

State of Arizona
COMMISSION ON JUDICIAL CONDUCT

Disposition of Complaint 16-278

Judge:

Complainant:

ORDER

The complainant alleged a superior court judge allowed the court clerk to disregard an order to provide her with copies of various documents, acquiesced in the clerk's demand that she pay the costs of copies when she was entitled to receive them free of charge, and overlooked other irregularities in her case.

The responsibility of the Commission on Judicial Conduct is to impartially determine if the judge engaged in conduct that violated the provisions of Article 6.1 of the Arizona Constitution or the Code of Judicial Conduct and, if so, to take appropriate disciplinary action. The purpose and authority of the commission is limited to this mission.

After review, the commission found no evidence of ethical misconduct and concluded that the judge did not violate the Code in this case. Accordingly, the complaint is dismissed in its entirety, pursuant to Rules 16(a) and 23(a).

Commission member Gus Aragón did not participate in the consideration of this matter.

Dated: November 23, 2016

FOR THE COMMISSION

/s/ George A. Riemer

George A. Riemer
Executive Director

Copies of this order were mailed to the complainant and the judge on November 23, 2016.

This order may not be used as a basis for disqualification of a judge.

Comp

2016-278

Arizona Commission on
Judicial Conduct (ACOJC)
1501 W. Washington Street
Suite 229
Phoenix AZ 85007

RE:

Arizona

To ACOJC:

Please allow this letter to serve as a formal
complaint against the
Arizona and its agents.

I am a pro se defendant in
Court Case no.

The Case is

Pending before the Honorable

in

of the aforementioned court.

This Complaint alleges and requests for
the investigation of the following matters

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2016-278

1. The Clerk failed to obey an order by the Court which obstructed the administration of justice
2. An act that violated the Arizona Constitution Article 2 § 24
3. Failing to file documents when received
4. Failure to act when made aware of misconduct and prejudicial practices
5. Failure to accurately record proceedings

1. FAILURE TO OBEY COURT ORDER

On _____, a Status Conference was held in Case no _____ in _____ of the _____ in _____ Arizona. The Court ordered the Clerk to provide Defendant with copies of all documents filed in her case from _____ to present at no cost to defendant. The Court further ordered that all minute entries be served upon defendant. I am housed at the _____ . The mail is sent by "pony mail" which takes approximately two days for delivery of legal mail. Ten days after the order, _____, I had not received the minute order or copies of _____

the file as ordered. Because my rule 8 time was quickly approaching and I needed the documents to prepare Pre-trial motions, I sent a letter to the Clerk inquiring as to both. Attached hereto and marked as Exhibit is the letter to the Clerk dated

Although the Court ordered I be served with the minute order I was not included on its service list. Please request minute order from evidencing the Court order in case no. As to date, I

have not received copies of all documents filed after in my case or the minute order as ordered by the Court. At the time of the order there were days left in my rule 8 time. Such a failure to abide by the Court order is prejudicial to defendant and causes undue delay which ultimately obstructs the administration of justice.

2. VIOLATION OF ARTICLE II § 24

on , I wrote to the clerk of the Court as a Pro se defendant requesting for a copy of my file. Pursuant to Article 2 § 24 of the Constitution of Arizona

"Rights of Accused in Criminal Prosecutions In Criminal prosecutions, the accused shall have the right to appear and defend in person, and by counsel to demand the nature and cause of accusation against him, to have a copy thereof... and in no instance shall any accused person before final judgment be compelled to advance money or fees to secure the rights herein guaranteed."

, deputy clerk responded to my request on requesting that I submit payment for copies of my case file in my criminal matter in violation of Article 2 § 24 of the Arizona Constitution. Attached hereto and marked as Exhibit is my request and the Court's response.

3. FAILING TO FILE DOCUMENTS WHEN RECEIVE

Defendant submitted documents to the Court and they weren't promptly filed. on , I submitted my 15.2 Disclosure via pony mail service. The mail would have gone out on , however it was not filed with the Court until . Attached hereto and marked as Exhibit is the date stamped face page and the signature page indicating the date it was submitted.

Also Defendant submitted a Request for Production of documents on . However the

Court never returned to me Confirmed Copies. I still don't know if the document was filed.

4. FAILURE TO ACT

The Hon. _____ failed to act when misconduct and prejudicial conduct was revealed to the Court on _____ my case was reassigned to _____ in accordance to Arizona Rules of Criminal Procedure, Rule 6.2 and 6.3(b).

on _____ withdrew from my case violating Arizona Rules of Criminal Procedure, rule 6.3 (b) "Duty of Continuing representation". Although, represented me in the capacity of Advisory Counsel, he still needed the Court to permit such a reassignment of Counsel. Attached hereto and marked as Exhibit _____ and _____ are letters showing the change of legal representation.

I submitted an objection directly to _____ of the _____ (please see "Objection to Reassignment of Advisory Counsel" filed _____). I told the Court that such a reassignment disrupted the orderly processing

**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.**