

State of Arizona
COMMISSION ON JUDICIAL CONDUCT

Disposition of Complaint 21-439

Judges:

Complainant:

ORDER

July 7, 2022

The Complainant alleged a city court judge made improper rulings and denied her right to a fair trial during her 2009 misdemeanor DUI case. Complainant alleges another city court judge improperly issued a bench warrant in 2010 for a failure to appear in that same case.

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, Delia R. Neal 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.

2021-439

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.

Public confidence in a fair, trustworthy, competent court system is fundamental to a secure country. All judges are to uphold their sworn support to the people under US Constitution, Supreme Law of land.

Right to counsel is guaranteed by 6th Amendment US Constitution; Article 2 Arizona Constitution.

My genuine complaint, herein, pertains to two (2) City of _____ Judges profoundly upending against my constitutional civil rights. Court records, transcripts and testimony PROVE SO.

On _____ I was pulled over to stop rental car by rookies _____

The location was _____ AZA _____ called _____ office and his _____

They asked me to walk line and touch nose / More tests, I asked for legal advice, a lawyer. _____ immediately barrelled _____ to back. This was done despite _____ report of me as a single female. " _____ lbs on _____ bad

Back. Taking me to _____ it they pushed to wooden, inverted chair called _____ informed wheel botomisted forcing blood draw, In front of Y

2021-439

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.

detection officers my shirt was up. Was asked to pull down stockings. Coming out of jail. was later, my shoes were left on floor. Did in court qualifies ME for legal aid. Told Public defender She asked to get off after her being forced by prosecutor to sit date/behind my back) to blood draw. (Ex1). The rest of time till you later, she was muted & "ineffective counsel. (Ex2)

I was convicted for _____ Judge assigned appeal "_____". It is unfair to an indigent. The trial errors are not recorded and appellant is disregarded as not being pleading procedural correct. Judge ordered (Ex3) to file PCR motion which she never did. She ignored ME continuously and told court I waived rights to speedy trial (Ex4). issued my arrest without my notice by PD Nor Kim. (Ex 5a, 5b).

Had I had any (emphasis) day in fair court, there would be a different outcome. Prosecution keep public defender afraid to speak to power of System wanting conviction, punishment and revenue. Judge refers to State's Carpenter to hid his bias when that Prosecutor wrongly claims due at traffic bench hearing (Ex1). The case was to support his bias, if caught. The defendant is in rigged system, no voice. intentionally spun case against judicial canons of ethical law Defendant kept from court room unrepresented, glasses belonging taken to freezing outdoor. Heat City. Exhibits 6-9 document ineffective absent counsel.

(Ex1)

1 speeding as reasons for the stop. The Court stated it believed "there was sufficient reason to stop
2 the defendant for traffic violations" [Transcript page 36 15-16]

3 On [redacted] Appellant's attorney filed a Motion to Withdraw as Attorney of
4 Record. The motion stated a "conflict of interest" that Defendant believed existed due to a
5 conversation that Defense Counsel, [redacted], had with the City of [redacted] Attorney's Office

P. 38, line 2
transcript

6 The motion also noted that defendant and counsel did not agree on trial strategy. Judge
7 [redacted] addressed Defendant's motion on [redacted] and ruled that no conflict existed due to
8 the separate nature of the criminal case from any civil matter, referring to [redacted]. The
9 Judge also stated that the attorney directs the strategy of the criminal matter and denied Counsel's
10 Motion to Withdraw [Transcript page 40 4-22]

11 Appellant's jury trial was held on [redacted]. Appellant was convicted on both
12 criminal counts and found responsible for the civil violations.

13 On [redacted] Defendant through Counsel filed a Motion for a New Trial. The
14 motion cited two reasons: 1) Counsel mistakenly said "guilty" instead of "not guilty," during her
15 closing argument, and 2) Counsel was recovering from the flu during the trial and Defendant
16 believed Counsel's ability to represent her was compromised. The [redacted] Court reviewed the
17 motion and Judge [redacted] denied the motion explaining that there was no legal basis for the request
18 and that the motion was based on Defendant's beliefs. He ruled that the first reason, although it was
19 a mistake, that it was clear that Counsel meant to say "not guilty" instead of "guilty." Additionally,
20 Judge [redacted] asked Counsel whether she felt she was incompetent due to the flu, to which Counsel
21 replied "no" [Transcript p. 320 1-12]. Judge [redacted] also stated that his observations of her
22 performance during the trial would not lead him to believe otherwise. [Id.]
23
24
25

(Ex 3)

City Court • • • • • , AZ | • • •

<p>----- vs.</p>	<p>Case #: Complaint #:</p>	
----------------------	--------------------------------------	--

Pursuant to: Defendant's State's Court's Police Department's

REQUEST FOR SUBPOENA/MOTION TO CONTINUE

It is ordered:

REQUEST FOR SUBPOENA IS DENIED. NO ACTION TAKEN ON MOTION TO CONTINUE AS THERE IS NO HEARING TO CONTINUE.

It is further ordered:

DEFENDANT TO FILE POST CONVICTION RELIEF MOTION, NOT NOTICE. MUST BE RECEIVED BY COURT NO LATER THAN

Copies Mailed to: Defendant Prosecutor Defense Attorney

**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.**