROSS EXAMINATION, PUTTING
HER OFF, BEING RUDE IN FRONT OF THE JURY. THE DEFENSE
WAS NOT ALLOWED TO MAKE A SUBSTANTIAL DEFENSE IN MY
BEHALF, CAUSING ME A UNFAIR TRIAL IN VIOLATION OF MY
UNITED STATE CONSTITUTIONAL RIGHTS TO A FAIR TRIAL, AND
A COMPLETE DEFENSE. THIS JUDGE IS A DISGRACE TO THE
JUDICIAL COMMISSION, AND SHOULD NOT BE ALLOWED TO
BE A SITTING JUDGE. THIS TYPE OF BEHAVIOR IS UNBECOMING
OF A JUDGE AND SHOULD BE DELT WIT

THANK YOU,