

State of Arizona
COMMISSION ON JUDICIAL CONDUCT

Disposition of Complaint 19-215

Judge:

Complainant:

ORDER

October 2, 2019

The Complainant alleged a superior court judge was biased against him, made arbitrary rulings in his criminal case, and improperly accused him of engaging in ex parte communications.

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 October 2, 2019.

CONFIDENTIAL

Arizona Commission on Judicial Conduct
1501 W. Washington Street, Suite 229
Phoenix, Arizona 85007

FOR OFFICE USE ONLY

2019-215

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 pages 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.

1. ON the complainant was
2. SENTENCED TO A TERM OF already
3. SERVED ON SAID SENTENCE, BY THE HONORABLE JUDGE OF THE ARIZONA
4. COURT IN CASE NUMBERS
5. AS A RESULT OF A plea agreement entered therein with
6. prosecutor
7. _____
8. ON the complainant filed a
9. "PURSUANT TO ARIZ. R. OF CRIM. PRO. RULE 32 AND ON
10. " appointed the office of the legal to
11. REPRESENT THE DEFENDANT. [SEE COPY OF NOTICE AND COURT RULING HEREIN ATTACHED
12. IN THE ATTACHMENT SECTION AT EXHIBIT "A"]
13. _____
14. ON the complainant filed a Amend
15. OR VACATE JUDGEMENT PURSUANT TO ARIZ. R. OF CRIM. PRO. RULE 24.2 AND 24.3
16. ALLEGING VIOLATIONS OF A CONSTITUTIONAL MAGNITUDE; (Police misconduct,
17. PROSECUTORIAL MISCONDUCT, JUDICIAL MISCONDUCT AND CONSTRUCTIVE DENIAL
18. OF DEFENSE COUNSEL ETC...) [SEE COPY OF MOTION TO ALTER, AMEND OR VACA-
19. TE JUDGEMENT HEREIN ATTACHED IN EXHIBIT "B" IN THE ATTACHMENT SECTION]
20. _____
21. (HOWEVER, THE DEFENDANT WAS FORCED TO FILE HIS ORIGINAL Pleading
22. MOTION TO ALTER, AMEND, OR VACATE JUDGEMENT) AS THE PRISON complex
23. WAS ON A AND INMATES WERE NOT BEING
24. PROVIDED WITH LEGAL COPIES AND THE FACT THAT SAID MOTION MUST BE FILED
25. WITH THE COURT WITHIN of the conviction/sentencing)

COMPLAINT AGAINST A JUDGE
(CONTINUED)

1 * IT SHOULD BE NOTED THAT THE DEFENDANT SENT A LETTER WITH
 2 HIS MOTION TO THE CLERK OF THE COURT INFORMING THE COURT CLERK
 3 THAT WERE NOT PROVIDING TO IMPROVE
 4 AND REQUESTING THAT A COURT FILED COPY OF HIS MOTION BE
 5 RETURNED TO THE DEFENDANT FOR SERVICE UPON THE ADVERSE
 6 PARTIES

7
 8 THE COURT CLERK [DID NOT] FORWARD A CONFIRMED COPY OF
 9 THE DEFENDANT'S MOTION TO ALTER AMEND OR VACATE JUDGE-
 10 MENT BACK TO THE DEFENDANT. THE DEFENDANT LATER FOUND
 11 THAT THE COURT CLERK ALSO DID NOT FILE SAID MOTION, IN
 12 VIOLATION OF LAW AND RULES OF THE COURT, AND ON
 13 THE DEFENDANT FILED A MOTION ENTITLED:

14
 15 " TO THE COURT CLERK, WHICH WAS FILED
 16 ON [SEE COPY OF MOTION HERETO ATTACHED
 17 IN EXHIBIT "C" IN THE ATTACHMENT SECTION]

18
 19 DEFENDANT NEVER RECEIVED A RESPONSE FROM THE COURT CLERK NOR
 20 DID HE RECEIVE A RESPONSE FROM THE COURT, AND ON
 21 DEFENDANT FILED A "
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24
 25 ON [JUDGE] [MAKES A ARBITRARY
 26 BULGING.] [SEE COPY OF COURT'S MINUTE ENTRY HERETO ATTACHED IN EXHIBIT
 27 "D" IN THE ATTACHMENT SECTION]

28
 29 FIRST AND FOREMOST, A POST-CONVICTION MOTION FILED UNDER
 30 ARIZ R OF CRIM PROCEDURE RULE 24 IS SUPPOSED TO BE RULED ON
 31 BY THE TRIAL JUDGE, BASED ON THE FACT THAT A RULE 24
 32 MOTION IS A PART OF THE ORIGINAL TRIAL COURT PROCEEDINGS.

