

State of Arizona
COMMISSION ON JUDICIAL CONDUCT

Disposition of Complaint 23-353

Judge:

Complainant:

ORDER

February 20, 2024

The Complainant alleged a justice of the peace improperly found a defendant not guilty in a criminal misdemeanor bench 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 Michael J. Brown did not participate in the consideration of this matter.

Copies of this order were distributed to all appropriate persons on February 20, 2024.

CONFIDENTIAL

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

FOR OFFICE USE ONLY

2023-353

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 _____ during the hearing both the witness and the victim were dismissed from court. The judge aka justice of the peace ruled not on the evidence and the witness statements but on his feelings. He ruled not guilty on this case. 2 witnesses gave their statements, and yet he ruled not guilty above that claimed he had never heard of domestic violence and that the victim should have been in court for drawing a weapon in defense even though in ARS code 13-421 states defensive display of firearm is allowed per law in arizona for defense of physical force. We felt this judge ruled for the defendant because of him being a former _____ and not on the evidence and testimony of the proceedings. As the incident report and the footage of the body cam shows that 3 witnesses claimed that the defendant assaulted the victim, and the case was for the reason of "assault- touch to injure". Also the justice of the peace acted as if he were a doctor. Because the victims neck turned red in court he couldn't have attacked the victim or choked him per the justice of the peace. What the justice of the peace did not know is the victim had to get a surgery on his throat that same year of the trial and the recovery time takes months, and due to hipaa and the victim did not want to disclose medical operations to people who do not need to know about it.

The Justice of the peace is supposed to rule on facts not his emotions and his beliefs, also he is supposed to know the law and not try to pretend that he is a doctor as well. In three counts the justice did not follow the guidelines of his job and acted as if he had a different profession. On top of that instead of ruling on evidence he ruled on his feelings for the former _____ which is not upholding the law or justice.

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THE COURT: Okay. The court is going to call the matter of State of Arizona vs. -- is it ?

:

THE COURT: .

: You got to speak up. It's a recording.

THE COURT: Okay. . This is case number

. Will the parties, please announce for the record?

: on behalf of the State.

THE COURT: Thank you.

: Good morning, Your Honour. on behalf of here or , who's present in custody.

THE COURT: And would you put on the record the issues regarding your client hearing.

: Yes, Your Honor. I'd inform the court and the prosecution that my client has a hearing issue. It's not just that he has an issue with his inability to hear everything, he also got , which is a ringing [inaudible 00:00:56]. And I explained to the court that the amplifying devices don't solve the problem because it also amplifies the ringing in his ear, making him unable to hear. So we've all kind of agreed that we're just going to do our best to speak up and we're asking that if you can't -- , if he can't hear something to tap me on the shoulder, and I will ask them to repeat it. Did you hear what I just said?

: Yes, sir.

: Speak louder.

: Yes sir.

: Thank you. I appreciate it.

THE COURT: Or raise your hand to let me know. Okay, that would be good too.

: Okay.

THE COURT: So anytime you don't hear anything, you just raise your hand.

: Because we got to understand that we don't know when you can't hear so you've got to tell us, okay, yes?

: Yes.

: Thank you. I appreciate it.

THE COURT: Okay. You guys can sit down now if you want.

: [inaudible 00:01:45] microphone.

THE COURT: Yeah. Okay, speaking right into the microphone amplifies the sound. Okay. So we're all going to try to do that. So is the State prepared to proceed? Is the State prepared to proceed?

: Yes, Your Honor. The State is ready.

THE COURT: And the defense?

: Yes, Your Honour.

THE COURT: Okay. You guys have been around the block a few times and so why don't we start with opening -- do we have any preliminary matters that we need to deal with? I didn't see anything in the file.

: Not --

: No. I mean, I did last time to a memorandum of law and justification but I can essentially just tell the court. I don't need the Court to --

THE COURT: I already read it.

: Okay.

THE COURT: Thank you.

: There's nothing on the State side.

THE COURT: Okay. So does the State desire to make an opening statement at this time?

: Yes, Your Honour.

THE COURT: Go ahead.

: Your Honour, this is a case with a lot of noise, but in its basic form, this is an assault case brought about by the defendant's actions. The victim, _____, was hired by _____ to protect her as she gathered her things from her home. The home where the defendant, _____, and she lived together. _____ had a plan that her bodyguard, the victim, would arrive at _____ and keep her safe as she collected her already packed belongings. This is not how events went down. _____ felt the need to leave her home early and felt the -- and met the victim down the street. The victim and _____ then drove together back to the home. They entered through the garage but did not make it into the house. The defendant became angry as he saw them together.

**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.**