

State of Arizona  
COMMISSION ON JUDICIAL CONDUCT

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Disposition of Complaint 19-355

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Judge:

Complainant:

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**ORDER**

February 12, 2020

The Complainant alleged a municipal court judge improperly refused to drug test a defendant.

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 Commission Rules 16(a) and 23(a).

Commission members Colleen E. Concannon and George H. Foster, Jr. did not participate in the consideration of this matter.

Copies of this order were distributed to all appropriate persons on February 12, 2020.

2019-355

**From:**  
**Sent:**  
**To:** Commission on Judicial Conduct <CommissionJudicialCo@courts.az.gov>  
**Cc:**  
**Subject:** Fwd:

CAUTION: This email originated from outside of the organization. Do not click links or open attachments unless you recognize the sender and know the content is safe.

Please see attached form and see below for notes

I am sorry to say your court disappointed and failed me as they had all the information to help my daughter with Drug testing and Drug counseling.  
I will be holding \_\_\_\_\_ and the Town of \_\_\_\_\_ responsible if my daughter overdoses.

Thank you,

----- Forwarded message -----

**From:**  
**Date:**  
**Subject:**  
**To:**

To all,

The reason I continue to pursue this court on this issue  
Is since my daughter is - and by having  
this sensitive information of this positive Drug Test.

**I knew I had to use this a responsible and correct way, as I had only one chance to use this for a positive result to help  
save the one I love.**

**I hope and pray I used it with people that can help make the difference.**

Thank you for your consideration,

On \_\_\_\_\_ wrote:

To: Your Honorable

Just to note 3 attachments - Drug Test / Motion / Release order Probation requirements

Thank you your Honor for reading all this and taking it into account

I would like to start out by apologizing on reaching to you.

I have tried and exhausted all other avenues.

This matter is too important to me to stop moving this forward. Her court date with you is This

I have attached the evidence and is person and confidential and please read below emails as well

I ask the court to give my daughter \_\_\_\_\_ a drug test weekly, monthly or a drug program that she  
has to be accountable for -

This will help save her from herself and her life.

Instead of keeping her away from her mother and sister and her mother's residence - that is a recipe for failure.

That is my ask from the bottom and the top of my heart. -

I have been told to work with \_\_\_\_\_ - I must say like I heard from others in the court and other departments she  
is hard to deal with.

I understand some people are just hard to deal with, Tried to persuade her bit, but she is too proud to be wrong and  
showed up (Spite and Malice)

Maybe not intentionally but definitely subconsciously as she so proudly pounded her chest several times to me on  
phone calls and said I've been doing this for \_\_\_\_\_ maybe that's the problem. New blood a new set of eyes on  
issues is needed

Therefore if no action is taken I will take that as \_\_\_\_\_ and The Court of \_\_\_\_\_ to in contempt therefore being a charge for Negligence as well as Spite and Malice Holding This court in contempt.

I coming on hard your honor because I rather take action now, What good is it if my daughter is gone.

I find all types of drug paraphernalia in my house from my Daughter, Tin foil, Q-tips, pennies coins to heat up drugs) wet towels to drown out the smoke and smell.

I even find my Diabetes meds missing needles as well as my other meds.

\_\_\_\_\_ come back is the test was before she got arrested on

And the fact that im not part of the case - ok my explanation and analogy - you put up a police sketch of a person trying to get them - the person is not related to the case - but they at least check out the lead - In my case - The Defendant lives with me and I am the witness and The court isn't even checking out the lead - Not even one drug test ?

Your honor - I would like to thank you in advance for helping My daughter get on the right track of life.

The test was \_\_\_\_\_ before, If for the past \_\_\_\_\_ the court and the counseling department gave her a drug test it would be current.

Your Honor both you and I and the court know - If you were doing drugs before, and I as a witness an seeing a violation of probation I am calling it out now as I did back in \_\_\_\_\_ it went unanswered -

Again I plead to the court to at least give her a drug test - I don't want to get her in trouble I want to help save her.- Doesn't the court want to do the correct thing for the people.

Thank you,

Thank you for your quick response -

In all due respect

These reports do not perdate anything - They are Positive Drug tests and with her counseling over the past these tests fall in between so test to see if she is compliant in her current probation - and you won't - Her history dictates she as a drug issue

That would be like for example we have a serial killer out there and we arrest them after the fourth is killed Does that mean you can't use the evidence in the past because it predates the arrest and court order record number so that person is not responsible for killing numbers 1-3 because it predates the arrest

I gave you the information - she did break and violate probation - Its a lead - vet it out !

I see that you are finding every excuse to be spiteful as well as malice and have neglect, not only for this issue for your oath and position

You pound your chest and have told me several times You have been here : - You just don't want someone outside the court to tell you what to do.

It's not a matter of right or wrong - It's just common sense given her history and the motion I sent ( now attached)  
That's the issue - old thinking - the town and the community need new blood and someone that cares about people and willing to help

It just seems you don't want to be showed up by anyone !

Someone on this email thread please do the correct thing and help save my daughter's life with a simple drug test. And a court ordered Drug counseling tests so she can be accountable.

\*\* She goes to Classes regiously because she is afraid of the consequences

Thank you,

to

and all,

When we spoke you said .

"you would not take any action as The Drug Tests I submitted Per-Dates her probation" ---- It's actually the opposite.

These arrests of all begun Filing Date for Case

Than another Filing Date for Case

The Positive blood tests for Methamphetamine's, Alcohol & Marijuana, I sent you and others in Confidence (attached again)  
see dates and of course tests results

**These Drug Tests were done while she was on probation during this period of time.**

Collected:

Received:

Reported:

The arrests and probation Pre-date the drug tests and while she was on probation  
That said- here is the instructions attached of the Release Order - signed by

With Probation instructions

\* X - Do not consume or possess alcohol or any controlled substances without a prescription

\*This Probation instruction continuous on every court case release order for the entire year of for .

\* Please see attached Drug Tests (Person & Confidential)  
and Attached Release Order

Once again - I am looking for the court to do a mandated drug test as weekly, monthly or some type of drug court enforcement to make her accountable to herself

This what community officials do help people in the community .

I thank you in advance for us both working together, you helping me but most of all helping my daughter - Thanks from the bottom of my heart.

I look forward to speaking with you later or you or all are welcome to email, call or text me - I am available anytime

Thank you,

#### **PLEASE NOTE -**

The U.S. Department of Health and Human Services' Office for Civil Rights has cleared confusion about HIPAA Rules on sharing patient information on opioid overdoses. The HIPAA Privacy Rule permits healthcare providers to share limited PHI in certain emergency and dangerous situations. Those situations include natural disasters and during drug overdoses, if sharing information can prevent or lessen a serious and imminent threat to a patient's health or safety.

Some healthcare providers have misunderstood the HIPAA Privacy Rule provisions, and believe permission to disclose information to the patient's loved ones or caregivers must be obtained from the patient before any PHI can be disclosed.

In an emergency or crisis situation, such as during a drug overdose, healthcare providers are permitted to share limited PHI with a patient's loved ones and caregivers without permission first having been obtained from the patient.

----- Forwarded message -----

From:

Date:

Subject: email

**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.**