IN THE SUPERIOR COURT OF THE STATE OF ARIZONA
IN AND FOR THE COUNTY OF PIMA

STATE OF ARIZONA, Plaintiff, vs. LANE JEFFERY MYERS (-001), Defendant.	Case Nos. CR20251060-001 CR20251454-001 Hon. D. Douglas Metcalf

NOTICE OF INTENT TO USE PERSONAL AUDIO RECORDER
(Rule 122(h), Ariz. R. Sup. Ct.)

This is a notice under Rule 122(h), Rules of the Supreme Court of Arizona. It is not a motion under Rule 1.9, Arizona Rules of Criminal Procedure, and it asks for no ruling, because Rule 122(h) requires no leave; Rule 1.9(c)'s page limits therefore do not apply. Its length is the product of the Court's own November 6, 2026 Order and the record that Order created. To the extent the Court treats any part of this filing as a motion, Mr. Jensen requests leave under Rule 1.9(c) ("unless the court orders otherwise") to file the pages submitted, and asks that the Court so order rather than strike or disregard any part of it.

Non-party Jason Adam Jensen, a member of the public, gives notice to the Court and its staff under Rule 122(h), Rules of the Supreme Court, that he intends to attend the Evidentiary Hearing set for Tuesday, November 17, 2026, at 10:00 a.m., and to use a personal audio recorder during that hearing.

I. THE NOTICE

1. Rule 122(h) provides that a person may use a personal audio recorder during a proceeding on notice to the judge or the judge's staff given "prior to using the device," and that a person using one is not required to submit a request under paragraph (c). This

filing is a notice under paragraph (h), given eight days before the hearing. It is not a request for coverage under paragraph (c).

2. Mr. Jensen will operate a single handheld personal audio recorder from the public gallery. It requires no setup, no connection to court equipment, and no space at counsel table, the bench, or the jury box. He will not record bench conferences, off-the-record conferences between attorneys and clients, or conferences between attorneys. Paragraph (h) requires notice and nothing more. It does not require leave of Court, and this notice is not a request for leave. Mr. Jensen will make the recording at the hearing on November 17, 2026, unless before that hearing the Court holds a hearing and enters specific on-the-record findings under Rule 122(d)(1) that recording by Mr. Jensen would likely cause harm that outweighs the benefit of coverage to the public. Absent those findings, no order restricting him is authorized by the Rule.

II. THE NOVEMBER 6, 2026 ORDER DOES NOT REACH THIS NOTICE

3. On November 6, 2026 the Court granted KVOA-TV's request to place a video camera and lavalier microphone in the courtroom for this hearing, and ordered that "no further requests for audio or video recording will be granted for this hearing." It did so in chambers, without a hearing and without any finding that anyone would be harmed by recording, resting only on the parties having been advised and "there being no objection." Members of the public were not advised and had no chance to object. The State, which had objected to recording in order to protect the victim, did not object to a television camera and microphone, though nothing about the victim has changed except that her husband, who testified for the State, is now the subject of a search warrant. The only thing that changed is who would be recording. A party that may object when the recorder is a member of the public and stay silent when it is a television station, with the Court adopting the result, decides who may report on its own case. Rule 122(d)(1) gives that decision to the Court, on findings of harm, and a system in which a party's objection or

silence decides it has no standard at all. Such unchecked discretion "has the potential for becoming a means of suppressing a particular point of view." Forsyth County v. Nationalist Movement, 505 U.S. 123, 130 (1992).

4. The Order does not deny a personal audio recorder under paragraph (h), and it does not mention one. Its final sentence speaks of "requests," and a notice under paragraph (h) is not a request: a person using a personal audio recorder is "not required to submit a request under paragraph (c)," and Mr. Jensen has made none. The Order does not suspend paragraph (h), refer to personal audio recorders, or name Mr. Jensen, and its protocols are directed to KVOA-TV, "its agents/personnel," and "all media." It nonetheless leaves the matter unclear and reads as though it might reach him. A court cannot restrict a right that a Supreme Court rule grants on notice by an order that does not say it is doing so, and then leave the person to guess. To the extent the sentence is read to reach a paragraph (h) notice, it is a denial, and Rule 122(c)(3) provides that "[t]he judge will promptly hold a hearing if the judge intends to deny the request," while Rule 122(d)(1) permits denial "only after making specific, on-the-record findings." The Court held no hearing and made no findings, and a denial the Rule requires to follow both cannot be issued as the closing line of an in-chambers media order. Nor was there any reason to mention audio: the Order's protocols concern equipment placement, setup and operation, none of which applies to a handheld recorder that needs no setup, placement or space. Mr. Jensen therefore reads the Order as not reaching his notice and asks the Court to say so if it reads it otherwise.

