

State of Arizona
COMMISSION ON JUDICIAL CONDUCT

Disposition of Complaint 23-126

Judge:

Complainant:

ORDER

August 28, 2023

The complainant alleged improper legal rulings by an appellate court judge 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 Denise K. Aguilar and Louis F. Dominguez did not participate in the consideration of this matter.

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

Complaint About a Judge

1) NAME.

CourtJudge's NAMEChief Judge

2)

3) PHONE :

4) Judge's NAME :

5) Court

6) Did you have a case before this judge? YES

a) CASE NO

b) Attorney appearing in this case.

7) WITNESSES : —

8) I understand this commission cannot REVERSE court orders or assign new judge: YES

9) I AFFIRM under penalty of perjury, that the information and the allegations contained in the attached complaint are true

Complaint Against A Judge

2023-126

ABUSE OR DISCRETION BY THE COURT

ON THE COURT

RECEIVED

DIRECT APPEAL CASE

Presiding Judge
and Judge

with Chief Judge
, AND

Court Judge

CASE

I. Allowed

TO FILE A DIRECT APPEAL

TO THE COURT OF APPEALS, A COURT OF LIMITED JURISDICTION
THAT COULD NOT ENTERTAIN AN APPEAL THAT CONTAINED THE
SENTENCE OR LIFE IMPRISONMENT
AS REQUIRED BY THE ARIZ. CONST. ART 6 § 5.3; A.R.S. §
12-120.21 AND FORMER A.R.S. § 13-1711 NOW A.R.S. §

13-4031.

II. THESE SAME JUDGES AND ALL JUDGES IN

CASE

HAD THE AUTHORITY UNDER RULE 3(b) TO SUSPEND OR STOP
THE APPEAL PROCESS. (SEE FORMER RULE 9.1)

III. THE JURISDICTIONAL REQUIREMENT CANNOT BE WAIVED
(SEE NATALE V. NATALE) 234 ARIZ. 507 509 P.2 (APP 2014)

IV. STRICT COMPLIANCE WITH STATUTORY AND RULE REQUIREMENTS
IS MANDATORY.

V. WAS DENIED DUE PROCESS IN HIS RIGHT TO SEEK
JUDICIAL REVIEW. SEE M H LIMITED P. SHIP V. GOMMARD
235 ARIZ 166 168 P.2 (APP. 2014) A.R.S. § 12-210(B)

VI. THE SUBSTANTIVE STANDARDS SET FORTH IN
IS
APPLICABLE HERE.

STATEMENT

PL 1(A)

ABUSE OF DISCRETION by THE COURT

Judges:

- 1) ABUSE OF DISCRETION by THE COURT
WHEN THAT COURT RECEIVED DIRECT APPEAL AND DID NOT STOP POST CONVICTION PROCEEDINGS THROUGH RULE 3(b) (FORMER RULE 9.1) THAT CONTAINED A LIFE SENTENCE ONLY TO BE HEARD BY STATUTE AND ARIZ. CONST. ART 6 § 5.3, BY THE ARIZONA SUPREME COURT, SEE A.R.S. 12-120.21
Judges
↓ OCCURRED ON
- 2) ABUSE OF DISCRETION by THE COURT OF APPEALS
WHEN THAT COURT COVETED JURISDICTION FROM THE COURT BUT DID NOT REQUIRE JURISDICTION AND ONLY PRETENDED TO BE HOLD JURISDICTION ILLEGALLY TO PREVENT HIS RIGHT TO APPEAL TO THE COURT BY FAILING TO FOLLOW THE REVIEW PROCEDURE APPLICABLE TO POSTCONVICTION PROCEEDINGS
Judges
↓ OCCURRED ON
- 3) ABUSE OF DISCRETION by THE COURT
WHEN THE COURT DIVESTED ITS NON-EXISTENT JURISDICTION TO THE COURT AGAIN FAILING TO FOLLOW THE REVIEW PROCEDURE APPLICABLE TO POSTCONVICTION PROCEEDINGS
Judges
↓ OCCURRED
- 4) COURT JUDGES HERE REGARDING #1 ABOVE
- 5) COURT JUDGES HERE REVESTED JURISDICTION TO COURT
(SEE NEW COMPLAINTS AGAINST COURT JUDGES)
- 4) ABUSE OF DISCRETION by THE COURT
WHEN THE COURT OR ACCEPTED NON-EXISTENT JURISDICTION FROM THE COURT WHO NEVER HAD JURISDICTION FROM THE COURT OR APPEALS IN THE FIRST PLACE NOW REVESTS JURISDICTION BACK TO THE COURT WHO ALSO NEVER HAD JURISDICTION
Judges
↓ OCCURRED
- 5) ABUSE OF DISCRETION by THE COURT
WHEN THE COURT REVESTED JURISDICTION BACK TO THE COURT WHO NEVER HAD JURISDICTION FOR REMAND WHEN THE ACTUAL COURT WHO NEVER HAD JURISDICTION
Judges
↓ OCCURRED

