

State of Arizona  
COMMISSION ON JUDICIAL CONDUCT

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Disposition of Complaint 25-508

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Judge:

Complainant:

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**ORDER**

January 23, 2026

The Complainant alleged a superior court judge was biased and acted as an advocate for the prosecution 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 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 Michael J. Brown and Colleen E. Concannon did not participate in the consideration of this matter.

Copies of this order were distributed to all appropriate persons on January 23, 2026.

**CONFIDENTIAL**

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

**FOR OFFICE USE ONLY**

2025-508

**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.

SEE ATTACH

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COMPLAINT AGAINST A JUDGE

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The **judge** was the one who *initiated* or *invited* the prosecutor to amend the charges, that is **not just irregular** — it crosses straight into **judicial misconduct and due-process violation territory**.

## 1. The Key Fact

The **judge** — not the prosecutor — suggested or invited an amendment to the complaint.

That's what makes this serious.

A judge's duty is to **remain neutral and detached**. By prompting the prosecutor to "fix" or "strengthen" their case, the judge effectively stepped out of the judicial role and into the role of an **advocate** — which violates both **constitutional due process** and **judicial ethics**.

## 2. Why It's Legally Improper (and Potentially Illegal)

### A. Due Process Violation — Fourteenth Amendment

A criminal defendant is entitled to an **impartial tribunal**.

- **Tumey v. Ohio**, 273 U.S. 510 (1927) — a judge who acts with partiality violates due process.
- **In re Murchison**, 349 U.S. 133 (1955) — "A fair trial in a fair tribunal is a basic requirement of due process."

By *suggesting* or *facilitating* an amendment, the judge abandoned neutrality and became part of the prosecution's strategy. That creates an **appearance of bias** that automatically taints the proceeding.

### B. Violation of Arizona Rules

Rule 5.4(b), Ariz. R. Crim. P.

The *prosecutor* may move to amend a complaint *to conform to the evidence*.  
The *court* may permit it **only if** the defendant's substantial rights are not prejudiced.

Nowhere does the rule authorize the *judge* to **initiate** or **propose** an amendment. That means the judge **acted outside the scope of Rule 5.4(b)** — an *ultra vires* act (beyond judicial authority).

### C. Judicial Ethics — Arizona Code of Judicial Conduct

Canon	Rule	What It Says
Canon 1	Rule 1.2	A judge must act to promote confidence in the judicial integrity, and impartiality.

Canon 2

Rule 2.2

A judge shall uphold and fairly and impartially.

Canon 2

Rule 2.3(B)

A judge shall not permit f prejudice.

Canon 2

Rule 2.6(A)

A judge shall not assist o detriment of another.

By suggesting the amendment, the judge violated all of these — and created a record that could support a **Judicial Conduct Commission** complaint.



### 3. The Proper Legal Response



#### Step 1 — Defense Objection (already done)

Her attorney correctly said, “

He preserved the issue for appeal or special action.



#### Step 2 — Motion to Reconsider Preliminary Finding

Filed in Superior Court under **Rule 5.4(d)** and **Rule 16.1(c)**:

“The court acted outside the limits of **Rule 5.4(b)** by initiating amendment of the complaint, prejudicing the defendant’s right to an impartial adjudicator.”



#### Step 3 — Request for Reassignment or Recusal

Cite **Rule 10.1(a)**, **Ariz. R. Crim. P.**

“A party may file a motion to change judge based on cause, including bias or prejudice.

#### JUDICIAL MISCONDUCT COMPLAINT

Respondent:

Bar #

County Justice Court

Date of Hearing:

Case:

At my preliminary hearing, the presiding judge asked the prosecutor whether he wished to amend the criminal complaint to conform to evidence just presented. The prosecutor had not moved for any amendment.

By initiating and inviting the State to amend, the judge acted as an advocate for the prosecution and compromised judicial neutrality, contrary to **Rule 5.4(b)**, **Arizona Rules of**

**Criminal Procedure, and Canons 1.2, 2.2, and 2.3 of the Arizona Code of Judicial Conduct.**

This conduct created an appearance of bias and deprived me of the fair and impartial tribunal guaranteed by the **Fourteenth Amendment** to the U.S. Constitution and **Article 2, § 4** of the Arizona Constitution.

**I respectfully request that the Commission investigate this incident for improper judicial intervention and bias.**