

State of Arizona
COMMISSION ON JUDICIAL CONDUCT

Disposition of Complaint 24-271

Judge:

Complainant:

ORDER

October 25, 2024

The Complainant alleged a justice of the peace made improper rulings and the clerk improperly handled subpoenas 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 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).

Copies of this order were distributed to all appropriate persons on October 25, 2024.

Brief Statement of Facts

Background and Context

This complaint addresses multiple instances of judicial misconduct and disability involving Judge _____, Judge _____, and Clerk _____ in _____ County, Arizona, specifically within the _____ Justice Court. The following facts outline the specific occurrences that form the basis of the allegations.

Instances of Misconduct

1. Mislabeling of Judicial Documents by Judge _____ :
 - What Happened: Judge _____ has been mislabeling judicial documents, issuing orders in emails while recording them as notices in the docket. This practice creates confusion and obscures the legally binding nature of certain directives.
 - When and Where: This has been observed in the case _____, particularly around the dates of _____, and _____.
 - Impact: This mislabeling misleads defendants and attorneys, potentially causing prejudice by making it unclear which directives must be legally followed. Such actions undermine the due process rights of defendants and violate judicial ethics.

2. Improper Filings and Delays by Judge _____ and Clerk _____ :
 - What Happened: Judge _____ and Clerk _____ were involved in the improper handling and intentional delay of subpoena filings. Despite timely submissions by the defendant, there were significant delays in processing and filing these subpoenas.
 - When and Where: These incidents occurred during the proceedings in _____ Justice Court, particularly impacting the timeline and scheduling of the defendant's hearings.
 - Impact: The delays were then unjustly blamed on _____ by Judge _____, who subsequently denied _____ request for a telephonic hearing. This request was based on _____ medical condition, as he was diagnosed with _____ and required accommodations to participate in the hearing.

3. Denial of Telephonic Hearing Request Due to Medical Condition:
 - What Happened: _____ requested to participate in a hearing telephonically due to his diagnosis of _____, which significantly impaired his ability to attend in person.
 - When and Where: The request was made for hearings scheduled around _____, and earlier in the year during the proceedings of the case in _____ Justice Court.

- Impact: Judge [redacted] denial of this reasonable accommodation request, without valid justification, violated [redacted] rights under the Americans with Disabilities Act (ADA) and further compounded the undue hardship he was experiencing due to the mismanagement of his case.

4. Neglect of Road Maintenance Contributions by [redacted] :

- What Happened: The roads in question, cited in the case against [redacted] , would not be drivable if it were not for [redacted] efforts. He is the only person maintaining these roads, and they are primarily used by him for this purpose.

- When and Where: This has been ongoing within the [redacted] subdivision, where [redacted] has dedicated significant time and resources to maintain the roads.

- Impact: Despite his contributions, [redacted] faces charges related to obstructing public thoroughfares, even though the roads would be otherwise impassable without his maintenance work. This situation highlights the inconsistency and potential bias in the application of local laws and regulations.

5. Ignoring the 180-Day Speedy Trial Rule:

- What Happened: Under Arizona Rule of Criminal Procedure 8.2, a defendant who is not in custody must be brought to trial within 180 days of arraignment. This rule ensures the defendant's right to a speedy trial.

- When and Where: This rule has been ignored in [redacted] case ([redacted]). The case has far exceeded the 180-day limit without valid justification or necessary exceptions.

- Impact: The prolonged delay causes significant undue hardship to [redacted] , especially considering his disability and recovery from [redacted] . The disregard for the 180-day rule is a clear violation of his constitutional rights to a speedy trial.

Legal and Ethical Violations

- Due Process Violations: The aforementioned actions constitute a breach of due process rights, guaranteed under the Fourteenth Amendment of the U.S. Constitution, by creating confusion and obstructing the defendant's ability to adequately prepare and participate in his defense.

- Judicial Ethics Violations: The behavior exhibited by Judges [redacted] and [redacted] , and Clerk [redacted] , violates ethical standards outlined in the Arizona Code of Judicial Conduct, which mandates impartiality, transparency, and fairness in judicial proceedings.

- ADA Violations: The denial of reasonable accommodations for [redacted] medical condition violates the Americans with Disabilities Act, which requires courts to provide necessary accommodations to ensure equal participation in legal proceedings.

