

SUPREME COURT OF ARIZONA

In the Matter of) Arizona Supreme Court
) No. JC-24-0001
HONORABLE JUAN M. GUERRERO,)
Yuma County Justice Court,) Commission on Judicial
South County, Precinct 2,) Conduct
Yuma County,) Nos. 23-181
State of Arizona,) **23-474**
)
Respondent.) (Consolidated)
)
_____)

FILED:03/15/2024

AMENDED ORDER

The Court, having considered the stipulated resolution between disciplinary counsel for the Commission on Judicial Conduct and Respondent, and the recommendation of the Commission's hearing panel to approve the sanction, pursuant to Rule 29(g) of the Rules of Procedure for the Commission on Judicial Conduct,

IT IS ORDERED that Judge Juan M. Guerrero is hereby censured for violations of the Code of Judicial Conduct as set forth in the Stipulated Resolution, which is attached hereto.

DATED this 15th day of March, 2024.

/s/
Tracie K. Lindeman
Clerk of the Court

TO:

Margaret H Downie

Kimberly Welch

Hon. Juan M. Guerrero

Ariel I Worth

Sandra Montoya

Maret Vessella

Mary Pieper

Lexis Nexis

Mary Rose Dominguiano

Princess Mutya Zorilla

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SUPREME COURT OF ARIZONA

In the Matter of) Arizona Supreme Court
) No. JC-24-0001
HONORABLE JUAN M. GUERRERO,)
Yuma County Justice Court,) Commission on Judicial
South County, Precinct 2,) Conduct
Yuma County,) Nos. 23-181
State of Arizona,) 24-474
)
Respondent.) (Consolidated)
)
_____)

FILED:03/15/2024

O R D E R

The Court, having considered the stipulated resolution between disciplinary counsel for the Commission on Judicial Conduct and Respondent, and the recommendation of the Commission's hearing panel to approve the sanction, pursuant to Rule 29(g) of the Rules of Procedure for the Commission on Judicial Conduct,

IT IS ORDERED that Judge Juan M. Guerrero is hereby censured for violations of the Code of Judicial Conduct as set forth in the Stipulated Resolution, which is attached hereto.

DATED this 15th day of March, 2024.

_____/s/_____
Tracie K. Lindeman
Clerk of the Court

TO:

Margaret H Downie

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Hon. Juan M Guerrero

Ariel I Worth

Sandra Montoya

Maret Vessella

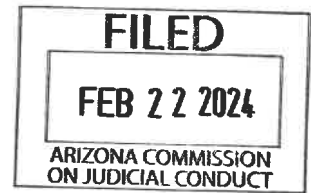
Mary Pieper

Lexis Nexis

Mary Rose Dominguiano

Princess Mutya Zorilla

tkl



Ariel I. Worth (Bar # 018702)
Disciplinary Counsel
Arizona Commission on Judicial Conduct
1501 West Washington Street, Suite 229
Phoenix, Arizona 85007
Telephone: (602) 452-3200
Email: *aworth@courts.az.gov*

STATE OF ARIZONA
COMMISSION ON JUDICIAL CONDUCT

Inquiry concerning)	
	)	Case Nos. 23-181
Judge Juan M. Guerrero	)	23-474
Yuma County Justice Court)	
South County, Precinct 2)	
Yuma County	)	ORDER APPROVING STIPULATED
State of Arizona	)	RESOLUTION AND
	)	RECOMMENDATION TO SUPREME
<u>Respondent.</u>	)	COURT FOR CENSURE

On January 16, 2024, the Commission on Judicial Conduct (Commission) filed a Statement of Charges against Judge Juan M. Guerrero (Respondent) following an investigative panel’s finding of reasonable cause to believe grounds for discipline existed that should not be resolved through dismissal or informal sanctions. Contemporaneously, Respondent and Disciplinary Counsel filed a Stipulated Resolution (“Resolution”), in which Respondent has agreed to a public censure for misconduct in office, and waived his right to file a Response to the Statement of Charges pursuant to Commission Rule 26(A). As part of the Resolution, the parties have waived their right to file any objections to the agreement or to the censure before the Commission and the Arizona Supreme Court.

On January 24, 2024, the Commission chair appointed a seven-member hearing panel, and designated Judge Delia R. Neal, Pinal County Superior Court, as

presiding member of the hearing panel to conduct a hearing and recommend a proper disposition of the charges to the Arizona Supreme Court. The Hearing Panel convened on January 26, 2024, to consider the Resolution.

Having fully considered the Resolution within the context of Commission Rule 30(b), the hearing panel, by unanimous vote, approves the Resolution and recommends to the Arizona Supreme Court that Respondent be censured publicly for the rule violations as set forth therein. The Hearing Panel also exercises its discretion under Commission Rule 9 to make the initial complaints in Case Nos. 23-181 and 23-474, as well as Respondent's initial response in Case No. 23-181¹ public and part of the record in this case.

