

State of Arizona
COMMISSION ON JUDICIAL CONDUCT

Disposition of Complaint 24-210

Judge:

Complainant:

ORDER

September 10, 2024

The Complainant alleged a municipal court judge improperly denied a jury trial and had a financial conflict in a misdemeanor 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 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 Roger D. Barton, Louis Frank Dominguez, and Christopher P. Staring did not participate in the consideration of this matter.

Copies of this order were distributed to all appropriate persons on September 10, 2024.

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

FOR OFFICE USE ONLY

2024-210

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.

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

Re: Complaint Against Judge
Case No.

Dear Members of the Commission,

I am writing to file a formal complaint against Judge _____, who presided over my criminal case, Case No. _____, in _____ COURT. I believe that Judge Hon _____ has violated the Arizona Code of Judicial Conduct, specifically Rule 1.3, by failing to disclose a significant financial interest connected to my case and by making decisions without my consent that adversely affected my rights.

Background
Case Overview:

On _____, I was involved in a criminal proceeding presided over by Judge _____ During the proceedings, the judge made a judicial determination to set a non-jury trial without affording me the opportunity to waive a jury trial, as per Arizona Criminal Rule 18.

Violation of Right to Jury Trial:

The judge decided to move the case to a non-jury trial without my consent. I was not informed personally of my right to a jury trial, nor was I given the opportunity to waive this right knowingly, voluntarily, and intelligently, as required by Rule 18.1 of the Arizona Rules of Criminal Procedure.

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Conflict of Interest:

It has come to my attention that Judge _____ has an indirect financial interest in the case which is attached to a tax-free income fund amounting to _____ million, connected to my court case by _____ number.

This information was submitted to the court privately, and both the judge and the clerk were put on notice of this interest personally and privately by me to stay in honor. Rule 1.3 of the Arizona Code of Judicial Conduct mandates that judges must avoid both impropriety and the appearance of impropriety in their activities.

Failure to Secure Waiver of Jury Trial:

The judge did not personally address me to inform me of my right to a jury trial. No determination was made that any waiver of this right was knowing, voluntary, and intelligent.

Undisclosed Financial Interest:

The judge's financial interest in the case creates a conflict of interest. The lack of disclosure of such activity undermines the fairness and impartiality required in judicial proceedings.

Impact on My Case

The judge's actions have compromised my right to a fair trial and have undermined my confidence in the judicial process. The decision to proceed with a non-jury trial without my consent, combined with the undisclosed financial interest, suggests a serious breach of judicial ethics and conduct.

Request for Investigation

I respectfully request that the Arizona Commission on Judicial Conduct investigate Judge _____ for potential violations of the Arizona Code of Judicial Conduct.

Specifically, I request the Commission to:

- Investigate the undisclosed financial interest and its impact on the judges impartiality.
- Review the procedural handling of my right to a jury trial.
- Take appropriate disciplinary action if any violations are found.

I am attaching all relevant documents and correspondence related to my case for your review. I appreciate your attention to this matter and look forward to your response.

Sincerely,

RECEIVED

EXHIBIT A

Your Results are as follows:

Symbol:	(Tax-Free Income Fund FTAZX	[CASE] [AZ])
Inception Date:		
Net Assets:		as of
Portfolio Assets:		as of

A little about the Fund:

Tax-Free Income Fund seeks a high level of income exempt from federal income taxes and from Arizona personal income tax by investing in investment grade Arizona municipal securities. The Fund's benchmark is



RECEIVED

EXHIBIT B

**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.**