III. BY THE COURT'S OWN STANDARD, THE NOTICE CANNOT BE REFUSED

5. Rule 122(d)(1) permits a court to deny coverage only after making "specific, on-the-record findings that there is a likelihood of harm arising from one or more" of the listed factors, "and that the harm outweighs the benefit of coverage to the public." Star Publ'g Co. v. Bernini, 228 Ariz. 490, ¶ 9, 268 P.3d 1147 (App. 2012). Paragraph (h) is

more protective still: a person using a personal audio recorder need only give notice, and the paragraph applies to "a person," drawing no line by who that person is or whether he reports the news. Having decided that a video camera and microphone may be present, the Court has necessarily found that recording by the broadcaster is not likely to cause harm outweighing the benefit to the public. It cannot find in the same breath that a handheld audio recorder, which captures only what is said in open court and requires no equipment from the Court, is likely to cause harm that does. If the Court's standard permits the larger intrusion, it cannot forbid the smaller one, and no finding to the contrary can be made consistently with the Order. A restriction that allows the more intrusive recording for one outlet and bars the less intrusive for everyone else is not tailored to any harm; it decides which speakers may report on this proceeding. See Citizens United v. FEC, 558 U.S. 310, 352 (2010) ("We have consistently rejected the proposition that the institutional press has any constitutional privilege beyond that of other speakers.") (quotation omitted).

6. Nixon v. Warner Communications, Inc., 435 U.S. 589 (1978), and Chandler v. Florida, 449 U.S. 560 (1981), do not apply. Nixon asked whether the press could compel release of evidence for copying and broadcast, and Chandler whether a State could permit cameras in a courtroom over a defendant's objection. Neither addressed whether a court that has already opened a hearing to recording may admit one recorder and bar another. "[G]overnment may not grant the use of a forum to people whose views it finds acceptable, but deny use to those wishing to express less favored or more controversial views," and "[o]nce a forum is opened up to assembly or speaking by some groups, government may not prohibit others from assembling or speaking on the basis of what they intend to say." Police Dep't of Chicago v. Mosley, 408 U.S. 92, 96 (1972). Government may not maintain that one activity disrupts a proceeding unless it is "clearly more disruptive than" the activity already permitted, and such predictions "involve judgments appropriately made on an individualized basis, not by means of broad

classifications." Id. at 95, 101. The Court permitted a camera and a microphone; it cannot maintain that a handheld recorder disrupts this hearing, and it made no individualized finding about Mr. Jensen. Even in a nonpublic forum, "the State must be able to articulate some sensible basis for distinguishing what may come in from what must stay out," guided by "objective, workable standards." Minnesota Voters Alliance v. Mansky, 138 S. Ct. 1876, 1888, 1891 (2018). The Order states none. Treating Mr. Jensen differently from KVOA with no explanation is also a class-of-one violation of equal protection. Village of Willowbrook v. Olech, 528 U.S. 562, 564 (2000) (per curiam); U.S. Const. amend. XIV; Ariz. Const. art. 2, § 13.

7. The reason the Court gave for refusing recording in this case was that recording, including audio recording, could harass the victim, Shannon Walker. Mr. Jensen was present on August 13, 2026 and heard the Court say so. The Order of November 6 does not say the concern has changed and makes no finding that a broadcaster's camera and microphone would harm the victim less than a handheld recorder. A harm that justified refusing every audio recording cannot disappear for one outlet and remain for everyone else. The inconsistency is sharper for this hearing than for any before it. The November 17 evidentiary hearing is expected to take up evidence concerning the victim's husband, Matthew Walker, and the circumstances of the search warrant executed on November 2, 2026, which may extend to the Walker home. If the concern is that recording could be used to harass the victim, that evidence carries more potential for it than anything at the earlier hearings, which were limited to the alleged violations. Yet the Court has chosen this hearing to permit a television camera and microphone, which will broadcast that evidence to a far larger audience than a handheld recorder could reach. The Court cannot treat harassment of the victim as grave enough to bar a member of the public's audio recorder at every earlier hearing and as no concern at the hearing where the potential is greatest.