DATED this 22nd day of February, 2024.

/s/ Delia R. Neal
Hon. Delia R. Neal
Presiding Hearing Panel Member

A copy of this document was served on the 22nd day of February 2024, upon Respondent and Disciplinary Counsel, via email, to:

tolin555@hotmail.com
Hon. Juan M. Guerrero
Yuma County Justice Court

aworth@courts.az.gov
Ariel I. Worth
Disciplinary Counsel
Commission on Judicial Conduct

By: /s/ Dora Ruelas Rivera
Dora Ruelas Rivera, Acting Commission Clerk

¹ Respondent was provided a copy of the complaint in Case No. 23-474 and was given notice and opportunity to respond to the complaint, however, he elected not to do so.

Ariel I. Worth (Bar # 018702)
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Arizona Commission on Judicial Conduct
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Telephone: (602) 452-3200
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FILED
JAN 24 2024

ARIZONA COMMISSION ON
JUDICIAL CONDUCT

STATE OF ARIZONA
COMMISSION ON JUDICIAL CONDUCT

Inquiry concerning)	
	)	Case Nos. 23-181
Judge Juan M. Guerrero	)	23-474
Yuma County Justice Court)	
South County, Precinct 2	)	CERTIFICATE OF SERVICE OF
Yuma County	)	STIPULATED RESOLUTION FOR
State of Arizona	)	DISCIPLINE BY CONSENT
)	
<u>Respondent.</u>)	

I certify that on the 24th day of January, 2024, I electronically served a file-stamped copy of the fully executed Stipulated Resolution for Discipline by Consent upon Respondent to the following:

Hon. Juan M. Guerrero
Yuma County Justice Court
tolin555@hotmail.com

DATED this 24th day of January, 2024.

COMMISSION ON JUDICIAL CONDUCT

Ariel I. Worth
Disciplinary Counsel

A copy of this document was served on January 24, 2024, upon Respondent and Disciplinary Counsel, via email, to:

tolin555@hotmail.com
Hon. Juan M. Guerrero
Yuma County Justice Court

aworth@courts.az.gov
Ariel I. Worth
Disciplinary Counsel
Commission on Judicial Conduct

By: /s/ Kim Welch
Kim Welch, Commission Clerk

FILED

JAN 16 2024

**ARIZONA COMMISSION ON
JUDICIAL CONDUCT**

Ariel I. Worth (Bar # 018702)
Disciplinary Counsel
Arizona Commission on Judicial Conduct
1501 West Washington Street, Suite 229
Phoenix, Arizona 85007
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**STATE OF ARIZONA
COMMISSION ON JUDICIAL CONDUCT**

Inquiry concerning)	
)	Case Nos. 23-181
Judge Juan M. Guerrero	)	23-474
Yuma County Justice Court)	
South County, Precinct 2)	
Yuma County	)	STIPULATED RESOLUTION FOR
State of Arizona	)	DISCIPLINE BY CONSENT
)	
<u>Respondent.</u>)	

Pursuant to Commission Rule 30, Disciplinary Counsel for the Commission on Judicial Conduct, Ariel I. Worth, and Respondent Judge Juan M. Guerrero (hereafter Respondent), hereby submit the following proposed resolution of this case.

JURISDICTION

1. Respondent was serving in his capacity as a judge at all times relevant to these allegations. Respondent has served a Justice of the Peace, Yuma County Justice Court, South County Precinct Two, since 2015 to the present time.

2. As a judge, Respondent is subject to the Arizona Code of Judicial Conduct (Code) as set forth in Supreme Court Rule 81.

PROCEDURAL BACKGROUND

3. A Statement of Charges against Respondent will be filed by Disciplinary Counsel concurrently with the filing of this Stipulated Resolution

4. An investigative panel of the Commission has found reasonable cause to begin formal proceedings.

5. Respondent agrees to forgo the filing of a written Response to the Statement of Charges, and the parties now agree to this stipulated resolution of the matter.

FACTUAL BACKGROUND

6. On or about April 2, 2023, at approximately 1:50 a.m., Respondent was the subject of a traffic stop initiated by an officer (Officer) of the Somerton Police Department, Somerton, Arizona.

7. During the traffic stop, Officer observed Respondent exhibiting signs of recent alcohol consumption and symptoms of impairment.

8. During the traffic stop, Respondent stated to Officer that he was a judge and suggested that Officer should call his "Chief."

