

State of Arizona
COMMISSION ON JUDICIAL CONDUCT

Disposition of Complaint 07-006

Complainant: No. 1300300101A

Judge: No. 1300300101B

ORDER

The commission reviewed the complaint filed in this matter and found no ethical misconduct on the part of either judge.

The complaint is dismissed pursuant to Rules 16(a) and 23(a).

Dated: January 26, 2007.

FOR THE COMMISSION

/s/ Keith Stott
Executive Director

Copies of this order were mailed
to the complainant and the judges
on January 26, 2007.

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

CJC-07-006

COMPLAINT AGAINST A JUDGE

Your name

Judge's name:

Date: 1-7-07

Instructions: Describe in your own words what the judge did that you believe constitutes misconduct. Please provide all of the important names, dates, times and places related to your complaint. You can use this form or plain paper of the same size to explain your complaint, and you may attach additional pages. Do not write on the back of any page. You may attach copies of any documents you believe will help us understand your complaint.

On [] I APPEARED IN JUDGE [] COURTROOM FOR A STATUS CONFERENCE. [] TESTIFIED THAT I WAS NOT COOPERATIVE WITH PRE-TRIAL SERVICES. I RESPONDED BY OBJECTING TO BEING REQUIRED TO DRUG TEST, AND REPORT TO A PROBATION OFFICER. I TOLD JUDGE [] I SHOULD NOT BE ON PROBATION WITHOUT DUE PROCESS. HE SEEM TO BE ANGERED BY THAT AND HE ORDERED ME TAKEN INTO CUSTODY. THE OFFICER PROCEEDED TO PUT HANDCUFFS ON ME. THE NEXT THING THAT HAPPENED REALLY CAUSED ME CONCERN. HERE I AM STANDING IN A COURTROOM IN HANDCUFFS IN THE UNITED STATES OF AMERICA AND THE JUDGE TELLS ME "PRE-TRIAL SERVICES SHOULD BE USED TO "PROVE MY INNOCENCE". I LOOKED AROUND THE ROOM AND TO MY AMAZEMENT NO ONE EVEN BATTED AN EYE. UP TO THAT POINT MY THOUGHTS WERE ALL FOCUSED ON HOW THEY COULD POSSIBLY HAVE ANY EVIDENCE THAT WOULD SUGGEST I WAS GUILTY OF THESE CRIMES. I HAVE NEVER BEEN IN ANY TROUBLE BUT EXPECTED TO BE PRESUMED INNOCENT UNTIL PROVEN GUILTY.

AFTER MY ATTORNEY ASKED ABOUT BAIL JUDGE [] SET BAIL AT [] I BELIEVE THIS BAIL AMOUNT WAS DIRECTLY INFLUENCED BY JUDGE [] ATTITUDE CONCERNING MY OBJECTION AND NOT BASED ON AN AMOUNT THAT WOULD INSURE MY APPEARANCE AT FUTURE PROCEEDINGS. THIS OPINION WAS VALIDATED ON [] WHEN I

WAS IN JUDGE [] COURTROOM FOR SENTENCING IN THE SAME MATTER. CHARGES HAD BEEN DISMISSED AND REFILED AND THEN HEARD BY JUDGE [] DURING THAT SENTENCING HEARING STATE PROSECUTOR [] REFERRED TO THAT HEARING TELLING JUDGE [] HOW I HAD REFUSED TO ABIDE BY COURT ORDERS CONCERNING DRUG TESTING AND TOLD JUDGE [] HOW JUDGE [] HAD ~~BEEN~~ RESPONDED TO THAT BY TAKING ME INTO CUSTODY AND SETTING A "HIGHER" BAIL.

A [] POLICE OFFICER WHO SERVED A SEARCH WARRANT ON MY HOUSE IN [] HAD INDICATED TO ME AT THE TIME THAT HE WAS GOING TO INDICATE TO THE JUDGE THAT MY WIFE & I SHOULD BE RELEASED ON OUR OWN RECOGNISANCE, I HAD MADE ALL ATTORNEYS AND JUDGE [] AWARE OF THAT. THE OFFICER WAS []

I BELIEVE THAT JUDGE [] COMMENT ABOUT "PROVING MY INNOCENCE" IS NOT ONLY SHOCKING BUT BECAUSE IT REFERS TO WHAT SHOULD BE THE SINGLE MOST IMPORTANT ELEMENT OF OUR JUSTICE SYSTEM IT IS APPALLING.

