

State of Arizona  
COMMISSION ON JUDICIAL CONDUCT

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Disposition of Complaint 20-004

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Judge:

Complainant:

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**ORDER**

April 1, 2020

The Complainant alleged a superior court judge made improper evidentiary rulings 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).

Copies of this order were distributed to all appropriate persons on April 1, 2020.

CONFIDENTIAL

2020-004

State of Arizona

Commission on Judicial Conduct

1501 N. Washington Street, Suite 229

Phoenix, Arizona 85007

COMPLAINT AGAINST A JUDGE

Name:

Judge's Name:



ISSUE # 1

01. In the Court of County, Case No. \_\_\_\_\_  
is evidenced of violating Arizona Code of Judicial Conduct,  
Rule 81, Rules of the Supreme Court, Rule 1.1. Compliance with the Law.

02. Long-established Supreme Court precedent holds that the law requires the  
prosecution to disclose exculpatory and impeachment material, whether or not the defendant  
requests any such evidence. Brady v. Maryland, 373 U.S. 83, 83 S.Ct. 1194 (1963);  
Giglio v. United States, 405 U.S. 150 (1972); United States v. Agurs, 427 U.S. 97, 107,  
96 S.Ct. 2392, 49 L.Ed.2d 342 (1976); Strickler v. Greene, 527 U.S. 263, 280, 119 S.Ct.  
1936, 144 L.Ed.2d 276 (1999).

03. \_\_\_\_\_ is evidenced of knowingly and purposely ignoring

1 material facts and violating A.R.C.P. Rule 15 and clearly established federal laws, at  
2 trial on (Exhibit 001).

3  
4 04. At trial on [redacted] at sidebar, stated "My secretary  
5 tells me we may have a witness issue". The State responded, "Well, I'm advised  
6 that the Sheriff's department was contacted by [redacted] seeking the arrest  
7 of [redacted] on some city warrants". The Defense replied, "He has like five  
8 failure to appear warrants". (Exhibit 002).

9  
10 05. "Where the state courts plainly misapprehend or misstate the record in  
11 making their findings, and the misapprehension goes to a material factual issue that is  
12 central to petitioner's claim, that misapprehension can fatally undermine the fact-finding  
13 process, rendering the resulting federal finding unreasonable." Taylor v. Madden, 366  
14 F.3d 992, 1000, 1001 (9th Cir. 2004).

15  
16 06. At trial on [redacted] remarked, "It's come to my attention,  
17 ladies and gentlemen, that law enforcement officers are here basically to take the  
18 victim, [redacted] into custody based on some outstanding city warrants. The Court  
19 been advised that -- [redacted] that you are the person 'called law enforcement  
20 authorities and requested that he be taken into custody because of these warrants. I  
21 have talked to City of [redacted] and told them that -- asked them to hold off on  
22 any such actions so we can have our witness testify." (Exhibit 003).

23  
24 07. When it was exposed at trial on [redacted] that the State's  
25 star witness had active arrest warrants and the prosecution was fully engaged in  
26

1 fraudulent concealment by deliberate nondisclosure of material facts, Detective

2 Bridge explained "... per our department policy, we  
3 are not required to arrest someone for a misdemeanor warrant, depending on the  
4 circumstance..." (Exhibit 004).

5  
6 08. Information relating to or suggesting any agreement between the  
7 prosecution and any of its own witnesses is evidence that must be disclosed to  
8 the defense, as a matter of constitutional law, Ciglar v. United States, 405 U.S.  
9 150 (1972).

10  
11 09. At trial, the Defense clearly told  
12 that "... (the State) never disclosed to me that there was --  
13 that these issues were out there". (Exhibit 005).

14  
15 10. 's "focus on discoverability of impeachment evidence,  
16 rather than disclosure requirements under: was contrary to clearly  
17 established law as determined by the Supreme Court of the United States."  
18 Miller v. Ryan, 711 F.3d 998 (9th Cir. 2013).

19  
20 11. "decision was based on an unreasonable determination  
21 of the facts". Miller v. Ryan, 711 F.3d 998 (9th Cir. 2013)

22  
23 12. Manifest disregard of the law, according to Black's Law Dictionary,  
24 is defined as "A decision-maker's, esp. an arbitrator's, plainly apparent decision to  
25 ignore a governing legal standard, as a result of which the decision may be subject

to being varied or reversed."

13. approval of the State's deliberate nondisclosure, as evidenced in the State court's proceedings, allowed the fraudulent concealment of the State's star witness, active arrest warrants, criminal history, and arrest record, increasing the errors a thousandfold by knowingly and purposely violating Federal law. (Exhibit 006).

14. approval of the State's deliberate nondisclosure, as evidenced in the State court's proceedings, allowed the fraudulent concealment of the State's pending investigation into for the death of increasing the errors a thousandfold by knowingly and purposely violating Federal law. (Exhibit 007).

15. approval of the State's deliberate nondisclosure, as evidenced in the State court's proceedings, allowed the fraudulent concealment of the State's witness, Detective of the Police Department, criminal history and arrest record, increasing the errors a thousandfold by knowingly and purposely violating Federal law. (Exhibit 008).

16. The Due Process Clause of the Fifth and Fourteenth Amendment requires that a judge possess neither actual nor apparent bias. *Turney v. Ohio*, 293 U.S. 510, 522 (1927).

17. The neutrality requirement preserves both the appearance and reality of fairness, "generating the feeling, so important to a popular government, that justice

has been done," by ensuring that no person will be deprived of his interests in the absence of a proceeding in which he may present his case with assurance that the arbiter is not predisposed to find against him.

Joint Anti-Fascist Committee v. McGrath, 391 U.S. 123, 172, 71 S.Ct. 624, 649, 96 L.Ed. 817 (1951).

18. Judge must be both impartial and disinterested. Marshall v. Ferriss, Inc., 446 U.S. 238, 69 L.Ed. 2d 182, 100 S.Ct. 1610 (1980).

## ISSUE # 2

19. In the Court of, County, Case No. \_\_\_\_\_  
is evidenced of violating American Code of Judicial Conduct, Rule 81, Rules of the Supreme Court, Rule 1.1. Compliance with the Law.

20. The Supreme Court held that the Sixth Amendment's Confrontation Clause bars "admission of testimonial statements of a witness who did not appear at trial unless he was unavailable to testify, and the defendant had a prior opportunity for cross-examination". Crawford v. Washington, 541 U.S. 68, 127 S.Ct. 1354 (2004).

21. is evidenced of knowingly and purposely violating clearly established federal law and ignoring facts, by allowing the admission of testimonial statements and hearsay of \_\_\_\_\_ at trial, who never appeared to corroborate any remarks by the State. "... you will hear a lot of reference

**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.**