

State of Arizona
COMMISSION ON JUDICIAL CONDUCT

Disposition of Complaint 25-072

Judge:

Complainant:

ORDER

May 23, 2025

The Complainant alleged a justice of the peace did not follow the law, and was not fair in the rulings, thereby failing to promote confidence in the judiciary in a pair of game and fish cases.

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 Cathy Riggs did not participate in the consideration of this matter.

Copies of this order were distributed to all appropriate persons on May 23, 2025.

CONFIDENTIAL

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

FOR OFFICE USE ONLY

2025 - 072

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.

Please see attached letter and attachments.

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Arizona Commission on Judicial Conduct
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To Whom it May Concern:

I have concerns regarding the actions of an Arizona Justice of the Peace in _____ Arizona, that I would like to bring to your attention. Having spent a career in law enforcement, I never subscribed to the notion that it is easy to convict an innocent person. I believed in our justice system and never imagined that I could fall victim to this very notion myself. However, when an elected magistrate in a small town can disregard Arizona Rules of Criminal Procedure and the U.S. Constitution, as well as exercise unfairness against an accused by allowing the State to walk all over them, I believe that travesties of justice can (and did) occur. I'm not asking the Commission of Judicial Conduct to overturn my case as I don't think that is possible, but I respectfully request that you review this matter for violations of the Arizona Code of Judicial Conduct, as follows:

1. **Rule 1.1; Compliance with the Law**
2. **Rule 1.2; Promoting Confidence in the judiciary**
3. **Rule 2.2; Impartiality and Fairness**

I am not an attorney and represent myself in this matter, so please forgive me if I cannot express my concerns in sufficient legal formality. I understand that pursuant to Article 6, Section 26 – *Oath of Office*, Arizona justices (including those elected to their position) pledge an oath to support the Constitutions of the United States and the State of Arizona, as well as to faithfully and impartially discharge the duties of their office. Having reviewed the Arizona Code of Judicial Conduct set forth by the Supreme Court, I believe my concerns primarily fall under Canons 1 & 2. You should also know that I am not alone in my concerns. During my misdemeanor prosecution of hunting regulations, which began from a single incident on _____ I retained two attorneys to represent me during various portions of the legal proceedings. Both attorneys can corroborate many of my concerns and would make themselves available to you.

Case Summary:

My situation began with a relatively simple dispute between two hunters who happen to shoot the same animal. I am one of those hunters. After the other female hunter was told by Arizona _____ via a phone call that she was not entitled to an elk that she had merely wounded and left suffering, whereas I had actually dispatched the elk, she called back later and made an anonymous complaint accusing me of driving off road. Evidence and testimony show that she never actually saw me driving a vehicle, never saw me next to a vehicle, and never positively identified my vehicle at all. Arizona _____ officers (_____) arrived over _____ hours after her initial call and hastily sided with this scorned hunter, whom they refer to in the police report as " _____ " before a proper investigation could be conducted.

Officer [redacted] located me processing the elk, asked a single question and then restrained me in a significant way. Note, Officer [redacted], had been working in the [redacted] Justice Court's jurisdiction for [redacted] years and had a long-standing relationship with Judge [redacted]. The significance of this will soon become clear. Evidence shows that Officer [redacted] was angry that he had been called out to cover another game warden's area, was incensed that I immediately invoked my rights and requested an attorney and continued questioning me for over an hour despite my invocation. Officer [redacted] initially cited me into the [redacted] Justice Court for ARS 17-454; "X-COUNTRY TRVL" and ARS 17-301B; "TAKE (elk) with AID of VEH" (see Defendant's copy of citation [redacted]).

The [redacted] Justice Court summoned me into court for the following:

COUNT 1- 17-454 – DRIVING CROSS-COUNTRY PROHIB – MISD. 3RD DEGREE and
COUNT 2- 17-301B – SHOOT WILDLIFE FROM VEHICLE – MISD. 2ND DEGREE

I was forwarded citation [redacted] with the summons, which I noticed had been modified, i.e., the license plate had been edited and fine amounts added, violation codes and docket numbers were also added (See Court Copy of Citation [redacted] attached). Standard fines of [redacted] and [redacted] were shown for ARS 17-454 and ARS 17-301B respectively. In [redacted], Judge [redacted] found me guilty on the above charges and increased both fines significantly despite finding no aggravating circumstances but because I attempted to vindicate my rights.

After nearly a year of legal proceedings regarding the above charges and an excessive number of continuances by the State, Officer [redacted] retaliated against me by mailing me an additional 14 (fourteen) criminal tickets, citing me into both the [redacted] Justice Court ([redacted] County) and the [redacted] Justice Court ([redacted] County) simultaneously for charges dating back over a decade. Note, Officer [redacted] resigned from the Arizona Department soon after they received my complaint involving Brady material.

