

State of Arizona  
COMMISSION ON JUDICIAL CONDUCT

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Disposition of Complaint 25-114

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Judge:

Complainant:

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**ORDER**

June 10, 2025

The Complainant alleged a pro tem justice of the peace improperly issued a warrant 20 months after the failure to appear in court on a traffic ticket.

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 Denise K. Aguilar and Scott H. O'Connor did not participate in the consideration of this matter.

Copies of this order were distributed to all appropriate persons on June 10, 2025.

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Comp

Email:

25-114

Work Email:

Phone:

Date:

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

\*\*Re: Formal Complaint Against Judge \_\_\_\_\_, Pro Tempore, \_\_\_\_\_,  
County, Arizona, \_\_\_\_\_\*\*

Dear Members of the Commission,

#### **\*\*I. INTRODUCTION AND BACKGROUND\*\***

1. **\*\*Citation Issued\*\***: On \_\_\_\_\_, I received an electronic citation for a speeding violation, which required my presence in court on \_\_\_\_\_. This citation marked the beginning of a protracted legal ordeal that has been marred by systemic failures and judicial negligence, significantly impacting my personal and professional life. The use of electronic communication to issue the citation highlights the court's ability to operate electronically; however, the lack of subsequent communication reveals a troubling inconsistency that undermines the judicial process and raises serious concerns about the court's commitment to transparency and procedural fairness.

2. **\*\*Hearing Mandate\*\***: The citation I received was accompanied by a mandate to attend a court hearing, a procedure that is standard in ensuring accountability and due process. Unfortunately, due to unforeseen personal circumstances, I was unable to attend the scheduled hearing. This absence was not due to neglect but was necessitated by an urgent family commitment that required my immediate attention. Despite my inability to attend, the court's decision to proceed with punitive measures without attempting to engage or communicate with me reflects a fundamental breach of procedural justice and accountability. The court's failure to acknowledge or accommodate my case exacerbates an already unjust scenario, further eroding my trust in the judicial system.

3. **\*\*Communication Breakdown\*\***: For over \_\_\_\_\_ months following the missed court date, there was a complete absence of communication from the court regarding any developments in my case. This prolonged silence exemplifies a systemic breakdown in procedural responsibility and judicial accountability, depriving me of my right to a fair process. The absence of communication is unacceptable in any judicial context, as it undermines the foundational principles of transparency and accountability that should govern judicial proceedings. This lack of

engagement has left me vulnerable and undermined my ability to effectively address the allegations, raising serious concerns about the court's commitment to upholding the rights of individuals and maintaining the integrity of the judicial process.

4. **\*\*Warrant Issuance\*\***: The issuance of an arrest warrant months after the alleged citation and months after the missed hearing highlights a significant breach of due process and judicial propriety. This unilateral decision, devoid of new evidence or prosecutorial input, exemplifies an arbitrary exercise of power that is contrary to the principles of justice. Such actions raise substantial concerns about the integrity and fairness of the judicial proceedings involved. The decision not only questions the validity of the warrant itself but also undermines the integrity of the judicial process. Immediate scrutiny and accountability are warranted to address this arbitrary action and prevent further miscarriages of justice.

## **\*\*II. LEGAL FRAMEWORK AND RIGHTS VIOLATIONS\*\***

5. **\*\*Constitutional Rights Violations\*\***: Under the Fourteenth Amendment of the United States Constitution, I am entitled to due process and equal protection under the law. These fundamental rights have been flagrantly disregarded throughout the handling of my case, as evidenced by the court's actions and omissions. The failure to adhere to these constitutional protections calls into question the very framework of justice that the court is supposed to uphold. Such disregard not only undermines my individual case but also sets a dangerous precedent for the treatment of others within the judicial system. It is crucial that the Commission acknowledges the gravity of these violations and takes decisive action to address them, ensuring that the principles of due process and equal protection are upheld.

