

State of Arizona  
COMMISSION ON JUDICIAL CONDUCT

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Disposition of Complaint 13-182

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Judge:	No. 1031114017A
Complainant:	No. 1031114017B

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**ORDER**

The complainant alleged a municipal court judge improperly denied her a public defender.

The responsibility of the Commission on Judicial Conduct is to impartially determine if the judge 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.

After reviewing the complaint and court records, the commission found no evidence of ethical misconduct and concluded that the judge did not violate the Code in this case. The commission does not have jurisdiction to review the legal sufficiency of court rulings. Accordingly, the complaint is dismissed in its entirety, pursuant to Rules 16(a) and 23.

Dated: August 21, 2013.

FOR THE COMMISSION

/s/ George Riemer

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George A. Riemer  
Executive Director

Copies of this order were mailed to the complainant and the judge on August 21, 2013.

*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



COMPLAINT AGAINST A JUDGE

Your name

Judge's name:

Date: 7/10/13

Instructions: You can use this form or plain paper of the same size to file a complaint. Please describe in your own words what the judge did that you believe constitutes judicial misconduct. Be specific and list all of the names, dates, times and places that will help us understand your concerns. You may attach additional pages but not original court documents. Print or type on one side of the paper only, and keep a copy

Arrested falsely on February 8<sup>th</sup> 2013;  
Refuse to process my credit card for services rendered.  
I was harassed by the driver. Requested for an officer to settle dispute. Responding officer requested other forms of payment, falsified a police report & harassed me. Then added an additional charge of Disorderly Conduct after ordering me out of the vehicle of [redacted]. I illegally searched on sight, and failed to properly record all personal belonging.

On March 25<sup>th</sup> appeared in Court twice. Case at 7:30am.  
Plead Not Guilty. set a July MET Conference  
for April 8, 2013 at 1:00pm & April 16, 2013 Jury Trial at 7:30am.  
\* Did not all me (Defendant) enough time to file evidence.

\* On March 25<sup>th</sup> appeared in Court again at 10:30am as a walk-in requesting for a Public Defender.  
Denied me access. STATE THAT A "Public Defender IS NOT NEEDED." I explained to that the state prosecutor had consulted me & reviewed all penalties which included a jail sentence, fines, & probation.

\* consulted the state prosecutor. and took jail sentence. [redacted] the table. [redacted] and Denied me [redacted] WAS NOT BEING on Adqust time

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July 15, 2013

On February 8<sup>th</sup>, 2013, Defendant, \_\_\_\_\_ was harassed by no fault of her own and charged with criminal code 10.2 (c) (3) theft for non-payment of services rendered by \_\_\_\_\_ in \_\_\_\_\_ Arizona. On February 8<sup>th</sup>, 2013, Additional charges of Disorderly had been incurred by the Defendant; \_\_\_\_\_ only after the responding Officer ordered the Defendant, \_\_\_\_\_ out of the \_\_\_\_\_ vehicle.

The responding Officer harassed defendant \_\_\_\_\_ to pay in the amount of \$7.00 to \_\_\_\_\_ Defendant, \_\_\_\_\_ never had \$7.00 within her personal belongings. The responding Officer then ordered the Defendant to seek other means of payment through an ATM at Home Depot. Defendant, \_\_\_\_\_ was harassed and arrested for non-payment for services rendered.

The \_\_\_\_\_, had failed to properly fulfill their sole responsibility and duty to processes of a credit card: \_\_\_\_\_, provides service to the general public with three form of payment cash, credit card and debit. Also, there were no signs posted, regarding credit card payments, nor any signs posted, regarding technical malfunctioning of credit card machines.

\_\_\_\_\_ failed to provide due processes of the Law after the Defendant, \_\_\_\_\_ had lead Not Guilty on March 25<sup>th</sup> 2013 at 7:30 am \_\_\_\_\_ for returned on March 25<sup>th</sup>, 2013 at 10:30 in room 304 requesting to the \_\_\_\_\_ for an appointed Public Defender.

\_\_\_\_\_ denied the Defendant a Public Defender after consulting with the State Prosecutor regarding sentencing options which included Jail terms, probation, fines and theft counseling.

\_\_\_\_\_ scheduled MGT trial on April 8<sup>th</sup>, 2013 and Jury Trial on April 16<sup>th</sup>, 2013. Defendant was denied adequate time to properly submit evidence.

consulted in open court with the State Prosecutor regarding jail sentencing. removed jail sentencing from the record and stipulated that there would be no sentencing of such in this matter.

re-set scheduling for MTG trial Conference for May 13<sup>th</sup>, 2013 and Jury Trial for May 16<sup>th</sup>, 2013.

Defendant checked the State's Evidence for disclosures to prepare for Trial. The State prosecutor failed to submit discovery on a timely manner according to the provisions of the Law for entry of disclosures and failed to provide the defendant full access to all discovery.

On May 13<sup>th</sup>, 2013 the State requested another pre-trial conference. Defendant was entitled to hold MGT pre-Trial conference and move forward with Due Processes of the Law. The State Prosecutor harassed the Defendant trying to change her pleads entered on March 25<sup>th</sup>, 2013. Furthermore, the State Prosecutor made inappropriate remarks to the Defendant, a Pleads which were entered on March 25<sup>th</sup>, 2013. Statements made Defendant must be mistaken about the amount in her checking account, "quote well I guess you ran out of money!" after the Defendant, pleaded again Not Guilty requesting for a Public Defender.

indicated on record that the Defendant is in need of a Public Defender now entered on May 13<sup>th</sup>, 2013. re- set pre- Trial conference and appointed a Public Defender to Defendant rescheduling for June 24<sup>th</sup>, 2013.

On June 24<sup>th</sup>, 2013 the Public Defender did not have defendant's file which contained subpoena's, requested court orders of disclosures, and witnesses, that were entered by Defendant back in March and April 2013 scheduled to be heard. New evidence was discovered by the defendant after a brief consultation with the Public Defender The State Prosecutor Office entered a video tape of the defendant, which was not part of the record nor disclosed to the defendant, after she personally requested it from the prosecutor's office twice back in March and April 2013.

The Public Defender did not have any information and had failed to meet with the defendant, after the Defendant, contacted by telephonic communication on May 16<sup>th</sup>, 2013 nor is there any contact with defendant's public defender nor is there any attempt made by to consult her client defendant,

This has incurred the defendant financial hardship, falsely jailed, loss of personal property, and preventing the defendant's constitutional right, liberties, and due processes of the law for pleading Not Guilty, which the court had failed due processes to the defendant, Defendant's right to a jury trial.

Delays had been incurred by the Court, monitored and ruled on by the

Now comes, the defendant's motion to request an Exparte jury Trial to resolve all charges against the defendant,