

State of Arizona
COMMISSION ON JUDICIAL CONDUCT

Disposition of Complaint 21-387

Judge:

Complainant:

ORDER

June 30, 2022

The Complainant alleged the municipal court judge in his criminal misdemeanor case engaged in improper ex parte communications and violated his rights.

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 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 Barbara Brown and Delia R. Neal did not participate in the consideration of this matter.

Copies of this order were distributed to all appropriate persons on June 30, 2022.

CONFIDENTIAL

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

FOR OFFICE USE ONLY

2021-387

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.

Plaintiff

vs.

Defendant

Case No.:

Complaint

JUDGE violated my rights to a fair trial and laws as follows: Judge engaged in ex-parte communication on phone in court with my public defender. Judge violated Rule 2.9 (A),(1),(a). Arizona State Constitution. 14th Amendment of the US Constitution. 6th Amendment of the US Constitution. Judge also allowed my public defender to not show up for my hearing on . Clear shows is working for the Judge and not his client.

criminal case number charges

1. On Judge assigned as Public Defender. See Exhibit B-1 case file from website.

Note that on Judge approved the contact with the City of AZ as Mr. public defender from . See Exhibit K-10 Staff Memo 11-5-18 and Exhibit L-11 SOQ document

2. On email from Mr. motion granted to go home. Exhibit H-8 Motion Granted from Exhibit J-9 Motion granted from court.

Note that the motion is not signed by judge _____ In supreme trial courts, there is only one judge in the courtroom and presides over one case. That judge decides what evidence can and cannot be used and often decides the outcome of the case. The motion is signed by _____ ;

This is a clear violation of my **Sixth Amendment right**, guarantees the rights of criminal defendants, including the right to a public trial without unnecessary delay, the right to a lawyer, the right to an impartial jury, and the right to know who your accusers are and the nature of the charges and evidence against you.

The fact that _____ signed a motion in criminal trial that he is not presiding judge over the case brings into question the validity of the motion and Mr. _____ explicit involvement in procedural misconduct, judicial misconduct in my criminal trial. Two Judges Presiding in criminal case, brings into question the validity of my trial and Judge _____ explicit involvement in procedural misconduct in my criminal trial.

3. On _____ in court, at the end of the court Judge _____ asks my public defender to go to the printer and get the three copies. My attorney complies and goes and gets the copies. I can't get my public defender to do anything for my case. But he has time to waste fetching documents for the Judge. It's clear that Mr. _____ will go out of his way to help and assist the court in anyway.
4. On _____ My public defender filed a motion to withdrawn from my case. See Exhibit BZ-77
5. On _____ I received an email from _____. The court was unable to open documents. The Judge instructed for me to print out and bring to court date set for _____
Exhibit DC-105 _____ Motions
6. On _____ I sent the email to _____ to represent myself. See Exhibit CM-89
The email contained the following:

- A. Motion to represent myself in court. PDF
- B. Motion Granted to represent myself in court. Word doc and PDF.
- C. Motion to dismiss all charges. PDF
- D. Motion Granted to drop all charges. Word doc and PDF

See Exhibits

- Exhibit Motion to Represent myself in court
- Exhibit Motion Granted to dismiss all charges
- Exhibit Motion to dismiss- drop all charges
- Exhibit Motion Granted to dismiss all charges

7. On [redacted] Pretrial conference rescheduled to [redacted] by public defender
 I terminated Mr. [redacted] on [redacted] and tried to reschedule
 court date the day before the hearing on [redacted]

8. On [redacted] Pretrial conference for Pro Se. See Exhibit Q-20 Txt from court
 I arrived at court or [redacted] at [redacted]. Ten minutes early for a [redacted] hearing. I
 was told I would have to wait. Upon entering the court room, the judge
 clear violation of my **Sixth Amendment right**, guarantees the rights of criminal
 defendants, including the right to a public trial without unnecessary delay, the right
 to a lawyer, the right to an impartial jury, and the right to know who your accusers
 are and the nature of the charges and evidence against you. Upon entering the court
 room my public defender [redacted] was not in the court room and judge
 [redacted] had not found me competent to represent myself, but judge
 [redacted] was ok violating my right to a lawyer, allowing the prosecution in the court
 room during my pro se hearing and at no point during the hearing did the judge
 [redacted] state I was competent to represent myself. Judge [redacted] allow
 the prosecutor to question me without legal representation present. The hearing for
 me to represent myself had nothing to do with the prosecutor [redacted]. By Judge
 [redacted] allowing the prosecution to be in my hearing to represent myself is
 giving the prosecution an advantage in my case.

9. On [redacted] judge [redacted] violated Rule 2.9 – Ex parte communication (A) A judge shall not initiate, permit, or consider ex parte communications, or consider other communications made to the judge outside the presence of the parties or their lawyers, concerning a pending or impending matter.

10. On [redacted] in court judge [redacted] gave me a lecture on hearsay and said he will not have it in his courtroom. But it's legal for Prosecutor [redacted] to submit hearsay police report (Inadmissible in court).

11. On [redacted] Judge [redacted] explained to me that it's not Mr. [redacted] day to be in court. [redacted] falls on [redacted]. When the judge advised me that Mr. [redacted] was not scheduled to appear in court and it was his day off was a lie. As all my court dates as follows:

[redacted]. This would also line up with Mr. [redacted] contract with the city of [redacted] contract. See Exhibit V-25 Public defender solicitation fact sheet (1) Pre public defender Solicitation fact sheet. Days of work: Attorney pre-trials are held on [redacted] morning from [redacted] This would also line up with Mr. [redacted] and changing my court date to [redacted] after [redacted] court date.

97. On [redacted] Judge [redacted] violated **Sixth Amendment right**, guarantees the rights of criminal defendants, the right to a lawyer, when he allowed my court appointed attorney not to show up for court.

12. When [redacted] did not show up for my court date [redacted]. Judge [redacted] should have issued a "Show Order" or rescheduled.

**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.**