

State of Arizona
COMMISSION ON JUDICIAL CONDUCT

Disposition of Complaint 24-430

Judge:

Complainant:

ORDER

January 24, 2025

The Complainant alleged a superior court judge denied him the right to a fair trial 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 members Joseph C. Kreamer and Christopher P. Staring did not participate in the consideration of this matter.

Copies of this order were distributed to all appropriate persons on January 24, 2025.

2024-430

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.

I have a complaint for the Arizona Commission on Judicial Conduct over actions a judge has taken and the lacking action an attorney took to argue my defense; there is a fundamental failure in communication between the judge, myself, the prosecutor, and my attorney. Due to the fact that I was only offered [] days before the final pre-trial hearing to be notified of the opportunity to go to trial ([] I was not granted enough time and notice for trial preparation and discovery – despite my plea of not guilty.

Pre-trial conferences and other related dates took place without my notification on:

1. [] (initial pre-trial conference)
2. [] (Comprehensive pre-trial conference)
3. [] (Final pre-trial conference)
4. [] (Trial assignment date)

I am claiming I did not get an opportunity for a fair trial. My claims are suggesting that Rule 2.2 and 2.3 of the Commission on Judicial Conduct were violated. I did not have sufficient notice or communication from the court or the prosecutor so that my attorney and his firm had time to do the appropriate research; I received no communication about the pre-trial hearings nor was given the opportunity to discuss whether I should be so advised to go to trial. There was no mention to me of pre-trial conferences with the prosecutor or my attorney; I received no information or paperwork from the prosecutor or the county on court dates; I was asked about issues but was not told whether I had the opportunity to go trial – back to my arrest date on [] . I did not get any information as to what was going on with my trial from my prosecutor – for notice to understand what was evolving and what was happening. I am claiming that the judge did not provide me appropriate notice. Through the court system, there is misconduct on the Judge's side due to a preclusion of an opportunity for a fair hearing by denying me sufficient time to work with my attorney for the opportunity to cross examine witnesses, collect information and pursue discovery. There is also the problem that I was informed that the judge made a decision to not include a man named [] for cross examination in the event a trial would take place. I was told that the judge balanced and weighed what things could be and could not be included in a trial – and the judge had the authority to exclude a witness who was a sexual offender to me due to his personal issues of fornication with me. His cross examination could have supported my defense. I currently want to pursue a protective order due to the offender's ([]) perversion. I have no way to protect myself from such low class debauchery and perversion.

CONFIDENTIAL

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

FOR OFFICE USE ONLY

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It is suggested for purposes of evidence that the judge created bias due to the work load of case law in the county and by denying my cross examination of a witness as an inference through the prosecutor from the judge. My attorney, while having months of time for discovery, did not collect any evidence to promote a fair trial or to support my claim to counter the prosecutor's argument (if a jury was summoned). () days before the final pre-trial conference date took place, at the last minute, with no discovery being done by my attorney, I was asked if I wanted to go to trial. No evidence was collected to be prepared for my defense; witnesses were not prepared and contacted; thus, I was forced into a plea against my will. I verbally asked my attorney, " " He said, " " I said, " "

Rhetorically speaking, how could an attorney collect all of the evidence I asked for days before a trial – to include police records, the collection of input from witnesses and the submission of documents for evidence, to include the subpoena individuals? The judge, the prosecutor and my attorney violated my rights. There were months of time to collect evidence, and my attorney forced me into a plea – due to his own perception of what should be done – by not doing any homework that I asked for; I was asked at the last minute if I wanted to go to trial; due to lacking work by the attorney and the perception I did not know what I was doing, the attorney, the judge and the prosecutor used their knowledge for a predetermined result desired by the court; it led to bias and prejudicial law to prevent me to go to trial for the needs of business case law efficiency; it suggests that through prejudicial law the judge influenced the outcome of the case – negligently so (for the reason that she can't be caught.) My evidence, if required for the Commission on Judicial Conduct, would require a subpoena to my attorney to test the veracity of my statement which exists contextually as follows – that my attorney verbally (with no inferences) asked me only days before the final pre-trial hearing () whether I wanted to go to trial. I was not informed of what was taking place (invoking issues of sufficient legal notice and the lack thereof) or whether the trial date could be re-scheduled. My attorney would also have to be asked, “

” I,

, know for a fact if I had a trial, I would have claimed self defense and would have lowered the criminal sentencing by the judge and jury. Excluding individuals from the list of witnesses is a statement in the court provided legal documents; it suggests that the judge, the prosecutor or my attorney lied verbally or through inference of some kind about not being able to be cross examined; that constitutes nefarious behavior. On the legal documents it does not exclude from being a witness. I believe that there is nefarious behavior between the judge, the prosecutor, and my attorney due to the need for business case law efficiency. It led to a failure of due process, prejudicial law and several fact based lies.

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A trial takes up county resources; and due to the need for economic efficiency of case law review, the three different juris doctorates colluded against me to create bias – albeit a perception, it could be construed as fact. I believe malpractice took place due to negligence & it was intentionally and strategically premeditated by the attorneys and judge involved; given my sentence, I believe that if I had a trial, the propensity of the charges to hold true would be diluted. I did not get an opportunity for a fair trial due to bias, my own socioeconomic status – or for the fact that the judge was told was I was not able to stand trial due to illness and still did so. The fact that the volume of cases in is so extensive, there is legitimacy in suggesting that I was not granted a fair trial due to the need for business case law efficiency and radical bias existing in my case due to the appearance of indigency.

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