6. **\*\*Statutory Violations\*\***: The failure to initiate prosecution within the statute of limitations, as mandated by A.R.S. § 28-1592, which stipulates that "[e]xcept as otherwise provided by law, a prosecution for a misdemeanor shall be commenced within one year after actual discovery by the state or the political subdivision having jurisdiction of the offense," constitutes a direct violation of statutory law. The legal definition of "commence" involves the active initiation of prosecution, which has not occurred within the required timeframe. This oversight underscores the court's disregard for legal timelines and procedural requirements, further compounded by the absence of any adversarial prosecution or new evidence. Given that there was no prosecutor involved in this case, it raises the critical question of whether the judge is improperly assuming prosecutorial duties by acting in a role that is traditionally reserved for the prosecution. The lack of a prosecutorial adversary, which is vital for fair adjudication, highlights a systemic failure within the judicial process. This disregard for statutory limitations not only invalidates the proceedings but also erodes public confidence in the rule of law.

7. **\*\*Trial Rights Violations\*\***: My right to a speedy trial, protected under the Sixth Amendment, has been severely compromised by the protracted delay and lack of prosecutorial action. The absence of any prosecutorial adversary or new evidence exacerbates this violation, as there has been no active pursuit of justice or a fair trial. The right to a speedy trial is a fundamental safeguard against arbitrary detention and ensures that justice is served promptly and fairly. The

court's failure to uphold this right reflects a profound neglect of its duties and responsibilities, impacting both my personal rights and the integrity of the judicial system. It is imperative that the Commission intervenes to address these violations and restore the integrity of the legal process.

### **\*\*III. SPECIFIC VIOLATIONS, NOT LIMITED TO THE ARIZONA CODE OF JUDICIAL CONDUCT\*\***

1. **\*\*Violation of A.R.S. § 28-1592 (Statutory Violation)\*\***: The court failed to initiate prosecution within the one-year statute of limitations for misdemeanors as mandated by A.R.S. § 28-1592, which states that prosecution must commence within one year after the state discovers the offense. This statutory requirement is designed to protect defendants from indefinite legal jeopardy and to ensure timely resolution of cases. The court's inaction and the subsequent issuance of a warrant months after the citation not only disregard this critical legal timeline but also infringe upon my right to a fair trial, leaving me vulnerable to unwarranted penalties.

\*Note: This violation highlights a severe disregard for established legal protocols that are essential for ensuring fairness and accountability within the judicial system. The failure to adhere to such timelines erodes public trust and undermines the integrity of the legal process.\*

2. **\*\*Violation of Due Process (Fourteenth Amendment)\*\***: The actions taken by the court, particularly the issuance of a warrant without sufficient evidence or adherence to legal timelines, constitute a violation of my right to due process as guaranteed by the Fourteenth Amendment. Due process requires that individuals be given a fair opportunity to contest accusations against them, which includes timely notification and the opportunity to be heard in court. The court's failure to communicate or provide a means for me to address the allegations has compromised my ability to defend myself effectively.

\*Note: This violation reflects a fundamental failure to uphold the principles of justice and fairness, which are cornerstones of a functional legal system. When due process is disregarded, it not only affects the individual case but also sets a dangerous precedent that can impact others within the judicial system.\*

3. **\*\*Judicial Misconduct (Canon 1, Rule 1.1)\*\***: Judge [redacted] issuance of a warrant without sufficient evidence and her handling of my case illustrate a violation of her duty to act impartially and uphold the integrity of the judicial process as outlined in Canon 1, Rule 1.1. This rule emphasizes that a judge must maintain the independence of the judiciary and ensure that justice is administered fairly. By acting without the necessary evidentiary support and failing to follow legal standards, Judge [redacted] has not only compromised my rights but also the credibility of the judicial system as a whole.

\*Note: Such misconduct undermines public confidence in the judiciary and raises serious questions about the ethical standards to which judges are held. Judicial authority must be

exercised with caution and respect for the rule of law, and failure to do so risks the erosion of trust in the entire legal framework.\*

4. **\*\*Contempt of Court (A.R.S. § 12-261)\*\***: The officer's failure to present credible evidence to support the allegations against me may constitute contempt of court, as outlined in A.R.S. § 12-261, which defines contempt as actions or omissions that interfere with the court's ability to administer justice. An officer's duty includes the responsibility to substantiate claims with proper evidence; the absence of such evidence not only disrespects the court but also undermines the foundational expectation that the prosecution will present a valid case.

\*Note: This lapse not only calls into question the validity of the charges but also reflects poorly on the overall integrity of the judicial process. When law enforcement fails to uphold their responsibilities, it disrupts the balance of justice and damages public trust in legal proceedings.\*

5. **\*\*Contempt of Court by Judge (A.R.S. § 12-261)\*\***: Judge failure to act in a timely and appropriate manner regarding the issuance of the warrant and the handling of my case signifies contempt of court, as it demonstrates a neglect of her judicial duties. The expectation is that judges will manage cases diligently and ensure that all legal procedures are followed to uphold the rights of defendants.

