

State of Arizona
COMMISSION ON JUDICIAL CONDUCT

Disposition of Complaint 22-409

Judge:

Complainant:

ORDER

December 22, 2022

The Complainant alleged a superior court judge violated his right to speedy trial.

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 Colleen E. Concannon and Louis Frank Dominguez did not participate in the consideration of this matter.

Copies of this order were distributed to all appropriate persons on December 22, 2022.

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

FOR OFFICE USE ONLY

2022-409

COMPLAINT AGAINST A JUDGE

Name: _____ Judge's Name: HON.

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.

I IV, HEREBY ALLEGES HON.
HAS ENGAGED IN CONDUCT PREJUDICIAL TO THE EFFECTIVE AND EXPEDIENT
ADMINISTRATION OF THE BUSINESS OF THE COURT AND THEREBY CAUSING
UNREASONABLE DELAY.

ON SEPARATE OCCASIONS AND HON.

DEO CONTINUE THE PREVIOUSLY LISTED CASES DUE TO EXTRAORDINARY
CIRCUMSTANCES IN THE INTEREST OF JUSTICE DUE TO QUARANTINE
INITIATED BY COUNTY SERVICES
SHOWING A WILLFUL PATTERN AND PRACTICE OF DISREGARDING ESTABLISHED
ARIZONA STATUTES AND REGULATIONS, WHICH IS A MATTER OF FIRST IM-
PRESSION AND OF STATEWIDE IMPORTANCE.

A. THE COURT FAILED TO COMPLY WITH ESTABLISHED ARIZONA LAW.

PURSUANT TO A.A.C. R9-6-370 RESPIRATORY DISEASE IN A HEALTH CARE
INSTITUTION OR CORRECTIONAL FACILITY OUTBREAK CONTROL MEASURES,
STATES:

1. A LOCAL HEALTH AGENCY SHALL:

a. CONDUCT AN EPIDEMIOLOGIC INVESTIGATION OF EACH REPORTED
OUTBREAK OF A RESPIRATORY DISEASE IN A HEALTH CARE INSTITUTION OR
FACILITY; AND

b. FOR EACH OUTBREAK OF RESPIRATORY DISEASE IN A HEALTH CARE IN-
STITUTION OR FACILITY, SUBMIT TO THE DEPARTMENT

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THE INFORMATION REQUIRED UNDER R9-6-206(E)

2. WHEN AN OUTBREAK OF RESPIRATORY DISEASE OCCURS IN A HEALTH
CARE INSTITUTION OR FACILITY, THE ADMINISTRATOR OF
THE HEALTH CARE INSTITUTION OR FACILITY, EITHER
PERSONALLY OR THROUGH A REPRESENTATIVE, SHALL COMPLY WITH THE
CONTROL MEASURES RECOMMENDED BY A LOCAL HEALTH AGENCY.

ARIZ. ADMIN. CODE R9-6-101 DEFINITIONS STATES IN RELEVANT PART,

2. "ADMINISTRATOR" MEANS THE INDIVIDUAL WHO IS THE SENIOR
LEADER AT A... FACILITY

52. "LOCAL HEALTH AGENCY" MEANS A COUNTY HEALTH DEPARTMENT,
A PUBLIC HEALTH DISTRICT...

ARIZ. ADMIN. CODE R9-6-370 CLEARLY SUGGESTS THAT THE
COUNTY DEPARTMENT OF PUBLIC HEALTH SERVICES IS RESPONSIBLE FOR THE
INTERNAL HEALTH AND SAFETY PROCEDURES, INCLUDING THE ISOLATION AND
QUARANTINE OF EXPOSED TO INFECTIOUS DISEASES. FURTHERMORE,
A.A.C. R9-6-370 ALSO GIVES THE THE AUTHORITY TO IMPLEMENT
ISOLATION AND QUARANTINE CONTROL MEASURES PERSONALLY OR THROUGH
A REPRESENTATIVE IN THAT ISOLATION AND QUARANTINE AUTHORITY
ARE GIVEN TO COUNTY HEALTH SERVICES BY THE
IN WHICH THEY MUST ALSO ABIDE BY THE LOCAL HEALTH AGENCY
CONTROL MEASURES.

