

State of Arizona  
COMMISSION ON JUDICIAL CONDUCT

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Disposition of Complaint 24-287

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Judge:

Complainant:

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**ORDER**

October 18, 2024

The Complainant alleged a municipal court judge had an ex parte communication with the attorneys 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).

Commission member Barbara Brown did not participate in the consideration of this matter.

Copies of this order were distributed to all appropriate persons on October 18, 2024.

**CONFIDENTIAL**

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

**FOR OFFICE USE ONLY**

2024-287

**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.

Please see attached

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# Formal Complaint to the Arizona Commission on Judicial Conduct

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## Arizona Commission on Judicial Conduct

1501 W. Washington Street, Suite 229

Phoenix, AZ 85007

### RE: Complaint Against Judge

Court

### Dear Members of the Commission,

I, \_\_\_\_\_, am submitting this formal complaint concerning actions conducted by Judge \_\_\_\_\_ during the proceedings of my case, State of Arizona vs. \_\_\_\_\_, Case Nos. \_\_\_\_\_ and \_\_\_\_\_.

### Complaint Details:

#### 1. Private Discussions:

- On \_\_\_\_\_ during a court session, the judge engaged in private discussions with the prosecutor and my court-appointed attorney, who motioned to withdraw prior to the hearing and as evidenced, I did not perceive as having my best interests in mind. This private discussion took place without my presence or my consent.
- The contents and nature of these [whispered] discussions were not disclosed to me, and I was not given an opportunity to challenge or address what was said.
- This violates the principles of transparency and impartiality expected under the Arizona Code of Judicial Conduct, Canon 2.2 (Impartiality and Fairness), and Canon 2.9 (Ex Parte Communications).

#### 2. Transfer to Behavioral Health Court:

- Following these private discussions, the judge decided to transfer my case(s) to \_\_\_\_\_ Court, stating that it would better suit my " \_\_\_\_\_ " without providing a clear justification or explanation.
- This decision appears to misclassify my documented medical conditions of \_\_\_\_\_ and a deduced condition relating to \_\_\_\_\_ inaccurately as a serious or debilitating mental illness-related to incompetence, which may lead to inappropriate handling of my case.
- This misclassification could breach Canon 3 (Performing the Duties of Judicial Office Impartially and Diligently), as it affects my right to fair treatment.
- \_\_\_\_\_ is recognized as a disability under the Americans with Disabilities Act (ADA) and requires reasonable accommodations, a principle that should extend to court proceedings.

- I possess certifications and currently work as a [at risk] youth care worker, which proves my competence and ability to handle comprehensive and serious medical and behavioral direct care practices and \_\_\_\_\_ formal trainings including \_\_\_\_\_, \_\_\_\_\_, \_\_\_\_\_, and \_\_\_\_\_ as well as an educational diploma from Arizona \_\_\_\_\_ ( ) in \_\_\_\_\_.

- Relevant Case: *In re MH 2008-002659*, 224 Ariz. 25, 226 P.3d 394 (App. 2010).

### 3. **Withdrawal of Counsel:**

- During the proceedings, my court-appointed attorney was present but had/has since withdrawn from the case, as indicated in the motion to withdraw filed by \_\_\_\_\_ on \_\_\_\_\_, which further complicates my ability to respond adequately and defend myself with due process.
- It appears that my attorney's withdrawal wasn't fully addressed under Canon 2.6 (Ensuring the Right to Be Heard).
- My public defender, \_\_\_\_\_, failed to communicate adequately about my case, withheld crucial information regarding discussions with the prosecutor, and made unwarranted allegations about mental illness without proper evaluation or consultation.
- Relevant Case: *State v. Lee*, 227 Ariz. 39, 251 P.3d 410 (App. 2011).

