

State of Arizona
COMMISSION ON JUDICIAL CONDUCT

Disposition of Complaint 07-020

Complainant: No. 1292510348A

Judge: No. 1292510348B

ORDER

The commission reviewed the complaint filed in this matter and found no ethical misconduct on the part of the judge. The judge did not act unethically in denying the complainant's motion for a new attorney.

The complaint is dismissed pursuant to Rules 16(a) and 23(a).

Dated: February 14, 2007.

FOR THE COMMISSION

/s/ Keith Stott
Executive Director

Copies of this order were mailed to the complainant and the judge on February 14, 2007.

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

Commission on Judicial Conduct

1501 W. Washington

St. 229

Phx, Az 85007

JAN 23 2007

CJC-07-020

Re:

Greeting,

My complaint involves specific violations The Canon of Judicial Ethics specifically Canon 3, Section B, Paragraphs (4), (5) and (7).

Canon 3, Section B, Paragraph (5) states in part: "A judge shall perform (their) judicial duties without bias or prejudice."

During hearings before the judge on judge

stated the following in open court: "The free ride is over, ", "I'm not wasting the tax payer's money by giving you another lawyer."

Trial counsel filed a motion seeking to be withdrawn as counsel, and it also filed an additional motion for reappointment of counsel, due to ineffectiveness, and was informed that the judge was set to rule on these motions on [redacted] [redacted] after speaking with counsel, on or about [redacted], she informed me that the trial judge intimated to her that he would delay his ruling until 1 week before my trial date.

The judge's actions are both bias and shows prejudice, which are in violation of the Judicial Canon cited.

Canon 3, Section 5, Paragraph (4) states in part: "A judge shall be patient, dignified and courteous to litigants..."

During the [redacted] hearing before the trial judge his attitude towards me was extremely hostile as well as aggressive when he began questioning me by asking me: "[redacted] have you studied law?"

The judge's demeanor changed, even
 his physical posture while asked
 because more rigid as he questioned me
 concerning my legal track grounds.
 After which questioning and he turned
 his questioning towards others present
 in the court, and could see the somewhat
 adjusting of his tone as well as the
 obvious relaxation of his posture.
 The question Dept: what happens if
 any, should my legal track ground
 not issue with any questions despite the fact?
 The judge's manner in which he
 spoke to me was both discourteous as
 well as undignified, thereby violating
 Canon 3, Section B, Paragraph (a) of the
 Ethics Code.

Subsequently during the
 [redacted] hearing trial counsel was attempting
 to enter into the record why she should
 be allowed to withdraw, stating that
 under a certain legal precedent established
 there were 5 criteria needing to be
 met in order to meet the test.

During counsel's testimony the judge never allowed counsel to complete stating the 5 criteria, subsequently making the "five side is over" statement.

The judge's actions were in total violation of Canon 3, Section 6, Paragraph (1), wherein it states in part: "a judge shall accord to every person who has a legal interest in a proceeding, or that person's lawyer, the right to be heard according to law..."

Judge [redacted] failed to exercise discretion that he had a duty to exercise and he made determinations that were arbitrary and capricious and that were an abuse of discretion.

For the aforesaid reason I move that action be taken against Judge [redacted] which this oversight board deems appropriate.

Respectfully,

[redacted]