

State of Arizona  
COMMISSION ON JUDICIAL CONDUCT

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Disposition of Complaint 20-225

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Judge:

Complainant:

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**ORDER**

October 22, 2020

The Complainant alleged a superior court commissioner was biased against her brother and improperly found her brother competent to stand trial.

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 22, 2020.

**CONFIDENTIAL**

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

**FOR OFFICE USE ONLY**

2020 - 225

**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.

I am filing this complaint on behalf of my brother \_\_\_\_\_ case # \_\_\_\_\_ who is diagnosed with \_\_\_\_\_ and other health issues. \_\_\_\_\_ has been incarcerated since \_\_\_\_\_ in \_\_\_\_\_ County Jail in \_\_\_\_\_ Arizona. I am filing this complaint against Judge \_\_\_\_\_ who displayed bias and prejudice in the court. This judge did not remain impartial and ignored vital facts in the rule eleven evidentiary hearings. The basis of our claims are as follows from the \_\_\_\_\_ and \_\_\_\_\_ evidentiary hearings.

1.) Judge \_\_\_\_\_ allowed unreliable testimony from \_\_\_\_\_ who testified on \_\_\_\_\_ testimony was based on hearsay regarding \_\_\_\_\_ having an alcohol abuse problem without any concrete or documented evidence. Judge \_\_\_\_\_ Also allowed and accepted testimony from \_\_\_\_\_ who committed perjury under oath.

2.) \_\_\_\_\_ was called as a witness for the prosecution and blatantly lied and made false accusations regarding my brother's competency and his character. There were several references made about \_\_\_\_\_ daily alcohol use, which is erroneous, slanderous and a defamation to his character. \_\_\_\_\_ only examined \_\_\_\_\_ on \_\_\_\_\_ and I \_\_\_\_\_ during his cross examination, asked \_\_\_\_\_ if he had any proof that \_\_\_\_\_ drinks every day. \_\_\_\_\_ replied, " \_\_\_\_\_ Judge \_\_\_\_\_ showed bias and prejudice by accepting \_\_\_\_\_, lies and unsubstantiated testimony as evidence.

3.) Judge \_\_\_\_\_ ignored evidence submitted by Attorney \_\_\_\_\_ in regards to evaluation and \_\_\_\_\_ testing which determined that \_\_\_\_\_ was incompetent to stand trial. Judge \_\_\_\_\_ displayed bias by denying this psychologist professional evaluation who actually did testing to confirm his observation.

4.) Judge \_\_\_\_\_ accepted testimony from \_\_\_\_\_ who works for \_\_\_\_\_ County jail who testified to \_\_\_\_\_ competency. \_\_\_\_\_ has no specialized training in this field or holds any degrees as a specialist regarding competency. \_\_\_\_\_ perjured himself under oath about several statements concerning \_\_\_\_\_ disabilities. He stated that \_\_\_\_\_ dials the phone on his own, when in fact \_\_\_\_\_ has had several inmates dial the phone for him because he is not able to do so. I have personally spoken to these inmates and have their names. He also stated untruthful statements about \_\_\_\_\_ overall health issues and not being aware of any medical documentation regarding a diagnosis of \_\_\_\_\_ and receiving medication which is documented in his medical records at \_\_\_\_\_ County Jail. \_\_\_\_\_ was also diagnosed with \_\_\_\_\_ on \_\_\_\_\_ by \_\_\_\_\_ who \_\_\_\_\_ is a Nurse Practitioner at \_\_\_\_\_

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and at the \_\_\_\_\_ of \_\_\_\_\_ Arizona before he was incarcerated. My sister and I notified \_\_\_\_\_ and night terrors in \_\_\_\_\_ testified against my brother's competency because something happened to my brother while incarcerated, and my family called several entities to look into his health and safety. \_\_\_\_\_ were called when \_\_\_\_\_ failed to return our numerous phone calls regarding my brother's health and welfare. \_\_\_\_\_ retaliated by lying about my brother's competency in an effort to keep him incarcerated. Judge \_\_\_\_\_ again displayed bias and prejudice by accepting the testimony of a correctional officer who had very little personal contact with \_\_\_\_\_ on a daily basis and has no credentials to determine anyone's competency.

5.) \_\_\_\_\_ introduced evidence that the prosecutor was aware that toxicology results were negative in \_\_\_\_\_ and that he did not receive this information until the day before the hearing on \_\_\_\_\_ Judge \_\_\_\_\_ ignored this information and said, "I will not accept this information because I do not have it in front of me. This is bias and prejudice and unjust to dismiss this evidence which is the basis of \_\_\_\_\_ incarceration."

It is evident that Judge \_\_\_\_\_ is bias and prejudice because he based his decision to find \_\_\_\_\_ competent to stand trial based on the testimony of a doctor who lied and presented no valid evidence and based his observations on what he was told about \_\_\_\_\_. Also Judge \_\_\_\_\_ based his decision on a correctional officer who has no formal training in competency and who is angry and retaliated because my family reported his unprofessional behavior. Judge \_\_\_\_\_ dismissed the facts that the first Psychologist found my brother incompetent to assist in his own defense, the negative toxicology results that was purposely withheld by the prosecutor \_\_\_\_\_ who behaved unethically at the start of the case against my brother. My brother's life is at stake each and every day because his civil and constitutional rights have been violated. \_\_\_\_\_ is a vulnerable adult who has \_\_\_\_\_ and some disabilities who can't assist in his own defense. Judge \_\_\_\_\_ bias, prejudice, lack of fairness and unethical conduct is a grave disadvantage to \_\_\_\_\_ case. I have attached some police reports and emails which will prove that there are many discrepancies, inconsistencies and extenuating circumstances in this case.

Sincerely,