

State of Arizona  
COMMISSION ON JUDICIAL CONDUCT

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Disposition of Complaint 23-171

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Judge:

Complainant:

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**ORDER**

August 28, 2023

The complainant alleged a superior court judge acted improperly with regard to a security incident at the judge's courthouse.

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 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.

**2023-171**

**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.

Judge \_\_\_\_\_ is showing bias and denying due process to a member of the public that is asking for an investigation into a use of force in the \_\_\_\_\_ court per 3-305 (1)(1) and (2).

There was a use of force incident where \_\_\_\_\_ was assaulted several times by a security guard in clear violation of Use Of force Policy 5-305, Court Security Standards 5-301, and A.R.S. Arizona 13-1203, ect.

\_\_\_\_\_ filed charges with the \_\_\_\_\_ sheriff on scene.

However, both the guard involved in the force incident \_\_\_\_\_ and his supervisor \_\_\_\_\_ made false statements to the sheriff that are proven false via audio recording.

Despite \_\_\_\_\_ repeated requests to Judge \_\_\_\_\_ and without investigating the matter fully per 3-305 (1)(1) and (2), Judge \_\_\_\_\_ has made a decision that denies \_\_\_\_\_ access to the court violating rights as an American citizen and as a victim of a crime under the AZ constitution.

By refusing an impartial investigation Judge \_\_\_\_\_ shows a clear bias to protect court employees involved in this incident.

Along with making false statements \_\_\_\_\_ and court administrator \_\_\_\_\_ have trespassed \_\_\_\_\_ from the public courthouse as retaliation by declaring \_\_\_\_\_ a "threat" with no articulable facts to support this claim.

Judge \_\_\_\_\_ has a duty to be impartial, however, Judge \_\_\_\_\_ actions show no interest in finding the truth of what happened and it seems he is conspiring to harm \_\_\_\_\_ and violate \_\_\_\_\_ rights.

Please contact me for more information. I have included a copy of the original complaint submitted to the Judge.

COMPLAINT for Assault on public citizen by court staff.

Per Use Of Force 3-305 (I)(1) and (2) I request the presiding Judge appoint a use of force committee to investigate their findings and respond to this complaint.

1. On \_\_\_\_\_ court security officer \_\_\_\_\_ assaulted
2. The assault is in violation of the current Use Of force Policy 5-305, Court Security Standards 5-301, and the laws of Arizona 13-1203.
3. On \_\_\_\_\_ entered the \_\_\_\_\_ courthouse and attempted to go through security
4. \_\_\_\_\_ was told as he emptied his pockets into the x-ray tray “  
\_\_\_\_\_”
5. \_\_\_\_\_ did not have a belt on or wallet but nodded he heard the officer.
6. \_\_\_\_\_ proceeded through the metal detector with no alarms or alerts.
7. After going through the metal detector \_\_\_\_\_ stated to \_\_\_\_\_, “  
\_\_\_\_\_”
8. \_\_\_\_\_ responded, “  
\_\_\_\_\_”
9. \_\_\_\_\_ then demanded \_\_\_\_\_ state “\_\_\_\_\_” to whether he had a belt on

10. protested saying “
11. then told the x-ray security too “
12. As gathered his things from the x-ray tray, NOTHING was said to indicate to he was not clear to go. (Security later lied and reported they told to “ ” but has an audio recording of the event that contradicts their statements without question)
13. As turned to proceed into the courthouse he was assaulted by officer when he put his hand on without warning.
14. stated for the guard to keep his hands off
15. The design of the security entrance is a one-way line and did not feel he could turn around given this and attempted to get around the unhinged security as was disorientated.
16. again pushes and calls out for to stop pushing him and requests they call the Police.
17. looks away from and sees on the phone and indicates to he in calling the Sheriff
18. As was looking away struck with all his force in an attempt to knock to the ground.

19. was not balling his fists or acting threatening in any way and only sought to get away from the threat in the only direction he thought he was allowed to go.
20. suffers a stress disorder and as soon as he was touched without warrant and assaulted he responded reasonably given the circumstances.
21. did not “bow up” or threaten staff in any way prior to the use of force by security
22. then unholstered his CEW “taser” and threatened with it despite simply standing and calling for the Sheriff to come take control.
23. A sheriff deputy escorting prisoners arrived but did not deescalate the situation
24. went outside and waited for the sheriff
25. and made false statements to the Sheriff stating they told to “stop” and did not stop, that is why they assaulted him
26. When the sheriff told this to , then presented the audio recording of the incident and at no time was ever told to “stop” or given any other indication he was not clear.
27. admitted on camera and audio recording he is aware is a and has seen his work and inferred he planned on blocking access to the courthouse based on .
28. This is evidence of a government agency retaliating against a for exercising their First Amendment.

29. The assault is also in violation of 5-305 Use Of Force Policy

30. violated Use of Force Policy 5-305 (D)(4)(c)(A) ...a [security] person is justified in threatening or using physical force again another when and to the extent a reasonable person would believe physical force is immediately necessary to protect himself against the others use or attempted use of force unlawful physical force.

31. Nothing about actions indicated “physical force is **immediately necessary** to protect anyone.

32. All did was verbally protest the unnecessary request by after had complied with all physical requirements of security and set off no mechanical alarms.

33. violated the Use of Force policy 5-305 (D)( 4 )( c )( B )( 1 ) : **The use of force IS NOT** justified in response to verbal provocation alone.

34. did not present any physical threat prior to being assaulted.

35. However, even if had done anything to warrant use of force, violated 5-303 (E) when went immediately to striking with hard use of force without first using verbal direction as outlined in the escalation of use of force.

36. violated Use Of Force 3-305 (F) Considerations for Use of CEW’s (taser) as he can not articulate any facts that this action is reasonable based on the totality of the circumstances as did not respond to assault with any unreasonable force or threats.

**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.**