

State of Arizona
COMMISSION ON JUDICIAL CONDUCT

Disposition of Complaint 21-183

Judges:

Complainant:

ORDER

November 24, 2021

The Complainant alleged that one superior court judge incorrectly ruled regarding his own recusal, and another superior court judge incorrectly ruled regarding the assessment of fines and fees.

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 November 24, 2021.

CONFIDENTIAL

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

FOR OFFICE USE ONLY

2021-183

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 _____ I filed for a _____ in _____ for a _____ I spent _____ in _____ for and was determined not only am I innocent, I had no knowledge of the crime that was committed until _____ and _____ later.

After filing, I'm advised by the _____ Board I need to resolve all open fines owed over \$ _____ to be eligible for filing for this _____ and they provide me with a list of _____ open fines, _____ County being one.

I receive a Court Order from _____ County _____ Court Judge _____ stating I owe _____ County \$ _____ in _____ Court Fines from a case dated back in _____, whereas Judge _____ then Prosecutor _____ charged me with _____ counts of _____ based off of one actual _____ arrest...at that time the sentencing record by Judge _____ reflected I owed a total of \$ _____ in fines and not the \$ _____ Judge _____ Court Order demands.

_____ I filed a pro se motion to amend the fines and surcharges to Judge _____ Court Order of _____

_____ Judge _____ conveniently recuses himself from all proceedings stating conflict of Interest and reassigns the case to Judge _____ also _____ County.

_____ after receiving a copy of the Original _____ Records from Judge _____ Court dated _____, reflecting the correct amount owed on this case to equal \$ _____ instead of \$ _____. I file a pro se motion to Judge _____ for correcting the record as well and attach a copy of the original sentencing document and highlight the error in calculation by Judge _____ and send him notice to this error accordingly.

_____ I receive an Order Denying Motion to Amend by Judge _____

_____ I file a pro se Motion to Reconsider Correcting the Record from the _____ Court Order of Judge _____

_____ I receive an Order Denying Motion to Reconsider Correcting the Record from Judge _____

_____ I write a letter to Judge _____ and accuse him of being prejudicial and corrupt.

"When a Judge acts intentionally and knowingly to deprive a person of his Constitutional Rights, he acts no longer as a Judge, but as a Minister of His Own Prejudices." [386 U.S. 547, 568]

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Defendant, Motions This Honorable Court to Amend, Reduce or Forgive
Surcharges on Case# for the following reasons:

1. Defendant is not only but also and since Defendant avows that trying to meet the extra obligations attached to this infraction of the law would place a severe financial hardship on the Defendant's now almost normal life. (Please see Exhibit marked "A") Letter to the Court Clerk
2. Standard Operation procedures upon final release from receive a document revealing any outstanding fines still pending. However, nowhere in this document was Case# from County mentioned, nor do I remember having received any notice regarding same until recently, some (Please see Exhibit marked "B") Copy document given to Defendant.
3. Defendant thinks that perhaps the confusion was created for both parties due to the over- abundance of hearings leading up to the Defendant's final from in (Please see Exhibit marked "C") Search in Court Files for Sentencing Hearing, n/a.
4. Additionally, Defendant has a recently filed pending before the in to him from a in that State for he not only didn't commit, but had no knowledge about prior to his arrest. Defendant has spent the of his life living under this ugly label trying to prove this Truth to both his own family and the victim's. (Please see Exhibits marked "D1 and D2")
5. However, Defendant has also recently learned from the Office that these monies owed will render Defendant ineligible for consideration. This is an unfair burden to be placed at this late stage of life, especially where Defendant's and remains in question to resolve this debt to Society in time. Then, still leaving Defendant time enough to be absolved of another debt to Society served unjustly due to a defect in the Legal System itself. (Please see Exhibits "E1 and E2") Recent Reports
6. For the reasons set forth and others not mentioned, but easily within this Honorable Court's understandings, Defendant is humbly asking for an amendment, reduction or forgiving of the debt owed to Society for the convictions on Case #

