

State of Arizona
COMMISSION ON JUDICIAL CONDUCT

Disposition of Complaint 24-261

Judge:

Complainant:

ORDER

November 22, 2024

The Complainant alleged a justice of the peace improperly denied her motion to continue the trial to obtain counsel, failed to compel disclosure, and had a retaliatory demeanor during her trial in 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).

Copies of this order were distributed to all appropriate persons on November 22, 2024.

CONFIDENTIAL

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

FOR OFFICE USE ONLY

2024 - 261

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.

The formal complaint is included as a separate page document to this page document.

CONFIDENTIAL

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

FOR OFFICE USE ONLY

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.

STATE OF ARIZONA

COMMISSION ON JUDICIAL CONDUCT

Arizona Commission on Judicial Conduct

1501 W. Washington Street, Suite 229

Phoenix, AZ 85007

**RE: FORMAL COMPLAINT OF JUDICIAL MISCONDUCT AGAINST
JUDGE _____ (write full name here)**

To the Arizona Commission on Judicial Conduct:

I _____ am filing this formal complaint against Judge _____ for conduct that I believe violates the Arizona Code of Judicial Conduct and Article 6.1 of the Arizona Constitution. Below, I outline the specific issues, corresponding judicial conduct rules, constitutional provisions, and relevant case laws that have been violated:

1. Improper Legal Rulings and Denial of Due Process:

My trial was scheduled for _____. On _____, my defense attorney withdrew from my case hours after never obtaining my defense materials. I appeared at my _____ trial without an attorney. The Judge became angry and short with me when I would not sign the waiver of counsel form. This violates Rule 2.6(A) of the

Arizona Code of Judicial Conduct, which ensures the right to be heard, and Rule 2.8(B), which requires proper decorum, demeanor, and communication with jurors. Additionally, it breaches Arizona Constitution Article 6.1, Section 2, which guarantees fair and impartial courts. The case law *Gideon v. Wainwright*, 372 U.S. 335 (1963),¹ establishes that the right to counsel is fundamental and essential. Despite my documented traumatic _____ and disability, the judge showed a lack of empathy and understanding, further compromising my ability to participate in my own defense effectively.

2. Denial of Continuance to Obtain Counsel:

At my _____ trial, I asked the judge for at least a _____-day continuance to obtain new defense counsel and prepare my defense. This request was denied. This decision violates Rule 2.6(A) of the Arizona Code of Judicial Conduct, which ensures the right to be heard, and Article 6.1, Section 2 of the Arizona Constitution, which guarantees fair and impartial courts. The case law *Ungar v. Sarafite*, 376 U.S. 575 (1964)², indicates that the denial of a continuance is an abuse of discretion if it denies the defendant a fair trial. The refusal to grant a continuance prevented

¹ *Gideon v. Wainwright*, 372 U.S. 335 (1963): This landmark case established that the right to counsel is fundamental and essential for a fair trial. The U.S. Supreme Court ruled that states are required to provide legal counsel to defendants who cannot afford their own attorneys in criminal cases.

² *Ungar v. Sarafite*, 376 U.S. 575 (1964): This case held that the denial of a continuance can be an abuse of discretion if it denies the defendant a fair trial. The Court emphasized that each case must be evaluated on its own facts to determine if the denial was justified.

me from securing adequate legal representation and thoroughly preparing my defense, severely undermining my right to a fair trial.

3. Failure to Compel Disclosure of Defense Materials:

On _____ I informed the judge that the prosecution had not made the required disclosure of defense materials. My request for a continuance to allow for proper disclosure was denied. This action violates Rule 2.2 of the Arizona Code of Judicial Conduct, which mandates impartiality and fairness, and Article 6.1, Section 2 of the Arizona Constitution, which guarantees fair and impartial courts. According to *Brady v. Maryland, 373 U.S. 83 (1963)*,³ the prosecution must disclose evidence favorable to the defendant. The judge's failure to compel the prosecution to provide these materials hindered my ability to build a defense and access critical evidence necessary for my case.

4. Retaliation and Demeanor:

The judge was demeaning and treated me with disdain, retaliating by not allowing _____ days for a new trial date and rescheduling the trial to _____, only _____ days later. This behavior violates Rule 2.8(B) of the Arizona Code of Judicial Conduct, which requires proper decorum, demeanor, and communication with jurors, and Rule 1.2, which promotes confidence in the judiciary. It also breaches Article 6.1, Section 2 of the Arizona Constitution, which guarantees fair and impartial courts.

³ *Brady v. Maryland, 373 U.S. 83 (1963)*: The Supreme Court ruled that the prosecution must disclose evidence that is favorable to the defendant and material to guilt or punishment. This requirement is crucial for ensuring a fair trial.

**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.**