

State of Arizona
COMMISSION ON JUDICIAL CONDUCT

Disposition of Complaint 18-244

Judges:

Complainant:

ORDER

The complainant alleged two superior court judges made improper rulings in criminal matters.

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 officers 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 Art Hinshaw did not participate in the consideration of this matter.

Dated: October 18, 2018

Copies of this order were distributed to all appropriate persons on October 18, 2018.

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

VIA ELECTRONIC DELIVERY
ARIZONA COMMISSION ON JUDICIAL CONDUCT
1501 West Washington Street Suite 229
Phoenix Arizona 85007

Re:

Judge:
Location:
Associated:

Attorney's:

I understand that the commission cannot reverse court decisions or assign a new judge. I affirm under penalty of perjury that the following allegations contained in the attached document are true.

Dated this day of

1. Judge denied my Return of Property Motion because she stated I was . She has denied me property that is legally mine because she doesn't want me to have any chance of proving that all the property was taken illegally
2. Judge quashed the warrant in my husband's case when he was already in custody. The warrant he was arrested on was never entered into the database because Judge didn't want the case to resurface. He even returned the of the bond. To compensate tried to enter the warrant in after he was arrested, and Judge quashed the warrant he was already in jail (no bond) for
3. Judge allowed his counsel to withdraw before trial was to begin and didn't assign new counsel. It wasn't until I threatened his previous counsel with filing a special action for appt of counsel did one get assigned. It was the same day I sent his counsel the email that counsel was assigned showing that she is speaking about the case to his previous counsel.

4. Judge [redacted] has told his new counsel not to speak to me. I emailed him a simple email asking him to please let me know when he files the motion for new counsel and he told me he couldn't speak with me further. She knows my husband has requested a Franks Hearing and is trying to do whatever necessary to stop that.
5. She denied [redacted] request to reschedule the trial. Knowing new counsel would only have less than [redacted] to prepare for a trial and no way to motion for a Franks hearing.

VIA ELECTRONIC DELIVERY ARIZONA
COMMISSION ON JUDICIAL CONDUCT
1501 West Washington Street Suite 229 Phoenix
Arizona 85007

Re:

Commissioners:

Please see attached [redacted] filed in [redacted] Case [redacted], the [redacted]. There is an additional issue with the warrant relied on to arrest my husband.

In [redacted] my husband was arrested and charged with narcotic violations. He was released on a \$ [redacted] bond posted by his brother. The case was assigned to the Honorable [redacted]. For some reason the indictment was filed [redacted] after his arrest which prompted the case to be assigned to a second judge, Honorable [redacted].

Judge [redacted] scheduled a Motion to Suppress hearing on [redacted]. I do not believe a Notice of Hearing was filed. At the same time a hearing was scheduled in front of Judge [redacted]. When [redacted] went to court he went into Judge [redacted]. His attorney, [redacted] and the prosecutor, [redacted] were not in Court, so [redacted] stepped in temporality. The reason they were absent is because they were in the [redacted].

Judge [redacted] denied the [redacted] instead of rescheduling the hearing, so [redacted] could be included. On the day of trial, [redacted] failed to show up. [redacted] motioned for the Court to dismiss a prior allegation. The Court granted the [redacted].

motion and proceeded with trial in absentia. He was found guilty. Judge issued a warrant for his arrest and started the commencing of forfeiting the bond. I believe Judge just wanted the case to disappear because of the what had happened prior in the case.

At the hearing, the bond posters were only penalized of the originally bond. The minute entry even states that the defendant was present at the hearing. A Satisfaction was recorded.

The exhibits were authorized for destruction in

There should have been no way he would have been brought back in on this warrant. It was not in the system, the only record of it was the paper copy filed in court. Officers were provided the information from source, his had already dismissed the information had tried to provide them because he was unbelievable. They also may have actually tried looking up the information and saw that no warrant existed.

relied on this warrant that they knew they should not have. A marked patrol vehicle pulled him over and they have told me that no radio transmissions exist. I requested the transmissions prior to the destruction date so it was not that they were destroyed, they said they never existed. I believe they did not want me to hear the officers and the issues with confirming the warrant.

He was originally charged with ; but that charge was dismissed. His RAP sheet contains no reference to the case. The Disposition Sheet is incomplete.

He was originally in front of Judge again. Judge told his new counsel, and , the prosecutor that he wanted to have lunch with them (in open court). The next hearing was in front of Judge for some reason. Judge never filed a recusal.

My husband was arrested in tried to compensate by entering the warrant into the system. He had already been arrested and held without bond. Judge quashed this warrant in open court. The report printed in states that he was never charged.

I informed i the attorney handling that I believed that the warrant was not confirmed in I also requested the extract from . After requesting the warrant information, a new case was filed in

states that they cannot release because it is confidential.

This is on top of the other misconduct problems I have already provided. I wasn't going to file a complaint but every time I try to be reasonable I regret it because people just take advantage of the situation. I feel I have been treated extremely unfairly by multiple judges and I just do not have any trust left to give.

Please see attached documents as proof of all allegations I am making. I never wanted anyone in trouble, but this is what it has come too. I don't know what I can possibly do.

Thank you for taking the time to read this letter. The foregoing is true to the best of my knowledge under penalty of perjury.

Sincerely,