9. A blood sample was obtained from Respondent after the traffic stop.

10. Respondent's blood sample was later tested and indicated a blood alcohol concentration of .146.

11. Following the traffic stop, Respondent was cited for three separate criminal traffic offenses for driving under the influence, in Arizona Traffic Ticket and Complaint, Complaint Number 54282.

12. Respondent's Arizona Traffic Ticket and Complaint was filed in the Somerton Municipal Court, Somerton, Arizona, on April 27, 2023, and assigned case number M1442TR2023-000026.

13. On November 29, 2023, Respondent entered a plea of guilty in case M1442TR2023-000026 and was sentenced for the offense of DUI-Liquor – BAC .08 or More, a class one misdemeanor, in violation of A.R.S. § 28-1381A2.

14. Respondent's sentence included statutorily mandated fines and jail time.

15. Following Respondent's arrest and citation for driving under the influence, Respondent was reassigned to non-judicial duties pursuant to Arizona Supreme Court Administrative Order 23-79 issued on April 27, 2023.

16. Administrative Order 23-79 placed administrative control and oversight of Respondent's court with Presiding Yuma County Superior Court Judge David M. Haws.

17. After being assigned administrative control and oversight of the South County Justice Court, Judge Haws learned additional information about Respondent's conduct while serving as a judicial officer. Judge Haws provided this information to the Commission.

18. Respondent has routinely conducted weddings during court hours starting in 2015 and until the issuance of Administrative Order 23-79.

19. Respondent has received compensation for weddings conducted during court hours starting in 2015 and until the issuance of Administrative Order 23-79.

20. From October 5, 2022 to May 1, 2023, Respondent drove a county-owned vehicle for approximately 1,112 miles of personal travel, including regular commuting between home and work.

21. Respondent's use of the county-owned vehicle from October 5, 2023 to May 1, 2023, violated the policies of Yuma County.

22. Respondent used a Yuma County fuel credit card from October 5, 2023 to May 1, 2023, to purchase fuel for the county-owned vehicle he drove during that time.

23. Respondent charged approximately \$400.00 to the Yuma County fuel credit card for his personal use travel.

24. Respondent has not reimbursed Yuma County for the personal use fuel charges.

MUTUAL CONSIDERATIONS AND AGREEMENT

25. Respondent concedes that these facts would support a finding of judicial misconduct should this matter proceed to a formal hearing.

26. Respondent agrees that his conduct violated Rules 1.1, 1.2, 1.3, 3.1(E), 3.16(D), and Article 6.1, Section 4 of the Arizona Constitution.

27. Respondent agrees to submit his resignation to the Yuma County Board of Supervisors, or other appropriate entity, on or before Friday, January 19, 2023. The resignation shall be effective no later than two weeks from the date of submission.

28. Respondent agrees not to seek or accept a judicial appointment of any type, not to run for an elective judicial office, or serve in any judicial capacity¹ in the State of Arizona at any time after the effective date of his resignation.

¹ The parties agree that not serving in any judicial capacity encompasses the

29. The parties agree that resolving this matter by stipulation is in their mutual best interest and in the best interest of the public and the judicial system.

30. The parties agree that the following mitigating factors indicate that whereas a removal would otherwise be warranted a public censure as described herein is the appropriate sanction in this matter:

- a. Respondent has recognized and acknowledged the wrongful nature of his conduct.
- b. Respondent has cooperated with the Commission in these proceedings.

AGREED UPON SANCTION

31. Respondent agrees to accept a Public Censure for the judicial misconduct he engaged in, as set forth in this agreement.

OTHER TERMS AND CONDITIONS

32. This agreement resolves all issues raised in Case Nos. 23-181 and 23-474. This agreement may be used in later proceedings in accordance with the Commission's Rules.

33. In the event Respondent fails to comply with the terms and conditions of this agreement by failing to tender his resignation or seeking appointment or election to judicial office or serving as a judge in Arizona, the Commission may re-

definition of "Judge" in the Code of Judicial Conduct, which states: "Judge" means any person who is authorized to perform judicial functions within the Arizona judiciary, including a justice or judge of a court of record, a justice of the peace, magistrate, court commissioner, special master, hearing officer, referee, or pro tempore judge.

open Case Nos. 23-181 and 23-474 by giving Respondent written notice of its intention to do so. Respondent waives any and all claims concerning delay or other irregularities in the Commission so doing.

34. In the event Respondent fails to comply with the terms and conditions of this agreement by failing to tender his resignation or seeking appointment or election to judicial office or serving as a judge in Arizona, the Commission may also seek injunctive relief enjoining Respondent from engaging in conduct in breach of the terms and conditions of this agreement.

35. Respondent waives his right to file a Response to the Statement of Charges, pursuant to Commission Rule 25(a).

36. Pursuant to Commission Rule 28(a), both parties waive their right to appeal the charges at issue in this matter, including the appeal procedures set out in Commission Rule 29.

