

State of Arizona
COMMISSION ON JUDICIAL CONDUCT

Disposition of Complaint 23-129

Judge:

Complainant:

ORDER

October 6, 2023

The Complainant alleged improper legal rulings by a superior court judge hearing a post-conviction 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 Barbara Brown, Colleen E. Concannon, Louis Frank Dominguez, and Christopher P. Staring did not participate in the consideration of this matter.

Copies of this order were distributed to all appropriate persons on October 6, 2023.

1)

2)

3) PHASE -

4) JUDGE'S NAME:

5) COURT

6) DID YOU HAVE A CASE BEFORE THIS JUDGE? YES
IS THAT CASE STILL PENDING? YES (I THINK SO)

a) CASE NO.

b) ~~NEW~~ ATTORNEYS

c) NONE

7) I UNDERSTAND THE COMMISSION CANNOT REVERSE COURT ORDERS
OR ASSIGN A NEW JUDGE: YES

8) I AFFIRM UNDER PENALTY OR PERJURY, THAT THE FORGOING
INFORMATION AND THE ALLEGATIONS CONTAINED IN THE
ATTACHED COMPLAINT ARE TRUE

CONFIDENTIAL

State of Arizona
Commission on Judicial Conduct
1501 W. Washington Street, Suite 229
Phoenix, Arizona 85007

FOR OFFICE USE ONLY

2023-129

COMPLAINT AGAINST A JUDGE

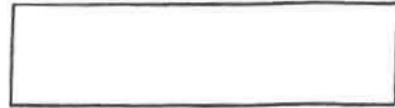
Name: _____ Judge's Name: _____

Instructions: Use this form or plain paper of the same size to file a complaint. Describe in your own words what you believe the judge did that constitutes judicial misconduct. Be specific and list all of the names, dates, times, and places that will help the commission understand your concerns. Additional pages may be attached along with copies (not originals) of relevant court documents. Please complete one side of the paper only, and keep a copy of the complaint for your records.

- 1) His Hon. _____ on _____ ruling pp _____ charged the "DATE OF EVENT" in regard to counts 1, 2 and 3 as a _____ event, DIFFERENT FROM THE testimony given by the complaining witnesses (C.W.) on _____ that specifically reads _____ weeks after the death of _____ at the end of _____ was the alleged date of event (Transcripts evidence to follow). This ruling was contradictory to the evidence at trial, including a ruling in _____ by Her Honor _____ that reads (attachment to follow)
- 2) His Hon. _____ in His _____ ruling - Ruled "_____ and occurred, and violated separation of powers" where His Honor contacted the _____ and ordered them to cease and desist _____ parole hearings - where the record shows, the _____ did not file an appeal to the _____ court TO UNDERMINE THE EXECUTIVE BRANCH OF GOVERNMENT'S FATE/serendipity/kaema - call it what you want but in _____ the time computation unit at _____ (possibly sooner) and the _____ on _____ parole proceedings began for _____ regarding count 4, _____ brought this tooth and nail but was wrong; Parole proceedings were correct _____ agreed at first with His Hon. _____ in _____ after years of explaining I was not eligible for parole

CONFIDENTIAL
State of Arizona
Commission on Judicial Conduct
1501 W. Washington Street, Suite 229
Phoenix, Arizona 85007

FOR OFFICE USE ONLY



COMPLAINT AGAINST A JUDGE

Name: _____ Judge's Name: _____

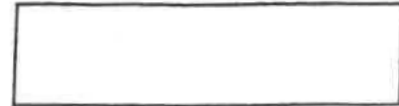
Instructions: Use this form or plain paper of the same size to file a complaint. Describe in your own words what you believe the judge did that constitutes judicial misconduct. Be specific and list all of the names, dates, times, and places that will help the commission understand your concerns. Additional pages may be attached along with copies (not originals) of relevant court documents. Please complete one side of the paper only, and keep a copy of the complaint for your records.

