

State of Arizona
COMMISSION ON JUDICIAL CONDUCT

Disposition of Complaint 23-236

Judge:

Complainant:

ORDER

November 9, 2023

The Complainant alleged a municipal court judge violated his rights by not appointing him counsel in his criminal appeal, ruling he forfeited his right to an attorney.

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.

From:

Sent:

To: Commission on Judicial Conduct <CommissionJudicialCo@courts.az.gov>

Subject: Subject: Judicial Complaint :

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Subject: Complaint against Judge _____ for Violation of Constitutional Rights and Improper Handling of Criminal Defendants Legal Representation

A. Complaint:

I, _____, am filing this complaint against Judge _____ of the _____ court for the violation of my constitutional rights and improper handling of court appointed legal representation. The following instances demonstrate the misconduct and violations committed by Judge _____ :

1. On _____, Attorney _____ was appointed to represent me in _____ appeals cases in _____, Arizona. However, _____ withdrew as my appointed attorney without a valid legal basis, despite my assertion that his allegations of my financial situation was incorrect. This action violated my right to adequate representation and created significant harm to my legal interests in the appeals cases.

2. Judge _____, as the presiding judge in my case, failed to provide proper oversight and address the concerns raised by Attorney _____ withdrawal. This failure demonstrated a lack of judicial competence and impartiality in upholding my constitutional rights.

3. During the hearing on _____, Judge _____ abruptly ended the proceedings without allowing me to address Attorney _____ claims or question the authority for his alleged conflict of interest. Judge _____ actions demonstrated a disregard for my right to be heard and a lack of impartiality in handling the matter.

4. Furthermore, Judge _____ order that I am " _____ " and must hire counsel or represent myself is unjust and infringes upon my rights. As an indigent individual, I am financially incapable of hiring counsel, and self-representation is not a viable option given my lack of

understanding of the legal proceedings. This denial of access to legal help jeopardizes my ability to defend myself properly when facing potential jail time.

5. The aforementioned actions by Judge _____ constitute a clear violation of my constitutional rights, including the right to due process under the Sixth and Fourteenth Amendments. These actions also undermine the integrity of the legal system and raise concerns about the fairness and impartiality of Judge _____ conduct.

B. Violations:

1. Judges _____, in retaliation and wanton disregard for his oath to serve the people of Arizona and uphold the constitutional rights of all Americans, refused to assign another attorney despite constitutional law, including the First Amendment, Sixth Amendment, and Fourteenth Amendment Due Process rights. This action directly violated my right to counsel under Article 2.24 of the Arizona Constitution, as well as Supreme Court Rule 6.1 and 6.4.

2. Under Rule 6.1 of the Arizona Rules of Criminal Procedure, I have a constitutional right to be represented by counsel in any criminal proceeding that may result in punishment involving a loss of liberty. Rule 6.4 mandates the completion of an approved financial resources form under oath to demonstrate indigency, which I promptly provided.

3. Judge _____ refusal to assign another attorney and allowing the public defender to withdraw from my case without following proper legal procedures, Arizona Supreme Court Rules, and Constitutional Law violated my Sixth Amendment and Fourteenth Amendment Due Process rights to counsel, as well as my First Amendment rights to free speech, free press, and the right to redress grievances. This unethical treatment has had a chilling effect on the exercise of my constitutional rights in court.

4. Moreover, Judge _____ actions displayed a clear violation of Arizona Supreme Court Rule 81, Canon 1, Rule 1.2(1)-(5), which states that a judge shall uphold and promote the independence, integrity, and impartiality of the judiciary, while avoiding impropriety and the appearance of impropriety. They also contravened Rule 2.2(2)(3)(4) and 2.3(a)(b)(c), which further emphasizes the need for judges to uphold impartiality. Additionally, Rule 2.11(a.1) raises concerns about the judge's impartiality, while Article 2, Section 24 of the Arizona Constitution explicitly protects my rights as a citizen of Arizona.

C. Conclusion:

Based on the above, I respectfully request a thorough investigation into the conduct of Judge _____ and appropriate action to address the violations of my constitutional rights and the improper handling of my legal representation rights.

Thank you for your attention to this matter. I trust that it will be handled with the utmost seriousness and urgency.

Sincerely,

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