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FILED
CLERK. COURT
BY:

ARIZONA COURT
COUNTY

Date:

JUDGE

Division

Judicial Assistant

STATE OF ARIZONA, <div style="text-align: right;">Plaintiff,</div> v. <div style="text-align: right;">Defendant.</div>	
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ORDER DENYING MOTION

The Court has received and reviewed Defendant's Motion to Reconsider Correcting the Record of this Court's Order of Restitution dated _____ and rules as follows:

The Court's Sentencing Minute Entry of _____, as referenced by Defendant's Motion, clearly states that a fine and applicable surcharge, totaling \$ _____ was ordered in **each** of the _____ for which Defendant was sentenced. \$ _____ is a correct amount and, therefore, Defendant's Motion to Reconsider Correcting the Record of this Court's Order of Restitution dated _____ is denied.

NOTE THAT WOULD MEAN THE FINES WOULD HAVE BEEN RUN BUT THEY ARE TO RUN

cc:

OFFICE DISTRIBUTION:

No. STATE OF ARIZONA vs.

Date:

Page No. 4

COUNT

OFFENSE: with prior within

FELONY CLASS:

IN VIOLATION OF:

DATE OF OFFENSE:

SENTENCE: with credit for presentence time served.

This is a nonrepetitive, nondangerous offense.

- prior as follows:
- 1. in County in State of Arizona on
- 2. in County in State of Arizona on

IT IS ORDERED that on Counts through each sentence is one to the other but to any sentence being served.

COMMUNITY SUPERVISION: IT IS ORDERED that after Defendant is from he will be subject to for as set forth in

MONETARY ASSESSMENTS:

FINE: IT IS ORDERED that the Defendant shall pay a fine on of the counts in the amount of \$ plus surcharge in the amount of \$ for a total fine of \$ on each count, which are one to the other, payable to the Clerk of the Court of County in installments of at least \$ commencing on of the after from until paid in full.

IT IS ORDERED that pursuant to Defendant shall pay to the Clerk of the Court of County only Time Payment Fee in the amount of \$.

FURTHER ORDERED the County and/or the Arizona Department is directed to notify the Clerk of the Court of County of the Defendant's from secured and of the Defendant's at time of from secured and further, should the Defendant he is directed to notify the Clerk of the Court, within () of the Defendant's change of

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The Honorable Judge,
County Court

RE: _____ / Case # _____

Dear Judge

Referencing your latest denial of my pro se motions to correct the record from a _____ please know that your reliability for denial of my motion is Contrary to the Original Sentencing Order in _____ by then Judge \$ vs \$ (See exhibit 1)

Judge _____ also knows this mistaken calculation as he was also the _____ on this _____ who was prejudiced enough to _____ me with _____ counts of _____ based from this _____ A personal letter was also written to Judge _____ where I pointed out how this miscalculated error came about, but he chose to ignore it and the letter of the law along with it.

Something is terribly amiss when _____ Court Judges lack the Integrity to rule according to the Law! I filed _____ different pro se motions that highlighted this miscalculated error for both of you Judges to see that clearly states _____ of _____ and the fines of \$ _____ on each count were to run _____ What's so difficult about that to understand and why do you, Judge _____ of completing this _____ in Judge _____ Order on your Order of Denial – obviously it's just to justify your erroneous calculations to begin with.

I'm sure that the people in your _____ would shudder to think _____ Court Judges would conspire to deny a defendant his legal rights, or that the refusal to acknowledge such an _____ error would be from a more nefarious or malicious reasoning other than a simple oversight.

Law abiding citizens depend heavily on the Integrity of our Judges to ensure that Protection for Equal Rights Under the Law as Guaranteed by the United States Constitution exists for them.

But, that is clearly not the case here, and both of you should be shamefully disbarred because of it.

Thanks for taking the time to read my complaint,

Cc:

**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.**