

State of Arizona
COMMISSION ON JUDICIAL CONDUCT

Disposition of Complaint 17-053

Judge:

Complainant:

ORDER

The complainant alleged a superior court judge exhibited prejudicial intemperance toward his attorney, bringing the judicial office into disrepute.

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 that the judge failed to be patient, dignified and courteous to complainant's attorney. While this was improper under Rule 2.8(B) of the Arizona Code of Judicial Conduct, the Scope Section of the Code provides that it is not intended that every transgression will result in the imposition of public discipline. The commission decided, after considering all the facts and circumstances, to dismiss the complaint pursuant to Rules 16(b) and 23(a), but to issue a warning letter to the judge reminding him of his obligations under Rule 2.8(B).

Commission members Art Hinshaw and Roger D. Barton did not participate in the consideration of this matter.

Dated: August 22, 2017

FOR THE COMMISSION

/s/ Louis Frank Dominguez
Hon. Louis Frank Dominguez
Commission Chair

Copies of this order were distributed to all appropriate persons on August 22, 2017.

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

CONFIDENTIAL

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

FOR OFFICE USE ONLY

2017-053

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 HAD A TRIAL IN JUDGE DIVISION CONDUCTED DURING THE PERIOD THROUGH AND ONLY RECENTLY RECEIVED THE TRIAL TRANSCRIPTS NECESSARY TO FORMULATE AND SUBSTANTIATE THIS COMPLAINT. I WOULD LIKE TO FORMALLY ENTER A COMPLAINT AGAINST JUDGE PURSUANT TO THE PROVISIONS OF RULE 6, ARIZONA COMMISSION ON JUDICIAL CONDUCT RULES; SPECIFICALLY, ON THE FOLLOWING TWO GROUNDS:

1. HABITUAL INTEMPERANCE; AND,
2. CONDUCT PREJUDICIAL TO THE ADMINISTRATION OF JUSTICE THAT BRINGS THE JUDICIAL OFFICE INTO DISREPUTE.

THE BASIS OF THIS COMPLAINT IS THE JUDGE'S COMPORTMENT TOWARDS MY RETAINED ATTORNEY, DURING THE COURSE OF MY TRIAL IN JUDGE COURTROOM. I SUSPECT THAT AND HAVE SOME SORT OF HISTORY, FOR THE ANIMUS DISPLAYED BY TOWARDS MY ATTORNEY DURING THE COURSE OF MY TRIAL WAS TRULY ASTONISHING. IT WAS SO BAD THAT I HAD TO FIRE MY ATTORNEY AFTER THE TRIAL, SO WOULDN'T TAKE IT OUT ON ME DURING SENTENCING. I WAS FORCED TO PROCEED PRO SE AND WITHOUT A LAWYER AT SENTENCING, BECAUSE I COULDN'T AFFORD TO REPLACE , AND I DIDN'T WANT TO SUBJECT MYSELF TO JUDGE WRATH IF I WERE TO APPEAR AGAIN WITH ATTORNEY AS MY LAWYER.

PERHAPS A REVIEW OF THE TRANSCRIPTS OF THIS TRIAL IN ITS ENTIRETY WOULD BE NECESSARY TO REVEAL THE TRUE SCOPE OF VITUPERATIVE ANIMUS DISPLAYED BY JUDGE [REDACTED] TOWARDS MR. [REDACTED] BUT IT IS NOT POSSIBLE FOR COMPLAINANT TO PROVIDE THAT DUE TO HIS PENURIOUS CIRCUMSTANCES AS A PRISONER. NONETHELESS, COMPLAINANT HAS INVESTED NEARLY OF PRISON WAGES IN ORDER TO PRESENT THE ATTACHED PAGES. THESE WILL PROVIDE THIS REVIEWING BODY WITH SOME IDEA OF THE HABITUAL INTemperANCE EXHIBITED BY THE JUDGE DURING UNDERSIGNED'S TRIAL IN THIS MATTER, AND DEMONSTRATE HOW THE JUDGE'S COMPORTEMENt BROUGHT HIS JUDICIAL OFFICE INTO DISREPUTE IN THE EYES OF THE JURY AND EVERYONE IN THAT COURTROOM.

FOR THE SAKE OF CLARITY AND CONVENIENCE, THE ATTACHED TRANSCRIPT PAGES HAVE BEEN SEPARATED INTO FOUR EXHIBITS, EACH REPRESENTING A SPECIFIC DAY OF TRIAL, LABELLED AS FOLLOWS:

- EXHIBIT "A" -
- EXHIBIT "B" -
- EXHIBIT "C" -
- EXHIBIT "D" -

COMPLAINANT WILL HEREIN PRESENT SOME OF THE UNSEEMLY AND ABUSIVE INSTANCES OF JUDGE [REDACTED] COMPORTEMENt TOWARDS ATTORNEY [REDACTED] AND THE READER MAY CORROBORATE THESE ALLEGATIONS WITH REVIEW OF THE ATTACHED (ANNOTATED) TRANSCRIPTS. AGAIN, THE ENTIRE TRANSCRIPT OF PROCEEDINGS WOULD BETTER DEPICT THE SCOPE OF ANIMUS ALLEGED, BUT THE FOLLOWING INSTANCES WILL CERTAINLY SUFFICE. SPECIFICALLY,

