

State of Arizona
COMMISSION ON JUDICIAL CONDUCT

Disposition of Complaint 20-175

Judge:

Complainant:

ORDER

October 15, 2020

The Complainant alleged a municipal court judge unreasonably refused to continue his criminal matter and improperly failed to submit evidence.

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 J. Tyrrell Taber did not participate in the consideration of this matter.

Copies of this order were distributed to all appropriate persons on October 15, 2020.

CONFIDENTIAL

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

FOR OFFICE USE ONLY

20-175

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.

On _____ from _____ to _____ Judge _____ allowed the Prosecutor, 2 Police Officers, 2 witnesses and the _____ attorney to intimidate me, with the audio recorder off.

Judge _____ then refused to continue the case and suggested Defendant was in error as Defendant had not ordered a DVD player to go with the TV in the courtroom for Defendants and the City's video evidence.

Judge _____ refused me a continuance based on the unproven fact the Officer might not be able to attend the next court case to view and defend his Body Cam footage.

The Body Cam video is exculpatory and cost the State and City a great deal of time and money.

Judges _____ threw out _____ 1st charge the ticket was written for. Then a 2nd hearsay charge, not spoken or listed as the reason the ticket was written was heard and Defendant was found guilty as Defendant was not allowed to present their case or the videoevidence the Officer/City/State based the charge on. Defendant was denied due process and Defendant is still in the Appeal process.

During this _____ the Prosecutor refused to answer Defendants questions about how to use the video equipment to present relevant Body Cam and other video the City collected or that was referenced in written form at pre trial.

The city took months to provide the Body Cam video evidence, yet Defendant was not allowed even one continuance after getting the video and was told it was my responsibility to have ordered a DVD player to go with the Large TV the Prosecutor dragged in early in front of me to the courtroom.

When Defendant checked with the courthouse after trial Defendant was told there was no "procedure" for ordering a DVD player to go with the States video evidence. The audio from the Trial is upsetting as it is clear I was unable to proceed with out that exculpatory and disturbing evidence. Judge _____ made the viewing of that Exculpatory Body Cam evidence impossible.

Judge _____ relied on _____ other Employee who was allowed to present hearsay as testimony with no witness to his claims. _____ Attorney was allowed to cheer this all on,

Defendants and City's own evidence was wrongfully suppressed. That evidence is exculpatory and illustrate _____ employees & thier Attorneys made knwn to be false statements about my residency from _____

Will do my best to get Hard Copies Audio and Video Evidence submitted as requested or no later than _____

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