

State of Arizona
COMMISSION ON JUDICIAL CONDUCT

Disposition of Complaint 18-247

Judge:

Complainants:

ORDER

The complainants alleged a municipal court judge improperly failed to order release conditions, contributed to the resulting public nuisance, and pre-judged their case.

The responsibility of the Commission on Judicial Conduct is to impartially determine if a judicial officer 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 a judicial officer's rulings. In addition, the commission found no evidence of ethical misconduct and concluded that the judicial officer 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: November 21, 2018

Copies of this order were distributed to all appropriate persons on November 21, 2018.

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

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Dear Commissioners on Judicial Conduct,

Neighbors declared themselves victims and a case was opened in The
took on the Case in and filed charges with the

Judge did not provide release conditions during the initial arraignment of
on despite being aware of the continued complaints of
from the defendant's residence. Victims were present in the courtroom and asked for relief
but did not receive it.

requested, and argued for release conditions in his brief of
Still, Judge did not provide abatement from Judge
vacated the pre-trial hearing set for and called for a court ordered Mediation to
take place. During this time the

Judge came to the Mediation. Present were defendant V and
Prosecutor
Police officers, court appointed Mediators, and Defense Counsel. Judge
addressed this crowd prior to the Mediation saying there was a better way to solve this
problem than a trial. Judge then prejudiced the Mediation by announcing that he would not
and could not take the (Ultimately, the was indeed required to
based on the preponderance of evidence from the testimonies police, neighbors, and in video and
audio recordings.) I believe Judge statements emboldened the into thinking they
were not punishable and they were then non-compromising. Despite lengthy Mediation
sessions, there was no agreement.

We went back to court, on to set trial dates. Again, release conditions were requested
and multiple victims were present to articulate the need, as the
Judge verbally warned the Defendant not to disrupt anyone's but did not assign
Release conditions. (The and
) . While paperwork was being filed and dates determined, Judge
acted in a very unprofessional manner. He chuckled and shared stories back and forth with the Defense
Counsel, about their experiences with The judge also separated all
the charges, assigning multiple court dates to each charge. It felt like another punishment. The victims
would now have to try to make many more court dates. (Later the charges were consolidated). On
filed another brief calling for release conditions but it was not addressed by
Judge

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The initial Trial dates were delayed by the Defense, and the
Following testimony on and ,in front of a new judge assigned to the case,
Judge the victims once again spoke up and requested that release conditions be assigned.
Judge expressed surprise that this had not already been done. Judge finally set the first of
several release conditions that required to curtail his management of his

Judge did not address victim's rights in this case and did not provide release conditions
despite multiple verbal and written requests. Judge inaction contributed to the
Defendant's continuing pattern of with the
From the victims in this case continued to be abused and denied relief.
This was our first experience in going to court in our lives , and it certainly was not a positive process.

Moreover, we feel this Judge pre-judged the case, assuming it was a petty dispute.
That certainly was not the case, as shown by the preponderance of evidence at trial, and in the
outcome of the long and arduous judicial process. We felt lucky to have a change of judge and felt
Judge presided fairly and wisely over this case.

Thank you for reviewing this matter.

Sincerely,