

State of Arizona
COMMISSION ON JUDICIAL CONDUCT

Disposition of Complaint 24-018

Judge:

Complainant:

ORDER

May 24, 2024

The Complainant alleged improper legal rulings by 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 members Barbara Brown and Delia R. Neal did not participate in the consideration of this matter.

Copies of this order were distributed to all appropriate persons on May 24, 2024.

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

FOR OFFICE USE ONLY

2024-018

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.

Presiding Judge,
Court of Arizona
County

Criminal Presiding Judge,
Court of Arizona
County

Arizona Commission on Judicial Conduct
1501 W. Washington Street, Suite 229
Phoenix, AZ 85007
(602) 452-3200
Email us at cjc@courts.az.gov

County Directo

Subject:

Dear Arizona Commission on Judicial Conduct, Judge and Judge

We just learned from the County Attorney's office the discouraging news HONORABLE dismissed a case against with prejudice. the Defendant was presently charged with committing a series of sex offenses against his -year-old , Victim A. She is presently years old. The charges include one count Aggravated Luring a Minor for Sexual Exploitation, one count Molestation of a Child, and one count Sexual Abuse, all felony offenses and Dangerous Crimes Against Children. He is also charged with one count misdemeanor Assault. There was a bench warrant on issued (see here at the 1-minute mark):

Now the bench warrant has been quashed after a Notice of Appeal has been filed. Where is the justice in allowing a man who was charged with luring a minor child for sexual exploitation, molestation of a child, and sexual abuse? tampered with his ankle bracelet and fled the State of Arizona nowhere to be found.

Judge declared a mistrial because she felt she prejudiced the case and she felt her instruction

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Attachments: [Judge](#) [Online Complaint Form - English \(\) .pdf](#)

From:

Sent:

To: Commission on Judicial Conduct <CommissionJudicialCo@courts.az.gov>

Subject: Fwd: Miscarriage of Justice Regarding Sexual Exploitation / Molestation of a Minor Child / Dangerous Crimes Against Children

Caution! This message was sent from outside your organization.

Please see the attached PDF complaint. If you need more from me please call me at

----- Forwarded message -----

From:

Date:

Subject: Miscarriage of Justice Regarding Sexual Exploitation / Molestation of a Minor Child / Dangerous Crimes Against Children

To: <

MEDIA ADVISORY FOR IMMEDIATE RELEASE

CONTACT:

Miscarriage of Justice Regarding Sexual Exploitation / Molestation of a

Minor Child / Dangerous Crimes Against Children

, AZ -- is an organization led by women leaders across this Nation. We believe independents and are the key swing vote. [have been the largest contributor to U.S. population growth](#), accounting for 54% of the growth. By 2060, the population is projected to increase to 111.2 million, or 28% of the U.S. population. We regret to see a miscarriage of justice performed in the case of the . We just learned from the County Attorney's office the discouraging news HONORABLE dismissed a case against with prejudice. , the Defendant was presently charged with committing a series of sex offenses against his -year-old , Victim A. She is presently years old. The charges include one count Aggravated Luring a Minor for Sexual Exploitation, one count Molestation of a Child, and one count Sexual Abuse, all felony offenses and Dangerous Crimes Against Children. He is also charged with one count misdemeanor Assault. There was a bench warrant on issued (see here at the 1-minute mark):

Arizona Commission on Judicial Conduct

1501 W. Washington Street, Suite 229

Phoenix, AZ 85007

(602) 452-3200

Email us at cjc@courts.az.gov

Subject:

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We just learned from the County Attorney's office the discouraging news HONORABLE dismissed a case against with prejudice. , the Defendant was presently charged with committing a series of sex offenses against his -year-old , Victim A. She is presently years old. The charges include one count Aggravated Luring a Minor for Sexual Exploitation, one count Molestation of a Child, and one count Sexual Abuse, all felony offenses and Dangerous Crimes Against Children. He is also charged with one count misdemeanor Assault. There was a bench warrant on issued (see here at the 1-minute mark):

Now the bench warrant has been quashed after a Notice of Appeal has been filed. Where is the justice in allowing a man who was charged with luring a minor child for sexual exploitation, molestation of a child, and sexual abuse? tampered with his ankle bracelet and fled the State of Arizona nowhere to be found.

Judge declared a mistrial because she felt she prejudiced the case and she felt her instruction ruined the criminal defendant's defense and declared a sua sponte which is incredibly rare.

The Criminal Defense attorney, , asked for a mistrial with prejudice initially...but when the law says the defendant consents to the mistrial then double jeopardy does not attach. consented when the Court said they were going to declare a mistrial and then joined the court and consented.

only gave one paragraph in size after taking the full days to issue a ruling and only gave one paragraph. doesn't explain her reason why when all she simply wrote was:

Criminal defense lawyer, could have requested the same jury in this case as it is a right particular to the defendant -- but he did not. In addition, the criminal defense lawyer requested times a mistrial which is a clear situation where double jeopardy did not attach.

We now have to wait days.

 has already requested to withdraw and doesn't want to appeal more than likely because he didn't get paid and has already requested a public defender for . Furthermore, we were sitting behind (when cut his ankle bracelet and fled the scene), and we watched scroll through news stories on his laptop not paying attention to the proceedings of the Court. He lost interest because we heard him tell the Court to the tune of:
" " Referring to his lost case.

All the transcripts have been ordered by the County Attorney's office and you will see strong evidence on why would have lost this case essentially because there was strong evidence why was charged with the charges set by County Attorney's office. whole case hinged on a phone number not being tied to his client when evidence debunked his entire claim. That is when aggressively Defense requested multiple mistrials throughout the course of the trial while his own client was fugitive to the case. I am not defending the defendant, but doesn't the defendant have the right to request the same jury in this case as it is a right particular to the defendant? did not do that and in it's place a miscarriage of justice was performed.

**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.**