

State of Arizona
COMMISSION ON JUDICIAL CONDUCT

Disposition of Complaint 22-224

Judge:

Complainant:

ORDER

October 13, 2022

The Complainant alleged improper rulings by a superior court judge conducting post-conviction proceedings.

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 member Colleen E. Concannon did not participate in the consideration of this matter.

Copies of this order were distributed to all appropriate persons on October 13, 2022.

COMPLAINT AGAINST A JUDGE

FILE NO.
2022-224

TO THE COMMISSION ON JUDICIAL CONDUCT:

I, the undersigned complainant, believe that _____

of the (check

located in the

_____ and county of _____, Arizona, has committed misconduct.

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: _____

_____ Zip Code: _____

Complainant's Sign: _____

_____ 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 Under Rule 32
on . and his PETITION FOR POST-CONVICTION RELIEF on
in the Court of County.

02. PCR ASSIGNMENT TO JUDICIAL OFFICER FOR RULING was ORDERED by Judge
to Judge

03. RULE 32 PROCEEDING DISMISSED by Judge.

04. Complainant filed a new NOTICE REQUESTING POST-CONVICTION RELIEF Under Rule 32
and PETITION FOR POST-CONVICTION RELIEF on November 2, 2018 in the Court of
County.

05. PCR ASSIGNMENT TO JUDICIAL OFFICER FOR RULING was ORDERED by Judge

06. RULE 32 PROCEEDING DISMISSED by Judge

07. Judge engaged in deceit as evidenced in remarks, "Pending before the
Court re Defendant's Notice Requesting Post-Conviction Relief filed on
and Petition for Post-Conviction Relief filed on

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

09. 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 both those filings were already ruled on by
Judge - The record is the proof.

10. 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."

11. 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."

12. "The State must file its response no later than days after the defendant files the
petition." Ariz. R. Crim. P. 32.9(2)(1).

13. Judge is evidenced of a deliberate denial of due process, knowingly violating
rules of protocol, and dismissing Rule 32 proceedings without any objections by the State.

14. 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).

15. In Ruling on a Post-Conviction Relief Petition, "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.

16. Judge knowingly violated Defendants due process rights and never did address any issue or claim on its merits in the Petition filed on

17. Complainant filed multiple items, including a MOTION FOR JUDICIAL NOTICE (Ariz.R. Evid. R. 201) EVIDENCE OF PERJURY BY JUDGE.

18. In a filing on Judge claimed,

(Ariz.R. Evid. 201) Evidence of Perjury by Judge Defendant asks the Court to take judicial notice of several "adjudicative facts." The proffered "adjudicative facts" are not subject to take judicial notice, because they are not (1) "generally known within the trial court's territorial jurisdiction" or (2) "accurately and readily determined from sources whose accuracy cannot reasonably be questioned." Ariz.R. Evid. 201 (b). Accordingly, the Court declines Defendant's request to take judicial notice of the proffered "adjudicative facts." (Exhibit - 01). The Judge's remarks are demonstrably false.

19. Judge is evidenced of deliberately denying due process and fully engaged in the cover-up of the crime of perjury by Judge - indicating and implicating substantive facts of a coordinated team effort of concerted actions, collusion, fraud, moral turpitude, criminal conspiracy, deprivation of rights under color of law, the cover-up of criminal trespass, residential burglary, murder, kidnapping, and torture.

20. Complaint,

Judicial Conduct of Judge

Code of Judicial Conduct; (2) committed criminal acts that reflect adversely on the integrity of judicial proceedings; (3) engaged in conduct involving dishonesty, fraud, deceit and misrepresentation, and; (4) engaged in conduct that is prejudicial to the administration of justice. The record is the proof.

Now notifies the Arizona Commission on
knowingly: (2) violating the Arizona

RESPECTFULLY SUBMITTED on this

**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.**