

State of Arizona  
COMMISSION ON JUDICIAL CONDUCT

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Disposition of Complaint 19-018

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Judge:

Complainant:

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**ORDER**

The Complainant alleged a superior court commissioner made improper rulings in a criminal 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 22, 2019

Copies of this order were distributed to all appropriate persons on May 22, 2019.

CARET

ATTACHMENT IS ( )  
included in Complaint

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ARIZONA COMMISSION ON JUDICIAL CONDUCT 2019-018

Comp

1501 WEST WASHINGTON ST, SUITE 229,  
PHOENIX, ARIZONA 85007

NAME:

JUDGES NAME:  
COMMISSIONER

COURT

COURTROOM:

CASE: WAS BEFORE  
THIS COMMISSIONER...

CASE: IS ON.

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NAME OF ATTORNEY OF RECORD:

A - FIRST TRIAL - MR.

B - SECOND TRIAL - MR.

(PRO PER)

NAMES OF WITNESSES WHO OBSERVED THE

JUDGES CONDUCT:

1. MR.

2. MR. (ATTORNEY AT LAW)

3. MR. (PRO PER)

4. " "

5. " "

6. BALIFF " "

7. Commissioner " "

I DECLARE, UNDER PENALTY OF PERJURY, THAT THE

FOREGOING INFORMATION, AND THE FACTS I HAVE

PROVIDED UPON WHICH MY ALLEGATIONS OF

JUDICIAL MIS-CONDUCT ARE BASED ARE TRUE

AND CORRECT TO THE BEST OF MY KNOWLEDGE AND

BELIEF...

BY ; \_\_\_\_\_



1 ② Commissioner Failed to  
2 Jury Panel members for being of the  
3 Solved Crime, and another for being involved in  
4 A Car Accident where  
5 " the Jury Panel members should have  
6 been stricken for cause  
7 " not to mention " of the "  
8 Jury Panel members were "  
9 " As a review of the record will illustrate,  
10 during Jury Selection, " Jury  
11 prior to trial taking place, the defendant was  
12 all-ready "  
13 the defendant was unable to ask his own,  
14 he was prepared, this was also  
15 by Commissioner prior to  
16 Jury Selection which would have  
17 and  
18 ③ Commissioner Also Failed to  
19 provide the " in the Jury  
20 instructions, and " the instruction to be  
21 placed in the Jury instructions by this defendant (pro-per)  
22 during trial proceedings, so the Jury was not  
23 of " of the alleged evidence, or  
24 missing alleged critical physical material evidence  
25 that was seized by " that could have  
26 been tested for fingerprints, or " by  
27 defense counsel, for  
28 to any trial taking place.

1 SEE, STATE V. WILLIAMS 96 "ARIZ." 184, 393 P.2D 274  
2 (1964). FOR OVER A CENTURY, THIS ONE HAS  
3 REQUIRED TRIAL JUDGES TO INSTRUCT JURIES THAT IF THEY  
4 FIND THAT THE STATE "LOST," "DESTROYED" OR "FAILED TO  
5 PRESERVE MATERIAL EVIDENCE" THAT MIGHT AID THE  
6 DEFENDANT, AND THEY FIND THE EXPLANATION FOR THE  
7 LOSS UNRELIABLE, THEY MAY DRAW AN INFERENCE  
8 THAT THE EVIDENCE WOULD HAVE BEEN "

9 "SEE, STATE V. HANNAH 120 "ARIZ." 1, 2  
10 583 P.2D 888, 889 (1978) "NEGLECT LOSS OF  
11 POTENTIAL EXCULPATORY EVIDENCE PREJUDICIAL EVEN  
12 WITH INSTRUCTION; STATE V. WARTER 136 "ARIZ."  
13 45, 50-51, 664 P.2D 195, 200-201 (1983) "NEGLECT  
14 LOSS OF POTENTIAL EXCULPATORY EVIDENCE PREJUDICIAL  
15 "WITHOUT INSTRUCTION; STATE V. PEREZ 141  
16 "ARIZ." 459, 464, 687 P.2D, 1214, 1219 (1984) "...  
17 "FAILURE TO OBTAIN POSSESSION OF MATERIAL EVIDENCE  
18 PLUS ACTUAL PREJUDICE" REQUIRES WILKINS INSTRUCTIONS."  
19 IN THE PRESENT ONE, THE DEFENDANT EXPERIENCED  
20 " BECAUSE DRUGS AND  
21 THAT COULD HAVE BEEN OBTAINED FROM THE  
22 CRITICAL PHYSICAL MATERIAL EVIDENCE, THROUGH  
23 INDEPENDENT TESTING BY DEFENSE COUNSEL FOR  
24 " AND BECAUSE THESE  
25 TESTS WERE NOT MADE, THAT HAVE BEEN  
26 MADE, IT WOULD BE DETERMINED THAT THE " "  
27 OF THE " " TO BE  
28 TESTED WAS " " THE DEFENDANT'S CASE IN FACT.  
29 AND DISCLOSURE BY THE STATE OF ARIZONA... (5)

**THE COMMISSION'S POLICY IS  
TO POST ONLY THE FIRST FIVE  
PAGES OF ANY DISMISSED  
COMPLAINT ON ITS WEBSITE.**

**FOR ACCESS TO THE  
REMAINDER OF THE  
COMPLAINT IN THIS MATTER,  
PLEASE MAKE YOUR REQUEST  
IN WRITING TO THE  
COMMISSION ON JUDICIAL  
CONDUCT AND REFERENCE  
THE COMMISSION CASE  
NUMBER IN YOUR REQUEST.**