

State of Arizona  
COMMISSION ON JUDICIAL CONDUCT

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Disposition of Complaint 23-505

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Judge:

Complainant:

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**ORDER**

April 12, 2024

The Complainant alleged biased and improper legal rulings by a superior court judge hearing 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 member Denise K. Aguilar did not participate in the consideration of this matter.

Copies of this order were distributed to all appropriate persons on April 12, 2024.

2023-505

**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.

Judge \_\_\_\_\_ displayed a complete lack of judicial temperament, and an overt bias towards me, when I applied to the Court for early termination in \_\_\_\_\_ of \_\_\_\_\_. Judge \_\_\_\_\_ actively facilitated the violation of my civil rights, he facilitated multiple acts of blatant perjury on behalf of probation officers, and he allowed multiple officers from the \_\_\_\_\_ to fabricate court documents, fabricate assessments, and overtly lie to him and to the \_\_\_\_\_ Court, all because of his biased and compromised opinion of my offense.

Judge \_\_\_\_\_ Minute Entries from the year \_\_\_\_\_ indicate a gross inability to understand and digest facts, a willingness to turn a blind eye to overt perjury and fabricated documents, and an absolute bias towards me. Judge \_\_\_\_\_, \_\_\_\_\_, and their Officers, all conspired to violate my civil rights. Judge \_\_\_\_\_ abused his authority and used his position of power to allow \_\_\_\_\_ to violate my due process, to place provably false and defamatory accusations on the record, and then, unbelievably, he tried to cover it all up and provide no explanation for his putrid decisions and unethical behavior.

I applied for Early Termination of Probation in \_\_\_\_\_ of \_\_\_\_\_. In response, \_\_\_\_\_ filed multiple memorandums with the court that contained false accusations, fabricated test results, and outright, provable lies. Judge \_\_\_\_\_ knew \_\_\_\_\_ was lying, and facilitated the lies. Judge \_\_\_\_\_ minute entries throughout the year are attached here, and demonstrate his complete inability to comprehend the situation whatsoever, and the cover that he ran for these \_\_\_\_\_ officers in so violating my rights, such Officers who are also his "colleagues". Judge \_\_\_\_\_ is improperly influenced by ex-parte communications with his colleagues at \_\_\_\_\_, and clearly conspired with \_\_\_\_\_ to deny my Petition on grounds that were entirely contrived.

Judge \_\_\_\_\_ was put on notice, with documentary evidence, that \_\_\_\_\_ officers were lying to him through their memorandum, that they were fabricating test results, and that they were actively violating my civil rights. He knew this, and he covered up for \_\_\_\_\_ actions. This "cover-up" is particularly evident in Judge \_\_\_\_\_ last minute entry, outright denying a Motion asking him to Clarify his decision, which made absolutely no sense in the first place.

Judge \_\_\_\_\_ does not have discretion to allow perjury in his courtroom, especially from OTHER JUDICIAL OFFICERS. Judge \_\_\_\_\_ does not have discretion to allow onto the record documents that were proven to be fabricated. Judge \_\_\_\_\_ has a duty to remain partial and if he cannot, to recuse. Judge \_\_\_\_\_ is not allowed to actively participate in and facilitate the violation of a party's civil rights.

Judge \_\_\_\_\_ actions, his lack of temperament, and his abuse of power and discretion have contributed to a lawsuit against all of these Officers, including the Chief Probation Officer for \_\_\_\_\_ County. Judge \_\_\_\_\_ was reckless, careless, and let his bias spill out in a way that is so patently obvious it cannot be denied by any reasonable person. Judge \_\_\_\_\_ acted far more like a corrupt probation officer than a Court Judge, working in concert with \_\_\_\_\_ to deny me a fair hearing and due process; and his

**CONFIDENTIAL**

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

**FOR OFFICE USE ONLY**

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lack of judicial temperament, and his behavior and mentality are likely to result in more legal actions taken against , since Judge likes to facilitate and assist with their nefarious activity, perjured statements, and fabricated documents. Judge actions in this case violate the ACJA Code of Conduct, Rules 2.1-2.5, and especially Rule 2.6, as Judge absolutely has had illicit ex-parte communications with officers. I was explicitly told by an Director, while my petition was being litigated, that she had spoken to Judge about the case. Now it seems Judge is not only facilitating illicit behavior, but also conspiring to help produce and refine it. Judge behavior is dangerous and directly threatens the rule of law. Judge does not have the power to act in concert with other judicial officers to violate a citizen's civil rights and due process. Judge has an affirmative duty to correct the record and not be influenced by perjured testimony and fabricated documents. Judge does not work for the , and his relationships with the Department are concerning, they affect his decision making ability, and they promote the appearance of impropriety.

