

State of Arizona  
COMMISSION ON JUDICIAL CONDUCT

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Disposition of Complaint 23-285

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Judge:

Complainant:

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**ORDER**

November 9, 2023

The Complainant alleged a superior court judge made erroneous evidentiary rulings 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

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

FOR OFFICE USE ONLY

2023 - 285

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 or about \_\_\_\_\_ both my attorney  
and County attorney \_\_\_\_\_ conducted the witness  
interviews in this case. While interviewing Officer \_\_\_\_\_  
was interrogating \_\_\_\_\_ on her use of a body  
camera on the morning of this alleged incident, see exhibit A  
for two pages out of Officer \_\_\_\_\_ interview transcripts. On line  
of page # \_\_\_\_\_ you will find where \_\_\_\_\_ asked \_\_\_\_\_ : line  
\_\_\_\_\_ ? And \_\_\_\_\_  
"replies: " \_\_\_\_\_ " And \_\_\_\_\_ responds: \_\_\_\_\_  
"

When I read this confession, I filed a motion for Disclosure  
requesting from the prosecution to produce these or pieces of  
CAM footages. The prosecution's response to my motion for Disclosure  
was: \_\_\_\_\_

Shortly thereafter, Judge \_\_\_\_\_ ordered an Evidentiary  
Hearing. On \_\_\_\_\_ a Evidentiary Hearing was conducted.  
Please note, this evidentiary hearing was conducted based on the  
prosecution's confessing to the existence of cam footages, then repenting  
and claiming they had made a mistake when they made this confession.  
During the evidentiary hearing, while interrogating \_\_\_\_\_  
did admit. "

(continued next page)

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While interrogating \_\_\_\_\_ stated: When-  
ever he had confessed to having in his office the \_\_\_\_\_ or  
pieces of cam footage's, he had made a mistake, he con-  
fused body cam footage's with still pictures, see exhibit P.

Further \_\_\_\_\_ stated he had in his possession at the witness  
interviews, the still pictures. (Important Note): \_\_\_\_\_ confessed  
he had the still pictures with him during the witness interviews, it  
would be almost impossible to confuse still pictures that are in your  
hands with body cam footage that never existed, (end note).

In a Motion for Disclosure, I requested from the prosecution to  
produce these still pictures. Approximately \_\_\_\_\_ months later, after not  
receiving any response to my Motion for Disclosure, I filed a Motion  
to compel disclosure. In my Motion to Compel Disclosure, I advised  
the \_\_\_\_\_ Court (Judge \_\_\_\_\_) that the prosecution would be  
unable to produce either the cam footage's or still pictures, due  
to the fact \_\_\_\_\_ destroyed the cam footage's due to there exculpa-  
tory contents, and fabricated a lie about the confusion of still  
pictures only to try and cover up for his actions of destroying  
the cam footage's, see exhibit "you will find a copy of my Motion  
to Compel Disclosure.

After my Evidentiary hearing, \_\_\_\_\_ washed his hands of this  
case, never ordering the prosecution to produce any of the evidence used to  
convict me and uphold my conviction. \_\_\_\_\_ by all means knew

AND had EVERY REASON to know I had proof and could prove the prosecution lied, and denied my claims based on the prosecutors lie.

On or about [redacted] the prosecution did respond to my Motion to Compell Disclosure, admitting the evidence I had requested did not exist, see exhibit N. Proof [redacted] lied at my evidentiary hearing, and, [redacted] dismissed my claims based on the prosecutions lies, and I had advised [redacted] in my motion to Compell Disclosure exactly what the prosecution did, and why he did it, still [redacted] refused to resolve this issue.

During the procedures of my Petition for Post-Conviction Relief, while reading my trial transcripts, I came across on the second trial, second day, pages [redacted] beginning on line [redacted], is asking Judge [redacted] permission to use a diagram that was used during my first trial. Here [redacted] is literally asking Judge [redacted] to lie to the jury, " [redacted] ", " [redacted] ", on something so insignificant, the blatant bravery of [redacted], to openly ask [redacted] to lie to the jury, implies these kind of actions or request are common practice under [redacted] authority.

Never the less, [redacted] denies [redacted] the usage of this diagram, or so it seemed. During my second trial proceedings, this same diagram was used.

[redacted] knew it was the same diagram, if I knew it was the same diagram and I'm not half as educated as [redacted], surely [redacted] knew it.

The complaint here is not the usage of this diagram, but the knowingly

and deliberate perjury told to the jury on the origin of this diagram. For the prosecution and Sheriff to fabricate a lie, that the Sheriff had come in the day before, after court and drew this diagram was perjury, and [redacted] knew it, and allowed them to lie to the jury. [redacted] is allowing the prosecution to violate the very laws they're required to uphold over a small insignificant matter.

When I filed a Motion for Disclosure [redacted] requesting from the prosecution a copy of both diagrams, [redacted] took a picture of the original diagram, then, he took markers and traced over it. Then he took a second picture of this same diagram, and sent me both pictures in an attempt to pass both these pictures off as two separate diagrams, see exhibit Q for both diagrams, (please allow folds or wrinkles in the paper to compensate for small differences).

During my evidentiary hearing I brought this very same claim up to Judge [redacted], see exhibit I. [redacted] totally ignored my request to have the prosecution produce both diagrams.

[redacted] in this instant matter has shown a prejudice allowing the prosecution to get away once again with misconduct.

This evidentiary hearing was a crucial stage in my proceedings. The Constitution requires me the right to have the assistance of counsel at every critical stage of my proceedings.

I had written to my attorney [redacted] who was my court appointed attorney to assist me in my Petition for Post-

CONVICTION ATTORNEY. A letter asking for her assistance during this evidentiary hearing will show reply to my request for her assistance. refused me any assistance.

During my evidentiary hearing, never spoke up on my behalf, even when she knew I was struggling.

During this evidentiary hearing I was left handcuffed by belly chains. refused me the very important privilege to have my hands freed in order to have access to my paper work. I had a very difficult time accessing my paper work and the notes I had prepared for this hearing. I was unable to take notes as the prosecution spoke due to the awkward position and painful angle I needed to get into in order to shuffle into my paper work and take notes. sat there watching me struggle, holding on to his unforgiven resentment. The bailiff took pity on me and assisted me in gathering and putting my paper work back together. But no mercy came from or knew it was a constitutional requirement that assist me, but choose instead to seek revenge instead of upholding his required duty he swore to uphold, see exhibit U where denies my hands to be free and his reason for it. Surely held unforgiven resentment and sought revenge.

On the morning of this alleged incident, while the officers were conducting a search for a weapon, Officer Lieutenant had asked the for a description of the weapon they were looking for. in turn past this description on to

**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.**