

State of Arizona
COMMISSION ON JUDICIAL CONDUCT

Disposition of Complaint 16-281

Judge:

Complainant:

ORDER

The complainant alleged a superior court judge refused to allow him to file motions and present evidence, and made improper rulings in a criminal case. The complainant also alleged a second superior court judge engaged in inappropriate demeanor in a criminal case.

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 first judge's rulings. In addition, the commission found no evidence of ethical misconduct and concluded that the first judge did not violate the Code in this case. Accordingly, the complaint is dismissed in its entirety as to the first judge, pursuant to Rules 16(a) and 23(a).

After further review, the commission found the second judge used inappropriate and profane language in a settlement conference. While this was improper under Rule 2.8(B), the Scope Section of the Code of Judicial Conduct provides that it is not intended that every transgression will result in the imposition of discipline. The commission decided, after considering all the facts and circumstances, to dismiss the complaint as to the second judge pursuant to Rules 16(b) and 23(a), but to issue a warning letter to the second judge concerning his obligation under Rule 2.8(B) to be patient, dignified, and courteous to litigants and to refrain from using profanity and to keep calm even when dealing with frustrating litigants.

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

Commission member Peter J. Eckerstrom did not participate in the consideration of this matter.

Dated: February 7, 2017

FOR THE COMMISSION

/s/ Louis Frank Dominguez

Hon. Louis Frank Dominguez
Commission Chair

Copies of this order were distributed to all appropriate persons on February 7, 2017.

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



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.

on the _____, I submitted a motion to submit "
" (I submitted this, while represented by counsel who kept lying
to me and saying _____"
(I have already sent letter to the State Bar of Arizona on the _____ attorney's).
On the _____ there was a hearing on my motion which pointed
out at least _____ of the many blatant lies of the prosecutor. Instead of
asking to see the evidence, part of Judge _____ response was "

" I feel I have hard evidence to
prove that Judge _____ did not want to entertain my motion because
instead of ignoring Rule 2.15 (B), he would then have to obey or violate
Rule 2.15 (B). Therefore I feel Judge _____ violated canon 1, canon 2,
Rule 1.1, Rule 1.2, Rule 2.2, Rule 2.3 (Judge _____ in _____ also
violated Rule 2.3 at my _____ settlement conference when he told her
" (That was recorded on
my cell phone → so if they want to lie so be it.) Then Judge _____
violated Rule 2.6. All these violations hapend all because of ignoring
Rule 2.15 (A), because he did not want to Follow Rule 2.15 (B).
The other option is maybe Judge _____ forgot about Rule
2.15 and since I pointed it out on the _____
maybe he is now doing the right thing? A simple phone call
From you could find out. or do nothing and let the Federal
Agencies get involved since you dont want to handle it.

Thanks and God bless if you do the right thing

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2016-281

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Judge's Name: _____

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on the _____ there was a hearing on my motion to
" _____ that I filed on the _____ by myself since my
own defense attorney was not defending me not exposing the lies of the prosecutor.
In my motion I point out just a few of the many blatant lies of the prosecutor.
Part of Judge _____ reply was _____

I feel Judge _____ violated Canon 1 and Canon 2 Rule 1.1, and Rule 1.2, and Rule 2.2,
and Rule 2.3 (the Judge in _____ is also guilty of this by yelling at _____ at _____)
her settlement conference by saying " _____ "

(I sent the recording of that on my phone to an agency already).

Judge _____ then violated Rule 2.6 and of course he blatantly violated Rule 2.15 (B)
Because once he saw the evidence he would have to apply Rule 2.15(B).
Then he would have to declare a mistrial or New Trial.

I sent motions to the court for a hearing for a new trial but now the court
is saying my motions are _____ since I am represented by
Counsel. This is a Lie! I can submit motions myself just like I did on
I want my hearing for my Motion of a new trial, so the Judge can see
the ample evidence of attorney misconduct, and then have a chance to
follow Rule 2.15(B)

I asked Judge _____ at my Rule 6.1 waiver of counsel hearing on the
_____. I asked him to send _____ to his
office to get the evidence so I could show him attorney misconduct
and violation of Rule 1.1 and Rule 2.15 of the code.

Judge _____ did not send him. And since I am innocently locked up at
_____ awaiting sentencing, I chose to have new counsel
appointed and he promised me it would not be from the
public or legal defender's office (since he knows I don't trust them).

I will meet with my new attorney on _____ and will give her a copy
of what I am sending you.

Sincerely,

ps Please help so innocent
people do not have to go to prison.
It is bad enough when my family is 2
torn apart due to injustice. _____ is in Jail, our

* You have time to intervene before more corruption takes place