

State of Arizona
COMMISSION ON JUDICIAL CONDUCT

Disposition of Complaint 19-186

Judge:

Complainant:

ORDER

September 25, 2019

The Complainant alleged a superior court commissioner prematurely signed a search warrant.

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).

Commission member George H. Foster, Jr. did not participate in the consideration of this matter.

Copies of this order were distributed to all appropriate persons on September 25, 2019.

Comp

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

FOR OFFICE USE ONLY

2019-186

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.

On or about _____; I believe an injustice manifestation of judicial misconduct transpired... Therefore, I am compelled to place a spot light on the misleading, untruthful, & deceitful drafted "_____"; dated _____ (Search Warrant _____)

First & foremost, according to the time stamps on the official material the Search Warrant got obtained (_____) and signed by Honorable _____ before the Affidavit for the Search Warrant, which got signed by the listed Judge above (_____). Furthermore, Affiant Detective _____, a _____ official in the state of Arizona, being first duly sworn, upon oath, deposes and says:

of _____ County of _____, State of Arizona there is now being possessed or concealed certain property, persons, or things which were used as a means for committing a public offense . In the city _____

To the contrary, the actual Search Warrant states: !

According to Arizona Rules of Professional Conduct - Rule 42 ER 8.3(b): A Lawyer who knows that a Judge has committed a violation of applicable rules of Judicial conduct that raises a substantial question as to the Judge's fitness for office shall inform the appropriate authority.

Attached is (6) documents
7 documents total 3

TIME OFF BY ONE MINUTE

POLICE DEPARTMENT
CITY OF ARIZONA

AFFIDAVIT FOR SEARCH WARRANT

COUNTY OF STATE OF ARIZONA

Veracity
Challenge

WARRANT #:
DR#

YOUR AFFIANT Detective a Officer in the State of Arizona, being first
duly sworn, upon oath, deposes and says:

That on or before in the County of State of Arizona, the crime of
Arson of an Occupied Structure and Burglary in the 2nd Degree was committed at

THAT THE AFFIANT has probable cause to believe that

On the premises known as a
recovered from at the time of his arrest at
on which is in the city of County.

in the City of County of State of Arizona, there is now being possessed or
concealed certain property, persons or things which

were used as a means for committing a public offense
 is (are) being possessed with the intent to use as a means of committing a public offense

constitutes evidence tending to show that a public offense has been committed, or tending
to show that the unidentified driver of the listed committed
the offense.

That said property, persons or things are described as follows:

- Cellular telephones which may contain information, photos or data pertaining to the
suspected crime along with the ability to manipulate the cellular telephones located

Conflict
Clearly
state
I didn't
commit
the offense

1 search warrant for the aforementioned property, persons or things exist:

2
3 Affiant Experience

4 Your Affiant Detective _____ has been a Police Officer for approximately _____ and
5 a _____ Police Property Crimes Detective for over _____ and has been actively involved in
6 approximately _____ search warrants. Your affiant has attended over _____ of advanced training
7 regarding major property crime investigations. Your affiant has investigated numerous auto
8 thefts and has been involved in numerous search warrants involving stolen property, forgery,
9 fraud, identity theft, fraud and numerous other crimes.

10
11 From that training and experience, your affiant has learned that when suspect commit such
12 offenses they often use cellular devices to communicate with co-conspirators or utilize cellular
13 devices to document incriminating evidence of such offenses such as photographs, text
14 messages, call logs, internet search engines and social media to include _____ and
15

16
17 Your Affiant learned the following Information In the following manner

18
19 On _____ Officers from the _____ Police Department with the cooperation of the
20 Fire Department began investigating an Arson of an Occupied Structure and a
21 Residential Burglary at _____
22

23 The victim of the Arson of an Occupied Structure and Burglary _____ owns a
24 restoration business. He recently moved into the residence located at _____
25

26 Your Affiant has learned that when _____ moved into his house at _____
27 he had help from one of his employees named _____ During the time _____ assisted
28 with the move he was given the _____ code to access the house.
29 assisted _____ move a large _____ and helped him place it in his master
30 bedroom.
31

32 On _____ at about _____ hours, while working at the _____ restoration business
33 _____ asked Mr. _____ If he would get to the gas station to get diesel gas for equipment at
34 the business. The _____ restoration business is located at _____ and the
35 gas station is located at _____ approximately _____ away.
36

37 _____ returned to the _____ business at around _____ hours (and
38 later). Employees thought it was strange that Mr. _____ was gone so long to get the gas.
39 Employees at the business thought Mr. _____ was acting nervous and distracted after returning
40 from getting the gas.
41

42 At about _____ hours Mr. _____ arrived home. As he arrived he noticed the garage door to his
43 house was open. When he entered his house he noticed a _____ used to move
44 heavy items in the kitchen that was not his. He also observed heavy black smoke coming from
45 the master bedroom. Mr. _____ exited his house and called 911:
46

47 After the _____ Fire Department extinguished the fire which was contained to the master
48 bedroom Mr. _____ completed a walkthrough of the house. He discovered the _____ which was
49 in the master bedroom was missing. He also discovered a small _____ sitting on his
50 kitchen island that was not his.
51
52

1 during the service of the search warrant which will allow the identification of
2 evidence contained in these devices such as phonebook/memory, history of
3 incoming and outgoing calls, short message system (text message), loggers in
4 computers or data collection devices, SIM cards and any other memory cards
5 contained within these devices.

6 ♦ Information in the electronic devices and cellular phones described above, including
7 but not limited to the following:

8 ♦ Any and all data

9 ♦ Contact list and phone number within the list

10 ♦ Call logs, to include incoming, outgoing and missed calls

11 ♦ Short message service (SMS/text messages, multimedia message services (MMS),
12 and attached multimedia files, to include incoming, outgoing and drafts

13 ♦ Secondary short message services including but not limited KIK, TextPlus,
14 TigerText, CoverMe and any other similar messaging service

15 ♦ E-mails, to include incoming, outgoing, drafts and deleted messages

16 ♦ Pictures and all EXIF (exchangeable information format) information to include
17 geotagging information (GPS location information)

18 ♦ Videos and geotagging information

19 ♦ Audio files to include any voicemail stored on the device and voice notes

20 ♦ Secondary phone number accounts such as Skype, Line 2 and other applications
21 which can assign a second roaming phone number

22 ♦ WIFI network information, to include service set identifier (SSID or network name)
23 and global positioning satellite (GPS) information of the network

24 ♦ GPS directions/maps

25 ♦ Calendar information, including synchronized calendars

26 ♦ Internet history and usage to include websites visited, search terms and cookies

27 ♦ Any account information, settings and saved usage information for any and all
28 installed applications, also known as "apps" on the device

29 ♦ Any and all deleted items including any and all information listed above

30
31 **REGULAR INFORMATION OR INFORMANT FORM**

32 That the following facts establish probable cause for believing that grounds for issuance of a
33

**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.**