

State of Arizona
COMMISSION ON JUDICIAL CONDUCT

Disposition of Complaint 19-017

Judge:

Complainant:

ORDER

The Complainant alleged a pro tem appellate court judge improperly denied his request to represent himself and that the judge improperly converted a special action into a petition for review.

The role of the Commission on Judicial Conduct is to impartially determine whether a judicial officer has engaged in conduct that violates the Arizona Code of Judicial Conduct or Article 6.1 of the Arizona Constitution. There must be clear and convincing evidence of such a violation in order for the Commission to take disciplinary action against a judicial officer.

The Commission does not have jurisdiction to overturn, amend, or remand a judicial officer's legal rulings. The Commission reviewed all relevant available information and concluded there was not clear and convincing evidence of ethical misconduct in this matter. The complaint is therefore dismissed pursuant to Rules 16(a) and 23(a).

Dated: May 22, 2019

Copies of this order were distributed to all appropriate persons on May 22, 2019.

2019-017

ARIZONA COMMISSION ON JUDICIAL CONDUCT

Comp

1501 WEST WASHINGTON STREET
SUITE 229, PHOENIX, ARIZONA 85007

NAME:

CASE #

JUDICIAL NAME:

PRO-TEM JUDGE

STATE OF ARIZONA

CASE:

CASE:

1 NAME OF ATTORNEY OF RECORD;
2 "FIRST-TRIAL"; MR. (MISTRIAL)
3 SECOND TRIAL"; MR. PRO PER
4 ADDRESSE COUNSEL; ATTORNEY AT
5 THAT KNOWS NOT WITHDRAW OFF RECORD. LAW.

6 NAMES OF WITNESSES WHO OBSERVED THE JUDGE
7 CONDUCT;
8 1. PROTEN

9 _____
10 2. MS. STATE OF ARIZONA
11 3. MR. ATTORNEY AT LAW

12 4. MR. ATTORNEY
13 IN THE

14 5. "in the Court Room, CHIEF OF THE
15 COURT,"
16 _____

17 I DECLARE, UNDER PENALTY OF PERJURY, THAT THE
18 FOREGOING INFORMATION, AND THE FACTS
19 THAT I HAVE PROVIDED YOU WITNESS MY
20 ALLEGATIONS OF JUDICIAL MIS-CONDUCT ARE BASED
21 ARE TRUE AND CORRECT, TO THE BEST OF MY KNOWLEDGE
22 AND BELIEF...

23 BY;
24 _____
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I PRO PER

HEREBY PRESENTS TO THE "ARIZONA Commission
ON JUDICIAL CONDUCT," THE Following Complaint For
"Judicial Mis-Conduct" ON PRO TEM JUDGE

STATE OF

ARIZONA, BASED ON THE Following VIOLATION, "REASONS
OF HIS ACTIONS, INACIONS OR IN AGUIESCENCE OF
DENIAL OF MY STATE AND FEDERAL Constitutional Rights
TO DUE-PROCESS OF LAW, EQUAL PROTECTION UNDER THE LAW,
UNLAW UNDER THE COLOR OF LAW." "

AND

"IN ACCORDANCE TO THE ARIZONA STATE
CONSTITUTION ARTICLE 4 § 38.23(1) SUBSECTION (C);
U.S.C.A. Sixth Amendment CLAUSE 3 "ON OR
AFFAIRS OF OFFICE" TO A CONSTITUTION BODY
STATE AND FEDERAL HE IS "

1. PROTEM JUDGE DENIED
MY STATE AND FEDERAL Constitutional Right to
ON DIRECT APPEAL,

Committing - "UPON THE COURT OF
APPEALS, STATE OF ARIZONA SEE ATTACHMENTS

ENCLOSED ON CLERK

THE APPELLANT TO PROCEED PRO SE ON
APPEAL, AFTER A MOTION WAS FILED WITH
THE COURT TO "MS.

ATTORNEY AT LAW, WHO WAS "COMPETENT

CONFLICT FREE COUNSEL OF RECORD," AND WHO

1 WAS CLEARLY " IN WRITING BY THIS APPELLANT
 2 BY A " ; A FORMAL LETTER, AND
 3 A DENIAL OF RIGHTS UNDER CLER OF LAW FILED ON HER
 4 BECAUSE OF THE FOLLOWING CONDUCT OF
 5 " AND "
 6 " "
 7 1. MS. ATTORNEY AT LAW " "
 8 THE DEFENDANT WAS GUILTY.
 9 2. MS. ATTORNEY AT LAW, " "
 10 THE " "
 11 3. MS. ATTORNEY AT LAW, " "
 12 THE " "
 13 4. MS. ATTORNEY AT LAW, HAD TO
 14 " " HER STATE BAR LICENSE BY
 15 ANY MEANS.
 16 5. MS. ATTORNEY AT LAW HAD TO
 17 " " HER GOOD RELATIONSHIPS WITH
 18 THE PROSECUTOR'S.
 19 6. MS. ATTORNEY AT LAW, HAD TO
 20 PROTECT AND PRESERVE HER GOOD RELATIONSHIPS WITH
 21 THE JUDGE. "
 22 7. MS. ATTORNEY AT LAW, ALSO HAD TO
 23 TO " " HER RELATIONSHIPS WITH
 24 OTHER ATTORNEYS.
 25 8. MS. ATTORNEY AT LAW, HAD TO
 26 " " HER GOOD RELATIONSHIPS WITH
 27 AN ORGANIZATION WHO PAID HER WAGES TO
 28 REPRESENT INDIGENT DEFENDANTS...

1 BECAUSE OF THESE " OF MS.
 2 ATTORNEY AT LAW, IT WAS AN
 3 " ON PRESENTING THIS APPELLANT
 4 ON DIRECT APPEAL, AND AS A RESULT " TO THE
 5 APPELLANT " RELIEVING " " ON DIRECT APPEAL, BECAUSE SHE
 6
 7 FAILED TO RECOGNIZE THAT MY DUE PROCESS OF LAW
 8 WAS VIOLATED FROM THE TIME OF THE ORIGINAL
 9 TAKING PLACE BY THE ORIGINAL TRIAL, AND
 10 SECOND TRIAL HAD BEEN " BECAUSE PREVIOUS
 11 STATE APPOINTED COUNCIL OF RECORD MR.
 12 MR. ATTORNEYS AT LAW.
 13 NEVER FILED A MOTION TO
 14 CHALLENGE THE " ME
 15 STATES EVIDENCE PRIOR TO ANY TRIAL TAKING PLACE;
 16 COMPLETED A FULL PRETRIAL INVESTIGATION PRIOR TO GOING TO
 17 ANY TRIAL, NOR DID THEY OBTAIN FULL DISCLOSURE FROM THE
 18 STATE, MS. " ATTORNEY AT LAW RECOGNIZE
 19 THE COMMISSIONER AND VERNON
 20 BOTH " THE PRO PER DEFENDANT
 21 A " TO PREPARE FOR THE SECOND
 22 TRIAL, FOR WITNESS INTERVIEWS, " OR
 23 NOR DID MS. RECOGNIZE THE
 24 FACT COMMISSIONER FILED TO
 25 PROVIDE THE " IN THE JULY
 26 INSTRUCTIONS, BUT INSTEAD " TO DO SO... MS.
 27 WOULD NOT PRESENT ON
 28 DIRECT APPEAL THE USE OF THE STATES

**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.**