

State of Arizona
COMMISSION ON JUDICIAL CONDUCT

Disposition of Complaint 23-312

Judge:

Complainant:

ORDER

February 12, 2024

The Complainant alleged improper rulings by a city court judge in his misdemeanor criminal trial.

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 Regina L. Nassen did not participate in the consideration of this matter.

Copies of this order were distributed to all appropriate persons on February 12, 2024.

CONFIDENTIAL

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

FOR OFFICE USE ONLY

2023-312

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

At my trial in _____, my civil rights were violated by Judge _____ . Judge _____ denied a request my myself and my then attorney _____, Judge _____, and we were forced to have a bench trial per Judge _____.

Several times during the trial, opposing council and their witnesses brought up issues that had nothing to do with the case, and happened prior to the incident we were at court for. My attorney objected numerous times, stating violation of code 404 prior bad acts if I recall correctly, and the judge still allowed these things to be used. Judge _____ also refused to allow evidence on my behalf, and even read a statement from a witness. She made fun of the statement and even insinuated it was fraudulent and that I made it up. I was out of the country when it was delivered to my attorneys office, which the judge was made aware of. Judge _____ also would not allow evidence from the _____ and _____ Manager. A police report from _____ PD was presented into evidence, Judge _____ allowed the plaintiff and their witness to completely change the time of the incident by almost an hour during their testimony. Again my attorney objected, and was overruled. I had video evidence showing at the time of the incident I was several miles away, at work, on camera. The plaintiff and witness then changed the time to 1 hour prior during than stated in the police report during their testimony that was filed by the plaintiff and witness themselves, resulting in me not having any video of me at work as we prepared for the case based on the information in the police report. Judge _____ allowed this.

At sentencing, Judge _____ allowed my ex-girlfriend to testify yet again, and allowed her to play a video from our history, showing myself in a bad situation. Again my attorney objected, but Judge _____ overruled him. At the end of sentencing Judge _____ called me a liar and said she didn't believe anything I said. She also commented about a witness on

my behalf claiming she did not believe him . My witness is a business owner of years in , and is well known and respected .

I have filed an appeal with Court in , and my appeals attorney hired an expert to review the case . He found numerous issues of judicial misconduct , and times during the trial that a mistrial should have been declared . The Court has reviewed the case and approved the appeal . My attorney is now trying to get the case dismissed based on all the evidence that I was not at the location and time the plaintiff originally claimed and stated in the police report .