

State of Arizona  
COMMISSION ON JUDICIAL CONDUCT

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Disposition of Complaint 10-091

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Complainant: No. 1390000444A

Judge: No. 1390000444B

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**ORDER**

The complainant alleged a superior court judge made an improper comment during his 1993 trial. The commission concluded that the issue is too old to justify further investigation, and no evidence was provided other than two pages of the complainant's handwritten version of the transcript. The complaint is dismissed pursuant to Rules 16(a) and 23.

Dated: June 14, 2010.

FOR THE COMMISSION

\s\ Keith Stott

\_\_\_\_\_  
Executive Director

Copies of this order were mailed  
to the complainant and the judge  
on June 14, 2010.

*This order may not be used as a basis for disqualification of a judge.*

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

FOR OFFICE USE ONLY

2010-091

COMPLAINT AGAINST A JUDGE

APR 12 2010

Your name:

Judge's name:

Date: April, 6, 2010

Instructions: Describe in your own words what the judge did that you believe constitutes misconduct. Please provide all of the important names, dates, times and places related to your complaint. You can use this form or plain paper of the same size to explain your complaint, and you may attach additional pages. Do not write on the back of any page. You may attach copies of any documents you believe will help us understand your complaint.

State of Az. v. CS. # cons. (16894)  
Pinal County 1991, October 17. indicted, arraigned October 25, 1991  
2nd indictment November 21, 1991. Jury Trial July 1993, Pinal County  
Superior Court Div. IV. Judge, Special deputy  
County Attorney from Graham County Attorneys office,  
Prosecutor. Defendant  
Testimony July 9, 1993, Transcript pages 144-250.

Judge Caused Judicial Misconduct  
and Jury Tampering.

Defense Attorney, Public defender Pinal County.  
Appeal Attorney, Public defender, Pinal County.  
Post Conviction Relief,  
Mr. was the Attorney that sent the defendant  
his copy of Trial Transcripts.

See Attached pages.

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The Judge, \_\_\_\_\_ did in fact intentionally and knowingly cause [Judicial Misconduct] by [Jury Tampering].

The following will reflect.

While the defendant, \_\_\_\_\_ was on the stand, under oath, giving his testimony, the court interrupted the defendant by saying the following-

the court: Excuse me Mr. \_\_\_\_\_ let me interrupt you here for just one minute.

Defendant: Ah, yeah, OK.

the court: Ladies and Gentlemen of the jury, this man is a four time convicted felon already and you do not have to believe anything he has to say.

defense Counsel: objection!

Prosecutor for the state: your honor, you really can't be saying that, the state objects.

the court: Your right, objection sustained and strike(\*) what I just said from the record. The jury will disregard what this court just said.

\* strike: to expunge, as from a record.

To expunge, to erase or destroy

Even though the court told the jury to disregard his statement, the jury was already tampered with by his (the court's) statement. By the court striking his statement from the record, the defendant had no proof of said statement for appeal. The defendant did not receive a copy of the Trial Transcripts until (8) eight years after the fact.

Submitted this 9 day of April, 2010 by the defendant in above intitled case.