

State of Arizona
COMMISSION ON JUDICIAL CONDUCT

Disposition of Complaint 06-021

Complainant: No. 0047500089A

Judge: No. 0047500089B

ORDER

An initial review of the complaint filed in this matter reveals that the issues raised are solely legal or appellate in nature and do not involve allegations of ethical misconduct.

A court's review of documents in private is permitted by the Rules of Criminal Procedure. In this case, the prosecutor told the judge that the defense had access to the documents, and the judge properly relied on the attorney's avowal. Even if the avowal was wrong, that is a legal matter, not an ethical question, and can only be resolved in an appellate court.

The complaint is dismissed pursuant to Rule 16(a).

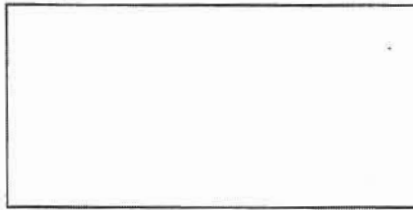
Dated: April 3, 2006.

FOR THE COMMISSION

/s/ Keith Stott
Executive Director

Copies of this order were mailed to the complainant and the judge on April 3, 2006.

This order may not be used as a basis for disqualification of a judge.




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CJD-00-027

January 20, 2006

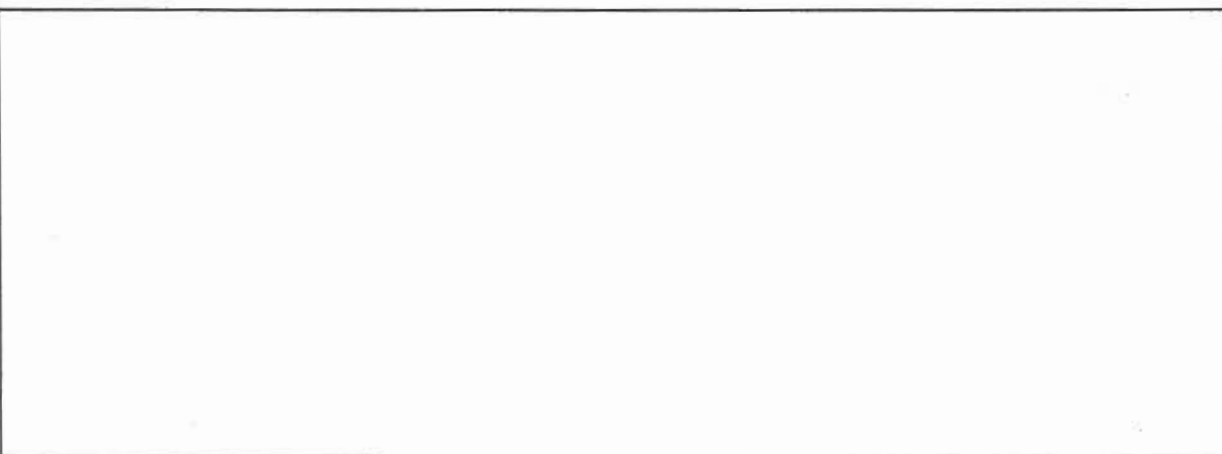
E. Keith Stott, Jr.
Executive Director
Arizona Commission on Judicial Conduct
1501 West Washington Street, Suite 229
Phoenix, Arizona 85007

RE: Ethical Complaint against Judge 

Dear Mr. Stott:

The sacrosanct tenets of American Jurisprudence are that members of the judiciary are objective, discreet, impartial and unbiased. When a judge violates these tenets, he jeopardizes a citizen's Sixth Amendment right to an impartial jury trial.

The complainant's allegations regarding matters that are confidential under the Supreme Court Rules have been removed.



[redacted] filed a timely notice of appeal regarding his conviction. Deputy Public Defender [redacted] of the [redacted] Public Defenders Office was assigned as the Appellant's attorney. Mr. [redacted] review of the trial record revealed evidence that Judge [redacted] actions would most likely cause him to be a witness at a Rule 31.8(h) hearing where his credibility would be an issue. Mr. [redacted] found that the case presented a colorable claim of improper ex-parte conduct by both the prosecuting attorneys and Judge [redacted]. [redacted] requested Judge [redacted] recuse himself from conducting the Rule 31.8(h) remand hearing ordered by the Arizona Court of Appeals. [redacted] also requested the court refer the informal conference and the Rule 31.8(h) remand hearing to the Presiding Criminal Judge for reassignment to a judicial officer other than Judge [redacted] (see Exhibit #7). [redacted] request was filed on [redacted]

[redacted] filing was the [redacted] complaint concerning ex-parte communications by Judge [redacted]
[redacted]
[redacted] Judge [redacted] refused to recuse himself in the [redacted] investigation of an ex-parte communication (see Exhibit #8). Judge [redacted] chose to protect his reputation while sacrificing the Appellant's request for review by another judge. Appellant's right to an impartial judge was ignored by Judge [redacted]

The Commission determines and applies ethical standards for judges. [redacted]
[redacted]

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Judge refused the excuse himself.

The conduct of this judge represents a perversion of jurisprudence. The Commission must investigate this complaint. The fact that Judge has retired from the bench does not negate an investigation into his alleged unethical conduct.

Please keep me informed of all aspects of the investigation.

Sincerely yours,

Enclosures