State of Arizona

COMMISSION ON JUDICIAL CONDUCT

Disposition of Complaint 14-342

Judge:

Complainant:

ORDER

The complainant alleged a superior court judge made improper rulings in a criminal case.

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 judge'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: November 5, 2014

FOR THE COMMISSION

/s/ George A. Riemer

George A. Riemer Executive Director

A copy of this order was mailed to the judge on November 5, 2014.

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

Comp

2014-342

VIA EMAIL & CERTIFIED MAIL

AZ Commission on Judicial Conduct 1501 West Washington Street, Suite 229 Phoenix, AZ 85007

> Request for Judicial Review of Judge Case No. The State of AZ vs.

Dear Commission:

As a member of the public, I wish to submit the following concerns about Judge performance in the trial (Case number: I send this, in hopes that the Commission can review some of the noted concerns.

Please note the following dates in the case:

was murdered in his home.

He was stabbed into a shower stall, where he lay until he was found, later, by roommates.

was arrested.

The trial finally got underway. That was years after l

after his death. The defendant was allowed to testify for

The jury found was guilty of murder. found her guilty of premeditated murder, found her guilty of felony murder, and found her guilty of both premeditated and felony murder.

Judge gave the jury the case for sentencing.

The trial started on. The case was given to the jury for sentencing or. That's over(ordays) spent in trial. Yet, Judgedismissed the jury as dead-locked (as to sentencing) after justand a total ofonlyin deliberation, with not even one charge to the jury, requesting them to try, at least once, to break thedeadlock. The jury's final count wasfor thepenalty, andfor

The retrial of the Penalty Phase of this case finally got underway.More thanmonthselapsed, since the initial jury was dismissed, back onAnd it has been more thanyearssince Mr.murder.

Please understand that my comments come as one who has interned and then worked for a Prosecutor's office during my career, as a certified trial paralegal, in the system.

Listing only a few areas of immediate concern:

 1) By far, one of the biggest areas of concern is a Defense Motion made on Motion In
 as follows:

 Motion In
 Party

 NOTE: MOTION IN
 PRECLUDE ANY AND ALL EVIDENCE RELATED TO THE CLAIMS THAT MS.

 MADE THREATS

 AGAINST TRIAL PARTICIPANTS AND THAT SHE LACKS REMORSE

(Page 1 of 3)

2014-342

In trial minutes dated at the bottom of page 2, it is noted that Judge granted the Defense Motion To Preclude Evidence That The Defendant Lacks Remorse: IT IS ORDERED granting the motions in re smuggling contraband, changing counsel and threats against trial participants and lacking remorse.

Members of the Commission: As you well know, remorse or lack thereof, is an integral and central element in assessing a defendant's penalty. Withholding from this jury, any and all evidence pertaining to the defendant's obvious lack of remorse, is tantamount to instructing the jury outright *not* to impose the in this case. The jury may decide, even given evidence of her remorselessness, to But, disallowing the State, barring the State, from presenting evidence that the defendant herself, has put into play in this case, is not giving this jury the complete or truthful picture of this defendant's conduct and demeanor. Leaving that evidence out is blatant omission of relevant and important information. The jury should have this information and then be allowed to decide. The defendant's sentencing in AZ should not come about at the sole discretion of a Judge, when there is a jury already seated, present and ready to deliberate upon the facts. And as one who should act as a steward of Justice, a Judge should allow them the opportunity to do their job, rather than hinder or impede their ability to reach a sentencing verdict, by omitting or disallowing relevant and pertinent evidence.

2) AZ's Bill of Rights for victims, states that the family is entitled: To be treated with fairness, respect, and dignity, and to be free from intimidation, harassment, or abuse, throughout the criminal justice process and to a speedy trial or disposition and prompt and final conclusion of the case after the conviction and sentence.

3) The defendant has harassed and abused the family, and Judge

has allowed, the following:

i. The defendant sells

 ii. The defendant has given
 from behind bars and immediately following the

 These are just 3 of them:

 On
 , just
 after the Guilty verdict:

 On
 , also the same day of the Guilty verdict:

 On
 , after Allocation (but before the deadlock as to Sentencing):

iii. The defendant runs a twitter account by proxy. (Under the AZ Bill of Rights for Victims, how is the defendant allowed to give

proxy?

iv. The defendant collects (by proxy) from the public, through the sale of her The defendant also solicits (by proxy) from the public, for her defense. Are these activities illegal? i.e. Can a defendant solicit funds, when she has claimed financial indigence and the defense is being funded by the taxpayers of AZ? The defendant has done all of this brazenly, publicly and repeatedly. I have no connection to any parties in this case. And yet, I was able, through simple internet searches, find all of the information as listed below:

Irrevocable Trustee: Fund

Account No.

The first image is the defendant's twitter account aunt,

and the second has repeatedly been posted online everywhere by the defendant's

It is my understanding that Judge has the power to impose gag or ders on the defendant and, indeed, any relevant parties (like the defendant's family), if it is deemed appropriate and necessary. And Judge has issued several admonitions to the current sitting jury, and has greatly curtailed media access. But, to date, Judge has not once instructed the defendant to refrain from or giving or items for sale, that the defendant

As a member of the public with something of a legal background, this has been a very troubling case to watch:

The family suffered a terrible loss the day their brother was murdered. And so viciously. Then, his memory was assailed, in death, with unfounded and unproven accusations of domestic violence and sexual deviance during the trial. While unpopular, the legal reasons for allowing a defendant's pursuit of virtually any defense, can at least be explained.

Since his death, the family continues to be assaulted (by the defendant) through for money. And most recently, the constant delays and certain rulings (as granted by the Court) add more insult to already grievous injury.

This has been a difficult letter to write. I was taught the utmost respect and belief in our legal system. Professionally, I maintain that belief in my work. Personally, it has become increasingly difficult to manage. There are literally thousands of people

this case unfold. As with an interest in this case, I get personal opinion-related questions about this case all the time. I answer to the best of my ability and with the understanding that as someone who is not a first-person participant, I am not privy to many of the legal goings-on of this case. It is clear by the tone and kinds of questions that I receive that the vast majority of the public feels that the legal system has become yet another casualty in this case.

On behalf of all who are concerned about the course this case has taken. I respectfully bring all of this to the Commission's attention at this time, and with some urgency, as the Penalty Phase is It is my hope that these matters, in particular and especially in regards to the Ruling on the Defense's Motion To Preclude, can be reviewed and reconsidered by the Court, in time to allow this jury to properly deliberate on all of the relevant facts of the case and not just some. (Also provided for your review, this link contains a rolling count of members of the public that share my concern about the issues presented in this letter:

The defendant's murder of their brother was a vicious blow to the family. Her actions since the murder have been yet another to the family and to the legal system. Judge permissiveness in allowing all of these things to occur and continue, unchecked, could be the biggest legal transgression yet.

Please don't let it be.

Respectfully,