but AFTER MORE YEARS PASSED, IT SEEMED VERY ODD TO ME THAT AFTER RE-READING THE ruling by AND THE Parole Board Hearings, THERE MUST BE A CLUE FOR RELIEF, AND IN UNCOVERED THE CLUE AFTER READING ALL THE STATUTES THAT CLUE WAS " THEREFORE COURT 2 AND 3 WERE STILL "VACATED" AND THE COURT NEVER OBTAINED JURISDICTION FOR RESENTENCING. BUT THE COURT MADE "start a" "rule 32 IN FOR PROPER DOCUMENTATION, BUT STILL HIS HOW DENIED RELIEF EVEN THOUGH NEVER VERIFIED ANY APPELLATE PROCEDURE, THAT WAS DENIED HIS RIGHT TO APPEAL (SEE COURT) THE STATE FAILED TO FOLLOW THE REVIEW PROCEDURES APPLICABLE TO POST CONVICTION PROCEEDINGS WHEN A DEFENDANT IS SENTENCED TO LIFE IMPRISONMENT THE COURT HAS JURISDICTION ARIZ. CONST. ART 6 § 5.3 AND ABUSED HIS DISCRETION AND THE TRIAL COURT ABUSED ITS DISCRETION WHEN RAISED A VIOLATION OF CONSTITUTIONAL RIGHT SEE NOTICE OF POST CONVICTION RELIEF P. 4 AND FAILED TO CORRECT THE ABUSE OF THE TRIAL COURT DISCRETION BY WHO FAILED TO INFORM THROUGH WRITTEN NOTICE THAT MUST APPEAL TO THE ARIZONA COURT AND PROVIDE PROCEDURES HE MUST FOLLOW, FORM XXIII ARIZ CONST. 11 § 24 A.R.S. § 13-1711 NOW ARS § 13-4031

CONFIDENTIAL

State of Arizona
Commission on Judicial Conduct
1501 W. Washington Street, Suite 229
Phoenix, Arizona 85007

FOR OFFICE USE ONLY



COMPLAINT AGAINST A JUDGE

Name: _____ Judge's Name: _____

Instructions: Use this form or plain paper of the same size to file a complaint. Describe in your own words what you believe the judge did that constitutes judicial misconduct. Be specific and list all of the names, dates, times, and places that will help the commission understand your concerns. Additional pages may be attached along with copies (not originals) of relevant court documents. Please complete one side of the paper only, and keep a copy of the complaint for your records.

HIS HONOR ABUSED OR DISCRETION BY _____ AND THE TRIAL
COURT KNOWINGLY AND INTENTIONALLY DENIED GRANTING RELIEF
EVEN THOUGH HIS HONOR KNEW THE JURISDICTIONAL REQUIREMENT
CANNOT BE WAIVED (NATALE V. NATALE 234 ARIZ 2014)
STRICT COMPLIANCE WITH STATUTORY AND RULE REQUIREMENTS
IS MANDATORY AND KNOWN _____ WAS DENIED HIS RIGHT
TO APPEAL / RIGHT TO SEEK JUDICIAL REVIEW WHICH
IS THE DUTY OF ALL ARIZONA COURTS INDEPENDENTLY.
SEE M H LIMITED PARTNERSHIP V. COMMAND 235 ARIZ 166, 168
P.2 (APP. 2014) A.R.S. § 12-210 (B), A FINAL ORDER OR
JUDGMENT MUST EXIST BEFORE AN APPEAL CAN BE TAKEN
ARCAP 1(A) THE SUBSTANTIVE STANDARDS SET FORTH IN
_____ WHERE THE COURT _____ LACKED JURISDICTION
TO REVIEW _____ DIRECT APPEAL AND THE _____ COURT
NEVER ACQUIRED JURISDICTION TO RESENTENCE _____ ON
IT SHOULD PRECLUDE RELITIGATION IN ANY FORUM, WHICH
WOULD NOT ALTER THE RELIEF AWARDED BY THE COURT
OR APPEALS ON _____
AND SINCE " _____ "
THE _____ WAS CORRECT TO PAROLE _____ IN _____
SINCE _____ HAS SERVED COUNTS 1 AND COUNTS 4 WITH
NOT ONLY COUNTS 2 AND 3 VACATED, COUNTS 1, 2, 3 AND 4
WERE VACATED BY HIS HONOR _____ ON _____
BUT NEVER LACKED JURISDICTION TO RESENTENCE
EITHER WAS " _____ " IS MANDATORY AS OF
, (OR POSSIBLY EARLIER IF PAROLE WAS GRANTED
YEARS INTO _____ 4 YEAR SENTENCE, OR IF
RELIEF WAS GRANTED IN HIS RIGHT TO SEEK JUDICIAL REVIEW

