

State of Arizona  
COMMISSION ON JUDICIAL CONDUCT

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Disposition of Complaint 14-243

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Judge:

Complainant:

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**ORDER**

The complainant alleged a superior court judge imposed an excessive sentence and engaged in improper ex parte communications.

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.

The commission does not have jurisdiction to review the legal sufficiency of the judicial officer's rulings. In addition, the commission found no evidence of ethical misconduct and concluded that the judge did not violate the Code in this case. Accordingly, the complaint is dismissed in its entirety, pursuant to Rules 16(a) and 23.

Dated: September 17, 2014

FOR THE COMMISSION

/s/ George A. Riemer

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George A. Riemer  
Executive Director

Copies of this order were mailed  
to the complainant and the judge  
on September 17, 2014.

*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****2014-243****COMPLAINT AGAINST A JUDGE**

Your Name:

Judge's Name:

Date:

**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.

rule 2.3 Bias, prejudice, and Harassment.

The judge acted very biased in my opinion. I had a disposition originally scheduled for One day before sentencing, he issued a statement for a substantially aggravated sentence without all the facts before him he himself at the continued date of

He also asked my sister a very derogatory tone on "Do you know what your brother did?"

The fact that he admitted on the record he likes to have all facts and issued the before he in fact did, we believe he was biased for the type of charges I originally had and were subsequently dropped. There was a notice sent with an erroneous

listing for repeat offenders, and I am a first time offender. He also did not follow procedure for sentencing with aggravating factors, per ARS 13-702. He used things that had no bearing on the crime as required. He aggravated for an admitted probation violation stemming from

There is now a substantial claim before the same judge that I am innocent of the crime burglary, the home which was allegedly burglarized was leased to myself and the victim. There may have been another crime committed, but a burglary no. Also, he aggravated under emotional harm but this was not in the plea nor found by a jury or admitted by me. Basically he wanted to give me the max and I feel due to the original charges.

Rule ~~20-22~~ 2.11(A) says the judge should disqualify himself in which the judge's impartiality might reasonably be questioned. 2.11(A)1 The judge has a personal bias or prejudice concerning a party or a party's lawyer. I don't know how far of a conversation was held behind closed doors in these so called "Staffings". The fact is, they do exist and things are discussed that should be made part of the record for future proceedings. My attorney, \_\_\_\_\_, made a comment to me \_\_\_\_\_ "Staffing" that the prosecution/probation dept. made a claim that my involvement with the \_\_\_\_\_ was due to a deal I made with them to avoid prosecution with the \_\_\_\_\_ untrue, but this goes to evidence of ex parte communication because it is not on the record anywhere. I respectfully submit this and ask for a full judicial review. I am currently filing a rule 32 and it has been assigned to the same judge. I now have on record the \_\_\_\_\_ as I filed a motion for a change of judge under rule 10.2 ultimately denied.