

State of Arizona
COMMISSION ON JUDICIAL CONDUCT

Disposition of Complaint 22-143

Judge:

Complainant:

ORDER

December 14, 2022

The Complainant alleged a superior court judge improperly denied a request for self-representation and a request to record court proceedings, and also showed poor demeanor.

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 Colleen E. Concannon did not participate in the consideration of this matter.

Copies of this order were distributed to all appropriate persons on December 14, 2022.

Official Complaint

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

Complaint Details

Judge:

Court:

Complainant:

Case Number:

Date of Incident:

Statement of Facts:

-Please see attached documentation A and B as further proof of Summary of Facts.-

In the above captioned case, Judge _____ abused her judicial discretion and abandoned her judicial role. Judge _____ displayed prejudice against myself (_____) and violated my right to due process (14th amendment) and self representation. Please see the Arizona Constitution Article II (§ 24.) Rights of Accused in Criminal Prosecutions, the United States Constitution's 6th amendment, Faretta v. California, 422 U.S. 806 (1975), and Arizona Court Rules 6.1(c).

I properly filed a motion with the court and had it stamped by the court clerk, but in open court the Judge said she didn't receive the motion and refused to allow me to represent myself.

This clearly goes against her signed and official oath of office to uphold the Constitution of the United States and the Arizona Constitution. It also demonstrates an inability to remain impartial while mitigating criminal cases.

Judge _____ also misquoted case law in her minute entries (_____) as a reason I can't self represent. The _____ case only makes it clear I can't claim a due process violation if I volunteer to self represent, and I understand that.

I would also question Judge _____ behavior and treatment of me in open court under RULE 2.8. Decorum, Demeanor, and Communication with Jurors:

(B) A judge shall be patient, dignified, and courteous to litigants, jurors, witnesses, lawyers, court staff, court officials, and others with whom the judge deals in an official capacity, and shall require similar conduct of lawyers, court staff, court officials, and others subject to the judge's direction and control.

I felt extremely disrespected and rushed and Judge _____ showed zero patience with me and constantly spoke over me showcasing a major lack of decorum and dignity befitting a judge.

Respectfully,

Witnesses:

COURT OF ARIZONA
COUNTY

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CLERK OF THE COURT

HONORABLE

v.

(001)

JUDGE
JUDGE

TRIAL CONTINUANCE PAST LAST DAY

Courtroom

State's Attorney:
Defendant's Attorney:
Defendant:

This is the time set for Final Trial Management Conference.

A record of the proceedings is made digitally in lieu of a court reporter.

The Court notes at the last hearing on _____, the Court relieved defense counsel
and directed the Office of Public Defense Services to identify new counsel. That
has now happened and Mr. _____ has been assigned.

Defense counsel advises he is making arrangements to obtain discovery from Mr.

COURT OF ARIZONA
COUNTY

The Defendant moves to represent himself and to continue the trial in this matter and indicates a motion to that affect was filed on .

Neither the Court nor either counsel received copies of that motion.

Discussion is held.

The Court does not find that the Defendant demonstrates enough information that the Court could under or the standard colloquy consider a request to waive the right to counsel.

The Court will not entertain the Defendant's request to represent himself at this point. The Court will be happy to entertain the request if or when the Defendant wishes to submit to a colloquy to determine if it is appropriate for the Defendant to represent himself.

Having considered the Motion to Continue by counsel for the Defendant, the Court finds,

1. The nonmoving party or parties: Do Not Object.
2. The Arraignment date was: No Information Provided.
3. The Original last day was: No Information Provided.
4. The existing date of the trial when the motion was filed: .
5. The number of continuances granted before this continuance was: No Information Provided.
6. The motion was: Not in writing.
7. The motion was filed at least days before trial: Yes.
8. If filed untimely, the motion sets forth with specificity the reasons for its untimeliness: Does Not Apply.

The Court finds that delay is indispensable to the interests of justice and that extraordinary circumstance(s) exist.

IT IS ORDERED vacating the current Trial Assignment setting of , and resetting same to , at before the Master Calendar Assignment Judge,

COURT OF ARIZONA
COUNTY

located in Courtroom in the . The Trial Assignment hearing is available via Court Connect videoconference held using the Microsoft Teams platform, however the hearings are presumptively in person. The parties should contact the division prior to the Trial Assignment date to request to appear virtually. The purpose of the hearing is to set future dates for (1) the Trial Procedure Conference and (2) the Firm Trial Date.

All self-represented litigants shall appear in person at the trial assignment date unless otherwise ordered. All in-custody defendants shall be transported unless otherwise ordered.

The Assignment Judge's division will email parties instructions and a link to join the Court Connect videoconference (for more information, visit). A hearing participant can also join by telephone by dialing and entering Access Code Counsel of record are ordered to appear via videoconference with their webcams enabled.

IT IS ORDERED resetting the Final Trial Management Conference (FTMC) set on this date to at ., before the Honorable .

At the next setting, the Court expects to receive a report whether current defense counsel has received discovery from either former defense counsel or the State. The Court requests Mr. to appear physically in the courtroom for that hearing along with the discovery.

IT IS FURTHER ORDERED excluding all time from , through). NEW LAST DAY: .

IT IS ORDERED the Defendant have contact with defense counsel by the end of ,

IT IS ORDERED the Defendant provide Mr. , counsel of record, a means of contacting him, either by telephone or e-mail.

IT IS FURTHER ORDERED affirming prior release orders.

Defendant is directed to appear at all scheduled court hearings and advised of the potential consequences should he/she fail to appear.

Matter concludes.

**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.**