

State of Arizona
COMMISSION ON JUDICIAL CONDUCT

Disposition of Complaint 22-007

Judge:

Complainant:

ORDER

June 30, 2022

The Complainant alleged a superior court judge improperly excluded relevant evidence from consideration by a jury in a criminal case.

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 Barbara Brown and Delia R. Neal did not participate in the consideration of this matter.

Copies of this order were distributed to all appropriate persons on June 30, 2022.

CONFIDENTIAL

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

FOR OFFICE USE ONLY

2022 - 007

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.

2022-007

TO WHOM IT MAY CONCERN:

I AM THE FOR POLICE DEPARTMENT CRIMINAL INVESTIGATION, INCIDENT
NUMBER , INVOLVING YEAR-OLD DEFENDANT , .

I HAVE BEEN INVESTIGATING CASES INVOLVING CRIMES AGAINST CHILDREN SOLELY SINCE OF
AND HAVE BEEN A SINCE . I STRIVE TO BE AS THOROUGH AS I CAN IN THE
GATHERING OF INFORMATION IN THE PURSUANCE OF ATTEMPTING TO FIND THE TRUTH FOR THE SAKE
OF THE VICTIM AND THE ACCUSED.

RECENTLY THIS CASE WAS TRIED AND THE DEFENDANT FOUND GUILTY. THE JURORS DECIDED THIS
CASE WITH ONLY CIRCUMSTANTIAL EVIDENCE. WHAT THE JURORS DID NOT RECEIVE DURING THIS
TRIAL AND FOR THEIR CONSIDERATION WAS ALL THE EVIDENCE OR INFORMATION. JUDGE
ALLOWED ONLY ONE VICTIM () OF THIS DEFENDANT TO BE CONSIDERED. THE VICTIM'S
YEAR SISTER, ALSO A VICTIM, WAS SEVERED FROM THE TRIAL. HE ALSO DID NOT ALLOW THE
INFORMATION THAT THE DEFENDANT HIS SISTER WHEN HE WAS YEARS OLD AND SHE WAS
YEARS OLD TO BE HEARD BY THE JURY. CASES INVOLVING A SEXUAL CRIME AGAINST A CHILD CAN BE
EXTREMELY DIFFICULT TO PROSECUTE AS THERE IS RARELY PHYSICAL EVIDENCE (DNA OR INJURY) AND
REASONABLE PEOPLE JUST DON'T WANT TO BELIEVE PEOPLE CAN DO THESE THINGS TO A CHILD. WHEN
THE JUSTICE SYSTEM BENDS OVER BACKWARD TO PROTECT A SUSPECT FROM PREJUDICE IT IS
EXTREMELY DISHEARTENING. I UNDERSTAND SOME INFORMATION SHOULD BE PRECLUDED, AND, IN
SOME CIRCUMSTANCES, IT DOES APPEAR FAIR BUT A -YEAR-OLD DISCLOSED HER PUT HIS
IN HER MOUTH AND THIS IS NOT ALLOWED TO BE HEARD? I HAVE NEVER BEFORE SEEN VICTIMS
SEPARATED FOR A TRIAL. JUDGE FAILED TO PROVIDE A REASON FOR THIS DECISION. IT IS MY
UNDERSTANDING PROSECUTOR S. WILL ALSO BE FILING A COMPLAINT AND SHE WOULD
PROVIDE ADDITIONAL INFORMATION REGARDING THE HEARINGS AND THE JUDGE'S EXPLANATIONS OR
LACK OF REGARDING HIS DECISIONS.

THANK YOU FOR RECEIVING THIS AND I HOPE THOUGHTFULLY CONSIDERING THE SITUATION AS I
BELIEVE JUDGE WAS NEGLIGENT IN HIS DECISIONS.

2022-007

Criminal Court Case Information - Case History

Case Information

Case Type: Criminal Location:

Disposition Information

Party Name	ARSCode	Description	Crime Date	Disposition Code	Disposition	Date
		SEXUAL CONDUCT WITH MINOR		Guilty By Jury	Guilty By Jury	
		SEXUAL CONDUCT WITH MINOR		Guilty By Jury	Guilty By Jury	
		OBSCENE MATL-FURNISH TO MINORS		Not Guilty By Jury	Not Guilty By Jury	
		SEXUAL CONDUCT WITH MINOR		Guilty By Jury	Guilty By Jury	
		SEXUAL CONDUCT WITH MINOR		Guilty By Jury	Guilty By Jury	
		SEXUAL CONDUCT WITH MINOR		Guilty By Jury	Guilty By Jury	
		SEXUAL CONDUCT WITH MINOR		Guilty By Jury	Guilty By Jury	