\*Note: Such actions not only undermine the judicial system's integrity but also contribute to a broader pattern of negligence that can result in significant miscarriages of justice. When judges fail to adhere to their responsibilities, it can have far-reaching implications for the individuals affected and the public's perception of the legal system.\*

6. **\*\*Failure to Maintain Judicial Integrity (Canon 2, Rule 2.1)\*\***: The systemic failures observed within the judicial office, such as the lack of timely prosecution and the absence of communication, illustrate a breach of the duty to maintain the integrity of the judicial process as emphasized in Canon 2, Rule 2.1. This rule mandates that judges uphold the integrity of the judiciary and ensure that its operations are conducted fairly and transparently.

\*Note: The cumulative nature of these failures points to an urgent need for accountability and reform within the judicial system. Without such measures, public trust is eroded, and the very foundation of justice becomes compromised.\*

7. **\*\*Potential for Bias (Canon 2, Rule 2.4)\*\***: Allowing Judge to remain in her position during the investigation into her actions poses a significant risk of perceived bias, as outlined in Canon 2, Rule 2.4. This rule highlights the importance of avoiding situations that may create an appearance of impropriety or bias in judicial proceedings.

\*Note: The integrity of judicial proceedings relies heavily on the perception of impartiality. If a judge who is under investigation continues to preside over cases, it can lead to a loss of public confidence in the fairness of those proceedings and in the judicial system overall.\*

These specific violations highlight a pattern of conduct that undermines the integrity of the judicial process and necessitates immediate examination and action by the Commission.

#### **\*\*IV. INCOMPETENCE OF JUDGE AND SYSTEMIC FAILURES\*\***

**\*\*Judicial Misconduct\*\***: Judicial immunity, which typically shields judges from liability, does not apply when actions are taken under the "color of law" in violation of 42 U.S.C. § 1983. Judge [redacted] egregious conduct, marked by the issuance of a warrant without due process, months after the alleged citation and beyond her jurisdiction, constitutes a blatant misuse of judicial power. This unwarranted action reflects a gross dereliction of duty and signifies a troubling abuse of authority, undermining the very foundations of our legal system.

Her issuance of a warrant in such a manner not only disregards the established legal timelines but also fails to consider the absence of any prosecutorial engagement, which is essential for a fair judicial process. By acting unilaterally and without the necessary procedural safeguards, Judge [redacted] has compromised the integrity of the legal proceedings, further eroding public trust in the judiciary.

These actions fall far outside the protective scope of judicial immunity and demand rigorous scrutiny and accountability. The principles of justice unequivocally require that judicial actions be subject to review, particularly when they infringe upon the rights of individuals and compromise the integrity of the legal process. It is imperative that the Commission acknowledges the severity of these actions and takes decisive measures to address them, ensuring that judicial power is exercised with the utmost responsibility and fairness. The lack of accountability for such behavior not only endangers individual rights but also poses a significant threat to the rule of law and the public's confidence in the judicial system.

9. **\*\*Competence Concerns\*\***: Judge [redacted] extensive tenure as a pro tempore judge, despite lacking a formal legal education, raises significant concerns regarding her competence to adjudicate cases fairly and justly. Her reliance on court certifications, without the robust foundation of a legal education, manifests in her inability to adhere to fundamental legal principles. The issuance of an arrest warrant without further evidence or testimony from the issuing officer, witnesses, or any prosecutorial entity demonstrates a gross oversight and lack of due diligence. Such actions not only reflect incompetence but also erode public confidence in the judiciary. Her unilateral actions, devoid of the checks and balances provided by an adversarial system, highlight a significant flaw in the judicial process. The Commission must assess her competence under the bench to ensure that judicial standards are met and that justice is administered with integrity and fairness.

10. **\*\*Systemic Failures\*\***: The incompetence of the issuing officer and the prosecutor further exacerbates the procedural deficiencies in my case. The officer's failure to provide additional evidence or testimony following the issuance of the citation reflects a lack of diligence and accountability. The absence of prosecutorial engagement, which is critical for the fair adjudication of any case, underscores a systemic failure within the judicial process. The lack of

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