

State of Arizona  
COMMISSION ON JUDICIAL CONDUCT

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Disposition of Complaint 16-289

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Judge:

Complainant:

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**ORDER**

The complainant alleged a superior court commissioner engaged in misconduct by not properly polling the jury in his criminal case.

The responsibility of the Commission on Judicial Conduct is to impartially determine if the commissioner 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 commissioner's rulings. In addition, the commission found no evidence of ethical misconduct and concluded that the commissioner 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: December 7, 2016

FOR THE COMMISSION

/s/ George A. Riemer

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George A. Riemer  
Executive Director

Copies of this order were mailed to the complainant and the commissioner on December 7, 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 upon which my allegations of judicial misconduct are based are true and c

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.

On MY Trial Attorney and  
 The state Prosecutor chose Ten Jury for Trial, over the of  
 of Jury Number one was sent to Emergency Room. was the  
 First day of Trial and there was a total of nine Jury Present for the case. The Judge  
 Stated that this case would only need a Total of Eight Jury  
 to make a verdict on Final day of Trial, the Jury was trying to reach  
 a verdict, Trial was suppose to start at and not of  
 The Judge was trying to get a hold of the Prosecutor because he was late and  
 told the Judge he was going thru the metal detector and would be up shortly, minutes  
 Pass by hours Pass by, no the Jury couldnt reach a verdict. Finally  
 hours of waiting the Jury reach a verdict and arrived. The clerk read the  
 verdict For all not guilty, not guilty and  
 guilty. ask the state Prosecutor and MY defense  
 Attorney do they wish to Poll the Jury, they both replied Yes. MY  
 Transcripts read that Clerk will Poll the Jury but the video /  
 Audio MY Attorney fail to Produce Shows a Problem. Poll the  
 Jury and explain a Yes or No answer is required Jury Number one is this your  
 verdict im. Sorry we dont have a Jury Number one Jury Number Two replied YES that  
 is his/her guilty verdict, Three said Yes, Four said Yes, Five never replied and

Leaned back in his chair and Laugh with his clerk and  
 then he raised UP and continued calling Jury Number Six, replied Yes, Jury number  
 Seven replied Yes, Eight replied Yes Jury Number Nine replied Yes and then  
 called Jury number five again with out a response. I was then Put into custody bond  
 exonerate and taken away, I called my father to let know what took Place and he  
 called and he replied that he was Sure Eight Jurys convicted me. On  
 came to visit me at at to Show me  
 MY Final day Trial Polling on his Touch Screen Tablet and We Played the video/Audio and  
 Watched Poll Jury Number Five twice and not answer on Record  
 IF that was his/her verdict. Transcripts Says the Polling was done by the clerk and  
 Shows no indication that Number Five was called UPon and that Jury Number Ten was.  
 I was convicted of a (2) felony Dangerous Drugs Possession for Sales over the  
 threshold by Seven Jurors and not Eight. I ask what do he Plan to  
 do about this, he stated he would let the Judge know Tomorrow. I  
 was Sentence to Doc for lat, as if I had a Fair Trial with a unanimous  
 verdict. MY Attorney has agreed to meet with my wife at Starbucks and never showed  
 UP to Give my wife the video/Audio, knows that I am aware  
 of his actions but he also know im having a difficult time providing MY case. I  
 need my Two motions answered so im able to meet  
 rewest, and that ordering To unseal the Juror Record and  
 ordering Defense Counsel To produce Brady Material Discovery and a court  
 order to Authorize to release the video to My wife  
 or Thank you for Your time and have  
 a wonderful day.