Case Documents

Filing Date	Description	Docket Date	Filing Party
	RMR - Response to Defendant's Motion - Party (001)		
	NOTE: STATE'S RESPONSE TO DEFENDANT'S MOTION FOR NEW TRIAL		
	MOT - Motion - Party (001)		
	NOTE: Motion for New Trial		
	EXW - Exhibits Work Sheet - Party (001)		
	012 - ME: Trial - Party (001)		
	012 - ME: Trial - Party (001)		
	012 - ME: Trial - Party (001)		
	012 - ME: Trial - Party (001)		
	RON - Release Order No Bond - Party (001)		
	NOTE: Release Order		
	VER - Verdict - Party (001)		
	NOTE: SIGNED		
	VER - Verdict - Party (001)		
	NOTE: SIGNED		
	VER - Verdict - Party (001)		
	NOTE: SIGNED		
	VER - Verdict - Party (001)		
	NOTE: SIGNED		
	JQU - Jury Question - Party (001)		
	NOTE: #21		
	JQU - Jury Question - Party (001)		
	NOTE: NO NUMBER		
	WSH - Worksheet - Party (001)		
	NOTE: TRIAL/HEARING		
	VER - Verdict - Party (001)		
	NOTE: SIGNED		
	VER - Verdict - Party (001)		
	NOTE: SIGNED		
	JQU - Jury Question - Party (001)		
	NOTE: #		
	JQU - Jury Question - Party (001)		
	NOTE: #20		
	012 - ME: Trial - Party (001)		
	JIN - Jury Instructions - Party (001)		
	NOTE: FINAL JURY		
	012 - ME: Trial - Party (001)		
	JQU - Jury Question - Party (001)		
	NOTE: #6		
	JQU - Jury Question - Party (001)		
	NOTE: #7		
	JQU - Jury Question - Party (001)		
	NOTE: #8		
	JQU - Jury Question - Party (001)		
	NOTE: #9		
	JQU - Jury Question - Party (001)		
	NOTE: #10		
	JQU - Jury Question - Party (001)		
	NOTE: #11		
	JQU - Jury Question - Party (001)		
	NOTE: #12		
	JQU - Jury Question - Party (001)		

NOTE: #13
JQU - Jury Question - Party (001)

NOTE: #14
JQU - Jury Question - Party (001)

NOTE: #15
JQU - Jury Question - Party (001)

NOTE: #16
JQU - Jury Question - Party (001)

NOTE: #17
JQU - Jury Question - Party (001)

NOTE: #18
023 - ME: Order Entered By Court - Party (001)
SDD - Notice: Sealed Document - Party (001)
NOTE: DEFENSE COUNSEL'S UNDER SEAL AND UNOPPOSED MOTION SEEKING TIME OFF MID-TRIAL TO TEND TO FAMILY EMERGENCY WITH EXHIBIT A
REQ - Request - Party (001)
NOTE: TO FILE MOTION UNDER SEAL
012 - ME: Trial - Party (001)
012 - ME: Trial - Party (001)
REQ - Request - Party (001)
NOTE: STATE'S REQUEST TO PLAY PORTIONS OF VICTIM'S INTERVIEW TO JURY
RES - Response - Party (001)
NOTE: RESPONSE TO STATE'S MOTION TO PLAY PORTIONS OF VICTIM A'S FORENSIC INTERVIEW
REQ - Request - Party (001)
NOTE: STATE'S REQUEST TO PLAY PORTIONS OF VICTIM'S INTERVIEW TO JURY
027 - ME: Pretrial Conference - Party (001)
012 - ME: Trial - Party (001)
012 - ME: Trial - Party (001)
SUA - Subpoena And Affidavit Of Service - Party (001)
NOTE: SERVED 10/28/21
SUA - Subpoena And Affidavit Of Service - Party (001)
NOTE: SERVED 10/28/21
SUA - Subpoena And Affidavit Of Service - Party (001)
NOTE: SERVED 10/28/21
SUA - Subpoena And Affidavit Of Service - Party (001)
NOTE: SERVED 10/28/21
JQU - Jury Question - Party (001)

NOTE: #1
JQU - Jury Question - Party (001)

