

State of Arizona
COMMISSION ON JUDICIAL CONDUCT

Disposition of Complaint 14-158

Judge:

Complainant:

ORDER

The complainant alleged that a superior court judge abused discretionary authority, improperly omitted information, engaged in harassment, violated criminal procedure rules, and failed to notice a hearing.

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 review, the commission found no evidence of ethical misconduct and concluded that the judge did not violate the Code in this case. Also, 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: July 16, 2014

FOR THE COMMISSION

/s/George A. Riemer

George A. Riemer
Executive Director

Copies of this order were mailed to the complainant and the judge on July 16, 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

2014-158

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.

Please see attached complaint letter with attached documentation.

SEE ATTACHED DOCUMENTS

1 Dated:

2
3 To: State of Arizona Commission
4 on Judicial Conduct
5 1501 W. Washington Street, Suite 229
6 Phoenix, Arizona 85007

7 From:

8
9 RE: Request to file a Judicial complaint against Judge _____ for unethical conduct by a Judge
10 including abusing her discretionary authority, omitting information from court documents, harassment,
11 violation rule of criminal procedures, coercion, failing to notify the petitioner of a hearing, disability,

12 I am filing a Judicial Misconduct complaint against Arizona _____ Court Judge _____ for the following
13 unethical, unprofessional behavior including violations of violations of Arizona Rules of Procedure and any other
14 state, county city, or Federal laws, policy or regulations concerning Judicial conduct.

15 On _____ was placed on suicide watch at the _____ County Jail following a hearing he had with
16 Judge _____ and his attorney. Later in the evening _____ called us and asked us what happen what was going on he
17 said he did not understand the hearing.

18 We could tell his anxiety level was going us and _____ phoned the jail and asked if medical could check on him.
19 We did not hear from _____ for a day and a half. So we called the jail on _____ to check on
20 _____ and we were told he was in the medical ward on suicide watch. Fortunately the jail allowed me to have a visit
21 with him on _____ and on _____ he was placed back in his cell.

22 When _____ was initially arrested on the _____, he went for almost two weeks with out an attorney or
23 public defenders. We knew his prior medical conditions and we called the courts, we filed a request for Rule 11 with
24 the court, we sent a request to the jail asking for a mental health evaluation for _____ we sent a latter to the judges
25 asking for a mental health evaluations and a public defender

26 Everything we sent the court on behalf of _____ was ignored and during that two week period the police keep
27 interviewing _____ with out the benefits of legal counsel. No matter that we were asking for any attorney for him
28 and he was asking for an attorney.

29 We called the Legal Defender and then the Public Defender and they keep telling us to call back the next day for
30 two weeks they were telling us that. This is _____ and during his first two weeks in jail he had no attorney so we
31 filed petitions for medical evaluation after no one would respond to our letters.

32 We have attempted to request documents from the court for the initial date of arrest up until today's date by making
33 the request under Arizona rule 123 and it to has been ignored by the court. Rule 123 stated that any Arizona citizen
34 with a ID can request information on criminal cases including pre trail materials.

More Detailed number facts / allegations of judicial misconduct complaint.

