

State of Arizona
COMMISSION ON JUDICIAL CONDUCT

Disposition of Complaint 17-022

Judge:

Complainant:

ORDER

The complainant alleged two superior court judges, one now retired, were biased in favor of the prosecution and did not allow him to speak in his 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 judges' rulings. In addition, the commission found no evidence of ethical misconduct and concluded that the judges did not violate the Code in this case. Accordingly, the complaint is dismissed in its entirety as to both judges, pursuant to Rules 16(a) and 23(a).

Dated: February 22, 2017

FOR THE COMMISSION

/s/ George A. Riemer

George A. Riemer

Executive Director

Copies of this order were distributed to all appropriate persons on February 22, 2017.

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 correct.

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.

My name is _____ . Until I was recently informed, I had no idea that I could file a complaint against my Judge. I am also aware that _____ was my sitting Judge for my trial in _____ has had numerous complaints filed against him concerning his conduct in the Court Room. During my hearings _____ would not allow me to speak. When ever I would try to speak _____ would defer to the prosecutor and ask if it would be allowed and the Prosecutor would say no. Why would any Judge have to ask permission from the Prosecutor to do something in his own Court Room. From what I've read on law, the Judge is supposed to be able to make the determination in his Court Room Without being biased or having to ask the opinion of the Prosecutor. _____ also did not allow _____ to testify who could have proved my innocence. Furthermore there were things that were said by myself and others that did not appear in my trial transcripts due to the fact that as soon as they were said _____ would have it stricken from the records. By law this is considered improper Court Room proceedings and falls under Judicial Misconduct. This has not only happened to me but has happened to many people in _____.

I am requesting an investigation against _____ concerning his conduct. Thank you very much for your attention in this matter

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2017-022

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My name is _____ I had no idea that I could file a complaint against my Judge until recently. _____ informed. _____ was my sitting Judge in _____ for my post conviction relief. I'm also aware that _____ has had numerous complaints filed against him concerning his conduct in the Court Room. During one of my hearings, _____ attempted to force me to keep an attorney that I had already fired. As the hearing progressed I would ask to speak and not be allowed, yet the Judge would ask the prosecutor if it was alright for the Defendant to speak and the Prosecutor would tell the Judge no. As a matter of fact everything that was brought to the attention of the Judge, the Judge would respond to the Prosecutor asking permission to allow it into the Court proceedings on record. This makes the Judge bias and prejudice and did not give me a fair chance to speak. This is misconduct on the Judges part. From what I've read on Law, a Judge is supposed to be making the determination in his Court Room without being biased and without asking the opinion of the Prosecutor. Why would any Judge have to ask permission to do anything from the Prosecutor in _____ . By Law this is considered to be improper legal proceedings. This is without a doubt Judicial Misconduct on the Judges part. This has not only happened to me, but has happened in many cases in _____ . I'm requesting an investigation on _____ regarding his conduct. Thank you very much for your attention in this matter.