

State of Arizona  
COMMISSION ON JUDICIAL CONDUCT

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Disposition of Complaint 24-270

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Judge:

Complainant:

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**ORDER**

October 25, 2024

The Complainant alleged a justice of the peace made improper rulings.

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).

Copies of this order were distributed to all appropriate persons on October 25, 2024.

**CONFIDENTIAL**

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

**FOR OFFICE USE ONLY**

2024-270

**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.

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## Brief Statement of Facts

### Background and Context

This complaint addresses multiple instances of judicial misconduct and disability involving Judge \_\_\_\_\_, Judge \_\_\_\_\_, and Clerk \_\_\_\_\_ in \_\_\_\_\_ County, Arizona, specifically within the \_\_\_\_\_ Justice Court. The following facts outline the specific occurrences that form the basis of the allegations.

### Instances of Misconduct

1. Mislabeling of Judicial Documents by Judge \_\_\_\_\_:
  - What Happened: Judge \_\_\_\_\_ has been mislabeling judicial documents, issuing orders in emails while recording them as notices in the docket. This practice creates confusion and obscures the legally binding nature of certain directives.
  - When and Where: This has been observed in the case \_\_\_\_\_, particularly around the dates of \_\_\_\_\_, and \_\_\_\_\_.
  - Impact: This mislabeling misleads defendants and attorneys, potentially causing prejudice by making it unclear which directives must be legally followed. Such actions undermine the due process rights of defendants and violate judicial ethics.
2. Improper Filings and Delays by Judge \_\_\_\_\_ and Clerk \_\_\_\_\_:
  - What Happened: Judge \_\_\_\_\_ and Clerk \_\_\_\_\_ were involved in the improper handling and intentional delay of subpoena filings. Despite timely submissions by the defendant, there were significant delays in processing and filing these subpoenas.
  - When and Where: These incidents occurred during the proceedings in \_\_\_\_\_ Justice Court, particularly impacting the timeline and scheduling of the defendant's hearings.
  - Impact: The delays were then unjustly blamed on \_\_\_\_\_ by Judge \_\_\_\_\_, who subsequently denied \_\_\_\_\_ request for a telephonic hearing. This request was based on \_\_\_\_\_ medical condition, as he was diagnosed with \_\_\_\_\_ and required accommodations to participate in the hearing.
3. Denial of Telephonic Hearing Request Due to Medical Condition:
  - What Happened: \_\_\_\_\_ requested to participate in a hearing telephonically due to his diagnosis of \_\_\_\_\_, which significantly impaired his ability to attend in person.
  - When and Where: The request was made for hearings scheduled around \_\_\_\_\_, and earlier in the year during the proceedings of the case in \_\_\_\_\_ Justice Court.

- Impact: Judge [redacted] denial of this reasonable accommodation request, without valid justification, violated [redacted] rights under the Americans with Disabilities Act (ADA) and further compounded the undue hardship he was experiencing due to the mismanagement of his case.

#### 4. Neglect of Road Maintenance Contributions by [redacted] :

- What Happened: The roads in question, cited in the case against [redacted], would not be drivable if it were not for [redacted] efforts. He is the only person maintaining these roads, and they are primarily used by him for this purpose.

- When and Where: This has been ongoing within the [redacted] subdivision, where [redacted] has dedicated significant time and resources to maintain the roads.

- Impact: Despite his contributions, [redacted] faces charges related to obstructing public thoroughfares, even though the roads would be otherwise impassable without his maintenance work. This situation highlights the inconsistency and potential bias in the application of local laws and regulations.

#### 5. Ignoring the 180-Day Speedy Trial Rule:

- What Happened: Under Arizona Rule of Criminal Procedure 8.2, a defendant who is not in custody must be brought to trial within 180 days of arraignment. This rule ensures the defendant's right to a speedy trial.

- When and Where: This rule has been ignored in [redacted] case ( [redacted] ). The case has far exceeded the 180-day limit without valid justification or necessary exceptions.

- Impact: The prolonged delay causes significant undue hardship to [redacted], especially considering his disability and recovery from [redacted] surgery. The disregard for the 180-day rule is a clear violation of his constitutional rights to a speedy trial.

#### Legal and Ethical Violations

- Due Process Violations: The aforementioned actions constitute a breach of due process rights, guaranteed under the Fourteenth Amendment of the U.S. Constitution, by creating confusion and obstructing the defendant's ability to adequately prepare and participate in his defense.

- Judicial Ethics Violations: The behavior exhibited by Judges [redacted] and [redacted], and Clerk [redacted], violates ethical standards outlined in the Arizona Code of Judicial Conduct, which mandates impartiality, transparency, and fairness in judicial proceedings.

- ADA Violations: The denial of reasonable accommodations for [redacted] medical condition violates the Americans with Disabilities Act, which requires courts to provide necessary accommodations to ensure equal participation in legal proceedings.

#### Request for Investigation

Given the pattern of behavior and the impact on [redacted] legal proceedings and personal wellbeing, it is imperative that an investigation is conducted into the actions of Judges [redacted] and [redacted], and Clerk [redacted]. Their conduct appears to be not only unethical but also potentially illegal, warranting scrutiny and appropriate disciplinary action.

Attachments include:

- Medical documentation of diagnosis and need for accommodations.
- Docket entries and communications demonstrating the mislabeling of orders and notices.
- Evidence of delayed and improper filings by Clerk .

This complaint seeks to address the misconduct and ensure accountability within the County judicial system to prevent further harm to defendants.

**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.**