37. Both parties will bear their own attorneys fees and costs, if any, associated with this agreement.

38. Respondent clearly understands the terms and conditions of this agreement, has had an opportunity to review with legal counsel, and fully agrees with its terms.

39. This agreement constitutes the complete agreement of the parties.



Hon. Juan M. Guerrero, Respondent



Date

Ariel I. Worth, Disciplinary Counsel
Commission on Judicial Conduct

10/20/2024

Date

Arizona Commission on Judicial Conduct
1501 West Washington Street, Suite 229
Phoenix, Arizona 85007
Telephone: (602) 452-3200

FILED
JAN 24 2024

ARIZONA COMMISSION ON
JUDICIAL CONDUCT

STATE OF ARIZONA
COMMISSION ON JUDICIAL CONDUCT

Inquiry concerning)	
	)	Case Nos. 23-181
Judge Juan M. Guerrero	)	23-474
Yuma County Justice Court)	
South County, Precinct 2)	
Yuma County	)	RECORD OF APPOINTMENT OF
State of Arizona	)	HEARING PANEL
)	
<u>Respondent.</u>		

Acting pursuant to Rules 3(f) and 27(a) of the Rules of the Commission, Judge Christopher P. Staring, Chair of the Commission, hereby appoints Judge Delia R. Neal to serve as the presiding member of the hearing panel in the above-entitled proceeding and designates the following as members of the panel: Roger D. Barton, Barbara Brown, Michael J. Brown, Louis Frank Dominguez, Regina L. Nassen, and Christopher P. Staring.

Dated this 24th day of January, 2024.

COMMISSION ON JUDICIAL CONDUCT

/s/ Christopher P. Staring
Hon. Christopher P. Staring
Chair of the Commission

A copy of this document was served on January 24, 2024, upon Respondent and Disciplinary Counsel, via email, to:

tolin555@hotmail.com
Hon. Juan M. Guerrero
Yuma County Justice Court

aworth@courts.az.gov
Ariel I. Worth
Disciplinary Counsel
Commission on Judicial Conduct

By: /s/ Kim Welch
Kim Welch, Commission Clerk

JAN 16 2024

ARIZONA COMMISSION ON JUDICIAL CONDUCT

Ariel I. Worth (Bar # 018702)
Disciplinary Counsel
Arizona Commission on Judicial Conduct
1501 West Washington Street, Suite 229
Phoenix, Arizona 85007
Telephone: (602) 452-3200
Email: *aworth@courts.az.gov*

STATE OF ARIZONA
COMMISSION ON JUDICIAL CONDUCT

Inquiry concerning)	
	)	Case Nos. 23-181
Judge Juan M. Guerrero	)	23-474
Yuma County Justice Court)	
South County, Precinct 2)	
Yuma County	)	STATEMENT OF CHARGES
State of Arizona)	
)	
_____ Respondent.)	

Pursuant to Commission Rule 24(a), Disciplinary Counsel hereby files this Statement of Charges against Judge Juan M. Guerrero (hereafter Respondent) setting forth the Commission’s jurisdiction and specifying the nature of his alleged judicial misconduct.

JURISDICTION

1. The Commission on Judicial Conduct (hereafter Commission) has jurisdiction of this matter pursuant to Article 6.1, Section 4 of the Arizona Constitution, and the Rules of the Commission.

2. This Statement of Charges is filed pursuant to Rule 24(a) of those rules (Commission Rules).

3. Respondent was serving in his capacity as a judge at all times relevant to these allegations. Respondent has served as Justice of the Peace, Yuma County Justice Court, South County Precinct Two, since 2015 to the present time.

4. As a judge, Respondent is subject to the Arizona Code of Judicial Conduct (Code) as set forth in Supreme Court Rule 81.

PRIOR DISCIPLINE

5. Closed files pertaining to discipline of Respondent may be referred to and used by the Commission or by Respondent for the purpose of determining the severity of the sanction, a pattern of misconduct, or exoneration of the judge pursuant to Commission Rule 22(e).

6. Consistent with the requirements of Commission Rule 22(e), undersigned Disciplinary Counsel (Counsel) notified Respondent on January 16, 2024, that his prior disciplinary history, as set forth below, may be so used.

Case No. 18-298

7. Respondent conducted a hearing with only one party present and sought to hold two law enforcement officers in contempt for failing to enforce an order, even though law enforcement had confirmed with the city attorney there was no violation of the order.

8. The Commission issued a public reprimand finding Respondent's conduct violated Rules 1.1, 1.2, 1.3, 2.2, 2.5(A), 2.6(A), 2.9(A) and (C), 2.10(A), and 2.11(A).