CONSEQUENTLY, ARIZ. ADMIN. CODE R9-6-302 LOCAL HEALTH AGENCY
CONTROL MEASURES STATES IN RELEVANT PART:

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A LOCAL HEALTH AGENCY SHALL:

7. IMPLEMENT CONTROL MEASURES, QUARANTINES, ISOLATIONS
AND EXCLUSIONS AS REQUIRED BY THE ARIZ. REV. STAT. AND
THIS CHAPTER.

WHICH MEANS THE COUNTY DEPARTMENT OF PUBLIC HEALTH SERVICES,
AND THE COUNTY CORRECTIONAL HEALTH
SERVICES MUST ADHERE TO A.A.C. R9-6-303 AND A.R.S. 36-789 IN WHICH
A PETITION FOR A COURT ORDER MUST ISSUE TO LAWFULLY IMPLEMENT
AND CONTINUE INMATE ISOLATION OR QUARANTINE BEYOND DAYS
AND RENEWING AT DAY TO CONTINUE BEYOND THAT.

AS I STATED EARLIER HON.

CONTINUED

MY CASES TIMES FROM DURING QUARANTINE TO
FOR DAYS

IN WHICH A PETITION FOR A COURT
(QUARANTINE) ORDER WAS NEVER SUBMITTED TO THE COURT MAKING
ALL QUARANTINES UNLAWFUL IN VIOLATION OF A.A.C. R9-6-303 AND
A.R.S. 36-789 THEREBY CAUSING THE COURT TO FAIL TO UPHOLD THE LAW.

FURTHERMORE, A JUDGE MUST INTERPRET AND APPLY THE LAW WITHOUT
REGARD TO WHETHER THE JUDGE APPROVES OR DISAPPROVES OF THE LAW IN
QUESTION, AND THE QUESTION AT HAND CAN POTENTIALLY AFFECT OVER
FORMER AND...

THE UNLAWFUL QUARANTINE CONTINUES TO HARM MY DEFENSE AND

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PREJUDICE ME AGAINST THE COURT, IN MY CASES
AND I HAVE BEEN UNLAWFULLY
PLACED ON COVID-19 QUARANTINE ON 11 SEPARATE OCCASIONS INVOLVING
COUNTY COURT JUDGES FOR
CONTINUANCES AND EXCLUDING ABOUT DAYS DUE TO EXTRA-
ORDINARY CIRCUMSTANCES IN THE INTEREST OF THIS
BEHAVIOR BY THE COURT WOULD SHOCK THE CONSCIENCE OF ANY
REASONABLE PERSON AND IS OUTRAGEOUS ESPECIALLY SINCE
I NEVER TESTED POSITIVE OR HAD ANY SYMPTOMS.

WHAT IS EVEN MORE OUTRAGEOUS IS THAT JUDGE
AND JUDGE ISSUED AN ANY MEANS
ORDER FOR ME TO APPEAR IN COURT WHILE I WAS ON COVID-19
QUARANTINE ON AND

IT IS CLEAR COUNTY COURT JUDGES ARE USING
THE COVID-19 QUARANTINE AS A LEGAL DEVICE IN ORDER TO MANAGE
A CONGESTED DOCKET IN WHICH THAT REASON HAS BEEN USED IN
WHICH THE CHIEF JUDGE IS SUPPOSED TO INTERVIEW.

CONCLUSION, THERE IS A CLEAR SHOWING OF SHOCKING AND OUT-
RAGEOUS UNREASONABLE DELAY I HAVE HAD TO SUFFER AT THE HANDS
OF THESE COURT JUDGES AND I CONTINUE TO LAMENT
IN THE COUNTY