

State of Arizona  
COMMISSION ON JUDICIAL CONDUCT

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Disposition of Complaint 20-297

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Judge:

Complainant:

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**ORDER**

February 3, 2021

The Complainant alleged that a municipal court judge violated her constitutional and appellate rights in a criminal traffic matter.

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).

Copies of this order were distributed to all appropriate persons on February 3, 2021.

**CONFIDENTIAL**

Arizona Commission on Judicial Conduct  
1501 W. Washington Street, Suite 229  
Phoenix, Arizona 85007

**FOR OFFICE USE ONLY**

2020-297

**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.

According to the Arizona Code of Judicial Conduct, my rights by Judge \_\_\_\_\_ and State Prosecutor, \_\_\_\_\_ were violated from the beginning to the end of the criminal case.

My U.S. and State Constitutional rights were not observed, respected, or allowed at any point throughout the criminal case process;

The "guilty" conviction was unlawful;

I am still being denied the right to appeal my criminal case by Judge \_\_\_\_\_

Impartiality and Fairness was absent;

Fraud by Judge \_\_\_\_\_

Criminal case was never carried out in compliance with the Arizona Supreme Court Rules of Procedure regarding Criminal procedure and process;

**Judicial Misconduct:**

Canon 1. A judge shall uphold and promote the independence, integrity, and impartiality of the judiciary and shall avoid impropriety and the appearance of impropriety.

Rule 1.1. Compliance with the Law

Rule 1.2. Promoting Confidence in the Judiciary

Rule 1.3. Avoiding Abuse of the Prestige of Judicial Office

Canon 2. A judge shall perform the duties of judicial office impartially, competently, and diligently.

Rule 2.1. Giving Precedence to Judicial Duties

Rule 2.2. Impartiality and Fairness

Rule 2.3. Bias, Prejudice, and Harassment

Rule 2.4. External Influences on Judicial Conduct

Rule 2.5. Competence, Diligence, and Cooperation

Rule 2.6. Ensuring the Right to be Heard

Rule 2.7. Responsibility to Decide

Rule 2.8. Decorum, Demeanor, and Communication with Jurors

Rule 2.9. Ex parte Communications

Rule 2.10. Judicial Statements on Pending and Impending Cases

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Please see attached \_\_\_\_\_ complaint document starting from \_\_\_\_\_ to current date with supporting documents.

I am still seeking relief from the "guilty" conviction issued by Judge \_\_\_\_\_ in violation of my U.S. and State Constitutional rights as I am aware the judgement is unlawful and non-binding.

1. On \_\_\_\_\_ p.m. I, \_\_\_\_\_ was pulled over for a traffic stop by Officer \_\_\_\_\_ badge no. \_\_\_\_\_ driving an unmarked all \_\_\_\_\_ law enforcement vehicle in the city of \_\_\_\_\_ and was issued a criminal citation for alleged “excessive speeding.”

Copy of traffic complaint incorporated herewith for reference as supporting documentation, **Ex.1.**

2. On \_\_\_\_\_ 1. I had a telephonic appearance with the Honorable Judge \_\_\_\_\_ due to the recent outbreak of COVID. Judge \_\_\_\_\_ provided the option for me to attend driving school for the dismissal of “excessive speeding” charges from my record before the next scheduled hearing date of \_\_\_\_\_. I agreed to attend driving school. I informed Judge \_\_\_\_\_ that I was currently un-employed and looking for a job and was concerned over the charge effecting my job search or ability to gain employment, it was inferred that the “criminal speeding” charge was petty and the charge would be dismissed.

3. On \_\_\_\_\_ I submitted a timely, first time request motion to continue pre-trial conference set for \_\_\_\_\_ ) through the \_\_\_\_\_ Court website, which required for continuances to be submitted at least three days in advance to scheduled hearings. On \_\_\_\_\_ I called \_\_\_\_\_ Court to obtain the status of my continuance and spoke with \_\_\_\_\_ who informed me that they were awaiting a response from the State so I would have to attend the pre-trial conference if I did not receive an answer by the end of the day (called at \_\_\_\_\_. I never received a response.

I attended the scheduled pre-trial conference on \_\_\_\_\_ and discovered State Prosecutor required I be present for the request of my timely filed continuance, in essence, the State denied my timely filed request for a continuance of the \_\_\_\_\_ hearing and demanded I be present at the hearing; a new pre-trial conference hearing date was scheduled for \_\_\_\_\_. Please be aware, as of \_\_\_\_\_ the \_\_\_\_\_

Court website recently changed it’s information requiring continuances be filed at least five days in advance.

Copy of State Prosecutor’s email and copy of Pre-Trial Conference Hearing incorporated herewith for reference as supporting documentation, **Ex.2.**

4. I later discovered “criminal speeding” charges hold severe consequences and are tried along with Domestic violence, Driving under influence (DUI), and assault charges to only name a few. I also discovered “criminal speeding” charges are never dismissed from a person’s criminal record or history and remain until a person reaches 99 years of age or upon death, whichever may come first (Department of Public Safety Records and retention periods). I was misinformed about the “criminal speeding” charges at the \_\_\_\_\_ initial appearance hearing.

