

State of Arizona
COMMISSION ON JUDICIAL CONDUCT

Disposition of Complaint 14-084

Judge:

Complainant:

AMENDED ORDER

The complainant in this matter originally raised allegations that the judge failed to make reasonable accommodations for the complainant's disability and that the judge mocked him. That complaint was dismissed. Through a motion for reconsideration, the complainant subsequently raised three additional allegations: (1) that the judge improperly signed an order after recusing himself from a case; (2) that the judge failed to provide the complainant an opportunity to respond to a motion; and (3) the judge unilaterally changed a sentencing order after issuing it.

The responsibility of the Commission on Judicial Conduct is to impartially determine if the judge engaged in conduct that violated the provisions of Article 6.1 of the Arizona Constitution or the Code of Judicial Conduct and, if so, to take appropriate disciplinary action. The purpose and authority of the commission is limited to this mission.

After review of the motion for reconsideration and the judge's response, the commission found no evidence of ethical misconduct and concluded that the judge did not violate the Code in this case. In general, legal errors do not constitute ethical misconduct. The commission approved sending the judge a private advisory comment regarding procedural requirements for addressing errors in orders. The complaint is dismissed pursuant to Rules 16(b) and 23(a).

Dated: June 20, 2014

FOR THE COMMISSION

/s/ Louis Frank Dominguez

Louis Frank Dominguez
Commission Chair

Copies of this order were mailed
to the complainant and the judge
on June 20, 2014

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

2014 084

COMPLAINT AGAINST A JUDGE

Name: [REDACTED]

Judge's Name: [REDACTED]

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 you believe 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.

See attached
and Trial

documents

Affidavit [REDACTED]

Violation of Canon Law as follows:

Rule 1.1 Compliance of Law

Rule 1.2 Promoting Confidence in Judiciary

1-6.

Rule 1.3 Avoiding Abuse of Presiding of Judicial
Office. 1-4.

Rule 2.1 Giving Precedence to Judicial Duties

Rule 2.2 Impartiality and Fairness

1-4.

Rule 2.3 Bias, Prejudice and Harassment

(A), (B) (c) 1-3.

Rule 2.4 External Influences on Judicial
Conduct (A)(B)(C).

Rule 2.5 Competence, Diligence and cooperation

(A)(B) 1-5.

2014 084

continued.

COMPLAINT AGAINST A JUDGE

Name:

[REDACTED]

Judge's Name:

[REDACTED]

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 you believe 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.

Violation of Canon Laws as follows:

Rule 2.6 Ensuring Right to be Heard.

(A), 1, 2.

Rule 2.7 Responsibility to Decide

1.

Rule 2.8 Decorum, Demeanor

(A) (B) 1.

Rule 2.9 Ex Parte communication

(A) (c) (9).

Rule 2.10 Judicial statements

(A) (B) (c)

Rule 2.11 Disqualification

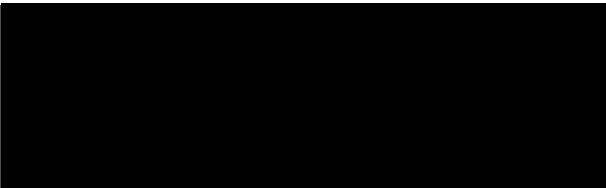
(A) (1) (2) (a) (c) (d)

Rule 2.15 Responding to lawyer misconduct

(B) (D) 1. (A, B)

Rule 3.3 Acting as a character witness
(during trial for plaintiff)

[REDACTED]



COMMISSION ON JUDICIAL CONDUCT
1501 W. WASHINGTON STE. 229
PHOENIX, AZ. 85007

CASE NO. 14-084



MOTION FOR RECONSIDERATION

ON [REDACTED] THE COMMISSION FOUND NO EVIDENCE OF ETHICAL MISCONDUCT AND CONCLUDED THAT THE JUDGE DID NOT VIOLATE THE CODE IN THIS CASE. I DISAGREE WITH THEIR DETERMINATION.