Remand was for the life sentence that the court
A court of limited jurisdiction are not allowed
to entertain remanded back to the court
who lost jurisdiction on
But filed a "notice of appeal," w

b) ~~the court~~ ~~judges abused their discretion~~
c) Abuse of discretion by the court. Judges occurred
when the judges vacated court 3 from a
"life sentence" to years, this is the "red flag" that
the commission must interpret as knowingly and with
intent the court. Judges were aware of the
"life sentence" imposed in sentencing was not one
the court could entertain being a court
of limited jurisdiction and this disregard to due process,
the Arizona constitution and U.S. constitution denied

his right to appeal and failed to correct this violation
that now encompasses the public and the rest of the
Arizona court system as distrustful, unlawful and puts a
stain on all judges and state attorneys for allowing this to
continue to this very day, why follow the rules when you
can make up the rules as you feel fit when it suits you.

2) The court did vacate courts 2 and 3 which
is "unreversible", but gave the courts to opportunities
to correct this error. But, they chose not to, and
sentences were discharged, but it's still
in prison.

5) The court vacated courts 1 through 4 on
but did not have jurisdiction to resentence on

thereby, has been kidnapped by the
since specifically when the
court judge issued a writ of Habeas
corpus to return for resentencing without
ever obtaining jurisdiction A.R.S. § 13-121
and did not file a writ of Habeas corpus
for on to return to
court for an alleged resentencing while the
court never obtained jurisdiction to
resentence. therefore, has been held
against his will i.e. kidnapped

Q) I UNDERSTAND THAT "RELIEF AWARDED" CANNOT BE REVOKED
IN ANY FORUM (VACATING COURTS 2 AND 3 BY THE
APPEAL COURT) AND SINCE MY SENTENCES FOR COURTS 1,
AND 4 HAVE BEEN FULLY SERVED. "ABSOLUTE DISCHARGE"
FROM A.D.O.C. IS "MANDATORY" MY QUESTION/COMPLAINT
TO THIS COMMISSION IS WHEN VACATED
COURTS 1 THRU 4 ACCORDING TO THE
(ASSISTANCE) AND DOES THIS VACATING OF
COURTS 1 THRU 4 WITHOUT OBTAINING JURISDICTION TO
EITHER VACATE AND/OR RE-MODIFY/RESENTENCE
OR FROM A REMAND ORDER FROM THE APPEAL
COURT AND FROM
A LIMITED JURISDICTIONAL COURT THAT NEVER SHOULD HAVE
ENTERTAINED AN APPEAL WHILE THE STATE COURT HAS
JURISDICTION OVER A DIRECT APPEAL FROM THE TRIAL COURT.
SO, CAN I JUST RAISE THE COMPLAINT AGAINST JUDGE
FOR ABUSE OR DISCRETION FOR FAILING TO VERIFY JURISDICTION

**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.**