

State of Arizona
COMMISSION ON JUDICIAL CONDUCT

Disposition of Complaint 23-380

Judge:

Complainant:

ORDER

December 26, 2023

The Complainant alleged improper legal rulings by a superior court judge hearing 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).

Copies of this order were distributed to all appropriate persons on December 26, 2023.

Commission of Judicial Conduct

1501 W. Washington St.

Phoenix, AZ 85007

(602) 452-3200

Attn: April Elliot - Executive Director

2023-380

Dear Ms. Elliot,

The sole purpose of this complaint, is to inform the Commission of some blatant, and serious offenses of professional misconduct that was not harmless to the Defendant. The trial court errors were obvious, and plain violations, of flagrant misrepresentation to the law. Here are the numerous issues of judicial misconduct by

On the ~~th~~ day of _____, _____, the Defendant decided to testify on his own behalf, and upon this decision, the State was allowed to revise the wording to compound the Defendant's charges, and changed the jury instructions that influenced coercion to the trier of fact, corroborated by the Honorable _____ . Also, the defense counsel aided the prosecution with this change of verbiage, and has been reported to the Arizona _____ as well.

This judge conspired with the defense counsel to violate the Defendant's Right of due process, which is promised to every natural born citizen, under Amend II, of the United States

Constitution Annotated, when the defense counsel objected to his client while being cross-examined by the State, and it was sustained. This action was unreasonable, and the error was not harmless, as in case study Gill v. Ayers; 342 F.3d 977 (2)(2)(3), which the Defendant was "not" allowed to testify at his own trial. Furthermore, support to the claim of a partial jury, and extremely prejudiced, unfair trial has merit.

disregarded Federal Rule 1002, when the prosecutor, admitted "on the record", that the evidence ~~was~~ submitted to the court was "spliced", and the Defendant agreed that the video footage had been edited. () times, while in the possession of the defense counsels, appointed by the court, from the ^{with} Public Defenders Office. This tainted evidence should have been excluded, like US v. Haiseher; 780 F.3d 2877 (2), and the original was "not" supplied as required by law, which the judge is fully aware of how justice works, to avoid a rally of unjust fate, that Federal Rule 403 protects against.

On the th day of , the Defendant had a wardrobe malfunction that exposed an electric shock vest to the jury, and general public. This negative perception clearly has represented how an objection, or recess was warranted, and a mistrial granted to the Defendant, as to serve the ends of justice, by the trial judge.

During the closing arguments, a systematic presentation was designed, to guide this integrated view of illicit events, as a legal proceeding, opposed to a mockery sham, such as a kangaroo court, when

the State failed to meet the burden of proof obligation, and was permitted to enlase emotion, with fragments of facts, to create marginal deception. stated,"

"Beyond reasonable doubt cannot be extrapolated for inference of guilt, according to Federal law, but excused this error in place of justice, which is the guardian to liberty. However, the prosecutor advised the jury to infer guilt, and vouched for their witnesses credibility, as in U.S. v. Starks; 34 F. 4th 1142 (1)(2), which was a reversed error.

In closing, Rule 51 (b)(1) states, instructions must inform the parties of its proposed instructions before jury arguments, and this fundamental error misled the jury, while prejudicing the Defendant, as in State v. James; 232 Ariz. 490, which was vacated due to the error. In State v. Marquez; 235 Ariz. 326, the trial court committed a reversible error in failing to charge the jury at conclusion of trial, based on burden of proof required for conviction, citing A.R.S., Article 6, § 27; judges shall not charge juries with respect to matters of fact, nor comment thereon, but shall declare the law. Under Rule 51 (d)(2), a court may consider a plain error in the instructions that has not been reserved as required by Rule 51 (d)(1), if the error affects substantial rights of the Defendant, which this error did accomplish. Rule 52(b) confirms these plain errors involve all four (4) elements, due to the fact the instructional errors were plain, affected substantial rights to the Defendant, seriously affected the fairness, and integrity of judicial proceedings, to include a positive reputation to the general public.

