

State of Arizona
COMMISSION ON JUDICIAL CONDUCT

Disposition of Complaint 24-358

Judge:

Complainant:

ORDER

November 22, 2024

The Complainant alleged a superior court judge improperly denied his motions for new counsel in a criminal matter.

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 November 22, 2024.

CONFIDENTIAL

Arizona Commission on Judicial Conduct

1501 W. Washington Street, Suite 229

Phoenix, Arizona 85007

COMPLAINT AGAINST A JUDGE

Name:

Judge Name:

My name is _____, my case number is _____. My case is
being heard by Judge _____ of _____ County, _____ Court.

Judge _____ has, in my opinion, proven an incapability to be fair
and or impartial when dealing my case. _____ has shown
extreme prejudice when it comes to my case and myself. He (_____)
has refused to remove attorney _____ from my case. And the
manner in which he has conducted himself in said matter is nothing
short of prejudice. Please allow me a moment to lay out the way the
events unfolded and why I feel _____ performance is prejudice.

In order to do so and do it properly I must start with
_____ was assigned to me by the courts on or around
_____, and I has never been on the same page nor able to agree
on anything. The situation became so heated that _____ has
even had an episode where he has yelled at me. This is a fact that
_____ has admitted to be true to the

I have wrote them twice in regards to _____, though I'm
still waiting for a responses from the _____ for the second
complaint. I will attach a copy of there first response to this complaint.
Taking a step back, please not that when _____ had yelled

at me, on or around _____, I had then asked him to remove himself from my case. _____ said in return that he refuses to remove himself from my case. So I asked how do I have him removed from my case. He said in return that it was something I would have to figure out for myself. And I did figure out that I would have to write a motion to change counsel. This motion would have to be sent through Inmate Legal Services. But knowing that was only half the battle, I still had no clue how to write a motion nor did I know if it would be sent to judge _____ considering Inmate Legal Services will not file any motions for an inmate if the inmate has an attorney. Turns out a motion for change of counsel is an exception. I was only made aware of this by trial and error. I sent Inmate Legal Services a motion on _____ that was delivered on _____ to the courts. A copy of the motion was sent to the County attorney _____, my attorney _____, and myself. This motion was woefully short and lacked any presence of legal know how. But it assured me that at the very least I had figured out how to send the motion. On _____ I sent a much better motion complete with memorandum of points and authorities. I will send copies of both of these motions. Judge _____ denied reviewing my motion from _____ and refused to remove _____ from my case. In fact, all three of them; _____ and _____ denied having reviewed said motion. Giving me the impression that it was the three of them against me. One of the many reasons I want new counsel was because _____ refuses to file any motions at all on my behalf and _____

has allowed _____ to neglect my case and have shown he supports such perjury. _____ will not even file a motion to reduce bond. My only way to get away from _____ was to waive counsel, so I thought. Yet Judge _____ is, for some odd reason, making him my advisory counsel. I advised Judge _____ that I didn't want to be Pro Pre, that I only wanted new counsel yet he made it clear that either it was _____ as my counsel or myself. And even if I choose it to be myself that _____ will still be my advisory counsel. I'm set for trial on _____ yet I haven't fought my case in any way, only my appointed attorney and assigned judge. I just don't know why judge _____ is forcing _____ on my case.

Dated: _____

~~_____~~

I.L.S.
DELY'D FOR FILING

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4
5 COURT OF THE STATE OF ARIZONA
6 AND FOR THE COUNTY OF

7
8 STATE OF ARIZONA, CASE NO.

9 Plaintiff,

10 V

Motion of APPOINTMENT OF
NEW COUNSEL

11
12 Defendant,

13 Pursuant to Rule 6.3(c) of the Arizona Rules of Criminal Procedure

14 I, _____ requests that this court allow my present attorney

15 to withdraw and request that this court appoint counsel

16 to represent me in aboved numbered cause for the reason that

17 a genuine irrecomilable conflict exists between me and my

18 attorney. _____ has violated my A.R.S.

19 Const. Article II Declaration of Rights and A.R.S. Sup.

20 Duties and Obligations Rule 41(b)(5)(A)(2)(b), Rule 42 E.R.

21 1.2(c),(d) 1.3, 1.4 and 1.7. There is a total breakdown in

22 communications. This motion is based on the following

23 memorandum of points and authorities.

24

25 Dated this:

26

27 Defendant,

28

1 MEMORANDUM OF POINTS AND AUTHORITIES

2 The Arizona Court has held that a trial court
3 should appoint new counsel when it determines that
4 either a genuine irreconcilable conflict exists between
5 the defendant and the attorney, or there is a total
6 breakdown in communication between the defendant
7 and attorney. State V. Torres, 208 ARIZ. 340, 93 P.3d
8 1056, 99-15-18 (2004) in order for the trial court to exercise
9 proper discretion in determining whether to substitute
10 the trial court should consider (1) reason for the request
11 (2) the quality of present counsel (3) the defendant's
12 proclivity to substitute counsel (4) the disruption and delay
13 expected in the proceeding and (5) whether new counsel
14 would be confronted with the same conflict. Defendant
15 therefore request that this court appoint counsel to
16 represent me in aboved numbered cause.

17

18 RESPECTFULLY SUBMITTED this

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21 Defendant.

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**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.**