

State of Arizona  
COMMISSION ON JUDICIAL CONDUCT

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Disposition of Complaint 18-268

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Judge:

Complainant:

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**ORDER**

The complainant alleged a justice of the peace improperly released a criminal defendant.

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).

Commission member Art Hinshaw did not participate in the consideration of this matter.

Dated: December 12, 2018

Copies of this order were distributed to all appropriate persons on December 12, 2018.

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

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Arizona Commission on Judicial Conduct  
1501 W. Washington Street, Suite 229  
Phoenix, Arizona 85007

**FOR OFFICE USE ONLY**

**2018-268**

**COMPLAINT AGAINST A JUDGE**

Name: \_\_\_\_\_ Judge's Name: \_\_\_\_\_

**Instructions:** Use this form or plain paper of the same size to file a complaint. Describe in your own words what you believe the judge did that constitutes judicial misconduct. Be specific and list all of the names, dates, times, and places that will help the commission understand your concerns. Additional pages may be attached along with copies (not originals) of relevant court documents. Please complete one side of the paper only, and keep a copy of the complaint for your records.

On \_\_\_\_\_ was arrested on \_\_\_\_\_ class \_\_\_\_\_ felonies, sexual assault and continued sexual abuse of a \_\_\_\_\_. When \_\_\_\_\_ was brought before Judge \_\_\_\_\_ for the initial appearance, \_\_\_\_\_ released him. Also stipulated \_\_\_\_\_ was the victim needed to be notified before the release. On \_\_\_\_\_, \_\_\_\_\_ my \_\_\_\_\_ went to the \_\_\_\_\_ court and spoke with a clerk who told him Judge \_\_\_\_\_ was out of the office for \_\_\_\_\_ of the \_\_\_\_\_. He then asked to speak with pro tem judge, \_\_\_\_\_ confirmed \_\_\_\_\_ was out for the \_\_\_\_\_.

On \_\_\_\_\_ at approximately \_\_\_\_\_ my \_\_\_\_\_ received a call that \_\_\_\_\_ was due in court at \_\_\_\_\_ but did not know why. My \_\_\_\_\_ called me, as he was unable to make court on time. When I arrived and court began, Judge \_\_\_\_\_ was present and explained this was a determination hearing of release for \_\_\_\_\_.

Also present was \_\_\_\_\_ and myself.

Judge \_\_\_\_\_ seemed upset at both the \_\_\_\_\_ office and the \_\_\_\_\_ for not being able to make victim notification since \_\_\_\_\_ had ordered \_\_\_\_\_ to be released. Ultimately Judge \_\_\_\_\_ ordered \_\_\_\_\_ released although victim notification still as not been made. \_\_\_\_\_ left the jail at approximately \_\_\_\_\_.

My complaint is the fact that he was released initially on two \_\_\_\_\_ counts. These are serious charges. I also have information a \_\_\_\_\_ was booked in on \_\_\_\_\_, seen by the same judge and ordered released. I am at a loss that both of these people were released in the first place. Judge \_\_\_\_\_ is also up for \_\_\_\_\_ and is not \_\_\_\_\_. I don't know if \_\_\_\_\_ is at the point where \_\_\_\_\_ does not care who gets released and who does not show concern this is a serious crime against a \_\_\_\_\_. I am also wondering how Judge \_\_\_\_\_ if on \_\_\_\_\_ for the \_\_\_\_\_ decided to just come into court this \_\_\_\_\_ and order \_\_\_\_\_ released. I was outside the court and notice Judge \_\_\_\_\_ left at \_\_\_\_\_. There were also no other people in custody waiting to be seen by \_\_\_\_\_. Which leads me to believe \_\_\_\_\_ was the only \_\_\_\_\_ saw this \_\_\_\_\_. Again, I don't understand why \_\_\_\_\_ came into work if \_\_\_\_\_ was already off for \_\_\_\_\_ to hear a case especially when there is a pro tem judge available. I am also not sure if there is a specific statute regarding victim notification. How can a person be released without victim notification being done? Who is liable if after that person is released, he contacts or reoffends and all the while the victim was not contacted. The state is liable!

I am also concerned, since \_\_\_\_\_ is such a small \_\_\_\_\_ Judge \_\_\_\_\_ knows \_\_\_\_\_ worked for \_\_\_\_\_ for a number of \_\_\_\_\_ and \_\_\_\_\_ was a \_\_\_\_\_ for a time as well as a \_\_\_\_\_. The \_\_\_\_\_ who was arrested is also well known in this \_\_\_\_\_ and I'm sure has gone in front of Judge \_\_\_\_\_ for other cases, representing the state. Judge \_\_\_\_\_ called \_\_\_\_\_ by \_\_\_\_\_ first name once during court this morning and another time addressed \_\_\_\_\_ as \_\_\_\_\_ Judge \_\_\_\_\_ also called \_\_\_\_\_ once as well. I think this is unprofessional and shows that \_\_\_\_\_ knows the people involved.

Judge \_\_\_\_\_ stated \_\_\_\_\_ was released due to \_\_\_\_\_ issues. So, I'm concerned that anyone having an Initial Appearance in front of Judge \_\_\_\_\_ would be released if he/she was \_\_\_\_\_ enough. I highly doubt a homicide suspect would be released, why would two different men, one with \_\_\_\_\_ class \_\_\_\_\_ and the other with \_\_\_\_\_ class \_\_\_\_\_ be released? I would like to ask that your office take a look at what is going on the Justice of the Peace Court in \_\_\_\_\_. Isn't it a conflict for \_\_\_\_\_ to initial anyone who \_\_\_\_\_ knows this well? \_\_\_\_\_ obviously knows the deputy and obviously knows \_\_\_\_\_.

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I'm sure you have more access to records than I do but I can go onto public access and see who was arrested and who had an initial appearance with Judge \_\_\_\_\_ between \_\_\_\_\_ I wonder who got released, possible all of them?

If there is anything further I can do to help you in your process please call me or email me at \_\_\_\_\_

Thank you for taking the time to look this over.