

State of Arizona
COMMISSION ON JUDICIAL CONDUCT

Disposition of Complaint 23-128

Judge:

Complainant:

ORDER

August 28, 2023

The complainant alleged improper legal rulings by an appellate 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 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 Against A Judge

2023-128

ABUSE OR DISCRETION BY THE COURT
ON THE COURT

RECEIVED

DIRECT APPEAL CASE NO

Presiding Judge
and Judge

with Chief Judge
, and

Court Judge

CASE

I. Allowed

TO THE COURT

TO FILE A DIRECT APPEAL

THAT COULD NOT ENTERTAIN A 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.

A COURT OF LIMITED JURISDICTION APPEAL THAT CONTAINED THE

II. THESE SAME JUDGES AND ALL JUDGES IN THE 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 MILL LIMITED P. SHIP V. GOMMARD 235 ARIZ 166 168 P.2 (APP. 2014) A.R.S. § 12-210(A)

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

Abuse of Discretion by the court

Judges:

1) Abuse of Discretion by the court ^{Judges} occurred on
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 Mich. Const. Art 6 § 5.3, by the
court, see M.R.S. 12-120.21

2) Abuse of Discretion by the court ^{Judges} occurred on
when that court coverted jurisdiction from the
court but did not acquire jurisdiction and only
pretended to be hold jurisdiction illegally to prevent from
his right to appeal to the court by failing to
follow the review procedure applicable to postconviction proceedings

3) Abuse of Discretion by the court ^{Judges} occurred
when the court or appeals divested its non-existent
jurisdiction to the court again failing to follow
the review procedure applicable to postconviction proceedings

4) court judges here regarding #1 above
5) court judges here re-vested jurisdiction to court
(see new complaints against court judges)

4) Abuse of Discretion by the court ^{Judges} occurred
when the court or accepted non-existent jurisdiction from
the court who never had jurisdiction from the
court in the first place now re-vests jurisdiction
back to the court who also never had jurisdiction

5) Abuse of Discretion by the court ^{Judges} occurred
when the court re-vested jurisdiction back to the
court whereas non-existent ^{jurisdiction} for remand when the actual

Remand was for the ^{of} "LIFE SENTENCE" THAT THE COURT
A COURT OF LIMITED JURISDICTION ARE NOT ALLOWED
TO ENTERTAIN REMANDED BACK TO THE COURT
WHO LOST JURISDICTION ON WHEN
~~THE~~ RULED A "NOTICE OF APPEAL," W.

- 6) ~~THE COURT~~ ~~JUDGES ABUSED THEIR DISCRETION~~
- 6) ABUSE OF DISCRETION BY THE COURT ~~JUDGES OCCURRED~~
WHEN THE JUDGES VACATED COUNT 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 DEVOID
HIS RIGHT TO APPEAL AND RULED TO CORRECT THIS VIOLATION
THAT NOW ENCOMPASSES THE PUBLIC AND THE REST OF THE
ARIZONA COURT SYSTEM AS DISTASTFUL, 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.
- 7) THE COURT OF APPEALS DID VACATE COUNTS 2 AND 3 WHICH
IS "UNREVOCAABLE", 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.

8) THE COURT VACATED COUNTS 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 or Habeas
corpus to return for resentencing without
ever obtaining jurisdiction A.R.S. § 13-121
and did not file a writ or Habeas corpus
for on to return to
court for an alleged resentencing while the
court never obtained jurisdiction to
resentence there fore, has been held
against his will i.e. kidnapped

Q) I understand that "RELIEF AWARDED" cannot be revoked
in any forum (vacating counts 2 and 3 by the
state court) and since my sentences for counts 1.
and 4 have been fully served. "Absolute Discharge"
from A.D.C. is "mandatory" my question/complaint
to this commission is when vacated
counts 1 thru 4 according to the
information unit (assistance) and does this vacating of
counts 1 thru 4 without obtaining jurisdiction to
either vacate and/or modify/resentence
or from a remand order from the state
court and from
a limited jurisdictional court that never should have
entertained an appeal where the state court has
jurisdiction over a direct appeal from the trial court.
So, will just raise the complaint against judge
for abuse or discretion for failing to verify jurisdiction

From the court and practice to follow
Ariz. R.S. 13-121 to obtain jurisdiction. ONCE
HE VACATED courts 1 thru 4. THE JUDGE
DID HAVE jurisdiction to modify OR RESSENTENCE
ON , AND ESPECIALLY NOT obtaining jurisdiction
ONCE THE court lost jurisdiction WHEN
FILED a "notice of appeal" AND AFTER year
HAD past FROM TO give "notice" to the
AZ. ATTY GENERAL Days prior to any action instituted
by the court. SINCE courts 1-4 WERE
VACATED HAS NEVER BEEN SENTENCED AND HAS BEEN
KIDNAPPED / Held against his will SINCE , THE
DIRECTOR OF , HAS BEEN NOTIFIED, THE , AND THE
court is REVIEW this matter, all in March .