

State of Arizona  
COMMISSION ON JUDICIAL CONDUCT

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Disposition of Complaint 22-328

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Judge:

Complainant:

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**ORDER**

June 8, 2023

The Complainant alleged improper rulings by a superior court judge (now retired) 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 Delia R. Neal did not participate in the consideration of this matter.

Copies of this order were distributed to all appropriate persons on June 8, 2023.

**CONFIDENTIAL**

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

FOR OFFICE USE ONLY

**2022-328****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.

ON His Honor Failed to  
obtain Jurisdiction prior to any procedure in accord-  
-ANCE to A.R.S. § 13-121 in or before; AND  
did not give notice to the  
AFTER year had passed in the trial court. Therefore  
this " " or is null and void.  
NO ~~complaint~~ " was sent to the in  
therefore the county  
court failed to obtain jurisdiction from  
the appellate courts for any procedure to be valid  
through the legislative statutes and due process laws  
of the Arizona and U.S. constitutions. This includes any  
and all extensions, orders, verification of attorney or  
record i.e., who failed to file a  
" which was caused by the Judge  
who failed to give "notice" to the  
in, thereby denying his right  
to counsel during this illegal resentencing. where  
failed to sign with his signature and  
identification number any and all documents  
filed with this illegal resentencing court including  
but not limited to " or any  
document with proof which provided the court verification  
of his attorney or record status, His Honor "  
" by failing to obtain jurisdiction and presiding  
over a non-jurisdictional resentencing was "abuse of  
court

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"His Honor" "in allowing  
to appear as " without  
" or any documental proof or  
His " status. His Honor "abused His  
discretion" in allowing any and all documents entered  
into the record without obtaining jurisdiction. it is  
Honor "

" NOT signed by " failed  
to file a " failed to file a "  
" Even though the court still did not  
have jurisdiction for any procedure, including  
resentencing on any and all procedures in  
and null and void, gave the trial court (six) opportunities  
to correct this procedural error and they failed to respond  
and it was His Honor in ruling conclusion that  
states " it took  
to find A.R.S. § 13-121 in and immediately  
documentation to the court of appeals who under Arizona  
R. Civ. App. P. 3 should have under Rule 3(b) suspension or  
an appeal: an appellate court for good cause may suspend  
and request jurisdiction in the superior court to allow  
the court to consider and determine specific  
matter, asserts"

still retained jurisdiction from the filing of the  
direct appeal (through the supreme court not  
finite date to <sup>unavailable</sup> court) to , since  
the trial court had no jurisdiction to resentance  
on or hear any postconviction appeals  
through

See former Rule 3 " was abrogated  
effective . New Rule 3 also encompasses former  
Rule 9.1 suspension of appeal and revestment of jurisdiction  
in the superior court.

[promulgated]

This rule is based on former court rule 28  
and PRAP 2. The primary purpose of Rule 3 is to make  
clear the power of courts, in the furtherance  
of justice, to relieve litigants of the consequences of  
non-compliance. See *Schaefer v. Duhamel*, 385 U.S. 101 P.2d  
628 (1947)

[Comment from former Rule 9.1]

This rule codifies the existing practice for reversing  
jurisdiction in the court to decide matters  
over which it would otherwise lack jurisdiction  
see. E.g. *In re Conroy's Estate* 128, 566, 568  
574 P.2d 54, 56 (App. 1977)

asserts that since the court  
never reversed jurisdiction in , and the trial  
court never obtained jurisdiction through A.R.S. § 13-121  
in According to the rules, (appellate) court or  
judges should have requested jurisdiction



in the court

My only request in this matter is did the trial judge violate code of judicial conduct by failing to obtain jurisdiction in and "in all proceedings and procedures including" at this resentencing to Petitioner, and allowing any and all documents that were not authorized by an unauthorized counsel at resentencing, that do not bear the counsel's signatures and state bar id #'s, where is/ was entitled to competent counsel during the appeal process, where prior clearly shows he was not represented by authorized competent counsel, and/or not represented at all where if the trial court is found, not to have jurisdiction in in this Rule 32 R.Ted Due to this however.

violating code of judicial conduct where if the trial court agrees with in their ruling, it appearing it demands "where sentences have been fully served as of where parole could have been sanctioned/allowed in see document attached

Attached to last document sent, )C

Respectfully

Submitted this

## Complaint # 2

ON THE MORNING OF DEFENDANT'S THIRD DAY OF TRIAL, ( ... UNAVAILABLE TO ... ) THE ... MOTIONED THE COURT IN A " TO AMEND THE INDICTMENT TO INCLUDE ... IN REGARD TO ...

A REQUIREMENT TO AMEND REQUIRES THE TO BELIEVE THE INDICTMENT IS " AND " ... IN REGARD TO COUNT 4. ALSO, THE ARIZ. CRIM. PRO. REQUIRES A MOTION TO AMEND MUST BE FILED 20 DAYS BEFORE TRIAL

THE TRIAL JUDGE, ... ALLOWED THIS MOTION TO AMEND ON THE RECORD BUT NEVER STOPPED IN CONTINUING THIS MOTION, THEREFORE BY DEFINITION OR " ... PLAIN LANGUAGE

THE JUDGE ACTING AS " ARBITER " ALLOWING THIS MOTION TO CONTINUE AND ACTING AS A " GRAND JURY INSTEAD OF IMMEDIATELY SENDING THE INDICTMENT BACK TO THE GRAND JURY OR DISMISSING OR GIVING INSTRUCTIONS REGARDING THE " MADE BY THE TRIAL JUDGE ON " THAT DEPRIVED LUGO

OF THIS " / AMENDMENT KNOWINGLY OR UNKNOWINGLY DEPRIVED DEFENDANT'S DUE PROCESS AND DEPRIVED OPPORTUNITY OR " TO PRESENT A DEFENSE FROM THE JUDGE'S "

**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.**