

State of Arizona  
COMMISSION ON JUDICIAL CONDUCT

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Disposition of Complaint 24-100

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Judge:

Complainant:

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**ORDER**

June 14, 2024

The Complainant alleged a superior court judge failed to grant his motion for a new attorney in a criminal 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 member Barbara Brown did not participate in the consideration of this matter.

Copies of this order were distributed to all appropriate persons on June 14, 2024.

**CONFIDENTIAL**

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

**FOR OFFICE USE ONLY**

2024-100

**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.

ON JUDGE I WAS TO BE BEFORE THE HONORABLE JUDGE. AT THAT TIME I BROUGHT TO HIS ATTENTION A MOTION THAT I FILED TO DISMISS COUNSEL BECAUSE COUNSEL WAS INEFFECTIVE AND ALSO IN VIOLATION OF PROFESSIONAL CONDUCT R.R. 8.4 (D) (A) AND (D). AT THIS TIME I WISHED TO PROCEED WITH MY CASE TO TRIAL AND AS I WAS TRYING TO RETAIN NEW COUNSEL JUDGE DENIED MY MOTION AND WOULD NOT GIVE NEW COUNSEL TIME TO READY FOR MY CASE AND WAS UNFAIRLY TRYING TO FORCE ME TO TRIAL WITH AN INEFFECTIVE COUNSEL. IT IS IMPROPER FOR A JUDGE TO USE HIS POSITION AGAINST THE ENTRANCE OF JUSTICE. AND TO ADD TO THE <sup>UN</sup>ETHICAL BREACH THE JUDGE AND MY ATTORNEY HAS FORCED ME TO PLEA GUILTY OR FACE THE DANGER OF CONVICTION OF MORE THAN A HUNDRED YEARS. WHERE IS THE BALANCE OF INTEGRITY AND JUDICIAL HONOR. I AM REQUESTING FOR SOME ATTENTION TO BE GIVEN TO THIS VIOLATION OF MY RIGHT TO COMPETENCY OF COUNSEL. JUDGE WITH RESPECTS WAS SUPPOSED TO TAKE OR INITIATE APPROPRIATE ACTION WHEN HE BECAME AWARE OF VIOLATIONS OF THE CODE OF ETHICS. I WOULD LIKE FOR THIS TO BE BROUGHT TO THE ATTENTION OF THE JUDICIAL COMMITTEE FOR ABUSE OF DISCRETION.

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FEB 02 2024  
I.L.S.  
DELV'D FOR FILING

IN THE SUPERIOR COURT OF THE STATE  
OF ARIZONA IN AND FOR THE COUNTY OF

STATE OF ARIZONA  
VS.

CASE NO.  
MOTION TO CHANGE  
COUNSEL

I, [Name], HERBY REQUEST THAT  
BE WITHDRAWN AS MY COUNSEL OF RECORD  
AND THAT I BE SUBSTITUTED AS MY  
ATTORNEY IN ALL FUTURE PROCEEDINGS IN THE TRIAL COURT.

TO THE HONORABLE JUDGE

I AM RESPECTFULLY REQUESTING THAT COUNSEL  
BE REPLACED IN CASE NO. CR.  
[Name] HAS VIOLATED SEVERAL RULES OF PROFESSIONAL  
CONDUCT AND BECAUSE OF HIS ACTIONS I FEEL THAT OUR  
ATTORNEY CLIENT RELATIONSHIP IS BROKEN BEYOND REPAIR  
I AM ASKING A LIST OF REASONS I WILL BE RETAINING  
NEW COUNSEL.

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## ER 8.4. MISCONDUCT

IT IS PROFESSIONAL MISCONDUCT FOR A LAWYER TO:

- (A) VIOLATE OR ATTEMPT TO VIOLATE THE RULES OF PROFESSIONAL MISCONDUCT, KNOWINGLY ASSIST OR INDUCE ANOTHER TO DO SO, OR DO SO THROUGH THE ACTS OF ANOTHER.
- (B) COMMIT A CRIMINAL ACT THAT REFLECTS ADVERSELY ON THE LAWYER'S HONESTY, TRUSTWORTHINESS OR FITNESS AS A LAWYER IN OTHER RESPECT.
- (C) ENGAGE IN CONDUCT INVOLVING DISHONESTY, FRAUD, DECEIT OR MISREPRESENTATION.
- (D) ENGAGE IN CONDUCT THAT IS PREJUDICIAL TO THE ADMINISTRATION OF JUSTICE.
- (E) STATE OR IMPLY AN ABILITY TO INFLUENCE IMPROPERLY A GOVERNMENT AGENCY OR OFFICIAL OR TO ACHIEVE RESULTS BY MEANS THAT VIOLATE THE RULE OF PROFESSIONAL CONDUCT OR OTHER LAW.
- (F) KNOWINGLY ASSIST A JUDGE OFFICER IN CONDUCT THAT IS A VIOLATION OF APPLICABLE CODE OF JUDICIAL CONDUCT OR OTHER LAW.
- (G) FILE A NOTICE OF CHANGE OF JUDGE UNDER RULE 10.2, ARIZONA RULE OF CRIMINAL PROCEDURE, FOR AN IMPROPER PURPOSE, SUCH AS OBTAINING A TRIAL DELAY OR OTHER CIRCUMSTANCES ENUMERATED IN RULE 10.2 (H)

IN THE COURSE OF REPRESENTING HIS CLIENT  
ATTORNEY

COMMIT ALONE OR WITH OTHER GOVERNMENT  
AGENCY THE ACT OF PROFESSIONAL MISCONDUCT  
IN VIOLATION OF ER 14.1(A) BY WITHHOLDING DISCOVERY  
ALONE OR WITH THE HELP OF [THE STATE]

THE DEFENDANT HAS REQUESTED THAT COUNSEL  
REQUEST DISCOVERY FROM [NAME]  
DEFENDANT HAS ALSO REQUESTED THAT COUNSEL SUBPOENA  
WITNESS THAT WILL ASSIST IN PREPARING A DEFENCE.  
MR [NAME] WOULD NOT FOLLOW-UP, OR FULFILL THESE  
REQUESTS.

IT IS CLEAR THAT THE DEFENDANT WISHED TO MOVE  
FORWARD WITH TRIAL, ON THE DATE OF [DATE]  
A LITTLE OVER A WEEK BEFORE TRIAL [NAME] TELLS  
HIS CLIENT THAT HE HAS NEW DISCOVERY IN THAT  
HE DOES NOT KNOW HOW TO PREPARE A DEFENCE  
IN MY CASE AND IS TRYING TO FORCE ME TO SIGN  
A PLEA.

(3)

**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.**