

State of Arizona
COMMISSION ON JUDICIAL CONDUCT

Disposition of Complaint 16-124

Judge:

Complainant:

ORDER

The complainant alleged a superior court judge engaged in ex parte communication, lost evidence, was prejudiced against him, and made improper rulings in his 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(a).

Dated: June 22, 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 June 22, 2016.

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

I understand the commission cannot reverse court orders or assign a new judge to a case.

I declare, under penalty of perjury, that the foregoing information and the facts I have provided are true and correct if judicial misconduct are based are

Signature: _____

Date: _____

INSTRUCTIONS

Use the following space or plain paper of the same size to explain your complaint. Explain why you believe what the judge did constitutes judicial misconduct. Be specific and list the names, dates, times, and places relevant to your allegations. Additional pages may be used and relevant copies of documents may be sent with your complaint (please do not send original documents). Use one side of each page only and write legibly or type your complaint. Please keep a copy of your complaint for your records.

THIS IS THE SECOND COMPLAINT FILED BY THE PLAINTIFF ON THE ABOVE-NAMED JUDGE AND RESPECTFULLY REQUESTS THE INITIAL COMPLAINT THAT WAS ASSIGNED BE INCORPORATED WITH THE INSTANT COMPLAINT FOR THE PURPOSE OF BACKGROUND INFORMATION.

SHORTLY BEFORE P...L...S TRIAL WAS TO BEGIN ON TRIAL COUNSEL WAS ALLOWED BY JUDGE TO RETRIEVE PLAINTIFF'S CELLPHONES FROM POLICE DEPARTMENT EVIDENCE. SEE EXH. A. AFTER OBTAINING THE CELLPHONES, COUNSEL, ON THE FIRST DAY OF TRIAL, RUSHED INTO THE COURTROOM DIRECTLY TO THE STATE'S DEPUTY COUNTY ATTORNEY AND ALLOWED TO READ EXCULPATORY AND IMPEACHING TEXT MESSAGES IN PLAINTIFF'S VERIZON CELLPHONES THAT HAD BEEN AUTHORED AND SENT BY VICTIM AND LISTED AT TRIAL UNDER EXH. SEE ATTACHED

EXH. B. UNFORTUNATELY, VICTIM DID NOT APPEAR AT TRIAL, AND AS THE RESULT, PLAINTIFF'S CELLPHONES WERE NEVER ADMITTED INTO EVIDENCE. SEE EXH. C. HOWEVER, AT THE CONCLUSION OF PLAINTIFF'S TRIAL, ALL EXHIBITS LISTED WERE KEPT IN THE POSSESSION OF THE TRIAL COURT. IT SHOULD BE

MENTIONED THAT AFTER TRIAL THAT ORDERED VICTIM TRIAL; SUBSEQUENTLY, ONLY VICTIM TO TRIAL. INFORMED PLAINTIFF NOT BE DELIVERED TO WAS

AFTER A COMPROMISED APPEAL BY ATTORNEY AND THE AFFIRMING OF PLAINTIFF'S CONVICTIONS OF ATTEMPTED ARMED ROBBERY OF BOTH AND PLAINTIFF FILED A NOTICE OF INTENT TO FILE FOR POST-CONVICTION RELIEF. ON WAS APPOINTED TO REPRESENT PLAINTIFF; HOWEVER, ON COUNSEL ADMITTED THE COURT OF A CONFLICT OF INTEREST. ON WAS APPOINTED AS REPLACEMENT-COUNSEL; UNFORTUNATELY, ON ALSO FILED A NOTICE OF CONFLICT. THEN, ON, CURRENT APPOINTED COUNSEL REPLACED AND NOW ADVISES PLAINTIFF OF THE POSSIBILITY HIS CELLFILES HAVE BEEN LOST BY THE TRIAL COURT. SEE EXH. D.

ARIZ. P. CRIM. PRO., RULE 32.4(C)(2) READS AS SUCH:

ON A SHOWING OF GOOD CAUSE, A DEFENDANT IN A NON-CAPITAL CASE MAY BE GRANTED A THIRTY DAY EXTENSION WITHIN WHICH TO FILE THE PETITION. ADDITIONAL EXTENSIONS OF THIRTY DAYS SHALL BE GRANTED ONLY UPON A SHOWING OF EXTRAORDINARY CIRCUMSTANCES.

