

State of Arizona
COMMISSION ON JUDICIAL CONDUCT

Disposition of Complaint 10-307

Complainant: No. 1405410510A

Judge: No. 1405410510B

ORDER

The complainant alleged that a superior court judge committed legal error by failing to declare a mistrial after evidence in his case was removed from the courtroom to the evidence closet and changed in some way. The commission reviewed the allegations and found no evidence that the judge intentionally disregarded the law or engaged in a pattern of error. The issue involves a legal matter outside the jurisdiction of the commission that can only be addressed through an appeal. Accordingly, the complaint is dismissed pursuant to Rules 16(a) and 23.

Dated: January 24, 2011.

FOR THE COMMISSION

/s/ Keith Stott

Executive Director

Copies of this order were mailed to the complainant and the judge on January 24, 2011.

This order may not be used as a basis for disqualification of a judge.

CONFIDENTIAL

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

FOR OFFICE USE ONLY**2010-307****COMPLAINT AGAINST A JUDGE****Your name:****Judge's name****Date:** 9 Nov. 2010

Instructions: You can use this form or plain paper of the same size to file a complaint. Please describe in your own words what the judge did that you believe constitutes judicial misconduct. Be specific and list all of the names, dates, times and places that will help us understand your concerns. You may attach additional pages but not original court documents. Print or type on one side of the paper only, and keep a copy of the complaint for your files.

On, or about 22 Sept. 2010 approx. 1200 hrs while breaking for lunch as soon as the Juror's was dismissed, and the Judge had left the bench. Ms. Erin O'Brien Otis used blatant mis-conduct, and tampering with evidence, clear and convincing. Upon returning after lunch a short hearing was heard to clear up what happened. Ms. Otis blamed the clerk for her actions, and the clerk had nothing to do with her removing evidence that was admitted, and taken it into the evidence closet and shutting the door. The then testified to this, saying she had nothing to do with this. Ms. Otis put that clerk's job, and this case in a bad position. Judge ruled to just advise the jury that the evidence would not be in its original form. Since when by law is evidence tampering by the State, or Defense not an immediate mistrial, or dismissal, since when is an attorney allowed to remove evidence from its contents, and take it in the evidence closet without the Judge, or Juror's present, since when is the evidence closet a part of the court room during proceedings. I've searched three to four law books, and they all say, automatic dismissal, for the State, or Defense. How can a person expect to receive Justice, fairness, or un-biasness if the Judges who has taken the Oath to uphold the Law, will not follow the law "Injustice anywhere is a threat to Justice everywhere" Rev. Martin Luther King Jr. I would please like your help, or direction where I can receive help, and fairness.

Sincerely,