

State of Arizona  
COMMISSION ON JUDICIAL CONDUCT

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Disposition of Complaint 10-260

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Complainant: No. 1402610534A

Judge: No. 1402610534B

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**ORDER**

The complainant alleged that a city magistrate and a superior court commissioner made incorrect statements and erroneous judge rulings. The commission reviewed the allegations along with additional information submitted by the complainant and found no evidence of ethical misconduct on the part of the judicial officer. The issues raised involve legal matters outside the jurisdiction of the commission. The complaint is dismissed pursuant to Rules 16(a) and 23.

Dated: January 21, 2011.

FOR THE COMMISSION

/s/ Keith Stott

\_\_\_\_\_  
Executive Director

Copies of this order were mailed to the complainant and the judge on January 21, 2011.

*This order may not be used as a basis for disqualification of a judge.*

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

STATE OF ARIZONA  
Commission on Judicial Conduct

Complainant,

COMPLAINT

NO.

Magistrate.

Comes now the Complainant, \_\_\_\_\_, and hereby requests this Commission on Judicial Conduct pursuant to Commission on Judicial Conduct Rules, Supreme Court Rules and other well-established Arizona law to discipline \_\_\_\_\_ Magistrate, Municipal Court, City of Flagstaff, Coconino County, State of Arizona to protect the public, defendants and maintain high standards for the judiciary and the administration of justice. Complainant's complaint is based on the following Memorandum of Points and Authorities.

# Memorandum of Points and Authorities

## Factual Background

On April 28<sup>th</sup>, 2010 Complainant, who is incarcerated at the AZ. Dept of Corrections, Complex Lewis, requested case #'s for outstanding fines and warrants from the City of Flagstaff Municipal Court. Complainant is trying to take care of legal obligations while incarcerated.

On May 8<sup>th</sup>, 2010 Complainant received a computer printout from Flagstaff Municipal Court advising that \$151.13 owed in case # ; \$623.56 owed in case # ; \$92.00 is owed in docket 95- and \$477.00 is owed in docket 96-

On May 13<sup>th</sup>, 2010 Complainant sent the Flagstaff Municipal Court four motions, one for # (City Court Records for these cases incorporated by this reference) requesting relief Pursuant A.R.S. § 22-429 imprisonment for fines owed,

On May 20<sup>th</sup>, 2010, Magistrate Denies Complainant's motions order.

On June 3<sup>rd</sup>, 2010 Pursuant to Superior Court Rules Appellate Procedure - Criminal Rule 3 Notice of Appeal, Complainant sent Flagstaff Municipal Court "Notice of Appeal" from order denying complainant's motion for relief, imprisonment for fines owed, by dated May 20<sup>th</sup>, 2010 ; Appealed to Superior Court, Coconino County, State of AZ Case #'s : CR and CR

On June 30<sup>th</sup>, 2010 Magistrate, Flagstaff Municipal Court, Coconino County, State of Arizona, ORDER, notes that "under the <sup>Rules</sup> of Arizona and Rules of Criminal Procedure the defendant may not appeal" and the defendant "having no right to mitigation of the sentence handed down by the Court". "Defendant's Appeal is hereby Denied".

I the Commission on Judicial Conduct should discipline

Magistrate for denying Complainant Right to Appeal Pursuant to A.R.S. § 22-371

Pursuant to A.R.S. § 22-371 Right to Appeal, A. "The defendant in a criminal action may appeal to the Superior Court from the final judgment of a justice or municipal court" On June 30<sup>th</sup>, 2010 Michael Araujo, magistrate, denied the complainants ~~the~~ Right to Appeal Pursuant to A.R.S. § 22-371 Right to Appeal by order dated June 30<sup>th</sup>, 2010 stating "Defendants Appeal is hereby denied". The Commission on Judicial Conduct should discipline Michael Araujo, magistrate for denying Complainants right to Appeal Pursuant to A.R.S. § 22-371.

The Commission on Judicial Conduct should Discipline Magistrate for denying Complainant his right to equal Protection of the laws, XIV Amendment to the Constitution of the U.S.

Pursuant to the XIV Amendment, "No state shall deny any person within its jurisdiction the equal protections of the laws," to the Const. of the U.S. On June 30<sup>th</sup>, 2010, Magistrate, denied Complainant the equal protection of A.R.S. § 22-371 (Right to Appeal) by stating "Defendants Appeal is hereby denied" in order dated June 30<sup>th</sup>, 2010 in violation of the XIV Amendment, equal protection clause, to the Const. of the U.S. The Commission on Judicial Conduct should discipline Michael Araujo Magistrate for deny Complainant his right to equal Protection of the laws, XIV Amendment to the Constitution of the U.S.