- 1) In an order from Judge _____ dated _____, the judge uses very demeaning and unprofessional language directed at us the parents in her response to a special action emergency Rule 11 petition we filed on behalf of _____ almost a month before it was answered.
- 2) On the bottom of Page two of the Order there is a foot note advising that after a review of the rolls of the Arizona State Bar reveals that neither Mr. _____ nor Ms. _____ are duly licensed to practice law.
- 3) This is an insult directed at us, at no time have we proclaimed to be anything else other than _____ requesting help for _____. How is it professional and ethical for her to make fun at our expense at a hearing for a mental evaluation request.
- 4) On the top of page three of the same order from Judge _____ she has sought to further publicly embarrass and ridicule us the _____ by making our private requests for assistance from the courts in getting legal help for _____ who has documented congestive issues and learning disabilities.
- 5) During those first very critical days of _____ arrest is when he needed that attorney more than ever. _____ was still being questioned by police. It almost seems like the court intentional delayed legal counsel for _____ so the police could continue to interview him.
- 6) At the bottom of page three the Judge starts talking about the unauthorized practice of law again and directed it at the _____ in a publicly forum.
- 7) On page four of the same documents, this judge continues her public humiliation of the _____ by further suggesting that there is no exemption that allows someone who is not an attorney to file a motion on behalf of someone in a criminal matter. This Judge was more interested showing us who runs her court, it very obvious in the language she uses to address us in her order.
- 8) Pursuant to ARS 13-4503. Request for competency examination. At any time after the prosecutor charges a criminal offense by complaint, information or indictment, any party or the court on its own motion may request in writing that the defendant be examined to determine the defendant's competency to stand trial, to enter a plea or to assist the defendant's attorney. The motion shall state the facts on which the mental examination is sought.
- 9) So either the Judge is lying about no one other than the state of the defendant being able to request a rule 11 motion or she has a disability that affects her thought pattern which have effected _____ ability to have a fair hearing. This Judge was more concerned about the definition of any party rather than the health of _____
- 10) On page four the second paragraph from the top the Judge continues to badger the _____ about not being duly admitted to practice law in this state. The Judge from her repeated references to not being able to practice law appear to be showing her biased against non attorney filing documents in court.
- 11) ARS 13-4503 Request for competency examination stated that within three working days after a motion is filed pursuant to this section, the parties shall provide all available medical and criminal history records to the court. No one would listen or talk to us.
- 12) On page four bottom half of the page the Judge once again publicly insults the _____ by comparing us to Hybrid Representation, a term I have never heard of. But once again any one can file for a mental health evaluation.
- 13) This is a another example of this judge's open disdain for the _____ of the defendants. She is clearly biased and unprofessional in her conduct and she has gone off the subject of the order several times with these insults and references directed at the _____

1 14) I don't even think she asked him if he was ok or if he needed anything. But that why you have a medical
2 examination something she did not even brother to read the petition or she was lying about no information being
presented to her because we listed some of his medical conditions in the letter and petition.

3 15) This Judge held a hearing on a rule 11 motion that was filed almost a month before it was heard in court with out
the petitioners. This Judge held court on the motion without inviting the petitioners.

4 16) This Judge did not even give us the benefits of inviting us to the hearing so that we could bring documents to
5 support our claim. She held a hearing on health and spent most of the time according to her own order
berating the How is that professional for a judge to act and conduct the court business.

6 17) On page and 7 of the judges orders she berated the in open form for filing a private request for a judicial
7 investigations into complaints about court staff. The Judge took a private request that was submitted in confidence
requesting judicial assistance in investigation a matter that should concern the court.

8 18) This judge by the very nature of exposing this request to public ridicule has violated a trust between the court
9 and the public. This request was for help, no matter how stupid the judge may have thought it was she had a duty to
look into the matter and if it was unfounded than that's the end of it.

10 19) This Judge put a request for an investigation on front street by berating the requestors of the letter in public
11 forum. This Judge has had nothing positive to say in fact she spent most of the time on this day berating the parent.

12 20) During this hearing was confused he called us later that night and he was concerned because he
did not understand what was happen. And subsequently he ended up in the medical ward.

13 21) This Judge went even further in her distain for the s of the Defendants that she ordered court staff to
14 remove the rule 11 motion and to destroy it. The state say that when a rule 11 motion s denied it is to be sealed.

15 22) I believe this judge has broken the law in a attempt to concealed the fact that the court did not respond to this
rule 11 motion until almost a month after it was passed.

16 23) This judge also ordered court staff not to accept any filling from the defendants unless she authorizes it.
17 So are we less of a citizen now since this judge has taken away our freedom of speech.

18 24) I believe this judge has issued an illegal order that restrict us from filing any documents a the court house
19 without her permission. That means we cant even go in there and file an appeal unless we ask her for permission.
How is that legal or even ethical.

20 25) Recently we attempted to file an appeal regarding access to court records and was told that we had to be
21 an attorney to file any requests with the courts. This judge abused her discretion in handling this maters and has
engaged in retaliation.

22 26) In the paper in the Judge order she forgot to attach to that order that we sent Judge a letter first
23 requesting a mental health evaluation for because we were concerned for his health. Judge ignored a
request for mental health evaluation. How unethical is that and no one does anything about it.

24 27) When we did not get a response on our letter for a mental health evaluation we filed a special action requesting
25 one and we brought a copy of the request to the court in and it was time dated . Judge
was the presiding Judge at that time in the court and he did not respond to the request either.

26 28) A copy of the special action was taken to the court in also and the presiding Judge there was
27 and he also did not respond to the request for a mental health evaluation. How ethical is this type of
behavior from a judge.
28

1 29) In Judge orders from the she claimed that she got the petitions request for a mental
health evaluation till the . That's a lie a copy of the letter we had stamped at the court and a copy
2 of the special action request we had stamped at the justice court should have been in that file.

