

State of Arizona
COMMISSION ON JUDICIAL CONDUCT

Disposition of Complaint 24-115

Judge:

Complainant:

ORDER

June 27, 2024

The Complainant alleged a superior court judge did not have probable cause to issue 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 Commission Rules 16(a) and 23(a).

Commission members Roger D. Barton, Louis Frank Dominguez, Regina L. Nassen, 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 27, 2024.

CONFIDENTIAL

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

FOR OFFICE USE ONLY

2024 - 115

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.

My complaint on County Court Judge stems from a warrant that was issued for my home the early morning of . My allegation is that the satisfying of the "probable cause" for the warrant was not met. The issuance of that warrant was not valid. I am contesting the validity of that warrant. I will be presenting in this report, clear and convincing material fact in supporting every one of my allegations.
I have included the following documents in support of my allegations:
• The warrant
• Affidavit for the warrant
• 911 call
• Pictures from
• Witness audio interview
• Police Reports

I would like to start off by recommending the reader to listen to the 911 call first, document titled (454 911_CALL). Next, as you read the Affidavit for the search warrant of my home, document titled (Bates 001-054 Redacted), bottom of page 30, top of page 31. You will read Det say,
"

Everything Det just said was a complete lie. The 911 call never mentioned any employee, much less, name. The bartender, said that a gun was pulled on customers and one of their names was . I was never charged with any crime against and was never interviewed the night of the alleged incident. The 911 call had nothing to do with . Here we have a PD Detective lying on an Affidavit of probable cause for a warrant about a 911 call, attempting to relate an unrelated individual to that 911 call.

Let me provide some background on the first responding police officer that took the call to the in response to the 911 call. This officers name is he reports that he walks into the tavern and an individual named waves him down and they go outside and Begins to change the narrative of his call. Officer breaks protocol when he walks into the bar, never immediately goes to locate the alleged victim () or the 911 caller (bartender). Instead, officer reports that this other guy named waves him down and completely changes the narrative of his call. I currently have an investigation going on with on for this very reason.

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The second reason for the warrant not being a valid warrant is because I was never positively identified by the alleged victim or any of the witnesses at any time prior to trial. Officer _____ provided a half-deleted audio recording that they could not find until _____ days prior to trial. Officer _____ admits at trial that the disk he stored into _____ evidence was blank and he had to find this copy he kept on his personal drive and the first three and half minutes were missing. This audio recording does not contain an introduction giving location, time, or date of the interview. There is no telling when this audio recording was made or where it was made, and it was so hard to find and produce to the defense four days prior to trial. I have included file name (Bates 560 _____ Recording from Officer), this is the half-deleted audio recording that officer _____ said he had recorded that night at the tavern. The closest thing to any ID was _____ describing me as a _____ with _____ (Bates 560 _____ Recording from Officer) @ _____. No official positive ID ever took place with _____ or any of the witnesses at any time prior to trial. I have audio interview recordings one week later of the witnesses being asked by Det _____ if he showed them a photo lineup, could they pick me out? This is what Det _____ asked them at the end of their interviews, one week after the night of the alleged incident, their photo line ups just never happened. They ended up ID me for the first time on the stand at trial.

Officer _____ reports that after I walked into my house and locked the door, he went over to my truck where he seen a one and half inch driver's license photo in the cup holder, upside down, in the dark of night, through window tint, at _____ never took a photograph at that time through the truck window to preserve his evidence. I have included a document titled (IMG_4585) and it has a time stamp of _____. If you would like to view details of that photograph all you have to is right click on it, go to properties, and look for "Modified" you will see _____. This is the date and time of the creation of the file. When the picture was taken by _____. I have not included the interviews that took place a week later because I am only introducing what Det _____ had at the time he approached Judge _____ for the issuance of the search warrant. If the commission would like to hear them anyway, I can produce them with no problem, just let me know if they will be needed.

In day 3 trial transcripts, Det _____ refuses to answer whether _____ ID's me for the first time at trial. My attorney _____ asked the questions, Det _____ is providing the answers.

