

State of Arizona  
COMMISSION ON JUDICIAL CONDUCT

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Disposition of Complaint 21-256

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Judge:

Complainant:

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**ORDER**

November 24, 2021

The Complainant alleged a superior court judge was prejudiced against him and improperly denied his request for a change of judge.

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 Joseph C. Kreamer and 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.

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QUEJA CONTRA UN JUEZ

Nombre: \_\_\_\_\_

Nombre del juez: \_\_\_\_\_

**Instrucciones :** Utilice este formulario o papel normal del mismo tamaño para presentar una queja. Describa en sus propias palabras, lo que usted cree que hizo el juez que constituye una mala conducta judicial. Sea específico y enumere todos los nombres, fechas, horas y lugares que ayudarán a la comisión a comprender sus preocupaciones. Las páginas adicionales pueden adjuntarse junto con copias (no originales) de los documentos judiciales pertinentes. Complete una cara del papel solamente, y guarde una copia de la queja para sus registros.

is being prejudice AN Help to  
Prosecut this case vindictively she dumps 10, 2 of  
Rule of criminal procedure is suspended I A vowed  
I wanted this change of Judge AS A matter of Right  
I want trial on NOW I need  
witness I will subpoena AND EXPECT  
testimony from expert on A Policy AND  
procedure & training. A Language for Spanish  
EXPECT AND enforcement Act expect  
to be subpoena AND AND informant report  
on drug deal AND Him being friendly  
with his race than other got the report  
AND All on my 15, 2 defendant disclosure. THN I  
want trial trial can start by the end of  
if Judge like stop delaying  
Justice by partaken in vindictive prosecution  
She know is Hide the fact that  
is to be dismissed do to  
All of the Rule of criminal procedure violations  
AND the United States Constitution violation  
AS stated on Record in court  
ON when she told me she will not  
dismiss the case do to the state will only Refill  
AND I start back at square one I told Her - I will  
get to be present at the Grand Jury Hearing AND  
they most likely will not indict me as before

2021-256

QUEJA CONTRA UN JUEZ

Nombre:

Nombre del juez:

Instrucciones : Utilice este formulario o papel normal del mismo tamaño para presentar una queja. Describa en tu propia palabras, lo que usted cree que hizo el juez que constituye una mala conducta judicial. Sea específico y enumere todos los nombres, fechas, horas y lugares que ayudarán a la comisión a comprender sus preocupaciones. Las páginas adicionales pueden adjuntarse junto con copias (no originales) de los documentos judiciales pertinentes. Complete una cara del papel solamente, y guarde una copia de la queja para sus registros.

CONTINUAS #2

When the state got A warrant sign by A corrupt Judge  
AN did not notify me of 8.3(b)(1)(2) Right to  
Request final deposition their fault not mine  
I was held from Justice for

by the state if  
stop being corrupte AN follow Rule 9. Arizona  
Rules of professional conduct. this  
will be close AND I will not be held on a  
collar bond (RANSOME) by  
is in on this corruption. see Habeas corpus filed  
for him to get me to court AN show why I should  
not be in his custody on  
why He is not Arrested for violation of

intimidating, for assisting  
Honest see RULE 2.2 impartially AN include  
1.3, 2.6 2.11 AN After investigating  
statement on Record AN My Habeas corpus filing AND  
dismissal motion I filed AND How  
motion to Challenge the grand Jury the  
the rules I never file my motion to  
it never happen & He is not being Honest (investigate)

Should Report All this corruption and get  
these Judges removed from the bench fast to save lives,  
see evidence #1 & #2  
Attached AND over look  
court Record

3  
Statement in court  
Habeas corpus AN dismissal mot

Evidence #1



COURT OF ARIZONA  
COUNTY

CLERK OF THE COURT

HONORABLE

STATE OF ARIZONA

v.

**RULING**

The Court has considered Defendant's Motion for Notice of Change of Judge, Rules of Criminal Procedure Rule 10.2, Change of Judge as a Matter of Right, filed Defendant seeks removal of the assigned judicial officer, the Honorable

The Court notes that Rule 10.2 has been suspended pursuant to order of the Arizona Supreme Court. See Administrative Order No. 2021-77 at 3 ("Rule 10.2, Rules of Criminal Procedure, . . . [is] suspended until further order . . ."). Thus, Defendant is not entitled to a change of judge as a matter of right.

