

State of Arizona  
COMMISSION ON JUDICIAL CONDUCT

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Disposition of Complaint 17-116

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Judge:

Complainant:

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**ORDER**

The complainant alleged a superior court judge violated a number of provisions of the Code of Judicial Conduct in a 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).

Dated: June 28, 2017

FOR THE COMMISSION

/s/ George A. Riemer

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George A. Riemer  
Executive Director

Copies of this order were distributed to all appropriate persons on June 28, 2017.

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

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

2017-116

11. I understand the commission cannot reverse court orders or assign a new judge to a case. Yes.
12. I affirm, under penalty of perjury, that the foregoing information and the allegations contained in the attached complaint are true. Yes.

Signature \_\_\_\_\_

Date \_\_\_\_\_

### COMPLAINT AGAINST A JUDGE

Name: \_\_\_\_\_ Judge's Name: \_\_\_\_\_

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.

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This complaint is not frivolous or unfounded. Neither is it " " in nature, or outside the commissioner's jurisdiction.

This complaint identifies specific culpable misconduct, which all judges are required to avoid, as specified in Canon 2 of the Arizona Code of Judicial Conduct. These codified rules are painstakingly promulgated by the Arizona Supreme Court and must be kept and disciplined, in order to maintain law and order plus public confidence. Otherwise, accountability plummets, society is crippled, and all fairness, impartiality and integrity vanish with impunity. The purpose for discipline is not mere punishment, but it is a *deterrent*, for all other judges, plus the offending judge, to constantly be aware of and to obey the required rules. The failure of any commission to police the rules signals approval to ignore the rules.

Judge failed to obey Canon 2 of the Arizona Code of Judicial Conduct, specifically, Rules 2.1, 2.3(A), 2.4(C), 2.5, 2.6, 2.7, 2.8 and 2.9. In addition, Canon 2.15 was broken which states: Responding to Judicial and Lawyer Misconduct (B) A judge having knowledge that a lawyer has committed a violation of the Rules of Professional Conduct that raises a substantial question regarding the lawyer's honesty, trustworthiness, or fitness as a lawyer in other respects, shall inform the appropriate authority.

Judge now knows, due to a currently before him in Case No. that lawyers were not honest, trustworthy or fit lawyers in this case. attorney and prosecutor caused great injustice because they did not do their duty to determine and to represent the true facts of this case as required by the ER Rules of Professional Conduct.

Judge broke Canon 2.1, which is: Giving Precedence to Judicial Duties. The judicial duties of a judge take precedence over all of a judge's other activities. A judge must promote confidence in the justice system.

Judge was assigned to case No. in which had been as to against At this point, was only " " and still had the presumption of innocence until actually proven guilty.

Nevertheless, Judge was " " against in a hidden but most heinous manner. Recent data from the for the Court, attached as Exhibit "G". shows that in when Judge processed and sentenced Judge handled cases and only of these cases went to trial.

The remaining cases – or of the total – got herded into a plea deal, and was one of them. Judge routinely violated Canon Rule 2.3(A) which states: A judge shall perform the duties of judicial office, including administrative duties, *without bias or prejudice*. (B) A judge shall not, by words or conduct, manifest bias or prejudice against any "attribute" such as a *notion of guilt*. Once an individual got merely indicted, Judge " ' that person to be guilty.

Judge broke rule 2.4(C): External Influences on Judicial Conduct. A judge shall not convey or permit others to convey the impression

that any person or organization is in a position to influence the judge. An independent judiciary requires that judges decide cases according to the law and facts. Confidence in the judiciary is eroded if judicial decision making is perceived to be subject to inappropriate outside influences.

Judge [redacted] allowed improper “ [redacted] ” from the prosecutor, by asking if the prosecutor was “ [redacted] ” with the manor and extent to which Judge [redacted] took the lead and extracted a false “ [redacted] ”, which [redacted] lawyers knew was false, as will be shown, so a wrongful plea deal could be legally accepted by Judge [redacted]

Judge [redacted] also broke Canon 2.5(A)(1)(4) and (5), which is: Competence and Diligence, (A) A judge *shall perform* judicial and administrative duties competently, diligently and promptly.

(1) Competence in the performance of judicial duties requires the legal knowledge, skill, thoroughness, and preparation reasonably necessary to perform a judge’s responsibilities of judicial office.