Request for Investigation

Given the pattern of behavior and the impact on [redacted] legal proceedings and personal wellbeing, it is imperative that an investigation is conducted into the actions of Judges [redacted] and [redacted] , and Clerk [redacted] . Their conduct appears to be not only unethical but also potentially illegal, warranting scrutiny and appropriate disciplinary action.

Attachments include:

- Medical documentation of diagnosis and need for accommodations.
- Docket entries and communications demonstrating the mislabeling of orders and notices.
- Evidence of delayed and improper filings by Clerk .

This complaint seeks to address the misconduct and ensure accountability within the County judicial system to prevent further harm to defendants.

Declaration

I, _____, declare under penalty of perjury that the statements made in this complaint are true and correct to the best of my knowledge.

Signature _____

Date: _ _ _ _ _

Contact Information

JUSTICE COURT

State of Arizona

Plaintiff

VS

Defendant

Case Number

MINUTE ENTRY and ORDER

- Felony
- Misdemeanor
- Petty Offense
- Criminal Traffic
- Civil Traffic
- Game & Fish

Charge(s): ARS: 13-2906(A) OBSTRUCTING HIGHWAY (M2)

IN OPEN COURT ON:

Set for: IA/A RR

- Defendant: In Person In Custody Telephonically Appeared by Counsel Failed to Appear
- Defense Attorney: _____ Present Not Present
- Prosecutor: _____ Present Not Present
- Interpreter: _____ Present Not Present

At Defendant's request, enter a plea of: No Contest Not Guilty/Not Responsible Guilty/Responsible

At Defendant's request: Waive Preliminary Hearing and transmit to Apache County Superior Court

Court finds Defendant: Not Guilty/Not Responsible Guilty/Responsible Probable Cause/Bound Over to Superior Court

Case Dismissed at request of _____ With Prejudice Without Prejudice

Signature of Requesting Person: _____

IT IS ORDERED:

- | | | |
|---|--|--|
| <input type="checkbox"/> Issue OSC | <input type="checkbox"/> Suspend License | <input type="checkbox"/> Release from Custody |
| <input type="checkbox"/> Issue Summons | <input type="checkbox"/> Exonerate Bond \$ _____ | <input type="checkbox"/> Release Conditions Modified |
| <input type="checkbox"/> Issue Warrant. Bond \$ _____ | <input type="checkbox"/> Forfeit Bond \$ _____ | <input type="checkbox"/> Other: _____ |
| <input type="checkbox"/> Quash Warrant | <input type="checkbox"/> Refund Bond \$ _____ | |

SCHEDULE:

- | | | |
|---|---|--|
| <input type="checkbox"/> Arraignment | <input type="checkbox"/> Misdemeanor Trial <input type="checkbox"/> Bench <input type="checkbox"/> Jury | <input type="checkbox"/> Sentencing |
| <input type="checkbox"/> Change of Plea | <input type="checkbox"/> Oral Arguments | <input type="checkbox"/> Status Conference |
| <input type="checkbox"/> Civil TR Hearing | <input type="checkbox"/> Order to Show Cause | <input type="checkbox"/> Other: _____ |
| <input type="checkbox"/> Criminal TR Trial <input type="checkbox"/> Bench <input type="checkbox"/> Jury | <input checked="" type="checkbox"/> Pre-Trial Conference | <input type="checkbox"/> Juvenile Status: |

On: (day) _____ ; (date) _____ ; (time) _____ a.m. / (p.m.)

CALL 24 HOURS PRIOR TO SCHEDULED COURT DATE IN CASE OF ANY CHANGES

DEFENDANT IS SENTENCED TO:

- | | | |
|---|---|---|
| <input type="checkbox"/> Pay Fine of \$ _____ | <input type="checkbox"/> Attend screening/counseling | <input type="checkbox"/> Be incarcerated at ACSO for _____ days |
| <input type="checkbox"/> plus time payment fee of \$20.00 | <input type="checkbox"/> Placed on probation for _____ months | <input type="checkbox"/> Other: _____ |
| <input type="checkbox"/> Perform _____ hours of CWS | | |

Date of Order: _____

Signature of Judge or Magistrate

Copies Forwarded On: _____

- To: Defendant Defense Atty.
- Via: Mail Hand delivered

- To: Prosecutor Officer
- Via: Mail Hand delivered

**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.**