

State of Arizona
COMMISSION ON JUDICIAL CONDUCT

Disposition of Complaint 12-090

Complainant: No. 1391510284A

Judge: No. 1391510284B

ORDER

The complainant alleged that a superior court judge committed various legal errors, improperly disclosed confidential information, and coerced a party into dropping an appeal.

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, 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: June 7, 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 June 7, 2012.

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

Dated: 04/01/2012

To: State of Arizona Commission on Judicial Conduct.
1501 W. Washington St., Suite 229.
Phoenix, Arizona 85007.
Telephone: (602) 452-3200.

APR 13 2012

Re: Request to file a complaint for Judicial misconduct against Hon. Judge

My son had an initial hearing on March 23, 2012, before Judge where he was allowed to plead guilty without the presents of an attorney to a charge of attempted possession of marijuana and attempted possession of drug paraphernalia which are both unclassified misdemeanor charges. My son had one prior conviction on his record which was for possession of a cigarette on a school campus which he was fined \$75.00. As a result of his guilty plea on 03/23/2012 my son was sentenced to 12 month of probation and 30 days in juvenile detention for detox purposes.

On March 28, 2012 my son filed an appeal of the sentenced that he received. An appeal is normal reviewed by the appellat court outside of the juvenile court for errors such and not following a sentence guide lines for minor. Prior to filing the appeal I meet with my son's probation officer Ms. and she told me that filing an appeal doesn't cancel out a status hearing. Which we had set up with the court to be held on 04/03/2012.

On March 30, 2012 I meet with Mr. the Director for the Juvenile Detention Center regarding my conditions at the center and Mr. told me that he does not operate a detox center and that it was a mistake to include that on the court documents. Mr. also said that they do not provide services for individuals going through detox. The reason given for holding my son at the center was for detox purposes. . My son has been seen by the limited medical staff at the facility and he is not going thorough detox nor is he being treated for detox.

Mr. told me on March 30, 2012 that he had just received an email from the judge in my son's case canceling his status hearing because he filed an appeal of the conviction and sentencing. Mr. is not a lawyer in his position, nor is he a prosecutor or a public defender. My son has an expectation and a right to privacy and confidentiality in the handling of legal matters filed with the court.

Several errors appear to have been made in my cases case. My son was given a 30 days detention stay for a first offense. The judge in turn canceled my son's status hearing because he filed an appeal of the conviction with another court. That looks like retaliation against him for filing an appeal. He has already served almost 2 weeks of his sentence without a without a detention hearing to determine the need for further detention.

My son was sent to the detention center for detox purposes only that specific language gives the impression that my son was going through detox and needed the specific services. I was told by his probation officer that we needed to set up drug and alcohol counseling before the prior status hearing to present to the judge. This facility has no detox treatment and my son is not going through detox. We can provide more and better services.

He is being held on an unclassified charge of attempted possession of marijuana and drug paraphernalia. There are sentencing guide lines which should have been followed. I believe this judge had an opportunity to correct an error she made in sentencing at the first status hearing. There appears to be an abuse of discretion in my case. No sentencing guide lines were applied or followed.

Yet instead of correcting the error she added to it by canceling the status shearing because he applied for an appeal of the sentencing. I felt as if we had to cancel out appeal in order to reapply and hope the judge will set another status hearing. I feel as if we were coerced into canceling our appeal. I understand that the Judicial Commission cannot reverse decision by judges but I wanted to bring this to your attention for any corrective actions or sanctions you can apply.