FACTUAL ALLEGATIONS CASE NO. 23-181

9. On or about April 2, 2023, at approximately 1:50 a.m., Respondent was the subject of a traffic stop initiated by an officer (Officer) of the Somerton Police Department, Somerton, Arizona.

10. During the traffic stop, Officer observed Respondent exhibiting signs of recent alcohol consumption and symptoms of impairment.

11. During the traffic stop, Respondent stated to Officer that he was a judge and suggested that Officer should call his "Chief."

12. A blood sample was obtained from Respondent after the traffic stop.

13. Respondent's blood sample was later tested and indicated a blood alcohol concentration of .146.

14. Following the traffic stop, Respondent was cited for three separate criminal traffic offenses for driving under the influence, in Arizona Traffic Ticket and Complaint, Complaint Number 54282.

15. Respondent's Arizona Traffic Ticket and Complaint was filed in the Somerton Municipal Court, Somerton, Arizona, on April 27, 2023, and assigned case number M1442TR2023-000026.

16. On November 29, 2023, Respondent entered a plea of guilty in case M1442TR2023-000026 and was sentenced for the offense of DUI-Liquor – BAC .08 or More, a class one misdemeanor, in violation of A.R.S. § 28-1381A2.

17. Respondent's sentence included statutorily mandated fines and jail time.

FACTUAL ALLEGATIONS CASE NO. 23-474

18. Following Respondent's arrest and citation for driving under the influence, Respondent was reassigned to non-judicial duties pursuant to Arizona Supreme Court Administrative Order 23-79 issued on April 27, 2023.

19. Administrative Order 23-79 placed administrative control and oversight of Respondent's court with Presiding Yuma County Superior Court Judge David M. Haws.

20. After being assigned administrative control and oversight of the South County Justice Court, Judge Haws learned additional information about Respondent's conduct while serving as a judicial officer. Judge Haws provided this information to the Commission.

21. Respondent has routinely conducted weddings during court hours starting in 2015 and until the issuance of Administrative Order 23-79.

22. Respondent has received compensation for weddings conducted during court hours starting in 2015 and until the issuance of Administrative Order 23-79.

23. From October 5, 2022 to May 1, 2023, Respondent drove a county-owned vehicle for approximately 1,112 miles of personal travel, including regular commuting between home and work.

24. Respondent's use of the county-owned vehicle from October 5, 2022, to May 1, 2023, violated the policies of Yuma County.

25. Respondent used a Yuma County fuel credit card from October 5, 2022, to May 1, 2023, to purchase fuel for the county-owned vehicle he drove during that time.

26. Respondent charged approximately \$400.00 to the Yuma County fuel credit card for his personal use travel.

27. Respondent has not reimbursed Yuma County for the personal use fuel charges.

VIOLATIONS OF THE CODE OF JUDICIAL CONDUCT

Respondent's conduct, described above in paragraphs 9-27, violated the following provisions of the Code, the Arizona Constitution, and Arizona Law. Specifically:

28. Rule 1.1 of the Code, which states, "A judge shall comply with the law, including the Code of Judicial Conduct."

29. Rule 1.2 of the Code, which states, "A judge shall act at all times in a manner that promotes public confidence in the independence, integrity, and impartiality of the judiciary, and shall avoid impropriety or the appearance of impropriety."

30. Rule 1.3 of the Code, which states, "A judge shall not abuse the prestige of judicial office to advance the personal or economic interests of the judge or others, or allow others to do so."

31. Rule 3.1 (E), which states a judge shall not "make use of court premises, staff, stationery, equipment, or other resources, except for activities that concern the

law, the legal system, or the administration of justice, or unless such additional use is permitted by law.”

32. Rule 3.16(D), which states “A judge shall not charge or accept a fee, honorarium, gratuity, or contribution for performing a wedding ceremony during court hours.”

33. Article 6.1, Section 4 of the Arizona Constitution, which provides for the censure, suspension, or removal of a judge “for action by him that constitutes willful misconduct in office, willful and persistent failure to perform his duties, habitual intemperance or conduct prejudicial to the administration of justice that brings the judicial office into disrepute.”

REQUESTED RELIEF

WHEREFORE, Disciplinary Counsel hereby requests that a duly appointed Commission Hearing Panel find Respondent in violation of the Code and Arizona Constitution, as alleged above; recommend to the Supreme Court that Respondent be censured, suspended, or removed from judicial office; that attorney fees and costs be assessed against Respondent pursuant to Commission Rule 18(e); and that the hearing panel or court grant such other relief as it deems appropriate.

Dated this 16th day of January, 2024.

