

State of Arizona
COMMISSION ON JUDICIAL CONDUCT

Disposition of Complaint 20-085

Judge:

Complainant:

ORDER

July 2, 2020

The Complainant alleged a superior court judge threatened him and made improper evidentiary rulings in his 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 July 2, 2020.

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

FOR OFFICE USE ONLY

2020-085

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 [redacted] presided over my [redacted] trial [redacted] and contributed to the ongoing fraud that has been evident in my case. He allowed the state to present as evidence a video of my initial arrest interview with Phoenix police, a video that has clearly been edited and altered by the police department. An expert had confirmed under oath that the video was deliberately edited and that it was not nor could not be the result of an electrical accident. However the judge still allowed the state to present this evidence and the jury to include it as part of deliberations. Having removed exculpatory evidence from the conversation with police, the state used the video to [redacted] officer testimony and the judge allowed this fraud to affect jury decision.

② In order to make my defense, it was crucial that the arresting officer [redacted] testify in trial and undergo cross examination since issues concerning both the officer's testimony in two past trials and the edited interview video deal with him. He was well aware of the trial date and was issued a subpoena but allowed by Judge [redacted] to avoid trial on account of medical issues. How could the judge force me to trial and then permit the absence of a key witness whose testimony was/would be crucial for my defense? In order to avoid possible perjury and impeachment, the officer avoided testifying, knowing that a jury would not find me guilty. If my defense had an opportunity for cross-examination, hence [redacted] hung juries after my [redacted] trials where Detective [redacted] did testify. Judge [redacted] granted a pass to the detective which ultimately sealed my fate and overruled the subpoena.

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COMPLAINT AGAINST A JUDGE

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③ My pretrial judge _____ issued and granted a instruction to be given to the jury during my trial after the State failed to produce any evidence of power outage or electrical failure causing an edit and lapse in video recording. However, Judge _____ did not allow the Willits instruction and thus, the jury was not advised regarding the manipulated video and all of the pretrial argument and presentation were in vain. This is an obvious violation of my due process rights and outright defies the court rules and interests of justice.

④ Judge _____ verbally threatened me before my trial began by insisting that I sign a plea for _____ years (after _____ years of incarceration) because he said there was no way that I was going to get out of here as a free man. He said that just because I've had _____ hung juries does not mean I will win this trial and that the state will continue to try me until they find me guilty. He told me not to think that I could win my trial. Why would he make these statements (as an impartial judge) before trial had even started and before any evidence had been presented? There is no doubt that this trial was set up to benefit the state and doomed for me from the beginning.

→ As your commission has done in the past, I'm assuming that I'll receive another response to this complaint saying that you find no fault and there is nothing you can do. However I will keep these records as proof of your awareness to these issues when I contact media sources regarding fraudulent practice in the AZ judicial system.