

State of Arizona
COMMISSION ON JUDICIAL CONDUCT

Disposition of Complaint 19-329

Judge:

Complainant:

ORDER

December 24, 2019

The Complainant alleged a superior court judge conspired with the prosecutor to violate his constitutional rights.

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 Commission Rules 16(a) and 23(a).

Commission members Christopher W. Ames and George H. Foster, Jr. did not participate in the consideration of this matter.

Copies of this order were distributed to all appropriate persons on December 24, 2019.

Comp
2019-329

to whom it may concern,

My name is _____ and I want to
file a complaint against Judge _____ of
the _____ Court for allowing the prosecutor,
_____ to violate my due process rights and
helping the State ensure a guilty verdict at my trial by
swaying the jury when it's the State's burden to prove
guilt. During the closing arguments of my trial, the
prosecutor, _____ talked for _____,
repeating, over and over, false accusations told by the
State's witness that we proved to be false accusations
and then he started yelling at the jury saying it was
"

including them at my trial when none of them were
involved in my case. My attorney,
_____ tried to object by asking to approach the bench and
Judge _____ yelled "allowing the prosecutor to
continue to violate my due process rights under the
5th and 14th Amendment to the United States
Constitution. My attorney motioned for a mistrial
because of this and Judge _____ denied it when the
prosecutor clearly violated my due process rights. And
also, in the Final instruction to the Jury, Judge
_____ told the jury that since I refused to submit
to testing, when the State has proven guilt beyond
a reasonable doubt, "In *South Dakota v. Neville*
(1983), it states that "if the suspect refuses to supply
physical evidence, the State may bring any
action of contempt. It's says the State, not the Judge!

It's the State's burden of proving guilt beyond a reasonable doubt and the law says the State may bring any action of contempt, but Judge put in the jury instructions and read to the jury the refusal to submit to tests, swaying the jury to ensure a guilty verdict. I feel that Judge and the prosecutor conspired to violate my 5th and 14th Amendment rights and I want their judicial misconduct investigated. Thank you for your time.

Respectfully,

Case

My Attorney: