

State of Arizona
COMMISSION ON JUDICIAL CONDUCT

Disposition of Complaint 23-302

Judge:

Complainant:

ORDER

January 12, 2024

The Complainant alleged a superior court commissioner denied him the right to a public defender in a criminal matter and said shut up when he tried to argue.

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 Barbara Brown did not participate in the consideration of this matter.

Copies of this order were distributed to all appropriate persons on January 12, 2024.

CONFIDENTIAL

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

FOR OFFICE USE ONLY

2023-302

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.

at

Statement taken at the counter – dictated by complainant to staff. Complainant stated he was unable to spell. Re-read statement back to complainant and complainant confirmed it to be accurate. ()

I was in court today appeared in front of the judge and she told me the charges and said I would be released on my own reconnaissance. I told the judge, I said I'm not working, I can't afford a lawyer, I need a public defender. She said I'm going to have to pay for one. And I was like, hey, I have a right for an attorney. She pretty much said shut up or I'm going to put you in jail. It's on recording. I shut up because I wanted to get out and didn't feel like sitting in jail. I got a right for a speedy trial and the paperwork says the trial is going to progress whether I have an attorney or not. I told her I'm not working and I can't afford it. She cut me off and said shut up. The video says everything.

IN THE COURT OF ARIZONA
Justice Court - County
Final Release Order and Order Regarding Counsel

State of Arizona

I Cnt THREAT-INTIM W/ M1

CaseNumber:

vs.

Booking#:

It is hereby ordered that **shall be released** as indicated and must comply with ALL release conditions.

NEXT HEARINGS

Arraignment Hearing

at at Justice Center,
Phone: # () **Docket:**

WARNING: If the defendant appears at the next hearing without a lawyer, the hearing may still proceed as scheduled.

RELEASE TYPE

Bailable As a Matter of Right

The defendant has been found to be bailable as a matter of right. IT IS HEREBY ORDERED that the defendant must comply with all release conditions and shall be released from custody in this Cause Number as follows:

Own Recognizance

The defendant is released without any condition of an undertaking relating to, or deposit of security, and promises to appear in Court as required.

RELEASE CONDITIONS

1. You are not to return to the scene of the alleged crime.
2. You are not to initiate contact with the alleged victim or victims.
3. You are not to initiate contact with the alleged complainant or witness.
4. You are not to initiate contact with the arresting officers.
5. You are not to possess any weapons.
6. You are not to possess any drugs without a valid prescription.
7. You are not to drive a motor vehicle without a valid driver's license.
8. You must continue to provide the court with proof of your local address.
9. If out of custody, defendant advised to contact court by telephone prior to scheduled court hearing for further instructions. Justice Court ()

You must appear at all court proceedings in this case or your release conditions can be revoked, a warrant will be issued and proceedings may go forward in your absence. You must maintain contact with your attorney. If convicted, you will be required to appear for Sentencing. If you fail to appear, you may lose your right to a direct appeal. In addition, failure to appear at a future court proceeding may result in a waiver of any claim that you were not informed of a plea offer made in your case by the State. a. You will appear to answer and submit to all further orders and processes of the court having jurisdiction of the case. b. You will refrain from committing any criminal offenses. c. You will diligently prosecute any appeal. d. You will not leave the state without permission of the court. If you violate any conditions of this release order, the court may order the bond and any security deposited in connection therewith forfeited to the State of Arizona. In addition, the court may issue a warrant for your arrest upon learning of your violation of any conditions of your release. After a hearing, if the court finds that you have not complied with the conditions of release, it may modify the conditions or revoke your release altogether.

If you are released on a felony charge, and the court finds the proof evident or the presumption great that you committed a felony during the period of release, the court must revoke your release. You may also be subject to an additional criminal charge, and upon conviction you could be punished by imprisonment in addition to the punishment which would otherwise be impossible for the crime committed during the period of release. Upon finding that you violated conditions of release, the court may also find you in contempt of court and sentence you to a term of imprisonment, a fine, or both.

IN THE COURT OF ARIZONA
Justice Court - County
Final Release Order and Order Regarding Counsel

Case#:
Booking#:

ACKNOWLEDGEMENT BY DEFENDANT

I have received a copy of this form. I understand the standard conditions, all other conditions, and the consequences of violating this release order. I agree to comply fully with each of the conditions imposed on my release and to notify the court promptly in the event I change my place of residence.

Date

Address:

City, State, Zip:

Signature: Other-REMOTE COURT HEARING

Judge / Commissioner

Defendant

LAST NAME			FIRST			MI	SUF	ADDRESS				PG 1	TYPE PC
RACE	SEX	HGT	WGT	HAIR	EYES	AGE	DOB	CITZ	SSNO	V/N N	BOOK #		
											CLASSIFICATION		
LOCKER			AR OFF #		IN OFF #		ARREST #		ARR DATE/TIME		ARR AGENCY		DR #
											POLIC		
LAST NAME			FIRST NAME			MI	SUF	BOOKING DATE & TIME			LOCATION		BOOK #

DATE:
TIME:

COUNTY SHERIFF'S OFFICE
INMATE PROPERTY INVENTORY

Page 1 of 1
BOOKING NO.

NAME

DOB

PROPERTY

QTY	ITEM	COLOR 1	COLOR 2	DESCRIPTION
1	I.D. TYPE/NUMBER			AZ DL
1	CREDIT CARD			DEBIT
3	MISC. PAPERS			FINGERPRINT/PROPERTY/TRESPASS
2	SHOELACES			SHOELACES
1	CELL PHONE			CRACKED TCL PHONE
1	CELL PHONE			CRACKED SMARTPHONE

ARRESTING OFFICER IS RESPONSIBLE FOR ENSURING ALL PERSONAL PROPERTY LISTED.

ARREST OFFICER:

ARREST OFFICER #:

AGENCY:

PROPERTY IMPOUNDED: NO

RETURNED PROPERTY TO THE INMATE

INMATE SIGNATURE: _____ DATE: _____

OFFICER SIGNATURE: _____ DATE: _____

RELEASED PROPERTY

RELEASED TO: _____ ID TYPE/NUMBER: _____

RELEASING OFFICER SIGNATURE: _____ DATE: _____

() INMATE TANK ORDER