

State of Arizona
COMMISSION ON JUDICIAL CONDUCT

Disposition of Complaint 19-032

Judge:

Complainant:

ORDER

June 19, 2019

The Complainant alleged a superior court judge was biased against him and made several improper rulings which deprived him of his right to a fair trial.

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).

Copies of this order were distributed to all appropriate persons on June 19, 2019.

Comp

To whom it may concern,

My name is _____

DOB _____

And I am currently _____

in _____

I was _____

recently overseen by Judge _____

out of _____

Court in _____

And _____

would like to file a formal complaint against him for the following reasons which deprived me my right to a fair trial.

- 1) I obtained _____ to assist in my case on _____
 During a P.T.C. on _____ my
 counsel requested by way of an oral motion to
 continue my trial time scheduled for _____ in order
 to have adequate time to review & prepare my case
 for trial as _____ counsel was only recently hired.
 To this the state had no objections, but Judge
 denied the oral motion, requesting to have a motion
 submitted to him in writing. "SEE ENCLOSED MOTIONS"
 My request to continue was denied ultimately costing me
 the opportunity to have a vital & pertinent witness
 present to testify on my behalf which deprived me my
 right to a fair trial.

- 2) During the course of my trial there came a point
 where several Jury Members had complained of not
 being able to hear. When these Jurors were then asked
 individually if they had heard all the facts to which
 several of them stated they either didn't or were

unsure if they did. My defense counsel at that time moved for a mistrial due to Jurors inability to come to a fair & proper verdict but the request for a mistrial was denied as well even though Judge was fully aware that Jurors had not heard all the facts.

3) At the conclusion of the trial while Jurors were deliberating Judge requested that the Jury be reminded that "

I am respectfully requesting a full investigation into why I was so grossly denied my right to a fair & impartial trial & ask that any violations be disciplined to the fullest scope of the law. Thank you for your time & consideration addressing these obvious violations of my rights.

MY ADDRESS:

Respectfully

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4 Attorney for Defendant

5 **IN THE**

6
7
8 **Case No:**

9
10 **MOTION TO EXTEND TIME FOR**
11 **PRETRIAL MOTIONS**

12
13 **COMES NOW** Defendant, by and through undersigned counsel, and respectfully
14 requests the Court Extend Time For Pretrial Motions for fifteen (15) days due to the following
15 reasons:

- 16 1. The Pre-Trial Motion deadline in this matter is
- 17 2. Defendant retained Counsel
- 18 3. On Counsel requested discovery from the State but
19 did not receive a response.
- 20 4. Counsel received initial discovery on and videos on
21 from the
- 22 5. Counsel was in a Jury Trial
- 23 6. Defendant's Oral Motion to Continue his Jury Trial was denied on
- 24
- 25 7. the Prosecution filed an Amended Allegation of Prior
26 Convictions.
- 27 8. Counsel requests additional time to review all discovery.
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9. Counsel consulted with Defense Counsel regarding this motion and he has indicated he agrees with this motion.

10. Counsel's office will be closed four (4) business days due to the holiday schedule.

Based upon the forgoing, Defendant respectfully requests this Court extend time to File Pretrial Motions for fifteen (15) days.

Respectfully submitted this

ORIGINAL of the foregoing delivered this .0:

Defendant.	<p>Case No.</p> <p>RULING GRANTING MOTION TO EXTEND DEADLINES (in part)</p>	<p>FILED</p>
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<p>HONORABLE</p>	<p>BY:</p> <p>DATE</p>
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Defendant's counsel seeks an extension of the motion deadlines set by the Court at the last Pretrial Conference held on . The State has not had an opportunity to file a response. Considering the short time between the filing of counsel's request and the trial date, coupled with the Christmas holidays, the Court finds a response is not necessary.

The case is currently set for trial to begin . This case has been set for trial on two (2) prior occasions and has been pending before the Court since . The parties have had nearly six to prepare for trial. At the most recent Pretrial Conference, the Court advised the parties that a continuance of the trial will not be granted considering the Court's congested trial docket.

The Court finds that the relatively recent involvement of counsel does not warrant extending all motion deadlines. However, the Court is willing to extend the time for filing motions *in limine* until . The Court is not extending the time for filing dispositive motions.

IT IS ORDERED counsel's *Motion to Extend Time for Pretrial Motions* is granted in part.

cc:

**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.**