3 30) So one of the Judge or all of them are lying about not receiving that the request or they failed to revive the
case file that was transferred from Court to the Supervisor court before they ruled on the special request.

4 31) If the judge individually failed to review a documents in the case file that they were proceeding over than
5 they have a disability and are unfit to judge.

6 32) Or they the Judge knew about the documents in the case file and made a prejudgment that it was not
7 worth there time to look at. That makes them biased and bully's, you can already see from Judge continued
badgering of the parents about not being licensed attorney, it clear Judge has a biased opinion of non attorney's
8 filing anything in her court.

9 I am attaching the Judges orders from the hearing including documents to show that our attempts to
get help for was ignored from the beginning. The system seems to be out of control.

10 Judges don't appear to be able to separate their need to protect each other from their legal obligation to uphold the
law in an unbiased manner. We filed emergency medical request for help for

11 It was ignored by Judge that make this a pattern of discrimination, unethical behavior, omitting information
12 in orders and bully and retaliation by Judge How is this permitted to go unchecked.

13 If a Judge can instruct her staff to remove all records of a medical petition filed by the parents and destroy them. If
14 she can do that than what's to stop her from ignoring falsified evidence presented to her. This Judge even chose to
mention portion of filed complaints against other judges in her orders. This Judge is clearly biased and unhappy that
15 she has to preside or this case where the of the defendants have filed complaints and petitions.

16 This Judge chose to give her one sided obscured opinion of pending civil cases the parents have coming up in the
17 Court which could effect the out come of those cases. Judge has already shown that she has the
knowledge to craft orders in demeaning and hostile manner and to present them in the most unfavorable manner
against any petitioner she doesn't agree with.

18 People some times have to file as pro se litigant for a variety of different reasons ours was money. But what ever the
19 reason's maybe she doesn't have the right to publicly humiliate us for not being lawyers. This judge in her bully
when to the bar to verify if we were attorneys. She is like a high school sitting on the bench.

20 Legal Reference "failure to observe procedures adequate to protect a defendant's right not to be tried or convicted
21 while incompetent . . . deprives him of his due process right to a fair trial." This Judge told the court to remove and
destroy the petition for mental evaluation that seems a little extreme unless you are hiding something.

22 Model Rule 8.3(a) "imposes a mandatory reporting obligation on every lawyer with respect to other lawyers'
23 violations of the professional rules. Perjury is the act of lying or making verifiably false statements on a material
matter under oath in a court of law or in a sworn written statement.

24 It seems like it should not be enough for a judge to say nothing was presented to me. We already know that's a lie
25 with the special request for a medical evaluation. The information is there you just have to look at it with a unbiased
and unprejudiced manner.

26 3 Rule 2.10(A) provides that "A judge shall not make any public statement that might reasonably be expected to
27 affect the outcome or impair the fairness of a matter pending or impending in any court or make any nonpublic
statement that might substantially interfere with a fair trial or hearing."

28 Legal Reference: " Judge who receive information indicating a substantial likelihood that another judge or attorney
has committed a violation of this Code should take appropriate action".

1 Judge held a hearing on a emergency medical evaluation almost 30 days after it was filed and did not even
2 invite the petitioners. In fact she made fun of them repeatedly in open court and instructed the court to destroy the
3 petition. The State of Arizona had and has a continuing duty to protect it citizens from actions that are being
4 committed by Judge and the State is failing to correct or intervene in any situation presented to them.

5 This Judge read in open court a portion of a filed request complaining of possible misconduct of fellow staff
6 members including the DA who was sitting right in front of her. The Judge made it clear by her actions who's side
7 her was on and her feeling on the matter while simultaneously humiliating, embarrassing and displaying
8 unprofessional conduct by a Judge.

9 still needs medical attention / help and we have been calling and stopping by the jail requesting services.
10 We have asked our doctor to fax his medical records over. We have ask if we can bring even over the counter
11 medical to him. This Judge had a duty to at least hear the medical portion of or special action with an open mind and
12 she could not even do that.

13 It is very clear that if these judge don't want you to have access to something including medical mental health you
14 want get it and the record of your request will be destroyed. I hope that the commission will take this complaint
15 more serious than the judge and respond swiftly so that change may come in

16 Submitted On

17 BY

18 Complainant