

State of Arizona  
COMMISSION ON JUDICIAL CONDUCT

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Disposition of Complaint 09-239

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Complainant: No. 1188010424A

Judge: No. 1188010424B

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**ORDER**

The commission reviewed the complaint filed in this matter and found no evidence of misconduct on the part of the judge. The issue raised is legal or appellate in nature and the judge did not act unethically in denying the complainant's request for a free transcript and attorney. Therefore, the complaint is dismissed pursuant to Rules 16(a) and 23.

Dated: November 24, 2009

FOR THE COMMISSION

\s\ Keith Stott  
Executive Director

Copies of this order were mailed to the complainant and the judge on November 24, 2009.

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

**CJC 09-239**

COMPLAINT AGAINST A JUDGE

Your name:

Judge's name

Date: 9/6/2009

Instructions: Describe in your own words what the judge did that you believe constitutes misconduct. Please provide all of the important names, dates, times and places related to your complaint. You can use this form or plain paper of the same size to explain your complaint, and you may attach additional pages. Do not write on the back of any page. You may attach copies of any documents you believe will help us understand your complaint.

This complaint is filed Against Judge \_\_\_\_\_  
(City of \_\_\_\_\_ Municipal Court)  
pursue of the several motions and attempts  
for \_\_\_\_\_ to receive a free copy of  
the written transcript of his trial, after he  
was found to be indigent by Judge  
\_\_\_\_\_  
(City of \_\_\_\_\_ Pro Tem Judge and  
City of \_\_\_\_\_ Prosecutor \_\_\_\_\_).  
April 22, 2009 \_\_\_\_\_ was found to be  
indigent during his sentencing hearing before  
Judge \_\_\_\_\_ and Prosecutor  
\_\_\_\_\_, as his financial ability to pay the  
extravagant fine was lowered thousands of  
dollars. \_\_\_\_\_ is indigent and financially  
destitute. On May 13, 2009 \_\_\_\_\_ did file  
a Financial Statement and Request for Waiver  
of Costs of Preparation of Transcripts. A copy  
is included here. It was filed with  
Municipal Court in a timely manner.  
also filed the \_\_\_\_\_ Municipal Court Financial  
Statement dated June 1, 2009 and made  
part of his file stamped July 20, 2009 by City  
of \_\_\_\_\_ Municipal Court. \_\_\_\_\_ filed  
"Defendant's Financial Statement and Request  
for Waiver of Costs of the Preparation of Transcripts  
on May 13, 2009, using the document approved by

CJC 09-239

COMPLAINT AGAINST A JUDGE

Your name:

Judge's name

Date: 9/6/2009

Instructions: Describe in your own words what the judge did that you believe constitutes misconduct. Please provide all of the important names, dates, times and places related to your complaint. You can use this form or plain paper of the same size to explain your complaint, and you may attach additional pages. Do not write on the back of any page. You may attach copies of any documents you believe will help us understand your complaint.

United States Supreme Court Rules. On May 22, 2009,  
Judge denied

the right of Law to 'have a free copy' of the  
transcript prepared, as well as the right to  
an attorney. Copy is included here. Mr.

can not appeal his case on to  
the Court of Appeals, where he has a case  
awaiting for his memorandum, nor can he  
complete his memorandum due to the City of  
Municipal Court. However,

filed a "Motion for Enlargement of Time  
to file Appellant Memorandum," which

Judge granted on  
August 25, 2009, but still is withholding  
a printed version of the transcript.

This is a violation of Mr. rights  
as an Appellant, as it is denying his  
right to defend his innocence. Judge

refuses to provide Defendant  
with a printed version of the transcript

- simply because he does not want the Court to  
absorb the cost of printed transcript for three  
days, which is costly. Judge

has used every excuse to deny the free  
transcript to Mr. can not

complete his memorandum in either Court  
without the written transcript.

(Attach additional sheets as needed)

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

**CJC 09-289**

COMPLAINT AGAINST A JUDGE

Your name:

Judge's name:

Date: 9/16/2009

Instructions: Describe in your own words what the judge did that you believe constitutes misconduct. Please provide all of the important names, dates, times and places related to your complaint. You can use this form or plain paper of the same size to explain your complaint, and you may attach additional pages. Do not write on the back of any page. You may attach copies of any documents you believe will help us understand your complaint.

