

State of Arizona
COMMISSION ON JUDICIAL CONDUCT

Disposition of Complaint 06-145

Complainant: No. 1287310064A

Judge: No. 1287310064B

ORDER

The commission reviewed the complaint filed in this matter as well as the transcript of the hearing on the oral motion to modify conditions of release and found no evidence of bias or ethical misconduct on the part of the judge.

The complaint is dismissed pursuant to Rule 16(a).

Dated: September 15, 2006.

FOR THE COMMISSION

/s/ Keith Stott
Executive Director

Copies of this order were mailed to the complainant and the judge on September 15, 2006.

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

CJC-06-145

COMPLAINT AGAINST A JUDGE

Your name: [] Judge's name: [] Date: May 27, 2006

Our complaint is against Judge [] It is our opinion that she did not perform the duties of judicial office impartiality and diligently as required under the Code of Judicial Conduct. While sitting at our son's hearings, we observed her performance to be bias and lacking of informed specifics regarding our son's case. Our son suffers from severe mental illness, a brain disorder. He was diagnosed with Schizo-Affective Disorder in 2003. His crime was running over an unleashed dog while in the state of psychosis. He spent 177 days in jail awaiting sentencing. Hearing after hearing he was denied release treatment to a lock down facility, Desert Vista Hospital, for proper treatment, which he desperately needed. There is irrevocable damage done to the brain when not medicated. It is well known that there is inadequate care in jail for the mentally ill. As a result of his continued incarceration in the general public facility of the [] his health plummeted to the degree of needing hospitalization once released from jail. So why was Judge [] presiding over a case of someone who is mentally ill, treating him like she does the hardened criminals who commit crimes with malicious intent? Her performance was that of rote behavior, lumping everyone under the umbrella of criminal was the mindset of her gavel.

This was our son's first offense. She didn't know about Desert Vista Hospital, a locked down facility. She didn't know that the sheriffs could transport defendants to the hospital. She expressed this lack of understanding on [] at the Oral Argument, on [] at Change of Plea, and once again on [] at Sentencing. It was obvious she didn't retain information provided to her from one hearing to the next, it is obvious she didn't take into account the letters we and others wrote in support of [] character and health issues. And she denied him the extra 27 days of jail time to be used in the future if needed for recidivism. She obviously didn't do her homework prior to the hearing, because she stated she never heard of Desert Vista hearing after hearing. She was surprised when the lawyer had a request for transportation issued by another judge back in November. And when our son's lawyer tried earnestly to have [] released for treatment, stating that his client needed therapeutic attention, she responded, "Don't they all in jail".

We realize she has a motto of keeping society safe. A safe society is when the mentally ill are placed in treatment not incarceration for minor offenses committed while in psychosis. The brain needs medication and stabilization in order to return back to society. But the longer he was without medication while in jail the sicker he became and harder to return to a normal state. All because she saw before her a person in a black and white striped garment, handcuffed and rattling shackles. He suffers with an illness; he is not a criminal. He has an undergraduate degree and all who know him have described [] as a gentle person. We wonder if she would have treated our son the same way if he suffered from diabetes and committed this action while lapsing into a diabetic coma? Or suffered from a heart attack and ran off the road onto the sidewalk. There are no differences, as all of these unfortunate mishaps occurred while in a state of physiological breakdown. It appears that lady justice was holding the balance with a black hood over her head in Judge [] court.

Based on her actions we conclude that Judge [] might have had impartial intent towards animal rights. She has been mentioned in the [] for a case she presided over. We heard others commenting that she might be an animal rights person as we left the hearing. Her austere demeanor, towards our son's case, left us with the impression that she held animals in higher regard than a mentally ill person.