

State of Arizona
COMMISSION ON JUDICIAL CONDUCT

Disposition of Complaint 22-125

Judge:

Complainant:

ORDER

October 12, 2022

The Complainant alleged a superior court judge committed perjury in a written decision denying post-conviction relief.

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 Christopher W. Ames & Joseph C. Kreamer did not participate in the consideration of this matter.

Copies of this order were distributed to all appropriate persons on October 12, 2022.

COMPLAINT AGAINST A JUDGE

FILE NO.
2022-125

TO THE COMMISSION ON JUDICIAL CONDUCT:

I, the undersigned complainant, believe that Judge _____
one) _____ of the (check
city of _____ and county of _____, Arizona, has committed misconduct.
located in the

GENERAL ALLEGATIONS

I also allege that the judge's misconduct involves one or more of the following (check all that apply):

- ☐ A plea of guilty or no contest or a finding of guilty to a crime punishable as a felony under Arizona or federal law or of any other crime that involves moral turpitude under such law.
- ☐ A disability that seriously interferes with the performance of judicial duties that is or is likely to become permanent.
- ☒ Willful misconduct in office.
- ☒ Willful and persistent failure to perform duties.
- ☐ Habitual intemperance (addiction to alcohol or drugs).
- ☒ Conduct prejudicial to the administration of justice that brings the judicial office into disrepute.
- ☒ A violation of the Arizona Code of Judicial Conduct.

In support of these allegations, I submit the attached statement of facts and request that the commission take appropriate action to investigate the judge's conduct.

Complainant's name: _____

_____ Telephone: _____

Street Address: _____

City: _____ State: _____

_____ Zip Code: _____

Complainant's Signature _____

_____ Date: _____

☒ Check here if you are involved in a lawsuit that is still pending before this judge. Case No.: _____

COMPLAINT AGAINST JUDGE

01. Complainant filed his NOTICE REQUESTING POST-CONVICTION RELIEF (Exhibit 01) and PETITION FOR POST-CONVICTION RELIEF (Exhibit 02) on .

02. PCR ASSIGNMENT TO JUDICIAL OFFICER FOR RULING was ordered to Judge (Exhibit 03).

03. RULE 32 PROCEEDING DISMISSED by Judge (Exhibit 04).

04. Judge knowingly engaged in bias and deception, as evidenced, claiming, "Pending before the Court are Defendant's Notice Requesting Post-Conviction Relief filed on . and Petition for Post-Conviction Relief filed on . (Exhibit 04)." .

05. According to Black's Law Dictionary, pending is "remaining undecided; awaiting decision."

06. Judge " , claim of "Defendant's Notice Requesting Post-Conviction Relief filed on and Petition for Post-Conviction Relief filed on were "pending" - was a deliberate falsehood, as these filings were already both ruled on by Judge (Exhibit 05)

07. According to Black's Law Dictionary, falsehood is "1. A statement that is untrue, esp. one deliberately so; a lie. 2. The practice of telling lies; mendacity. 3. The state of not being true; falsity. 4. Perjury."

18. Pursuant to A.R.S. § 13-2702, Perjury - "(A) A person commits perjury by making either:
(1) A false sworn statement in regard to a material issue, believing it to be false. (2) A false unsworn
declaration, certificate, verification or statement in regard to a material issue that the person subscribes
as true under penalty of perjury, believing it to be false. (B) Perjury is a class 4 felony."

19. According to Ariz. R. Crim. P. 32.9(c)(1) - "The State must file its response no later
than 10 days after the defendant files the petition."

20. Judge [redacted] is evidenced of denying due process by dismissing Rule 32 without
any objections, whatsoever by the State - the record is the proof.

21. In Ruling on a Post-Conviction Relief Petition, "the Court must make specific findings of
fact and expressly state its conclusions of law relating to each issue presented." Ariz. R. Crim. P.
32.13(d)(1). The Court is required to decide every issue or claim on its merits. A failure to
do so means the Petition was never heard and violated Defendants due process rights.

391 F.3d 989 (CA 9 2004); see also. 333 F.3d 1052, 1056 (9th Cir. 2003);

581 F.3d 138 (2009); 430 U.S. 188, 193, 97 S.Ct.

990, 51 L.Ed.2d 200 (1978); and 10 F.3d 274 (2000).

22. The record is the proof - Judge [redacted] did not even bother to address the claim
presented for review on November 2, 2021. "Whether Defendant was prejudiced, violated,
and deprived of his right to the effective assistance of counsel, by: (A) Failure to know
the law; (B) Failure In Voir Dire; (C) Failure to File Pre-Trial Motions; (D) Failure
to Assert Residence; (E) Failure to Object to Involuntary Statements; (F) Failure
to Object to Testimonial Hearsay; (G) Failure to Object to Perjury; (H) Failure to

1 Object to Prosecutorial Misconduct, and; (1) Failure to Object to Erroneous Jury Instructions." (Exhibit 02).

3 13. Complainant notifies the Arizona Commission on Judicial Conduct of Judge
4 knowingly: (1) violating the Arizona Code of Judicial Conduct; (2) committed a
5 criminal act of perjury that reflects adversely on the integrity of judicial proceedings;
6 (3) engaged in conduct involving dishonesty, fraud, deceit, and misrepresentation, and; (4)
7 engaged in conduct that is prejudicial to the administration of justice. The record is the
8 proof of these acts, as evidenced on. (Exhibit 04)

11 RESPECTFULLY SUBMITTED on this

COMPLAINT AGAINST JUDGE

EXHIBIT - 01

**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.**