

State of Arizona
COMMISSION ON JUDICIAL CONDUCT

Disposition of Complaint 22-166

Judge:

Complainant:

ORDER

April 12, 2023

The Complainant alleged improper and delayed rulings by a superior court judge hearing 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 Colleen E. Concannon and Joseph C. Kreamer did not participate in the consideration of this matter.

Copies of this order were distributed to all appropriate persons on April 12, 2023.

CONFIDENTIAL

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

FOR OFFICE USE ONLY

2022-166

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 been incarcerated on a wrongful conviction the Judge allowed. It has been intended for me to serve out a wrongful conviction that the state did not prove but the judge denied attorney's oral motion to dismiss before allowing the jury to decide. The Judge heard the alleged victim's testimony of her injury's and there was no evidentiary hearing after she testified nor an investigation. She recanted the entire police report but the Judge continued the trial process. The Judge allowed a all-white Jury knowing the defendant was African American and the victim white American. After being found guilty the Judge was trying to rush to sentencing trying not to allow me to file my post trial motion. I was denied an attorney to replace my trial attorney for ineffective assistance of counsel. I waived counsel, went pro-per filed 4-post trial motion, where they were denied. See attached, ^{*} SUPERIOR COURT

The Judges Response to the motions filed.

CONFIDENTIAL

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

FOR OFFICE USE ONLY

--

COMPLAINT AGAINST A JUDGE

Name: _____ Judge's Name: Honorable,

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.

Also see attached form IN THE COURT OF APPEALS. I filed for an appeal but given a Rule 32. The Judge knew that the process of this Post conviction would succeed most of my wrongful, sentence, conviction. See attached INITIATION of Rule 32 PROCEEDING FOLLOWING TRIAL. During the same time I filed a petition to review I was without knowledge of being under a Rule 32. I was assigned a P.C.R. attorney when attorney, filed no colorable claim after almost I had to once again go pro per with little or no experience in Law. I wrote filed my own brief. See attached PETITION RECEIVED DUE DATE FOR RESPONSE 32. It was ORDERED the response to petition must be filed no later than The response never came until I filed a second motion to vacate Judge denied also and the Post conviction Relief management unit ORDERED STATE TO respond by See ORDER Judge deny's second vacate. After State finally respond to petition I filed my reply See attached RULE 32 PROCEEDING ASSIGNING FOR RULING.

RULE 32 PROCEEDING ASSIGNED FOR RULING

After assigning this Rule 32 proceeding back to Honorable _____ for further proceeding.

_____ has passed. I have lost all my faith and hope in this Judicial system. I feel racially targetted. This Judge has not gave a reason for the delay on her ruling. As I showed, the Judge intention show deliberate of me serving time for a crime I never committed. After serving half of my sentence I'm eligible for release under now. Because of each year credit

off. The sentence is not the issue it was the rush to conviction and now a delay in review and ruling. Here's the last violation of my constitution right. That was violated during the inter trial process.

Arizona Annotated constitution >

Constitution of the state of Arizona >

Article 6. Judicial Department

Superior Court; speedy decisions

Section 21. Every matter submitted to a Judge of the Superior court shall by rule provide for the speedy disposition of all matter not decided Within such period

Document: A.R.S Const. Art. VI 21

The Judge had sixty days to review and rule in this matter according to the wording of this constitution

Conclusion, I have suffered grievously from this wrongful conviction. I lost my wife last year of married. I had plans going back to her, but now I can't. I never got the chance to at least say my last good bye. Are attend her funera service. This is time I will never get back. Since my incarceration I have suffered emotional, punitive damage. For what??? What justice is being served??? Whose the victim??? My Questions to the Judge. Was there a true crime comitted at all??? Misdemeanor or felony! Well I was there, and God is my witness there was No crime at all. I ask for relief, by vacating these frivolous charges having me to serve more time. The victim explain to the court under oath sober how her injuries occurred and ^{accused} me of coercion and witness tampering and the Judge allowed this without any proof or evidentiary hearing. And this not only went to the jury, but emotionally hurt me I have lost faith in this Justice System. I thought the Judge would stand on integrity, morale, fairness in her courtroom. This is why I turned down a plea agreement because I was ^{innocent} ~~innocent~~. I want to be release immediately. The Judge is intentionally holding me and not reviewing and ruling on the filed P.C.R matter. A true statement

Sworn 1

May God help us all!

Arizona Annotated Constitution >
Constitution of the State of Arizona >
Article 6. Judicial Department

SIXTY Days

Superior Court; speedy decisions
section 21. Every matter submitted to a judge
of the superior court shall by rule provide for
the speedy disposition of all matters not
decided within such period

Document: A.R.S. Const. Art. VI. § 21

The Judge should have vacated or dismiss this case on
When the Judge " {

See copy of " " " It was evident that

jury conviction was from a police report which is hearsay evidence. The victim had explain her injuries to the Judge. And by now I should have had a evidentiary hearing. This Judge has Judge, sentence me without any other Due process.

Any case should be about state of Arizona VS. not

Honorable Judge VS. I have paid my debt to

society for my prior convictions. I should not be paying for a crime that was never committed, the only witness testified to. Me and the victim. Everything was fabricated and the Judge allowed it. And She should be accountable to this. The Judge has been hoping I would not fight or hoping my rule 32 would get dismissed on some type of technicality. Its a shame a African American indigent man has to have finance for any good legal service

**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.**