1 FURTHERMORE, ARIZONA STATE CONSTITUTION ARTICLE 2
2 SUB-SECTION 24 IT CLEARLY STATES (IN PARTIAL):

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4 § 24. RIGHTS OF ACCUSED IN CRIMINAL PROSECUTIONS

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6 "SECTION 24" IN CRIMINAL PROSECUTIONS, THE ACCUSED
7 SHALL HAVE THE RIGHT TO APPEAR AND DEFEND
8 IN PERSON, AND BY COUNSEL. XXX "

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10 * [NOT [OR] BY COUNSEL!

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12 ARIZONA RULES OF JUDICIAL CONDUCT (RULE 81) RULE 2.6 STATES:

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14 RULE 2.6. ENSURING THE RIGHT TO BE HEARD

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16 "(A) A JUDGE SHALL ACCORD TO EVERY PERSON WHO
17 HAS A LEGAL INTEREST IN A PROCEEDING OR THAT
18 PERSON'S LAWYER, THE RIGHT TO BE HEARD ACCORDING
19 TO LAW. "

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21 therefore, the Ruling which was ENTERED ON THE
22 RECORD BY [JUDGE] IS IN VIOLATION OF THE
23 ARIZONA STATE CONSTITUTION ARTICLE 2 SUBSECTION 24 AND
24 ARIZONA CODE OF JUDICIAL CONDUCT RULE 81 CANON 2. RULE
25 2.6.

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27 AS OF THE DEFENDANT'S MOTION TO ALTER,
28 AMEND OR VACATE JUDGEMENT IS STILL OUTSTANDING AND HAS
29 NOT BEEN DECIDED UPON BY THE
30 COURT IN VIOLATION OF ARIZONA STATE CONSTITUTION
31 ARTICLE 2 SUB-SECTION 21 WHICH CLEARLY STATES:
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§ 21

COURT; SPEEDY DECISIONS

"SECTION 21. EVERY MATTER SUBMITTED TO A JUDGE OF THE COURT FOR HIS DECISION SHALL BE DECIDED WITHIN SIXTY DAYS FROM THE DATE OF SUBMISSION THEREOF. THE COURT SHALL BY RULE PROVIDE FOR THE SPEEDY DISPOSITION OF ALL MATTERS NOT DECIDED WITHIN SUCH PERIOD."

ON the Defendant Forwarded a LEGAL LETTER TO (RULE 32 COUNSEL), REQUESTING A COPY OF HIS MOTION TO ALTER, AMEND OR VACATE JUDGEMENT. [see copy of letter hereto attached IN EXHIBIT "E" IN THE ATTACHMENT SECTION]

The Defendant NEVER RECEIVED A RESPONSE FROM appointed Counsel (even though a copy of the COURT'S RULING entered on by [JUDGE] had been Forwarded to her.

(Therefore, said ATTORNEY IN FACT had knowledge that the Defendant WAS SEEKING TO SECURE A COURT FILED CONFIRMED COPY OF HIS MOTION TO ALTER, AMEND OR VACATE JUDGEMENT AND did in FACT REFUSE TO PROVIDE IT TO HER CLIENT IN VIOLATION OF THE PROFESSIONAL RULES OF CONDUCT Rule 42 E.R. 1.1, ER 1.2, ER 1.3, ER 1.4, ER 3.2 AND ER 8.4.)

ON the COURT CLERK FINALLY FILES THE Defendant's MOTION TO ALTER, AMEND OR VACATE JUDGEMENT in violation of Rules of Procedure.

ON the Defendant Forwarded a

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" TO THE COURT CLERK
FOR FILING. [see copy of motion hereto attached in exhibit "E"
in the attachment section]

ON " Filed a "

" without ever communicating or contact-
ing the Defendant. [see copy of motion hereto attached
in exhibit "G" in the attachment section]

* (IT should be noted that the Defendant NEVER RECEIVED
A COURTS RULING ON THE ABOVE STATED MOTION FILED BY)

ON [JUDGE] I MAKE AN
ARBITRARY RULING ON THE RECORD " "
IN REFERENCE TO THE DEFENDANTS "

" AND "

* (IT should be noted that this RULING WAS A FALSE ENTRY INTO
THE RECORD BECAUSE THE DEFENDANT [did NOT] ENGAGE IN
ANY EX PARTE COMMUNICATIONS AS EVIDENT by the
AS PROVIDED FOR WITHIN BOTH MOTIONS. ALL
PARTIES TO THE ACTION WERE SERVED.) [see copy of COURT
MINUTE ENTRY/RULING hereto attached in exhibit "H" in
the attachment section]

ON THE COURT CLERK AGAIN FILES THE

**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.**