

State of Arizona  
COMMISSION ON JUDICIAL CONDUCT

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Disposition of Complaint 22-399

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Judge:

Complainant:

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**ORDER**

June 28, 2023

The Complainant alleged a superior court judge improperly denied his request for a subpoena 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 and Scott C. Silva did not participate in the consideration of this matter.

Copies of this order were distributed to all appropriate persons on June 28, 2023.

To Whom it may concern, I'm writing today in regard to the conduct of

In continued display of bias toward defendants, he has issued illegal orders to favor the State. The defendant in this case issued subpoenas to support an complaint, the State subsequently filed to quash saying it didn't know but, "assumed" it pertained to an expected Rule 32 petition. The defendant denied it was in connection to Rule 32 and noted the State lacked any proff or evidence to support such an allegation.

On ruled, the defendant failed to prove it wasn't Rule 32 and illegally applied Rule 32.6(b), absent any proff that it was in fact related.

Sadly this just another example of circumventing the law and fabricating opportunities to favor the State. has established a course of conduct, of rejection of the principle of law and supplanting his own beliefs of what they should be. It is incumbent that someone bring to attention that he is in fact, not an agent of the State nor tasked with securing the desired results on behalf of the State.

Sincerely

Motion To Reconsider  
Illegal Order

This Court issued an illegal order , applying Rule 32.6(b) to a subpoena not associated with a Rule 32 proceeding. As the Defendant previously pointed out, all subsections of Rule 32 only apply to Rule 32, the Court can not simply arbitrarily apply Rule 32.6(b) to anything it wishes. In this case, the subpoena is associated to file with the . The Defendant was and is under no obligation to disclose its intended use because, the State never provided anything more than speculation of possible Rule 32 application and, this Court had no authority absent some sort of evidence to apply any subsection of Rule 32 in the first place. For the reasons above, the Defendant asks this Court to reverse its own illegal order.

Defendant

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**Re: File No:**  
**Respondent:**

Dear \_\_\_\_\_ :

I am enclosing a copy of the response to your correspondence, received from \_\_\_\_\_. No further written reply is needed from you at this time.

In some cases, an investigator will contact you for additional information or to schedule an interview. We appreciate your patience.

After our investigation is completed, you will be notified of our decision/recommendation.

Sincerely,

Senior Bar Counsel

Enclosure