

State of Arizona  
COMMISSION ON JUDICIAL CONDUCT

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Disposition of Complaint 23-321

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Judge:

Complainant:

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**ORDER**

February 12, 2024

The Complainant alleged a superior court judge failed to timely rule on a request for counsel in a post-conviction relief matter.

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 Michael J. Brown and Regina L. Nassen did not participate in the consideration of this matter.

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

**CONFIDENTIAL**

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

**FOR OFFICE USE ONLY**

**2023-321**

**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.

See attached documentation.



## Complaint against Presiding Judge

This is the attached documentation of the complaint against Judge

Judge \_\_\_\_\_ is the Presiding \_\_\_\_\_ County \_\_\_\_\_ Court Judge in the matter \_\_\_\_\_, State of Arizona v. \_\_\_\_\_.

This matter dates to \_\_\_\_\_ when I, the Defendant, was arrested for multiple felony counts to include Class 5 felony stalking DV, harassment Class 1 misdemeanor, aggravated harassment Class 6 felony, and 7 counts of taking the identity of another person Class 4 felonies.

Due to delays caused by the State and the Covid-19 crisis, the matter was delayed for almost \_\_\_\_\_ years.

In \_\_\_\_\_, the Defendant plead guilty to a Class 6 open felony, Aggravated Harassment. The State prosecutor had amended the original charges in \_\_\_\_\_ and dropped the stalking charge after finding out that the supposed victim lied to the police and lied under oath in the \_\_\_\_\_ County \_\_\_\_\_ Court. The victim stated that the Defendant was following her and his children in a \_\_\_\_\_ truck in \_\_\_\_\_ in \_\_\_\_\_. The Defendant was never in \_\_\_\_\_. He was working as a \_\_\_\_\_ in a \_\_\_\_\_ clinic in \_\_\_\_\_. This was prosecutor misconduct. Prosecutor \_\_\_\_\_ knew that the Defendant had an alibi and was never in \_\_\_\_\_. He wanted to conceal this from trial and exposing his "victim" to perjury, lying to the police, and lying under oath in the family court. Judge \_\_\_\_\_ allowed the prosecution misconduct. This activity by both the Judge and prosecutor deserves closer inspection but this is not the issue of this complaint.

The Defendant attempted to remove Judge \_\_\_\_\_ on multiple occasions for cause and obvious bias and cover-up of the misconduct by the prosecution.

On \_\_\_\_\_, the Defendant plead guilty to the plea agreement. He was left with no choice because of the rulings by Judge \_\_\_\_\_ against the use of his expert witness. The Defendant is factually innocent of the aggravated harassment. It is a Constitutional First Amendment issue that will be brought to light in the Post Conviction Relief Petition.

On \_\_\_\_\_, the Defendant was sentenced. On \_\_\_\_\_, the Defendant filed a Notice of Post Conviction Relief (Attached copy). In the Notice the Defendant requested that an attorney be appointed to represent him in the Petition for Post Conviction Relief. The Notice was timely filed using a form obtained from the Arizona \_\_\_\_\_ Court website.

The Defendant had already been declared indigent during the matter on more than one occasion.

On \_\_\_\_\_, the Defendant filed a Motion for an Expedited Hearing to appoint the attorney for the Post Conviction Relief Petition. The Defendant never received a response from the Court for the Notice filed on \_\_\_\_\_ and the request for a Hearing on \_\_\_\_\_.

On \_\_\_\_\_, the Defendant filed an Application to Designate the Class 6 open felony as a Misdemeanor.

On \_\_\_\_\_, the Defendant filed a Motion to Exonerate the Cash Bond that was paid in \_\_\_\_\_. Judge \_\_\_\_\_ failed to exonerate the cash bond of \_\_\_\_\_ at the sentencing on \_\_\_\_\_.

On \_\_\_\_\_, Judge \_\_\_\_\_ reassigned the Application to Designate and the Motion to Exonerate the cash bond to \_\_\_\_\_ County Judge \_\_\_\_\_.

In accordance with the Arizona Rules of Criminal Procedure, Rule 33.4:

**Generally. No later than 15 days after the defendant has filed a timely first notice** under Rule 33.4, or a notice under Rule 33.4(b)(3)(C), **the presiding judge must appoint counsel for the defendant** if: (1) the defendant requests it; (2) the defendant is entitled to appointed counsel under Rule 6.1(b); and (3) there has been a previous determination that the defendant is indigent, or the defendant has completed a declaration of indigency and the court finds that the defendant is indigent.

Upon filing of all other Rule 33 notices, the presiding judge or the judge's designee may appoint counsel for an indigent defendant.

Judge [redacted] failed to appoint counsel for myself as required by the Rule within 15 days after the Notice was timely filed. Judge [redacted] also failed to appoint an attorney.

Judge [redacted] has recused himself from my matter in [redacted] twice in the last [redacted] months. He was involved in misconduct involving myself in a family court matter in [redacted] in which he received a Letter of Concern from the Commission. Judge [redacted] should have recused himself from reassignment. Judge [redacted] has already demonstrated bias and prejudice against me in a hearing involving removing Judge [redacted] for cause.

The Commission must act against Judge [redacted] in this matter. This action represents a dereliction of duty. There is no excuse for this neglect.

Judge [redacted] should have recused himself in the reassignment of a new Judge. Judge [redacted] has not recused herself from the Post Conviction Relief matter that was filed on [redacted] and this issue has not been reassigned or even addressed by Judge [redacted]. There are now multiple Judges assigned to my criminal case. Judge [redacted] has a conflict of interest in assigning any Judges in my matter. As Presiding Judge he failed to appoint an attorney within the 15 day time limit.

/s/ [redacted]

**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.**