8. If the Court nonetheless rules against this notice, that ruling will show that the earlier refusals did not rest on the reason given for them. A restriction that gives way for one outlet and holds against everyone else serves no purpose within Rule 122. The only purpose it can serve is to decide who may report on this proceeding, and so to control what is said about it outside the courtroom. The difference in what each kind of recording produces makes the point. A television newscast has a fixed amount of time and will carry only a short portion of an evidentiary hearing, edited by the station. A personal audio recording can be published whole, so that the public hears every word and judges for itself. The Court has opened the courtroom to the first and kept it closed to the second. Rule 122 gives no such authority, and a ruling that serves that purpose is not an exercise of judicial authority under Rule 122 at all; it shows the stated rationale for every earlier refusal to have been a facade.

9. The Court's enforcement of its rules in the courtroom has already been tiered. At a hearing in this matter, Mr. Jensen was corrected for having a telephone, turned off, out of his pocket, while Taylor Seely of The Arizona Republic was allowed to use a laptop computer to take notes. A laptop is a far more capable device, and a means of recording the proceeding. Both were members of the public in the gallery, and the Court applied different rules to them with no standard stated for the difference. It is the same treatment seen in the Order of November 6: the institutional press, and those the Court regards as aligned with the proceeding, may do what a member of the public may not. Rule 122 makes no such distinction, and the Court has stated none.

IV. THE RECORD

10. Mr. Jensen first attended a hearing in this matter on August 11, 2026, intending only to observe. He had made no posts on YouTube or anywhere else. That day a member of the public who publishes on YouTube as "JudyYouGotThis" and is affiliated with Really Cool News, and who was present, published a video falsely stating

that Mr. Jensen had been "streaming" audio from the courtroom in violation of the Court's recording order. The only recording made was the official record made by the court reporter. She also stated publicly that Mr. Jensen had tried to get into the elevator with her, when in fact he had held the elevator for anyone going down; that he was arguing with her in the hallway, when in fact she had begun asking him questions, he asked whether she wished to continue, and she said yes; and that a police officer had told her Mr. Jensen had been removed from the courtroom for recording the hearing, which did not happen. The victim's husband, Matthew Walker, testified at a hearing Mr. Jensen attended that the person who publishes as "JudyYouGotThis" and the victim, Shannon Walker, regularly exchange messages. The Court refused recording on the ground that it would harass the victim, yet has said nothing about a reporter in regular contact with the victim who publicly made false statements about Mr. Jensen, and it later treated Mr. Jensen, who had done nothing but observe, as a proxy for the defendant. Mr. Jensen then filed a motion to record audio. The Court denied it summarily, with no real opportunity to be heard, although he sought one.

11. On August 13, 2026 the Court again did not intend to hold the hearing Rule 122 requires before denying a request. Mr. Jensen had to wait until the first part of the hearing had finished and was heard only after the recess, when he said he needed to address the Court. He asked the Court to clarify its ruling and later moved for reconsideration; the Court gave his arguments no weight. It did not address his reason for wanting an audio recording: that no member of the public can take accurate notes at the speed people speak in court. The Court itself acknowledged the problem when it told speakers to slow down so the court reporter, with a specialized machine and training, could keep up. Mr. Jensen has neither. The Court's stated reasoning, as he understood it, was that recording by independent reporters, including those who publish on platforms such as YouTube, amounts to harassment of the victim. Its earlier orders show the reason was never harm. On July 23, 2026 it denied "the media requests to have cameras, video,

or audio recordings of the hearings for the Defendant's Motion to Modify Conditions of Probation and the Violation Hearing," "[f]or reasons as set forth on the record," and its minute entry stated: "The Court has not approved any recordings of today's proceedings. Accordingly, IT IS ORDERED that there will be no recordings including personal audio recordings." The stated reason was that the Court had not approved a recording. Paragraph (h) does not require approval, and once the Court has approved a recording, even on its own reasoning the premise for the prohibition is gone. It has approved one and kept the prohibition for everyone else.

