

State of Arizona
COMMISSION ON JUDICIAL CONDUCT

Disposition of Complaint 23-516

Judge:

Complainant:

ORDER

May 17, 2024

The Complainant alleged a superior court judge engaged in improper demeanor and ex parte communication 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 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.

complaint against Judge

2023-516

criminal case

Vs. STATE OF AZ

Vs. State

APPELLATE COURT ~~upheld~~ (upheld trial court's decision to suppress evidence (Judge granted suppression))

Judge recused himself under pressure from defendant after defendant witnessed the Judge ~~nearby~~ come out of his ~~chair~~ ^{seat} ~~and~~ ^{erecting} States witness. Judge then pointed at the defendant and stated "...

"Then stormed out of the courtroom."

The previous week when the defendant mentioned wanting a suppression hearing said

"... of which would have had to have been from the bench... do the math!"

He then addressed
and said

Judge
heard the settlement conference.
did not accept the plea bargain, and
~~the~~ the following week was
about to conduct the suppression hearing
when the defendant witnessed the
exchange between ~~the~~ and
state witness. (It should
be noted that the defendant had been
assigned public defenders. Up
until this hearing the defendant had
long hair shoulder length hair
and had dressed in rags. The night
before the hearing the defendant
cut his hair, shaved, and came
to court in wingtips and a three piece
suit. When ~~the~~ joined
at the defense table, ~~the~~ mistook
for an attorney, attorney and
after literally coming out of his seat
to wave across the courtroom to

as he entered the courtroom
he heard ^{remark that}
there was ^{obviously} a conflict of
interest. At this point
realized that the ^{rehtleman} he had
just addressed, ^{as he joined}
when he commented on
how sharp the defense team looked
was actually ^{one} and ^{and}
not both attorneys. Woops! He then
asked ^{if your client saying}
he thinks I should recuse myself?
was weak in the knees and slow
to stand while ^{rushed ahead}
say "those microphones are more
sensitive than you think." Referencing
the microphone sticking out of the
defense table where ^{and}
were sitting. They pointed
at ^{and screamed}

and stomped
out of the courtroom. Suffice to say
he will never even in ^{senilitis} forget
the case against ^{and}
assigned. ^{Colleague}
to the family court
(3)

circuit after removing him from the criminal circuit though I cannot say whether or not it had anything to do with his disgraceful conduct in this case.

I will add that Judge ^{first} before cursing at ^{him} said that he didn't think there was any reason for concern after all he had only talked to the states witness a couple of times at the mail box. He was his neighbor! It seems to me if he was conducting himself properly he would have recused himself without prompting and not tried to talk out of forcing the issue. It was a planned attack that he got caught perpetrating.

On the ^{of} signed a search warrant for a search of my house after they had followed to the Tanya store, pulled her over for a crumpled license plate, searched my father's truck finding nothing arrested her and did an unconsented

blood draw without a warrant,
then sexually assaulted her by checking
inside her for drugs that she did
not have.

special agents was
the affiant for the warrant.

When I was served the warrant
I was in my front yard. With what
looked like fully automatic weapons
drawn on me they made me get on
my knees. I asked for a copy of
the warrant and they gave me three
of nine pages. I asked for the
affidavit and they told me they
didn't have to give that any more.
I told them I did not consent to
the illegal search.

They arrested me and took me
to (Police Department)
where they held me for a couple of hours
before taking me to county jail
in. I had read Judge
signature on the warrant and wondered
why they were depriving me of my
(5)

**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.**