

State of Arizona
COMMISSION ON JUDICIAL CONDUCT

Disposition of Complaint 22-034

Judge:

Complainant:

ORDER

March 7, 2023

The Complainant alleged two justices of the peace violated his rights and issued illegal rulings.

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 member Michael J. Brown did not participate in the consideration of this matter.

Copies of this order were distributed to all appropriate persons on March 7, 2023.

Cell

RE: case Judge and Judge conduct review

To whom it may concern:

My name is and I am writing with concerns regarding the events of my trial on for disrupting court procedures and the resulting sentence. I would like to request an impartial review of the events regarding this proceeding/sentencing and the conduct of the two judges involved. I feel I was unfairly treated by the two Court judges involved in my case.

I was in front of Judge for an assault case representing myself. For my first appearance I was informed when I arrived at the courthouse, I must wear a mask and I complied. My second appearance for this case, I was not asked to wear a mask, so I did not. My third appearance on , I was not asked to wear a mask, so I did not.

On I was in the court room by myself when Judge arrived, the prosecution was attending via phone. The court proceeding took approximately 5 minutes. The trial date was set, the prosecution hung up. Judge and I were the only ones in the court room. I asked her a question about telephonic court, and she answered my question as she was going thru her paperwork. She looked up at me after answering and immediately began yelling at me asking where was my mask and why wasn't I wearing one? I told her I don't wear a mask. My response seemed to anger her even more. I was confused as I wasn't required to wear a mask during my 2nd appearance so I wasn't sure why she was so angry. My hearing had ended, trial date had been set, and the prosecution had hung up so I stood up to leave as Judge was obviously very angry at me. The judge told me to sit down and then requested for someone to bring me a mask. I told the judge I would just leave and she said I needed to do what I was told and to sit down. She then asked for someone to call the police. At this point I exited the court room and left the premises. These events transpired in approximately 40 seconds according to the audio recording of events.

Judge then issued a on the assault case she had just set a trial date for. I'm not quite sure how I failed to appear when my court was completed? The police arrested me about an hour later and I was informed she had issued a \$1000 cash only bond. I was bonded out approximately 4-5 hours later as my family had to drive to the court from in person to post my \$1000 bond. I was provided the paperwork regarding my new charge for disrupting court procedures. I requested a change of venue for my assault case which was granted to . I also requested a change of venue for the disrupting court procedure charge as well as I didn't feel a co-worker of Judge would be able to be objective/impartial however my request for a change of venue for the disrupting court procedures was denied.

Obtaining evidence of Judge behavior on was a challenge as I was advised that the court cameras were not working so no video was available of Judge actions. I was also unable to obtain footage of my prior court appearances showing I wore a mask for the first, did not for the second. I was told too much time had elapsed to obtain that footage. In the police report for disrupting court procedures, Judge stated she saw me wear a mask prior to entering the courthouse and purposely took it off, she stated that I flipped her off (which I know I didn't) and she also said I cursed at her. I was able to obtain footage of me entering the courthouse on without wearing a mask which proved at least one of her statements to be untrue. The audio recording of events was approximately 40 seconds.

On the day of my trial for disrupting court procedure in front of Judge , Judge testified she and her whole court staff were emotionally traumatized by my behavior in leaving the courtroom, having to call the police and wait for them, etc. As I stated, the audio recording of events was approximately 40 seconds of Judge yelling at me so I'm not quite sure how her staff were so traumatized. I did not have the opportunity to interview her staff to confirm/deny her statements but I don't feel it would have mattered.

Judge verbally attacked me in anger for not wearing a mask after my case was done. I removed myself from her presence in an attempt to avoid further confrontation but in retaliation she had me arrested and filed the disrupting court procedure charge. I feel this was an abuse of her authority as it was done in anger.

After I was denied a change of venue, I had no doubts that I would not receive a fair trial from Judge as he is Judge . This was reinforced by Judge own testimony that herself and her staff were somehow emotionally traumatized by my behavior in leaving the courthouse after 40 seconds of Judge yelling at me. The judges share court staff so I believe that is a conflict of interest for Judge

I repeatedly asked the judge to explain to me what law I broke and he was not able to. There isn't a law requiring me to wear a mask. If I had been asked upon entering the courthouse to wear one, I would have. I did so for my first court appearance. I didn't not break the law by leaving the court room without signing paperwork on I was trying to remove myself from Judge anger toward me as quickly as possible. Judge found me guilty which was no surprise since the "victims" were his co-worker and his staff however, my larger concern was with his sentence. I feel this was further retaliation for angering Judge

His sentence in this case was confusing. I had to have him repeat it numerous times to ensure I fully understood it

1. 14 days in jail to begin immediately
or
2. \$2500 fine payable in full within 14 days

He further advised if the \$2500 fine was not paid in full within 14 days, a warrant would be issued and I would be sentenced to jail time at \$10 per day until the balance was paid which is the equivalent of 250 days in jail.

I did not want to sign the paperwork agreeing to this. I asked Judge if I could refuse to sign it, he said yes but I had to ask him repeatedly what would happen if I didn't sign, he finally said if I did not sign it, I would be required to pay \$2500 immediately or go to jail immediately. I did not have \$2500 and going to jail immediately was not an option. I have a son who lives with me, I would lose my job, my vehicle was parked outside, etc. my only option was to sign it and then try to figure out how to come up with \$2500 in 14 days. I asked how long I had to appeal his decision and I was told I would need to figure that out on my own.

As I stated before, I would like an objective person to review this case, the evidence and the conduct of both Judges in this matter. I feel that something was done very wrong by this court. My understanding has always been that judges are to be held to a higher standard and are not to let their personal feeling affect their decisions. I also believed a judge was required to recuse themselves for any appearance of a conflict of interest.

I am no saint. I have dealt with the system my whole life for different reasons, some good and some bad. I paid the \$2500 fine within 14 days so my freedom was not impacted by Judge sentence. I will be working for the next few years to repay my friends that contributed to the " " fund though. I feel both Judges abused their authority and I paid the price. My hope is they are not allowed to do this to anyone else.

Please contact me if you have any questions.

Thank you for your time and consideration.

Respectfully