12. The Court refused recording on the stated ground that it would harass the victim. On November 6, 2026 it admitted a television camera and a microphone, in chambers, with no hearing, no finding of harm, and no mention of the victim. The Arizona Republic reported that day that police executed a search warrant on November 2 at the home of the victim and her husband, a prosecutor, after a warrant tied at least one of the emails at issue in this case to an IP address associated with that home; that police seized six laptops, cell phones and a router to "identify or exclude" whoever created the account; that the prosecutor has been placed on leave pending an investigation of possible misconduct in this very revocation matter; and that the County Attorney's Office sought an emergency hearing to have Mr. Myers released. The Court's In-Chambers Ruling of September 9, 2026 (the "Ruling") states that the victim's husband testified for the State at the revocation hearing. (Ruling at 3.) Mr. Jensen was present and heard the witness describe the harassing messages as anonymous and of unknown origin. A warrant has now tied those messages to the witness's own home. The Court relied on that testimony in revoking probation, and the audio that would show exactly what was said does not exist because the Court refused to allow it. The refusal did not protect the victim. It removed the public's check on the testimony of a witness whose home is now the subject of a warrant, and now only one outlet may make a record of this case.

13. Matthew Walker, a prosecutor employed by the City of Tucson, testified for the State in a probation revocation prosecuted by the County Attorney's Office. The Ruling states that "[t]he substance of his testimony was that he discovered YouTube videos that he believes show Defendant violating his probation terms." (Ruling at 3.) He had no firsthand knowledge of the matters in dispute, he was the husband of the person the case was said to protect, and he had a personal interest in the outcome. His words most needed an independent record, and the Court refused one. On the reported facts there is now a substantial question whether a witness for the State took part in creating the evidence about which he testified. The only way anyone other than the Court can test that testimony is an independent audio record of it. Mr. Jensen heard the testimony, and his recollection is all he has; a recollection cannot be checked line by line. With a recording, anyone could set each statement the witness made about the emails against what the warrants now show. The Court's refusal did not protect anyone from harassment. It protected the testimony from review, which is contrary to the purpose of testimony under oath: an oath means something only if the testimony given under it can be tested afterward against the facts. The public has a right to know what was said in a courtroom that Article 2, Section 11 requires to be open, and to compare it with what will be said and recorded on November 17. The State had other ways to prove what the defendant published, since his videos speak for themselves, yet it chose the victim's husband, a witness whose personal interest was obvious. The Republic reports that the conditions of Mr. Myers' probation forbade him from speaking about either of the Walkers, so that the protections in this case have covered Mr. Walker almost as if he were a victim, while he was presented as an ordinary witness whose account the Court could credit without regard to his interest. That is the circumstance the appearance-of-impropriety standard exists to prevent. A probation violation need be established only by a preponderance of the evidence, Ariz. R. Crim. P. 27.8(b)(3), but the lowest standard the law uses does not lower the requirement that evidence be reliable and fairly presented.

The problem is not how much the State had to prove. It is that this witness should never have been the one to prove it.

V. THE RULING'S TREATMENT OF MR. JENSEN AS A PROXY

14. The Ruling shows how the Court regards those who ask to record. In denying Mr. Myers's motion to disqualify, the Court noted that Mr. Jensen and one other member of the public spoke at the Task Force's September 3 meeting. It found that the other speaker, Mr. Paine, "is associated with Defendant through Defendant's LLC," then wrote that Mr. Myers's name was mentioned only "during comments made by members of the public, at least one of whom is associated with Defendant," and that a litigant cannot claim bias he caused "through proxies." (Ruling at 2, 4.) That reasoning works only if both speakers are proxies, yet the Court made no finding that Mr. Jensen is associated with Mr. Myers in any way, and there is none to make. It also proves too much. If a member of the public who comments on Rule 122 while a case is pending is thereby a proxy for the defendant, so is every other commenter, including the media organizations, the State Bar of Arizona and the Arizona Prosecuting Attorneys' Advisory Council, and so is the Chief Justice of the Arizona Supreme Court, who signed the November 5, 2026 order reopening public comment on the same rule while this case is pending. No one would say that. The Ruling's own facts point the other way. Matthew Walker is involved in both matters: he testified for the State in this case, and on January 10, 2025 he filed the Rule 122 petition in R-25-0031, which led the Supreme Court to refer the issues to the Task Force in August 2025. (Ruling at 3.) The Court did not treat him as a proxy for anyone; it heard him and relied on his testimony. Mr. Jensen is involved in both matters in the same way, as a member of the public who attended hearings in this case and filed the Rule 122 petition in R-26-0051, and the Court treated him as a proxy for the defendant. The only difference is not what either did but which side the Court perceived each to be on. That is a loyalty test. The Arizona Republic reports that the Court

