

State of Arizona
COMMISSION ON JUDICIAL CONDUCT

Disposition of Complaint 11-032

Complainant: No. 1411410729A

Judge: No. 1411410729B

ORDER

The complainant alleged that a superior court judge coached a witness and allowed improper testimony. After considering the allegations and reviewing the transcript, the commission found no evidence of ethical misconduct on the part of the judge. Based on the relevant portions of the transcript, the judge directed a police officer to refer to the holding cell located near the courthouse as a “room in the courthouse” to ensure the jury was unaware the complainant was in custody during the trial. Whether the judge allowed improper testimony is a legal issue outside the jurisdiction of the commission. The complaint is therefore dismissed in its entirety pursuant to Rules 16(a) and 23.

Dated: July 20, 2011.

FOR THE COMMISSION

/s/ George Riemer
Executive Director

Copies of this order were mailed
to the complainant and the judge
on July 20, 2011.

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

CONFIDENTIAL

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

FOR OFFICE USE ONLY**2011-032****COMPLAINT AGAINST A JUDGE**

Your Name:

Judge's Name:

Date: 1-28-11

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.

ON 9-30-10 I WAS IN THE MIDDLE OF TRIAL FOR 1ST DEGREE MURDER, ON THE ABOVE MENTIONED MORNING, MOVEMENT OFFICERS CAME AND GOT ME OUT OF MY CELL (3C235) @ APPROXIMATELY 400AM. AFTER BEING SECURED IN LEG CHAINS THEY PUT ME IN A HOLDING CELL @ 4TH AVE JAIL (3RD FLOOR) APPX 1 HR, THE MOVEMENT OFFICERS MOVED ME DOWN STAIRS TO THE OLD MADISON JAIL HOLDING CELLS (HORSE SHOE) APPX 2 HRS LATER, ALL BUT 8089 WAS LEFT IN THE HOLDING CELL WAITING FOR COURT. OFFICER PAULLO GONZALES TELLS US TO GET UP & MOVED US FROM THAT CELL AND WALKED US DOWN AROUND THE CORNER TO YET ANOTHER HOLDING CELL IN MADISON JAIL (HORSE SHOE) WHEN I WALKED IN THE HOLDING TANK FOR PM COURT, I SEE THAT NATHAN KEENEY WAS THERE, KEENEY IS A KEEP AWAY FROM ME IN THIS CASE, A FIGHT ENSUED IN THE HOLDING CELL WHERE PAULLO GONZALES PUT ME, I WAS TASERED TWICE AND NATHAN KEENEY WAS MOVED OUT OF THE HOLDING TANK, PAULLO GONZALES ESCORTED ME TO THE MEDICAL UNIT WHERE I WAS CHECKED OUT.

(Attach additional sheets as needed.)

Continuance

then He brought me back to my cell @ 4th Ave (34235) At Appx, 100 PM (Steve) The BALIFF FROM COURT CAME & ESCORTED ME BACK TO Judge COURT Room. Judge Allowed the Fight to Be Brought INTO MY TRIAL. IN Front OF AN "Unbiased" JURY OF MY peers, Judge Told OFFICIER DAUBLO GONZALES TO MAKE THIS STATEMENT, "that He WAS BRINGING NATHAN KEENEY UP THROUGH THE COURT HOUSE & WE RAN INTO EACH OTHER AND A FIGHT ENSUED" OFFICIER DAUBLO GONZALES STATED TO THE JUDGE "IM NOT GONNA LIE" Judge SAID YOUR NOT BECAUSE technically the Holding tanks are PART OF the CourtHouse. totally telling the JURY I WAS IN CUSTODY, OFFICIER GONZALES WAS SWORN & PLACED IN THE WITNESS CHAIR where He told the Story OF How He was BRINGING NATHAN KEENEY UP THROUGH THE COURT HOUSE AN THAT WE "RAN INTO EACH OTHER" AND A FIGHT ENSUED & THAT He HAD TO TASER ME TWICE BEFORE THE FIGHT WAS Broken up.

Continuance

This Statement is NOT True,
the Fight Happened IN old
Madison Jail (401 W Madison) NOT
IN Superior Court Building.
(201 West Jefferson St)

Evidence of This Event is in
My Transcripts of My Murder
Trial CR-2008-