Day 3 trial, page 9, line 19 thru page 10, line 7

Q. And at trial is the first time that _____ is the person that pulled the gun on him; is that correct?
A. I don't -- I don't know. I'd have to look through all my reports. I'm not sure.
Q. He never identified him in person prior to trial;

My complaint on County Court Judge stems from a warrant that was issued for my home the early morning of . My allegation is that the satisfying of the “probable cause” for the warrant was not met. The issuance of that warrant was not valid. I am contesting the validity of that warrant. I will be presenting in this report, clear and convincing material fact in supporting every one of my allegations.

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Day 3 trial, page 9, line 19 thru page 10, line 7

Q. And at trial is the first time that identified as the person that pulled the gun on him; is that correct?

A. I don't -- I don't know. I'd have to look through all my reports. I'm not sure.

Q. He never identified him in person prior to trial; is that correct?

A. I don't know if he did.

Q. You're the case agent in the case; is that correct?

A. Yes, I am.

Q. And you're the detective that did the follow-up work on the case; is that correct?

A. I did.

Det refused to answer because there was never any positive ID of me by anyone prior to the trial ().

Third, I would like to mention the handgun in plain view that Det [redacted] reported.
(Bates 001-054 Redacted) page 32, paragraph 2.

.”

Officer [redacted] never took a picture of this handgun in plain view at [redacted], when he initially discovered it. This is the second time he has done this. He never photographed the driver's license in the cup holder either. If this handgun were in plain view at this time and I was locked away in my home, he could have easily taken a picture through the window of the truck to preserve his evidence. This was never done. The only pictures that [redacted] took of the truck were after [redacted] on [redacted]. This was after the warrant was served, the [redacted] tank had broken my door down and I was shot with rubber bullets to the groin and taken into custody. I have included the earliest picture I could find that [redacted] produced to the defense of the handgun, and it has time stamp of [redacted]. Please reference document file name (IMG_4591). So, what I have determined is that Det [redacted] had no real proof presented to Judge [redacted] of a handgun even being in plain view. [redacted] photographs were all taken after [redacted] in serving the warrant. Officer [redacted] never took a photograph of the gun in plain view at [redacted], that was never presented to Judge [redacted].

In summary we have a Detective lying to Judge [redacted] about a 911 call that has nothing to do with this new alleged victim named [redacted]. The alleged victim never identified me or any of the alleged witnesses at any time prior to trial. So, [redacted] never even had a positive ID of me from anyone when he approached the Judge on the warrant. Last, there was no handgun in plain view to present to the Judge for the warrant. All this equates to a "Fake Warrant." No 911 call, no positive ID, no gun in plain view. Yet Judge [redacted] still issued a warrant for my home that night. Just in case the Commission on Judicial Conduct does not know what my employment was at the time, I will mention. I was a [redacted] for [redacted], my title was [redacted] for the [redacted] office in [redacted], AZ. [redacted] I will attach proof of this as well. My trail was a complete railroad, I have another case pending with The Commission on Judge [redacted], the trial Judge. I have never been allowed to present a complete defense. The only ones to allow me to present a complete report are those at [redacted] and their investigations into [redacted] and [redacted] are pending. I do not know the outcome of these two investigations, but what I can say is that they have allowed me to exchange with them everything I have acquired throughout this case and follow up. That is hopeful for me, the [redacted] Division ([redacted]) recommended to [redacted] to affirm my conviction on their Answering Brief of my Appeal. The [redacted] office denied me an investigation on my Appeal. [redacted] affirmed my conviction and about [redacted] weeks ago the Arizona [redacted] Court denied my motion to reconsider. Last [redacted] the ([redacted]) closed out my case on prosecutorial misconduct alleged against [redacted] the main prosecutor in [redacted] County who tried my case. These leaves the [redacted] and the Commission on Judicial Conduct, as the last two before I go to the media. This last paragraph is intended to give you a full scope of what I have been through and what I am doing and planning to do. I take my career and life very seriously just as all you do. I have it under good authority that [redacted] is a JUST Certification Board and their statistics and published board meeting minute entries on their website give a lot of insight as to how they function and what the stand for over there. Just as I told the [redacted], they refused to listen and ruled the allegation of prosecutorial misconduct as inconclusive. I am going to tell the Commission on Judicial Conduct, [redacted] will "de-active" the

**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.**