

State of Arizona
COMMISSION ON JUDICIAL CONDUCT

Disposition of Complaint 24-165

Judge:

Complainant:

ORDER

July 30, 2024

The Complainant alleged violation of rights by a justice of the peace hearing 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 member Christopher P. Staring did not participate in the consideration of this matter.

Copies of this order were distributed to all appropriate persons on July 30, 2024.

CONFIDENTIAL

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

FOR OFFICE USE ONLY

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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.

On _____ Judge _____ held a case management conference in _____ . During the hearing the defendant requested a trial for Contracting w/o a License and Advertising as a Contractor, Class 1 misdemeanors. Judge _____ advised the defendant that not only would he, defendant, have to prove his case but also prove his case for Contracting w/o a License with his testimony. This is a clear and absolute violation of the defendant's Constitutional Rights under the 5th Amendment. The basic legal principles of the Constitution are a defendant in a criminal case is presumed to be innocent and is not required to testify. By advising the defendant he had to testify to prove his case Judge _____ shifted the burden of proof from the State to the defendant which is a clear violation of law and legal principles and violated his Constitutional right to remain silent.

In addition, ARS § 13-117. Defendant as witness; no comment on failure to testify, specifically states,

"A defendant in a criminal action or proceeding shall not be compelled to be a witness against himself, but may be a witness in his own behalf...."

I have included a USB with the recorded Court hearing and the _____ hearing occurs just after the _____ minute mark.

Comp Attach 1- Flashdrive

2024-165

1 Recording
Hrng ()

