

State of Arizona
COMMISSION ON JUDICIAL CONDUCT

Disposition of Complaint 20-095

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 229

Phoenix, Arizona 85007

COMPLAINT AGAINST A JUDGE

Name

Judge's Name:

ISSUE # 1

01. In the Arizona Court of Case No. _____
is evidenced of knowingly violating Arizona Code of Judicial Conduct,
Rule 82, Rules of the Supreme Court, Rule 8.1. Compliance with the Law.

02. Arizona Constitution, article II § 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, 570 U.S. 461,
466-67, 117 S.Ct. 1544, 137 L.Ed.2d 717 (2003).

04. concurred, "After reviewing the entire record, we find no fundamental error..." (Exhibit 01). 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 _____ at _____ Arizona (Exhibit 02).

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 567, ¶ 19, 115 P.3d at 607 (2005).

06. concurred, _____ and his girlfriend _____ had an argument at her house in _____ lived at the house..." (Exhibit 01). Yet the every 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 _____ year-old son _____ of the private home, residence, and property of _____ Arizona _____ 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 _____ Statements _____ W-2 and Earnings Summary, listing home address _____ at the aforementioned property. (Exhibit 02).

07. concurred, and his girlfriend, had no argument
at her house in [redacted] 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 [redacted] trial and any testimony by her,
to corroborate the legality of [redacted] in a private home, residence, and
property that she leased to [redacted] is evidence of the State's
ability of circumventing facts with falsehoods and a fictional narrative. 1.

08. concurred, "The record reflects [redacted] received a
fair trial... The record reflects the superior court afforded [redacted] all his constitutional
and statutory rights... (Exhibit 01). Yet, "the record", itself, reflects [redacted] 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. 1

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

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

12.

years prior "on

Police Department Report

(Exhibit 05) is evidence of:

"hot 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's admission to officers,

'was removed and banned

from the private home, residence, and property at

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, 307-10, 111 S.Ct. 1296, 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, 1161, 969 P.2d at 1198

1161 (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 affirmed in this case, is that no one in

the State of Arizona is safe, nor secure, and they do not have any rights in their

own legally possessed private home, residence, and property. And yet again

concluded, "we find no fundamental error..." (Exhibit 05).

ISSUE # 2

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16. 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. Compliance with the Law.

17. Arizona Constitution, article 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. 177, 665 P.2d 54, 1983 Ariz. LEXIS 188 (May 4, 1983).

19. concurred, "The record reflects _____ received
a fair trial. . . . The record reflects the _____ court afforded _____ all his
constitutional and statutory rights. . . ." (Exhibit 01).

20. concurred, "After reviewing the entire record, we find
no fundamental error. . . ." (Exhibit 01). Yet, "the entire record", itself, permeates with
fundamental error, from the exorbitant usage of hearsay from _____ without
any corroboration or opportunity for cross-examination of trial. . . .
decision is clearly erroneous, as the _____ court's approval of the denial of reasonable
latitude in cross-examination is the very definition of fundamental 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.**