

State of Arizona  
COMMISSION ON JUDICIAL CONDUCT

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Disposition of Complaint 20-141

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Judge:

Complainant:

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**ORDER**

September 15, 2020

The Complainant alleged a superior court judge violated Rules 1.1, 1.2, 2.2, 2.3, 2.6, and 2.11 of the Code.

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 Gus Aragón and Joseph C. Kreamer did not participate in the consideration of this matter.

Copies of this order were distributed to all appropriate persons on September 15, 2020.

**CONFIDENTIAL**

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

**FOR OFFICE USE ONLY**

2020-141

**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 ATTACHED AND EXHIBITS 1 AND 2.

EXHIBIT 1 - TRANSCRIPTS FROM IN  
JUDGE COURTROOM

EXHIBIT 2 - MOTION FOR RECONSIDERATION

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EXHIBIT 1 - TRANSCRIPTS FROM  
JUDGE COURTROOM.

EXHIBIT 2 -

Judge:

Name:

My name is \_\_\_\_\_ and I am a friend and colleague of \_\_\_\_\_. Through the course of our friendship, I have watched \_\_\_\_\_ help other people in numerous ways and have been a witness to his selfless acts of giving and sharing of his knowledge, time, and financial resources to make a positive difference in the lives of people, many of whom were considered "at-risk" youth, potential gang members, and others whose lives may have been heading the wrong direction. Through his mentorship, I witnessed young men coming from dangerous life situations, some even with criminal backgrounds, literally change their entire lives around to become responsible, productive members of their community.

I had known that \_\_\_\_\_ had some sort of misunderstanding about not returning a rental car on time back in \_\_\_\_\_ however, it was not until recently that I became aware that he had apparently become the target of something much bigger. The reason I say this is because of the noticeable shift in attitude when it came to \_\_\_\_\_. The negative facial expressions, words and actions of the judge herself set the stage for this modern day lynching of the defendant \_\_\_\_\_.

To make matters worse, after I \_\_\_\_\_ was hired as the new attorney of record back in \_\_\_\_\_ and without the consent or even knowledge of the defendant, \_\_\_\_\_ filed a motion to sever the \_\_\_\_\_ charges. This severance ensured she would not have to address the illicit investigation and search by the \_\_\_\_\_ therefore, putting a nail in the coffin by killing his chances to win the trial. All this because she apparently was afraid to address the foul play that took place at the hands of \_\_\_\_\_. She then filed a motion to withdraw as counsel of record to be Knapp counsel only on \_\_\_\_\_ citing nonpayment of contract fees which had in fact been paid. On \_\_\_\_\_ readily approved the motion to sever even though \_\_\_\_\_ had already filed a motion to withdraw which was approved a few days later on \_\_\_\_\_ (This is also the date, \_\_\_\_\_ made his initial appearance as the newly appointed public attorney for the case). She then turned around and filed to withdraw entirely from the case on \_\_\_\_\_ the day of trial. I couldn't believe that Judge \_\_\_\_\_ approved it without question. Now, the defendant's elderly mother, who had already paid \_\_\_\_\_ for trial services as Knapp counsel, has been forced to try to recover these monies so that she could hire another private attorney who would properly defend her son.

I went to court on \_\_\_\_\_ to observe the proceedings and show support for \_\_\_\_\_ and was shocked at the attitude of the court towards \_\_\_\_\_. Looks of disdain coming down from the bench and the overall negative atmosphere seemed entirely unprofessional to me. The biggest shock to me on this day, however, came when \_\_\_\_\_ the newly appointed counsel for \_\_\_\_\_ announced on the record that he was ready for trial. After court I took it upon myself to ask \_\_\_\_\_ about his plan for a defense of \_\_\_\_\_. When I asked him what interviews he had conducted, he said "\_\_\_\_\_". When I asked him what witnesses would be subpoenaed, he stated again, "\_\_\_\_\_"; yet claimed he knew the case and had read the several \_\_\_\_\_ discovery and was quite familiar with it.

We, \_\_\_\_\_ family and friends, had been working, as I previously stated, on retaining another private counsel for him to this point. After speaking with \_\_\_\_\_ we knew that we had

(Re: Case #'s:

) Pg 1 of 5

(Defendant:

Judge:

Name:

to immediately hire someone to act as an advocate for \_\_\_\_\_, rather than settle for someone appointed who apparently had little or no interest in defending his rights. The next day, we reached an agreement with \_\_\_\_\_ to represent \_\_\_\_\_ in all cases. He filed a Notice of Appearance and Substitution of Counsel and a Motion to Continue. Without any oral argument or hearing, this motion was immediately denied, stating that trial in the matter had been continued or reset at least \_\_\_\_\_ times. It was also noted that \_\_\_\_\_ had been represented by numerous counsel; including, \_\_\_\_\_ who was recently retained as private counsel. I would be remiss if I did not mention the fact that of all these previous attorneys, only one, \_\_\_\_\_ was dismissed by \_\_\_\_\_ and that was due to the retention of private counsel