HOWEVER, NOW [REDACTED] HAS ENGAGED IN BEHAVIOR THAT MUST BE ADDRESSED BY THE JUDICIAL COMMISSION. I HAVE INCLUDED HERE MY MOTION SUBMITTED TO THE COURT ENTITLED "DEFENDANT'S RESPONSE TO MOTION OF STATE TO PERMIT WITNESS [REDACTED] TO TESTIFY TELEPHONICALLY" FILED WITH [REDACTED] ON [REDACTED]. THE TRIAL DATE WAS [REDACTED] IN CASE [REDACTED].

TO SUMMARIZE THE NATURE OF THIS COMPLAINT IN A BRIEF FORMAT, [REDACTED] SIGNED AN ORDER FOR A WITNESS TO APPEAR TELEPHONICALLY IN CASE [REDACTED] ON [REDACTED] (EXHIBIT D) SUBMITTED BY [REDACTED] ATTORNEY'S OFFICE (EXHIBIT B). THIS IS A VIOLATION OF THE SIXTH AMENDMENT, WHERE IN A CRIMINAL TRIAL, A DEFENDANT HAS THE RIGHT TO CONFORT A WITNESS IN PERSON AND NOT ON THE TELEPHONE. THAT IS JUST ONE ASPECT OF THE COMPLAINT. I WAS NEVER GIVEN THE OPPORTUNITY TO RESPOND TO THE MOTION FILED BY [REDACTED], BEFORE [REDACTED] SIGNED THE ORDER ON [REDACTED]. THE MOTION FROM [REDACTED] WAS MAILED [REDACTED] AND [REDACTED] SIGNED THE ORDER ON [REDACTED] AND MAILED OUT NOTICE TO ME ON [REDACTED]. AS MY PLEADING STATES, I HAVE 10 DAYS AFTER SERVICE PLUS ANOTHER 4 DAYS FOR A TOTAL OF 14 DAYS TO RESPOND TO THE MOTION. I WAS NOT GIVEN THIS OPPORTUNITY.

FURTHERMORE, [REDACTED] RECUSED [REDACTED] FROM THIS CASE [REDACTED] DURING MY SENTENCING HEARING ON [REDACTED] UNDER CASE [REDACTED] (EXHIBIT D- TRANSCRIPT RECORDING) AND IN MINUTE ENTRY DATED [REDACTED] (EXHIBIT C). [REDACTED] IS NOT PAYING ATTENTION TO WHAT [REDACTED] IS SIGNING AND READING. [REDACTED] IS ROBO-SIGNING ANYTHING [REDACTED] PLACES IN FRONT OF [REDACTED] TO SIGN AND GRANT. [REDACTED] IS AN INFERIOR COURT [REDACTED] WHEN I WENT TO COURT TO DELIVER ADDITIONAL OBJECTIONS TO WITNESS APPEARING BY PHONE, I FOUND OUT [REDACTED] SIGNED THE ORDER AND TOLD [REDACTED] THAT [REDACTED] COULD NOT SIGN THE ORDER, AS [REDACTED] HAD RECUSED [REDACTED] OFF CASE [REDACTED] AND THEN [REDACTED] WROTE ON THE GRANTED ORDER [REDACTED], "THIS ORDER SIGNED IN ERROR BY [REDACTED]; THIS CASE WAS ASSIGNED TO [REDACTED] PREVIOUSLY". (EXHIBIT A). [REDACTED] HAS SOME KIND OF MENTAL ISSUES. IF I DIDN'T HAVE [REDACTED] DELIVER THE COURT PAPERS, I WOULD HAVE NEVER KNOWN THAT [REDACTED] ILLEGALLY SIGN THE ORDER SUBMITTED BY [REDACTED]

