

State of Arizona
COMMISSION ON JUDICIAL CONDUCT

Disposition of Complaint 18-280

Judge:

Complainant:

ORDER

The complainant alleged an expert witness gave improper testimony in his criminal trial thirty years ago, and a superior court judge had improperly denied complainant the right to challenge this testimony.

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).

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

Dated: December 19, 2018

Copies of this order were distributed to all appropriate persons on December 19, 2018.

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

CONFIDENTIAL

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

FOR OFFICE USE ONLY

2018-280

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.

Although Section 1983 was designed especially to help anyone can use it, regardless of race. The law refers to "any citizen of the United States or any other person within the jurisdiction thereof." Meaning any person can file a §1983 action even if they are not a U.S. citizen.

8th Cir. All one need is to have been "within the jurisdiction" when his/her rights were violated. "within the jurisdiction" just means physically present in the U.S. The fact that Complainant is "illegally and involuntarily committed to the _____ at the Arizona _____ Facility does not take away Complainant's right to sue under section 1983. 378 U.S. 516 () See 29 U.S.C. § 1915 (e)(1) see also, 363 F.3d 229, 231 (3rd Cir. Appointment of counsel to indigent plaintiff appropriate given legal and factual merits of cruel and unusual punishment and involuntary commitment)

Here, in Complainant's trial was disclosed by the state as an expert witness. trial testimony should be "completely and totally eradicated" in this case for the following reasons: (1) has previously embellished and exaggerated his academic credentials in order to be qualified as an expert. In fact, his prior fraudulent exaggerations, if not perjurious, kept the truth about his background from the fact-finder. See Complainant's pending Petition for Post-Conviction Relief with Attachments, re support calling as expert witness in this case, testimony pursuant to Rule 702(b), Arizona Rules of Evidence and 116 Ariz. R.S., 568 P.2d 1001 as probative of sexually aberrant behavior (5d. R.F. at 4-15) was allowed by the court because he was testifying largely regarding the Child Sexual Abuse. The was first written about by psychiatrist. By had specifically claimed that this is not a diagnostic tool and should not in any way be used to determine whether or not abuse had taken place. specifically said his syndrome was not a syndrome; (3) the testimony of an expert witness often carries great weight in litigation. The background, both academic and professional, of the expert is of paramount importance. The more academic credentials, or relevant work experiences, possessed by an expert the more credible that expert is to a jury.

Truthfulness of testimony

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The State's conspiratorial collusion and/or civil conspiracy with its expert in this case, is a fraud. He consistently and repeatedly misled attorneys, courts, and juries about his professional experience and academic credentials regarding the [see letter from dated]. [see] vague and conclusory allegations that are unsupported by material facts are not sufficient to state a

(describing allegations of civil conspiracy actionable under _____)
The is a syndrome proposed by in to describe how he believed sexually abused children responded to ongoing sexual abuse, instead matter to the of the facility. himself recognized in later articles the extent to which many persons were misled by the use of the term "syndrome" and how his theory had been inappropriately used as a diagnostic tool both in the field of behavioral sciences and in the courtroom. see Rule 11.6(h), Ariz. R. Crim. P. and 29 U.S.C. § 1915(e)(1) see also _____ (appointment of counsel to indigent plaintiff appropriate give legal and factual merits of cruel and unusual punishment and involuntary commitment). See US Constitution Eighth and Fourteenth Amendments. And Complainant's claims asserted under the American with Disabilities Act "ADA" found at 42 U.S.C. §§ 12101-12213. The ADA prevents discrimination against people with disabilities, including Complainant (as a _____). This complaint is further supported by the trial and appellate court record, appendix, affidavit, and exhibits incorporated by reference. See 42 U.S.C. §§ 1995, 1996; Civil Rights Conspiracy Claim.