

State of Arizona  
COMMISSION ON JUDICIAL CONDUCT

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Disposition of Complaint 18-008

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Judge:

Complainant:

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**ORDER**

The complainant alleged a superior court judge improperly refused to grant a continuance of an evidentiary hearing and improperly refused to grant telephonic appearances at an evidentiary hearing.

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).

Commission member George H. Foster, Jr. did not participate in the consideration of this matter.

Dated: February 21, 2018

FOR THE COMMISSION

/s/ Margaret H. Downie

Margaret H. Downie

Executive Director

Copies of this order were distributed to all appropriate persons on February 21, 2018.

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

**CONFIDENTIAL**

Arizona Commission on Judicial Conduct  
1501 W. Washington Street, Suite 229  
Phoenix, Arizona 85007

**FOR OFFICE USE ONLY**

**2018-008**

**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 \_\_\_\_\_ during I, the defendant \_\_\_\_\_ Suppression hearing in the \_\_\_\_\_ courtroom my attorney at the time

asked the judge for a continuance because a key witness who happened to be an officer was absent although allegedly subpoenaed to appear by the state. My attorney asked for a continuance because the officer's absence and his importance to the hearing due to the fact that he provided the detective with the information involving my crime in which the detective incorporated in the Affidavit to the Search Warrant. The suppression hearing was to suppress evidence due to an invalid Affidavit. The judge refused to grant a continuance knowing that the absent officer was crucial to the hearing we were undergoing. On another occasion while defendant \_\_\_\_\_ was ~~x~~ pro-per status during a hearing on \_\_\_\_\_ defendant asked \_\_\_\_\_ to have both victims present for the incoming Desseault hearing that was scheduled on \_\_\_\_\_

although it was already requested in defendant's motion for the Desseault hearing. The response to my request was that since the victims lived a long distance away that if need be they'll have them present at another date. Defendant \_\_\_\_\_ then asked to have them available telephonically due to them being essential to his defense. The Judge's response was that "Telephonic hearings don't seem to work out, but they'll be at trial". The law states I'm entitled to subpoena anyone for ~~x~~ my defense and the courts expect witnesses to be available physically and/or telephonically in which \_\_\_\_\_ was fully aware of, deliberately denied my right. Furthermore his excuse that "Telephonic Hearings" don't seem to work out was just a ploy he made up because on multiple occasions defendant \_\_\_\_\_ has personally witnessed him hold telephonic hearings that went perfect everytime. One occasion defendant ~~which~~ wish to state was at a hearing held in \_\_\_\_\_ courtroom on \_\_\_\_\_.

Attached  
Exhibit A

To sum it all at once \_\_\_\_\_ has deliberately Abused his discretion,  
Violated defendant \_\_\_\_\_ due process, prejudiced defendant \_\_\_\_\_, and obstructed  
Justice. Finally \_\_\_\_\_ has been intentionally and deliberately compromising  
the integrity of the Justice System. (Refusing to allow me to subpoena  
witnesses in my defense or have them available telephonically).