

State of Arizona  
COMMISSION ON JUDICIAL CONDUCT

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Disposition of Complaint 23-460

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Judge:

Complainant:

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**ORDER**

May 17, 2024

The Complainant alleged a superior court judge made improper rulings 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).

Copies of this order were distributed to all appropriate persons on May 17, 2024.

2023-460

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.

- 1st) • The Trial Judge Repeatedly Aggressively Vouching In Violation Rule 3.3. of (A.C.J.C.) [Pg. 1]
  - 2nd) • Judge Failing to hear James Motions Pending, And Ruling In Favor of State Absent States Response pur (A.R.Crim.P.) Rule 1.9. Violating Rule 2.5.(A), 2.6.(A), 3.3., (Ariz.Code.Jud.Con'd.) [Pg. 5]
  - 3rd) • Trial Judge And Prosecutor demonstrated Improperly Violating Canon 1. of (Ariz. Code. Jud. Con'd.) [Pg. 7]
  - 4th) • Trial Judge Order Provided For Advisory Counsel To Act with Impunity Obstructing Meaningful Defense Violating Rule 2.15.(D) Responding to Lawyer Misconduct of (Ariz. Code. Jud. Con'd.) [Pg. 10]
  - 5th) • Judge Violated Rule 1.1. Compliance With The Law of (Ariz. Code. Jud. Con'd.) Failing to Dismiss Tampering With Evidence police Violation of Policy Due Process Violation (Bad Faith) [Pg. 12]
  - 6th) • Advisory Counsel Obstructing Proper Ability to Provide Meaningful Defense Judge 'Failure to Respond to Lawyer Misconduct' Rule 2.15. (B)(D) of (Ariz. Code. Jud. Con'd.) [Pg. 17]
- ///  
And referenced Exhibits Attached Hereto.  
Complainee Recommends Reviewed Attain Referenced (F.T.R.)

The Trial Judge Repeatedly and Aggressively

Vouched And Argued on behalf of States Evidence Inaccurately of the Facts, Violated Rule 3.3. Acting as a Character Witness of the Arizona Code of Judicial Conduct.

In a defense Motion To Dismiss Due Process violation Bad-Faith, Defendant Argued that police (" ") removed the reported Shotgun inside of Box underneath bed, out of its Box.

• The deputy County Attorney ("C/A") acting as a Witness outright Lied to the Courts Record and (stated):

(a) "

(See Hearing Trans. pg. 76 LN 23-25 Ex: A)

(b) "

Ex: A)

(Trans. pg. 75 LN 4-15

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It Should Be Noted:

Prior to said (4A) Lies the Judge displayed clear Distavor with the defense reporting police misconduct, defending police, and Vouching for police credibility. (Stating):

(See Hearing Trans. pg. 74 LN 4-7 Ex: A)

///

1 Here, the Record clearly Reflects the (Hon.)  
2 had (side-Knowledge) of the case or Pre-conditioned Opinions, because  
3 the Judge Aggressively Argues on behalf of the States Evidence,  
4 And Relentlessly did so Inaccurately based of the Evidence.

5 The (Hon.) (Stating):

6 • "

"

7 [Defendant] • "

"

8 • "

"

9 • [C/A] • "

10 • "

"

11 • [C/A] :

"

12 (See . . . Hearing Trans. pg. 74 LN 18-25 Ex: A)

13 The (Hon.) continues (Stating):

14 • ' "

15 • [Defendant] "

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1 [C/A] • "

5 • " "

7 • [C/A] "

"

( Hearing Trans. pg. 75 LN 1-10 Ex: A )

11 The (Hon.) Relentless and Overpowering Arguments  
12 and Asserssions about No Box existing in support of the  
13 County Attorney (C/A), is Absolutely Conflicting with  
14 the Evidence of the case.

16 The Case No. (# ) Police  
17 Department ( ' ' ) , Lead Detective Incident Report  
18 pg. 15 of 32 Ex: B (stating):

20 • "

22 (see Detective report pg. 15 of 32 Ex: B)

1 The (Hon.) Judge Relentless argument in defense of  
2 Tampering or Altering with Crime Scene evidence, as well  
3 as the Judge's Vouching that there was No evidence that  
4 planting evidence. (Trans. pg. 74 LN 4-7 Ex: A)

5 Demonstrated Bias and Favoritism and Prejudiced defendant  
6 by the Judge's failing to acknowledge Violation(s) of their  
7 General Orders Policies 3762 through 3762.4  
8 constitutes Bad-Faith hence Due Process Violation.

9  
10 The Court's Arguing and Vouching on the States behalf was  
11 further Prejudicial to because the Courts beliefs were  
12 conflicting with the Facts And Evidence of the case.

13  
14 The Shotgun was REPORTED by as being found in the  
15 Box Under the bed. (See Buller 15 of 32 Ex: B)

16  
17 Thus, Substantiate All of Defendant Claims

- 18  
19 ① The Shotgun was removed out of Its Box by ;  
20 ② Constituting Tampered with Evidence;  
21 ③ Tampered with evidence during their Policy Violation Unjustified  
22 BWC Deactivations during a search for evidence.  
23 (General Orders Policy 3762.2 Deactivation Policy Ex: E)

**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.**