

State of Arizona
COMMISSION ON JUDICIAL CONDUCT

Disposition of Complaint 12-073

Complainant: No. 1438110629A

Judge: No. 1438110629B

ORDER

The complainant alleged that a superior court judge engaged in several acts of ethical misconduct, in part, by denying him the right to be heard, engaging in ex parte communications, acting as a character witness for one of his defense attorneys, failing to disqualify himself, and making improper rulings. He further alleged the judge was rude and impatient, and he failed to report several attorneys to the state bar.

The responsibility of the Commission on Judicial Conduct is to impartially determine if the judge engaged in conduct that violated the provisions of Article 6.1 of the Arizona Constitution or the Code of Judicial Conduct and, if so, to take appropriate disciplinary action. The purpose and authority of the commission is limited to this mission.

After reviewing the information provided by the complainant and the history of case, the commission found no evidence of ethical misconduct and concluded that the judge did not violate the Code in this case. The commission does not have jurisdiction to investigate the legal sufficiency of the judge's rulings. Accordingly, the complaint is dismissed in its entirety pursuant to Rules 16(a) and 23.

Dated: May 23, 2012.

FOR THE COMMISSION

/s/ George Riemer

George A. Riemer
Executive Director

Copies of this order were mailed to the complainant and the judge on May 23, 2012.

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

CONFIDENTIAL

State of Arizona
Commission on Judicial Conduct
1501 W. Washington Street, Suite 229
Phoenix, Arizona 85007

FOR OFFICE USE ONLY**2012-073****COMPLAINT AGAINST A JUDGE**

Your name: _____

Judge's name: _____

Date: _____

Instructions: You can use this form or plain paper of the same size to file a complaint. Please describe in your own words what the judge did that you believe constitutes judicial misconduct. Be specific and list all of the names, dates, times and places that will help us understand your concerns. You may attach additional pages but not original court documents. Print or type on one side of the paper only, and keep a copy of the complaint for your files.

The Following Rules quoted Are From 17A A.R.S. Sup. Ct. Rules,
Rule 81 Code of Jud. Conduct.

Commissioner violated Rule 2.5 Competence,
diligence And Cooperation Subsection (A) A Judge shall perform
Judicial And Administrative duties Competently, diligently,
And promptly. ON 11/30/2011 CAUSES PSRB RE: CR2006-
AND CR2011- were heard AT 1:15pm AT The Courtroom
AZ STATE HOSPITAL A record of the proceedings IS made by
Audio tape in lieu of A Court reporter. The Commission Needs
To subpoena these recordings And listen to them. Defendant
on his own behalf, Addresses The Court regarding several
issues And requests new counsel. For The reasons stated on
the record, defendant's proper request to change counsel
is denied. AFTER Numerous requests And denials
Filed A motion to withdraw ON CR2011- on
2-1-12 And Com. ruled on it 2-28-12 All the
While complainant was ordered to MCSO ON 1-3-12. the
Judge under rule 2.6 owes A duty to rule Competently, diligently
And promptly he failed in that duty. In Addition Com.
violated Rule 2.6 (A) by denying defendant A right
to be heard as he had A legal interest in the proceedings.
A review of the Audio Tape is requested, In Addition Com.
Holding violated Rule 2.8 Decorum, Demeanor And Communication
with Jurors (B) A Judge shall be patient, dignified,
And courteous to litigants. A review of the Audio Tape
is requested. This Judge was rude to The defendant.

(Attach additional sheets as needed)

(Attach additional sheets as needed.)

IN Addition Com. Violated Rule 2.15 Responding to Judicial
 AND Lawyer Misconduct, (b) A Judge having knowledge that
 A Lawyer has committed a violation of the Rules of Professional
 Conduct that raises a substantial question regarding the
 Lawyers honesty, Trustworthiness, or Fitness as A Lawyer in other
 respects SHALL inform the appropriate Authority. And (d)
 A Judge who receives information indicating a substantial
 Likelihood that A Lawyer has committed a violation of the
 Rules of Professional Conduct SHALL take appropriate
 action. When the defendant Mancini made a proper request
 to change counsel, defendant cited violations of ER 1.1,
 ER 1.2, ER 1.3, ER 1.4, ER 1.6 (3), ER 3.2 As such
 Com. denial violated Rule 2.15 (b) and (d),
 IN Addition prior to making the ruling denying defendant's
 proper request to change counsel Com. violated Rule
 2.9 Ex parte communication (A) A Judge shall not initiate,
 permit, or consider ex parte communications, Com.
 Along with States Attorney And defendant's
 Attorney held a 10 minute discussion in chambers without
 defendant being present and Against defendant
 objection, After which Com. stated on
 the record of the long standing relationship Com. Holding
 and had, He went on the record as a
 character witness in violation of Rule 3.3, Com.
 was aware at the time that defendant had filed
 A State Bar of Arizona Complaint Against
 This commentary on the attributes of was
 not requested by anyone, unless in ex parte communication
 in chambers, not in the presence of defendant Mancini
 someone requested it and that it become part of
 the record, Rule 3.3 Acting as a character

