

State of Arizona
COMMISSION ON JUDICIAL CONDUCT

Disposition of Complaint 19-381

Judge:

Complainant:

ORDER

February 27, 2020

The Complainant alleged a superior court judge failed to rule on pending matters, denied him the opportunity to be heard, and disregarded fraud related to missing or altered evidence in a criminal 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 Commission Rules 16(a) and 23(a).

Commission members Denise K. Aguilar, Roger D. Barton, Colleen E. Concannon 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 February 27, 2020.

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

FOR OFFICE USE ONLY

2019-381

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 Judge _____ has not ruled on nor ever mentioned my motion to reconsider which was submitted on _____

② Judge _____ received a letter that I wrote regarding obstruction of justice in my case (on _____) and has not addressed the issues that were presented regarding obvious fraud in my case.

③ Judge _____ has silenced me in the courtroom and refuses me the right to speak and bring up defense's arguments on the record.

④ Judge _____ has not granted the defense an opportunity for oral arguments as requested in order to prevent having to address the evidence manipulation and judicial misconduct on the part of the state.

⑤ Judge _____ has disregarded the main issue that I've raised of the _____ separate instances of _____ missing video segments, one each from my first trial, second trial, and initial interview with police upon my arrest in _____ All missing videos deal with the same police detective _____

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and contain testimony and evidence crucial to my defense. The judge knows that there has been fraudulent editing and manipulation of these videos by state agents, but his partiality and bias decisions (and indecisions) are with purpose to help the state cover the fraud and usher me to a trial without having to explain these contentions. This is not in the interest of justice, but rather in the interest of State-protection.

⑥ For all missing video segments the state has claimed some type of accident or malfunction, a claim that is highly unlikely considering separate occasions dealing with the same, crucial detective testimony. Regardless of the cause of error, the videos are still missing, and thus hinder me from properly preparing my defense. Yet, Judge refuses to acknowledge these issues raised and consider dismissal of the case, trampling my due process rights. Judge allowed the State in order to submit evidence of a supposed power outage that was claimed to have been the reason for over 8 $\frac{1}{2}$ missing interview video, even though the expert video analyst testified that the edit could NOT have been caused by a power outage. When the state failed to provide proof after the allowance, the judge allowed another to provide the proof. That second extension expired on _____ at which time the state still

had not submitted any proof. Judge [redacted] again simply ignored the possibility of malpractice or manipulation and basically gave the state a " [redacted] " on the issue, moving trial dates out to [redacted] - in essence, another extension. The judge offered the defense the option of a Willits instruction for presentation of these issues at trial as some type of consolation while actually demonstrating to the court that his mandates to the state carry no consequences for their case when they cannot comply.

⑦ Judge [redacted] has effectively covered up the fraud that has taken place in both of my [redacted] trials and helped the state to avoid the confrontation with this evidence. In effect, the Willits instruction is an aid to the state because

- it forces a cover up of the [redacted] trial videos which are necessary to show the pattern of fraudulent editing and
- allows the judge to display an appearance of objectivity while providing a solid platform of deniability and unlimited preparation time for the state. Since at my [redacted] trial, we won't be allowed to mention any details from the trials, the jury will be unaware of the flagrant manipulation and pattern of corruption that has kept me incarcerated for over [redacted]. Judge [redacted] cares more about avoidance of scrutiny rather than interests of justice.