

State of Arizona
COMMISSION ON JUDICIAL CONDUCT

Disposition of Complaint 16-001

Judge:

Complainant:

ORDER

The complainant alleged a municipal court judge engaged in improper demeanor and made improper rulings in a criminal case.

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 judge's rulings. 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: February 10, 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 10, 2016.

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

Comp

2016-001

Dear Arizona Commission on Judicial Conduct,

On [redacted] in [redacted] held a bench trial where I was convicted guilty of trespass (ARS 13-1502.A.1), and interfering with a police officer ([redacted]). I was also sentenced that same day. RECORD [redacted]

During the trial the judge did not honor by rule *any* of my public defender's objections to hearsay. Some examples are in the testimony of [redacted] when he stated I could not be on the premises, and he had the authority to remove me. [redacted]

The judge even admitted on the record to allowing the hearsay [redacted]. Allowing hearsay is misconduct and impropriety because it is a violation of court rules (Evidence Rule 802), (Canon Rule 1.2.A.5). After [redacted] testified he did not ask me to leave the premises [redacted], the judge became partial to the original hearsay testimony by [redacted] as there was no additional documentation of [redacted] to support he had the authority to remove me. As a result the hearsay misconduct affected the truth of the matter or outcome of the case because the judge did not honor (Criminal Rule 20) after no substantial evidence had been presented by the prosecutor that the request by [redacted] to leave was reasonable [redacted].

Additionally, instead of applying case law the judge gave arrogant analogies of my conduct as an official. [redacted]. He also inappropriately stated I make my own bed and now need to lay in it [redacted], and that I am delusional [redacted], and dumb [redacted]. (Canon 2.3.B)

Lastly, before the trial the judge put my public defender on standby for wanting me to take a plea agreement. Instead of informing the appropriate disciplinary authority (Canon 2.15.B), he permitted the prosecutor to add a charge of interfering with a police officer [redacted] 3 months after the [redacted] incident while I did not have proper counsel. He also did not provide me with a public defender to appeal the case to the Supreme Court for an error in law as the added charge does not apply or extend to off duty police officers, security, or school resource officers. [redacted] bribed the off duty police officer in [redacted] to handcuff me [redacted] because I was legally on the premises with a pass [redacted] by the controlling authority [redacted]. I also had a [redacted]

Not only is the judge's conduct adverse it has affected the outcome of the case.

Respectfully,