

State of Arizona
COMMISSION ON JUDICIAL CONDUCT

Disposition of Complaint 23-208

Judge:

Complainant:

ORDER

November 9, 2023

The Complainant alleged a superior court judge was biased in ruling against him 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 Colleen E. Concannon did not participate in the consideration of this matter.

Copies of this order were distributed to all appropriate persons on November 9, 2023.

CONFIDENTIAL

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

FOR OFFICE USE ONLY

2023-208

COMPLAINT AGAINST A JUDGE

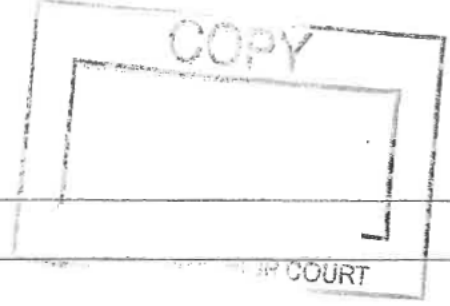
Name:

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.

(See Attached Complaint Claims and Exhibits
Pages ~~2~~ (2-8) + Exhibits

(24) pages. Total Attached



The Court Of The State
Of Arizona In The County Of

State of Arizona) Case No. (#)
Court Favoritism To State And Bias against Defendant
v.) Motion For Recusal of Judge by reason of Interest Or
Prejudice
pur Rule 10.1

Honorable ()

At this time Moves The Court For Judge
() To Recusal Himself far from any further presidings
over this case due to Bias or Prejudice as a result of limited
Role In The Related Criminal Matter; Due to a Serious Erroneous
Ruling on binding himself to deny defense pending 12.9
Remand Motion; And due to a Hostile Feeling or Spirit of ill-will
or Favoritism towards the State. U.S. Const., Amend. 5th, 14th;
(Ariz. R. Sup. Ct. 81); (Code of Judicial Conduct 2.11 (A))

And due to failure to address Prosecutor's Egregious Misconduct In Violation
of Ariz. Code. Judicial. Conduct. Rule 2.15 (Cannon (1))

Issue Background.

- 1
- 2 • On _____, The Court held a Hearing for _____ Motion To
- 3 Dismiss Vindictive Prosecution. During said hearing _____ in (Pro-Per)
- 4 referred the Court to Vindictive Prosecution Claim Second Supplement and
- 5 Reply; Judge _____ stated he had Not seen said (2nd Supplement or
- 6 Reply); Judge _____ then searched his Computer Records after
- 7 Advisory Counsels _____, and _____, affirmed the
- 8 documents were filed, and located the 2nd Supplement and Reply.
- 9 • Upon locating the 2nd Supplement and Reply Judge _____ reviewed
- 10 his computer for approximately Thirty seconds and proceeding with
- 11 the hearing.
- 12 • It Should Be Noted:
- 13 _____ Said 2nd Supplement and Reply Total at least
- 14 Forty document with Exhibits. _____ avows that Judge _____ could
- 15 Not read all of 2nd Supplement and Reply in the (30 sec.) screen review.
- 16 • Judge _____ Denied said Motion without prior review.
- 17 • The hearing was a sham; _____ was rushed and Not allowed adequate
- 18 opportunity to present evidence supporting Claim.
- 19 • Judge _____ denied _____ Motion initially alleging States charge had
- 20 evidence; Then changing his ruling denying Motion based of Grand Jury
- 21 found Probable Cause.
- 22 • _____, failed to address Prosecutor's Contempt of Court and Dissemination False Evidence.
- 23 • It should be Noted: ① States Case is a Groundless Charge with No
- 24 _____ evidence connecting _____; ② Courts referred to and
- 25 relied upon Grand Jury proceeding is and was under contesting and
- 26 avows it presented No evidence connecting _____ to the Case; It was based
- 27 on Inflammatory - non-related - Irrelevant - Biased Information, there is No
- 28 Probable Cause.

Law - Applicability

(Ariz. R. Crim. P. Rule 10.1) provides: "..... Defendant shall be entitled to change of Judge if a Fair and Impartial hearing or trial cannot be had by reason of interest or prejudice of assigned Judge."

Here -- defendant cannot receive a Fair and Impartial hearing of pending Rule 12.9 Remand Motion by reason of interest of the assigned Judge; Fore Judge bound himself when he Validated the Grand Jury indictment and cited it as his basis for denying James relief from a Presumption of Vindictiveness on

is Biased and or Prejudiced as a result of Judge limited Roles in the related criminal matters of (3) counts of 1st degree murder. (Ariz. R. Sup. Ct. 81), (Code of Judicial Conduct 2.11 (A))

Here -- As a Newly Appointed Court Judge, is unwilling to Dismiss a Capital case, and his career implications take precedence. When argued against ruling received A Hostile Feeling and an Energy of Condemnation. Judge showed undue Favoritism for the State; Vouching inaccurately that the State possessed Evidence Connecting to the charges of (3) counts of 1st degree murder; -- Which is Wholly False.

See (State v. Myers, 117 Ariz. 79, 86 (1977)).

Ariz. Code. Judicial. Conduct. Canon (1) Rule 2.15

Judge Failed to Uphold Arizona Code of Judicial Conduct Canon (1) Rule 2-15 failing to address Report Prosecutor Misconduct Disregarding a Court Order And Disseminating False and Misleading Condemning case Information to the Media and Public.

On Judge held a hearing for Motion reporting/charging Vindictive Prosecution; Said Motion detailed the The Court Judge () Order the State Not Evidence or Argue any allegations of Domestic Violence from said case.

The Motion then reported the State on Dissimination of False Condemning Case Information all throughout the Media; a Copy of said Dissimination Attached hereto. (See Vindictive Prosecution 2nd-Supplement/Ex:)

The Motion then went on to cite Ariz. R. Profession. Conduct 3.6(a), 3.8(a)(f), which specifically Prohibits the exact type of Dissimination carried out by the State.

The facts presented were clear. (1) The State Egregiously Commented to the Media about Domestic Violence Disregarding Court Order; And (2) The State Disseminated Condemning False and Misleading case Information throughout multiple Media circuits.

Judge turned a blind-eye to egregious Prosecutor's Misconduct. Attached a copy of the Proceeding transcript hereto (See Tran. pg. LN i pg. LN / Ex: A.F.)

Judge failed to take any corrective action as required per Ariz. Code. Judicial. Conduct. Rule 2.15 (Canon (1))

**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.**