

State of Arizona
COMMISSION ON JUDICIAL CONDUCT

Disposition of Complaint 23-063

Judge:

Complainant:

ORDER

November 27, 2023

The Complainant alleged a superior court judge denied his speedy trial rights in 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 member Roger D. Barton did not participate in the consideration of this matter.

Copies of this order were distributed to all appropriate persons on November 27, 2023.

To Whom it may concern,

I am writing you concerning
the miss conduct and unethical
behavior of the Honorable

of
of County of Court

My name is
and I am a criminal defendant in her
court. I was arrested years
ago for sexual assault. Case
No.

Right away
I requested a speedy trial. I
knew I was not guilty and did not
want the state to destroy my
family and my life based on these
false alligations. Judge
refused to set trial dates. The
state continuously delayed to
set dates stating they were not
reddy for trial. Judge
saw fit to accommide te the state
over respecting my constitutional
rights.

I continuously asserted my right
to a speedy trial. The county
prosocutor knew he didnot have a
winable case. There was no physical
edvidance of any assault, the witness
constantantly counterdict herself
and changed her story several
times. Also the text measages I
provided the state proved she was
not being truthful.

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2023-063

The prosecutor decided to fabricate new charges and file a separate case on me. Case No.

Because of these charges my previous council had to resign. While I was waiting for new council to be appointed (which took months)

I filed several pro se motions.

One motion to suppress evidence and one motion to dismiss pursuant to Rule 6.1(a) also one motion to dismiss pursuant to Rule 8.6. I assumed by sending these motion to the clerk of the

Court they would be stamp received, filed, and a copy would be sent back to me. I then would have given a copy to the prosecutor office for proper notification of filing.

Instead Judge instructed the clerk to not file these motions. She then instructed the clerk to send these motions to the public defenders office, so they could be forwarded to my next attorney. The Judge refusing me access to the courts is a blatant violation of my constitutional rights.

In my motion to suppress I mentioned an undeniable fact the police surrounded my house with guns drawn demanding I come out and surrender. They arrested me and removed me from my property several hours before they even interviewed the alleged victim. They didn't have adequate probable cause based on a phone call.

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Several hours later the police obtained a night time search warrant of my residence. This affidavit and warrant did not list or say what crime I was being accused of. Was very difficult to read. Contained false statements and blatant lies the officer maliciously made.

Despite all of this Judge thought it was ok that the police violated my 4th amendmant rights and denied my motion to supress.

When I was taken in to custody at my house I immeaditly ask if I could call my lawyer. The police denied me this right and refused to allow me to have phone access for days. At my preliminary hearing Det. admitted that he knew the alledged victim () had deleted social media post and text messages concerning our interactions together. This edvidance been very benifical to my defence. If I would have been allowed to contact my attorney we could have gathered this edvidance before it was destroyed. Judge refuse to grant this motion also.

The only reason police are allow to blaterly violate the rights of citizengs and run completely unchecked in society is because they know unethical Judges (such as Judge) will support

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the police conduct before they stand up for the rights of citizens.

Judge completely ignored the fact that I filed a motion to dismiss pursuant to Rule 8.6. This way she could continue to assist the state in prosecuting me, while at the same time causing me to lose valuable evidence to my defence.

At a hearing that was held less than days from my trial I appeared from jail over a computer. The state again asked for more time for trial. I stated I have never waived time and do not wish to waive time. Judge decided, due to scheduling conflicts she is pushing my trial date out. The very next day the prosecutor filed two new charges against me. One conspiracy to commit fraud schemes and tampering with a witness. These two charges derive from made up story that jail house informants, that were already assisting the prosecutor in other case. They were reward heavily with dramatically reduced sentences. One of the informants () even went a step further to benefit himself and asked his mother to contact their friend (). He did this some months after he told the prosecutor that he would assist in their case against me.

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At trial the prosecutor introduced a photo of ^{phone} depicting a partial text message from her friend. "This message says,"

"This was handed to the jury to view, and I was not able to see it. I did not know what it said until my appeals lawyer sent to me. The message is clearly cut off. My attorney never received the full message thread nor did the prosecutor provide a print out of the full message thread. One of the jurors brought this up and wanted to see the full message. However, in the sidebar conversation Judge ^{seem} to think it was not important. This is a clear violation of Rule 15 of criminal procedures.

After the state rest its case my attorney requested a acquittal pursuant to Rule 20. Both jail house informants testified that they allegedly told me no that they would not help me and they went directly to the police. She granted the Rule 20 on the conspiracy charge and then apply a completely different understanding to the tampering charge. If Judge ^{would have} allowed me to go to trial in a timely session these two jail house informants would not have had the opportunity to come up with this scheme to

**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.**