

State of Arizona
COMMISSION ON JUDICIAL CONDUCT

Disposition of Complaint 23-363

Judge:

Complainant:

ORDER

February 12, 2024

The Complainant alleged a superior court judge pro tem made improper legal rulings in his motion for change of judge in his post-conviction relief 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 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

2023-363

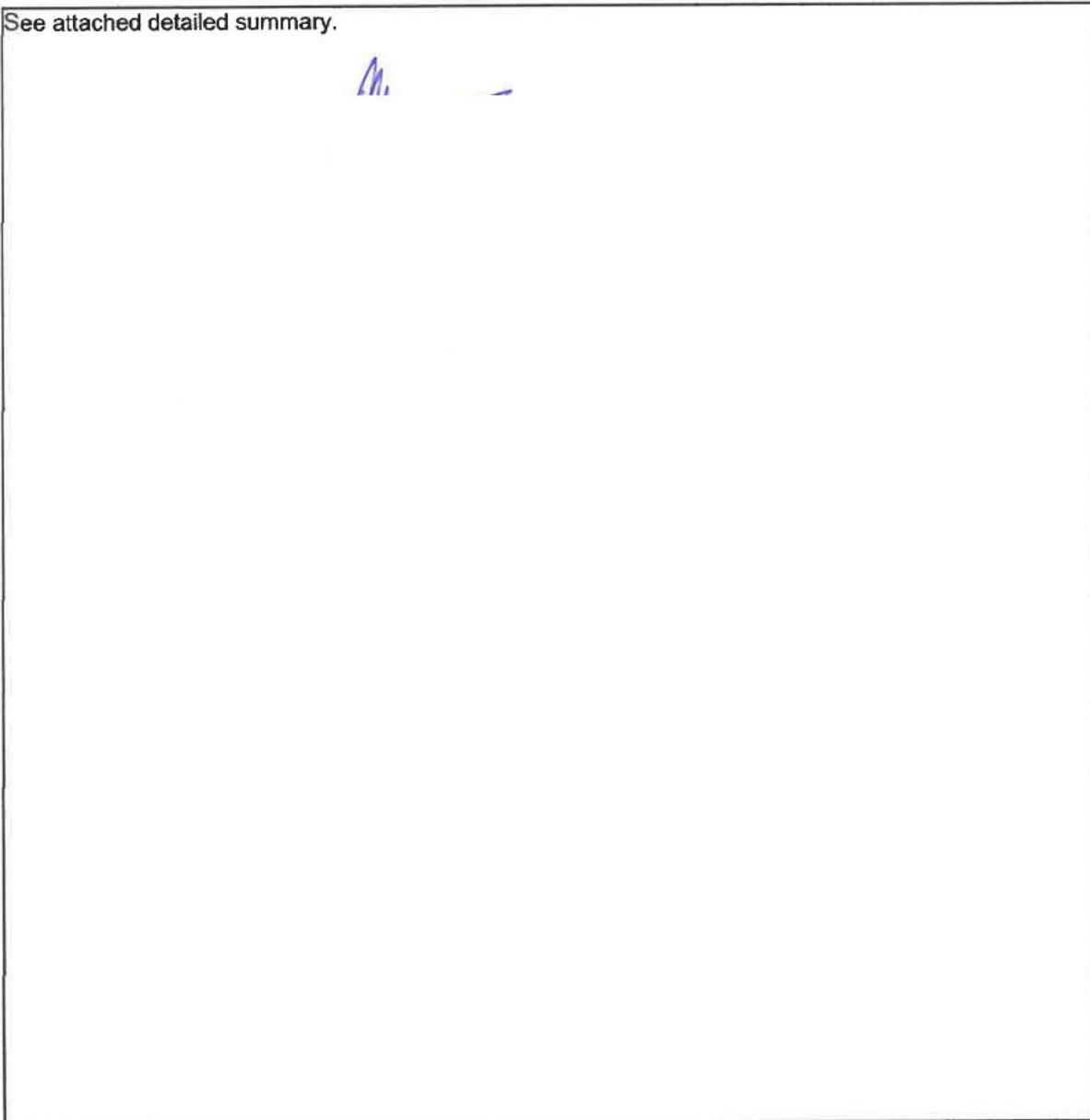
COMPLAINT AGAINST A JUDGE

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 detailed summary.



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Complaint for Judicial Misconduct

Judge

County Court

This is the complaint against Judge of the County

The summary of the complaint is as follows.

The matter involves the criminal case in County in . I, The case originated , admitted to a plea agreement on . I am factually innocent of the findings in the plea agreement. After reviewing during the period after the plea agreement, evidence came forward that the prosecutor concealed evidence and testimony. I motioned the Court multiple times to withdraw the plea agreement. Judge refused to withdraw the plea agreement.

On , I was sentenced to probation. I filed for Post Conviction Relief on .

Judge violated the terms of the plea agreement, failed to timely appoint an attorney to represent me for the PCR, failed to exonerate the cash bond in a timely manner, and failed to provide the case record and transcripts in the PCR after two requests. A Motion to Remove her for Cause was submitted along with an Affidavit that she will be called as a relevant material witness in the PCR. (Attached, Exhibit 3)

Presiding Judge , who had a conflict of interest (in relation to a Letter of Advisory issued to him in a different matter involving myself), assigned the matter on the Motion to Change Judge for Cause to Judge

Judge _____ set a Hearing for an oral argument by Zoom on _____

Present at the Hearing were me, County prosecutor _____, Victim Witness Advocate _____, and attorney _____, who was an attorney who claimed that she was appointed to represent me in the PCR. There was no Court Order or any other evidence that she was appointed. In fact, immediately after the Hearing, prosecutor _____ filed a Motion to have her appointed. (Attached, Exhibit 1)

Attorney _____ is the subject of a complaint filed with the _____ (attached, Exhibit 2)

A full certified transcript of the proceeding has been ordered. The recorded unofficial is as follows (see also complaint against _____):

Judge _____ began the Hearing by having the parties introduce themselves. This included attorney _____ introducing herself.

Judge _____ questioned _____ about her role in the matter.

"
"

Judge _____ later during the Hearing again stating and asking her.

"
"
_____ responded to the Judge.

"

”

Please see the details of _____ scope of involvement in this matter in the complaint filed against her. She had only contacted me the day before the Hearing, had not reviewed the file of _____ years, and had never called and spoke with me prior to the Hearing.

Judge _____ responded with the following:

”

”

_____ responded with an “o” indicating that she was an observer.

After the prosecutor _____ talked about nonrelated issues to include a Motion to Designate as a Misdemeanor, Judge _____ stated the following:

”

**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.**