

State of Arizona
COMMISSION ON JUDICIAL CONDUCT

Disposition of Complaint 16-021

Judge:

Complainant:

ORDER

The complainant alleged a superior court judge was biased against him, denied him an opportunity to be heard, and failed to report his attorney's misconduct to the State Bar of Arizona. The complainant also alleged a second superior court judge was biased against him, denied him an opportunity to be heard, was inattentive during trial, engaged in inappropriate courtroom demeanor, and failed to report his attorney's misconduct to the State Bar of Arizona.

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, the commission found no evidence of ethical misconduct and concluded that first judge did not violate the Code in this case. Additionally, the commission does not have jurisdiction to review the legal sufficiency of a judge's rulings. Accordingly, the complaint is dismissed in its entirety, pursuant to Rules 16(a) and 23.

Commission member Louis Frank Dominguez did not participate in the consideration of the dismissal matter against the first judge.

With respect to the second judge, after review, the commission found no evidence of ethical misconduct and concluded that the second judge did not violate the Code in this case. The commission approved sending that judge an advisory letter to refrain from making comments that could give the appearance that he has prejudged a case so as not to violate Rules 1.2 and 2.2 of the Code. Additionally, the commission does not have jurisdiction to review the legal sufficiency of a judge's rulings. Accordingly, the complaint is dismissed in its entirety, pursuant to Rules 16(b) and 23.

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

Commission members Louis Frank Dominguez and Art Hinshaw did not participate in the consideration of the advisory matter against the second judge.

Dated: March 30, 2016

FOR THE COMMISSION

/s/ Peter J. Eckerstrom

Hon. Peter J. Eckerstrom
Commission Vice-Chair

Copies of this order were mailed to the complainant and the judges on March 30, 2016.

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

2016-021

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.

I regards to _____ : I recall
stating in open court just before trial that he was
unfamiliar with the facts of the case. Now with
that being said I when representing myself (Pro-Per)
stated in open court to _____ that unraveling all the
contradictions, lies regarding the two interviews, and
statements from other parties, shouldn't he of at least
opened my case file or request some one open my file
to investigate my claims about the prosecutions case?
And shouldn't he have determined whether all the T's
were crossed and I's dotted regarding the prosecutions
case. (How can a judge show impartiality if he's unfamiliar with a case before him.)

Also, _____ addressed me as
knowing this wasn't my name and he clearly stated to my
brother, _____ when _____ said this wasn't
my name, Judge _____ stated he knew my name
was _____ and explained how he knew my
true name, yet never called me by it.

Also regarding the _____ attorney's, as I explained on a
number of occasions to both Judge's via 'kites' and during
pro-per, regarding their (Attorneys) not contacting nor
investigating witnesses, collecting evidence etc. should-
n't either judge brought up to either attorney that
I was not given a preliminary Hearing, because

as far as my first Attny his first words to me were, "You could win this, she's all over the place, she's untrustworthy, she can't keep her story straight, she's afraid of law enforcement, So im gona get you an expert witness disclosed. Now I cant say for sure if he findings to the Prosecution because I was only given discoveries; Grand Jury minutes, Police Report and Interview transcripts. I never recieved results, nor any info my first Investigator had. These facts and the fact that I had no preliminary or Evidentiary hearing leaves me in the dark and I cant say for sure on what grounds the hearsay of my accuser was admissable. Plus as I said, and based on what I witnessed my accuser say and do in my presence, I asked if there was a way to have my accuser evaluated to see if she was fit/competent to take the stand, but that was never done. And what I do know now is that to find hearsay statements reliable the court must on a case to case basis examine totality of circumstances surrounding each Hearsay statement to find that the declarant was particularly likely to be telling the truth. The court never provided any documents^{to} conclude that she was credible, trustworthy or even reliable. Nor did she testify before a Grand Jury or at a preliminary hearing. Also stated on more than one occasion he was unfamiliar with the -

2016-02-1

case and the facts surrounding the case. Now please bare in mind that the interviews of my acuser and statements by _____ and my _____ will explain, clearly, the depth of unreliability and willingness to change her story in these interviews and on the witness stand (turncoat witness). And the the _____ continued, even on the stand, to change her story on the stand AND to the Police, whom I believed condoned her _____ lying. The fact is I became pro-per, not by choice, but under circumstance. You see Both _____ and _____, my _____ failed to collect evidence to show proof of my acusers willingness to lie to authority figures, to question witnesses regarding four allegations against others she accused of sexually natured offences against her, _____ . And to present Statements from Interviews' proving my acuser and her _____ unreliability as witnesses. Plus the statements regarding my acusers _____ and her online sexually explicit affair ^{At age} will prove she was raised in a toxic environment that _____ neglected to address. There were so many facts ignored that my attorneys should have addressed, but chose not to. These are issues I tried to address at trial, which also included drugs, incest, an affair, which held grounds for motive. And my witnesses would and were called to prove this. My acuser had plenty of motive. She went from: Hush money, Fear of me telling secrets, to her _____ would think less of her PG13 if she told on me

