

State of Arizona
COMMISSION ON JUDICIAL CONDUCT

Disposition of Complaint 06-115

Complainant: No. 1284700088A

Judge: No. 1284700088B

ORDER

The commission reviewed the complaint filed in this matter and found no ethical misconduct on the part of the judge. Arizona statutes require the court to impose a time payment fee in cases where citizens cannot pay the full amount at the time of sentencing. The other issues raised in the complaint were also dismissed.

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

Dated: September 19, 2006.

FOR THE COMMISSION

/s/ Keith Stott
Executive Director

Copies of this order were mailed to the complainant and the judge on September 19, 2006.

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

COMPLAINT AGAINST A JUDGE

CJC-06-115

25 April 2006

Your Name: Judge's Name:

My original intention was to plead Not Guilty and request a bench trial.

However, as the Case Management Hearing presided over by Judge unfolded, I became intimidated by the judge's hostile attitude and remarks toward me.

I accepted the Guilty plea because I was fearful Judge would impose harsher penalties on me if I went to bench trial and lost my case.

The State Prosecutor explained the Plea Agreement to me, assuring me several times that the fine would never exceed \$750, and that it was a Class 2 Misdemeanor.

Suddenly, Judge intervened, stating that it was a Class 1 Criminal Misdemeanor and that the fine was \$2,500. He then addressed me directly, in a hostile, intimidating manner, and told me the only reason I wouldn't be doing jail time is because I was representing myself in this hearing.

The Judge repeated the latter remark several times throughout the proceedings, which seemed an excessively hostile attitude, i.e., that the only reason I wouldn't be doing jail time is because I was representing myself. He made it tacitly clear he would like to have me do jail time.

Why would a judge feel so harshly inclined toward a senior citizen, a newly arrived resident of Arizona, with no prior criminal record in years of living, and about whose side of the issue he has no knowledge whatsoever?

I feel the entire incident was a Miscarriage of Justice; the judge's attitude toward me, the defendant, was excessively punitive, the State Prosecutor was ignorant of the code, the notice of increased fine in the event I lost the case at a bench trial was like a classic "bait and switch" routine.

I felt frightened that the worst was yet to come. No prudent person would put herself in further jeopardy under these circumstances. I opted for the lesser of two evils, as I saw them, and pleaded Guilty, against my own conscience, for I consider myself not guilty.

25 April 2006

Judge:

Furthermore, the judge never offered me Community Service; he imposed the fine, and added a penalty fee, as I was not prepared to pay the fine that very day. This, too, I feel was a significant sign that this judge was keenly intent on punishing me to the fullest extent possible under the law. I think he was prejudiced against me to the extreme; his hostile behavior throughout the hearing and the penalty phase illustrate his animosity towards me.

It is a travesty of justice for a judge to intimidate a citizen so thoroughly that the person is frightened into pleading Guilty, due to the implied threat of even worse punishment if the case were lost at Bench Trial. Yet this is exactly what happened in my situation, which I have described.

It was a case of my being considered guilty before I was considered innocent, which is in direct contradiction of what we've all been taught to understand about our justice system.