

State of Arizona  
COMMISSION ON JUDICIAL CONDUCT

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Disposition of Complaint 22-054

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Judge:

Complainant:

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**ORDER**

December 22, 2022

The Complainant alleged a superior court judge had a personal conflict of interest with a juror sitting 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 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). Further, the Commission denied the complainant's request for a copy of the judge's response and a request for a hearing/appearance before the Commission.

Commission members Colleen E. Concannon and Louis Frank Dominguez did not participate in the consideration of this matter.

Copies of this order were distributed to all appropriate persons on December 22, 2022.

Case # 2022-054

Tampering with jury - as defined in -  
BALLENTINES LAW DICTIONARY (2010):

→ Contacting a member or members of a jury for the purpose of influencing their action as jurors, sometimes including bribery or corruption.

### AUTHORITY

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#### ESTABLISHING MISCONDUCT IS ENOUGH PROOF TO OVERTURN CONVICTION

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254 F.3d 1150 (9<sup>th</sup> Cir. 2001).

(limitations period for ineffective assistance claim did not begin to run until petitioner knew, or could have discovered with due diligence, that individual [JUDGE] who apparently tampered with jury had relationship with prosecutor, even though petitioner knew beforehand of possibility of jury tampering and defense counsel's failure to investigate possible claim).

Case<sup>6</sup>

## ABUSE OF DISCRETION WITH CONSPIRACY ALLEGED

"Tampering with Jury", the Judge Allowed one (1) of his own admitted members through the voir dire process to be a juror, which gives the appearance and/or opportunity to bias and prejudice the trial with a "meeting-of-the-minds" at church between (between day and of trial).

Both the prosecutor, and the court appointed defense attorney, (Law License Suspended), failed to OBJECT to this arrangement; thus, CONSPIRACY IS ALLEGED.  
Batson v. Kentucky, 476 U.S. 79, 84-89 (1986);  
People v. Wheeler, 22 Cal. 3d 258, 276-277 (1978).

inmate of prison states under 42 USC  
§§ 1983 and 1985 in alleging conspiracy among trial judge, prosecutor and appointed defense attorney to impanel all white jury for his trial.  
White v. Bloom, 621 F.2d 276, 1980 U.S. App. LEXIS 18063  
(8<sup>th</sup> Cir. 1980), cert. denied, 449 U.S. 995, 101 S. Ct.  
533, 66 L.Ed.2d 292, 1980 U.S. LEXIS 4007 (1980),  
app. after remand, 649 F.2d 560, 1981 U.S. App. LEXIS  
13245 (8<sup>th</sup> Cir. 1981), cert. denied, 449 U.S. 1089, 101  
S.Ct. 882, 66 L.Ed.2d 816, 1981 U.S. LEXIS 427 (1981).

In addition, \_\_\_\_\_ seated jurors were \_\_\_\_\_, which does not reflect the \_\_\_\_\_ County demographics.

Complainant claims relief of remand to trial or dismissal with prejudice.

To state claim for which relief can be granted under 42 USCS § 1985 Complainant must contain allegations of \_\_\_\_\_ or class-based animus; thus, Complainant charging deprivation of right to just and speedy trial guaranteed by Fourth, Sixth and Fourteenth Amendments by alleging acts of United States [Arizona] and other \_\_\_\_\_ of \_\_\_\_\_ in \_\_\_\_\_ with \_\_\_\_\_.

Unless corrected, the \_\_\_\_\_ Court [Judge] will continue to violate the basic Constitutional rights of Arizona citizens as in this Complainants' trial. The jury pool was not depleted. \_\_\_\_\_ and/or non- \_\_\_\_\_ members of the judge were available and qualified as to be fair and impartial jurors.

Case#

Article 6.1 of the Arizona Constitution created the Judicial Conduct Commission to serve as an independent State Agency. The Commission's purpose is to investigate "Unethical Conduct Complaints" about Judicial Officers and to prosecute, when appropriate, Formal Charges of alleged Judicial Misconduct.

The Commission has "Authority and Jurisdiction" over all Judicial Officers in the State including Courts, Courts, and Courts. Judicial Officers whether "fulltime or parttime". This Authority and Jurisdiction extends to Retired Judicial Officers for conduct that occurred during the time they served as a Judge.

"Judicial Misconduct" can involve conduct that occurred off the bench, as well as conduct that occurs while a judge is serving in his or her "Official Capacity". See Rule 2.15 of the Code.

In the present Complaint, this complainant has submitted evidence in support of the allegations, based upon information and belief, to the best of the Complainant's knowledge that the alleged

## Case

Judicial Officer(s) committed, an Ethical One Violation, (non-Judicial Act or Function) in violating their "Oath or Affirmation of Office" to a State and Federal Constitution they are Sworn to Uphold (Article 4 § 38.231 Subsection (c)) by and through committing a Constitutional Violation of this Complainant's USCA Fourth, Sixth and Fourteenth Amendment, Constitutionally protected, Due Process of Law, Equal Protection under the Law, while under Color of Law; included in the USCA Fourteenth Amendment to State and Federal Constitution, which constitutes "Abuse of the Contempt of Power, Conflict of Interest, Communicating Improperly with only "oneside" to a proceeding, Rude and Abusive Demeanor, and Unreasonable Delay in Decision Making ... [Abuse of Discretion; non-Judicial Act or Function] resulting in a "Lack of Jurisdiction" ... along with violations of Article 6 of Commission of Judicial Conduct.

The Complainant requests and requires a "Full" investigation, including but not limited to reviewing Court Records, Documents, and Legal Claims submitted on this Review, or "On-Record" ...

**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.**