

State of Arizona  
COMMISSION ON JUDICIAL CONDUCT

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Disposition of Complaint 24-092

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Judge:

Complainant:

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**ORDER**

June 14, 2024

The Complainant alleged a superior court judge allowed him to be convicted when there was a lack of evidence in 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).

Commission member Barbara Brown did not participate in the consideration of this matter.

Copies of this order were distributed to all appropriate persons on June 14, 2024.

CONFIDENTIAL

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

FOR OFFICE USE ONLY

2024-092

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.

Stating for the record, On the date of \_\_\_\_\_  
During the jury trial, First Division Superior Court Judge \_\_\_\_\_  
Allowed the state prosecutor, \_\_\_\_\_ to randomly use a  
box of manufactured drug evidence from another case, and  
maliciously prosecuted me. Attorney \_\_\_\_\_ stated during  
the jury trial, That is not the box of evidence that was tested. See  
Pages 49 line 18) 106 line 6) The core sample and item number had  
another number. See page (49 line 20-22) Examiner  
could not say or testify that the items were tested, or were that core  
sample came from. see page (64 line 22-23) and page 49 line 24). The  
Officer, \_\_\_\_\_ Agreed, that's not what was tested. See (page 106 )  
line 7). Attorney \_\_\_\_\_ stated, a core sample itself, is not  
here in evidence. See page (106 line 12). On the date of \_\_\_\_\_  
date of sentencing, Officer \_\_\_\_\_ escorted me that day. Both \_\_\_\_\_  
Attorney \_\_\_\_\_ and Officer \_\_\_\_\_ was present in the court-  
room At \_\_\_\_\_ Judge \_\_\_\_\_ asked me did I have anything to say. I  
stated yes. And asked him about the box of evidence that he allowed the  
Prosecutor to use, that didn't belong to this case. Judge stated, he didn't  
remember..

1 A. Correct.

2 Q. Your assignment at the time was not pulling this box  
3 out, pulling the items out, and testing the items therein for  
4 drugs?

5 A. Correct. But those items were never tested for drugs.

6 Q. Only a core sample was, right?

7 A. Correct.

8 Q. So, is that --

9 THE COURT: I'm sorry. He just nodded. But your  
10 answer needs to be audible. Sorry. So, you asked a question.

11 : I heard him say "correct."

12 THE COURT: Oh, did he?

13 THE WITNESS: Yeah. I thought I said correct.

14 THE COURT: , Oh, sorry. I missed it. All right.

15 Go ahead.

16 BY :

17 Q. We'll just make sure we're all --

18 The item of the core sample is not this box, correct?

19 A. I don't know where -- so, my understanding is that I  
20 tested that. And that has one item number. The core sample  
21 and the item that tested have another item  
22 number. And it says core sample.

23 Q. Okay.

24 A. I personally do not know where that core sample came  
25 from.

1 Q. Okay.

2 A. I just know that the item numbers are not the same.

3 Q. So, let's break this down.

4 A. Okay.

5 Q. You tested that box for fingerprints.

6 That's what your original assignment was?

7 A. Correct.

8 Q. All right. So, original assignment, get the box.

9 You also testified that the review of the notes from --  
10 I'm going to call them , said, oh, yeah, the sample that  
11 was tested was, in fact, methamphetamine?

12 A. Correct.

13 Q. But that sample is not in that box, correct?

14 A. Correct.

15 Q. So that sample that you're talking about actually  
16 hasn't been brought forth to this court, to this jury that  
17 you're aware of?

18 A. Not that I'm aware of.

19 Q. Oh. So, going back, then, that core sample you didn't  
20 test; is that correct?

21 A. That's correct.

22 Q. So, what you were going off of is what -- let me say  
23 that one more time. What you were going off of is what one of  
24 your colleagues wrote down?

25 A. Correct.

1 we're over that threshold.

2 Q. And that's a way to reduce the burden on the lab?

3 A. Yes. And if it comes down to that more needs tested,  
4 it can always be requested. But it's just that first start.  
5 So, here's one or two items that meet that criteria. If you  
6 need more testing, contact the laboratory.

7 THE COURT: Okay. Thank you.

8 or , did you want to ask any  
9 follow-up on any of that?

10 : No, Judge.

11 THE COURT: Go ahead.

12 FURTHER EXAMINATION

13 BY :

14 Q. , with regards to that, you're talking about the  
15 core sample itself that was tested?

16 A. Correct.

17 Q. But ...

18 A. Just being common. Just taking the core sample is  
19 common is all I'm saying.

20 Q. Taking a core sample is common?

21 A. Yes.

22 Q. But you can't testify today that the items in this box  
23 were tested?

24 A. Correct.

25 : Thank you. No further questions.

1 has the burden of proving it in these four walls in front of  
2 you. They haven't done that. There's errors in their case.  
3 There's pretty much glaring omissions.

4 The State wants you to believe that the items, first  
5 off, for dangerous drug, methamphetamine.

6 But that box right there is not what was tested.

7 The officer agreed, that's not what was tested.

8 For all we know, that's a box full of sugar or flour or  
9 anything else because, again, nobody has testified to the fact  
10 that they took a core sample out of a particular bag that had a  
11 particular fingerprint that came back to a particular result  
12 and that result, a core sample itself, is not here in evidence.

13 You can't consider it. You can only consider what is  
14 given to you as evidence.

15 Well, what about the element of knowing? The State  
16 goes through all -- look at these videos and this and that.

17 Even if you found it, did they prove it? Did they  
18 prove it to the point that you're firmly convinced?

19 So, transportation of dangerous drugs for sale requires  
20 that it is for sale.

21 Did you hear any testimony whatsoever that the officer  
22 asked or even any testimony asked hey, what  
23 are you doing with all this stuff?

24 You guys selling this stuff? Transporting it?  
25 What are you guys doing with it? Nothing.