

State of Arizona
COMMISSION ON JUDICIAL CONDUCT

Disposition of Complaint 14-335

Judge:

Complainant:

ORDER

The complainant alleged a superior court commissioner improperly denied a motion to continue a trial date and his request for new counsel.

The responsibility of the Commission on Judicial Conduct is to impartially determine if the commissioner engaged in conduct that violated the provisions of Article 6.1 of the Arizona Constitution or the Code of Judicial Conduct and, if so, to take appropriate disciplinary action. The purpose and authority of the commission is limited to this mission.

The commission does not have jurisdiction to review the legal sufficiency of the judicial officer's rulings. In addition, the commission found no evidence of ethical misconduct and concluded that the commissioner did not violate the Code in this case. Accordingly, the complaint is dismissed in its entirety, pursuant to Rules 16(a) and 23.

Dated: November 5, 2014

FOR THE COMMISSION

/s/ George A. Riemer

George A. Riemer
Executive Director

Copies of this order were mailed to the complainant and the commissioner on November 5, 2014.

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

CONFIDENTIAL

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

FOR OFFICE USE ONLY**2014-335****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.

TO WHOM IT MAY CONCERN, ON _____ I HAD A
SCHEDULED COURT HEARING @ _____ COURT @ _____
IN THE COURTROOM OF _____ I ATTENDED
THE HEARING WITH MY _____ AND
A VERY CLOSE FRIEND OF MINE NAME _____ UPON MY
ARRIVAL WHEN I ENTERED INTO THE COURTROOM, NEITHER THE
STATE PROSECUTOR _____ WHO WAS ASSIGNED TO MY CASE OR
MY COURT APPOINTED ATTORNEY _____ WERE PRESENT
IN THE COURTROOM. I OBSERVED _____ SEVERAL TIMES
INFORMING THE BALIFF TO START MAKING CALLS TO ATTORNEYS
WHO WERE NOT PRESENT. AROUND _____ AND HOUR AND 5 MINUS
LATER MY COURT APPOINTED ATTORNEY
ENTERED INTO THE COURTROOM. AFTER MAKING EYE CONTACT
TO CONFIRM I WAS PRESENT IN THE COURTROOM, MR.
PROCEEDED TO THE _____ AS MYSELF.
REALIZED _____ THE ASSIGNED PROSECUTOR TO MY CASE
WAS STILL NOT PRESENT SO HE INFORMED MR. _____ REPLACEMENT
TO GO INFORM MR. _____ HE NEEDS TO REPORT TO
COURTROOM ASAP SO WE CAN MAKE FORWARD WITH MY COURT
HEARING. SO FINALLY MR. _____ ENTERED INTO THE COURTROOM
(a) _____ CONSIDERING THE FACT MY CASE WAS THE
ON _____ CASE DOCKET FOR THAT DAY? NEITHER MR.
ON MR. _____ WERE REPRIMANDED FOR BEING OVER
AN, _____ LATE TO MY COURT HEARING.

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CONSIDERING THE FACT MY CASE WAS THE VERY ON
 THE LIST OF SCHEDULED HEARINGS. SO MOVING FORWARD
 THERE WERE THAT WERE FILED TO THE COURT
 1 FROM MR. ON AND DUE TO NOT
 BEING PREPARED, ASSUMING CERTAIN THINGS HAD ALREADY
 BEEN COMPLETED IN MY CASE BY THE LAST
 THAT REPRESENTED ME IN THIS CASE, REQUESTING ADDITIONAL
 TIME TO PREPARE DISPOSITIVE PLEADING. THE WAS
 FILED BY THE DEFENDANT ON FOR INEFFECTIVE
 COUNSEL REQUEST NEW APPOINTED COUNSEL. @ THE BEGINNING
 OF THE HEARING STATED HE HAD NO KNOWLEDGE
 OF THE AND HE WASN'T ABLE TO LOCATE THEM IN MY
 CASE FILE SO HE REQUESTED TO COUNSEL LET ME SEE THE
 COPIES? A FEW MINS LATER FOUND THEM IN
 MY CASE FILE. SO HE PROCEEDED TO HEAR MR.
 STATEMENTS, REASONS REGARDING HIS
 THEN RESPONDED AND EMPHASIZED ON THE PREVIOUS
 CONTINUANCE THAT HE WAS ALREADY GRANTED BACK ON
 AND THAT HE WAS GRANTED MORE THAN ENOUGH TIME
 TO BUILD AND PREPARE THE DEFENSE SIDE OF THE CASE TO GO TO
 TRIAL. SO THEREFORE DENIED MR.
 REQUEST FOR EVEN THOUGH THE STATE PROSECUTION HAD
 NO OBJECTION TO MR. CONSIDERING THE FACT