However, the motion also raises allegations that could be considered as part of a motion for change of judge for cause, pursuant to Rule 10.1, Ariz.R.Crim.P. The Court will thus consider the Motion under that Rule.

A criminal defendant is entitled to a proceeding overseen by an impartial judge. *State v. Mincey*, 141 Ariz. 425, 442 (1984); A.R.S. § 12-409(B). A defendant may move for a change of judge for cause "if a fair and impartial hearing or trial cannot be had by reason of the interest or prejudice of the assigned judge." Ariz. R. Crim. P. 10.1(a). Although Rule 10.1(c) provides that the presiding judge shall conduct a hearing on the motion, a hearing is only required if the

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COUNTY

defendant asserts a colorable claim of bias, "alleg[ing] facts which, if taken as true, would entitle the defendant to relief." *State v. Eastlack*, 180 Ariz. 243, 255 (1994) (denying hearing in absence of facts showing interest or bias). "[M]ere speculation, suspicion, apprehension, or imagination" will not trigger the hearing requirement. *State v. Ellison*, 213 Ariz. 116, 128, ¶ 37, (2006) (quoting *State v. Rossi*, 154 Ariz. 245, 248 (1987)).

Defendant does not assert a colorable claim of prejudice or interest or justify a hearing. Defendant's basis for the motion seems to be that \_\_\_\_\_ has denied his motions and disagrees with him about certain facts. But dissatisfaction with a ruling on a legal issue is not a basis for a challenge for cause. This Court begins with the presumption that a judge is impartial and "the party moving for change of judge must prove a judge's bias or prejudice by a preponderance of the evidence." *State v. Smith*, 203 Ariz. 75, 79, ¶ 13 (2002). Nothing presented by Defendant indicated that \_\_\_\_\_ has any such bias or prejudice against him.

IT IS THEREFORE ORDERED denying the Motion.

IT IS ORDERED affirming the Status Conference date of \_\_\_\_\_ at \_\_\_\_\_ time certain before Honorable \_\_\_\_\_

IT IS ORDERED affirming the Non-Appearance Initial Pretrial Conference date of \_\_\_\_\_ before Honorable \_\_\_\_\_

IT IS FURTHER ORDERED affirming the Non Appearance Comprehensive Pretrial Conference date of \_\_\_\_\_ [at \_\_\_\_\_] before Honorable \_\_\_\_\_

IT IS FURTHER ORDERED affirming the Final Trial Management Conference date of \_\_\_\_\_ at \_\_\_\_\_ time certain before Honorable \_\_\_\_\_

IT IS FURTHER ORDERED affirming the Virtual Trial Assignment Calendar date of \_\_\_\_\_ at \_\_\_\_\_ time certain before the Master Calendar Assignment Judge. The Trial Assignment hearing will be a Court Connect videoconference held using the Microsoft Teams platform. The purpose of the hearing is to set future dates for (1) the Trial Procedure Conference, (2) the Trial Status Conference, and (3) the Firm Trial Date.

**FOR ALL IN-PERSON APPEARANCES.** Due to the spread of COVID-19, the Arizona Supreme Court Administrative Order 2021-077 and Superior Court Administrative Order 2021-073 require all individuals entering a court facility to wear a face mask in designated Mask Mandatory Areas. Any individual attempting to enter the court facility must have an appropriate mask to be allowed entry to the court facility. In addition, all individuals entering a court facility

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will be subject to a health screening protocol. Any person who does not pass the health screening protocol will be denied entrance to the court facility.

**MASKS.** All persons entering a court facility who are fully vaccinated (14 days from final vaccination) have the option of wearing a mask or face covering in any area of a court facility that is not a posted Mask Mandated Area. The Court recommends that all unvaccinated persons who enter a court facility wear a mask or face covering within any area of a court facility. Any person who refuses to wear a mask or face covering as directed by court personnel will be denied entrance or removed from the facility. If a participant is denied physical access to the courthouse for refusing to wear a face covering, the participant must contact the assigned judicial division to determine whether the person can participate in the proceeding using an audio or video connection.

**PHASE III.** Until Phase III, judicial leadership has limited any required in-person proceedings to attorneys, parties, victims, witnesses, jurors, judicial officers, court employees, and other necessary persons, where necessary to maintain the recommended social distancing within the courthouse, including each courtroom.

**LAST DAY REMAINS:**

**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.**