The final minute entry in this case from Judge says it all, denying a simple Motion for Clarification, because he could not clarify his Order. The reason for that was, that his Order was based on LIES and PERJURY, and Judge KNEW IT, he simply did not care. Judge flouted the rules of ethics, and sat back and watched while officers made a mockery of the judicial system and completely embarrassed the Court in the process.

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**IN THE ARIZONA COURT;**  
**COUNTY**

STATE OF ARIZONA  
Plaintiff,

Case No.

v.

**DEFENDANT’S MOTION FOR  
EARLY TERMINATION OF  
PROBATION**

Defendant.

Defendant comes now and hereby requests that this court grant early termination of probation in the above captioned case, pursuant to ARS §13-901.<sup>1</sup>

Defendant provides the following statement and information, under penalty of perjury, in support of his Motion.

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<sup>1</sup> Stating that: “The court, on its own initiative or on application of the probationer, after notice and an opportunity to be heard for the prosecuting attorney and, on request, the victim, may terminate the period of probation or intensive probation and discharge the defendant at a time earlier than that originally imposed if in the court's opinion the ends of justice will be served and if the conduct of the defendant on probation warrants it.”

1 **I. Case History and Background**

2 1. Assuming that the forthcoming memorandum from [redacted] will be very thorough as to  
3 address the background and history of the case, I will try to be brief here.

4 2. I was placed on probation on [redacted], after pleading guilty to a violation of  
5 ARS §13-1424, attempted voyeurism. My probation was to be for a period of ( ) years  
and includes sex offender terms; however, I was never required to register as a sex offender.

6 2. In or around [redacted] of [redacted], I took an ABEL Assessment to determine my  
7 sexual interests. The results of this assessment, to the best of my knowledge, are that I have  
a normal sexual attraction to adult and adolescent females.

8 3. I began SO treatment at [redacted] around this same time.

9 4. I spent nearly [redacted] years in treatment before being unsuccessfully discharged in  
10 of [redacted]. I then began treatment at [redacted] in [redacted] of [redacted].

11 5. In [redacted] of [redacted], I was discharged suddenly and without warning from [redacted],  
12 prompting [redacted] to file a Petition to Revoke Probation, primarily based off of the violation  
that this discharge created.

13 6. In [redacted] of [redacted], the State dropped all allegations in the petition with the  
14 exception of the admitted violation of consuming alcohol in [redacted] of [redacted], but including  
15 the allegation of being unsuccessfully discharged. The Commissioner in that hearing  
continued my probation and it's terms just as they were prior.

16 7. After I was placed back on probation, [redacted] and I worked out a plan to get my case  
17 back on track and moving forward. Officer [redacted] and her partner worked to setup a  
18 polygraph exam for me, got me into some beneficial classes including further mental health  
19 education, and helped to facilitate my wedding last year and subsequent honeymoon, which  
I am absolutely grateful for. All of this has helped to line me up for current and future  
20 success.

21 **II. Violations**

1 8. It would not be honest to request early termination from the court on the basis of  
2 what I believe to be conduct and behavior warranting such, without addressing the adverse  
3 conduct that may not. I have not been perfect on probation.

4 9. In or around of , I admitted to my PO that I had consumed alcohol  
5 with a group of friends.

6 10. In and around of , I informed my PO team that I had been consuming  
7 alcohol fairly regularly for around months. This admission was not voluntary, I was caught  
8 at my apartment by my surveillance officer during a filed visit, under the influence of  
9 alcohol.

10 11. Finally, (and regrettably yet again), in of , I was caught consuming  
11 alcohol by my surveillance officer via a breathalyzer test.

12 12. understandably referred me for a substance abuse intake. Both  
13 therapists determined that substance abuse treatment was not necessary, but the second  
14 therapist warned that another drinking incident likely would require it. then instructed  
15 me to submit to random drug alcohol tests. I did so for about months, and tested clean  
16 each and every time, at which point allowed me to no longer have to test.

17 13. I have not consumed alcohol since this incident in and have no desire to  
18 whatsoever. As helpful note, my wife also does not drink nor does anybody that I spend  
19 significant time with. I also despise nightclubs, bars, concerts, and really anywhere with  
20 large swaths of people and loud noises, and especially where alcohol is served on top of all  
21 that. This is not my personality and as a very wise PO once told me; “

22 .” Correct.

### 23 **III. Conduct Warranting Early Termination**

24 14. Despite the above referenced violations, I believe that the positive changes and  
25 achievements that I have accomplished outweigh them in favor of early termination.

26 14. When I was placed on probation in , I merely had a high school diploma and  
27 was working in a restaurant. With the assistance of probation in general and my probation

**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.**