

State of Arizona
COMMISSION ON JUDICIAL CONDUCT

Disposition of Complaint 20-094

Judge:

Complainant:

ORDER

April 1, 2020

The Complainant alleged an appellate court judge improperly affirmed his conviction.

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 member Michael J. Brown did not participate in the consideration of this matter.

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

CONFIDENTIAL

State of Arizona
 Commission on Judicial Conduct
 1501 W. Washington Street, Suite 729
 Phoenix, Arizona 85007

COMPLAINT AGAINST A JUDGE

Name:

Judge's Name:

ISSUE # 1

01. In the Arizona Court Case No. _____
 is evidenced of knowingly violating Arizona Code of Judicial
 Conduct, Rule 81, Rules of the Supreme Court, Rule 1.1. Comphrae with the law.

02. Ariz. Const., art. IV § 24 provides a state constitutional right of appeal in criminal cases.

03. The Supreme Court has held that, under the doctrine of plain error, an
 appellate court can only correct an error not raised at trial if there is error that is plain
 and that affects substantial rights, and the error seriously affects the fairness, integrity,
 or public reputation of judicial proceedings. Johnson v. United States 520 U.S.
 461, 466-67, 117 S.Ct. 1544, 137 L.Ed.2d 318 (1997).

04. claims, "After reviewing the entire record, we find no
fundamental error..." (Exhibit 02). Yet, "the entire record", itself, permeates violations
of constitutional dimensions with plain and obvious fundamental error, regarding the
legally-leased private home, residence, and property of

05. Fundamental error is "error going to the foundation of the case, error that takes
from the defendant a right essential to his defense, and error of such magnitude that the defendant
could not possibly have received a fair trial." State v. Henderson, 210 Ariz. at 569, ¶ 19,
115 P.3d at 607 (2005).

06. claims, and his girlfriend had no argument
at her house in lived at the house... (Exhibit 02). Yet, the
very fiber of this statement in the FACTS AND PROCEDURAL BACKGROUND is clear
evidence of fraud ("a knowing misrepresentation") and fundamental error.

07. was in-fact the legal leaseholder and true lawful
occupant, with his near-old son, of the private home, residence
and property at

incontrovertible material facts is evidenced with Lease Agreement and Landlord
Certification (both documents signed by ?); Checking Account Statements
of home and utility payments.

supporting affidavits; Earnings
Statement, I-2 and Earnings Summary, listing home address of the aforementioned
property. (Exhibit 02).

08. claims, and his girlfriend had no requirement
of her house in lived at the house... After reviewing the entire
record, we find no fundamental error... (Exhibit 01). Yet, "the entire record",
itself, is fundamentally at odds with rights guaranteed, secured, and protected by the
U.S. Constitution. The complete absence of at trial and any testimony by
her, to corroborate the legality of in a private home, residence,
and property that she leased to, is evidence of the State's
ability of circumventing facts with falsehoods and a fictional narrative.

09. claims, "The record reflects received a fair
trial... The record reflects the court afforded all his constitutional
and statutory rights... (Exhibit 02). Yet, "the record", itself, reflects
did not receive a "fair trial" due to the prosecution's abuse of process and the trial
court's abuse of discretion. Not only was the State's acts criminal in nature with
fraud, but "the record reflects" both civil rights and human rights violations of
arbitrary interference with privacy, property, and family. (R09)

10. The State questioned at trial, "Were you living in that house at that time?"
answered, "No, I was not." (Exhibit 03).
claims, "we find no fundamental error..." (Exhibit 01).

11. The State questioned at trial, "...when do you think, approximately, was
the last time you had been at that house?" answered, "I'd say
about years prior." (Exhibit 04).
claims, "we find
no fundamental error..." (Exhibit 01).

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prior" or

Police Department Report

(Exhibit 05) is evidence of

'last time... at

that house". Due to

increasing criminal conduct, criminal associates,

gang activity, drug and substance abuse, and death threats to kill.

(by his own mother; admission to officers), he was removed and banned

from the private home, residence, and property of a

Arizona

13.

Structural errors "infect the entire trial process". Brecht v. Abrahamson,

507 U.S. 619, 630, 113 S. Ct. 1710, 123 L. Ed. 2d 353 (1993).

14.

Structural errors "affect the entire conduct of the trial from beginning to

end, and thus taint the framework within which the trial proceeds". Arizona v. Fulminante,

499 U.S. 279, 302-10, 111 S. Ct. 1246, 113 L. Ed. 2d 302 (1991).

15.

decision-making is evidence of "ignoring the facts

... and relying on prejudice." State v. Hughes, 193 Ariz. 86 n 61, 969 P.2d at 1198

n 61 (1998). From the facts of the state court record,

decision-making is unsound, unreasonable, contrary to law, and completely unworthy

of deference. The policy that the judiciary makes is that no one in the State

of Arizona is safe, secure, nor do they have any rights in their own private

home, residence, and property. The policy that makes in this

case is that the continued use of fraud and deception is the State's order of

business, and that it will go unnoticed.

ISSUE # 2

16. In the Arizona Court of _____ Case No. _____
is evidenced of knowingly violating Arizona Code of Judicial
Conduct, Rule 81, Rules of the Supreme Court, Rule 31. Compliance with the Law.

17. Ariz. Const., art. II § 24 provides a state constitutional right of appeal in criminal cases.

18. The right of an accused to confront an adverse witness is guaranteed by the
Sixth Amendment to the United States Constitution which is applicable to the states
under the Fourteenth Amendment, and by Ariz. Const., art. II § 24. This right has
been considered one of the most important safeguards to a fair trial. State v. Edwards,
136 Ariz. 174, 665 P.2d 59, 1983 Ariz. LEXIS 182 (May 4, 1983).

19. _____ remarked "The record reflects _____ received
a fair trial... The record reflects the _____ court afforded _____ all his
constitutional and statutory rights..." (Exhibit D).

20. _____ remarked "After reviewing the entire record, we find
no fundamental error..." (Exhibit D). Yet, "the entire record" of the state court,
itself, permeates with fundamental error and contradicts state factfindings,
with the exorbitant usage of hearsay from _____ without any corroboration
or opportunity for cross-examination of trial _____ decision is
clearly erroneous of the State and State court's approval of the usage of hearsay, as
the denial of reasonable latitude in cross-examination is prejudicial error.

**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.**