

State of Arizona  
COMMISSION ON JUDICIAL CONDUCT

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Disposition of Complaint 24-082

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Judge:

Complainant:

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**ORDER**

June 6, 2024

The Complainant alleged improper legal rulings and violation of rights by a superior court judge hearing 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 member Denise K. Aguilar did not participate in the consideration of this matter.

Copies of this order were distributed to all appropriate persons on June 6, 2024.

**CONFIDENTIAL**

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

**FOR OFFICE USE ONLY**

2024-082

**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.

I believe that JUDGE \_\_\_\_\_ was practicing law from the bench and assisting the prosecution when he ruled on an Evidentiary Hearing entered by the Clerk of the \_\_\_\_\_ County \_\_\_\_\_ Court on \_\_\_\_\_

During the hearing neither the STATE nor the \_\_\_\_\_ Police Officers could articulate the \_\_\_\_\_ Police Department Policy for the authority to tow my car. Yet, JUDGE \_\_\_\_\_ in his ruling says: ...

\_\_\_\_\_ Towing Vehicle; Required Vehicle Inventories. This subsection authorizes an officer to tow a vehicle \_\_\_\_\_ incident to the arrest of the driver \_\_\_\_\_ State's Exhibit # 7. Again, this authority was not cited by the STATE or in testimony of the \_\_\_\_\_ Police Officers for the reason for the tow. I don't understand how JUDGE \_\_\_\_\_ can come to that conclusion on his own, especially when that authority was not presented by the STATE or from testimony of the Officers involved.

The fact that JUDGE \_\_\_\_\_ bases part of his order/ruling on POLICY 61.8.2(B)(4) which neither the STATE nor the \_\_\_\_\_ Police Officers articulated as authority for the tow, impoundment, and inventory \_\_\_\_\_ of my car is a violation of Due Process and to me shows that he is practicing law from the bench.

Furthermore, in his ruling, JUDGE \_\_\_\_\_ makes a factually incorrect statement when he states: According to the Department's Policy, if a vehicle is going to be towed, it must first be inventoried pursuant to POLICY 61.8.1 Vehicle Inventories. That statement is factually incorrect because a full reading of \_\_\_\_\_ Police Department POLICY 61.8.1 shows that: Officers shall inventory a vehicle when doing so is required by POLICY 61.8.2

And as I articulated during the evidentiary hearing POLICY 61.8.2 does not authorize an inventory for every tow. I clearly articulated that, for example, \_\_\_\_\_ Police Department POLICY 61.8.2(B)(1)(a) and (b) does not authorize officers to inventory a vehicle and that clearly \_\_\_\_\_ Police Department Policy does not authorize an inventory pursuant to every tow. JUDGE \_\_\_\_\_ selective citation of Police Department Policy 61.8 is clear error, results in manifest injustice against me, and shows that he is practicing law from the bench.

Furthermore, JUDGE \_\_\_\_\_ in his ruling, misrepresents my argument when he states: " \_\_\_\_\_ However I never made that claim. I claimed that there was NO lawful authority to search my car. The fact that JUDGE \_\_\_\_\_ purposely misrepresents my argument in favor of the STATE shows that he is not impartial.

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Furthermore, in a footnote to the courts ruling, JUDGE                      states:  
...

During the hearing,                      Police Officer                      testified that I did not consent to an inventory search. Officer                      also testified that an inventory search is to protect the police department from claims of missing valuable items. Officer                      also testified that the                      Police Department was not taking my van to a police impound lot. The issue about weather the inventory of my van was to protect the                      tow company from claims of missing valuable items                      was not presented by the STATE or any of the                      Police Department Officer's testimony. Had the claim been raised by either the STATE or the                      Police Department Officer's, I would have rebutted the claim. The fact that JUDGE                      ruling is based in part on this claim, said claim it is a violation of Due Process of Law against me because the argument was not presented by either party at the Evidentiary Hearing and cannot be part of or a reason to the courts ruling and goes to show that JUDGE                      is practicing law from the bench.

The claim in JUDGE                      ruling that the purpose of the                      vehicle inventory                      is to                      protect both the vehicle                      s owner and the tow company from claims of missing valuable items...                      is a violation of my Due Process of Law because the argument was neither presented as justification for the search by the STATE through evidence nor by testimony of                      Police Officers.

Further, the court cites State v. Organ, 225 Ariz. 43, 48 (App. 2010) as authority for the                      inventory search                      . However, that case was not presented by either party at the Evidentiary Hearing and the court cannot justify its Ruling based on case law or concepts not argued by either side during the Evidentiary Hearing. The foundation for the courts Ruling is clear error, a violation of my Due Process of Law, results in manifest injustice against me, and shows that JUDGE                      is practicing law from the bench.

Clearly, JUDGE                      is not impartial. It is clear that he is assisting the STATE by introducing case law and concepts not presented by the STATE or testimony of the                      Police Officers.

I have zero confidence and faith in JUDGE                      ability to rule impartially. And his actions are a clear violation of judicial conduct and a violation of 28 United States Code, Section 454.

I demand that JUDGE                      be recused from this case.