

State of Arizona
COMMISSION ON JUDICIAL CONDUCT

Disposition of Complaint 22-039

Judge:

Complainant:

ORDER

August 17, 2022

The Complainant alleged a superior court judge presiding over a criminal case overlooked a clear lie by the prosecutor and repeated the lie in a minute entry decision.

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 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 August 17, 2022.

TO:
Arizona Commission on Judicial Conduct

To whom it may, but probably does not, concern:

The following is a
for her minute entry in which
lied and misstated the record to avoid punishing
for lying to the court on .

Judge wrote "

That is not true. The defense filed the motion to
. I did not file it
" and Judge knows that full well. To
quote those very defense response
cited in the minute entry:

The worst part of this whole affair is that
flat out lied to the court on
when she told the court in precursor case
and I proved that was a lie in an
email to the court that very same day. We filed
the . That fact
is totally undisputed. Despite that undisputed
fact, and despite the fact this court has missed
no opportunity to hurl insults at my direction,

I filed the motion to compel on _____ because on _____
_____ had emailed me that _____ had
listed to that interview and told me I had asked the
about the accuser's

In reviewing your own motions and the recorded
you asked if _____ had a
history. They do not. The _____ answers
were correct.

Then on _____ emailed me asking for a
copy of that interview because _____ wrote _____ copy was
not working for "whatever reason":

And then later in the same thread, _____ claims
never listened to the interview:

And _____ also wrote that even though _____ had previously
emailed me exactly what I said at the interview after
listened to it, and that _____ had the interview but
copy was not working _____",
then changes all that to never had the interview in the
first place:

.

In , I had already told assistant I did not have the . That is why I filed my motion to compel on . And days after I filed the motion to compel disclosure, on , and the state parroted my motion to compel by filing the same motion. Despite that fact, on said in court the state filed the motion to compel the interview before the defense. I immediately told the court that was not true and I had filed the motion first. All that is on the from . I also emailed Judge the same day with that fact:

Ok thank you. Please include my on any and all email correspondence thanks!

Please see attached my motion to compel disclosure regarding and my reply to response I filed . Also attached is my motion for appointment of process server filed days ago with exhibits. Finally, I checked the docket and my motion to compel disclosure of the with was filed and was after that on as I had said in court this morning.

Thank you,

Thus, statement that the defense filed a motion to compel the interview "in turn" after the state had filed it is a flat out, unequivocal lie. And despite the fact I have repeatedly asked when will admonish for her false statement on that the state filed the motion to compel first, still has not done so. From the defense motion to recuse filed :

At the hearing, claimed that she had filed the motion to compel disclosure of the ; I, of course, as I said in court had filed it first and immediately notified the court of that fact in an email. Despite the fact what said was obviously not true, the court has not admonished for that false statement on a very important point.

Instead acts as her judicial apologist by parroting lie the state filed the motion to compel first and I only did so "in turn". To reinforce that point, minute entry ignores the fact of the defense' motion to compel in entirety. did this to avoid admonishing for her lying to the court on that the state had filed the motion first. That point is so clear and obvious a child could recognize it.

And write the state did not indicate in their motion if the state " knows full well was at that interview. We did it at the with the state's recorder right in front of and sitting next to her, which I wrote most recently in a motion filed . has never even tried to make that point the she was not present. But is trying so very hard to excuse that no doubt the next excuse will be it is not clear if the interview was conducted in English or another language.

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COMPLAINT ON ITS WEBSITE.**

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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.**