

State of Arizona
COMMISSION ON JUDICIAL CONDUCT

Disposition of Complaint 20-275

Judge:

Complainant:

ORDER

December 16, 2020

The Complainant alleged a city court judge was biased against him.

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 Colleen E. Concannon did not participate in the consideration of this matter.

Copies of this order were distributed to all appropriate persons on December 16, 2020.

CONFIDENTIAL

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

FOR OFFICE USE ONLY

2020-275

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.

IN THE COURT, COUNTY, STATE OF ARIZONA

Plaintiff-in-error,
V.

Complaint No.
Case No.

Defendant-in-error

Affidavit of Bias and Prejudice

Defendant-in-error, moves this Honorable Court to enter an Affidavit of Bias and prejudice according to ARIZONA RULES OF CIVIL PROCEDURE FOR THE SUPERIOR COURTS' A.R.S. Sup.Ct. Rules, Rule 81, Code of Jud. Conduct, Rule 2.3 which states "(A) A judge shall perform the duties of judicial office, including administrative duties, without bias or prejudice. (C) A judge shall require lawyers in proceedings before the court to refrain from manifesting bias or prejudice."

Fact

On at approximately in a hearing, the Honorable began an arraignment for an alleged criminal charge without any evidence against me.

Judge continued to hold court proceedings without all parties – the plaintiff, injured party, witness – being present, violating my God given rights, as outlined in the 6th Amendment to the United States Constitution and the Arizona Constitution Article 2 Declaration of Rights Section 3 A. and Section 24.

Judge also enter in a pleading without my consent, denying my rights to have assistance of counsel of my choice, which is another violation of my God given rights as outlined in the 6th Amendment and the 5th Amendment to the United States Constitution.

When I asked him if he was my lawyer because he entered a plea on my behalf without my consent, he stated no he is the judge.

I informed Judge that the attorney refused to provide the evidence and I moved the court to compel the other party to present their evidence immediately before we can discuss any arraignment.

Judge refused, stating that he was not my attorney and refused to compel the other party to bring evidence before the arraignment.

Judge working in dual capacities as a judge, an attorney and the plaintiff is a conflict of interest and preventing me from having a fair and impartial hearing and trial.

Points of Authority

This is a Violation of A.R.S. Sup.Ct. Rules, Rule 81, Code of Jud. Conduct, Rule 2.3 "(A) A judge shall perform the duties of judicial office, including administrative duties, without bias or prejudice. (C) A judge shall require lawyers in proceedings before the court to refrain from manifesting bias or prejudice."

This is a violation of the Fifth Amendment to the United States Constitution which states "No person shall be held to answer for a capital, or otherwise infamous crime, unless on a presentment or indictment of a grand jury, except in cases arising in the land or naval forces, or in the militia, when in actual service in time of war or public danger; nor shall any person be subject for the same offense to be twice put in jeopardy of life or limb; nor shall be compelled in any criminal case to be a witness against himself, nor be deprived of life, liberty, or property, without due process of law; nor shall private property be taken for public use, without just compensation."

This is also a violation of the Sixth Amendment; The constitutional amendment, ratified with the Bill of rights in 1791, guaranteeing in criminal cases the right to a speedy and public trial by jury, the right to be informed of the nature of the accusation, the right to confront witnesses, the right to counsel and the right to compulsory process for obtaining favorable witnesses, as outlined in your Arizona Constitution Article 2 Declaration of Rights Section 24.

Arizona Constitution Article 2 Declaration of Rights Section 3.A states The Constitution of the United States is the supreme law of the land to which all government, state and federal, is subject.

WHEREFORE moves this Court to:

- (1) Have the court dismiss any and all cases deriving from the above case number;
- (2) Recuse the judge for his biasness.
- (3) Grant such other and further relief as the Court may deem reasonable and just under the circumstances.

Verification

I, hereby verify, under penalty of perjury, under the laws of the United States of America, without the "United States" (Federal government), that the above statement of facts and laws is true and correct, according to the best of My current information, knowledge, and facts, so help me God, pursuant to 28 U.S.C. 1746(1). See Supremacy Clause (Constitution, Laws and Treaties are all the supreme Law of the Land).

Govern yourself accordingly.

All Rights Reserved without the United States
[28 U.S.C. § 1746(1)]

In care of

Email: