

State of Arizona
COMMISSION ON JUDICIAL CONDUCT

Disposition of Complaint 22-194

Judge:

Complainant:

ORDER

September 8, 2023

The complainant alleged biased and improper legal rulings by a justice of the peace hearing traffic cases.

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 members Roger D. Barton and Joseph C. Kreamer did not participate in the consideration of this matter.

Copies of this order were distributed to all appropriate persons on September 8, 2023.

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

FOR OFFICE USE ONLY

22-194

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.

On _____ I had the court bench trial in front of judge _____ regarding criminal traffic cases. Prior to the bench trial and I had filled out my financial information in order to have a public defender assigned so that I may be represented at the bench trial. At that time, I had become unemployed from the _____ and I was unable to afford it any type of legal representation. I was not receiving any unemployment at the time and was currently collecting state benefits in order to feed my family. The judge let me know that I could be possibly charged \$: _____ just to be assessed for a public defender. At that time, I agreed to proceed forward because I knew that it is my legal right to have a lawyer provided to me for free of charge since I am unemployed. When my income was accessed, she assigned _____ to my case and there was nothing spoken by the judge to inform me that this defense attorney was not free of charge. During the bench trial, only the officer for the state of Arizona was spoken to and questioned. My attorney had very little questions to ask even though I was writing things down for her to ask the officer. When it was time to read the verdict, Judge _____ asked the prosecutor about anything that should be taken into consideration. The prosecuting attorney, spoke and said that I should be considered for the lowest fine penalty due to my current employment status. The judge thanked him and proceeded forward with the sentencing in which she spoke verbally one thing but did not copy it over to the paper. She said that I had a lawyer fee of _____ plus _____ for the lawyer assessment fee. She said that both cases she was going to consolidate both cases into one and if I failed to pay this amount, then I could also go to jail for up to _____ days. After court, I was to go to the lobby and either pay the entire fine, sign a payment plan and pay a percentage down to start the payment plan. I spoke with my attorney _____ and let her know that I wanted an appeal done on my case because I knew this judge was bias based off of how she has handled cases that _____ have come across her desk of mine in the past. At that time, I filled out another financial statement and request for appointment of counsel, defendant's notice of appeal (criminal), defendant notice of right to appeal, right to apply for set aside, request to proceed as indigent on appeal, designation of record on appeal forms for both cases. Judge _____ granted me as indigent for the appeals process and appointed _____ as my attorney for my appeals; but she still demanded that I get put on a payment plan as well and put a down payment in order to start making payments towards the fees related to the cases. Which this made no sense to me especially since I am unemployed and am not guilty of the charges and I am going through the appeals process. I left the courthouse that day without entering into a payment agreement because the clerks told me I had to pay _____ to get the payment plan started and I could not pay that whatsoever. In the Defendant's Notice of Right to Appeal(Criminal) form, I signed on _____ the form explains my rights and responsibilities throughout the appeals process. The form gives a specific timeline of events that need to take place in order to keep your appeals processing properly. My lawyer and I attempted to follow the timeline but were given the run around by the courthouse staff. Even though the judge granted me indigent status on the appeal- when I requested the forms to fill out to get a waiver to get the fees waived so I could get the court recording of my cases, her staff refused to give me the form and told me that I would have to pay the \$ _____ out of pocket before they would give me a copy of the case. At this time, I barely was able to get the funds to pay for the recording- on _____ is when I ended up

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paying for the recording which is well past the _____ calendar days after my initial filing of the notice of appeals.

I have a collection of the email correspondances between the judge and myself that had taken place after she sentenced me on _____. In the emails, she is telling me that I am refusing to sign payment agreement in which I should have a warrant out for my arrest. Her staff took their time preparing the recordings of the case as well as the time in which it took to get the recordings to my lawyer and when my lawyer did receive the recordings she was unable to retrieve due to the format they had recorded in.

In _____, I wrote Judge _____ another email explaining the issues that I have encountered in trying to proceed forward with my appeals as well as the issues I had ran into trying to comply with her demands. The judge responded to my email then stating that her clerks can only deviate the payment plan a certain point even though I had not signed a time payment agreement that she would not sign a warrant until the appeal had been decided on. The judge then told me about community service that could be done to help if I could not pay and that she would send me a copy of that agreement that would need to be signed immediately. From there, the judge told me that she has personally seen me and knew of _____ local establishments that I was working at. Then she asked me if I was volunteering or if there was a reason why I was not working.

Once I read the community service, I was completely puzzled because the amount of money that was being paid per hour while doing community service. I would think that community service would be paid at minimum wage which at the time was _____ per hour but it was set at _____ an hour. I was still awaiting going through the appeal process and have no understanding as to why I was being demanded to sign an agreement. I consulted in my attorney and never got any response as to how to go about addressing the community service.

Moving forward, I had received paperwork regarding my appeal from the superior court back in _____ about needing a payment to proceed with the appeals which I thought was already taken care of after I filed the paperwork at the _____ court. My lawyer told me to fill out some more financial paperwork to proceed. In the meantime, the _____ Courts eventually sent back my appeals case back to the _____ in _____ but I was not made notice of this happening until _____ of _____

I had been checking in with my attorney throughout _____ and rarely did I receive any response back. In _____ of _____, I received a letter from the _____ court stating that I had not perfected the appeals case and so therefore my case had been sent back to them and now I needed to pay immediately or else my licenses would be suspended, I would be turned into collections, and a warrant would be out for my arrest.

