

State of Arizona
COMMISSION ON JUDICIAL CONDUCT

Disposition of Complaint 20-196

Judge:

Complainant:

ORDER

October 8, 2020

The Complainant alleged a superior court commissioner entered contradictory orders as he was biased against the complainant and had a conflict of interest.

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 October 8, 2020.

CONFIDENTIAL

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

FOR OFFICE USE ONLY

2020-196

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 _____ Commissioner _____ issued subsequent orders which directly contradict the courts previous findings wherein Commissioner _____ marked the box " The Defendant has met all of the statutory requirements for the application to restore civil rights and to possess or own a firearm. In the first order Commissioner _____ issued he marked the box " The Defendant has met all of the statutory requirements for the application to restore civil rights and to possess or own a firearm. However, Commissioner _____ deliberately crossed out the last part of the end of the preprinted statement in the court finding. It should also be noted that Commissioner _____ did not select the box with the court finding " The Defendant was convicted of a serious offense as defined in A.R.S. § 13-706 ". Commissioner _____ then selected the box that states " GRANTING the application to restore civil rights excluding the right to possess or own a firearm ". On the subsequent order this court found by order of Commissioner _____ selecting the box that reads " The Defendant has met all of his statutory requirements for the application ". This court then ordered by selecting the box which reads " The applicant ' s right to possess a firearm is DENIED due to the applicant ' s conviction for a serious offense as defined in Section 13-706 ". Commissioner _____ also selected the box directly below the box above which reads " DENYING: the application to set aside conviction for the following reasons before checking the box " Other reasons: Nature of Offense " .

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Defendant alleges and believes Commissioner _____ has demonstrated by clear and convincing evidence a prejudicial bias opinion in regards to this defendant based on unfounded legal conclusions based on a history that began years ago between Commissioner _____ and defendant. Defendant believes that Commissioner _____ has given preferential treatment to the State by issuing contradicting court orders, failing to rule on Defendant ' s Request for Hearing in accordance with Rule 29.5 ARCP, and giving a greater weight to the State by allowing the State to file untimely objections and Unpublished Court opinions in an effort to persuade and personally cater to Commissioner _____ knowing Commissioner Wingard ' s past relationship with the defendant.

Finally, the defendant believes that Commissioner _____ has demonstrated his ill will for this defendant from his past and present conduct toward defendant due to the personal & financial nature of his relationship with defendant ' s ex-wife. Commissioner _____ represented defendant ' s ex-wife (Formerly _____) in defendant ' s initial divorce proceeding in _____ Commissioner _____ was privy to highly sensitive and confidential mental health & medical records of the defendant during the course of family court litigation by which he would have not been privy to otherwise. Commissioner _____ signed a sworn affidavit of these pleadings on or around _____ alleging among other things defendant mental health issues, defendant drug abuse, and domestic violence committed by defendant (See Exhibit A). Based on past history with the defendant and the recent development of this case the defendant believes that this has created enough reasonable doubt as to whether or not Commissioner _____ stands to be completely impartial to oversee this matter currently before the court.