

State of Arizona
COMMISSION ON JUDICIAL CONDUCT

Disposition of Complaint 19-002

Judge:

Complainant:

ORDER

The Complainant alleged a superior court judge had a conflict of interest in denying his request for a jury instruction and in handling a post-conviction matter.

The role of the Commission on Judicial Conduct is to impartially determine whether a judicial officer has engaged in conduct that violates the Arizona Code of Judicial Conduct or Article 6.1 of the Arizona Constitution. There must be clear and convincing evidence of such a violation in order for the Commission to take disciplinary action against a judicial officer.

The Commission does not have jurisdiction to overturn, amend, or remand a judicial officer's legal rulings. The Commission reviewed all relevant available information and concluded there was not clear and convincing evidence of ethical misconduct in this matter. The complaint is therefore dismissed pursuant to Rules 16(a) and 23(a).

Dated: May 15, 2019

Copies of this order were distributed to all appropriate persons on May 15, 2019.

CONFIDENTIAL

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

FOR OFFICE USE ONLY

2019-002

COMPLAINT AGAINST A JUDGE

Name: _____

Judge's Name: Honorable

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 the date of _____ my then trial attorney an
defense counsel _____, filed an motion regarding
an willitts instruction(s). Honorable Judge _____ did not dispos-
ition the motion but instead departed from the normal course of
due process by disregarding my defense counsels application in viol-
ation of procedural due process which is an conflict of interest; and
prohibiting my " _____ " in a general sense in my
case.

Due process protects " _____ " or " _____ " (often
called " _____ ") that raise either from the Constitution it-
self or from state or federal statutes, rules, or understandings.
Hewitt v. Helms, 459 U.S. 460, 466-70, 103 S.Ct. 864 (1983); Meach-
um v. Fano, 427 U.S. 215, 224-25, 96 S.Ct. 2534 (1976).

The Defendant _____ is not raising any issue in regard s
to any legal ruling(s) but rather how the conflict of inter-
est has effected my overall criminal disposition and that that
amounts to judicial misconduct.

On the date of _____, this same Judge the
Honorable _____ was assigned to my _____ post-conviction
Relief action raising issues regarding the stated above, which con-
stitutes another conflict of interest. The Honorable

Continue pg. " _____ "



then abused his discretion by making a ruling on the Rule 32 Post-Conviction relief stating that I had raised a ground of actual innocence when I had not raised actual innocence, nowing the legal precedent of an actual innocence claim and law such precedent takes preeminence over such cases. Honorable therefore dismissed the Rule 32 action; it is now pending in the Honorable has violated the standards set forth in the Arizona Code of Judicial Conduct.

Conflict of interest is of significant importance in my claim. The delay in decision-making in regards to pre-trial motions as stated above regarding the motions purportedly violate due process and departs from the normal course of judicial action-conduct by Judges and is abusive to the Defendant in general in violation of Judicial conduct.

Judicial Conduct, a statute, rule or regulation creates a liberty or property interest (or " ") if it limits the discretion of officials. Connecticut Bd. of Pardons v. Dumschat, 461 at 250. In layman's terms the Defendant is denied the opportunity to be heard"

Lozan v. Zimmerman Brush Co., 455 U.S. 422, 437, 102 S.Ct. 1148 (1982) (citation omitted); see Gess v. Lopez, 419 U.S. 565, 579, 95 S.Ct. 729 (1975) and cases cited by disregarding the Motion filed by Mr. defense attorney as stated above, then also raising a conflict of interest when the same Judge Honorable was assigned to his Rule 32 Post-Conviction Relief action.

Immunities enjoyed by Judges makes it easy for those violating judicial conduct codes to practice therein. Stump v. Sparkman, 435 U.S. 349, 98 1099 (1978).

Contense pg. " " →

Defendant requests this Commission on Judicial Conduct created under Article 6.1 of the Arizona Constitution determine that the standards for Judicial disqualification have been met regarding honorable as in the manner provided in Rule 2.11 of the Arizona Code of Judicial Conduct and other applicable court rules.