

State of Arizona
COMMISSION ON JUDICIAL CONDUCT

Disposition of Complaint 23-109

Judge:

Complainant:

ORDER

September 8, 2023

The complainant alleged improper legal rulings by a city court judge for denying his motion for court appointed counsel.

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.

CONFIDENTIAL

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

FOR OFFICE USE ONLY

2023 - 109

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 _____ hours I was arraigned at _____ Court
The charges were assault - touch with intent. I request for an attorney and was denied base on the prosecutor not seeking a jail sentence.

1. I have the right to remain silent,
2. Anything you say can and will be used against you in the court of law,
3. I have the right to an attorney
4. If I cannot afford an attorney, one will be provided for me
5. If I decide to answer questions now without an attorney present, you will still have the right to stop answering at any time until I talk to an attorney.

I am an indigent individual, I cannot afford to hire an attorney. I do not understand the court procedures, law, or why I was charged. I am in need of an attorney to translate the severity of these allegations and what might ensue later on in life.

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COURT

State of Arizona vs.	Attorney:
Docket Number(s):	
<input type="checkbox"/> Bond Posted	

ORDERS OF THE COURT

IT IS ORDERED THAT

<p>A Continuance requested by <input type="checkbox"/> Plaintiff <input checked="" type="checkbox"/> Defendant extraordinary circumstances existing, Continuance <input checked="" type="checkbox"/> granted <input type="checkbox"/> denied Time is <input checked="" type="checkbox"/> excluded <input type="checkbox"/> included per Ariz. Rules Crim. Proc.</p> <p>Appear at the next hearing:</p> <p><input checked="" type="checkbox"/> Pretrial <input type="checkbox"/> Trial <input type="checkbox"/> COP <input type="checkbox"/> Prob. Revocation <input type="checkbox"/> Legal <input type="checkbox"/> Prob. Disposition <input type="checkbox"/> Evidentiary <input type="checkbox"/> Review <input type="checkbox"/> _____</p> <p>Date: _____ Time: _____</p> <p><input type="checkbox"/> Defendant <input type="checkbox"/> Bond Poster FAILED TO APPEAR <input type="checkbox"/> Forfeit Bond/Deposit</p>	<p><input type="checkbox"/> Defendant <input type="checkbox"/> Bond Poster <input type="checkbox"/> Other On _____ at _____ is to appear and show cause why:</p> <p><input type="checkbox"/> Arrest warrant should not issue <input type="checkbox"/> Default judgment should not issue <input type="checkbox"/> Bond should not forfeit <input type="checkbox"/> He/She should not be held in Contempt <input type="checkbox"/> _____</p> <p>FOR</p> <p><input type="checkbox"/> Failure to appear in court this date <input type="checkbox"/> Failure to pay fine, restitution, and/or fees <input type="checkbox"/> Failure to show proofs: _____</p> <p><input type="checkbox"/> Willful disobedience of Court Order, to wit: _____</p>	<p><input type="checkbox"/> Issue Warrant (NIC) <input type="checkbox"/> Order Default <input type="checkbox"/> Set Bond:</p> <p>Defendant not appearing at</p> <p><input type="checkbox"/> Arraignment <input type="checkbox"/> Pretrial <input type="checkbox"/> Hearing <input type="checkbox"/> Trial <input type="checkbox"/> Sentencing <input type="checkbox"/> _____</p> <p><input type="checkbox"/> Release defendant from the custody of Sheriff <input type="checkbox"/> Detain in custody until full satisfaction</p> <p><input type="checkbox"/> Transport Defendant</p>
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Defendant's request for court-appointed counsel is denied. State is not seeking a jail term upon conviction.
 Continue for review of disclosure.

<p>_____ Defendant (<i>I have received a copy of this Minute Entry</i>)</p> <p>_____ EMAIL Address</p> <p>_____ City</p> <p>_____ Phone:</p>	<p><input type="checkbox"/> Pull for review by undersigned _____ Date</p> <p>_____ Date</p> <p>_____ Magistrate</p>
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State of Arizona, Plaintiff vs. _____ Defendant.	<u>DOCKET/CITATION NO.</u>	PLEA AGREEMENT
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PLEAD GUILTY TO: Assault - Touch with Intent -	DISMISS: Assault - Touch with Intent -
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SENTENCE

FINES: \$ _____, suspend \$ _____ JAIL: NO CONTACT: NO RETURN:	PROBATION: Total - _____ months Unsupervised - _____ months RESTITUTION: OTHER CONDITIONS: Obey all laws -
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Having read and understood the terms and conditions set forth in this agreement, and having discussed the case and my constitutional rights with my lawyer or had them explained to me by the Court, I agree to enter the plea as noted above on the terms and conditions set forth herein. I understand that by entering my plea, my immigration rights might be affected if I am not a U.S. citizen, and I give up my right to a trial, to confront, cross-examine, and compel the attendance of witnesses, to direct appeal, and my privilege against self-incrimination. I further understand that if, as part of this plea bargain I am granted probation by the Court, the period and conditions thereof are subject to modification at any time during the probationary period in the event I violate any written condition of probation.

Date _____ Defendant _____

I have discussed with my client his/her constitutional rights, the facts of this case, and all possible defenses and I concur in the entry of this plea.

Date _____ Defense Counsel _____

I agree and concur with the plea and disposition set forth in this agreement.

Date _____ Prosecutor _____

IT IS HEREBY ORDERED that this agreement and the defendant's plea of [] guilty [] no contest be accepted, the Court finding a factual basis therefore and that the defendant entered the plea knowingly, intelligently, and voluntarily.

Date _____ City Magistrate _____

Copy

COURT

State of Arizona, Plaintiff
vs.
Defendant

Docket #

Citation #

PRO SE
MOTION

My next scheduled court date payment is: _____

This motion is to ask the Court to:

- continue arraignment pretrial trial civil hearing _____
- accelerate arraignment pretrial trial civil hearing _____
- modify sentence to: _____
- extend time to pay present proof

This motion is made for the following reasons: I am exercising my right to be
represented by an attorney before enter any plea and before
moving forward with the case.

I certify that I am not currently represented by legal counsel in this matter.

Defendant's Name: _____ Date: _____
 Defendant's Phone Number: _____ Current Address: _____ Zip: _____
DEFENDANT - DO NOT WRITE BELOW THIS LINE

- No Objection
- Object

City Prosecutor _____ Date _____

ORDER

- Set motion for hearing before any available judge. assigned judge.
Hearing date: _____ Time: _____
- Granted.
 Reset arraignment pretrial trial civil hearing _____
to _____ at _____
new date time
- Modify sentence as requested to: _____
- Extend time to pay present proof: as requested _____

Denied. State is not seeking
NOTIFY ALL PARTIES. Jail

Judge _____ Date _____

Original file Yellow-Defendant Pink-Prosecutor _____
Initials & date

**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.**