

State of Arizona  
COMMISSION ON JUDICIAL CONDUCT

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Disposition of Complaint 20-017

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Judge:

Complainant:

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**ORDER**

April 9, 2020

The Complainant alleged a superior court judge failed to timely rule on his request for a final disposition.

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 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 Gus Aragón and Christopher P. Staring did not participate in the consideration of this matter.

Copies of this order were distributed to all appropriate persons on April 9, 2020.

**CONFIDENTIAL**

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

**FOR OFFICE USE ONLY**

**2020-017**

**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.

Judicial Misconduct is established on the following Basis:  
on or about, the Court, State of Arizona County, filed  
defendants' motion: Request for final disposition pursuant to Ariz. S.  
Crim. P. Rule 5.3 (b)(1)(2)(3), clearly "for final disposition of any un-  
tried indictment, information or complaint pending in Arizona."  
The case associated number \_\_\_\_\_ file date was,  
Sum \_\_\_\_\_ days ago. See: Judicial Records/Packets on  
the record containing such entry, & see Attached Motion also containing  
such entry.

Pursuant to Rule 9 Art. VI, § 21 Ariz. Const., Superior Court Judge  
(Judge) 1st Division, has failed to comply or decide  
defendants' matter before his court within \_\_\_\_\_ days from the date  
of filing.

Under the doctrine of Judicial Estoppel "the judge is bound by his  
judicial declaration and may not contradict them in a subsequent proceed-  
ing involving same defendant or parties. See: Sailes v. Jones, 17 Ariz. App.  
593, 499 P.2d 721, 726.

Misconduct of office is established by the above and following  
Reasons: The Judge (officer) had no legal right to perform  
his duties in the \_\_\_\_\_ complained of was improper & failed to act in  
the face of an "affirmative duty" to act. Obviously!

2-06-9

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1 continuation p. 2 Complaint Against A Judge:  
 2 Judge: Wrongful Act, had or has No Legal Right to Delay or  
 3 interfere with the Judicial of Justice or administer any wrongful conduct  
 4 that affects, intercepts, interferes with performance of his Official Duties,  
 5 obviously having No Authority, or Warrant of Law or which he ought not  
 6 do at all, not limited to his unjust performance of the Act in this case,  
 7 knowingly knowing his performance has No legal Right to do or pre-  
 8 judice the defendant. See: Daugherty v. Ellis, 142 W. Va., 340, 97  
 9 S.W. 2d 33, 42.

10  
 11 Judge: Actions or Inactions, contribute to or construed  
 12 as: "Miscarriage of Justice", Equates to being Highly Prejudicial or in-  
 13 consistent with the Substantial Rights of Defendant; knowing a  
 14 reasonable probability of more favorable outcome for the defendant.  
 15 See: People v. Lopez, 351 Cal. App. 2d 918, 62 Cal. Rptr. 72, 76.

16  
 17 Thus far: Judge Actions or Inactions, delay in any  
 18 Ruling contributes to, if any charges does exist against defendant, would  
 19 be "Excusable", reasonably calculated to confuse or mislead, by his delays.  
 20 See: People v. Bernhardt, 322 C.A. 2d 567, 35 Cal. Rptr. 401, 414.

3 of 4

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2 continuation p. 3 Complaint Against Judge:  
3 Pursuant to Rule 8.3 (b) (1) (2) (3), Ariz. R. Crim. P., the defen-  
4 ant requested final disposition of "any" untried indictment, information  
5 or complaint "pending" against him. The request was written to the court  
6 and addressed to such and to the prosecutor's office of \_\_\_\_\_ County, and  
7 showed place of imprisonment. Within \_\_\_\_\_ days the prosecutor  
8 had a duty to inform the defendant of any detainer.

9 However, within \_\_\_\_\_ after defendant sent such re-  
10 quest to both the court & prosecutor, the defendant was not brought  
11 to trial upon any charge, nor did the court comply with the Rules  
12 of the court as mentioned herein above without certifying.

13 (The defendant preserves his petition as a right regarding the matter  
14 No fault of his own but the court. Especially, in the event the State would  
15 attempt to hold out until the \_\_\_\_\_ he, to pull another "fraudulent  
16 injustice" against the defendant as they did in the case of \_\_\_\_\_, and  
17 covered for hostile witnesses.

18 \_\_\_\_\_ contributors  
19 to "Molestation, sodomizing, raping" defendant's wife, defendant's two bio-  
20 logical children; impregnating defendant's wife by her father.

21 Since she was \_\_\_\_\_ of age, kidnapping  
22 via incest. Not limited to judges. E: \_\_\_\_\_ let any-  
23 go that was unlawful, illegal & unconstitutional, into his court that is  
24 the same court now controlled by judges. w/ the same prejudice.  
25 None-the-less in that case their Actions went to their motive.

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Continuation p. 4, Complaint Against Judge: To conduct defendant, pursuant to the canons:

Canon 1.) A Judge "shall" uphold and promote the independence, integrity and impartiality, of the Judiciary and "shall" avoid impropriety and appearance of impropriety.

Canon(s) 1.1.1) Judge fails to be in compliance with the law for the reasons given herein above, and following:

Canon 2.) A Judge "shall" perform the duties of judicial office impartially, completely, and diligently. According to the above, has failed to comply with the provisions of such canons, not limited to Canon 2, Rule 21, giving precedence in his judicial duties as in this case, including Rule 22, has failed to be fair, impartial just as his colleagues both establishing prejudice & bias toward the defendant.

Pursuant to Rule 21 of Canon 2, failing to be diligent and cooperate pursuant to Canon 2 Rule 25, failing to ensure defendant's right to be heard pursuant to Canon 2, Rule 26. Clearly, Judge

has never disqualified himself, but "shall" pursuant to Canon 2 Rule 27, hear & decide the matter in question before did so.

Here Judge respect for fulfillment of his judicial duties avoid the defendant's pleadings/petition filed before him is contravened to say the least.

1 Claim

Complaint Against A Judge:

Supporting Facts:

2 continuation of s. complaint Against A Judge:

3 Contrary to Judge

Loyalty

4 Oath of Office

5 Pursuant to 28 U.S.C. § 544, Judge

Took an Oath to enter upon

6 his duties of "Public Office", concerning his performance of his office as Judge (to  
7 uphold the Ariz. & U.S. Federal Constitution) required by federal & state constitutions &  
8 by statutes to be made by major & minor officials, as in Act, U.S.  
9 Const. Judge assumed charge of his office, taking possession

10 after Judge gave up U.S. to make an to  
11 being a federal agent representing the state of Arizona, as he, Judge declared  
12 he to will faithfully discharge his duties, of the same or what-ever may be re-  
13 quired by statute in this particular case. Obviously, only to their benefit not that  
14 of human mankind & especially not the defendant.

15  
16 Therefore:

17 It is requested Judge be Sanctioned for the above herein rea-

18 sons as this panel deems necessary. And direct Judge to Act in accordance

19 to the Rules Spelt out herein above w/o recalcitrating, additionally Act upon the entry of

20 defendant's Motion: Request for final Disposition of Ariz. Crim. P. Rule 8.3 (b)(1),

21 (2) and (3) showing a Case Associated Number ( in "Affidavit

22 from and without further Dilatory Delay, & the Judge in question direct the state / &

23 county Attorneys office to respond in detail within Days to the Motion in

24 question based on "All" as a whole misleadingness, misconduct & deception thus

25 far showing to present date of Ruling by the Court "No" Untried Indictment...

**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.**