COMMISSION ON JUDICIAL CONDUCT

Ariel I. Worth
Disciplinary Counsel

A copy of this document was served on January 16, 2024, upon Respondent, via email, to:

tolin555@hotmail.com
Hon. Juan M. Guerrero
Yuma County Justice Court

A copy of this document was hand-delivered on January 16, 2024, to:

Ariel I. Worth
Disciplinary Counsel
Commission on Judicial Conduct

By: /s/ Kim Welch
Kim Welch, Commission Clerk

FILED

JAN 16 2024
ARIZONA COMMISSION ON
JUDICIAL CONDUCT

April P. Elliott (Bar # 016701)
Executive Director
Arizona Commission on Judicial Conduct
1501 West Washington Street, Suite 229
Phoenix, Arizona 85007
Telephone: (602) 452-3200
Email: *aelliott@courts.az.gov*

**STATE OF ARIZONA
COMMISSION ON JUDICIAL CONDUCT**

Inquiry concerning)	
	)	Case Nos. 23-181
Judge Juan M. Guerrero	)	23-474
Yuma County Justice Court)	
South County, Precinct 2)	
Yuma County	)	NOTICE OF INSTITUTION OF
State of Arizona	)	FORMAL PROCEEDINGS
)	
_____ Respondent.)	

To Judge Juan M. Guerrero:

You are hereby notified that the Commission on Judicial Conduct has instituted formal proceedings against you in accordance with Rule 24 of the Rules of the Commission on Judicial Conduct ("Rules") to inquire into the charges specified in the attached Statement of Charges. You are also notified that a hearing will be held before the Commission to determine whether these charges constitute grounds for judicial discipline as provided in Article 6.1, § 4, of the Arizona Constitution and the Rules.

You are further notified that:

1. Ariel I. Worth, Attorney at Law, will act as disciplinary counsel for the Commission in this matter, to gather and present evidence before the Commission on the charges.

2. You have the right, pursuant to Rule 25(a), to file a written response to the charges made against you within 15 days after personal or electronic service of this notice upon you, or within 20 days of the date this notice is mailed. An original signed copy of the response must be filed in the Commission's office by 5:00 p.m. on the required date.

3. Upon receipt of your response, or upon expiration of the time in which a response may be filed, the Commission will open and maintain a public file containing the Notice of Institution of Formal Proceedings, the Statement of Charges, and all subsequent pleadings filed with the Commission. This file and the formal hearing in this case shall be open to the public in accordance with Rule 9(a).

4. You have the right to be represented by counsel, to examine and cross-examine witnesses and to require the issuance of subpoenas for the attendance of witnesses or for the production of any evidentiary matters necessary for your defense.

Dated this 16th day of January, 2024.

COMMISSION ON JUDICIAL CONDUCT

April P. Elliott
Executive Director

A copy of this document was served on January 16, 2024, upon Respondent, via email, to:

tolin555@hotmail.com
Hon. Juan M. Guerrero
Yuma County Justice Court

A copy of this document was hand-delivered on January 16, 2024, to:

Ariel I. Worth
Disciplinary Counsel
Commission on Judicial Conduct

By: /s/ Kim Welch
Kim Welch, Commission Clerk

Ariel I. Worth (Bar # 018702)
Disciplinary Counsel
Arizona Commission on Judicial Conduct
1501 West Washington Street, Suite 229
Phoenix, Arizona 85007
Telephone: (602) 452-3200
Email: aworth@courts.az.gov

FILED

JAN 18 2024

ARIZONA COMMISSION ON
JUDICIAL CONDUCT

**STATE OF ARIZONA
COMMISSION ON JUDICIAL CONDUCT**

Inquiry concerning)	
	)	Case Nos. 23-181
Judge Juan M. Guerrero	)	23-474
Yuma County Justice Court)	
South County, Precinct 2)	
Yuma County	)	ACCEPTANCE OF SERVICE
State of Arizona)	
)	
<u>Respondent.</u>)	

I, Juan M. Guerrero, Respondent, hereby accept service of process, and understand by accepting the following documents, it is the same as if I were personally served under Arizona law:

1. Notice of Institution of Formal Proceedings
2. Statement of Charges

I understand that pursuant to Commission Rule 25, I have the right to file a formal Response or Answer to the Statement of Charges within 15 days after personal or electronic service of this notice upon me. An original signed copy of the response must be filed in the Commission's office by 5:00 p.m. on the required date.