(Attach additional sheets as needed.)

Witness is very clear in that, "A Judge SHALL NOT VOUCH FOR THE CHARACTER OF A PERSON IN A LEGAL PROCEEDING, EXCEPT WHEN DULY SUMMONED," Com. In this instance WAS NOT DULY SUMMONED. He voluntarily made it and it WAS UNNECESSARY IN THE HEARING OF CAUSE CR2011- AND A DELIBERATE VIOLATION OF RULE 3.3,

BASED UPON THESE FACTS AND THE FACT THAT ON CAUSE

MH2010-XXX MH2011-

MH2012-

THIS JUDGE HAD SPECIFIC KNOWLEDGE THAT DEFENDANT

WAS ABLE TO UNDERSTAND THE NATURE OF THE

PROCEEDINGS AND WAS ABLE TO ASSIST COUNSEL IN

DEFENDANT'S DEFENSE, AND THAT DEFENDANT

WAS

NOT CRIMINALLY INCOMPETENT PURSUANT TO A.R.S.

13-4510, Com.

BASED UPON THE FINDING AND RECORDS

CONTAINED IN MH2011-

AND MH2012.

WHICH ARE INCORPORATED HEREIN BY REFERENCE, KNEW

FOR CERTAIN BEYOND A REASONABLE DOUBT BY HIS AND THE

STATES DISMISSAL OF BOTH AND THAT MH2010-XXX IS

PRESENTLY IN AZ STATE SUPREME COURT ON APPEAL

HANDLED BY

ATTORNEY FOR DEFENDANT

THAT THE COURT AND NAMELY Com.

VIOLATED RULE 1.2 AND 2.3 (A) AND (b), Com

FINDING THAT CONFINEMENT IS NECESSARY

FOR TREATMENT, AND/OR THE DEFENDANT IS A

THREAT TO PUBLIC SAFETY. THIS DEFENDANT HAS

NOT HAD PROPER COUNSEL, AS YET ON 2-28-12

(Attach additional sheets as needed.)

The public defenders office Assigned
Bar #

CASA Grande, AZ 85122

to represent

him. Mr has not contacted me even though
the defendant called his office on 2-28-12 Again
on 3-2-12 when his call from MCSO was declined,
defendant sent him a postcard on 3-2-12 requesting
a call or visit at MCSO 4th Ave Jail. On 3-5-12
defendant left another message - on 3-6-12 defendant
left another message and this time Mr.
Secretary told him they needed his Booking Number
and Cell Number, and that he didn't know which
Jail he was at. The MCSO Jail Phone system tells
the person called that a collect call is being made
from " AT MCSO 4th Ave Jail". The
defendant is at a loss to explain why

didn't know those facts as that info was
also included on the 3-2-12 postcard sent to
him along with the cause number CR2011-

Mr. reserves the right to supplement
this complaint before final determination of
the commission, Mr also affirmatively
states that he is competent to stand trial,
is able to understand the nature of the
proceedings and is able to assist counsel in
his defense, Defendant also affirmatively

(Attach additional sheets as needed.)

States. That he is Not Criminally Incompetent pursuant
to A.R.S. 13-4510, that the State by their requests
for Dismissal of MH 2011- AND MH 2012-

Also believes that the defendant does Not Need Treatment
or why would they file a motion to withdraw petition
for Court ordered treatment AND Com.

Sign that order on Jan 30, 2012 with full
knowledge that defendant would be arrested by
MCSO for RTC evaluation for 15 months pursuant
to A.R.S. 13-4510(c) AND be held at MCSO

with NO Bond, Based upon the totality of the

Facts a reasonable person can draw only one

Conclusion, Com, has violated Rule 2.3 (b)

AND many other rules in relation to this

Party defendant