

State of Arizona  
COMMISSION ON JUDICIAL CONDUCT

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Disposition of Complaint 20-002

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Judge:

Complainant:

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**ORDER**

April 9, 2020

The Complainant alleged a superior court judge deprived him of his constitutional rights and engaged in ex parte communications in a criminal proceeding.

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 member Gus Aragón did not participate in the consideration of this matter.

Copies of this order were distributed to all appropriate persons on April 9, 2020.

8. I AFFIRM, UNDER PENALTY OF PERJURY, THAT THE FOREGOING INFORMATION AND THE ALLEGATIONS CONTAINED IN THE ATTACHED COMPLAINT ARE TRUE.

On \_\_\_\_\_ Judge \_\_\_\_\_ of \_\_\_\_\_  
 County \_\_\_\_\_ COURT OF ARIZONA WAS APPROACHED BY  
 COUNTY ATTORNEY \_\_\_\_\_ AND MY ATTORNEY \_\_\_\_\_

TO EXPLAIN THEIR ELABORATE PLAN IN ALL ITS HYBRID REPRESENTATION GLORY AS THEY PUT IT, TO SEE IF JUDGE IS UP FOR BEING FLEXIBLE WITH THEIR SITUATION TO DEPRIVE ME OF MY CONSTITUTIONAL RIGHTS UNDER THE 4<sup>TH</sup>, 5<sup>TH</sup>, 6<sup>TH</sup> AND 14<sup>TH</sup> AMENDMENTS OF THE UNITED STATES CONSTITUTION, AFTER I HAD FILED A MOTION FOR WAIVER OF RIGHTS TO COUNSEL UNDER RULE 6.1(C) OF RULES OF CRIM. PROC. AND A MEMORANDUM IN SUPPORT OF WAIVER OF COUNSEL, BOTH FILED.

THIS ELABORATE PLAN OF CONSPIRACY TO DEPRIVE ME OF MY CONSTITUTIONAL RIGHTS TO SELF REPRESENTATION WAS DISCUSS VIA EMAILS FROM THE COUNTY ATTORNEY TO MY LAWYER JUST DAYS BEFORE ON \_\_\_\_\_ (SEE EMAILS) (NOTE: THE PROSECUTOR AND MY LAWYER KNOWINGLY AND INTENTIONALLY CONSPIRED TO AND DID DEPRIVE ME OF MY CONSTITUTIONAL RIGHT OF SELF REPRESENTATION BY ASKING THE JUDGE TO BE FLEXIBLE WITH THEIR SITUATION IN FURTHERANCE OF THE CONSPIRACY. JUDGE \_\_\_\_\_ COMMITTED JUDICIAL MISCONDUCT IN VIOLATION OF ARS SUP. CT. RULES, RULE 81, CODE OF JUD. CONDUCT, RULES 1.1, 1.3, 2.2, 2.3(A), (B), 2.9(A), 2.10(B), WHEN THE JUDGE HAD AND CONSIDERED COMMUNICATIONS TO THE JUDGE OUTSIDE THE PRESENCE OF MYSELF, CONCERNING A PENDING MATTER IN WHICH THE JUDGE MADE PLEDGES, OR PROMISES ON THE ISSUE THAT WAS COMING BEFORE THE COURT THAT WAS INCONSISTENT WITH THE IMPARTIAL PERFORMANCE OF THE ADJUDICATIVE DUTIES OF JUDICIAL OFFICE. AND THE JUDGE DID NOT MAKE PROVISION TO PROMPTLY NOTIFY ME

OF THE SUBSTANCE OF THE EX PARTE COMMUNICATION, AND GIVE ME AN OPPORTUNITY TO RESPOND. THIS JUDGE'S CONDUCT VIOLATES THE LAW, COURT RULES, AND ALL OF THE PROVISIONS OF THESE CODES STATED HEREIN THIS COMPLAINT, AND HIS CONDUCT UNDERMINES A JUDGE'S INDEPENDENCE, INTEGRITY, OR IMPARTIALITY. AND ILLEGAL, UNETHICAL.

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**From:**  
**Sent:**  
**To:**  
**Subject:**

5 (1) Sounds like a plan. Hopefully [redacted] is up for being flexible with our situation. I am fine with our hybridness and am hopeful we can keep everyone happy and come to a resolution. Let's plan to start our morning at [redacted] and see what happens!

4 (1) **From:**  
**Sent:**  
**To:**  
**Subject:**

Sounds great. I definitely would like to go to chambers or speak at the bench before proceeding. I'm sure we'll figure it out, one way or the other. I have nothing else scheduled so I should be there early...

I would like for him to argue his motion, argue my motion personally and then re-initiate plea negotiations, in whatever order suits the Court, and if only if you do not object to the hybrid representation (in all its' glory) ☺

3 (1) **From:**  
**Sent:**  
**To:**  
**Subject: RE:**

Hey  
I got on [redacted] and was able to view his motion and memo. What if we asked to approach, explained the situation in all its hybrid representation glory, and asked the Court to grant his motion and argue his writ issue same day, have the Court rule, and then ask him about the plea again? OR maybe the Court will hear his ultimate argument re: the writ when the Court asks why he wants to go pro per, tell him it has no merit, then ask if he really wants to go pro per, then work on getting him to take the plea? What do you think?

(2) **From:**  
**Sent:**  
**To:**  
**Subject: RE:**

See you at [redacted] ! ☺

(1) **From:**  
**Sent:**  
**To:**  
**Subject:**

The Court has received Defendant's Pro Per Motion for Waiver of Rights to Counsel and Memorandum both filed on [redacted]. Judge [redacted] would like to set a hearing this week. Will a Status Conference on [redacted] at [redacted] work for you both?