### 4. **Questionable ROI Request:**

- During the hearing, I was approached by \_\_\_\_\_, the Executive Director of the Public Defender's Office, and asked to sign a Release of Information (ROI) without adequate explanation.
- \_\_\_\_\_ indicated that signing the ROI was necessary for the case to be transferred to \_\_\_\_\_ Court, neglecting to consider my requested and needed accommodations that would allow me the reasonable time and resources to make a sound legal decision, especially when presented with this direction and matter without any prior notice.
- Under duress and confusion, I did not sign the ROI, which would have released all medical and behavioral health information protected under HIPAA.
- Arizona Revised Statutes § 12-2294 and § 12-2294.01 govern the release of medical records and require that any such disclosure be fully informed and voluntary, free from coercion.
- \_\_\_\_\_ took my contact information and indicated that \_\_\_\_\_ (Attorney) would contact me, but only if I signed the ROI, adding further confusion to an already distressing situation. He added if I did not sign the ROI then I would not hear from \_\_\_\_\_ until the day of the hearing, directly before it took place in person.
- I have not had any contact from \_\_\_\_\_, further undermining my trust in the fairness of the court proceedings.
- Relevant Case: *Duquette v. Superior Court In and For Cty. of Maricopa*, 161 Ariz. 369, 778 P.2d 634 (App. 1989).

### 5. **Charges and Legal Context:**

- **Charge:** Violation of an order of protection by dropping off my child's dog at the mother's residence.

- **Context and Intent:** Acted without malice, intent was to emotionally support my child who is experiencing trauma due to missing a week of school and being unlawfully separated from his father in a year-long separation resembling parental alienation and malicious mother syndrome after living with and being cared for by the father as his primary custodial parent during COVID-19.
- Relevant Statutes: A.R.S. § 13-3623 (Child or Vulnerable Adult Abuse) and A.R.S. § 13-3602 (Order of Protection).
- Relevant Case: *State v. Korovkin*, 202 Ariz. 493, 47 P.3d 1131 (App. 2002), highlighting the intent and context in evaluating alleged violations of protective orders.

#### 6. **Professional and Personal Impact:**

- Holding a responsible career as a youth care worker, pursuing a master's degree in expressive arts therapies. This action reflects responsibility and care for emotional well-being.
- Relevant Statute: A.R.S. § 13-904 details the civil rights restored upon the completion of terms and the impact of misdemeanors on professional licenses.

#### 7. **Concerns About Child's Well-Being:**

- **Potential Abuse and Neglect:** Belief that the mother may be abusive and neglectful.
- **Emotional Trauma:** Child expressing fear and emotional distress due to the mother's behavior.
- **Lack of Basic Information:** The mother, and her counsel, has not been (since ) and continues to not share critical information about the child's health, grades, and emotional well-being.
- **Electronic Device Misuse:** Concerns about the impact of excessive screen time on the child's development, especially related to mood regulation and the worsening lack of respect for social interactions including becoming verbally abusive towards his elders, especially his parents and grandparents when cued about the excessive electronic device use and his need for a break. There is evidence that Mother does not cue the child and may be using electronic devices as a means of coercion to remain obedient and silent about the harmful behavior and abuse she is causing to the child.
- **Court and Human Errors:** Misunderstanding or misinterpretation of protective orders, affecting my ability to care for the child.
- Relevant Statutes: A.R.S. § 13-3623 (Child or Vulnerable Adult Abuse), which highlights the duty to act in the best interest of the child.
- Relevant Case: *LaFaro v. Cahill*, 203 Ariz. 482, 56 P.3d 56 (2002), emphasizing the importance of considering the context and intent when evaluating violations related to protective orders, especially when the welfare of a child is involved.

#### 8. **Mitigation of Professional Impacts:**

- **Background:** Plea agreement to plead guilty to Interfering with Judicial Proceedings under A.R.S. § 13-2810(A)(2), classified as Class 1 Misdemeanors.
- **Professional Concern:** A conviction poses a significant risk to my Level One Fingerprint Clearance Card and thus adversely impacts my professional future and livelihood.

**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.**