

State of Arizona  
COMMISSION ON JUDICIAL CONDUCT

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Disposition of Complaint 21-198

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Judge:

Complainant:

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**ORDER**

December 15, 2021

The Complainant alleged that a superior court judge did not properly recuse from a 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).

Commission members Michael J. Brown and Joseph C. Kreamer did not participate in the consideration of this matter.

Copies of this order were distributed to all appropriate persons on December 15, 2021.

21-198

**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 copies of my pleadings:

- 1) Motion and supplement for Judge's recusal. I filed that first so Judge \_\_\_\_\_ would recuse \_\_\_\_\_ and asked that minute entry reflect that it was not my fault defendant did not appear. Judge \_\_\_\_\_ did not honor either request. I filed this first hopeful Judge \_\_\_\_\_ would prove my concerns were incorrect and \_\_\_\_\_ could be fair. But \_\_\_\_\_ did not address or rebut a \_\_\_\_\_ of the claims in my motion.
- 2) After Judge \_\_\_\_\_ denied motion for recusal, I filed the also attached motion for change of judge under rule 10.1 and supplement to it. It is largely a copy of the motion for recusal. Please note even though Judge \_\_\_\_\_ denied my motion for recusal as a 10.1 motion, \_\_\_\_\_ did not transfer the case to the presiding judge, but after my 10.1 motion it is now with Judge \_\_\_\_\_ and set for hearing on \_\_\_\_\_
- 3) The fact Judge \_\_\_\_\_ did not transfer the case upon filing of the motion for recusal and denied it on \_\_\_\_\_ own is telling. I am concerned Judge \_\_\_\_\_ thought I would give up after \_\_\_\_\_ denial and then by not transferring my concerns would remain unknown.
- 4) I told the court I was concerned and hurt by the state's false allegations I am \_\_\_\_\_ which they only made in retaliation for defense motions of state misconduct- and that the state was indulging in \_\_\_\_\_ by saying my character, not acts, but character is that of a " \_\_\_\_\_ and \_\_\_\_\_'. The state's insults are humiliating and hurtful, but despite my concerns, Judge \_\_\_\_\_ ignored it completely.
- 5) I filed this compliant, even though the 10.1 motion is now pending with Judge \_\_\_\_\_ because it is of public interest to be dealt with immediately. Before this case, I had no idea who Judge \_\_\_\_\_ was or anything about \_\_\_\_\_ But obviously, \_\_\_\_\_ knew who I was. The \_\_\_\_\_ hearing on \_\_\_\_\_ was the weirdest and most uncomfortable hearing of my life and I should have been treated with some respect. I am \_\_\_\_\_ with no \_\_\_\_\_ ever, an honorably \_\_\_\_\_ and a \_\_\_\_\_ from the job, entitled to some dignity. But Judge \_\_\_\_\_ gave me none of that. I can only guess either has an ideological bias or an undisclosed personal connection to either \_\_\_\_\_ or \_\_\_\_\_ that makes unfit. I believe Judge \_\_\_\_\_ used the state motion as a pretext to get rid of me for either personal or ideological reasons.

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IN THE COURT  
COUNTY, STATE OF ARIZONA

THE STATE OF ARIZONA,  
Plaintiff,  
vs.  
,  
Defendant

)  
)  
) **MOTION FOR JUDGE**  
) **RECUSAL**  
)  
)  
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**PRELIMINARY STATEMENT**

1) Immediately after the hearing, I spoke to -  
, in person along with my investigator, about the hear-  
ing. He told me that he did not attend because the jail had told  
his wife he did not have to go because the case was being  
dismissed. He also told me he would write a letter to the court  
why he did not appear and that he wanted to be his  
along with an attachment with his letter to Judge spe-  
cially requesting be his . I spoke with him again yes-  
terday on the phone and, while not in his letter, he said that  
if the court did remove me, he intends to continue pro per and

1 special action the court of appeal to reinstate as his  
2 .  
3  
4 2) After quite a bit of thought, I decided that if the court did  
5 not remove me, I would motion the court to recuse itself for the  
6 reasons described below. I first decided to wait until the  
7 court's decision because I did not want this motion to appear  
8 self-serving and I wanted the of the hearing for exact  
9 quotes. However, I now believe that while some of the issues  
10 presented in this motion are exclusive to me, many would be rel-  
11 evant regardless who is and I write it  
12 relying on my memory and notes. Any quotes below is my memory of  
13 what was said. And because the court is concerned about -  
14 awareness of my representation, with the state alleging  
15 the same concern, it is appropriate for me to notify the court  
16 that I discussed this motion with yesterday; he  
17 is in full agreement and aware of the claims within this motion.

21 **STATEMENT OF FACTS**

22  
23 1) Before the hearing, the court emailed that  
24  
25 ". The three dots at the end I infer as an im-  
26 plication that his had told  
27 he did not have to appear. No doubt is under the same  
28 impression as is anyone else who received that email. However,

1 the court did not ask me either in email or at the hearing if I  
2 had told him not to appear. As such, there remains an inaccurate  
3 suggestion that I told him not to go when he should have. I  
4 should have been given a chance on the record to state I did not  
5 tell \_\_\_\_\_ to not appear. To be clear, I did not tell  
6 him, nor did \_\_\_\_\_ he did not have to appear.  
7 I have only told \_\_\_\_\_ they do not have to appear if I ask  
8 the court and state ahead of time and the court waives appear-  
9 ance.

10 2) At a number of points at the hearing, the court noted it  
11 would be helpful if \_\_\_\_\_ was present to give the court  
12 his opinion on who \_\_\_\_\_ should be. With that in mind, it  
13 seems that the court is unaware of the letter that \_\_\_\_\_ -  
14 wrote to Judge \_\_\_\_\_ specifically asking for \_\_\_\_\_ as  
15 \_\_\_\_\_ and that he was aware of my \_\_\_\_\_ dispute. And even while  
16 noting the significance of \_\_\_\_\_ absence, the court  
17 did not continue the hearing and require \_\_\_\_\_ ap-  
18 pearance by any means necessary.

19 3) When the court asked me what proof for why \_\_\_\_\_ said "  
20 \_\_\_\_\_, I responded that the proof was in my mo-  
21 tions; in response to that the court said " \_\_\_\_\_",  
22 implying there was no such proof.

23 First, considering the fact the hearing was virtual, I

1 could offer no answer other than the proof was in defense mo-  
2 tions. If the court wanted exhibits, then the court could have  
3 continued the hearing and would provided hard copies. But that  
4 option was not offered. And while the court said it had read my  
5 motions, later on in the hearing the court noted the volume of  
6 pleadings and issues are extensive, hence the court's , and  
7 requested assistance from to navigate the issues. There  
8 is no doubt the case is difficult to navigate with of  
9 and of , and of of  
10 and As such, I can only conclude either that the court  
11 mistakenly stated it had read the regarding  
12 of state and is unfamiliar with the  
13 proof. Or if the court had in fact read the relevant and  
14 , then coupled with the fact the court asked me a ques-  
15 tion to which I could only give the answer and then dis-  
16 missed that answer immediately, and then further said my only  
17 proof for my disbelieving the state was my " ", then the  
18 court has already and entirely dismissed all the allegations  
19 against the state even before any or  
20 hearing.

26 3) Also in to response to my comment that "  
27 " that they do not have the with -  
28 , the court at length admonished me that it would not tol-

**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.**