

State of Arizona  
COMMISSION ON JUDICIAL CONDUCT

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Disposition of Complaint 16-263

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Judge:

Complainant:

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**ORDER**

The complainant alleged a superior court judge improperly denied a motion to suppress in his criminal case.

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.

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

Commission member Peter J. Eckerstrom did not participate in the consideration of this matter.

Dated: October 19, 2016

FOR THE COMMISSION

/s/ George A. Riemer

\_\_\_\_\_  
George A. Riemer

Executive Director

Copies of this order were mailed to the complainant and the judge on October 19, 2016.

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

2016-263

My name is \_\_\_\_\_ case No. \_\_\_\_\_ serving a \_\_\_\_\_  
year sentence that was originally an \_\_\_\_\_ sentence that was reduced  
due to a mister-meaner used to inhanche my sentence and it was remanded  
and I was resentedenced to \_\_\_\_\_ years, after doing all that work myself I did  
some digging into my motion to suppress and dissmisss for right to counsel  
transcripts that was held on \_\_\_\_\_ before \_\_\_\_\_

in the superior court of the state of Arizona in and for the county of \_\_\_\_\_

, I found that the suppression should have been granted by the  
guidelines of the United States Supreme Court case law that I've cited in this  
complaint. Not only did I find that suppression was a valid remedy in my  
case, I found case law from the United States Supreme Court that says  
dissmisssle not suppression is the proper remedy for not allowing a defendant  
to speak to an attorney prior ~~to~~ the independent test for exculpatory  
evidence question asked by the officer in a DUI investegation. In my  
case I did ask for an attorney when the officer dealing with the DUI part  
of my arrest gave me my Miranda warning. I was then asked Why did I  
turn up \_\_\_\_\_? Then asked if I needed an attorney before a breath test?; Then  
he asked if I wanted an independent test, I signed yes and then signed No.  
There was clearly a violation of my constitutional 6<sup>th</sup> Amendment according to  
Miranda v. Arizona. The officer also used a tactic to deprive me of my invocation  
or according to \_\_\_\_\_ limited my invocation to any questioning  
and nothing else, I would like to enter all of the facts in this complaint  
to allow this commision to assist me in any way posible, This case  
should have never gone to trial and should have been dissmisssed, I  
was prejudiced and denied equal justice. I don't know if you have  
access to the transcripts or did you need me to send you a copy?  
Please let me know. Thank You.

I will show how on Before  
 The in the superior court of the  
 state of Arizona in and for the county on case number  
 001, Before and by the honorable On  
 In a motion to suppress and dismiss for violation of right to counsel, I was  
 prejudice and denied justice under the constitution and the 6<sup>th</sup> Amendment,  
 In this complaint I will show how I was prejudice and shown bias. In  
 the pages of the court transcripts ( / pages Officer  
 Direct Examination by County Attorney's Office were  
 all irrelevant to suppress or dismiss and the 6<sup>th</sup> Amendment and focused  
 on visible evidence about what officer saw in my car and not focus on  
 my rights violation. These pages had no bearing on the suppression  
 or dismiss for right to counsel. On ( / When  
 Defendant counsel objected for relevance, overruled while  
 never mentioning how this testimony was relevant to a suppression  
 hearing, allowed this testimony to go on for pages  
 of transcripts and on page defendant's counsel objected  
 again for relevance and the courts overruled again  
 with no explanation. This whole Direct Examination by  
 was an abundance of irrelevant information to prejudice the judge  
 and was an abuse of justice on the prosecution and Judges part.  
 The pages could have been used to better understand the facts in  
 the suppression heard and would have seen the clear violation of  
 the Right to Counsel under the 6<sup>th</sup> Amendment. A judge who manifests  
 bias or prejudice in a proceeding impairs the fairness of the  
 proceeding and brings the judiciary into disrepute. ( /  
 only needed questions for his cross examination  
 posed to pages for officer because he had nothing

to offer the hearing for suppression. ( ) Prosecutor  
closing arguments reiterates officers involvement in the night  
in question and it still has no relevance on the issue of suppression  
for violation of Right to counsel. Then ( ) Prosecutor  
made it clear that officer was only using my  
invocation for question on the officer worksheet when Miranda  
covers much legal power and presence than just an officers  
worksheet. ( )"

ether did not catch the  
added word' that completely changed my invocation from  
the original request or she allowed the prosecution to change  
my invocation to "to assist the prosecution in  
denying me a fair trial. Either way it was bias, prejudice  
unfair and partial to allow my invocation to be modified  
to suit prosecutors needs, especially after officer had  
already testified to how I invoked my right to counsel and  
he never used the words' ( )"

"The word  
is not present, Rule 2.2 Arizona Rules of Court, A judge  
shall uphold and apply the law, and shall perform all duties  
of judicial office fairly and impartially. My invocation says"  
"to protect me  
from self incrimination. The prosecutor altered my invocation  
to release me of my protection by adding the words"  
"to limit my invocation, and the judge allowed it.

A judge must interpret and apply the law without regards to whether the judge approves or disapproves of the law in question. A pattern of legal error or an intentional disregard of the law may constitute misconduct.

" "added to my invocation by  
by the prosecution several times in this suppression hearing by

" Here again is the phatom  
This was changed  
" Here again was allowed  
to change my invocation from the original invocation"  
'without any' 'in it.'

" This was the question that poisoned  
the tree. As soon as I invoked my right to an attorney, the very  
next thing out of officer math was"

" This was a clear violation of Miranda. After this violation  
all other questions are tainted in violation under the fruit from  
the Poisoned tree Doctrine, and should exclude any statement  
or evidence obtained in its wake. U.S.C.A. Const. Amend. 6.

"  
" wasted valuable time in this hearing on officer  
testimony, he had nothing to do with the suppression  
issues. This is prejudicial we were not there to talk about the  
points about me waiving my rights early in the investigation.

with an officer that had nothing to do with the DUI portion  
of this investigation. ( )"

'Here we have the biggest issue under'

meaning encompasses court rules as well as ordinances, regulation,  
statutes, constitution provisions, and decisional law. In this complaint  
I mentioned how the lead officer states I invoked my rights  
to an attorney and the prosecutor has altered my invocation throughout  
the whole proceedings. In this the final ruling from she  
alters and changed my invocation from the original invocation and  
even added more revisions to the original invocation,  
says " )  
Miranda rights he

here like "

remotely close to that in my invocation. Then

on to say "

These words never come out of my mouth in any of the transcript.

I did make concerted answers to officer questions, and I

never changed or said anything different other than my original  
invocation, "

all these extra words like "

This was highly prejudicial, bias and confirmed  
a conviction for the prosecution by stepping on, severing ~~my~~  
constitutional rights. This suppression hearing was far from judicially  
Fair or even professional by any meaning of the word. The allowance

used several prejudicial words

"I never said anything

ages

"The judge added

**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.**