

State of Arizona
COMMISSION ON JUDICIAL CONDUCT

Disposition of Complaint 17-042

Judge:

Complainant:

ORDER

The complainant alleged a pro tem justice of the peace violated her rights and had poor demeanor. Another justice of the peace was present in the courtroom during the complainant's appearance before the pro tem justice of the peace.

The responsibility of the Commission on Judicial Conduct is to impartially determine if the judges 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.

The commission does not have jurisdiction to review the legal sufficiency of the pro tem justice of the peace's rulings. In addition, the commission found no evidence of ethical misconduct and concluded that the judges 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 members Art Hinshaw, Roger D. Barton and Margaret H. Downie did not participate in the consideration of this matter.

Dated: August 15, 2017

FOR THE COMMISSION

/s/ George A. Riemer

George A. Riemer

Executive Director

Copies of this order were distributed to all appropriate persons on August 15, 2017.

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

CONFIDENTIAL

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

FOR OFFICE USE ONLY

2017-042

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.

I am not _____ so please be patient with my choice of words and or description of events .
This complaint is regarding _____ with the _____
I will provide the information as I remember.
I do not have a list of witnesses. However, it was explained to me the proceedings were recorded.
I am aware this letter will not change the outcome of my case.

I had a Sentencing. During this hearing, the sentencing was NEVER discussed. The only facts discussed were:

- A) I was waiting for a decision on my Attorneys Motion for my rights to Pro Per Petition PCR (attachment 1) and the Motion for Reconsideration (attachment 2).
- B) I stated that I was NOT comfortable proceeding without an attorney several times.
- C) The Judge explained _____ would schedule a Status Review and I could speak with a Public Defender at that time.

When I left court on _____ it was my understanding that I would come back and speak with an attorney (Public Defender). I was later notified via mail of my Status Review set for _____

I made contact with _____ regarding the status review set for _____ and the fact that no attorney had been assigned to my case. I expressed my hesitation and fears of not having an attorney. _____ advised me that _____ spoke to _____ and _____ said _____ was no longer assigned to my case, due to the fact I chose to go Pro Per, and was given to complete the PCR. This was NOT explained to me at anytime. In fact, _____ extended services to remain as counsel for advisement only. Had either of us been notified I would have taken advantage of my rights and been _____ into my PCR preparation.

On _____ I had a _____ asked me several questions regarding _____ asked why _____ was taken off the case, if _____ was still my attorney or if he was just helping me out. I told him I attempted to complete the Motion for the Pro Per Petition. I also expressed to the judge several times, that I was not comfortable trying to explain all this and that I wanted an attorney. _____ told me I should have hired an attorney. I told _____ I thought this was a status review, and _____ said this is your status review for your sentencing. I asked about having my sentencing attorney reassigned and _____ told me I was out of options. I immediately expressed to _____ and _____ that I was not comfortable talking to them without my attorney. _____ told me I did not have an attorney and asked me questions about _____ (my most recent attorney). I explained I was not sure what _____ was asking or what I was supposed to say, and for that reason, stated I should not have been there without council. .

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_____ responded with “
_____,” and “_____.” These are only a few of _____ statements regarding my not
having an attorney. _____ disregarded any attempts I made to explain my understanding of
what was taking place. _____ made several references to the fact that I was dragging out my
case. I tried to explain the reason I wanted the Pro Per PCR. _____ told me _____ was denying the motion.
then instructed me to get my calendar and chose the day I wanted to serve my jail time. _____ told me to
have a seat and _____ would get to me after _____ was finished.

I am confident once you review the recordings, you will hear my confusion and fears. In addition you will
hear the number of times I expressed the fact that I wanted an Attorney. At NO time have I been told a
Public Defender was no longer offered and I must hire a private attorney. It is obvious from the lengthy
time between my arrest and trial that my case is complex. I have not exhausted all of my options, as
stated, as I could have hired a private attorney. Had I known what was going to take place
on _____ I could have made that decision. The fact I was denied counsel and treated so
unprofessionally is why I feel the need to file this complaint.