

State of Arizona
COMMISSION ON JUDICIAL CONDUCT

Disposition of Complaint 11-142

Complainant: No. 1419610729A

Judge: No. 1419610729B

ORDER

The complainant alleged that a superior court judge improperly pressured his son to accept a plea bargain and was partial to the prosecution because of political connections with the family of the victim. After reviewing the complaint and the court record, the commission found no evidence that the judge engaged in ethical misconduct by coercing the defendant, who was represented by counsel, to accept the plea. Accordingly, the complaint is dismissed in its entirety pursuant to Rules 16(a) and 23.

Dated: September 2, 2011.

FOR THE COMMISSION

/s/ George Riemer

George A. Riemer
Executive Director

Copies of this order were mailed to the complainant and the judge on September 2, 2011.

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

Complaint Against Judge
To Whom it May Concern,

I am writing this concern regarding my son, who is incarcerated at Lower Buckeye jail and has been for the past year and two and a half months. My son was scheduled to go to court on April 14, 2011. Frances Robinson his public Defender was instructed by my son to let us know of every court date and every legal document that was going on with his case. Frances never tried to contact us about his new court date. In the past year she has not provided us with any legal documents or responded to our phone calls even after my son's request. On April 13th Judge I believed was unfair for not giving my son 1 more day to go over his plea agreement, since he had until the 14th of April to go over it, court never gave us an explanation why they changed the court date from the 14th to the 13th of April. To my understanding this was the first time he had seen or heard of this plea agreement. My son was asking the court to see all legal documents pertaining to his case, because Frances never provided him with any documents and he told him that that was none of his business. My son told him it was his life that was at stake and he had a right to all legal documents. We had told Frances that he didn't want to sign any plea since he had told us previously. She thought we were telling him not to sign a plea, because she kept telling us that he was the

one that was going to be sitting in prison if he went to trial and lost and not his family. Well, that is what judge was telling my son repeatedly after the judge, prosecutor, and Frances the public ^{DEFENDER} went to the judges chambers. In the first status conference ^{judge} came down from the bench took off his robe and told my son that he was there just to explain how a plea agreement works, he said he wasn't there to tell my son to take the plea or to go to trial, but on the second status conference he was almost insisting on my son to take the plea, even though my son was offered the plea for the first time and he didn't have time to go over it. I asked the judge why they hadn't provided him with legal representation before he was interviewed, he was ignored and Denied 3 times. I thought that there were two situations that must co-exist prior to offering the Miranda Warnings. to individuals the officer must have made a custodial arrest where the arrestee is under the dominion and control of the officer and the officer must have plans to interrogate the arrestee. Also "Under present practice Miranda Warnings must be conveyed to individuals in custody in a manner and in a language that the individual can understand". The officer must also tell the arrestee that the assistance of an attorney will be free if the subject is too poor to hire counsel. We are indigent people that can't afford an attorney.