

State of Arizona
COMMISSION ON JUDICIAL CONDUCT

Disposition of Complaint 21-432

Judge:

Complainant:

ORDER

July 7, 2022

The Complainant alleged a justice of the peace allowed improper delay in criminal proceedings and failed to observe his rights as victim.

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 Christopher W. Ames and J. Tyrrell Taber did not participate in the consideration of this matter.

Copies of this order were distributed to all appropriate persons on July 7, 2022.

CONFIDENTIAL

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

FOR OFFICE USE ONLY

2021-432

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.

Following an order of protection violation that was cited against _____ on _____ by Sgt _____ with the _____ Police Dept, which was then turned over to _____ Attorney's Office for formal charging in the case, an initial arraignment was set for _____ at _____ Court. After showing up at court, and no one answering the phone or the door, I was able to reach someone after leaving the parking lot a few hours later. A court clerk informed me the arraignment had been rescheduled to _____. Prior to _____ by at least a few weeks, I notified both _____ Attorney's Ofc and _____ Court of my desire to attend and participate in the arraignment, and to give a victim impact statement. On _____, I called _____ Court to confirm the new arraignment date of _____. I was informed that the arraignment took place by phone earlier that day, without informing me, or allowing me the chance to participate. A pre-trial conference was set for _____. After conferring with _____ Court around _____, I was informed that the pre-trial likely wouldn't happen on _____ and the court clerk stated she would need to review the file before she can give out any additional information. I called Judge _____ Office in _____, and his clerk informed me that _____ did not work with his schedule, and it would likely be rescheduled to _____. I spoke with the clerk about the constant delays on this case, that the alleged violation occurred on _____ a second, more serious violation occurred, which combined with lack of law enforcement and employer action forced me to leave my job at _____ to look out for my safety. The clerk, _____ called me back the next day to let me know the hearing would take place in person on _____ and that no request was put in to conduct the pre-trial by phone. I planned on traveling from _____ to attend this hearing and give a victim impact statement.

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On _____ I called _____ Court to confirm the pre-trial time, and was told it would take place by phone. I was not notified. I went to the hearing in person with _____ and had to interject with the court reporter/clerk to be able to be heard/make a statement to the judge. The judge did not allow me to make a victim impact statement, for fear it would taint his impartiality. I would appreciate the right to be heard at some point during this trial, but most importantly, to be kept informed about trial dates, times and how they are to be conducted. I have routinely not been kept informed of trial dates, nor had the opportunity to participate in the arraignment hearing as required by law, nor have had the opportunity to be heard in court while the defendant, as I'm alleging, has repeatedly violated the terms of the protective order, to the point of being forced to flee the area out of state.