described the defendant's online speech as "rolling the ball down the court, and it's causing others to react," and the same logic is applied to Mr. Jensen: a member of the public who attends, speaks or records is read as acting for the defendant, and a person not visibly on the State's side is treated as being on the other. A court that sorts the public by perceived allegiance, credits those it takes to be for the State, and treats everyone else as the defendant's agent has abandoned the neutrality Rule 2.2 and Article 2, Section 11 require, and that is the logic of an authoritarian system, not of a court of law. Mr. Jensen has never acted at the direction of Mr. Myers or of anyone else. The Court made the same accusation aloud. At the hearing on September 16, 2026, the fourth hearing on the petition to revoke, Mr. Jensen stated when the hearing concluded that it had been a joke because the Court should have recused itself, and the Court then accused him of being a proxy for Mr. Myers, giving him no opportunity to respond. He asks the Court to withdraw that characterization or identify the evidence for it. He was not a party to the motion in which the Court made it and was given no notice or opportunity to respond; a determination about a person's associations and motives made that way cannot be relied on against him. Mullane v. Central Hanover Bank & Trust Co., 339 U.S. 306, 314 (1950); Ariz. Const. art. 2, § 4. If the Court intends to rely on any characterization of him as an agent or proxy of Mr. Myers in ruling on this notice, he requests a hearing at which he may respond first.

15. The Ruling also penalizes the exercise of protected rights and undercuts the Court's own rationale. Mr. Jensen spoke during the public-comment period of the Task Force's September 3, 2026 meeting, as any member of the public may. The Ruling treats that participation in the Supreme Court's rulemaking process as the litigant's own conduct "through proxies," invoking the rule that a party who "acts deliberately and with an ulterior motive" cannot claim the resulting bias. (Ruling at 4.) The right of petition "shall never be abridged," Ariz. Const. art. 2, § 5; see also U.S. Const. amend. I, and a court may not treat participation in the public process as evidence of bad faith. That

rulemaking is "judicial in nature" (Ruling at 4) does not help: the rule the Ruling relies on asks whether bias arises from "what the judge has done in his participation in the case," Smith v. Smith, 115 Ariz. 299, 303 (App. 1977), and the Task Force is not the case. The Ruling also found that Mr. Myers "has not engaged in" "the abusive use of recording court proceedings" and "was not charged or convicted as to anything related to filming or recording court proceedings or harassing the victim in court or in the courthouse." (Ruling at 3-4.) By the Court's own account the conduct at issue happened outside the courtroom, so a member of the public recording a public hearing is not that conduct, and the Court has identified no way in which Mr. Jensen's recorder could harass the victim. Finally, the Ruling says the Court of Appeals "denied" Mr. Jensen's special action. (Ruling at 2.) It declined jurisdiction in a single sentence, without reaching the merits.

VI. THE PROCESS RULE 122 PROMISES, AND THE ABSENCE OF ANY ENFORCEMENT

16. If the Court intends to rule against this notice in any respect, Mr. Jensen requests that the ruling be made in a written order, entered before the hearing begins, stating the specific findings and every reason on which it rests. He is a non-party and cannot reasonably obtain a transcript of an oral ruling, so a rationale that appears only on the record of a hearing he is barred from recording is not one he or a reviewing court can test. This notice is filed eight days before the hearing. Rule 122 builds in the time due process requires: paragraph (c)(3) directs that the judge "will promptly hold a hearing" if the judge intends to deny, and paragraph (d)(1) permits denial only on specific on-the-record findings. Eight days is ample for both. The Court may set a hearing at any time before November 17, or on the morning of November 17 before the evidentiary hearing begins, with Mr. Jensen present and a court reporter recording. Mr. Jensen sets no deadline and demands nothing that Rule 122 does not already require.