NOTE: #2
JQU - Jury Question - Party (001)

NOTE: #3
JQU - Jury Question - Party (001)

NOTE: #4
JQU - Jury Question - Party (001)

NOTE: #5
JIN - Jury Instructions - Party (001)

NOTE: PRELIMINARY
JUL - Jury List - Restricted if Filed after 1/1/2008 - Party (001)
EXW - Exhibits Work Sheet - Party (001)
005 - ME: Hearing - Party (001)
NOT - Notice - Party (001)
NOTE: STATE'S SUPPLEMENTAL BRIEF PERTAINING TO STATE'S INTENT TO OFFER OTHER ACTS, WRONGS OR CRIMES
056 - ME: Hearing Set - Party (001)
REQ - Request - Party (001)
NOTE: REQUEST RE: STATE'S AFFIRMATIVE OBLIGATION TO REVIEW FOR ANY BRADY AND/OR RULE 15 MATERIALS IN POSSESSION OF SCHOOL PSYCHOLOGIST JANINE FISCHER REGARDING VICTIM A
REL - Reply - Party (001)
NOTE: STATE'S REPLY TO DEFENDANT'S RESPONSE TO STATE'S REQUEST TO ADMIT OTHER ACTS EVIDENCE PURSUANT TO RULES 404(B) AND 404(C)
RES - Response - Party (001)
NOTE: RESPONSE IN OBJECTION TO STATE'S REQUEST TO ADMIT OTHER ACT EVIDENCE PURSUANT TO RULES 404B AND 404C
NOI - Notice Of Intent - Party (001)
NOTE: STATE'S NOTICE OF INTENT TO USE DEFENDANT'S OTHER CRIMES OR WRONGFUL ACTS PURSUANT TO ARIZONA RULES OF EVIDENCE, 404(b) AND 404(c)
089 - ME: Trial Setting - Party (001)
SUA - Subpoena And Affidavit Of Service - Party (001)

NOTE: SERVED
SUA - Subpoena And Affidavit Of Service - Party (001)

NOTE: SERVED
SUA - Subpoena And Affidavit Of Service - Party (001)

NOTE: SERVED
REQ - Request - Party (001)

NOTE: CRIME VICTIMS REQUEST TO FILE RESPONSE TO DEFENDANTS MOTION TO CONTINUE UNDER SEAL
SDD - Notice: Sealed Document - Party (001)

NOTE: CRIME VICTIMS RESPONSE AND OBJECTION TO DEFENDANTS MOTION TO CONTINUE
RES - Response - Party (001)
REQ - Request - Party (001)

NOTE: TO FILE RESPONSE TO DEFENDANTS MOTION TO CONTINUE UNDER SEAL
SUA - Subpoena And Affidavit Of Service - Party (001)

NOTE: SERVED
SDT - Subpoena Duces Tecum - Party (001)

NOTE: SERVED
027 - ME: Pretrial Conference - Party (001)
STA - Statement - Party (001)

NOTE: FINAL TRIAL MANAGEMENT CONFERENCE JOINT PRETRIAL STATEMENT
016 - ME: Ext/Time/Filing Granted - Party (001)
AFS - Affidavit Of Service - Party (001)

NOTE: SERVED

AFS - Affidavit Of Service - Party (001)

NOTE: SERVE

ORD - Order - Party (001)

NOTE: REQUESTING AN EXTENSION OF TIME

NOT - Notice - Party (001)

NOTE: NOTICE OF FACILITY DOG

926 - ME: Under Advisement Ruling - Party (001)

MET - Motion for Extension Of Time - Party (001)

NOTE: Motion Requesting An Extension Of Time To Comply With Court Order

928 - ME: Under Advisement Ruling - Party (001)

020 - ME: Matter Under Advisement - Party (001)

MOT - Motion - Party (001)

NOTE: TO SEVER COUNT 7

MOT - Motion - Party (001)

NOTE: REQUESTING IN CAMERA REVIEW OF THERAPY RECORDS FROM SCHOOL AND NEURO PSYCHOLOGIST RECORDS OF VICTIM A

331 - ME: Settlement Conference - Party (001)

REL - Reply - Party (001)

NOTE: Reply to Alleged Victim A's Opposition to Motion for In Camera Review of Documents

REL - Reply - Party (001)

NOTE: Defendant's Reply to State's Response to Motion to Sever Count 7

RES - Response - Party (001)

