

State of Arizona
COMMISSION ON JUDICIAL CONDUCT

Disposition of Complaint 19-022

Judge:

Complainant:

ORDER

The complainant alleged a municipal court judge (now retired) engaged in improper ex parte communication and improper demeanor.

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 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 13, 2019

Copies of this order were distributed to all appropriate persons on May 13, 2019.

I understand the commission cannot reverse court orders or assign a new judge to a case.

I declare, under penalty of perjury, that the foregoing information and the facts I have provided upon which my allegations of judicial misconduct are based are true and correct.

Signature _____

Date: _____

INSTRUCTIONS

Use the following space or plain paper of the same size to explain your complaint. Explain why you believe what the judge did constitutes judicial misconduct. Be specific and list the names, dates, times, and places relevant to your allegations. Additional pages may be used and relevant copies of documents may be sent with your complaint (please do not send original documents). Use one side of each page only and write legibly or type your complaint. Please keep a copy of your complaint for your records.

It saddens me to have to file this complaint with the Commission of Judicial Conduct. We need to be able to expect our judges, and all Court officials, including attorneys, conduct themselves with the HIGHEST level of integrity, at all times. In this country, the "accused" are to be presumed innocent, until PROVEN guilty, beyond a reasonable doubt. These are Due Process rights guaranteed to US Citizens in the Fifth and Fourteenth Amendments to the US Constitution, and reinforced by Article 2, Section 4 of the the State of Arizona Constitution. Granted, it must get mundane and routine dealing with an endless stream of stupid criminal cases, but each accused party is entitled to these same rights, and respect. Every accused person MUST be presumed innocent, and treated with the respect they deserve as US Citizens. Unfortunately, the conduct of _____ and the Prosecuting and Defense attorneys in my case was quite different from these expectations. Similar complaints have been filed with the AZ State Bar concerning the conduct of the attorneys, and this CJC complaint is concerning _____ conduct.

I have enclosed the following motions which were made to the Court following the documented events, and the Judge's response to recuse himself.

Enclosures:
 1. "
 2. "
 3. "

I will not be rail-roaded by these presumably bored court officials. It is inappropriate for the Court to continue to address a Defendant directly, without his/her attorney present. And, it's even more inappropriate to continue to do so, even after the Defendant has raised that concern. I/Defendant was entitled to leave in such circumstance to protect his rights from being further violated. However, Judge _____ reaction instead was to have a warrant issued for my arrest. During said arrest, I was unceremoniously TORTURED by the arresting officer, and his crony fellow officers. They further mocked me and my pain.

May I futher state that this whole incident is because a loving Father _____ This whole thing has been blown way out of " _____ " by a vindictive and manipulative _____ to manipulate this broken legal system for _____ own evil pleasure. Why is the court even wasting money on this?

Again, we need to expect more from ourseles from the legal process, from our judges, and all Court officials. Let's not allow an already burdened system to be manipulated. And when they try, let's expect our system to conduct themselves properly so as not to make matters worse for everyone!

Regards,

A large, empty rectangular box with a thin black border, occupying most of the page. It is positioned centrally and is likely intended for a signature or a stamp.

AZ CJC COMPLAINT FORM 3

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COMES NOW, Defendant _____, and hereby motions this Court for dismissal of this case, and all related allegations/charges. Further, Defendant further motions this Court to sanction both _____ for their roles in the violation of Defendant's Due Process Rights throughout this case.

Due Process Violations

1. _____ failed to contact the Defendant as part of his alleged "investigation" upon receiving the complaint by the Defendant's estranged ex-wife. Officer _____ made _____ phone call to the Defendant, and left a voice mail. The Defendant made multiple attempts to return the call, and left a callback number. (The _____ phone system does not allow voice mail.) Yet, the Defendant was never contacted by _____. Indeed, _____ only filed charges upon being further bullied by the _____. An Internal Affairs complaint was also filed with the Chandler Police Department.

