

State of Arizona  
COMMISSION ON JUDICIAL CONDUCT

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Disposition of Complaint 14-334

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Judge:

Complainant:

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**ORDER**

The complainant alleged a superior court judge violated her victim's rights by limiting her impact statement at sentencing.

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 review, 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: February 2, 2015

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 February 2, 2015.

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

**Complaint against a Judge**

My Name is

Judge's name is

Date:

We have been involved with case number \_\_\_\_\_ since \_\_\_\_\_. I have attended every status conference and hearing scheduled in the past year. The defendant was my \_\_\_\_\_ and the \_\_\_\_\_ lasted for \_\_\_\_\_. After being on top of this case continuously for \_\_\_\_\_ we finally got to start our closure on \_\_\_\_\_ when the defendant signed a plea agreement. We agreed on a sentencing date of \_\_\_\_\_. I was assured by all parties that we would be the only case on the calendar and we would be able to say what we needed to say to be able to start our healing process. My \_\_\_\_\_ and I were both assured that we could vent and say what we needed to be able to express our anger and disgust with what this predator put her through. We were told that we could not look at him and must hold our composure, but our words would be listened to and we were given other examples of what other victims had done.

We worked on our impact statements for 3 weeks. I sent both statements to \_\_\_\_\_ and to the Court Advocate, \_\_\_\_\_ and my statement to \_\_\_\_\_. There was not one word relayed to us that we had crossed any line in stating our pain. Especially based on their experience in the court system... Both, \_\_\_\_\_ had seen and heard much worse.

We showed up in court on \_\_\_\_\_ with friends, family, and \_\_\_\_\_ in attendance only to find out there were \_\_\_\_\_ other cases in front of ours. We sat patiently through this and was called into a side room by the prosecuting attorney, \_\_\_\_\_ to find out who had a statement to read and in what order they would be going in front of the court. We went back into the courtroom to wait our turn. At \_\_\_\_\_ we were pulled back into the side room to be told that the judge sent a message to us saying that our prepared statements were not to be read in open court the way they were written. We had about 5 minutes to revamp ALL of them. We could not speak derogatory about the defendant, wish him any bad will, say any curse words, (even in referring to the names he called my \_\_\_\_\_). We could not made explicit references to \_\_\_\_\_. There was not one single person in this room that wasn't absolutely shocked by the stipulations this judge had imposed on us. And to top it off, he not only imposed the restrictions, but also relayed a message to us that if WE defied any of these, we would be held in contempt and fined for each deviation. This was devastating to say the least. This judge had told \_\_\_\_\_ that he was under the impression that since this was a signed plea agreement, that he wasn't expecting the family to speak. How wrong could he be? AND Judge \_\_\_\_\_ had another case he had to go to at \_\_\_\_\_ so our time to even decide on anything changing was already gone. The inconvenience factor of all in attendance, especially my \_\_\_\_\_ was hard to take. You get yourself prepared to face the devil that devastated your \_\_\_\_\_, and get everyone together, for the judge to change all the

rules at the last minute and schedule beyond what could reasonably be done. This is at the least INCONSIDERATE to the victim and family!

We, as the victims, not only have the right, but we have a duty to stand up to these sick individuals that ! This man choked unconscious and and repeatedly on and moved into the same apartment complex where we lived to have This judge ripped our rights of letting him know how he hurt us away. My understanding is that Judge is new to the criminal side of our court system, and his actions in our case have taken OUR court system, OUR healing, and OUR opportunity to speak to the devil away. felt all over again, because couldn't say to this time, she felt by the judge and his inconsideration. of right to be a strong, independent person and speak truth and pain.

Needless to say, there was no way we could revamp 5 impact statements. Even therapist, would have to rewrite with these guidelines in place. We rescheduled the sentencing for We were all able to attend except for , and we all had written a small one paragraph or two to just express our guarded feelings. I, as the of the victim, did not express near what I wanted to. This put through hell, and I could not even say in front of that I HATE . I'm pretty sure I have that one right..... I do hate . I was told I couldn't even say the words did horrible things to I had to rephrase even that simple statement to did things to . This is completely unfair and a form of censorship and proof once again that this defendant has more rights than We couldn't stand in front of the judge and say anything that may hurt this defendants feelings. REALLY?????

This judge has the wrong idea on how to conduct a courtroom. If he wants to run it like church, he may need to go to one. This courtroom should be where the victims get a small form of justice in the end. Our laws are already in the defendants favor. This case is a horrific case, and it deserved a lot more than signing a plea agreement of years. We did not agree to the years, sentencing, or anything along the way. We didn't have a choice. This victim impact statement was all we could hold on to and were told by the and all along the way that we would have our time in court and we would be able to let everyone know the damage done. Not being able to let this go, has kept me from filing this complaint earlier. I am still just as angry as I was the day of sentencing. I did not get my chance to let this monster know what done. I will hold into this until the release date and feel consumed everyday until . Please do not let this judge do this to another family. We as victims need our day. We need to use our words, and if need be, we need to be able to spew a little venom that has eaten us alive throughout the pain and heartache of our We aren't allowed to touch, look at or get even with these people because of the laws we choose to follow to keep society intact. We should be able to use our words to defame, or wish the predator a bad life. There's no possible way our words could hurt the defendant near as much as we see our hurt.