[REDACTED] ALSO GRANTED [REDACTED] ORDER EVEN THOUGH THERE WERE NO POINTS AND AUTHORORITIES, AND BRIEF MEMORANDUM. (SEE EXHIBIT E- MINUTE ENTRY AND ORDER IN CASE [REDACTED]). IN CASE [REDACTED], [REDACTED] HAS DENIED MY RIGHT TO APPEAL IN THIS CASE, AS [REDACTED] REFUSED TO GIVE ME THE TRANSCRIPTS AND COPIES OF THE CD'S OF THE TRIAL. I AM [REDACTED] AND THE DISCS [REDACTED] AND I HAVE BEEN TOLD THEY ARE OF [REDACTED] RECORDING WITH THE TRANSCRIPT BEING INCOMPLETE DUE TO THE [REDACTED] REPRODUCTION DONE BY [REDACTED]. I WILL HAVE TO FILE A SPECIAL ACTION AGAINST [REDACTED] TO PRESERVE AND GET MY RIGHT TO APPEAL. I HAVE BEEN FIGHTING WITH [REDACTED] TO GET THE TRANSCRIPTS TO FILE MY APPEAL SINCE [REDACTED]. I JUST GOT THE TRANSCRIPTS, BUT [REDACTED] WON' T ALLOW ME TO FILE MY

[REDACTED] DUE TO FACT THAT [REDACTED] IS INSISTING THAT I DID NOT PERFECT MY APPEAL. SINCE I WAS NOT TIMELY. MY TIME SHOULD BEGIN WHEN I RECEIVED THE TRANSCRIPTS. IN CASE [REDACTED], [REDACTED] FASLEY STATED THAT THE TERMS OF SENTENCING WERE STAYED ON APPEAL, BUT NOT ALL OF THE TERMS OF SENTENCING, JUST WHAT [REDACTED] WANTED STAYED, WHICH IS NOT THE LAW. YOU CAN NOT "STAY" CERTAIN TERMS AND ENFORCE OTHERS. [REDACTED] STAYED MY FINE, BUT KEPT THE PROBATION FOR [REDACTED] AND MADE ME COMPLETE [REDACTED]. ALL THREE ITEMS WERE [REDACTED].

ADDITIONALLY, ON MY CASE [REDACTED] INTENTIONALLY CHANGED MY [REDACTED] ORDER DATED [REDACTED] TO SATISFY [REDACTED] REQUESTS AFTER I LEFT THE COURT ROOM. YOU CAN SEE IT STATES "AMENDED [REDACTED] I DID NOT AGREE WITH THIS ORDER. AT THE COURT HEARING, THE CASE WAS DISMISSED WITH NO TERMS. ALL THE TERMS WERE CHANGED BY [REDACTED] AFTER I LEFT THE COURT ROOM BEHIND MY BACK AND WITHOUT MY KNOWLEDGE.

IN CLOSING, FOR ALL THE REASONS I STATED ABOVE, I WANT THE COMMISSION ON JUDICIAL CONDUCT TO THOROUGHLY INVESTIGATE MY CLAIMS AGAINST [REDACTED]. [REDACTED] IS A POOR REPRESENTATIVE OF THE JUDICIAL COMMUNITY, HAS NO LEGAL KNOWLEDGE AT ALL, DOESN'T CARE ABOUT [REDACTED] RULINGS NOR THE LAWS [REDACTED] IS TO REPRESENT. I HAD TO NOTIFY [REDACTED] TO GET [REDACTED] TO [REDACTED] I MISSED MOST OF MY TRIAL, DUE TO [REDACTED] FAILURE TO ACCOMMODATE [REDACTED]. THERE IS NO EXCUSE WHAT SO EVER FOR SIGNING A UNTIMELY ORDER THAT [REDACTED] RECUSED YOURSELF OFF MONTHS AGO AND LIKewise FOR CHANGING A [REDACTED] ORDER BEHIND MY BACK.

[REDACTED] MUST BE REMOVED IMMEDIATELY OFF THE BENCH BEFORE [REDACTED] RUINS MORE PEOPLE'S LIVES !!!!!!!!

[REDACTED]