

State of Arizona
COMMISSION ON JUDICIAL CONDUCT

Disposition of Complaint 23-195

Judge:

Complainant:

ORDER

September 1, 2023

The complainant alleged improper legal rulings by an appellate court judge considering 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 Roger D. Barton and Michael J. Brown did not participate in the consideration of this matter.

Copies of this order were distributed to all appropriate persons on September 1, 2023.

CONFIDENTIAL

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

FOR OFFICE USE ONLY

2023-195

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.

I had a Petition before the _____ on or about _____ of which the State chose to waive all rights to file opposition briefs (to Petition For Review and Motions), even after the granted them the right (Notification to file a Response).

I had a reconsideration of _____ Judge _____ denial of relief on a waiver claim (both at _____ Court and _____ level). Judge _____ deferred the reconsideration to Chief Judge _____

Possibly because I made strong arguments for relief and required the Chief Judge (_____) to address - i.e. violation of the Adversarial system, at _____ and _____ level, that the State has abandoned this case by its "silence". Which our _____ Court opined that the ruling should be in my favor, (Ylst v. Nonnemaker, 501 US 797 (1991), and State v. Carver, 160 Ariz. 167, 175 (1989) (abandonment))

On _____ Chief Judge _____ denied relief with no reason or explanation, only submitted a "boiler plate" denial.

I requested a "reasoning" for denial to Judge _____ However, Judge _____ referred it back to Judge _____ who denied the request for reasoning, on _____

Violating the adversarial system of justice and became partial Judge(s). Arguing for the State, of which I have yet to have any judge argue my case for me. The waiver rule must apply both to defendants and the State as our Courts and Constitution have made clear and goes against or Canon of impartial judge(s).

Thus, I have been denied the full panoply of our judicial system and I have been prejudiced - resulting in life in prison. Other judges and Courts now have to re-review my case.