

State of Arizona
COMMISSION ON JUDICIAL CONDUCT

Disposition of Complaint 17-253

Judge:

Complainant:

ORDER

The complainant alleged a now retired superior court judge coerced a co-defendant into not testifying in his favor and that that superior court judge and a second now retired superior court judge hid the coercion from him, preventing him from having the benefit of the co-defendant's favorable testimony at trial and in post-conviction relief proceedings.

The responsibility of the Commission on Judicial Conduct is to impartially determine if the judges 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 the judges 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: November 16, 2017

FOR THE COMMISSION

/s/ Margaret H. Downie

Margaret H. Downie

Executive Director

Copies of this order were distributed to all appropriate persons on November 16, 2017.

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

2017-253

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.

A few months ago I discovered new evidence in the P.C.R file my P.C.R Attorney provided the document was in a separate case number that is _____
The case was severed without my knowledge on _____ while my co-defendant _____
was going to testify on my trial to prove my innocence. During a ex parte hearing the Judge helped convince the prosecutor _____ to offer a favorable plea in exchange for severing trial from my case and not testifying on my behalf. The Judge abandoned his role as a fair and impartial Judge by encouraging this prosecutor to offer a plea in exchange for not testifying on my behalf denying me my 6th amendment right to a fair trial in violation of the compulsory process, and with holding this information while my case _____ was transferred to _____ while the Judge sentenced to special terms on _____ the co-defendant presence was requested on various instances including P.C.R where the claimed he would raise his 5th amendment and not testify, which leads me to believe the _____ also knew about this deal. While I was provided with a affidavit where _____ claimed to be willing to testify if subpoena _____ this secret agreement deprived me of my fundamental rights during trial and P.C.R. and was hidden from me throughout my P.C.R proceedings until a investigator provided the co-defendants sentencing records _____ the memo attached is a letter to substitute counsel by _____ that is in the separate _____ case number. in the most recent petition for P.C.R. The _____ cited in his ruling M.E. in _____ pg 3 that this is not new information because the court knew of this plea at all relevant times. leading me to believe that _____ also knew of this misconduct.