5. On \_\_\_\_\_ I filed a Motion to Dismiss for the legal reasons of:
1. Officer \_\_\_\_\_ did not have “suspicion or probable cause” required for government officials to invade upon my privacy afforded the U.S. and State Constitutional rights as a U.S. Citizen amongst other constitutional violations;
  2. Officer \_\_\_\_\_ law enforcement vehicle did not have the “special markings” mandated by Arizona State laws and as described in House Bill 2830, Title 28 amended by adding 28-629 “Enforcement of Traffic Laws,” recently passed on making the traffic stop an illegal traffic stop;
  3. Officer \_\_\_\_\_ stated I achieved a speed limit of 65 miles per hour in about 500 to 800 feet, which is not a physical possibility for anyone to accomplish according to the laws of physics driving a car, and did not have a constant speed due to me accelerating speed of vehicle;
  4. Last but not least Officer \_\_\_\_\_ wrote my driver’s license information on the traffic complaint incorrectly as “\_\_\_\_\_” The grave error of my driver’s license information in addition to the above mentioned were legal grounds for a dismissal.  
 Copy of Defendant’s emailed Motion to Dismiss and Memorandum in Support incorporated herewith for reference as supporting documentation, **Ex.3.**
6. On \_\_\_\_\_ Judge \_\_\_\_\_ replied with an emailed Order vacating \_\_\_\_\_ Pre-Trial Conference and setting a Evidentiary/Trial hearing for \_\_\_\_\_ Judge \_\_\_\_\_ never appointed me with a public defender.  
 Order issued \_\_\_\_\_ by Judge \_\_\_\_\_ in response to Defendant’s Motion to Dismiss, and State’s Objection response dated \_\_\_\_\_ incorporated herewith for reference as supporting documentation, **Ex.4.**
7. Around \_\_\_\_\_ to mid \_\_\_\_\_ State Prosecutor mailed his discovery to me by United States Postal Services mail (snail mail). State Prosecutor also mailed me a disc of the Police Officer’s body cam video I was not able to access due to not having a “dvd/cd” disc drive on any of my computers and my X-Box would not play the disc giving an error message. Thus, State Prosecutor never contacted me to make arrangements to provide evidence in an electronic format I would be able to access. I was not able to view the evidence for the body cam video State Prosecutor mailed via snail mail.
8. On \_\_\_\_\_ I sent an email Motion requesting a decision be made on the filed \_\_\_\_\_ Motion to Dismiss granting the Motion or granting a public defender be appointed to me for trial on \_\_\_\_\_ for alleged “criminal speeding,” a timely made decision was not given to me in all matters throughout the entire process of this criminal case. My

request for a public defender was made meeting the definition of an "indigent" person as previously informing Judge I was un-employed and according to:

1. *U.S. Constitution.*
2. *Arizona Constitution (one of many listed)*  
*Article 2. Declaration of Rights. Article 2. Section 4. Due Process of the Law*  
"No person shall be deprived of life, liberty, or property without due process of law."
3. *Arizona Supreme Court Rules of Procedures"*  
*Rule 4.2. Initial Appearance Arizona Revised Statutes Annotated*  
*Rules of Criminal Procedure (Refs & Annos)*  
*II. Preliminary Proceedings*  
**(a) Generally.** At an initial appearance, the magistrate must:  
(5) appoint counsel if the defendant requests and is eligible for appointed counsel under Rule 6;

*Rule 6.1. Right to Counsel; Right to a Court-Appointed Attorney; Waiver of the Right to Counsel. Arizona Revised Statutes Annotated*  
*Rules of Criminal Procedure (Refs & Annos)*

*III. Rights of Parties*

*Rule 6. Right to Counsel; Duties of Counsel; Court-Appointed Attorneys, Investigators, and Experts (Refs & Annos)*  
*Effective: September 1, 2019*

*16A A.R.S. Rules Crim.Proc., Rule 6.1*

**(a) Right to Be Represented by Counsel.** A defendant has the right to be represented by counsel in any criminal proceeding. The right to be represented by counsel includes the right to consult privately with counsel, or the counsel's agent, as soon as feasible after a defendant has been taken into custody, at reasonable times after being taken into custody, and sufficiently in advance of a proceeding to allow counsel to adequately prepare for the proceeding.

**(b) Right to a Court-Appointed Attorney.**

(1) *As of Right.* An indigent defendant is entitled to a court-appointed attorney:

(A) in any criminal proceeding that may result in punishment involving a loss of liberty; or

(B) for the limited purpose of determining release conditions at or following the initial appearance, if the defendant is detained after a misdemeanor charge is filed.

(3) Definition of "Indigent." For the purposes of this rule, "indigent" means a person who is not financially able to retain counsel.

9. On Judge denied my U.S. and State Constitutional rights for appointment of Counsel for Trial on "Criminal Speeding," charges set for when Judge issued an Order denying my request via email with Order listings denial

**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.**