

State of Arizona
COMMISSION ON JUDICIAL CONDUCT

Disposition of Complaint 23-196

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

2023-196

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.

On _____, _____ and _____ Judges filed a "boilerplate", blanket ruling of "granted review" but "denied relief"-no explanation or reason(s) given. I filed a reconsideration and request for "Reasoned decision for the record." However, like previously the _____ denied the reconsideration and reasoning. This shows a "pattern and practice" of issuing "boiler plate" rulings with no reasoning. At least Judge _____ (Court) stated outright he used his "power of discretion" to deny relief even after acknowledging the States failures (Personal Bias).

As the law explains my case shows a consistent violation of our adversarial system of judicial review-violating our laws and Constitutions vested rights. This is why I file my complaints and not that I had unfavorable rulings. So that other petitioners have adequate and speedy hearings before a fair judiciary.

Like myself there are other innocent prisoners who were convicted unconstitutionally and worse had inadequate, biased, appellate review. In some cases the Federal courts have overturned cases that should have been taken care in the states courts-Like _____ who spent yrs in prison. Why, because our prosecutors are immune from any misconduct and judges allow this to continue.

Our Judges are supposed to be the gatekeepers-but in Arizona I fear that our gatekeepers are too biased towards the state. Maybe its because most judges are ex-prosecutors (as records suggest). And, this commission is tasked to oversee our gatekeepers. Thus, I ask for a thorough review. Not only for my sake but to preserve our adversarial way of justice. Otherwise why even ask the State to respond if judges will "disregard or override" the states failures. If that's the case-and my appeals show it to be true-then just have an outright inquisitorial one or none at all. This will save time and money.

I thank you your time and consideration. (All rulings submitted _____ case No. _____)