

State of Arizona
COMMISSION ON JUDICIAL CONDUCT

Disposition of Complaint 20-025

Judge:

Complainant:

ORDER

April 16, 2020

The Complainant alleged a superior court commissioner violated the Code of Judicial Conduct in conducting proceedings relating to his competency to stand trial.

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 16, 2020.

CONFIDENTIAL

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

FOR OFFICE USE ONLY

2020-025

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.

For his complaint, Defendant _____
 asserts that _____ County
 Court Commissioner _____ violated
 Rule 81, Arizona Code of Judicial Conduct,
 sections: (1) Rule 1.1, compliance with the law,
 (2) Rule 1.2, promoting confidence in the judiciary,
 and (3) Rule 2.3, bias, prejudice, and harassment,
 he argues that _____ Decis, In re O'Dwyer,
 221 P.3d 1 (2017) is the case that controls
 violations.
 _____ was involuntarily committed to Rule 11
 proceedings in _____ and remanded to
 courtroom for those proceedings. On
 an evidentiary hearing was
 conducted to determine competency pursuant to
 Rule 11, Az. R. Cr. P., and Drope vs. Missouri, 420 US
 142 (1975). _____ who is seriously mentally ill (SMI),
 pursuant to ARS 36-550(4), suffering from a grave
 disability pursuant to ARS 36-551(14), was declared
 clinically and legally SMI by _____ County
 Court Commissioner _____ in
 he argues that _____ violated the
 Az. R. Jud. Con., Rule 1.1, Rule 1.2, and Rule 2.3
 during the _____ evidentiary hearing

CONFIDENTIAL

FOR OFFICE USE ONLY

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



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.

(witness testimony)
on the record when she threatened
on the stand after testified that her findings
and conclusions in this matter is that
is incompetent and not restorable. conclusion
It supported by
and
competency determination that is suffering
from a grave disability that renders him incompetent
and not likely restorable. While on the stand at
the evidentiary hearing,
encroached findings and conclusions
and began to threaten on the record that
she better go back through her records and charge
her finding of incompetency or she may not
work in the courthouse in the future. The proceeding
was adjourned and was ordered to file a
supplemental report consistent with
recommendation. On
after the involuntary commitment
and in violation of ARS 13-4515, a second
evidentiary hearing was conducted and again
presented conclusions of incompetency supported by
four other doctors who evaluated and.

Page 3 (2)

again began to threaten and intimidate

(witness tampering)

argues that [redacted] has violated O'Dwyer, 231 So.3d 1 (2017) where she maintained a "frivolous proceeding" past the legal time limit pursuant to ARS 13-4515, and is accused of crimes he knows nothing about to lein up and take family estate property where his uncle and father recently died and left behind large amounts of unlitigated real estate that courthouse personnel and [redacted] County Sheriff's Office officials have attempted to lay claim to, he concludes that

conduct in the hearing toward [redacted] demonstrates by clear and convincing evidence, (see transcript) under clearly established law, (see Rule 81, Ar. Code of Judicial Conduct, Rule 1.1, Rule 1.2, and Rule 3.3) that [redacted] made a prima facie case that warrant disciplinary sanctions, (see In re Abrams, 227 Ariz 248 (2011)) for witness tampering.