

State of Arizona
COMMISSION ON JUDICIAL CONDUCT

Disposition of Complaint 23-357

Judge:

Complainant:

ORDER

May 8, 2024

The Complainant alleged a city court judge (now retired) routinely violated the constitutional rights of criminal defendants.

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 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 Regina L. Nassen did not participate in the consideration of this matter.

Copies of this order were distributed to all appropriate persons on May 8, 2024.

CONFIDENTIAL

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

COMPLAINT AGAINST A JUDGE

NAME:

JUDGE'S NAME: Judge

I write to inform the Arizona Commission on Judicial Conduct that it has been publicly reported in the news media that the _____ has unanimously recommended against the reappointment of Judge _____ based upon that Commission's finding that Judge _____ has knowingly deprived individuals accused of crimes of their right to legal counsel. This is a violation of the constitutional guarantee for a criminal defendant to have a lawyer assist in their defense, even if they cannot afford to pay for an attorney. *See* U.S. Constitution, Amendment VI; Arizona Constitution, Article II, Section 24; and *Gideon v. Wainwright*, 372 U.S. 335 (1963). This is also a violation of the Rules of Court promulgated by the Arizona Supreme Court. *See* Ariz. R. Crim. P. 6.1.

In addition, I write to inform the Arizona Commission on Judicial Conduct that I have personally heard Judge _____ admit on multiple occasions in public and private meetings that he has knowingly imposed money bail as a condition of pretrial release from jail in an amount he is fully aware the accused is unable to pay. Specifically, Judge _____ has admitted he imposes bail in the amount of \$ _____ (

) on homeless individuals who allegedly have committed only non-violent, non-dangerous misdemeanor crimes as a means of ensuring they will be unable to post bail and thus will remain in pretrial detention. He has stated that his reason for doing so is that it is the easiest means by which to ensure they will appear for their subsequent court hearings and because he believes their prior failure to appear disrespected him as a judge. These meetings included a public meeting of the _____ and multiple meetings of criminal justice agency leaders associated with the _____ funded by the

Intentionally imposing bail the judge knows an arrestee is unable to pay is a violation of the constitutional prohibition against excessive bail. *See* U.S. Constitution, Amendment Eight; Arizona Constitution, Article II, Section 15. It is also a violation of the Rules of Court promulgated by the Arizona Supreme Court. *See* Ariz. R. Crim. P. 7.3(c)(2)(A) and (B).

Judge _____ knowing violation of the constitutional rights of people who have been arrested and accused of crimes who have been brought before him in court should be of concern to the Arizona Commission on Judicial Conduct.