

State of Arizona
COMMISSION ON JUDICIAL CONDUCT

Disposition of Complaint 18-292

Judge:

Complainant:

ORDER

The complainant alleged a superior court judge allowed improper expert testimony in his criminal case.

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 Denise K. Aguilar did not participate in the consideration of this matter.

Dated: January 9, 2019

Copies of this order were distributed to all appropriate persons on January 9, 2019.

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

2018-292

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.

Here, this complainant adamantly contends he is actually innocent and was wrongly convicted and sentenced in _____ through the use of charges previously dismissed in _____

The charges previously dismissed and used in this case was predicated of the Child Sexual Abuse Accommodation Syndrome ("CSAAS") based upon _____ testimony allowed by Judge _____, knowing _____ is not a qualified "expert" who comport with the rule of law pursuant to Ariz. R. Crim P. 11.3(b) definition of mental health expert which provides:

- (1) Any licensed physician
- (2) Any certified psychologist

is " _____ " a _____, because she was testifying largely regarding the Child Sexual Abuse Accommodation Syndrome. The "Syndrome" was first written about by psychiatrist _____ in _____ By _____ had specifically claimed that this "Syndrome" is not a diagnostic tool and should not in any way be used to determine whether or not abuse has taken place (as used here)

Specifically said his Syndrome was not a Syndrome (as Judge _____ was well aware in _____ AZ Supreme Ct. R. 51 Rules of the Sup. Ct. 2.15 (A.2) See Comment. in addition Judge _____ was well aware that _____ was not qualified as an "expert" to testify

pediatric testimony in this case
involving the alleged victim giving the appearance
of impropriety...