

State of Arizona
COMMISSION ON JUDICIAL CONDUCT

Disposition of Complaint 24-078

Judge:

Complainant:

ORDER

June 14, 2024

The Complainant alleged a superior court judge made improper rulings in a criminal case.

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 Commission Rules 16(a) and 23(a).

Commission members Barbara Brown and Delia R. Neal did not participate in the consideration of this matter.

Copies of this order were distributed to all appropriate persons on June 14, 2024.

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

FOR OFFICE USE ONLY

2024-078

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.

In my appeal my attorney accused "the court" of Abuse of Discretion. I personally feel it was more like judicial misconduct. Judge ruled that the GPS data from Pd's patrol units, on the drive to my home, after the 911 dispatch, was extrinsic. This was the police officers dispatch and driving out to my house, prior to serving the warrant, on this "instant case". Judge ruled the GPS to be "extrinsic" meaning from another case, from the outside. My total defense relied on proving the police were at my home prior to the 911 call. Judge ruled the GPS as extrinsic citing Rule 608. Then after disqualifying the exculpatory, GPS evidence, he then denied the request for a continuance to call an expert witness to discuss the GPS. Judge had made this decision after viewing route maps that I had created using the GPS data that had provided the defense. Judge had ruled that we could only show the officers the GPS data and ask them questions, but what they answered, was final. said the GPS could be used for impeachment purposes, but in that same breath of air he also said, "That not much of an impeachment if you ask me. Also under Rule 609, Judge ruled that " was not a dishonest act. We were denied the ability to discuss the complete criminal history of to the jury. The jury then was able to consider the credibility of a time felon and purger vs. a Federal contractor for . I feel the labeling of the GPS/AVL data of the patrol units as "extrinsic" does not even match the definition of what the term "extrinsic" literally means. This GPS data was not from another case, the fact is, it was from this "INSTANT" case, period. You would have to redefine what the term extrinsic evidence means in order to apply it the way Judge ruled it. Now that its clear the GPS is not extrinsic, you now have to consider the request for a continuance to call an expert witness to discuss it. When ruled out the relevant, exculpatory, GPS data, it supported the argument that the continuance was no longer needed to discuss irrelevant data . That GPS was the basis of my defense theory and passed all factors of relevant data. My attorney outlined my defense theory from the beginning, in my Tribus letter to the Grand Jury. My opening brief on my Appeal accused County Court of a Six amendment violation for denying me a continuance. The redefining of two very important elements took place here. Extrinsic evidence and unlawful means of transportation. Is the GPS data from the police route to the home in which they are about to serve a search warrant. Is that route data extrinsic? The defense argument was that the police

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were at my home prior to 911 call. This data is very relevant to the defense and the defense is entitled to whatever defense theory they want to take, by law. Second, redefining what a dishonest act is. Is not stealing a car a dishonest act? I feel both of these merits that I mention constitute judicial misconduct. I will attach all supporting documentation with this complaint. I will include court transcripts, felony background history and anything else I can find supporting my arguments.

days. Per _____, _____ provided a script which the department ran and came up with reports for the _____ officers.

GPS for Officer

Regarding Officer _____, the GPS information begins at _____ with his patrol vehicle on the street, not at the _____ Police Station. At _____, his patrol vehicle is on _____ near _____. The GPS shows the vehicle proceed to _____, which is the _____. It shows his patrol vehicle stopped there by _____. Officer _____ patrol vehicle moves to the north side of the _____ parking lot by _____. The vehicle then travels down _____ () by _____. The vehicle appears to be on _____, east of _____ Avenue, by _____.

At _____, Officer _____ vehicle is in a parking lot of the _____. The vehicle is in the parking lot until _____, when it enters a side street to enter onto _____.

At _____, Officer _____ vehicle travels to _____, which is west of _____ residence. The vehicle is at _____, _____, _____, and _____ until _____. The vehicle leaves and heads towards _____ residence. _____ turns into _____ a few houses prior to _____ residence.

At _____, Officer _____ vehicle drives past _____. It passes _____ address and heads to _____. The vehicle arrives at _____ and is at that location, as well as _____, _____, and _____ until _____.

Officer _____ vehicle then traveled back to Defendant _____ block. At _____, the vehicle passed _____. The vehicle continued to drive and went to the next

block over, . At , the vehicle passes . At it is at the same location.

Officer vehicle then traveled to block again. At it drove to . At it came to .

GPS for Officer

Regarding Officer patrol vehicle, the GPS information begins at with the vehicle on . The vehicle drives eventually to the of , where it is there from to This is roughly the same time Officer is there.

Officer leaves and gets to , which turns into as you head south (). She then heads onto ; at and at .

Officer then heads to the block of , where she is there from to . This is roughly the same time that Officer is there.

Officer then heads to the block of residence. At she drives past . She then heads north and onto (at

Officer then heads back to block and heads past at . She leaves and goes back to at hitting

Officer then heads back to at hitting where it appears she remains on the block.

ANALYSIS

1. Officer spent minutes in a parking lot after leaving

**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.**