TRIAL

- Before I get to trial I will admit when I became Pro Per, it was not by choice, but I did disclose I only read a Nolo: Know Your Rights book, basically a vague book of info about the Criminal Procedure. I borrowed it from an inmate but lost access to it when I began to represent myself because I was move to another Pod in the Jail. Though I did petition the court for another book: How to Represent yourself in trial, also a Nolo book but was denied. And the reason I asked the judge for this book is to show my unfamiliarities with laws and procedures of court. And as my Advisory Attny stated I didn't have Federally Mandated Access to a law library. The only acces I had was if I knew case and name they would provide me with a case & name printout, but this printout had no information.

- Also my reason for A judge trial was because through the I was incarcerated I not only heard countless accounts of biased Juries in County, told to me by my attorneys and from inmates, I also heard about bad lawyers not investigating defendants cases, leaving them in Jail till they decided to sign a plea. Even officers in Jail spoke of the counties corruption. I was even told the courts kept an inmate in Jail for until he signed a plea (), bad prosecutors and judges. So when I got a new judge (), I thought he was a new judge free of corruption, plus my second attorney said he was fair, so I thought (1) he was a new judge and (2) he wasn't corrupt (3) he would be fair, not bias.

TRIAL

Trial I motion for a continuance: A number of first hand wits not present. Motion denied.

Prosecuter: Opening Statement. Pro Per: Opening.

I intended on proving motive by ^{Secrets} acuser, acusers, acusers, To expose secrets of my acuser and acuser falsely accusing myself and others in period, and her habit of lying to authorities and fear of and sexual tendencies, yet my key wits were not present. though I appealed to the importance of these wits. And without my wits family was free to lie and construe the facts as they pleased. why did the Judge fail to secure my wits, unless he wanted me to fail? where's the fair trial?

STATE EXPERT

calls state expert to explain "Delayed Disclosure". Then he asked state expert to explain reasons why "children" are reluctant to come forward, knowing my acuser already gave separate "reasons" for not coming forward in interviews one and two: "Hush money" and my "threats to tell her secrets if she told on me". Yet the state experts says some reasons children are reluctant to tell is "Fear, afraid no one would believe them, afraid would think less of them". Now why would the prosecutor, already knowing 2009/2010 reasons for not coming forward, ask an expert such questions unless he found too much doubt in my acusers interviews, which he never entered into evi-

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**FOR ACCESS TO THE
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NUMBER IN YOUR REQUEST.**

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JAN 19 2016

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2016-021

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.

The following accusations of misconduct are based on memory alone, therefore some corrections may occur. (Canon 2 Rule 2.3(A)(B) comments 2 & 3) Mar 23 2013 SAT. Video Court: I'm told Charges and correct the courts regarding

Arraignment:

Superior. Judge calls me by incorrect name, I correct him also. Yet He continues to call me by my wrong name I correct him by 'Kite' and again in court. He continues to call me by wrong name, each time I clearly get upset looking at him angrily and sighing in disgust with like a growling sound, This continues everytime. I return to court, he says my incorrect name leans forward, makes eye contact with me and I react the same, Until I finally accept the fact that he does this to make me upset so I just avoid making eye contact with him when I go there because everytime he said we would smirk at me. after signing an Plea and being allowed to speak I believe I corrected my name again but continues even after that to use the wrong name Personally I found this to be offensive and disrespectful let alone unprovoked, I never expected such behavior from a Judge. "where theres smoke theres a fire"

Now my next charge against is regarding Due Process. I sent a number of "Kites" regarding my ignorance of my rights. I in ~~essence~~ was questioning what my rights were, plus complaints about my lawyer not communicating or complying with his dut-

(it was inmates who told me that had objectives when representing me)

ies as my attorney. You see in the beginning told me I had a short window of time to prepare a defense case, which I believe was wks. And I prepared my case, naming witnesses, evidence to be collected ~~and~~ ^{but} every time I returned to court with my case in hand my attorney wasn't there, nor did he visit me at the Jail. But still I returned to court with my defense case in hand (despite losing my entire case once at no fault of my own, I wrote it up again)

