

State of Arizona
COMMISSION ON JUDICIAL CONDUCT

Disposition of Complaint 23-167

Judge:

Complainant:

ORDER

September 29, 2023

The complainant alleged a city court judge failed to give him a lawyer and violated his rights in his 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 Barbara Brown did not participate in the consideration of this matter.

Copies of this order were distributed to all appropriate persons on September 29, 2023.

23-167

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.

During the late days of _____, there was a disagreement at my residence that involved politics and opinions. Also very rude and nasty remarks. I eventually asked my in-laws to leave my residence to prevent further escalation. Prior to this disagreement I was sold a vehicle by my in-laws. One in which they owned and was willing to sell to my wife and I. Prior to being terminated from my employer months before, there was a signed agreement between I and my in-laws that the title of the vehicle would be transferred into my name and that I was simply to take this information to the Arizona DOT. The same day after I requested my in-laws leave they immediately asked for their vehicle back. I told them I would not return the vehicle and that I would continue to make monthly payments on the car. They insisted I return the vehicle and I insisted I would not.

A few days later, after viewing the outgoing calls from my current phone bill I noticed there were recent calls to the _____ Department made from my wife's line. I contacted the _____ PD questioning what the calls were regarding as I'd done no wrong and wanted to make certain I wasn't being lied on. The calls to the _____ PD were never confirmed or denied however I was told to call if I needed them. When I questioned my wife as to why the calls were being made she explained to me they were just to see how to get the car back. I again told her I would be willing to return the vehicle once I obtained another job.

The next day my wife comes over to my then home beating on the door so loud a neighbor called for police assistance. When officers arrived I expressed I would not allow her in. I was informed if she were to return to give them a call.

CONFIDENTIAL

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

FOR OFFICE USE ONLY

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A few more days go by and I decide to invite my wife over to work on our marriage. The morning following she get upset at me and begins to cause and scene and act disorderly. I phone for police assistance again was met initially by officer . Soon after officer arrives and decides I should be the one arrested. I am then arrested, taken into custody and held oddly longer than I should have been and even denied being released on OR. days into my jail stay I was contacted by my wife and told she'd just been alerted that her mother was informed of my arrest. My wife was shocked to hear of this as she did not want her mother or father to know of the arrest so soon.

When she found this out she immediately contacted the arresting officers supervisor. When she asked how the victims advocate unit got her parents number she was told it would be investigated. However she never received a return call. During trial my wife or alleged victim states then and has boldly attested that if anyone should have been arrested for disorderly conduct on it should have been her. This is what I have been saying the entire time though I am grateful she did not get arrested.

SEE ATTACHED PAGES

BACK STORY

My in-laws received two text messages from the victims advocate unit here in AZ, on [redacted] and [redacted]. Messages that systematically should have went to the victim here in Arizona alerting to my arrest. This peculiar forewarning gave my in-laws just the alert they needed to return from [redacted] to Arizona and retrieve the vehicle they wanted so desperately and return back to [redacted] scot free right before my release. Later on, via officer [redacted] body worn camera; it can be seen he typed into his computer two Arizona numbers given by my wife (the alleged victim). Both numbers were of [redacted] and [redacted] area codes. My in-laws number was a [redacted] area code. This cannot be contested as one can hear and see on body worn video with HD clarity the two numbers provided to officer [redacted] by the alleged victim. Due to the camera's positioning on the counter top it was sitting on; officer [redacted] body camera itself was in perfect view of his computer screen as he typed. So the full Arizona numbers can clearly be heard given and seen being typed and entered into his data system. Officer [redacted] or someone later after my arrest put the [redacted] number that was being called from during the time my wife and I were separated and she was with her parents calling the [redacted] PD about the vehicle they wanted back. This was during the week she and her parents were calling the PD from both her phone and her parents (my in-laws) phones prior to them returning to [redacted]. I rightfully owned this vehicle and was asked to return it.

The PD seemingly helped my in-laws by alerting them of the fact I was in jail and letting them know it was safe to return and retrieve the vehicle they'd been complaining about the week prior to my arrest. When this issue of the phone call was brought up by the alleged victim during trial the state attempted to strike it from the record but the victim spoke on how she'd received no answers as to how her parents number was put into the police report as a main contact when they were not even in the state of Arizona when I was arrested and had no connection to the arrest, seemingly. However to know all this had taken place and to later be forced to face a trial without an attorney in the presence of **both officers, the prosecution, the judge, the alleged victim** and **no defense** for myself it became apparent the entire Courthouse was together in this fight against me and their has been extreme biased towards me since the onset of this matter. I understand via public knowledge the rate of judicial complaints being denied by this commission is somewhere within the range of the 97 percentile, and most of the complaints are denied allegedly due to the complaints being based on disagreements over the judges decisions on motions and rulings. Which this commission claims it has no jurisdiction over. However, **if rulings, motions & orders are being handed down in violation, out of nepotism, favoritism and they simply don't make sense, the actions behind these rulings and orders should be considered as misconduct.**

Court

Case Number

There is reason to suspect strong judicial misconduct in this matter involving the Court in connection with . Why would a judge deny a man his constitutional right based on the prosecutions decision to seek the penalty of jail-time and call this on the fly decision and refusal of one's right an "Arizona Law". This is a blatant and public lie caught on record. This law does not exist and I have proven this on several occasions to the Court. What would inspire a sitting judge to lie in such a manner. **See exhibits.**

The law states the following about the charge of Disorderly Conduct. Or in my case, count 2: **A.R.S. § 13-2904 (Disorderly Conduct), penalties include:**

1. Incarceration for up to six months

2. A maximum fine of \$2,500

3. Victim Restitution

On the day of trial in of , judge forced me to hold trial in an outside unventilated garage in the summer heat for over three hours. His reasons were that the prosecution did not feel comfortable with me in the same home as the alleged victim. This even though Judge , the alleged victim and myself were all present via a zoom video less than months prior (), in a meeting that has now been renamed and retitled differently than a pretrial hearing...

**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.**