R U L I N G

Page _____

Date: _____

Case No.: _____

The Court recognizes that _____ has worked thoroughly in preparing his motions and obtaining and attempting to obtain documents, and will give him the benefit of assuming that (after his _____ year delay in filing his first petition) he has subsequently been exercising due diligence pursuant to 32.1(e)(2). However, that effort alone does not satisfy all the requirements of Rule 32.1(e).

_____ asserts “

_____”. (Petition, 3:7-8). Evidence whose primary purpose is impeachment is not permitted under Rule 32.2(e)(3).

With respect to Counts 1, 2, and 3, _____ wants to impeach the minor _____ and show she lied on the stand. His argument, as the Court understand it, is as follow: (1) _____ claimed on the stand to only to have spent _____ night with _____; (2) _____ learned for the first time at the _____ trial that this was _____, but if that date had been disclosed before he would have had other witnesses; (3) On _____ trailer burned down; (4) Many other people would testify they were at his home that night partying and that _____ was never alone with _____ so events could not have happened the way she described, (5) _____ was an “_____” to her mother burning the trailer, therefore _____ must have been in the east bedroom, not _____ bedroom as she claimed, and (6) _____ was extremely cold, so _____ could not have been wearing shorts and a tank top as she described. _____ claims he will present witnesses that should have been called and subpoenaed if the state would have disclosed the exact date of the alleged counts 1, 2, 3 as being _____ prior to trial. This witnesses would testify as to the facts of _____ to the events that actually occurred that evening and impeaching the victim’s inconsistent statements.

The majority of _____ argument relies heavily upon the events of _____.⁶ While _____ seeks to cast doubt on the majority of _____ testimony, he relies repeatedly on her implied testimony that she did not spend more than _____ night at _____ house. (Day _____). However, _____ testified that she and the children spend _____ nights at _____ house, _____ and _____⁷ first testified that after _____ died⁸, he did not see _____ until “_____” (Day _____), but later said “_____” (Day _____). By his own testimony, then, _____ may have spent the night of _____ Therefore testimony from _____, _____, and _____ were all inconsistent on this matter.

_____ claims that _____ was in east bedroom and witnessed her mother start the fire and watched the fire burn and cried saying “_____” He argues this is proof that _____ lied during her testimony about being in his bedroom, the west bedroom. _____ refers to her multiple times in his petition as an “_____” to the event. No evidence was presented at trial or in the attached exhibits that _____ ever said she witnessed her mother burn down the mobile home. She expressed her belief/conclusion that her mother burnt it down, but she never testified or claimed to have seen it.⁹

_____ claims is innocent because he can show through “_____” that _____ lied on the stand because he will present witnesses that should have been called and subpoenaed if the state would have disclosed the exact date of the alleged counts 1, 2, 3 as being _____. He claims these witnesses would testify as

⁶ Previous Rule 32 petition focused on different dates, but were raised the same arguments – challenging the sufficiency of the evidence and seeking to impeach the witness testimony presented at trial.

⁷ _____ funeral was _____

⁸ Testimony of multiple witnesses and a death certificate establish the date of _____ death as _____

⁹ TR, _____ Q: What happened to the trailer. A: My mom burned it. Q: Your mom burned it. A: Yes