

State of Arizona
COMMISSION ON JUDICIAL CONDUCT

Disposition of Complaint 18-113

Judge:

Complainant:

ORDER

The complainant alleged a superior court judge engaged in improper ex parte communications, failed to remain fair and impartial, and gave legal advice to the prosecutor.

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(a).

Dated: June 27, 2018

Copies of this order were distributed to all appropriate persons on June 27, 2018.

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

2018-113

Notice: Judicial Commissioner Complaint
Violation of Arizona Code of Judicial Conduct Rule 81

Accused: _____

By: _____

(Pro-Per) Defendant: _____

The Honorable Judge _____
is the presiding judge on _____ Separate matters
in which the defendant is facing criminal prosecution
in _____ of which the defendant
has exercise his right to Self representation.

The Honorable Judge _____ On numerous
occasion participated in inappropriate ex parte
communication, failed to perform all duties
of the judicial office fairly and impartially,
neglected to avoid impropriety or even the
mere appearance of impropriety. By committing
these serious offenses against the (Pro-Per)
defendant the Honorable Judge _____
should be disciplined upon this committee's
factual findings.

Facts (See attachments)

Judge _____ has participated in
inappropriate ex parte communication on
the listed dates:

by participating in private meeting involving the prosecuting attorney and the defendants advisory counsel outside the defendants presence and outside the presence of the court reporter.

Judge implied, hinted and gave legal advice to the stand in prosecutor for Quote "

" moments later oral motion was given for continuance by against the defendant objection and was granted excluding all time through making the defendants New Last day "

Judge granted an continuance outside the interest of justice to allow the prosecutor to trial the defendant in a trailing matter before the matter that was already set for trial the following week the prosecutors only reason for rearranging the trial schedul was Quote "

Arizona Rules of Judicial Conduct (Rule 81)

Rule 1.1 Compliance with the law:

A judge shall comply with the law, including the Code of Judicial Conduct

Rule 1.2 Promoting Confidence in the Judiciary:

A judge shall act at all times in a manner that promotes public confidence in the independence, integrity and impartiality of the judiciary and shall avoid impropriety and the appearance of impropriety

Rule 1.3 Avoiding Abuse of the Prestige of Judicial Office:

A judge shall not abuse the prestige of judicial office to advance the personal or economic interests of the judge or others or allow others to do so

Rule 2.2 Impartiality and Fairness:

A judge shall uphold and apply the law, and shall preform all duties of judicial office fairly and impartially

Rule 2.3 Bias, Prejudice, and Harassment:

(A) A judge shall perform the duties of judicial office including administrative duties, without bias or prejudice

Rule 2.4 External Influences on Judicial Conduct

(B) A judge shall not permit family, social, political, financial, or other interest or relationships to influence the judge's judicial conduct or judgment.

(C) A judge shall not convey or others to convey the impression that any person or organization is in a position to influence the judge.

Rule 2.5 Competence, Diligence, and Cooperation

A judge shall perform judicial and administrative duties competently, diligently and promptly.

Rule 2.6 Ex Parte Communication

(A) A judge shall not initiate, permit, or consider ex parte communications, or consider other communication made to the judge outside the presence of the parties or their lawyers, concerning a pending or impending matter.

Conclusion

"An independent, fair and impartial judiciary is indispensable to our system of justice. The United States legal system is based upon the principle that an independent, impartial and competent judiciary, composed of men and women of integrity, will interpret and apply the law that governs our society." Arizona Rules of Judicial

Conduct (Rule 91) Preamble. The honorable Judge
failed to maintain the
dignity, ^{and} integrity of an independent judicial
office. By the numerous offenses committed
on separate occasions is proof of lack of
respect for compliance with the Arizona Rules
of judicial conduct (Rule 91) ex parte communication
is a serious violation that competent and
ethically bound judicial official would refuse
to permit or even consider. The question at
hand is why a judge would go to such an extent
to violate a Pro. Per defendant who is a party
to two of the three matters by participating in
in appropriate ex parte communication that
he himself known or should have known to
be unacceptable? Is it because there is no FEAR
of the appropriate authorities disciplinary
action.

Conduct demeans
the judicial office his ex parte communication
in violation of the Code of judicial
conduct and his arbitrary and capricious
rulings, failing to administer fair and
impartial proceeding demonstrate a pattern
of misconduct and a consistent lack of
regard for the high position he holds and
constitutes conduct prejudicial to the
administration of justice within the

**THE COMMISSION'S POLICY IS
TO POST ONLY THE FIRST FIVE
PAGES OF ANY DISMISSED
COMPLAINT ON ITS WEBSITE.**

**FOR ACCESS TO THE
REMAINDER OF THE
COMPLAINT IN THIS MATTER,
PLEASE MAKE YOUR REQUEST
IN WRITING TO THE
COMMISSION ON JUDICIAL
CONDUCT AND REFERENCE
THE COMMISSION CASE
NUMBER IN YOUR REQUEST.**