

State of Arizona
COMMISSION ON JUDICIAL CONDUCT

Disposition of Complaint 09-303

Complainant: No. 1378010684A

Judge: No. 1378010684B

ORDER

The complainant alleged the judge sentenced a criminal defendant improperly because of bias. The commission reviewed the complaint and found no evidence of ethical misconduct on the part of the judge. The complainant's allegation of bias was not borne out by the transcript of the proceedings. Moreover, the judge issued a sentence within the acceptable range given the terms of the plea agreement. Therefore, the complaint is dismissed pursuant to Rules 16(a) and 23.

Dated: January 20, 2010.

FOR THE COMMISSION

\s\ Keith Stott

Executive Director

Copies of this order were mailed to the complainant and the judge on January 20, 2010.

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

State of Arizona
Commission on Judicial Conduct
1501 W. Washington St.
Phoenix, Arizona, 85007

COMPLAINT AGAINST A JUDGE

My name Judge's name 9/15/09

I have enclosed a copy of our original complaint which we sent to Ruth McGregor. It gives a little of the background to this case.

Santa Cruz County has a serious "good ol' boy" network that unfortunately appears to include This network entails people in power helping out others in spite of any oaths of office they may have taken, in spite of any rules of law that may, and should, apply, and in spite of any desire to actually do the job they were entrusted with. Not only did ignore our rights as victims of a crime in Arizona, but he blatantly broke whatever laws he chose to do so. All so he could help keep DA George Silva's buddy out of jail as long as possible.

I have enclosed a copy of the plea deal which calls for a presumptive sentence of 2.5 years with a requirement for the maximum sentence of 3.5 years for mitigating circumstances. didn't even give the presumptive sentence. He ignored the mitigating circumstances that Gallegos was driving an unregistered and unlicensed vehicle. By Gallegos' own admission he had been riding this bike for a year with no registration or insurance, and with no operator's license. On the day of Sylvia's death he had spent nine straight hours in a bar and had a BAC of twice the legal limit. Apparently these weren't "mitigating" circumstances.

 did however, lecture Gallegos about not wearing a helmet. Judges should be about the law and only about the law. There is no helmet requirement for someone Gallegos' age in Arizona. Apparently figured the law in this case already meant nothing, he might as well give his own opinion about something that had no legal significance.

 seemed to put emphasis on Gallegos being injured when he crashed....a brain injury. Yet when defense attorney Chapman brought up the fact that Gallegos was losing his job with the Border Patrol and would have to go back to

being a machinist, never said a word. How serious can a brain injury be if the person who supposedly has one is going to go back to work around dangerous power equipment? How serious can that injury be if that person is confident that a company will hire him knowing he could be an insurer's nightmare? As a judge, should have been capable of seeing the paradox in these claims. If he did, he chose to ignore it.

Also, Gallegos' first defense once he got out of the hospital was that a car had hit him from behind and run him off the road. This became an obvious lie when the evidence showed that he lost control on his own and another vehicle wasn't involved. He then went for the "I have been injured and don't remember anything" defense. I guess according to these lies are acceptable. I certainly had all this information available to him and should have been competent enough to have been able to see these lies for what they were. Again, in his quest to ignore our rules of law and follow his own arrogance and desire to do as he saw fit, he discarded the obvious.

Please note also that Gallegos isn't even doing 85% of his year long sentence, as prescribed by law. In fact, he is barely doing 7 months. Is this due to a corrupt judge pulling strings as well?

shameful disdain for his robe and the rule of law that he and that robe are supposed to represent goes far beyond disgusting and vile behavior. His actions are nothing short of criminal.

I have also been told that is actually an alternate on the State Appellate Court. If this is true this is a travesty beyond comprehension. It is bad enough to have a judge in a small county use and abuse his authority to do as he pleases, but the Appellate Court should be beyond reproach. Of all the courts in our country Appellate Courts have to be conducted by justices who put the rules of law and integrity above all else. Even the perception that an Appellate Judge puts his/her desires above the law denigrates not only those justices who actually strive to perform their tasks with honor and dignity, but it also denigrates the integrity of our entire judicial system

Thank you for your time. I have, unfortunately, met others who have issues with integrity as well, so I am sure this will not be the only complaint you receive as I am encouraging them to write a complaint also.