It was stated in the minutes of \_\_\_\_\_ that no mention was made on \_\_\_\_\_ that a retained counsel would be making an appearance. It was not until just after the Final Trial Management Conference on \_\_\_\_\_ that we were able to retain \_\_\_\_\_. I am aware that according to rule 6.3(a) of the Arizona Rules of Criminal Procedure that "before representing the defendant in court, counsel must file a notice of appearance. I am also aware that rule 6.3(c) states that "after a case is set for trial, the court may not permit counsel to withdraw unless counsel files a motion that provides the name and address of new counsel and a signed statement from new counsel that acknowledges the trial date and avows that new counsel will be ready for trial." However rule 8.5(a) provides that "a party may ask to continue trial by filing a motion stating the specific reasons for the request." Rule 8.5(b) quotes that "a court may continue trial only on a showing that extraordinary circumstances exist and that delay is indispensable to the interests of justice."

For the reasons laid out in \_\_\_\_\_ email to \_\_\_\_\_ prosecutor for \_\_\_\_\_ County, on \_\_\_\_\_ it is quite evident that this delay would be indispensable to the interests of justice. For \_\_\_\_\_ to be flatly denied as substitute counsel and his Motion to Continue denied as well goes against everything that is set in place to ensure that everyone gets a fair trial. In her order denying the Motion to Continue and the Notice of Appearance and Substitution of Counsel Judge \_\_\_\_\_ deliberately turned a blind eye to the clearly extraordinary circumstances warranting a continuance. For whatever reason, this judge seemed intent on denying \_\_\_\_\_ his right to a private counsel that understood what was going on in this case. A counsel that would defend his client rather than serve him up on a silver platter for the prosecution.

So, after all this, the case was placed on the master calendar in front of Judge \_\_\_\_\_ who seemed intent on having her turn in trampling \_\_\_\_\_ rights as well. Not only did she attempt to place the blame on \_\_\_\_\_ for the many changes in counsel and continuances as a result of these changes; she then promptly places the case back in front of Judge \_\_\_\_\_ for trial to begin in \_\_\_\_\_. We showed up for court again on \_\_\_\_\_ and were informed that the STATE now filed a Motion for Continuance in the case. Upon hearing this, we contacted \_\_\_\_\_ who was at the courthouse on an unrelated matter. He did, however, come to Judge \_\_\_\_\_ courtroom to renew his

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notice to appear and perhaps argue his motion to continue. (This would seem logical, as the reason he was first denied was because this matter was to start trial on this day. According to denial there would be no more continuances due to the age of this case from I guess she meant no more continuances for the defense.

Also, it seems there had been a motion filed by to withdraw from all cases, even as Knapp counsel for the defendant. All of us observing in the courtroom were caught off guard by this because she had not bothered to inform us, or even her client, that she planned to withdraw entirely. Even more surprising, was that without even a question, this motion was granted, ( I suppose that what friends do for each other.), to further impair chances of receiving a fair trial with any type of adequate defense. The entire atmosphere in the courtroom was one of animosity toward the defendant and anyone there to support him.

When was asked why he was there, he started to address the court and was immediately shut down by who was continually stammering and seemed to be attempting to cover her actions, which were highly prejudicial against As was addressing the court as to what motions he would file, and for what reason; he was told by and to leave the courtroom.

hen tried to address the court with issues he had about his court appointed attorney, such as the fact that he was only contacted by his attorney. The was by phone to tell his client to prepare to spend the rest of his life in prison. UNBELIEVABLE!!!! The was by visiting in jail and that was only to find out his clothing sizes.

completely ignored what was saying and had the bailiffs remove him from the courtroom. It seemed that she was systematically removing anyone that had any interest in speaking on his behalf. I could not believe that this tyrannical atmosphere was being displayed in a court of law here in the United States! As a friend of and simply as a concerned citizen, I then stood to calmly address the court and before I could completely state what I thought I saw unfolding in front of my eyes, Judge called for deputies to remove me from the courtroom.

I don't know what prompted Judge outburst, but it was totally uncalled for, especially coming from the one person who is in place simply to ensure that receives a fair and impartial hearing / trial. I couldn't believe my ears when I heard her making statements such as the defendant has been clearly attempting to game the system and trying to avoid prosecution. At one point during this ordeal, I thought that friends and family had to be mistaken when they spoke of the way and his case, had been treated. But after experiencing this kangaroo court atmosphere firsthand, I must state that something is not right in that courtroom. I must further state that I feel it begins with the judge, who is supposed to be protecting the rights of all those who come before her. Not only does it seem she has been participating in; but at times leading the way in trampling rights assuring that he would not be receiving anything mirroring fairness in this courtroom.

After being witness to this apparent judicial circus with Judge acting as ringleader, I could not in good conscience just ignore this blatant disregard for my friend's

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TO POST ONLY THE FIRST FIVE  
PAGES OF ANY DISMISSED  
COMPLAINT ON ITS WEBSITE.**

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IN WRITING TO THE  
COMMISSION ON JUDICIAL  
CONDUCT AND REFERENCE  
THE COMMISSION CASE  
NUMBER IN YOUR REQUEST.**