Therefore, Mr. \_\_\_\_\_ asserts that Judge \_\_\_\_\_ has violated several Canon Laws as well as Arizona Constitution, U.S. Constitution and Arizona Rules of Criminal Procedures. Mr. \_\_\_\_\_ charges Judge \_\_\_\_\_ with the above violations of Rules as well as Canon Law Rules - Rule 1.1 - Compliance with the Law, Rule 2.2 Impartiality and Fairness, Rule 2.3 Bias, Prejudice and Harassment, Rule 2.5 Competence, Diligence and Cooperation, Rule 1.3 Avoiding Abuse of the Prestige of Judicial office, Rule 2.7 Responsibility to decide, Rule 2.4 External Influences on Judicial Conduct, Rule 2.6 Ensuring the Right to be Heard, Rule 1.1 Compliance with the Law, Rule 1.2 Promoting Confidence in the Judiciary, Rule 2.4 External Influences on Judicial Conduct, Rule 2.8 Decorum Demeanor and Communication. Rule 2.15, Responding to Judicial and Lawyer Misconduct.

In closing, Mr. \_\_\_\_\_ seeks to file this Complaint against Judge \_\_\_\_\_ due to Judge's refusal to release and prepare the written transcript for Mr. \_\_\_\_\_ to continue on with his appeal.

(Attach additional sheets as needed)

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

**CJC 09-239**

COMPLAINT AGAINST A JUDGE

Your name:

Judge's name

Date: 9/6/2009

**Instructions:** Describe in your own words what the judge did that you believe constitutes misconduct. Please provide all of the important names, dates, times and places related to your complaint. You can use this form or plain paper of the same size to explain your complaint, and you may attach additional pages. Do not write on the back of any page. You may attach copies of any documents you believe will help us understand your complaint.

Exhibits as Listed:

- ① "Municipal Court Financial Statement" dated 6/1/2009, Stamped into Municipal Court Record file 7/26/2009.
- ② "Defendant's Financial Statement and Request for Waiver of Costs of the Preparation of Transcripts" dated May 13, 2009. Stamped into Municipal Court Record file dated May 13, 2009. Approved for use.
- ③ "Defendant's Designation of the Record on Appeal" dated May 13, 2009.
- ④ "Notice of Appeal" dated July 22, 2009  
Case no. LC
- ⑤ Order Denying Defendant's Request for Waiver of Transcript fees and Court Appointed Counsel dated May 22, 2009 by Judge
- ⑥ "Motion for Enlargement of Time" dated August 17, 2009, under case # CR
- ⑦ Order granting Enlargement of Time dated August 25, 2009. Signed by Judge

(Attach additional sheets as needed)

CJC 09-239

COMPLAINT AGAINST A JUDGE

Your name:

Judge's name

Date: 9/6/2009

Instructions: Describe in your own words what the judge did that you believe constitutes misconduct. Please provide all of the important names, dates, times and places related to your complaint. You can use this form or plain paper of the same size to explain your complaint, and you may attach additional pages. Do not write on the back of any page. You may attach copies of any documents you believe will help us understand your complaint.

Exhibits as Listed:

8. Court of Appeals order dated September 4, 2009 in case No. 1 stating he is eligible for a deferral of fees. Signed by Clerk of the Court.

9. Court of Appeals dated September 4, 2009 stating deferral shall remain in effect as noted in Superior Court minute entry dated June 18, 2009.

10. Civil Appeals Docketing Statement, Court stamped July 30, 2009. Stating to enforce the right of indigent to be provided transcripts free of charge to prosecute a first appeal of a conviction and misdemeanor charge. The Hon. Judge of Municipal Court denied the provision of transcripts even though a finding has already been made as to indigency in Pima Municipal Court and Superior Court.

11. Defendant's Notice of Appeal dated 5/4/2009. Signed by Defendant Caplanis.

12. Motion for Indigency and Provision of Transcript. Dated September 8, 2009. (Attach additional sheets as needed)