

State of Arizona
COMMISSION ON JUDICIAL CONDUCT

Disposition of Complaint 22-081

Judge:

Complainant:

ORDER

April 20, 2023

The Complainant alleged a superior court commissioner improperly approved a warrant in a criminal investigation.

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 members Denise K. Aguilar and Michael J. Brown did not participate in the consideration of this matter.

Copies of this order were distributed to all appropriate persons on April 20, 2023.

CONFIDENTIAL

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

FOR OFFICE USE ONLY**22-081****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.

I have attached a copy of a DUI warrant allegedly sign by _____ Judge _____ from _____ on _____ for a DUI blood draw involving my son _____ (_____ that took place in _____ Arizona. I have gone through several _____ clerks and the lower court services in _____ and they all were unable to find any records of a warrant being issued and filed by Judge _____ from the Lower court's intake and release facility.

There is something verv wrong with this warranty and the way it was used. Not to mention that we are over _____ away in _____ which is _____ of _____ We also could not get any verification that this warranty was even issued other than a copy from _____ Police.

Please see the attached records from _____ @ _____ closing out its search for warranty request for _____ allegedly signed by Commissioner _____ of the _____ in _____ on _____ at or around _____ n the morning. The documents are from the _____ clerks for the Municipal / Justice lower courts.

The documents include negative search result from _____ County which is the Superior Court in _____ County including the Justice Court. They also did a query in the _____ and all search results were negative for that warranty issued in the _____ case involving my son.

The Next items are a _____ probable cause affidavit from by _____ Officer _____ that is not signed by the officer or the judge. The affidavit has the time of the incident listed as _____ at _____ in the _____ of _____ That time is about _____ ater than the time Officer _____ illegedly told the Judge the incident occurred at.

There is also a blood collection report which states the blood was collected at _____ and _____, supposedly the Commissioner signed the warrant at _____. Now at the top of the new document which is a sworn statement it says that Officer _____ had the blood withdrawn from my son on _____ at _____, and that Officer _____ seized two tubes of blood from the Defendant at that time. There is something wrong with this whole process and the obvious errors and misrepresentations in this warrant before and after it was issued. Is the _____ Officer cross designated as an officer of _____ to request and issue warrants from _____ counties over. I don't know how a Judge would ignore these error even after receiving them back on the _____ of _____ as I was now told. Despite the fact that no court clerks could locate them.

**COUNTY SUPERIOR COURT JURISDICTION
SPECIAL WARRANT
ISSUANCE of Special Warrant at (Initial Appearance Court)**

ORDERED BY THE COURT:

SEARCH WARRANT # _____

Do Not Seal

AFFIANT NAME:		BADGE NUMBER:	
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AGENCY:	Police Department
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TYPE OF ISSUANCE (SW)

ELECTRONIC

IT IS FURTHER ORDERED THAT ALL WORKSHEETS IN THIS CASE ARE <u>NOT</u> TO BE SEALED UNLESS SPECIFICALLY ORDERED BY THE COURT.

Date: _____ **Time:** _____

Honorable

Please forward these documents immediately to the following address:
Clerk of

RETURN OF SEARCH WARRANT

ORDERED BY THE COURT:

SEARCH WARRANT # _____

Do Not Seal

REPORT # _____

I certify that or _____ at _____ this warrant was executed and the following described Property was seized: _____

☒ 2 tube(s) of blood

☐ urine sample

☐ other item(s) as described below:

☐ Warrant was not served

— BLOOD DRAWN (1) HOUR AND 15 MINUTES
BEFORE WARRANT WAS SIGNED BY
OUT OF COUNTY JUDGE

I further certify that the foregoing inventory is a true and detailed account of all property taken by me, pursuant to ARS § 13-3921, and that a detailed receipt for the property taken was:

☒ given to: _____ DOB: _____

☐ other: _____

☐ Medical Facility: _____

Rule 2.13 of the Local Rules for the _____ County authorizes the court to use electronic oaths and such oaths have the same legal effect as a signed oath or an oath taken in the presence of a judicial officer.

I, _____ Badge _____ do solemnly swear or affirm that the information located on this return is correct and complete, and that I have personal knowledge of the information on this return.

Affiant: _____ /s/ _____ Badge _____
(signature with/date & time)

Police Department
(agency)

Pursuant to ARS § 13-3918A, verification of return sworn to and subscribed to before me on:

Hon.
OF THE SUPERIOR COURT

Search Warrant / Booked into jail

POLICE DEPARTMENT
DUI Arrest Information

Arrestee's Name: _____ DR Number: _____

Read to arrestee prior to administering breath test.

INDEPENDENT TEST ADVISORY

After completing the tests of your breath and/or blood, you will be given a reasonable opportunity to arrange for any physician, registered nurse or other qualified person of your own choosing to obtain an independent test or tests in addition to any administered by a law enforcement officer.

ACKNOWLEDGEMENT

I understand that I have the right to a reasonable opportunity to arrange for an independent test of my blood, breath or other bodily substance.

Arrestee Signature _____

Date/Time _____

Officer (Witness) _____

ID# _____

Date/Time _____

Arrestee advised of test results? ☐ Yes ☐ No Time: _____

Did arrestee request to call someone to arrange an independent test? ☐ Yes ☐ No

Time request made: _____ Time phone call permitted: _____

Disposition of Arrestee: ☐ Booked into jail ☐ Cited and released

Time: _____ ☐ Released pending long form complaint

Name of person taking responsibility for arrestee: _____

Person accepting responsibility for the arrestee is to read and sign the following. If the person refuses to sign for the arrestee, do not release the arrestee to the person's custody.

I understand that I am taking responsibility for _____
I further understand that he/she has been arrested for driving while under the influence of drugs or alcohol and that in taking custody of this person I assume responsibility for this person's actions after he/she is released by the Police Department into my custody.

Signature _____

Date/Time _____

Signature (Witness) _____

ID# _____

Date/Time _____

Record Request

Closed Records Copy Request :closed.records.copy.request.

To: com

■ 1 attachments (209 KB)
pdf;

Attn:

Please see the attachment for your completed record request.

There is no information for the person name and date of birth submitted in our court management system. I could not locate any information on the public access tool for this person outside the jurisdiction of Court & Court.

There is no information found for a warrant out of our court, nor for a warrant out of Court.

Records for Court are separate from this court and you will need to contact them separately if you have not done do already.

Best,

Court/Legal Clerk II

Court – Closed Records

**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.**