

State of Arizona
COMMISSION ON JUDICIAL CONDUCT

Disposition of Complaint 25-305

Judge:

Complainant:

ORDER

October 3, 2025

The Complainant alleged a superior court judge was biased and favored the prosecution.

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 Denise K. Aguilar and Joseph C. Kreamer did not participate in the consideration of this matter.

Copies of this order were distributed to all appropriate persons on October 3, 2025.

Comp

Complaint to the Arizona Commission on Judicial Conduct

2025 - 305

Complainant:

On behalf of:

Inmate Location: Jail

Address:

Case Number:

Date:

Judge Complained Of: The Honorable

Court: County Court

I. NATURE OF COMPLAINT

This complaint is submitted against Judge _____ pursuant to A.R.S. § 12-110, the Arizona Code of Judicial Conduct, and the United States Constitution, due to her failure to acknowledge or compel disclosure of exculpatory evidence in the criminal prosecution of _____ Case No. _____

This judicial conduct has resulted in prejudicial harm, violated the defendant's due process rights, and undermined public confidence in judicial impartiality and diligence, thereby violating multiple judicial canons and procedural rules.

II. FACTUAL BASIS

In the above-referenced case, _____ is a pretrial detainee whose defense counsel and legal assistant (Complainant) submitted motions and affidavits indicating the existence of exculpatory digital evidence contained in:

- Two (2) Tecniis electronic tablets
- Two (2) laptop computers
- One (1) iPad
- Multiple cellular phones seized or associated with the case

These devices were referenced in filings, affidavits, and verbal requests on record. The evidence within these devices was identified as material and exculpatory, satisfying the criteria under *Brady v. Maryland*, 373 U.S. 83 (1963), and A.R.S. § 13-3920. Despite this:

- Judge refused to acknowledge, compel, or order discovery of this digital evidence;
- She issued rulings without addressing motions filed under Rule 15.1 and Rule 32 of the Arizona Rules of Criminal Procedure;
- There was no ruling or minute entry reflecting judicial evaluation of this potentially exonerating evidence.

This refusal constitutes a constructive denial of due process, violates the duty to ensure a fair proceeding, and breaches the judicial canons of diligence, impartiality, and competence.

III. VIOLATIONS OF LAW AND ETHICAL DUTY

1. Arizona Code of Judicial Conduct

- **Rule 2.2 (Impartiality and Fairness):** Judge must uphold the law and ensure fairness. Failing to acknowledge defense motions is a direct violation.
- **Rule 2.5(A) (Diligence and Competence):** The failure to review material evidence and timely rule on motions is negligent.
- **Rule 1.2 (Promoting Confidence in the Judiciary):** Such conduct creates a perception of bias in favor of the prosecution and weakens public trust.

2. Constitutional and Statutory Violations

- **U.S. Const. Amend. XIV (Due Process Clause)** – Failure to compel exculpatory evidence denies the defendant a fundamentally fair trial.
- **Brady v. Maryland**, 373 U.S. 83 (1963) – Suppression of favorable evidence violates due process.
- **Arizona Rules of Criminal Procedure 15.1(b)** – Requires the state to disclose exculpatory material; the judge has a duty to enforce this.

- **A.R.S. § 13-3920** – Requires judicial authorization for the return, inspection, or use of evidence lawfully seized.

3. Relevant Case Law

- *State v. Tucker*, 215 Ariz. 298 (2007): Court’s duty to prevent due process violations extends to overseeing disclosure obligations.
- *State v. Aguilar*, 209 Ariz. 40 (2004): Courts must scrutinize suppression of digital evidence.

IV. REQUEST FOR INVESTIGATION AND DISCIPLINARY REVIEW

Complainant respectfully requests that the Arizona Commission on Judicial Conduct:

1. Investigate Judge _____ pattern of ignoring exculpatory evidence, specifically the failure to compel inspection of phones, tablets, and computers with material data;
2. Review her handling of Case _____ to determine whether a violation of judicial ethics or statutory procedure occurred;
3. Impose corrective or disciplinary measures as appropriate, including censure, retraining, suspension, or referral to the Arizona _____ Court.

V. ATTACHMENTS

- Affidavit of legal assistant or defense representative
- Copies of motions filed (Motion to Compel, Motion for Disclosure)
- Docket history showing absence of ruling
- Email or in-court transcript (if available) referencing ignored evidence

VI. CONCLUSION

Judge _____ conduct demonstrates a failure to ensure fairness, impartiality, and due diligence in violation of both her ethical obligations and the defendant's constitutional rights. This is not a mere clerical error, but a substantive denial of liberty protections.

Justice cannot be impartial if the judiciary turns a blind eye to the defense's evidence while adopting the posture of the prosecution. This complaint is submitted to restore fairness, accountability, and public confidence in Arizona's courts.

Respectfully submitted,

Paralegal / Legal Assistant
On Behalf of

Attachment A: Unsworn Declaration 28 U.S. Code § 1746 - Unsworn declarations under penalty of perjury

UNSWORN DECLARATION OF MATERIAL FACTS IN SUPPORT OF JUDICIAL COMPLAINT

I, _____, state as follows:

1. I am a legal assistant representing the interests of _____, currently detained at _____ Jail, located at _____, Arizona
2. _____ is the named defendant in _____ County _____ Court, Case Number _____
3. I have personally assisted with and reviewed defense filings which include requests for inspection and disclosure of the following exculpatory electronic items:
 - o Two (2) Tecniis electronic tablets
 - o Two (2) laptop computers
 - o One (1) Apple iPad
 - o Multiple cellular phones
4. These electronic devices contain data including communications, photos, documents, and metadata that directly rebut or disprove critical claims presented by the prosecution.
5. Judge _____ has failed to acknowledge, rule upon, or compel discovery of these items despite defense motions, in-court notices, and affidavits attesting to their evidentiary value.
6. The judge's continued inaction has deprived _____ of a meaningful opportunity to present exculpatory evidence, in violation of both constitutional and procedural due process protections.
7. Based on the above facts, I believe that Judge _____ has breached her duty under the Arizona Code of Judicial Conduct and violated her obligation to uphold impartiality, diligence, and fairness under the law.

**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.**