

State of Arizona
COMMISSION ON JUDICIAL CONDUCT

Disposition of Complaint 22-348

Judge:

Complainant:

ORDER

June 15, 2023

The Complainant alleged a superior court commissioner coerced him to waive his right to discovery in a probation violation 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 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 Barbara Brown and Colleen E. Concannon did not participate in the consideration of this matter.

Copies of this order were distributed to all appropriate persons on June 15, 2023.

From:

Sent: 7

To: Commission on Judicial Conduct <CommissionJudicialCo@courts.az.gov>

Cc: ,

Subject: Complaint

CAUTION: This email originated from outside of the organization. Do not click links or open attachments unless you recognize the sender and know the content is safe.

I would like to file a complaint against a judge. I have tried to access the Commission's website but I am having trouble with it loading so I hope this email will suffice.

I had a court hearing or _____ or maybe it was in _____ before commissioner
During this hearing I expressed my frustrations regarding the state not providing police reports or complete discovery regarding my alledged probation violation charges.

Commissioner _____ granted a continuance to give the state more time to comply. The charge was filed on _____ so I had already waited

The incident that I am writing about happened after I left the courtroom. My hearing was the last one of the day and as I walked towards the elevators I heard a commotion behind me and saw approximately five or six _____ police officers and _____ county deputies running after me and yelling for me to stop. They quickly surrounded me and led me back into the courtroom where they forced me back in front of the judge and stood behind me along with three other officers who were already in the court room.

Needless to say that this all terrified me. To be surrounded by so many armed men and forced back before the judge made me believe that I was going to be charged with some horrible offense. But I guess that's what commissioner _____ wanted me to believe.

She then asked me to reconsider my request for discovery.

My attorney, and the prosecutor were both there too, and the judge told me that they had had a meeting after I left the courtroom and that they had decided that it would be best if we could just move forward without discovery.

I was still very scared and being surrounded by so many police officers, sheriff's deputies and other armed men from what I assume were some sort of judicial security or police, I felt that I had no choice but to agree. So I said that I would no longer requests proof of my alledged offenses. I just wanted to get out of there. So I would have agreed to anything. Once the judge was satisfied, I

was escorted out of the building by two officers.

The distance from the courtroom to the elevators is only about . It could not have taken more than for me to reach them and it seems very unlikely that a meeting was held in that short period and so many cops from so many departments gathered to chase me down.

It was clearly a preplanned ploy which caused me to fear for my freedom and my life in order to coerce me into waiving my right to discovery.

My probation office was present when I was seized and as I was led back into the courtroom begin mocking me and yelling that I would finally be arrested and loudly encouraging the officers to hurt me.

It took a long time to calm down and it was several hours after I got home that I had the courage to address the situation.

I contacted my attorney, , and informed her that I only agreed to waive discovery because of the situation I was forced into and that I felt that what she and the prosecutor along with the judge had done was not only unethical but most likely illegal. Had I been given any option, I would not have returned voluntarily.

I am sure that since I had already left the courtroom, that all recording devices were turned off. But commissioner did continue as if the hearing had never been interrupted. She made some orders and entered my waiver into the record and then set the next hearing.

I also addressed discovery in the next hearing in because I had only waived it out of fear. This time the judge told my attorney to file a request if I really was not going to let it go. And another continuance was ordered. I have my dates all jumbled up because I try not to think about it. I lost my job and home earlier this year because I could not work due to injuries caused by police officers. That is was the third police incident in which I have been injured and never charged with a crime or given any sort of citation. I just happen to look like whoever they claim to be searching for at the moment.

Anyhow, in I was still waiting for discovery when I was diagnosed with and and so I informed the court that I would be unable to attend a hearing due to medical complications. My attorney, the prosecutor and Commissioner used my absence to file a notice on my behalf stating that discovery was complete.

I was found guilty of the charges because even though no evidence against me existed, I was also unable to prove my innocence. How does one prove nothing?

I am aware that you cannot change a verdict but I hope that you can address the tactics used to intimidate me and the commissioner's use of armed men at tax payer expense in order to sway the proceedings in the states favor.

I am sure that my attorney, , will be able to provide you with the email I sent her regarding the incident and hopefully answer any questions you may have, since I was not present during the meeting where it was decided that justice would be best serve if the were not required to provide any evidence.

I will voluntarily waive confidentiality and agree to provide any records regarding my case that I possess or that may be in my attorneys possession to the Commission on Judicial Conduct, should it decide that these allegations warrant review.

Thank you