Hon. Juan M. Guerrero
Respondent

1/19/24
Date

**SUPERIOR COURT
STATE OF ARIZONA**

Comp
12/04/23
23-474

DAVID M. HAWS
Superior Court, Division Four
Presiding Judge

YUMA COUNTY
YUMA, ARIZONA

STEPHANIE GONZALEZ
Judicial Assistant
DIANA LUNA
Bailliff

December 4, 2023

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

RE: Conduct Complaint Regarding Judge Juan Manuel Guerrero

Members of the Commission:

On April 2, 2023, at approximately 1:50 a.m., Justice of the Peace Juan Manuel Guerrero was driving a vehicle that was the subject of a traffic stop in the City of Somerton, Arizona. The Somerton Police officers involved in the traffic stop and the subsequent DUI investigation were wearing body cameras that captured the interactions between Judge Guerrero and the police. Ultimately a search warrant was obtained authorizing a blood draw from Judge Guerrero. After the blood sample was collected Judge Guerrero was released and the sample was sent to the Arizona Department of Public Safety Crime Lab ("DPS Lab") for analysis.

Analysis of the blood sample showed a blood alcohol content of .146. Because the blood draw was done almost four hours after the stop a retrograde calculation was done to estimate the blood alcohol content at the time of driving. This calculation showed a blood alcohol range from .164 to .203 at the time of driving.

After the DPS findings were received, Judge Guerrero was cited for three misdemeanor DUI offenses, Driving Under the Influence of Alcohol While Impaired to the Slightest Degree; Driving Under the Influence of Alcohol with a Blood Alcohol Content of .08 or Higher; and, Driving Under the Influence of Alcohol with a Blood Alcohol Content of .15 or Higher. A criminal prosecution for these offenses was commenced on May 1, 2023. On November 29, 2023, Judge Guerrero pled guilty to misdemeanor Driving Under the Influence of intoxicating Liquor. He was sentenced the 10 days in jail (9 days suspended), 12 months unsupervised probation, and a fine.

When Chief Justice Brutinel was informed of the criminal charges against Judge Guerrero, he issued an administrative order requiring that Judge Guerrero be re-assigned to only non-judicial duties. Because there are not any non-judicial duties for Judge Guerrero to perform, I directed Judge Guerrero to stay away from the courthouse and not perform any judicial activities until further notice. Essentially, Judge Guerrero has remained on paid leave.

The purpose of this complaint is to bring to the attention of the Commission on Judicial Conduct certain actions by Judge Guerrero, that may involve violations of the Code of Judicial Conduct. A review of the police reports and body camera footage from the traffic stop and DUI investigation shows that some of

Judge Guerrero's statements and actions during that interaction may have violated provisions of the Arizona Code of Judicial Conduct ("ACJC"). After Judge Guerrero was removed from judicial activities, Chief Justice Brutinel assigned me administrative responsibility for the South County Justice Court. In fulfilling that responsibility, I have become aware of actions and practices by Judge Guerrero that may have violated provisions of the Code of Judicial Conduct. These potential violations will be set out more fully in the body of this complaint. Further, this is the second Judicial Conduct Complaint that I have filed regarding Judge Guerrero's conduct. Complaint #2018-298 resulted in a Public Reprimand.

Conduct During the Traffic Stop and DUI Investigation:

Rule 1.3 of the Arizona Code of Judicial Conduct states: "A judge shall not abuse the prestige of judicial office to advance the personal or economic interests of the judge or others or allow others to do so." Comment 1 to Rule 1.3. States, "It is improper for a judge to use or attempt to use his or her position to gain personal advantage or deferential treatment of any kind. For example, it would be improper for a judge to allude to his or her judicial status to gain favorable treatment in encounters with traffic officials. Similarly, a judge must not use judicial letterhead to gain an advantage in conducting his or her personal business." Some of Judge Guerrero's conduct during the traffic stop and subsequent investigation may involve violations of Rule 1.3.

Judge Guerrero was contacted by Somerton Police as he drove home from the Cocopah Casino at 1:50 am on April 2, 2023. Judge Guerrero's wife was a passenger in the car at the time of the stop. All of Judge Guerrero's interactions with police were recorded by body camera. Copies of these recordings are included with this complaint. Judge Guerrero's conversations with and statements to police were made in a mixture of Spanish and English. Transcripts of these recordings, as well as Spanish to English translations of the Spanish portions of the recordings are also provided.

At the beginning of the traffic stop the officer asked Judge Guerrero where they were coming from. He responded that they were coming from the casino and that they were going home. The officer informed Judge Guerrero that he was driving forty miles per hour in a twenty-five mile an hour zone. The officer then asked if Judge Guerrero had been drinking at the casino. Judge Guerrero then responded that he had. The next comment made by Judge Guerrero was "You know who I am, no?" When the officer responded that he didn't know Judge Guerrero stated, "I'm the judge." The officer asked, "you're the judge?" Judge Guerrero responded, laughing, "Yes, man." Judge Guerrero's reference to his status as a judge could be seen as an effort to obtain some sort of consideration or preference during the traffic stop in violation of ACJC Rule 1.3.