(4) In disposing of matters promptly and efficiently, a judge *must demonstrate due regard* for the rights of parties to be heard and to have issues resolved without unnecessary cost or delay.

Here now is the **key Canon**, which Judge [redacted] failed to obey: It is Rule 2.6(A) and (B), which states as follows:

Ensuring the Right to be Heard. (A) A judge *shall accord* to every person who has a legal interest in a proceeding, the right to be heard according to law. (B) A judge may encourage parties to a proceeding to settle matters in dispute, *but shall not coerce any party into settlement.*

1. The right to be heard is an essential component of a fair and impartial system of justice. Substantive rights of litigants can be protected only if procedures protecting the right to be heard are observed.

2. The judge plays an important role in overseeing the settlement of disputes, **but should be careful that efforts to further settlement do not undermine any party’s right to be heard according to law.**

3. Judges must be mindful of the effect settlement discussions can have, not only on their objectivity and impartiality, but also on the appearance of their objectivity and impartiality.

On \_\_\_\_\_ a “\_\_\_\_\_” hearing was conducted before Judge \_\_\_\_\_. This was a crucial hearing. See: Exhibit “B” attached.

Before this hearing, \_\_\_\_\_ had already been “\_\_\_\_\_” by his attorney, who had done zero effective research, to plead guilty and to \_\_\_\_\_ rather than go to trial and lose, and thereby receive an automatic \_\_\_\_\_ of \_\_\_\_\_. It was also known that the \_\_\_\_\_ typically “\_\_\_\_\_” the charges to scare an indicted person to plead guilty.

The charges against \_\_\_\_\_ involved \_\_\_\_\_ counts of \_\_\_\_\_ against \_\_\_\_\_ who had been named as “\_\_\_\_\_” but they had not received \_\_\_\_\_ on them, and \_\_\_\_\_ never \_\_\_\_\_

It was also known that \_\_\_\_\_ had not followed their own \_\_\_\_\_ It was further known that \_\_\_\_\_ had \_\_\_\_\_ on \_\_\_\_\_ without having authority to do so. Moreover, all of this information had been \_\_\_\_\_

On \_\_\_\_\_ which was \_\_\_\_\_ the \_\_\_\_\_ hearing that was to be held on \_\_\_\_\_ met with \_\_\_\_\_ and I showed him a document that \_\_\_\_\_ for him, which was entitled \_\_\_\_\_ See: Exhibit “D” attached.

This document told the truth. It exposed the deceptions of \_\_\_\_\_ and the false “\_\_\_\_\_” that \_\_\_\_\_ as well as the \_\_\_\_\_ were about to thrust upon \_\_\_\_\_

\_\_\_\_\_ agreed to \_\_\_\_\_ that explained why he was \_\_\_\_\_ I filed this material with the Clerk of the \_\_\_\_\_, and with the chambers of Judge \_\_\_\_\_ and with \_\_\_\_\_ as well as with \_\_\_\_\_ who had refused his duty to do this standard research.

This Motion identified and attacked all the legal misconduct of this case, which was done outside the knowledge of \_\_\_\_\_ because he

was instead of being " " him. The was the hearing and the lawyers had a problem, which was what to do about this Motion that stood in their way to quickly dispose of this case.

Their solution was to have a quick side bar with Judge These lawyers, wanted Judge to " " the motion. There was also a question as to whether or not signature was authentic. Judge had already read the Motion. Nevertheless, Judge simply laughed and said: "

Judge announced on the record as follows: *See: Transcript, Exhibit "C", on page 3 at line 16:*

## JUDGE

Note – I preserved a copy of this " " document, with valid signature, which verifies that Judge violated Canon Rule 2.6(A), in that he refused litigant right to be heard.

This failure to obey Canon rules cannot be denied. This misconduct by Judge also violated Rule 2.5(A), as to competence and diligence; as well as Rule 2.4(A), which is to not be swayed by partisan interests; and 2.4(B), which is to permit " " to interfere with finding justice. When this Motion to Dismiss came to Judge he should have required to respond to its allegations as per court rule. It was against all propriety and canon law to " " this key exposure of exculpatory truth.

Judge also violated Rule 2.3(C). He was " " and " " as to the notion that was indictment. Judge also failed to prevent the other involved lawyers from likewise treating as though he Rule 2.2 was also violated in that Judge refused to be impartial or fair, because he refused to let the to go forward and not

**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.**