

State of Arizona
COMMISSION ON JUDICIAL CONDUCT

Disposition of Complaint 19-068

Judge:

Complainant:

ORDER

July 10, 2019

The Complainant alleged a superior court judge (now retired) abused his discretion in a criminal matter.

The role of the Commission on Judicial Conduct is to impartially determine whether a judicial officer has engaged in conduct that violates the Arizona Code of Judicial Conduct or Article 6.1 of the Arizona Constitution. There must be clear and convincing evidence of such a violation in order for the Commission to take disciplinary action against a judicial officer.

The Commission does not have jurisdiction to overturn, amend, or remand a judicial officer's legal rulings. The Commission reviewed all relevant available information and concluded there was not clear and convincing evidence of ethical misconduct in this matter. The complaint is therefore dismissed pursuant to Rules 16(a) and 23(a).

Copies of this order were distributed to all appropriate persons on July 10, 2019.

CONFIDENTIAL

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

FOR OFFICE USE ONLY

2019-068

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.

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CERTIFICATION

2019-068

I CERTIFY THAT THIS PETITION INCLUDES ALL THE CLAIMS AND GROUND FOR POST-CONVICTION RELIEF THAT ARE KNOWN TO ME, THAT I UNDERSTAND THAT NO FURTHER PETITIONS CONCERNING THIS CONVICTION MAY BE FILED ON ANY GROUND OF WHICH I AM AWARE BUT DO NOT RAISE AT THIS TIME, AND THAT THE INFORMATION CONTAINED IN THIS PRO PER PETITION FOR POST-CONVICTION RELIEF, AND ANY ATTACHMENTS, IS TRUE TO THE BEST OF MY KNOWLEDGE OR BELIEF.

ASSISTED BY

SUBMITTED BY

CERTIFICATE OF SERVICE

A COPY OF THE FOREGOING WAS MAILED/DELIVERED THIS

day of

TO:

HON.

JUDGE OF THE

(

)

ATTORNEY

COUNTY,

BY

IN THE COURT OF THE STATE OF ARIZONA
IN AND FOR THE COUNTY OF MARICOPA

STATE OF ARIZONA,
Plaintiff,

No.

(PRO PER)

v.

PETITION FOR POST-CONVICTION
RELIEF

(EVIDENTIARY HEARING REQUESTED)

DEFENDANT.

(Hon.)

DEFENDANT: HAS BEEN INFORMED BY APPOINTED COUNSEL
THAT COUNSEL IS UNABLE TO FIND ANY COLORABLE CLAIMS FOR RELIEF TO RAISE IN HIS
BEHALF IN A PETITION FOR POST-CONVICTION RELIEF. DEFENDANT, IN PROPRIA PERSONA,
SUBMITS HEREIN HIS PRO PER PETITION FOR POST-CONVICTION RELIEF, BASED UPON THE
ATTACHED MEMORANDUM OF POINTS AND AUTHORITIES, AND IT IS RESPECTFULLY REQUESTED
THAT THE COURT CONSIDER THE CLAIMS RAISED.

RESPECTFULLY SUBMITTED this day of

BY

MEMORANDUM OF POINTS AND AUTHORITIES

I. FACTUAL BACKGROUND

IN THE STATE ALLEGED THE DEFENDANT SEXUALLY ASSAULTED A FORMER GIRLFRIEND, WITH WHOM HE WAS LYING WITH IN WHILE ATTENDING COLLEGE AT , AS ALLEGED, SHORTLY AFTER HAD ENDED THEIR ROMANTIC RELATIONSHIP; FORCED HER INTO HER BEDROOM IN THEIR SHARED APARTMENT, RESTRAINED HER WITH DUCT TAPE, AND SEXUALLY ASSAULTED HER. THEN IMMEDIATELY RELEASED HER, GAVE HER HIS GUN, AND THREATENED TO STAB HER WITH A SCALPEL IF SHE DID NOT KILL HIM. AFTER REFUSED TO SHOOT HIM, ALLOWED HER TO GET DRESSED AND LEAVE FOR CLASS AT , BUT THREATENED TO KILL HIMSELF IF SHE SPOKE TO THE POLICE. LEFT AND CALLED THE POLICE, WHO ARRESTED SUBSEQUENTLY, WAS FOUND GUILTY OF AGGRAVATED INDECENT EXPOSURE ASSAULT AND SENTENCED TO PRISON, AFTER RELEASE, HE MOVED TO WHERE HE MET AND LATER MARRIED HAD A CHILD FROM A PREVIOUS MARRIAGE, AND SHE AND HAD OTHER CHILDREN DURING THEIR TIME TOGETHER, AND THEY DIVORCED IN BUT CONTINUED TO SHARE CUSTODY OF THEIR CHILDREN.

ON AND THE CHILDREN GATHERED WITH IN TO OPEN PRESENTS, WHILE THE CHILDREN WERE BUSY WITH THE GIFTS, LURED AND FORCED HER INTO HIS BEDROOM. THERE LIFTED HIS SHIRT TO REVEAL A HANDGUN IN HIS PANTS AND TOLD HE WANTED TO HAVE SEX. SHE REFUSED, AND WRESTLED HER TO THE BED, PLACED THE GUN TO HER HEAD, AND DEMANDED THAT SHE PERFORM SEXUAL ACTS. BEGAN CRYING, AND HER CHILD, HEARD HER ASKING TO STOP AND CRYING OUT IN "EVENTUALLY

**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.**