You see was a no show for mos, he appeared via telephone. Now Rule 2.6 ensuring the right to be heard. (Rule 2.6(A) comment 1., Also Rule 1.2 comment 4 & 5., Rule 2.2 comment 1, Rule 2.5(A) comment 3, 4, and 5) When I tried to speak regarding the time the judge gave me to prepare and present my case to the courts, stopped me from speaking on the facts. It seemed to me unfair because other inmates informed me of their free will to speak openly to a judge this made me feel unimportant. And since the judge ordered me not to speak, I felt all I could do was write "kites" which were at times answered up to months after sent to

• Though at one hearing, or I should say all hearings the judge would end the appearance so quick I, many times, felt he just wanted me in and out, but I did on one occasion after ended the hearing, spoke up saying, what about my defense- (1 of 3 Complaints Against Superior Court Judges)

case while holding my hand written defense case ~~there~~
~~in~~ in my right hand I have been coming to court
with my case since the deadline and wanted the
courts to be aware of it. You see I was under the
impression, and this can clearly be seen by my lette-
rs to _____ and the Judge, plus _____ secured
a P.I. and an expert witness this also lead me to
believe we were on the same page. Though around
trial time, almost _____ mos. of incarceration A trial
date was set. Finally I received my discoveries
but _____ dismissed my attempt to discuss the
discoveries and spoke of a plea and intimidated
me by saying I would lose if I go to trial. I
agreed to take a plea but when I got to court,
signed it and sat before the Judge I said to
Judge _____, I wanta go to trial. You see I
would send kites to _____ about _____ not
communicating with me about my case and though
_____ kept saying he's working on the defense
case he never showed proof, so this is what i'd
complain to the Judge about. Also the day I
signed ~~the~~ plea _____ knew I didn't want to sign
it and told me how I would lose in trial because
a bias jury and that the judge wasn't going
to allow me to take the stand. I finally signed
the plea. But when I felt safe enuf in front of other
people and on the record I said I wanta go to -

Rule 2.15 (B) (D) comment (1) (2)

Trial. But ^{that} was after the incident in the hall at the courthouse I decided to inform Judge _____ and the state bar about _____ Threatening that if I went back on my word to sign the plea that, he and my Private Investigator _____ would take me to a room and _____ me up, he also shoved me while I was sitting, shackled. He then showed up at the jail telling me to sign the Plea, coz "I'm guilty, I'm the classic case of a pedophile", this I also wrote to the state bar. And Under Canon 2 Rule 2.5 (D) comments 1 & 2., Judge _____ should have also informed the appropriate authorities because I also told him what occurred. But upon the next hearing before _____ could address the issue _____ withdrew as my Council on _____

I'm soon appointed a new ~~attor~~ attorney _____

• Now based on my withdrawal from my plea and my first court ~~in~~ appearance with my new Council whom Judge _____ after seeing him [↑] and recognizing him from years back, says to _____ "The prodigal son of _____ returns, my impression based on how he made the statement and _____ book of discomfort by the statement I felt again uneasy around _____, Plus the Judge was hopeful that I would be his last Criminal trial before he became a civil Judge, -
CASE

Federal Criminal Code and Rules: Chapter 13 - Civil Rights Sec. 242

but insured him that we wouldn't be ready for trial by the end of the year. So my case was transferred to

Also Personally expressed to me his relief that we were not going to trial with Judge

And to the best of my Recollections this is what he stated to me: "It'll be better now that we have a new Judge, a lot more fair than

as fair and... as a bad Judge, he's just not. I've been to trial with both of them and seems to me to be more fair than

And based upon my personal experience with and statements I'd say we were both relieved, but my relief was short lived.

Rule 1.2, ^{comment 2} Rule 2.1, Rule 2.2 comment 1 & 2, Rule 2.3(A)(B)(C) comment 2, 3, 4, 5, Rule 2.5(A) comments 3, 4, & 5, Rule 2.8(B)

Footnote: I recall asking the courts and when I say courts I meant, the Judge. For my Discover-

ies after my first Attny ignored my pleas for him to send them to me. The courts replied that it was my Attny's job to give me discoveries. Finally the Judge addressed this in open court and I reluctantly agreed with to not receive discoveries as he persuaded me that it was for my safety that I didn't receive them:

was good at using my reliance and trust in him, to manipulate me, using my ignorance of my rights, due process and other factors against me.

(1 OF 3 Complaints Against Crt. Judges.)

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