

State of Arizona
COMMISSION ON JUDICIAL CONDUCT

Disposition of Complaint 21-015

Judges:

Complainant:

ORDER

April 7, 2021

The Complainant alleged three municipal court judicial officers were biased in favor of the state.

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 Roger D. Barton and Louis Frank Dominguez did not participate in the consideration of this matter.

Copies of this order were distributed to all appropriate persons on April 7, 2021.

Comp

2021-015

ARIZONA COMMISSION ON JUDICIAL CONDUCT

1501 W. WASHINGTON STREET

SUITE 229

PHOENIX, AZ 85007

ATTENTION: CHIEF COMMISSIONER OF JUDICIAL CONDUCT REVIEW

JUDICIAL COMPLAINT AGAINST _____ COURT JUDGES:

Comes Now _____ to make a Judicial Complaint against the following _____ Court
Judges: RE:

1. Judge _____ Original _____ judge over case
- 2.
- 3.

The following judges have conspired to liberally construe the defendant, _____ case above to the favor of the Plaintiff, State of Arizona. Many laws were overlooked by the judges in the handling of the case to give favor to the police officers of the State of Arizona. **All judges have showed favor and were bias to the Plaintiff, State of Arizona.** The Judges destroyed evidence for the case irregardless of their knowledge of the Defendant, _____ filing of an appeal with the _____ Court of Arizona. See Exhibit A, Judge _____ ruling on appeal. Judge _____ and or staff deleted information from the tape of the court hearing held on _____ Judge _____ stated at the hearing on _____ that the defendant, _____ had not violated any law; then why did he find the defendant responsible on the court docket. The entire hearing on _____ was so unjust until the Defendant sought an immediate appeal, timely. Thus, why did the court destroy the evidence they obtained from the

Defendant, being aware of the appeal that she filed. The court clerks mishandled the original appeal (filed timely by the Defendant,) in which the Defendant had to fight to get the appeal heard and instated in Court. The court clerks do not send the Defendant orders from the court until later (the orders or untimely sent); this is totally unacceptable and takes away the Defendant's time to respond). See Exhibit B, Court order. Judge denied the Defendant's Constitutional right to an appeal. Judge was still ruling on issues of the case after the Defendant had required his recusal from the case. Judge has denied the Defendant's right to a venue change and is uncooperative to the Defendant's financial situation (refused to give the Defendant any continuance, although the continuance was filed timely by the Defendant). decided to proceed with the hearing and give the state favor unjustly. The judge's behavior has been biased, unjust and unlawful. The judges have violated the canons listed below: (The Defendant is requiring an investigation of the matter and ask if documents are needed to request it from the Defendant as well as the court. As of, the court is known to destroy evidence when needed for review by an outside source.) EXHIBIT A & EXHIBIT C ARE ATTACHED

CANON 1. A JUDGE SHALL UPHOLD AND PROMOTE THE INDEPENDENCE, INTEGRITY, AND IMPARTIALITY OF THE JUDICIARY, AND SHALL AVOID IMPROPRIETY AND THE APPEARANCE OF IMPROPRIETY.

RULE 1.1. Compliance with the Law A judge shall comply with the law, including the Code of Judicial Conduct.

RULE 1.2. Promoting Confidence in the Judiciary 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.

RULE 1.3. Avoiding Abuse of the Prestige of Judicial Office 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.

CANON 2 A JUDGE SHALL PERFORM THE DUTIES OF JUDICIAL OFFICE IMPARTIALLY, COMPETENTLY, AND DILIGENTLY

2.1. Giving Precedence to Judicial Duties The judicial duties of a judge take precedence over all of a judge's other activities.

RULE 2.2. Impartiality and Fairness A judge shall uphold and apply the law and shall perform all duties of judicial office fairly and impartially.

RULE 2.3. Bias, Prejudice, and Harassment (A) A judge shall perform the duties of judicial office, including administrative duties, without bias or prejudice.

(B) A judge shall not, in the performance of judicial duties, by words or conduct manifest bias or prejudice, or engage in harassment, including but not limited to bias, prejudice, or harassment based upon race, sex, gender, religion, national origin, ethnicity, disability, age, sexual orientation, marital status, socioeconomic status, or political affiliation, and shall not permit court staff, court officials, or others subject to the judge's direction and control to do so.

RULE 2.4. External Influences on Judicial Conduct

(C) A judge shall not convey or permit others to convey the impression that any person or organization is in a position to influence the judge.

RULE 2.6. Ensuring the Right to Be Heard (A) A judge shall accord to every person who has a legal interest in a proceeding, or that person's lawyer, the right to be heard according to law.

Judges have the authority to make sure clerks perform their task and to make sure the defendant's constitutional right to an appeal is not denied.

EXHIBIT A

Case

Document

Filed

COURT		
STATE OF ARIZONA VS DEFENDANT	DOCKET NO.	NOTICE OF FINAL DISPOSITION OF APPEAL BY LIMITED COURT (CIVILTRAFFIC)

To the Appellant:

Pursuant to the applicable rules of procedure for civil traffic appeals, please be advised that this court has taken the following action:

The appeal having been dismissed for nonperfection, any applicable payments, bond, or deposit have been applied to the sanction. The matter is satisfied in full. You do not need to return to court.

The appeal having been dismissed for nonperfection, you are required to return in person to this court on _____ for further judicial action.

The appeal having been affirmed, any applicable payments, bond, or deposit have been applied to the sanction. The matter is satisfied in full. You do not need to return to court.

X The matter having been remanded by _____ of _____ County, reversing the judgment and sentence of the _____ Municipal Court. This case has been dismissed. No further action is necessary on this case through the _____ Court.

Other: _____

Dated: _____

EXHIBIT B

Court

Courtroom:

State of Arizona vs.	Docket Number	MOT
		MOTION

Response Date: _____

Judge: _____

Status of Request: _____

DISMISSED _____

The court has received your motion and has taken the action below:

The court grants Prosecution's motion to dismiss. No further action is needed.

By _____

Div

CO

**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.**