When I received the notice, my family and I were recovering from the corona virus. Once I was feeling better, I wrote an email to my attorney, the judge and my old defense attorney because I was trying to see why the case was back at this point. I reached out to the _____ court in _____ Arizona where my appeals case was filed and I had the opportunity to speak with the supervisor of the court clerks. She informed me that my appeals had been returned to the _____ for lack of payment back in _____ of _____. In _____ of _____, the judge put _____ warrants out for my arrest. On _____, I got pulled over and the officer let me know at that time that I had _____ active warrants and he was going to have to take me in.

The officer was very kind, he allowed me to call the court to see if instead of being arrested, if I could come to the courts house to take care of the warrants. T6he judge allowed the officer to release me as long as I came straight to the courthouse. I did go straight to the courthouse, without my attorney being present nor aware of all of this going on. The judge had me to come in the courtroom, she had recorded conversation with me without my attorney being present and I had never waived that right and I even - asked her about how that was suppose to work. She asked me was I going to pay because if not then I would still have the warrant for my arrest and would still be in danger of being arrested. She then attempted to verify my address and tried to get some other information from me as to why I just can not pay the fine. I explained to her that I am the sole caregiver for my father and that is why I do not work or have income. quickly dismissed my explanation and then asked why I had not been in to see her after I received notice. When I explained, that my whole family was sick with corona, I explained to her that I can show proof of us being sick. She stated that if I show proof than possibly she may reduce some of the fees on the fines but she could not promise that she would because usually people don't bring in sufficient enough evidence to prove what they're saying. I told him that I will bring in truth the next day. Then she gave me a form regarding a waiver of my that rights to an attorney and told me to sign it before she would talk to me again. I proceeded forward to the lobby of the court to speak with the court's clerk and to find out exactly how much was owed on each case. About this time it is and the court is only allowing one person and the lobby at a time. There are about three people waiting to to speak with the clerk but I got in to speak with the court clerk and she proceeds to tell me that at that very moment the balance that was due for both cases was while , and that my payment needed to be paid in cash only and if I did not at the moment the warrants would still be active. In the lobby of the court, it is posted numerous amount of times that no cash payments will be taken and now these two cases originally came to approximately so I immediately began to question what happened and why is the amount so much. The clerk gets highly annoyed with me and tells me that I need to go and stand outside she needed to take somebody else. At the clerk locks the door of the lobby and from that point I was actively wanted on varrants.

The next day, , I was able to get the paperwork I needed to show regarding having corona as well as I had gathered approximately from family friends in order to prevent me from being arrested and that I eventually have to pay back. I not only take care of my father but I also have teenage kids that I have to run around for and take care of as well. I should not have to worry about pulled over and arrested in front of my kids as well as incurring more financial burden and has already been placed simply because my due process was completely dropped. Throughout this whole process, I have felt as though this is just another game that has been played by Judge My right to appeal both of my cases was in trouble from the beginning due to Judge staff disregarding the strict timeline that was to be adhered to. I go to the court clerk and make her aware that I was there to show Judge some evidence and then go from there to see if she was going to lower the fines. The clerk went to speak with the Judge and when she came back she asks me and I have the paper that she had given me the day before about waving my rights to a lawyer and I let her know that I did not sign that.

The clerk went to let her know that I do not sign a form and another clerk came up to the window and asked me to please a seat. I sat for minutes, then a officer sticks his head in the door of the lobby and then closes the door. I sat for another minutes, and then the same officer finally enters the lobby and ask me if I have been helped. I told him that I was waiting for some reason and as I said

that, the clerk came to the window and the officer went straight over to talk to her. Next thing I know, the officer looks at me and says . I told the officer that I was going nowhere with him and we had nothing to discuss. The clerk begins to go into an annoyed rant saying that I have no intentions of paying what is owed to them and so therefore I was going to be locked up. I then responded, that my only intention was to come in and make payment after the judge looked over my evidence and took off whatever deductions like she said yesterday. I told them that there was no need for them to have called the police on me, and I asked how much it was today and the clerk responded back .

The officer stayed and watched me the entire time and despite my handling of business at the window, I hear the judge in the back of the office contacting office to escort me to the county jail.

I was totally taken back because I just became a victim of extortion by this judge who completely disregarded my rights more than once. A judge, who from the very beginning of the case, makes it very apparent that you are not going to win that she is in favor of the state and you're going to have to pay. She fully disregarded in the information that I disclosed to the courts about my financial situation nor did she uphold the professional, ethnical, unbiased conduct that a judge agrees to stand by. Judge greatly abuses the power that she has and specifically makes it a habit to take advantage of the and women aged (out in this rural area. I have witnessed many cases where she was completely unjust and unreasonable. I have witnessed her make judgements based off of her on feelings instead of what has been proven by law.

This is not the only instance in which I have dealt with Judge she has literally placed financial strain on me for the last /ears, in which your office will be receiving complaints about those instances shortly after the receipt of this one. Also, I do have evidence through email correspondences and paperwork but I will not send it until I am sure that this manner will be investigated.

Thank you,