

State of Arizona
COMMISSION ON JUDICIAL CONDUCT

Disposition of Complaint 22-325

Judge:

Complainant:

ORDER

October 13, 2022

The Complainant alleged a superior court judge improperly denied a motion to compel filed in a post-conviction relief proceeding.

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, Joseph C. Kreamer, and Christopher P. Staring 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.

TO THE COMMISSION ON JUDICIAL CONDUCT:

2022-325

I, the undersigned complainant, believe that Judge _____ of the (check one) _____ located in the city of _____ 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.

COMPLAINT AGAINST JUDGE

01. Complainant filed a MOTION TO COMPEL FULL DISCLOSURE (Ariz. R. Crim. P. 15) DETECTIVE
CRIMINAL HISTORY & ARREST RECORD **EXHIBIT-01**

02. Judge "ORDERED DENYING the Motion" with claims,
"The request is overly broad and Defendant has not presented a compelling reason for such request
not to mention that if the Detective had a criminal history it is doubtful she would be a
Detective." **EXHIBIT-02**

03. Long-established precedent holds that the law requires the prosecution to
disclose exculpatory and impeachment material, whether or not the defendant requests any such
evidence.

04. Pursuant to Article VI, Clause 2, of the United States Constitution, "This Constitution, and
the Laws of the United States which shall be made in Pursuance thereof; and all Treaties
made, or which shall be made, under the Authority of the United States, shall be the
supreme Law of the Land; and the Judges in every State shall be bound thereby, any
Thing in the Constitution or Laws of any State to the Contrary notwithstanding."

05. The United States Constitution requires the prosecution to disclose to a defendant
information that would tend to absolve the defendant of guilt or mitigate his
punishment; this disclosure requirement exists regardless of the good faith or bad

faith of the prosecution

06. Judge knowingly violated State and Federal law by an abuse of discretion and the commission of perjury, as evidenced in ORDER filed on

Judge claimed, "The request is overly broad and Defendant has not presented a compelling reason for such request..." (EXHIBIT-02). Clearly established Federal law mandates "whether or not the Defendant requests any such evidence."

07. An abuse of discretion is equated with a ruling that is legally incorrect.

08. 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."

09. Judge knowingly violated State and Federal law by an abuse of discretion and the commission of perjury, as evidenced in ORDER filed on

Judge claimed, "if the Detective had a criminal history it is doubtful she would be a Detective." (EXHIBIT-02)

10. Judge is evidenced of a decision characterized by capriciousness, arbitrariness, and a failure to conduct an adequate investigation into facts necessary for an intelligent exercise thereof.

11. Complainant filed a MOTION FOR JUDICIAL NOTICE DETECTIVE.

CRIMINAL HISTORY AND ARREST RECORD on with evidence and proof of a

criminal history and arrest record of Detective

as reported by City of

Department. (EXHIBIT-03) "If the Detective had

a criminal history it is doubtful she would be a Detective." (EXHIBIT-02) Judge

needs to answer his own question. The City of

Department and the

County

Office needs to be accountable for deliberate nondisclosure.

12. Complainant notifies the Arizona Commission on Judicial Conduct of Judge

knowingly: (1) violating the Arizona Code of Judicial Conduct; (2) committed a criminal

act of perjury that reflects 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 of

these acts, as evidenced on

(EXHIBIT-02)

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.**