

State of Arizona
COMMISSION ON JUDICIAL CONDUCT

Disposition of Complaint 19-043

Judge:

Complainant:

ORDER

June 26, 2019

The Complainant alleged a municipal court judge failed to properly supervise a pro tem judge.

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).

Commission members Roger D. Barton and J. Tyrrell Taber did not participate in the consideration of this matter.

Copies of this order were distributed to all appropriate persons on June 26, 2019.

FROM THE DESK OF

2019-043

Arizona Commission on Judicial Conduct
 1501 W. Washington St. Suite 229
 Phx AZ. 85007

To whom it concerns,

I am concerned about one other Judge in the _____, I think this person should be looked into very carefully for dicipline review. Namely; Judge _____: _____. He is not beyond reproach.

Judge _____ is the _____; _____ court, _____ I believe, when _____: _____ was not interested in truth justice or playing by the rules. He just wants as many plea deals as possible. That is what Judge _____ expects of all the accused who come before him. That is Judge _____ forte. In his eyes anyone who comes before him is guilty. There is no one innocent in his purview of the accused. And Judge _____: does nothing to intervene. One would think that _____; _____, the _____, _____, would be totally lawful, impervious to any wrong doing. However, there is big money in plea bargaining and that is principally what _____

_____ is all about. Even their assigned public defenders are only an extension of the prosecutors. They're like salesmen to help persuade the accused into accepting a deal.

I use my own case as an example. It was Judge _____: _____ who allowed me to write a " _____ ". He added that after they review the Motion, I will have an evidentiary/oral hearing to further explain my case. I never received that hearing even after I mentioned it to Judge _____. In fact, I never got a hearing at all. and my case as been going on _____. Where was Judge _____: Why was he not on top of things. Why did he not insist on dismissing the case even after their own fault for delaying a response. _____ to review and respond. and additional _____ for mailing. that's the rule. It went _____ very untimely. I could not get away with that. Why should they? As far as I'm concerned, Judge _____: committed several violations himself. The most obvious violation is rule: 2.6 (A), (B) " Ensuring the right to be heard" and comment 1. and Rule: 2.5 Competence. Diligencand cooperation. And the comment (1) under this rule.

The civil rights act of 1871 was enacted by Congress on April 20 1871. The basic words of "Every person and ALL persons" were well considered and used to intentionally include any judge that "knowingly and willfully deprived any person of his constitutional rights, he exercises no discretion or individual judgment; he acts no longer as a judge, but as a 'minister' of his own prejudices". *Pierson v. Ray*, 386 U.S. 547, 567. Thank You

Sincerely,

[Redacted]

Date:

[Redacted] / [Redacted]

Signed:

[Redacted] [Redacted]

[Redacted]

<p>[REDACTED]</p> <p>vs</p> <p>[REDACTED]</p> <p>Defendant</p>	<p>Case Number: [REDACTED]</p> <p>Complaint Number: [REDACTED]</p>	<p>ORDER DENYING DEFENDANT'S MOTION TO DISMISS AND AFFIRMING THE PRE-TRIAL CONFERENCE SCHEDULED ON</p> <p>[REDACTED]</p>
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On [REDACTED] Defendant filed his written Motion to Dismiss in open court and provided a copy to the Prosecutor who was present at that time. The State filed their written response on [REDACTED] wherein they requested that the court deny Defendant's Motion to Dismiss. The State's position is that the Defendant has failed to raise a legal issue that would justify the Court dismissing the case through pre-trial motion practice. They point out that the Defendant's motion raises issues related to the sufficiency of the evidence that would be properly addressed at a trial, rather than in a pre-trial motion to dismiss. The Court has not received a timely reply from the Defendant to the State's Response.

THE COURT FINDS, initially, that the Defendant has incorrectly captioned the matter in his Motion to Dismiss as "[REDACTED]". This is not [REDACTED]. On the contrary, [REDACTED] that is properly captioned as "[REDACTED]", wherein the State, through the [REDACTED] is prosecuting the Defendant on [REDACTED] alleged to be in violation of the Arizona Revised Statutes.

THE COURT FURTHER FINDS that the State's position, as stated above, is persuasive and correct. Specifically, the Defendant has failed to raise any legal issue in his Motion to Dismiss that would justify a dismissal through pre-trial motion practice. Any issues related to the facts of the case and sufficiency of the evidence would be properly addressed at a trial, rather than through pre-trial motions.

IT IS THEREFORE ORDERED DENYING Defendant's Motion to Dismiss.

IT IS FURTHER ORDERED affirming the pre-trial conference already scheduled on [REDACTED]

Date: [REDACTED]

Judge: [REDACTED]

COPY mailed/delivered/faxed/emailed by JA [REDACTED]

Prosecutor:
[REDACTED]

Defendant Name/ Address
[REDACTED]

[REDACTED]

vs Defendant	Case Number: Complaint Number:	ORDER GRANTING COURT APPOINTED ATTORNEY'S REQUEST TO ACT AS ADVISORY COUNSEL ONLY AND NOTICE TO THE PARTIES OF COURT'S INTENTION TO SET MATTER TO TRIAL IF NOT RESOLVED AT THE NEXT PRE-TRIAL CONFERENCE
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The court having received court appointed attorney request to serve as advisory counsel only, as the Defendant would like to represent himself.

IT IS ORDERED granting request to act as advisory counsel only.

PARTIES ARE FURTHER ADVISED that if the matter is not resolved at the next pre-trial conference, the Court intends to set the matter to trial and the Court will set a trial date at that time.

Date:

Judge: _____

COPY mailed/delivered/faxed/emailed by JA
Prosecutor:

Defense Attorney:

Defendant Name/Address:

vs Defendant	Case Number: Complaint Number:	ORDER GRANTING DEFENDANT'S MOTION TO EXTEND TIME TO FILE RESPONSE TO STATE'S MOTION FOR RETURN OF DOCUMENTS
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The court having received Defendant's motion to extend time for responding to State's motion to return documents,

IT IS ORDERED that Defendant's motion is hereby GRANTED.

IT IS FURTHER ORDERED that the Defendant has until _____ to file a response to the _____ to return documents to the _____

Date:

Judge: _____

COPY mailed/delivered/faxed/emailed by JA

Prosecutor:

Defense Attorney:

Defendant Name/Address:

**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.**