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MR. WAS NEW TO THIS CASE AND NEITHER PARTY WAS PREPARED EVIDENTLY TO MOVE FORWARD @ THIS TIME AND PROCEED TO TRIAL. THEN PROCEEDED TO BRIEFLY REVIEW THE FILED BY THE DEFENDANT ATTACHED WITH THE WAS A COMPLAINT FILED TO THE STATE BAR OF BY THE DEFENDANT DUE TO LACK OF DUE DILLIGENCE, LACK OF COMMUNICATIONS, LACK OF INTEREST, FAILURE TO KEEP ME INFORMED OF ANY PROGRESS OR RECENT ACTIVITY IN MY CASE. RESPONSE WAS THAT HE INFORMED ME THAT I'M NOT ALLOWED TO FILE, THAT I NEED TO GO THRU MY APPOINTED COUNSEL AND NOT TO DO SOMETHING LIKE THIS EVER AGAIN. HE ALSO RECOGNIZED I FILED A COMPLAINT TO THE STATE BAR THEN RESPONDED STATING I CANNOT PICK AND CHOOSE MY APPOINTED COUNSEL BECAUSE I DON'T LIKE MR. WHICH I NEVER SAID AND I ALSO FOUND THAT TO BE TOTALLY IRRELEVANT REGARDING THE LEGITIMATE REASONS PERTAINING TO THE COMPLAINT I FILED TO THE STATE BAR, THE TO REQUEST NEW APPOINTED COUNSEL. WENT ON TO SAY IF HE GRANTED ME A IT WOULD BE THE HE'S GRANTED ME. HOWEVER I FOUND THAT TO BE FALSE THRU THOROUGH RESEARCHING OF MY CASE MY CASE WAS TRANSFERRED AND ASSIGNED TO BACK ON MY 1ST COURT HEARING

(9)

IN ⁽⁵⁾ COURTROOM WAS WHERE
NEITHER AS WELL AS WHERE
NOT PRESENT IN THE COURTROOM. MY 1ST. PHYSICAL APPEARANCE
BEFORE WASN'T UNTILL
MOVING FORWARD DURING THE COURT HEARING
THAT THIS WAS MY ATTORNEY, I HAVE THE CLOSEST CASE IN
HIS COURTROOM, ALSO WENT ON TO SAY THAT I
CREATED A PATTERN OF GOING THRU ATTORNEYS AND FILING COMPLAINTS
AGAINST THEM AND ITS PROLONGING THIS CASE. HOWEVER I FIND
THAT TO BE FALSE. AFTER THOROUGHLY OBSERVING THE INCONSISTENT,
UNORGANIZED COURT PROCEEDINGS THRU OUT THIS CASE, THE PRIVATE
ATTORNEYS I HIRED WHO FAILED TO DEFEND MY RIGHTS TO THE
FULLEST, AND CARRY OUT THE SERVICES THEY WERE HIRED TO PERFORM
IN COURT ON MY BEHALF. UNFORTUNATELY I'VE EXPERIENCED TO
WHAT I BELIEVE IS ETHICAL MISCONDUCT, CONFLICT OF INTEREST
ISSUES WITH MY ATTORNEYS WHICH WERE REPORTED
TO THE STATE BAR. HOWEVER AFTER OBSERVING
COMMENTS DURING MY PHYSICAL COURT HEARING
BEFORE "IT IS TO MY UNDERSTANDING AND BELIEF
HKS FAILED TO COMPLETELY REVIEW MY CASE HISTORY
BUT TO ONLY COMMENT ON THE AGE OF THIS CASE, THE
ATTORNEY I'M CURRENTLY DEALING WITH TODAY IN REGARDS TO
REPRESENTING ME IN THIS CASE. AS THE COURT PROCEEDING
PROGRESSED I HAD CLEARLY EXPRESSED TO
CONCERNS, WORK ETHICS OF MR. MY
IN ~~REGARDS~~ REGARDS TO LOOKING TOGETHER TO BUILD AND PREPARE
FOR THIS CASE, I ALSO IN OUTSIDE THE COURTROOM
OF MISCONDUCT AGAINST MR. OF THE
BY THE STATE BAR BREAK IN

FROM A DEFENDANT'S PERSPECTIVE IN THIS CASE I STRONGLY BELIEVE IS NOT A GOOD FIT, AND MY RIGHTS WILL NOT BE DEFENDED TO THE FULLEST BASED ON WHAT I'VE LEARNED AND EXPERIENCED WITH MR. I INFORMED

DURING MY INITIAL MEETING WITH MR. IN PERSON ON I HAD ASKED MR. HOW MANY YEARS OF EXPERIENCE DO YOU HAVE PRACTICING CRIMINAL LAW? MR. REPLIED AND SAID CASES I KINDLY TOLD MR. I DIDN'T ASK YOU HOW MANY CASES YOU HAVE COMPLETED? I ASKED YOU HOW MANY YEARS OF EXPERIENCE DO YOU HAVE PRACTICING CRIMINAL LAW? MR. REPLY ONCE AGAIN WAS CASES: SO I STARTED TO

IT CLEARLY EVIDENT HERE MR. FAILED TO ANSWER MY QUESTION CORRECTLY, BUT MR. FAILED TO BE HONEST WITH HIMSELF AS WELL. THEREFORE I DON'T FEEL CONFIDENT MOVING FORWARD WITH MR. AS MY COURT APPOINTED ATTORNEY

I STRONGLY BELIEVE ITS IN THE BEST INTERESTS OF THIS CASE. THEN PROCEEDED TO SAY YOUR IS DENIED, I AM NOT GOING TO APPOINT YOUR NEW COUNSEL YOU AND MR. NEED TO MAKE QUICKLY AND START COMMUNICATING.

I ALSO INFORMED REGARDING A COMMENT THAT WAS SAID BY MR. DURING OUR MEETING IN PERSON MR.

INFORMED ME THAT HE AND HIS GOOD FRIENDS, I'VE KNOWN HIM FOR YEARS, WERE REAL A DEFENDANT'S PERSPECTIVE. THAT COMMENT I DIDN'T DIGEST VERY WELL. FROM

**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.**