17. The Court has had every such opportunity before and did not use it. It heard this subject at the hearings of July 23, August 11, August 13, September 14 and

September 16, 2026, held an emergency hearing on November 3, and issued its Order on November 6. At none of them did it hold the hearing Rule 122(c)(3) requires before denying, or make the on-the-record findings Rule 122(d)(1) requires. Time was not lacking. Rule 122, as written, carries no consequence for failing to follow it: it contains no sanction, remedy or mechanism of enforcement for a violation of its own requirements. The only route it leaves a person is special action review, which is discretionary and which, as this case shows, can be declined in a single sentence or left pending. (See ¶ 19 below.) A rule that directs a judge to hold a hearing and make findings, and gives no force to the direction when he does neither, is one the judge may follow or ignore at will. This case is the demonstration, and it shows that the Rule's protections reach only as far as the judge's willingness to honor them, which is the standardless discretion the First Amendment and Article 2, Section 6 do not allow. The point is sharper because the judge who has not followed the Rule here sits on the Task Force whose petition (R-26-0003) asks the Supreme Court, in the same rulemaking proceeding, to decide what Rule 122 will provide. The Court is being asked to help write a Rule that its own conduct in this case shows to be unenforceable. (See ¶ 21 below.)

18. This notice is given so that everyone, including the Court, has the opportunity for process that Rule 122 provides. The November 6, 2026 Order does not deny a paragraph (h) recorder, but its final sentence leaves that unclear, and to the extent it is read to reach this notice it is contrary to Rule 122(h) and unsupported by any finding or any rule or law. Mr. Jensen assumes that the Court will clarify or correct it and has no reason to order otherwise. He will treat the Court's silence as acceptance of this notice. Should the Court instead countermand the notice at the hearing, after the days the Rule allows were left unused and without the hearing and findings that Rule 122(c)(3) and (d)(1) require, that will be a plain abuse of discretion, and Mr. Jensen will seek special action review and file a complaint about that conduct. In any event, the outcome will be made part of Mr. Jensen's comment in R-26-0003 as a record of how deficient special

action is as a remedy for these violations, and of how Rule 122 is constructed so that a judge who sits on the Task Force may override it to any extent without consequence.

19. Rule 122(h) gives Mr. Jensen the right to use a personal audio recorder on notice. When this Court refused that right, he sought review by special action. The Court of Appeals declined jurisdiction on August 21, 2026, in a single sentence that gave no reason and decided nothing. (2 CA-SA 2026-0068.) His petition for review has been pending in the Arizona Supreme Court since September 18, 2026 (CR-26-0273-PR); the State was served and filed no response. No court has decided whether he may exercise the right the Supreme Court's own rule gives him. Special action review is discretionary, may be declined without explanation, and is his only remedy. A right that this Court may deny repeatedly and that no reviewing court is obliged to hear is a right without a forum. Once a State creates a right or a process for enforcing one, the process must supply notice and an opportunity to be heard "at a meaningful time and in a meaningful manner." Mathews v. Eldridge, 424 U.S. 319, 333 (1976) (quoting Armstrong v. Manzo, 380 U.S. 545, 552 (1965)). "[W]hen a State opts to act in a field where its action has significant discretionary elements, it must nonetheless act in accord with the dictates of the Constitution—and, in particular, in accord with the Due Process Clause." Evitts v. Lucey, 469 U.S. 387, 401 (1985). The minimum procedure the Constitution requires is not reduced because the State has specified its own, Logan v. Zimmerman Brush Co., 455 U.S. 422, 432 (1982), and a process that exists on paper but never reaches the merits is not due process. Mr. Jensen gives notice that he contends the special action procedure, as applied to a person in his position, is defective for that reason, and that Rule 122 itself is defective if it creates a right that its own courts may deny without findings while leaving no forum required to decide the question, in violation of the Fourteenth Amendment and Article 2, Section 4 of the Arizona Constitution. He expressly reserves the argument, as to both the procedure and the Rule, for every court that reviews this notice or any ruling on it.

VII. THE CODE OF JUDICIAL CONDUCT AND RECUSAL

20. The conduct described above cannot be squared with the Arizona Code of Judicial Conduct, Ariz. R. Sup. Ct. 81. Rule 1.1 requires compliance with the law, and the Court has set Rule 122(d)(1) and (h) aside without the findings they require. Rule 1.2 requires a judge to promote public confidence in the integrity and impartiality of the judiciary and to avoid the appearance of impropriety; a courtroom in which one chosen outlet may record while the public may not does the opposite. Rule 2.2 requires the law to be applied fairly and impartially, yet Rule 122 has been applied one way to the broadcaster and another to everyone else. Rule 2.3(A) requires performance without bias or prejudice. Rule 2.4(A) forbids being swayed by public clamor or fear of criticism, yet the Court opened its courtroom to a camera the same week the conduct of the State's own witness became public. Rule 2.5(A) requires competent performance, and an in-chambers order that skips the hearing and findings Rule 122(d) requires is not competent. Rule 2.6(A) requires that a person be accorded the right to be heard according to law, yet the Court made determinations about Mr. Jensen, in writing and aloud, without giving him a forum to respond. Rule 2.8(B) requires patience, dignity and courtesy, and a court is not courteous when it accuses a member of the public of acting as a proxy and refuses to hear him. Rule 2.11(A) requires disqualification where impartiality might reasonably be questioned, and the Court sits on the very body reviewing the rule it is applying and has used its rulings in this case to characterize the public commenters on that rule. Together these describe a courtroom open to some and closed to others, and no public confidence in the integrity of the court can be built on that.

