

State of Arizona
COMMISSION ON JUDICIAL CONDUCT

Disposition of Complaint 18-170

Judge:

Complainant:

ORDER

The complainant alleged a superior court judge was biased against him, improperly denied his request for new counsel, and improperly halted an investigation into an alleged assault on the complainant during trial.

The responsibility of the Commission on Judicial Conduct is to impartially determine if a judicial officer 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 a judicial officer's rulings. In addition, the commission found no evidence of ethical misconduct and concluded that the judicial officer 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: August 31, 2018

Copies of this order were distributed to all appropriate persons on August 31, 2018.

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

CONFIDENTIAL

Arizona Commission on Judicial Conduct
1601 W. Washington Street, Suite 229
Phoenix, Arizona 85007

FOR OFFICE USE ONLY

2018-170

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.

Please accept this letter as a request to open an investigation into the misconduct of

Judge , who adjudicated the case of

Mr. lists the following reasons why he believes Judge

should be investigated for misconduct:

• Mr. and Judge

Because of this Judge may have a biased opinion of Mr.

and should have recused himself from the case.

• During the voir dire and trial proceedings that took place on through and during the sentencing hearing on Mr. was repeatedly assaulted with a laser on his face and/or head.

• On , Mr. brought the assault to the attention of Judge and requested an investigation be conducted at that time. Judge responded by being verbally dismissive of Mr. assertions.

• Rather than addressing Mr. concerns, Judge ordered Mr. to undergo a drug test the same day the investigation was requested.

• On or about , during deliberations, the jury submitted three questions to the court. Although Mr. was entitled to hear the jury questions, he was not made aware of the questions until over a month after sentencing and confinement had begun.

• After the sentencing hearing, Mr. was informed by the arresting officer that the investigation into the events of had been halted by Judge .

• By halting an investigation into the proceedings of his OWN courtroom, Judge displayed undeniable bias and misconduct.