

State of Arizona
COMMISSION ON JUDICIAL CONDUCT

Disposition of Complaint 19-352

Judge:

Complainant:

ORDER

February 12, 2020

The Complainant alleged a superior court judge was racially biased against him and had improperly denied his petitions for post-conviction relief.

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 members Colleen E. Concannon, George H. Foster, Jr., and Christopher P. Staring did not participate in the consideration of this matter.

Copies of this order were distributed to all appropriate persons on February 12, 2020.

Comp.

2019-352

TO: Arizona Commission on Judicial Conduct
1501 W. Washington Street
Ste # 229
Phoenix, Arizona 85007

REGARDING:

Court, County
Racial Discrimination, bias in Judicial decisions,
Conflict of interest, prejudice, Not partial and
Lack of fairness by: THE Honorable Judge

Judicial Conduct Complaint of THE HONORABLE Judge,
BY:
at the

DATED: _____

BY: _____

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In I was convicted in On several counts of
Molestation and Sexual Abuse, in a Jury Trial, after
After the state presented its witnesses and the testimony of
the victims, at my trial with Judge

the Judge of County Court in
 At the end of the state presentation of their case, my
 attorney motioned the court for a Rule 20, citing
that the state witnesses, testimonies, documents and
expert witnesses, and victim had not proven the
charges against me at the trial. The court granted my
attorney's motion for Rule 20 on all the charges.

Then the court gave the state an opportunity to
argue the court ruling, and my attorney argued that
the court could not reverse its ruling without putting
me in double jeopardy. Judge took a break
to ponder his decision and after he returned, Judge
ruling was to reverse his decision and allow me to defend
myself at my trial, which my attorney was prevented from
telling the jury, once they came back, that the judge had
dismissed my case. I was convicted on all the charges
because my witnesses that were present during those
supposed allegations were threatened by the prosecutor

who found out that my witnesses had overstayed
their VISA from , and that they had not renewed
their expired VISA. The prosecutor told attorney

that she would not contact if these
witnesses wouldn't show up for my trial to testify on
my behalf at my trial. And the prosecutor told my

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attorney that if they did show up to testify at my trial, that she was legal obligated to contact and make them aware of their immigration status in this country. These actions took place before my trial in . The prosecutor told my attorney that she could not prevent my witnesses from being arrested before trial if they show-up at my trial and if did not arrest them before trial, that there was not any guarantee that my witnesses wouldn't be arrested after my trial was over. The witness on my behalf was afraid to come testify at my trial as they started the process of renewing their VISA.

The matter was brought up to Honorable . in his chambers between the prosecutor and my attorney. The final off the record ruling was, that Judge said that he had no Jurisdiction Over and that he question the prosecutor about the statement she made, and she told the judge that she didn't mean her statements to be a threat to my witnesses concerning their immigration status, but she and the court had a duty by law to report anyone illegally in this country. When the prosecutor was question about if my witnesses didn't show up at my trial, that she wouldn't contact the . Her response was that she was giving my witnesses time to renew their VISA before caught up with them.

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The final decision was that my critical witnesses that could testify on what they saw between and the victims and what they heard and saw at the scene of these criminal acts. They had documents, pictures, video of activities and how I and the victims interactive between each other. Because of the threat of the prosecutor calling on my witnesses and them being afraid to show up to testify at my trial, I was convicted in this case.

Months and years afterward the witnesses are now citizens and they wanted to tell their side of the story and they contacted my former attorney and the prosecutor who told my witnesses that its too late, that I had been convicted and there was nothing that can be done in this case, because my case was closed.

Now the victims that were children during the time of my conviction have made numerous time and effort to contact me to tell me that they want to tell the truth in my case. They contact [redacted] who took affidavit statements from the victims and he wanted to present it to the court but he got sick and died before he was able to

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present those affidavits to the Court. He wouldn't give me the testimony of those victims, and when he died I was contact by his office on what to do with the legal files of mying. I ask that my file be sent to me and after several months and letters, I still have not gotten the information that I request from his office.

I filed a rule 32 petition listing all those evidence, statement, victim contact, witnesses on my behalf, document, videos, pictures and affidavits, that can prove my innocence. I've given names and information to Judge
who has been ruling that my case is a old case and that evidences and witness memories have faded and that it would not be in the court's best interest to grant an evidentiary hearing in this case due to amount of years that has passed in this case. This judge keeps denying me the opportunity to present witnesses, documents, testimonies, affidavits that clearly shows that my Constitutional rights to a fair trial was violated. The fact that this judge wouldn't allow the state to come in an argue against me on the filing of rule 32's is racial discrimination. This judge cannot justify why he is not

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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.**