

State of Arizona
COMMISSION ON JUDICIAL CONDUCT

Disposition of Complaint 21-194

Judge:

Complainant:

ORDER

December 8, 2021

The Complainant alleged a superior court judge was prejudiced against him, failed to disqualify herself, and coerced a plea agreement.

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 members Louis Frank Dominguez and Christopher P. Staring did not participate in the consideration of this matter.

Copies of this order were distributed to all appropriate persons on December 8, 2021.

CONFIDENTIAL

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

FOR OFFICE USE ONLY

2021-194

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.

1 was before Judge _____ in case _____
from _____ till _____
on _____ And _____ before Judge _____

FORMAL COMPLAINT - Judge
violated the Code of Judicial Conduct, and Rules of the Supreme Court; Rule 81, under DISQUALIFICATION, Rule 2.11(A) A judge shall DISQUALIFY SELF in any proceeding in which the Judge's IMPARTIALITY might reasonably be Questioned, including, but Not limited to: the Judge has personal bias or prejudice concerning a party - OR - Personal Knowledge of facts that are in Dispute in the Proceeding and violated rights.

1) Judge _____ is a Party to _____ Rule 32
2) and _____ is likely to be a material witness.

3) By the SUP,ct comment (1) Under rule 2.11, is DISQUALIFIED because this Judges partiality might reasonably be Questioned.

4) _____ OBLIGATION NOT to hear or Decide matters to which Disqualification is Required regardless if a "MOTION TO DISQUALIFY" is filed. (see attached Rules)

5) _____ Violated Ariz.R.Cri.P Rule 17.4 "All Judges shall avoid coercive behavior of Any Kind in plea discussions". (6.) Violated Fed.R.Crim.P Rule 11(e) "No Judge shall participate in Plea Discussions"

CONFIDENTIAL

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

FOR OFFICE USE ONLY

2021-194

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.

- 7) Violated Az. R.C. Proc. Rule 32.5 "IF the sentencing judge's testimony is relevant to proceeding, that judge SHALL transfer the case to another judge."
- 8) Violated S.Ct. Precedent "No Judge is allowed to Rule on any case in which that judge has an interest or is named as a party."
- 9) Violated Rule 2, 3 S.Ct. BIAS, PREJUDICE as (i) Bias and Prejudice in trial and PCR proceedings Impaired the fairness and Brought Structural Error and created a "Manifest Miscarriage of Justice against _____"
- 10) Made Judicial Mistatements, Misconduct on Pending case of Mr. _____ by telling him he had "No Right to Self-Representation, No right to Fire his hostile derelect st. appointed counsel for _____ - Denied my right to Hire a Private Attorney in future (see Exh, T ORDER)"
- 11) These Violations impaired the outcome of case, created a GROSS INJUSTICE AS Record Proves All Claims - see Exh, AA-1 ORDER on _____ - det. entitled to Grand Jury Transcript, Good Cause Appearing.
- 12) _____ was Denied this Grand Jury transcript and (1) other Relevant Court transcripts Before Ruled to DENY my entire RULE 32, PCR on _____ (see Exh AA-2 PCR Denial. - Next Day!

FORMAL COMPLAINT

by _____

Judge: _____

- (13) (see Exh. AA-2) on Page 5, under Judicial Error, is named as a Respondent and a party by violating Constitutional Right to Self-Representation under S.Ct. Faretta v CA (see Exh. A-3) on _____
- (14) ruled in Favor of herself, on my case,
- (15) Failed to transfer my Rule 32 to another Judge, as Rule 32.5 demands,
- (16) On ORDER _____ admits to Constitutional Violation of Denial of a Complete Defense under 6th Amendment. (see Page 5 ORDER)
- (17) Denied def. the Right to be Presumed Innocent during Plea Discussions and before Any defense work begun, before any Exculpatory evidence or adversarial testing of prosecutor's case even begun or Investigated by any state attorney, public defender - (see Quote " _____ " end Quote of Judge _____ (see Denied Settlement hearing transcript., and on _____ by Judge _____, and Judge _____ settlement-Plea hearing on _____ and on "ORDER dated _____

FORMAL COMPLAINT by

(18) These Violations caused Structural Error and Coerced Mr. [redacted] to take a Guilty Plea Unknowingly, Involuntarily by this MISCONDUCT in Plea Discussions.

(19) ORDER on [redacted] pg. 5, under Judicial Error, line 7, states Quote: ()

(20) This blatant Violation by [redacted] "end Quote Ruling on her own Conduct, and

(21) Denied Mr. [redacted] " " separate " " " (see docket)

which in Violation of S.Ct. Griffin v Ill (351 U.S. 12, 176 (1956)) "A criminal defendant is entitled to his complete transcripts of all criminal hearings and proceedings in his Appeal."

(22) Then after this Violation of Due Process, [redacted] Denies his Entire Rule 32 PCR (pg. 5)

!" Blatant MISCONDUCT.
(23) Violation during Sentencing, the Pre Sentence Report with Attached letter by [redacted] given in Pre-Sentence Interviews with [redacted] Supervisor (see Denied Interview Notes from both Interviews)

FORMAL COMPLAINT by

(23) in which All Constitutional Violations; Denials of any and all Defense, Investigations; Denied to see Any evidence; police False Recording; False alleged Statement; Exculpatory evidence in Reports; Reports; Denied rt. to see and read details of Plea; Coercion, Threats to sign Unread Guilty Plea. Failed to even bring up or resolve any of these Fundamental Errors presented to Judge prior to Sentencing.

(See Pre-Sentence Report, pg 2 - Missing the Attachment of Def's letter for Judicial Review of all Const Complaints.) Never provided to def.

(24) Willfully suppressed these Exculpatory MATERIALS, by which, caused Plea to be unknowing, Involuntary.

(25) was Denied Right of Ar.R.C.Proc 15.1 "An Indigent def. is entitled to an Investigator and an EXPERT WITNESS." Judge knew this Right and Denied (on the Record)

(26) in Denied Transcripts Proving Violations, continued Sentencing, even after told Judge (directly-on record-see trans) that he requested all of these rights, but was Denied. (Exh. Sentencing transcript pg 20) Exh. N attached pg 21

**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.**