All of the [redacted] County charges were eventually dismissed pursuant to a deferred prosecution agreement. Four of the [redacted] Justice Court charges were dismissed last [redacted] pursuant to an Alford Plea on one charge. Since [redacted], we have been dealing with Judge [redacted] and have observed a clear disregard for Arizona Rules of Criminal Procedure and the U.S. Constitution, as well as a bias toward me that was manifested in open court and throughout this case, as follows:

- Issue 1:** Judge [redacted] disregarded my requests and my attorney's requests for specific discovery items pursuant to Rules of Criminal Procedure, Rule 15.1: b1, b8, c2, and e1
- Issue 2:** Judge [redacted] allowed the State to present their discovery well after the statutory requirements delineated in Arizona Rules of Criminal Procedure pursuant to Rule 15.1: c2
- Issue 3:** Judge [redacted] allowed the biased hunter to testify when she was not disclosed for nearly a year, and she was not disclosed in accordance with the Arizona Rules of Criminal Procedure
- Issue 4:** Judge [redacted] found me guilty without Proof Beyond a Reasonable Doubt
- Issue 5:** Judge [redacted] substantially increased the standard fines originally proposed by his court after I decided to vindicate my rights and without any aggravating circumstances
- Issue 6:** Judge [redacted] belittled me in front of the biased hunter witness in open court and after the Rule had been invoked
- Issue 7:** Judge [redacted] ruled that it was acceptable for Officer [redacted] to continue questioning me after I had requested an attorney by name and then use some of those involuntary statements in a mishandled search warrant to further 14 additional charges
- Issue 8:** Judge [redacted] ignored the fact that the search warrant was not returned in accordance with A.R.S. 13-3918

The above list of issues is in chronological order as they occurred. I believe it necessary to tell you the story from the beginning for a complete understanding of the gravity of the situation. I will attach the legal documents and transcripts I believe relevant to some of my specific concerns and references, but I also have many more documents that I am willing to provide should you need them. I have police reports, court transcripts, emails and other documents to substantiate the following facts, circumstances and quoted references.

Case Facts and Background:

On _____, while hunting elk on foot, I located and shot a cow elk bedded down under a tree. A short time later, two other hunters approached. One of those hunters claimed that she had wounded the same elk in the leg over a half hour earlier but had run out of ammunition and was waiting for her spouse to bring her more bullets! She claimed that she was waiting for the ammunition when I “_____” and dispatched the elk (See Reporter’s Transcripts - page 100). She demanded that I turn the elk over to her. I observed that the elk had been shot in the leg and, therefore, offered to split the elk with her, but I was rebuffed. She contacted Arizona _____ Officer _____ via cell phone to settle the dispute over ownership of the elk. Since I delivered the kill shot, I was given possession of the elk. This enraged the female hunter and she stomped off cursing. I quickly retrieved my vehicle parked on a ranch road at a nearby gate, moved the elk from the immediate area and began processing it between rainstorms.

According to Officer _____ court testimony, the angry hunter re-contacted Officer _____ around “15-minutes” later and claimed that my vehicle had been driving off road, so he responded from _____. Police records indicate that the time frame was approximately 20-minutes. Note, hunters are authorized to travel off road up to one mile to recover downed elk and other big game. The complaining hunter wished to remain anonymous and never made an identification of me or my vehicle.

Approximately 2 1/2 hours after the initial call to _____, Officer _____ confronted me in the area in which I was processing the elk, drew his weapon and yelled for me to put my hands up and exit the vehicle. I complied with all commands. Officer _____ then asked me a single question regarding how I had gotten into the area in which the elk had been dispatched. I described how I had gotten into the area, at which time Officer _____ immediately took me into custody, searched and Mirandized me. Unsure of what I was being accused of, I invoked my 5th Amendment rights to silence and requested my attorney by name –

Officer _____ appeared incensed by the invocation and became even more hostile toward me. He demanded my identification and checked my hunting credentials (which were in order). I assumed at the time and would later testify that the officer’s sudden appearance likely had something to do with the angry hunter. (See Reporter’s Transcripts of _____ Evidentiary Hearing - Page 37) Officer _____ completely ignored my 5th Amendment rights and continued interrogating me for approximately two hours regarding a myriad of topics relating to the hunt including questions regarding my hunting credentials, the earlier telephone conversation, my hunting weapon, my vehicle registration, my decision to move relocate the elk, where I first saw the herd, my driver’s license information, my prior employment with a police agency, my rank and position with that agency, my current profession, my reason to retire from a police agency to become a flight attendant, my residences in _____, Arizona and _____, my lifetime hunting license, my hunt tag information, my prior hunts in Arizona and _____, where I filed my taxes, where I vote, etc. My statement that I was an x-police lieutenant seemed to anger Officer _____ even more. During the interrogation, Officer _____ blamed me for having to be called out to cover another game warden’s area. Although I had invoked my rights, I continued to answer Officer _____ questions in an attempt to pacify him and diffuse the situation.

**THE COMMISSION'S POLICY IS
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.**