

State of Arizona  
COMMISSION ON JUDICIAL CONDUCT

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Disposition of Complaint 23-187

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Judge:

Complainant:

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**ORDER**

November 9, 2023

The Complainant alleged a municipal court judge violated his right to counsel in refusing to appoint another attorney to his criminal case.

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 November 9, 2023.

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**From:****Sent:****To:** Commission on Judicial Conduct <CommissionJudicialCo@courts.az.gov>**Subject:** Submitted Judicial Complaint :

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JUDICIAL COMPLAINT AGAINST

MAGISTRATE JUDGE

, Arizona court)

1. I, , am filing this complaint against Magistrate Judge for violating my First Amendment, Sixth Amendment, 14th Amendment Due Process rights, AzSupCrt Rule 6.1, my right to counsel under Article 2.24 of the Arizona Constitution, Supreme Court Rule 6.1 & 6.4, and Supreme Court judicial Rule 81 (1.2)(2.2)(2.3)(2.11).
2. I was charged with a criminal offense in and later had my case transferred before Judge . At the first hearing on , I requested court-appointed counsel as I am unable to afford an attorney on my own and lack the procedural knowledge to provide myself adequate counsel. I swore under oath to my financial status in compliance with Rule 6.4. This request was granted and counsel was appointed to represent me in criminal matters in the court.
3. later motioned to withdraw from my cases on blatant lies and an unfounded ethical basis. An oral argument was set for where articulated to the court she was withdrawing due to a ‘ & ‘ with myself ) specifically that, ”. But, Her specific reasons cited In her motion were ”.
4. Despite my clarification of the events and attempts to provide physical evidence to judge of the facts regarding claims against me, judge approved the withdrawal of from my criminal case and then outright refused to assign another attorney despite constitutional law (Sixth Amendment, Fourteen Amendment) and Arizona’s supreme court Rule 6.1

5. However, During his reasoning for accepting the withdrawal from \_\_\_\_\_, judge \_\_\_\_\_ asked me about \_\_\_\_\_ court cases in which I have filed \_\_\_\_\_ special action cases against another municipal judge for the same exact reasons, denying me the right to counsel. Judge \_\_\_\_\_ took ' \_\_\_\_\_ ' of these cases and read the case numbers to me in court. Judge \_\_\_\_\_ proceeded to ask me questions about the defendant judge's specific defensive allegations made by the defendant judge's counsel's response to my special action claims. Judge \_\_\_\_\_ attempted to use those unfounded claims in an unrul'd upon case involving a different matter and different case as a basis of his decision to deny me council. He specifically said, (and I quote judge \_\_\_\_\_ ) "... \_\_\_\_\_ " (end quote)

6. Special actions (writs of mandamus) are pleas to a higher court to judiciously address an issue in a lower court. Fundamentally they are a First Amendment right to redress grievances in a judicial setting, Jude \_\_\_\_\_ clear articulation of his use of unfounded claims made in response to my specific action cases for his decision to unlawfully deny me the right to representation is nothing more than First Amendment retaliation and a violation of his oath of office to uphold and defend the constitution of the United States and Arizonas constitution.

7. Furthermore, While under oath judge \_\_\_\_\_ attempted to coerce me into relinquishing my constitutional right to the First Amendment, specifically the right of the free press to disseminate matters of public interest to the public about local events involving government and government officials, the right to free speech and expression, and the right to redress my grievances with my government. He specifically asked me if I would agree to not practice these rights due to unfounded claims by \_\_\_\_\_ and specific details about my \_\_\_\_\_ court special action cases.

8. Judge \_\_\_\_\_ denied me ( \_\_\_\_\_ ) the right to court-appointed counsel without any legal basis, in violation of court rules and in complete malicious disregard for his constitutional obligation and my rights as a criminal defendant in the state of Arizona.

9. Under Rule 6.1 of the Arizona Rules of Criminal Procedure, I have a right to be represented by counsel in any criminal proceeding that may result in punishment involving a loss of liberty. Rule 6.4 requires me to complete an approved financial resources form under oath to show that I am indigent, which I did. With the amount of experience \_\_\_\_\_ has in the judiciary of Arizona, one can only conclude that this was in fact intentional and malicious conduct against \_\_\_\_\_ .

10. Specifically, in retaliation and wanton disregard for his oath to serve the people of Arizona and uphold the constitutional rights of all Americans judiciously and with neutrality. This was not a simple 'good faith error or fact of law' but rather a very clearly articulated attempt to thwart my constitutional rights while bringing the integrity of the Arizona judiciary into question. This seems to violate Arizona Supreme Court Rule 81. Canon 1. Rule 1.2(1)-(5), 'A Judge Shall Uphold and Promote the Independence, Integrity, and Impartiality of the Judiciary, and Shall Avoid Impropriety and the Appearance of Impropriety' as well as Rule 2.2(2)(3)(4) & 2.3(a)(b)(c). This also bring into question the judges impartiality as defined by Rule 2.11(a.1) while violating my rights as a citizen of Arizona

under Article 2 section 24 of the Arizona Constitution.

11. Despite my completion of the financial resources form, my sworn testimony and clarification on the matter, Judge \_\_\_\_\_ denied my request for court-appointed counsel and allowed my public defender to withdraw from my case without following proper legal procedures, Arizona Supreme Court Rules, and Constitutional Law. Specifically This is violated my Sixth Amendment, 14th Amendment Due Process rights to counsel and my First Amendment right to free speech, free press, and the right to redress grievances. As well as: my right to counsel under article 2.24 of the Arizona Constitution, Supreme Court Rule 6.1 & 6.4, Supreme Court Rule 81 (1.2)(2.2)(2.3)(2.11).

This unethical and malicious treatment has had a chilling effect on the exercise of my constitutional rights in court and has made me fearful of further retaliation from Judge \_\_\_\_\_ and those under his authority in the \_\_\_\_\_ court.

I therefore request that this complaint be investigated, and that appropriate action be taken against Magistrate Judge \_\_\_\_\_ for violating my constitutional rights, the Arizona Constitution and rules of the Arizona Courts.

Respectfully Submitted,