TO DATE, HAS BEEN GRANTED CONTINUANCES; TWO OF WHICH WERE FOR SIXTY DAYS, EACH FOR THE PURPOSE OF ALLOWING COUNSEL TO . IT IS IN THE RECORD. PLAINTIFF, DURING A VISIT WITH ATTORNEY ON WAS URGED BY COUNSEL TO PLEAD GUILTY, STATING: "THE JUDGE DOESN'T CARE IF YOU'RE

innocent, he wants you to do five years." Such an illegal
EX PARTE EXCHANGE EXPLAINS DELAYS AND
JUDGE VIOLATION OF RULE OF PROCEDURE IN ALLOWING
THEM.

When Victim was delivered to trial by a
Police Department Detective, it was obvious to all
was under the influence of an unknown substance and
subjected by the court to voir dire. See Exh. E. During
the discussion as to what to do about condition the
court stated the following:

The reason [] knows so much about
[], they probably used [] together.

See Exh. F. Still a disrespectful assumption on the part of
is direct evidence of prejudice and has
absolutely no place in the proceedings. The court's dislike
of the plaintiff is found throughout the record and in
the biased administration of allowing attorney after attorney
to withdraw as opposed to ordering them to provide the
plaintiff effective assistance. is attorney #

The plaintiff has asserted his actual innocence since his
arrest and it is supported by the record. Consider:

1. A gun was admitted into evidence at trial
at hearsay testimony; where Police Depart-
ment Crime Scene Specialist
testified plaintiff's latent prints tested negative
and plaintiff has repeatedly stated his DNA
would not be found on the gun when tested.
2. The gun was discovered two blocks from
the incident in the middle of the street and

MINUTES AFTER VICTIM CALLED 9-1-1.

3. IN AN AREA OF CONFINEMENT THE SIZE OF HALF A FOOTBALL FIELD, WITH OVER POLICE DEPARTMENT PERSONNEL INVOLVED, IT WAS A THAT ALLEGEDLY DISCOVERED THE GUN.
4. NEVER FILED A REPORT; WAS NEVER INTERVIEWED BY ANYONE, AND WAS NOT SUBPOENAED TO TESTIFY AT TRIAL.
5. THE VICTIMS ALLEGED PLAINTIFF WAS A CASUAL ACQUAINTANCE AND THAT THEY DID NOT OWE HIM MONEY.
6. PLAINTIFF'S PHONE RECORDS REVEAL A COMPLETELY IMPEACHING GROUP OF EVIDENCE THAT AND THE PLAINTIFF WERE INVOLVED.
7. AT TRIAL, TESTIFIED DID NOT KNOW THE PLAINTIFF AND HAD NEVER MET HIM.
8. IN PLAINTIFF'S VERIZON CELLPHONE IS FOUND TELEPHONE NUMBER AND NAME.
9. DURING CLOSING REBUTTAL. JUDGE ALLOWED THE STATE'S TO CONFUSE THE JURY THROUGH MISINTERPRETATION OF LAW AND MULTIPLICIOUS CHARGING. SEE EXHIBIT G.
10. AT TRIAL, IDENTIFIED THE PLANTED GUN AS HAVING BRANDISHED BY PLAINTIFF.

THE PLAINTIFF IS AN INNOCENT MAN THAT HAD EARLIER ON THE DAY IN QUESTION, MADE ARRANGEMENTS WITH VICTIM TO APPEAR AT HOUSE AT EIGHT IN THE EVENING FOR THE PURPOSE OF COLLECTING MONEY OWED HIM, AND TO PROVIDE WITH A RIDE TO WORK AT WHERE WORKED AS . NOT EXPECTING TO BE HOSTS, WAS FORCED TO CREATE AN AVERSION IN ORDER TO DISTRACT FROM DISCOVERING HAD SHARED A ROOM AT A HOTEL THE PREVIOUS NIGHT WITH PLAINTIFF. COOPERATED WITH CHARGE IN ORDER TO AVOID PAYING DEBT TO THE PLAINTIFF AS HAD PREVIOUSLY DONE ON MULTIPLE OCCASIONS. JUDGE HAS CONTROLLED THE PROCEEDINGS IN SUCH A WAY AS TO SUPPRESS THE TRUTH; AND IT MUST BE CONSIDERED THAT THE JUDGE WAS INFLUENTIAL IN SO MANY COURT-APPOINTED COUNSEL'S INEFFECTIVE ASSISTANCE. THE LEGAL SCENE IN IS A VERY TIGHT-KNIT FAMILY RULED BY POLITICAL CORRECTNESS.

PLAINTIFF PLEADS WITH THE COMMISSION ON JUDICIAL CONDUCT TO INITIATE AN INQUIRY IN THE SUB JUDICE MATTER, MERELY FOR THE PURPOSE OF COMPELLING JUDGE TO PUT AN END, ONCE AND FOR ALL, TO THE MISCARRIAGE OF JUSTICE IS GUILTY OF.

Thank you.