

State of Arizona  
COMMISSION ON JUDICIAL CONDUCT

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Disposition of Complaint 19-251

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Judge:

Complainant:

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**ORDER**

October 16, 2019

The Complainant alleged a superior court judge engaged in ex parte communications and improperly barred his claims in a post-conviction matter.

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).

Commission member George H. Foster, Jr. did not participate in the consideration of this matter.

Copies of this order were distributed to all appropriate persons on October 16, 2019.

To : Commission ON JUDICIAL CONDUCT  
Filed Complaint - AGAINST COUNTY COURT JUDGE

I, \_\_\_\_\_, the DEFENDANT  
WAS representing Myself in A \_\_\_\_\_ trial  
CASE - STATE OF ARIZONA  
IN \_\_\_\_\_ County Court - Judge  
- AND \_\_\_\_\_ County Attorney  
were other Party's in Case

Number NO  
ON

by the \_\_\_\_\_, After Closing Argument  
The \_\_\_\_\_ County Attorney  
\_\_\_\_\_ County Court Judge  
Called \_\_\_\_\_ County Attorney  
to the judge

Without Pro-se Defendant \_\_\_\_\_ present.  
became Pro-se to be completely  
involved so ~~that~~ he would be in full control to Organizes  
AND control the content of his own defense, to make  
motions, to Argue points of law, to participate in voir dire,  
to question witnesses, AND to address the Court AND the jury  
At appropriate points in the trial. The \_\_\_\_\_ County

Court Judge \_\_\_\_\_ WAS well aware  
that Defendant \_\_\_\_\_ was representing himself  
AND NO other person was grant<sup>ed</sup> the Authority to replace  
him or Argue points of law in place of Pro-se Defendant  
The \_\_\_\_\_ choose to

Represent himself because his \_\_\_\_\_ county Public  
Defender trampled All over the Defendant's \_\_\_\_\_ IN Earlier  
RIGHTS HEARINGS.

According to the Rules of the Supreme Court Rule 81 - Subsection - Rule 2.9

EX PARTE COMMUNICATION

(A) A Judge shall not initiate, permit, or consider EX PARTE COMMUNICATION, or consider other communications made to the Judge outside the presence of the parties or their lawyers, concerning a pending or impending matter, ~~except as follows~~ With this being said the Pro-se Defendant's Due Process right were trampled ON by County Court Judge

At a critical stage of trial. The EX PARTE COMMUNICATION between County Court Judge AND

County Attorney were private discussions at the Judge's bench with the microphone to the court turned off but a transcript was reproduced by the County recorder of substantial matters that warranted a mistrial because of comments made in closing argument by County Attorney

that may warrant a mistrial for prosecutorial misconduct were being discussed and argued without Pro-se Defendant

The Defendant who represented himself

request the Commission on Judicial Conduct to review this EX PARTE COMMUNICATION expressly by the wording of the Rule of the Supreme Court - Rule 81 Subsection Rule 2.9

EX PARTE COMMUNICATION. A substantial matter was discussed without Pro-se Defendant PRESENCE were argument of law were argued AND NO ONE but Defendant who

Represented himself had a right to be there as the  
opposing party especially on substantial matter  
concerning comments made in closing argument by  
- the County Attorney ~~that~~ <sup>comments</sup> warranted  
a mistrial for prosecutorial misconduct were argument  
were presented at ~~the~~ <sup>the</sup> bench on very substantial matters.

This review panel from the Commission of  
Judicial Conduct must understand that the defendant  
representing himself must be allowed to  
be involved in every matter with the full content  
of every discussion to make a constructive decision  
on matters that would lead to his guilt or innocence.

The trial would have extreme consequence  
of a prison term of \_\_\_\_\_ in prison for the pro-se  
defendant and the ex parte communication denied the  
defendant due process as the only opposing  
party not involved at this side bench conference were  
argument were held. The pro-se defendant had a advisory  
counsel name \_\_\_\_\_ who only duty was administrative  
and was not to be involved in arguments nor decision but  
judge \_\_\_\_\_ abuse her authority and requested advisory  
counsel \_\_\_\_\_ to argue points of law in my behalf  
and that has become grounds for my appeal, no one  
had authority to argue in my behalf on substantial matters  
and this matter must be dealt with the harscs penalty with  
respect to justice. A tactical advantage was given to the  
County Attorney because pro-se defendant never understood  
the full content of side conference discussion and that is why ex parte

Report FINDINGS: Request Commission on Judicial Conduct  
inform Courts of All Findings of this  
Ex parte communicate so Justice CAN receive

Communication were substantial matter concerning  
All Party in a Trial are not permitted AND  
Commission on Judicial Conduct must Review with  
A Fair AND EVEN HAND, A MANS life WAS Destroyed on this  
injustice.

Please Review the trial transcript AS proof of  
the violation by County Court Judge

~~AGAINST~~ According to Rules of the Supreme Court  
Rule 81 subsection Rule 2.9 Ex parte Communication

ALL  
FACTS  
of violation (Refer to trial transcripts County Court  
State of ARIZONA

Dated

page

- Attachment #1.)

The Complaint is of Very serious " " because  
the Prose Defendant HAS been in the process AND  
Judge HAS procedurally barred the  
Defendant AS the Petitioner from presenting  
this Ground AND other Grounds through A Abuse of her  
Authority. is fighting for his freedom  
but Judge must be removed AS Judge  
IN ANY Further Post-conviction Proceedings because of  
this Ex parte communication violation. So, the Petitioner  
CAN Get A UNBIAS prospective throughout his  
Process to receive justice. ~~The~~

Request this body to Recuse Judge

for All Further Post-conviction Proceedings if Found this matter in the  
Complaint has merit. I, Also request A Complaint Number AND ANY  
other form to Further this Complaint.

IN THE COURT OF THE STATE OF ARIZONA

IN AND FOR THE COUNTY

STATE OF ARIZONA,	)
	)
Plaintiff,	)
	)
vs	)
	)
	)
Defendant.	)
	)

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BEFORE THE HONORABLE

REPORTER'S TRANSCRIPT OF PROCEEDINGS

(Copy)

By:

**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.**