EXHIBIT "A"

- JUDGES FIRST DENIGRATING REMARKS TO [REDACTED] (p. 15)
- EXPLANATION RE: HEARING PROBLEMS (8)
- JUDGE REBUKES [REDACTED] FOR NOT PAYING ATTENTION (22) SNUBS (27)
- JUDGE BERATES JUROR FOR LACK OF ENGLISH LANGUAGE (32)
- JUDGE CALLS JUROR #5 PIG-HEADED (24, 40)

EXHIBIT "A" CONTINUED

ADMONITION RE: INTERRUPTION (37)

JUDGE IS RUDE TO (37, 97)

JUDGE CONFRONTATIONAL (38, 40, 98-99, 118-120)

EXHIBIT "B"

JUDGE OVERRULES ALL OF

OBJECTIONS (4, 5)

EXHIBIT "C"

THIS IS THE POINT THAT JUDGE GETS DOWNRIGHT NASTY, INCLUDING:

- TELLS OUTRIGHT THAT HE WILL OVERRULE ALL OBJECTIONS (4)

- OBJECTIONS (DEFENSE) OVERRULED (62, 63, 70, 94, 100, 126, 142)

- JUDGE ORDERS (65)

- PERSONAL ADMONITIONS (64)

- CONFRONTATIONAL REMARKS (137, 138)

EXHIBIT "D"

- OBJECTS TO CONTINUED ADMONITIONS IN THE PRESENCE OF THE JURY, AND

INFORMS THAT THE DEFENDANT IS BEING DENIED A FAIR TRIAL BECAUSE

OF THESE CONSTANT REARMAINDS (5, 6)

- OBJECTIONS SUSTAINED AGAINST DEFENSE (81, 83, 84, 85, 86)

- DEFENSE OBJECTIONS OVERRULED (38, 88)

- COURT INTERFERENCE WITH QUESTIONING WITNESSES (45, 51)

CONCLUSION

A REVIEW OF THE ENCLOSED PAGES WILL REVEAL TO SOME EXTENT THE PREJUDICIAL INTemperANCE EXHIBITED BY THE JUDGE DURING THIS TRIAL, BUT THIS JUDICIAL COMMISSION WOULD BE BETTER INFORMED OF HOW BROUGHT HIS JUDICIAL OFFICE INTO DISREPUTE THROUGH HIS COMPORIMENT DURING THIS TRIAL THROUGH A REVIEW OF THE ENTIRE TRANSCRIPT OF PROCEEDINGS. COMPLAINTANT CANNOT AFFORD TO PROVIDE THIS. PERHAPS THIS

COMMISSION WILL BE ABLE TO OBTAIN AND REVIEW THE ENTIRE TRANSCRIPT. THAT WOULD BE MOST INSTRUCTIVE FOR THE COMMISSION IN ORDER TO GRASP THE FULL SCOPE OF PREJUDICIAL ANIMUS DISPLAYED BY JUDGE [REDACTED] IN THIS MATTER. MADE THE ENTIRE JUDICIARY LOOK BAD.

COMPLAINANT WOULD ONE FINAL EXHIBIT WITH THIS SUBMISSION, A NOTARIZED AFFIDAVIT FROM COMPLAINANT [REDACTED] (SEE EXHIBIT "E"). WHEN EVEN COUNSEL [REDACTED] COMPLAINS BITTERLY ON HER WAY OUT OF THE BUILDING THAT SHE WILL NEVER TRY A CASE IN [REDACTED] COURTROOM AGAIN, SOMETHING IS WRONG IN THAT COURTROOM.

THE DIGNITY OF THE JUDICIARY HAS BEEN IMPUGNED. THIS COMMISSION NEEDS TO KNOW ABOUT IT. COMPLAINANT WOULD ADVISE THIS COMMISSION THAT HE HAS A PENDING RULE 32 PETITION TO BE FILED IN [REDACTED] WHEREIN HE INTENDS TO ALLEGE THAT THE CUMULATIVE EFFECT OF JUDICIAL MISCONDUCT SO INFECTED HIS TRIAL IN THIS MATTER, AS HEREIN DEPICTED, AS TO DEPRIVE COMPLAINANT OF DUE PROCESS. YET UNDERSIGNED ACKNOWLEDGES THAT THIS COMPLAINT IS NOT ASSOCIATED WITH THAT ENDEAVOR INsofar AS THIS COMMISSION CANNOT REVERSE COURT ORDERS. THAT RULE 32 PETITION MAY OR MAY NOT BE FILED. BUT THIS JUDICIAL COMPLAINT ASSUREDLY IS FILED. PETITIONER WAS INJURED AS A RESULT OF THE JUDGE'S COMPORTMENT IN THIS CASE, AND RESPECT FOR THE JUDICIARY WAS DAMAGED. THIS SUBMISSION IS NECESSARY IN THE INTERESTS OF JUSTICE.

COMPLAINANT REFERENTIALLY REQUESTS THAT AN INQUIRY BE MADE IN THIS MATTER, THE PARTIES CONTACTED AND TRANSCRIPTS REVIEWED, AND THAT JUDGE [REDACTED] THEREAFTER BE APPROPRIATELY SANCTIONED FOR CONDUCT PREJUDICIAL TO THE ADMINISTRATION OF JUSTICE.