

State of Arizona
COMMISSION ON JUDICIAL CONDUCT

Disposition of Complaint 23-138

Judge:

Complainant:

ORDER

May 25, 2023

The Complainant alleged a city court judge allowed prosecutors and law enforcement to frame him for criminal conduct.

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 Denise K. Aguilar did not participate in the consideration of this matter.

Copies of this order were distributed to all appropriate persons on May 25, 2023.

CONFIDENTIAL

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

FOR OFFICE USE ONLY

2023-138

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.

To Whom this may Concern,

I want to file a complaint under the Brady Rule, Brady v. Maryland and United States v. Bagley.

My complaint is against [] of the city of [] Court. State Prosecutor & his assistant, [] Prosecutor

Evidence was withheld in case number [] Missing Audio & Video from the initial stop at the [] as the dash Cam shows them questioning me, and the building surveillance camera from the [] Facility.

In the letter I received from [] dated [] Page [] first paragraph, I quote "

[] . Confirming that video was deleted in an open case and did not preserve a copy in an open case.

Judge [] was fully aware of what was going on [] I spoke to the Judge at my appointment and informed her that this was a DUI Setup. I had missing Auto and Video from the Officers body cam and the disc from the building surveillance camera. In attendance at the time, I spoke to the judge, both state prosecutors. [] my lawyer, the clerk sit next to the judge [] , with [] and the [] witnesses that had appointments after me.

Here are unanswered questions by the [] lawyers I hired and who failed to protect me in court.

For the record I am seeking damages of [] million dollars. Should I have to hire a lawyer and must go to court, I will ask for [] million and whatever else the Jurors feel I deserve for having to jump through hoops to get my fair justice.

For the recorded I want charges brought up all those who were involved using the Rico Act.

Assistant's Direct Line:

Sent Via Email Only:

Re: File No:
Respondent:

Dear :

I reviewed your submission regarding . I also communicated with you regarding your allegations against

I discussed your submission and your allegations with . I also obtained and reviewed documentation from him. I further reviewed the docket for your criminal case.

I understand that you retained on and paid him a flat fee of to represent you in a criminal matter. You state that represented you until approximately

I further understand that the State was considering filing a felony charge against you of tampering with evidence because of events that allegedly transpired when the conducted a blood draw from you. However, on or about you and were informed that the State did not intend to file a felony charge against you relating to the blood draw.

Instead, on or about , you were charged with DUI and extreme DUI in Court. On or about after representation of you terminated, you entered a guilty plea.

You allege that failed to sufficiently communicate with you.

denies this. He states that he frequently spoke with you over the phone. He also provided documentation that itemizes communications with you. Based upon the same, there is not clear and convincing evidence that failed to reasonably communicate with you.

You also allege that failed to request or delayed requesting video evidence of when the conducted the blood draw of you.

states that he requested the video as part of the disclosure and that he requested the same at your first pretrial conference. provided documentation demonstrating that the City informed him that the deleted the video after days. states that he was able to obtain an audio recording, however.

You appear to allege that should have filed a motion to suppress because the did not read you your Miranda rights.

Please note that an attorney must have a good faith basis in law and fact to file a motion with the court. explained that there was no viable motion to suppress.

You assert that should have had a second vial of your blood tested.

states that he had a vial of your blood tested and it demonstrated that the blood was your blood. states that there was no basis to request that a second vial of blood also be tested.

Finally, you allege that you received a bill from for

denies that he sent you a bill. Instead, he sent you an accounting of his time to demonstrate that he earned the fee you paid him.

Based upon the above, I have determined that further investigation is not warranted at this time. There is not clear and convincing evidence that violated a Rule of Professional Conduct.

Moreover, some of your claims may better be dealt with in post-trial proceedings. Please consider seeing a private attorney for advice regarding the viability of those proceedings.

If the court determines acted inappropriately, please advise us in writing, including a copy of the written decision, and we will review the matter at that time. Until then, we consider this matter dismissed and will take no further action. Pursuant to Arizona Supreme Court Rule 71, the file may be expunged in years.

Sincerely,

/s/

Bar Counsel - Intake



Subject DUI Questions

To:

From

Date

Good Morning , please forward to Thank you have a great day and weekend.

Sent from Yahoo Mail on Android

Hello

I am writing this letter regarding to a few questions and requesting a few documents.

When sent my blood sample to the Facility, because they say they allegedly got one vial from me. Did they send the one vial to agency? If so, did the show much blood was sent in the vial to the agency, would like to review that form.

Because it is Biohazard, did they send the one vial back or did they destroy it? If it was sent back, I want to review the of my blood sample returned and how much blood was return to Is there any other documentation stating how much blood was in the vial of blood returned? I am requesting all this information from the for our case.

Do you have any documentation prior to the attempt to withdrawn blood and any time after the assault on me and my being that my Miranda rights were read to me? I was denied medical treatment for hours in the cell, how long do I have to sue the county for denying me medical treatment? I was left in county with pain and suffering, and no-one gave a dam about my condition. How is all this all legally? When I left and was sent to County for hours. I did not know what I was being charged for and I signed no documents or forms when I left can I sue them and how long do I have to sue them?

stated there was one vial taken from me. I understood that the vial tested by the state would be retested BAC and DNA as you communicated it to me. The state led you to believe there was enough to retest the vial used by the state, only not to be enough or any to test. As you can see is being dishonest or lying to the stated and you my lawyer. Only to find out that there was a second one had truly little to test, and that was not the one to be test. As I stated numerous times where did the first full vail come from? I am out of dollars for testing the wrong vial, how is this going to be corrected? How did the communication get fouled up?

Just a reminder from our conversation on at hrs. I am requesting the file of for complaint filed against him prior to the court dates. So that it can be used as needed for court.

Just a reminder from our conversation on at hrs. I am requesting the video from prior to the next court date. We should have that video prior to going into court with a jury if we make it that far. There has been to many mistakes made in this case. The missing video is valuable to the case. It would have cleared me of any wrongdoing. The cop was incompetent and trained, not certified to withdrawal blood. As I am informed by a friend who did ride along with police officers and retire cop friends, cops are frown on for lying and can lose their certificates to be an officer. I want the video that in the position of

**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.**