21. Mr. Jensen is a non-party and does not claim standing to move for disqualification. This request does not concern his recorder. He asks the Court to recuse itself, on its own motion under Rule 2.11(A), from State v. Myers, and to refer all pending matters to another judge, including whether the violation occurred, whether the sentence is warranted, this notice, and the hearing of November 17, 2026. The Court sits

in two places that cannot be reconciled. As the Ruling states, it is a member of the Task Force on Rules, whose petition in R-26-0003 asks the Arizona Supreme Court to revise Rule 122, the rule the Court is applying here. The Supreme Court reopened that petition for comment on November 5, 2026, with comments due November 23, 2026, and the Ruling confirms that the issues raised in a Rule 122 petition filed by a witness in this case were referred to the Task Force. (Ruling at 3.) A judge cannot help write the standard for recording and then rule on how it applies in his own cases while his rulings under it are under challenge. The Court has put the court in jeopardy in order to keep its seat on the case. It allowed Matthew Walker to testify for the State without firsthand knowledge, over the defense's objection as Mr. Jensen observed, about the content of recordings that were not themselves offered, contrary to the best-evidence principle. And to overcome the defense's motion to disqualify, it named members of the public who spoke at a public meeting as proxies for the defendant, without proof and without a hearing at which they could respond. The appearance standard in Rules 1.2 and 2.11(A) does not require proof that the Court has done anything improper; it asks whether the circumstances, as the public sees them, put its impartiality in doubt, and they do. "[J]ustice must satisfy the appearance of justice." Offutt v. United States, 348 U.S. 11, 14 (1954); see also In re Murchison, 349 U.S. 133, 136 (1955); Caperton v. A.T. Massey Coal Co., 556 U.S. 868 (2009). The Court must choose between this case and the Task Force's work on Rule 122. A judge asked to decide whether his own earlier acts were just cannot do so with the appearance of objectivity, and a new judge can decide whether the violation occurred and whether the sentence is warranted with more authority and legitimacy, because a new judge has nothing of his own to defend. Mr. Jensen's own conduct confirms the proxy accusation was never supported. He did not attend the sentencing on October 6, 2026, did not enter the courthouse that day, and has nothing to do with the recording of that hearing since posted on YouTube. His interest has always been in how the Court handles recording and public access, not in what happens to Mr. Myers. Whatever weight judicial

economy had after four days of hearings on the violation, it cannot supply the impartiality the Court lacks.

22. Mr. Jensen reserves all claims arising from the Order's treatment of his notice, including claims under the First and Fourteenth Amendments to the United States Constitution and Article 2, Sections 5, 6, 11, and 13 of the Arizona Constitution, on the ground that the Court has permitted one outlet to make audio and video recordings of this hearing while barring every other person from making audio recordings, without findings and without any stated justification.

RESPECTFULLY SUBMITTED this 9th day of November, 2026.

/s/ Jason Adam Jensen
Jason Adam Jensen, Non-Party, Pro Se
919 N. Stone Ave., Apt. #5305
Tucson, AZ 85705
jasonajensen@gmail.com

CERTIFICATE OF SERVICE

I certify that on the 9th day of November, 2026, I filed the foregoing with the Clerk of the Superior Court, Pima County, delivered a copy to Hon. D. Douglas Metcalf and his Judicial Administrative Assistant, and served a copy by email on:

Mark R. Resnick, Esq., Resnick Law Group, 100 N. Stone Ave., Suite 801, Tucson, AZ 85701 (mresnick@resnicklawgroup.net; resnicklawfirm@gmail.com)

Rachel L. Stiles, Esq., Pima County Attorney's Office, 32 N. Stone Ave., Suite 1400, Tucson, AZ 85701 (Rachel.Stiles@pcao.pima.gov)

/s/ Jason Adam Jensen