

State of Arizona  
COMMISSION ON JUDICIAL CONDUCT

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Disposition of Complaint 22-117

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Judges:

Complainant:

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**ORDER**

April 20, 2023

The Complainant alleged two superior court judicial officers violated his rights and made improper legal decisions 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 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.

**Attachments:**

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**From:**

**Sent:**

**To:** Commission on Judicial Conduct <CommissionJudicialCo@courts.az.gov>

**Subject:** Judicial misconduct

**CAUTION:** This email originated from outside of the organization. Do not click links or open attachments unless you recognize the sender and know the content is safe.

To whom it may concern;

I have been requested by \_\_\_\_\_ to email his case to you mainly because of the corruption that is seen firsthand and with no prior felony convictions, no aggravating circumstances, nothing but judicial misconduct, which turns everyone's stomach because of the old boys' network he can't be heard in a fair and unbiased court, not that he thinks anything will change by sending it to you, it is his last-ditch effort to see some type of justice. He didn't deserve the sentence imposed, his constitutional rights were violated over and over irrelevant to what the judges say and they have yet to add when it comes to a violation of a speedy trial. Being granted to go pro se the day his trial was to start with no warning, no preparation, denied a countenance, denied witnesses for his case just the tip of the iceberg. They paint such a different story, it is almost laughable. It is the most ridiculous thing anyone has ever seen.

The case was sentenced for a first-time offender on presumptive, not mitigated, with **NO** aggravating circumstances and given 10 years FLAT time. Transcripts that do not show the honesty of what was said, denied a copy of the audio when representing himself because he had no other choice due to not one but 5 different counsel that failed to adequately defend him. This is not a way of justice by any means. Finally getting to trial after 492 days all of which he was incarcerated, when the prosecutors finally admitted to the court on the first day of trial that he had no priors as indicated before, costing him an o/r or reduced bail so he could handle his affairs while going to court. Every single motion was denied. The transcript indicates he admitted to selling drugs which was inaccurate, not to mention the time frame \_\_\_\_\_ forward for speedy trial of what they said was within 144 days when it was supposed to show the \_\_\_\_\_ which made it 154 days not 144 as lied to by the judge. I could write a book of all the judicial

misconduct that transpired, however, I will let you read some of what he asked me to send to you, and you draw your own conclusions. This appeal was not filed but gives you a background of what transpired or at least a good percentage, along with a motion and the attorney general who answered the appeal that was filed by another attorney. He was denied an extension for his post-conviction relief and therefore didn't get it in on time. Everything he has attempted to do has been denied. He has no say with anything doing 10 years flat has been down for 4 years come this year. I am not an attorney, however, I in no way justify his behavior in regards to having possession of a controlled substance, and he should have been punished, however, not to the extent that he was given 10 years flat time for a first-time offender when they couldn't prove sales or aggravated circumstances and had less than 4 grams. I do agree with what has transpired with regards to him being violated at every turn so this complaint is to you through me but it is not my complaint in any way I am just the messenger, I hope you can do something before his 10 years is completed, he is not in good health and was not in good health when he was arrested. Thank you for your time.

ARIZONA COURT OF APPEALS

Appellee,

v.

Appellant.

County Superior Court  
No.

**APPELLEE’S ANSWERING BRIEF**

(Firm State Bar No.

## Chief Counsel

Telephone:

(State Bar Number \_\_\_\_\_)

Attorneys for Appellee

## QUESTIONS PRESENTED FOR REVIEW

1. Did the trial court correctly find that \_\_\_\_\_ was brought to trial within the 150-day time limit under [Arizona Rule of Criminal Procedure 8.2](#) when all but 123 days between arraignment and trial should have been excluded? Was \_\_\_\_\_ constitutional right to a speedy trial violated when the defense caused the delays, \_\_\_\_\_ waited to raise a speedy trial violation until 13 months after his arrest and his defense was not harmed?
2. Was \_\_\_\_\_ constitutional right of access to the courts violated when he was appointed advisory counsel, and advisory counsel was there to give legal assistance? Did the trial court act arbitrarily or unfairly in denying \_\_\_\_\_ request for a continuance on the first day for trial when, among other circumstances, \_\_\_\_\_ knew the trial court was unlikely to grant a \_\_\_\_\_ continuance, and when \_\_\_\_\_ failed to identify other witnesses or evidence that were not already available or admitted at trial?

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**THE COMMISSION'S POLICY IS  
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**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.**