

State of Arizona
COMMISSION ON JUDICIAL CONDUCT

Disposition of Complaint 19-075

Judge:

Complainant:

ORDER

July 10, 2019

The Complainant alleged a superior court judge improperly suppressed evidence in a criminal 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 July 10, 2019.

2019-075

COMPLAINT AGAINST A JUDGE

Name: _____ Judge's Name: _____

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 page 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.

I. I would like to make a complaint against the _____ Judge _____ in regards to the recent trial of _____, Case No _____.

_____ did not allow the jury to see evidence on the blood and DNA.

This evidence could have changed the verdict of the jury.

II. I attempted to obtain a copy of the blood and DNA, but was told that this evidence was too sensitive for the public.

III. I am accusing _____ of hiding evidence from the jury.

IV. I am accusing _____ of hiding the evidence.

V. **EVIDENCE:** I have tried to contact the court reporter without any success.

VI. **THE BLOOD SAMPLE** _____ was the victim of someone with a small knife. There was a spot of _____ blood and on this blood was a palm print that was not

After testing the blood and _____ blood, there was not a match.

It is assumed that this blood splash was from the killer. This could have exonerated

In order to get a conviction, _____ did not allow the jury to see this evidence.

The blood and DNA evidence information was given to me by a state _____ who worked on the

Miscellaneous rumor

_____ was in prison in _____ for pedophilia before he moved here. _____ told me he was threatened by a neighbor over a _____ year

CONFIDENTIAL

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State of Arizona

Commission on Judicial Conduct

1501 W. Washington Street, Suite 229

Phoenix, Arizona 85007

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CASE INFORMATION

Court Reporter:

Phone:

Date

IN THE COURT
COUNTY, STATE OF ARIZONA

HONORABLE
DIVISION:
COURT REPORTER:

CLERK OF COURT
BY: DEPUTY CLERK
HEARING DATE:

STATE OF ARIZONA,

vs.

Plaintiff,

Defendant.

CASE NO:

JURY TRIAL –

START:

APPEARANCES:

Attorney; Attorney for the Defendant;
Defendant, in custody; the Jury Panel.

Prior to convening Defense Counsel has Exhibit marked for identification (/
Property .

This is the time set for a Jury Trial –

Witness resumes the stand and continues to testify to the Court.

Defense Counsel moves to admit Exhibit into evidence; with no objection.

IT IS ORDERED admitting Exhibit into evidence.

Mr. continues to testify to the Court and is excused.

The State calls Lieutenant as a witness, who is duly sworn, testifies to the Court and is excused.

The State calls as a witness, who is duly sworn and begins to testify to the Court.

The State moves to admit Exhibit into evidence; with no objection.

IT IS ORDERED admitting Exhibit into evidence.

continues to testify to the Court.

The State moves to admit Exhibit into evidence; with no objection.

IT IS ORDERED admitting Exhibit into evidence.

continues to testify to the Court.

The State moves to admit Exhibit into evidence; with no objection.

IT IS ORDERED admitting Exhibit into evidence.

continues to testify to the Court and is excused.

The Court admonishes the Jury Panel and recesses at

The Court reconvenes at ; all parties mentioned heretofore are present; including the Jury Panel.

The State calls Dr. as a witness, who is duly sworn and begins to testify to the Court.

The State moves to admit Exhibits and into evidence; with no objection.

IT IS ORDERED admitting Exhibits and into evidence.

Dr. continues to testify to the Court.

The State moves to admit Exhibits through into evidence; with no objection.

IT IS ORDERED admitting Exhibits through into evidence.

Dr. continues to testify to the Court and excused.

The Court admonishes the Jury Panel and excuses them at

A juror presents a question to the Court at ; discussion ensues.

The Court recesses at

The Court reconvenes at ; all parties mentioned heretofore are present; including the Jury Panel.

The Court notes for the record that it was informally advised that comments were made within the presence of the Jury regarding the trial and confirms with the members of the Jury Panel that none of the statements were heard.

Based on the Jury Panel's avowal; and no objections from Counsel; the Parties proceed with the Jury Trial.

The State calls as a witness, who is duly sworn and begins to testify to the Court.

The State moves to admit Exhibits and into evidence; with no objection.

IT IS ORDERED admitting Exhibits and into evidence.

continues to testify to the Court.

The State moves to admit Exhibit into evidence; with no objection.

IT IS ORDERED admitting Exhibit into evidence.

continues to testify to the Court and is excused.

The State calls _____ as a witness, who is duly sworn, testifies to the Court and is excused.

The State rests with its presentation of evidence.

The Court admonishes the Jury Panel and excuses them at

The following proceedings occur outside the presence of the Jury.

Defense counsel moves for a Directed Verdict of Acquittal pursuant to Rule 20 and presents arguments.

The State presents arguments.

The Court states its findings for the record including findings of credibility where necessary.

IT IS ORDERED denying the Defense's Motion for a Directed Verdict of Acquittal pursuant to Rule 20.

Discussion ensues regarding Jury Instructions and scheduling.

The Court directs the Parties to reconvene on

Defense Counsel makes an objection to the Court's denial of including the Deserault Instruction.

The Court states its findings for the record as to its denial of the Deserault instruction

Discussion ensues regarding Jury Instruction requests.

The Court recesses at

cc:

ATTORNEY*

*

Attorney for the Defendant

*

HONORABLE

Division