NOTE: CRIME VICTIMS RESPONSE AND OBJECTION TO DEFENDANTS MOTION REQUESTING IN CAMERA REVIEW OF THERAPY RECORDS FROM SCHOOL AND NEURO- PSYCHOLOGIST RECORDS OF VICTIM A

RMR - Response to Defendant's Motion - Party (001)

NOTE: STATE'S RESPONSE TO DEFENDANT'S MOTION TO SEVER COUNT 7

598 - ME: Continuance Past last Day - Party (001)

REP - Report - Party (001)

NOTE: DEFENDANT'S COMPLEX CASE MANAGEMENT REPORT

RES - Response - Party (001)

NOTE: MINOR CRIME VICTIMS RESPONSE AND OBJECTION TO DEFENDANT'S MOTION TO CONTINUE

RMR - Response to Defendant's Motion - Party (001)

NOTE: STATE'S RESPONSE TO DEFENDANT'S MOTION TO CONTINUE

MCO - Motion To Continue - Party (001)

NOTE: Unopposed Motion to Continue

598 - ME: Continuance Past last Day - Party (001)

REP - Report - Party (001)

NOTE: COMPLEX CASE JOINT CASE MANAGEMENT REPORT PURSUANT TO A.O. NO.

REP - Report - Party (001)

NOTE: COMPLEX CASE JOINT CASE MANAGEMENT REPORT PURSUANT TO A.O. NO.

MCO - Motion To Continue - Party (001)

NOTE: UNOPPOSED MOTION TO CONTINUE TRIAL

RES - Response - Party (001)

NOTE: CRIME VICTIMS RESPONSE AND OBJECTION TO DEFENDANTS MOTION TO CONTINUE

598 - ME: Continuance Past last Day - Party (001)

MCO - Motion To Continue - Party (001)

NOTE: MOTION TO CONTINUE TRIAL

REP - Report - Party (001)

NOTE: DEFENDANT'S COMPLEX CASE MANAGEMENT REPORT

598 - ME: Continuance Past last Day - Party (001)

MCO - Motion To Continue - Party (001)

NOTE: Motion to Continue

REP - Report - Party (001)

NOTE: Defendants Complex Case Management Report

SND - Supplemental Notice Of Disclosure - Party (001)

NOTE: SUBSTITUTION OF COUNSEL FOR MINOR CRIME VICTIM, AND ASSERTION OF MINOR CRIME VICTIMS CONSTITUTIONAL RIGHTS

027 - ME: Pretrial Conference - Party (001)

REQ - Request - Party (001)

NOTE: DEFENDANT'S REQUEST TO HOLD PLEADINGS IN ABEYANCE: MOTION TO SEVER AND MOTION FOR IN CAMERA REVIEW OF VICTIM A'S RECORDS

REP - Report - Party (001)

NOTE: DEENDANT'S COMPLEX CASE MANAGEMENT REPORT

027 - ME: Pretrial Conference - Party (001)

REP - Report - Party (001)

NOTE: COMPLEX CASE MANAGEMENT REPORT

027 - ME: Pretrial Conference - Party (001)

REP - Report - Party (001)

NOTE: COMPLEX CASE MANAGEMENT REPORT

027 - ME: Pretrial Conference - Party (001)

REP - Report - Party (001)

NOTE: COMPLEX CASE JOINT CASE MANAGEMENT REPORT PURSUANT TO A.O. NO.

023 - ME: Order Entered By Court - Party (001)

023 - ME: Order Entered By Court - Party (001)

ORD - Order - Party (001)

NOTE: GRANTING DEFENSE COUNSELS REQUEST TO ALLOW COVERAGE FOR THE SCHEDULING CONFERENCE OR, IN THE ALTERNATIVE, ACCELERATE/CONTINUE THE HEARING DATE

027 - ME: Pretrial Conference - Party (001)

REQ - Request - Party (001)

NOTE: DEFENSE COUNSELS REQUEST TO ALLOW COVERAGE FOR THE SCHEDULING CONFERENCE OR, IN THE ALTERNATIVE, ACCELERATE/CONTINUE THE HEARING DATE

STA - Statement - Party (001)

NOTE: COMPREHENSIVE PRETRIAL CONFERENCE STATEMENT

MOT - Motion - Party (001)

NOTE: MOTION FOR DECLARATION INDIGENCY

590 - ME: Complex Case Order - Party (001)

MOT - Motion - Party (001)

**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.**