A few minutes further into the stop the officer asked Judge Guerrero if he was willing to perform some field sobriety tests. Judge Guerrero's response was to say, "But I'm already going home, man." This seems to imply the officer should just let him go home. The officer explained that Judge Guerrero smelled strongly of alcohol. Judge Guerrero again stated, "But I'm already going home, man." The insinuation that he should be allowed to go home, after identifying himself as a judge, may be perceived as an effort to gain consideration or preferential treatment in violation of ACJC Rule 1.3.

When the officer persisted in requesting the field sobriety tests Judge Guerrero responded by saying, "Call your chief, man. Call your chief. Have the Chief come and do the tests on me.... Call Araceli." He later repeated his request that the officer call "Araceli." (Note: Araceli Juarez is the Somerton Chief of Police). The request for the officer to call the Chief of Police may be seen as an effort to use his status as a judge to gain consideration or preferential treatment during this traffic stop and investigation in violation of ACJC Rule 1.3.

Later, at the police station Judge Guerrero made the following comment to an officer who was assigned to watch over him. "Well, I don't think this is going to go well. It's a lot of resignations...This is going to be bad. Yeah, you just don't arrest a judge without having repercussions, yeah. That means I'm ...I won't be the judge anymore. That's for sure. You can't preside over people and shit and, break the law....you can't do that. You've got to have integrity. It all depends on the prosecutor, so.... Jorge is your prosecutor still?" (Note: Jorge Lozano was the Somerton City Prosecutor at that time. Mr. Lozano later recused from prosecuting this case and another, out of county, prosecutor was assigned).

Conducting Weddings for Compensation During Court Business Hours:

After receiving administrative authority for the South County Justice Court, I became aware that Judge Guerrero made a routine practice of conducting weddings for compensations during regular court business hours. ACJC Rule 3.16(D) states that "A judge shall not charge or accept a fee, honorarium, gratuity or contribution for performing a wedding ceremony during court hours." The dates and times of the weddings as well as the compensation for the weddings was documented by court staff. Some of the weddings were done at the Courthouse. For some of the weddings Judge Guerrero traveled to the State Prison in San Luis, Arizona to perform the weddings. The records indicate that Judge Guerrero performed many weddings for a fee or honorarium during court hours in violation of Rule 3.16(D)

Misuse of County Property and Money:

ACJA Rule 1.1 states "A judge shall comply with the law, including the Code of Judicial Conduct." Rule 1.2 states, "A judge shall act at all times in a manner that promotes public confidence in the independence, integrity, and impartiality of the judiciary, and shall avoid impropriety and the appearance of impropriety." Comment 1 to that rule states, "Public confidence in the judiciary is eroded by improper conduct and conduct that creates the appearance of impropriety. This applies to both the professional and personal conduct of a judge."

During a review of court operations at the South County Justice Court it became clear that Judge Guerrero used the county owned automobile assigned to the South County Justice Court for his own personal use. Personal use of a county vehicle is prohibited by county policy. Judge Guerrero also routinely used the county car to drive to and from work. Yuma County has a clear policy that only allows such use of a county vehicle if an appropriate written request is submitted, and written permission given. Judge Guerrero never made such a request and was therefore never given permission to drive the county vehicle to and from work as he did.

The county owned vehicle assigned to the South County Justice Court is equipped with GPS tracking equipment and a review of the GPS tracking history of the vehicle was performed. A detailed report of the analysis of the GPS history has been prepared and is submitted with this complaint. The history shows that from October 5, 2022, through May 1, 2023, the county owned vehicle was driven 3,473 miles for travel to and from work. The history also shows an additional 1,112 miles drive for personal use.

Additionally, there was a county fuel credit card assigned to the South County Justice Court for use with the vehicle assigned to the court. A review of the fuel purchases for that card show that approximately \$400.00 dollars was spent for miles driven to and from work or for personal use. There has thus far been no reimbursement by Judge Guerrero to the county for this money. Yuma County administration confirmed

that Judge Guerrero did not have had Board of Supervisor approval for a commuting agreement, nor has he reported any usage to Yuma County in order to determine his potential tax liability.

Conclusion:

Having become aware of potential violations of the Code of Judicial Conduct I feel that it is my responsibility to inform the Commission on Judicial Conduct of these issues so that it may make its own investigation of these matters and take whatever action they deem appropriate. I am sending the documentation that has been gathered about these issues with this letter. If I may be of any further assistance, please do not hesitate to ask.

Sincerely,


David M. Haws

Presiding Judge Yuma County Superior Court

Comp Attach 1 - flash drive

DEC 13 2023

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