

State of Arizona
COMMISSION ON JUDICIAL CONDUCT

Disposition of Complaint 25-483

Judge:

Complainant:

ORDER

January 6, 2026

The Complainant alleged a superior court judge failed to follow the law 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 Denise K. Aguilar and Colleen E. Concannon did not participate in the consideration of this matter.

Copies of this order were distributed to all appropriate persons on January 6, 2026.

CLERK
DEPUTY

IN THE COURT STATE OF ARIZONA
IN AND FOR THE COUNTY OF

Comp

THE STATE OF ARIZONA,

Plaintiff,

VS.

defendant.

No.

2025-483

MOTION TO DISMISS
THE INDICTMENT AND
WITHDRAW FROM PLEA

Assigned to Honorable
Judge

Comes Now The
defendant IN PROPER hereby moving this
Honorable Court to withdraw from the Plea
Agreement AND to Dismiss the Indictment for
the Reason(s) set forth in the accompanying
memorandum and points of authorities,
and it's Attached exhibit(s).

Respectfully Submitted This day
of

By:

FOR:

defendant

" Memorandum of Points and Authorities "

Facts: 1) Defendant was arrested on
See Attached Exhibit (A). Copy of
Court's minute Entry dated
The minute Entry also shows Counsel was in
fact appointed and that Arraignment was set
for

2) To date defendant has not received any
copy of an information or a complaint timely
or validly filed

3) Exhibit (B) contains a copy of the Direct
Indictment (cover sheet only). Dated

4) Defendant was never informed of his
right to a preliminary hearing nor has he
ever signed a waiver of his preliminary
hearing.

5) Defendant's Attorney has not informed
him of his procedural right to request to
be present or to present exculpatory
evidence (emphasis added).

6) Neither the court or the prosecutor
informed defendant of these rights
under the rules of Criminal Procedure
and/or State Statute.

6) The court lacks Subject matter Jurisdiction

7) The Indictment was not obtained in a mode prescribed by law

8) The Indictment constitutes a fraud upon the defendant and/or the Court.

9) Defendants Right to a Fast and Speedy trial has also been violated.

"Law"

In the case At bar defendant presents the court with a case of statewide importance which shows and proves deliberate and intentional misconduct intended to deprive criminal defendants of numerous rights that must "shock the conscious" of the public as well as a court of law.

I. Grand Jury Proceedings.

Arizona Rules of Criminal Procedure Rule 12.5(a) states "a person under investigation by the grand jury may be compelled to appear before the grand jury, or may be permitted to appear upon the persons

Written request. The person must be advised of the right to remain silent and the right to have counsel present to advise the person while giving testimony.

(b) IF COUNSEL ACCOMPANIES THE PERSON UNDER INVESTIGATION, COUNSEL MAY NOT COMMUNICATE, OR ATTEMPT TO COMMUNICATE WITH ANYONE OTHER THAN THE PERSON. THE FOREPERSON MAY EXPEL COUNSEL FROM THE GRAND JURY SESSION IF COUNSEL VIOLATES THIS RULE.

Adopted by R 17-0002, effective

. Id. AT NOTES TO DECISIONS. "GIVEN THE POWER OF THE PROSECUTOR IN THE GRAND JURY SYSTEM, THE STATUTORY RIGHT OF THE GRAND JURY TO DECIDE WHETHER TO HEAR EVIDENCE FROM THE DEFENDANT, AND THE DEFENDANT'S RIGHT TO REQUEST APPEARANCE BEFORE THE GRAND JURY, THE COUNTY ATTORNEY MUST INFORM THE GRAND JURY THAT THE DEFENDANT HAS REQUESTED TO APPEAR OR HAS SUBMITTED EXCULPATORY EVIDENCE AS WITHOUT SUCH A RESPONSIBILITY THIS RULE AND SECTION § 21-412 ARS. ARE RENDERED MEANINGLESS."

Trebus v. Davis, 189 Ariz. 621, 944 P.2d 1235, 250 Ariz. Adv. Rep. 14 (1997) Ariz.

Lexis 95 ARIZ (1997)." A defendant's right to request the grand jury to consider his evidence is implicit in § 21-412; It is even more clearly implicit in this Rule. Trebus, supra.

Under § 21-412 and this Rule, because defendant requested to appear before the grand jury and provide information as to the proposed evidence, the prosecutor had a duty to convey that information to the grand jury, because the prosecutor failed to do so, the case was remanded to the grand jury for a new determination of probable cause. Bashir v. Pineda, 226 Ariz. Adv. Rep. 13, 2011 Ariz. App. Lexis 16 (Ariz. Ct. App. 2011).

Although similar to Bashir and/or Trebus the case at bar presents the court opportunity to decide what should happen when indictment are obtained or procured by fraud upon the defendant and/or the court. See Exhibit (B) Indictment dated October 15, 2024; See also Exhibit (A) The Court's minute entry of defendant's initial appearance, which defendant proffers

**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.**