The Commission on Judicial Conduct should Discipline Michael Araujo, Magistrate for encroaching upon the jurisdiction of Court of Record, the Superior Court of Arizona, Coconino County in violation of the Constitution of Arizona Article VI Judicial Department § 32  
Pursuant to the Constitution of Arizona Article VI Judicial

Department § 32 (c) "The jurisdiction of such [municipal] courts shall not encroach upon the jurisdiction of courts of record." On June 30<sup>th</sup>, 2010, Magistrate, Flagstaff Municipal Court encroached upon the jurisdiction of the Superior Court of Arizona, Coconino County, to dispose of Appeals. (See Superior Court Rules Appellate Procedure - criminal Rule 12 disposition of Appeals) by order dated ~~June 30<sup>th</sup>~~ June 30<sup>th</sup>, 2010 stating, "Defendants Appeal is hereby denied." The Commission on Judicial Conduct should discipline Magistrate, for encroaching upon the jurisdiction of Court of Record, the Superior Court of Arizona, Coconino County in violation of the Constitution of Arizona Article VI Judicial Department § 32 (c)

The Commission on Judicial Conduct should Discipline  
Magistrate for the arbitrary, capricious, and vindictive  
order dated June 30<sup>th</sup>, 2010 denying Compliments Appeal

Pursuant to Arizona Supreme Court Rules and other well-established Arizona law Municipal Court Magistrates do not have authority to dismiss a defendants Appeal from the Municipal Court to the Superior Court. On June 30<sup>th</sup>, 2010, Magistrate, Flagstaff Municipal Court, orders "Defendants Appeal is hereby denied" without authority of law. The ORDER IS arbitrary, capricious and vindictive. ~~ISSUE~~ Vindictive order because complainant filed notice of appeal from his order dated ~~May 30<sup>th</sup>~~ May 30<sup>th</sup>, 2010. The Commission on Judicial Conduct should Discipline Magistrate for the arbitrary, capricious and vindictive order dated June 30<sup>th</sup>, 2010 denying Compliments Appeal to Superior Court.

II

Magistrate is getting way to big for his britches if he thinks defendants in these United

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States of America cannot appeal a judges order and probably not fit to be sitting on the bench.

III

The Commission on Judicial Conduct should investigate the  
Magistrate to see if he is fit to sit on the bench  
because is lacking good reasoning for orders  
he is issuing.

On May 13<sup>th</sup>, 2010 Complainant requests imprisonment for fines, so complainant can take care of the old fines. On May 20<sup>th</sup>, 2010, magistrate, denies the request. On June 3<sup>rd</sup>, 2010 the Complainant files notice of Appeal. On June 30<sup>th</sup>, 2010 denies complainants Notice of Appeal stating the defendant "having no right to any mitigation of the sentence handed down by the Court" because complainant requested imprisonment for fines.

Magistrate, reasoning is illogical; going to jail or prison is not mitigated compared to a fine! Denying Complainants Appeal because, magistrate thinks prison is mitigated compared to a fine is not sound reasoning. The Commission on Judicial Conduct should investigate magistrate to see if he is fit to sit on the bench because magistrate is lacking good reasoning for orders he's issuing.

IV

The Commission on Judicial Conduct could remind "that convicted prisoners do not forfeit all constitutional protections by reason of their conviction and confinement in prison" See Jones v. North Carolina Prisoners' Labor Union, 433 U.S. 119, 129, 97 S. Ct. 2532, 2540, 53 L. Ed. 2d 629 (1977); Meachum v. Fano, 427 U.S. 215, 225, 96 S. Ct. 2532, 2538, 49 L. Ed. 2d 451 (1974); Wolff v. McDonnell, 418 U.S. 539, 555-556, 94 S. Ct. 2943, 2974-2975, 41 L. Ed. 2d 935 (1974); Pell v.

Proctor, 417 U.S. 817, 822, 94 S. Ct. 2800, 2804, 41 L. Ed. 2d 495 (1975)

"There is no iron curtain drawn between the Constitution and the prisoners of this country." Wolff v. McDonnell, supra, 418 U.S., at 553-554, 94 S. Ct., at 2974-2975; "and that they may claim the protection of the Due process clause to prevent additional deprivation of life, liberty, or property without due process of law." See Meachum v. Fano, supra; Wolff v. McDonnell; 441 U.S. Bell v. Wolfish 99 S. Ct 1861 P.30.

V

### Conclusion

Based on the foregoing, the Complainant, requests  
this ~~complaint~~ Commission on Judicial Conduct Pursuant to Commission on  
Judicial Conduct Rules, Arizona Supreme Court Rules and other well-  
established Arizona law to discipline Magistrate,  
Municipal Court, City of Flagstaff, Coconino County, state of Arizona to  
protect the Public, Defendants and maintain high standards for  
the judiciary and the administration of Justice.

Dated this 8<sup>th</sup> day of October, 2010.  
5th

Respectfully,