THE TRUTH IS THAT THE AMOUNT THAT WOULD INSURE MY APPEARANCE AT FURTHER PROCEEDINGS WAS ZERO. HOWEVER CONSIDERING THE CIRCUMSTANCES I COULD UNDERSTAND SOME BAIL BUT THE [] WAS DEFINITELY INFLUENCED BY JUDGE [] PERSONNEL FEELINGS AND NOT BASED ON ANY SERIOUS INFORMATION ABOUT MY STATUS AS FAR AS RESIDENCE, EMPLOYMENT, FAMILY, DANGER TO SOCIETY OR ANY OTHER CRITERIA THAT SHOULD BE USED TO ESTABLISH BAIL.

CJC-07-006

COMPLAINT AGAINST A JUDGE

Your name:

[Redacted]

Judge's name:

[Redacted]

Date: 1.7.07

Instructions: Describe in your own words what the judge did that you believe constitutes misconduct. Please provide all of the important names, dates, times and places related to your complaint. You can use this form or plain paper of the same size to explain your complaint, and you may attach additional pages. Do not write on the back of any page. You may attach copies of any documents you believe will help us understand your complaint.

On [Redacted] my wife & I appeared in front of [Redacted] for sentencing. We had reached a plea agreement for possession of marijuana. My wife & I were [Redacted] yrs old respectively. Neither of us had ever been in trouble before. I attempted to make a point to the judge prior to his sentencing. I was attempting to indicate to him how we had been impacted financially already by this case that had been going on for almost a year. [Redacted] seem to respond to what I said in a negative tone. He then asked questions that I believe indicate a lack of preparation on his part. "What are they pleading to" or "What's the plea" he asked as he made reference to papers he had. ~~After~~ Becoming aware of the plea he made the comment "That's just the tip of the iceberg." I took that to mean that he thought we were guilty of a lot more. He then ask "Are they eligible for drug court?" He seem to direct that question to the prosecutor, but paused for a moment for an answer. No one said anything. He then began marking on the pre prepared uniform conditions changing the 1 yr to 2 yrs and sentencing us to drug court as he made reference to they can ~~use~~ rule 32. I believe what he was saying was even though I don't know if they can be sentenced to drug court I'll do it any way and if it's

(Attach additional sheets as needed)

WRONG, THEY CAN DEAL WITH IT UNDER RULE 32.

I FILED FOR POST-CONVICTION RELIEF, HOWEVER WITH THE TIME ALLOTTED FOR TRANSCRIPTS AND SUCH IT IS QUITE A LENGTHY PROCESS.

I HAVE TRIED TO ABIDE BY THE SENTENCE WHILE DISPUTING THE SENTENCE AND AT MY FIRST APPEARANCE IN DRUG COURT THE PUBLIC DEFENDER [REDACTED] TOLD MY WIFE AND I THAT THE SENTENCE WAS ILLEGAL BUT REFUSED TO SAY ANY MORE. I THEN WAS SENTENCED TO TWO DAYS IN JAIL BUT I UNDERSTAND THAT'S ANOTHER ISSUE AND PROBABLY HAS NO MERIT IN THIS COMPLAINT.

I PUT A LOT OF THOUGHT INTO THIS COMPLAINT AND READ THE JUDICIAL CODE OF CONDUCT BEFORE WRITING THIS.

I BELIEVE [REDACTED] SHOULD HAVE BEEN AWARE OF THE PLEA AND POSSIBLE SENTENCES HE COULD IMPOSE BEFORE ENTERING THE COURT ROOM. I ALSO BELIEVE HIS "TIP OF THE ICEBERG" COMMENT CLEARLY INDICATES THAT HE FELT WE WERE GUILTY OF MUCH MORE THERE BY DENYING OUR RIGHT TO PRESUMPTION OF INNOCENSES.