1 2. On _____ the Court scheduled a Hearing for _____. The Hearing was
2 scheduled as a PRETRIAL CONFERENCE. Yet, when the Defendant reported for the
3 PreTrial Conference, a _____ (later identified as
4 _____ who did not identify herself, called the Defendant outside the courtroom. This
5 woman was never courteous enough to introduce herself, yet proceeded to try to discuss
6 details about the case. She soon left the “ _____ ” and headed back to the courtroom
7 and presented the clerk with paperwork. **No PreTrial Conference took place.** Thus, the
8 Defendant's due process rights were violated. Furthermore, a Defendant has a right to be
9 informed if/when having a conversation with a *prosecuting attorney*.

9 3. At the _____ hearing, **Judge _____** appointed a **Public Defender _____** to
10 the Defendant, despite the Defendant's assertion that he could not afford to pay. This
11 point was substantiated by the Defendant's financial statement.

12 4. Judge _____ scheduled a hearing for _____ for what was supposed to be a
13 Pre-Trial Conference. Yet, Defendant was unable to contact _____ prior to the
14 hearing. Defendant left voice mails for _____ which were never
15 returned. Defendant again left a voice mail for _____ the day of the scheduled
16 Pre-Trial Conference. _____ made no attempt to contact the Defendant. Again,
17 while waiting in the courtroom on _____ a man summoned the Defendant out of the
18 courtroom. This man (later identified as _____ was equally disrespectful as
19 the _____ had been and never introduced himself to the
20 Defendant, until I introduced myself. While barely acknowledging Defendant's presence,
21 _____ sat down and filled out a form for the Court, and barely spoke to the
22 Defendant before bringing the form back into the courtroom for the clerk, and walked out.
23 _____ was apparently
24 **Yet, he left the courtroom** again with another party before the Defendant was summoned
25 to speak with Judge _____. Once again, **no PreTrial conference took place, in
violation of Defendant's due process rights.**

26 5. Judge _____ engaged a discussion with the Defendant, **even after Defendant pointed**
27 **out that his attorney was not present.** During this discussion, Mr. _____ proceeded to
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1 violently shake his finger back and forth in the Defendant's face. **How dare you shake**
2 **your finger in my face.** ?! How rude and disrespectful!! I am entitled to respect
3 in the courtroom! I **DEMAND** that you treat me with respect in the courtroom!! I, and all
4 defendants are INNOCENT UNTIL PROVEN GUILTY!! Yet, based on
5 conduct, and the conduct of the attorneys operating in his courtroom, one can only assume
6 it is the belief of Mr. and the attorneys in the courtroom that defendants are
7 **GUILTY UNTIL PROVEN INNOCENT. I will not be railroaded by you or anyone**
8 **else,**

9 The conduct of Judge in the
10 courtroom violated this Defendant's due process rights to a Pre-Trial Conference.
11 lazy investigation violated the Defendant's due process rights.

- 12 • *Article 2, Section 4 of the Arizona Constitution states, "No person shall be deprived of life,*
13 *liberty, or property without due process of law."*
- 14 • *The Fourteenth Amendment of the United States Constitution forbids States from denying*
15 *any person "life, liberty, or property, without due process of law."*
- 16 • *The Fifth Amendment of the United States Constitution states that no one shall be*
17 *"deprived of life, liberty, or property without due process of law."*

18 For Judge to presume to be able to conduct a Trial without allowing Defendant to have a
19 legitimate Pre-Trial Conference is a violation of Defendant's due process rights, and therefore this
20 case MUST be dismissed.

21 Defendant sat in the courtroom for prior to each of the two hearings before Judge

22 During these times, Defendant personally witnessed the complete DISRESPECT that the
23 Prosecuting Attorneys and the Public Defenders showed for both Judge and the other
24 defendants. The attorneys never introduced themselves to the defendants, never made eye contact
25 or even shook their hands. The attorneys just

26 The public defenders never stuck around when their " was addressing Judge This
27 Defendant witnessed a Judge who had been reduced to a " ," while the attorneys joked
28 around with each other in their room outside the courtroom, and each and every one of the
defendants have their due process rights trampled. I was embarrassed for Judge that he

**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.**