

State of Arizona  
COMMISSION ON JUDICIAL CONDUCT

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Disposition of Complaint 06-222

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Complainant: No. 1293710180A

Judge: No. 1293710180B

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**ORDER**

The commission reviewed the complaint filed in this matter and found no evidence of ethical misconduct on the part of the judge. As a general rule, a judge's comments based on information the judge learned about in an earlier proceeding are not grounds for disqualification so long as a judge keeps an open mind about the outcome of the case.

The complaint is dismissed pursuant to Rules 16(a) and 23(a).

Dated: November 30, 2006.

FOR THE COMMISSION

/s/ Keith Stott  
Executive Director

Copies of this order were mailed to the complainant and the judge on November 30, 2006.

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

STATEMENT OF FACTS CJC-06-222

Instructions: Please use this form or plain paper of the same size to explain your complaint. In your own words, describe specifically what the judge did that you believe is misconduct. You should provide all of the important names, dates, times and places related to your complaint, but you do not need to cite the applicable canons of judicial conduct. Although you may attach additional pages, do not write on the back of any page. You may attach copies of any documents you feel will help us understand your complaint.

Your name: [redacted] Judge's name: [redacted] Date: 2/27/06

There are criminal cases pending against both of my sons, and Judge [redacted] [redacted] presided over both cases. My sons' names are [redacted] and [redacted] [redacted] case [redacted] is a pre-trial and [redacted] case [redacted] is a post-trial. This all took place in the Superior Court of the state of Arizona in [redacted] [redacted] short trial was [redacted] and [redacted] trial is still pending.

Before the defendant [redacted] trial in [redacted] Judge [redacted] also presided over an Order to Show Cause Hearing in the case of [redacted] [redacted] The hearing took place in Superior court of [redacted]

[redacted] The issue was temporary custody of the [redacted] child. This hearing had absolutely nothing to do with my sons or the [redacted] family, but Judge [redacted] asked [redacted] if she was related to a [redacted] [redacted] is the sister of [redacted] Judge [redacted] asked if [redacted] was related to [redacted]

(\*This is on page [redacted] OSC hearing transcripts.)

It was an open court hearing and at the end of the OSC hearing in the [redacted] case, Judge [redacted] referred to the [redacted] with a slanderous comment. He said, "...this [redacted] is a very dysfunctional family probably for generations. And it may be dysfunctional on both sides. But when you start to talk about [redacted] we're dealing with generations of people that have serious problems."

(\*This is on pages [redacted] OSC hearing transcripts.)

It is clearly indicated on record in this hearing that Judge [redacted] had formed certain prejudicial impressions and opinions regarding the [redacted] family which included my two sons. Because of the pre-existing bias and preceptions of Judge [redacted] concerning my sons and the [redacted] he should have recused himself from both cases involving the defendants [redacted] and [redacted] Judge [redacted] was bias and prejudice against my sons and

(Attach additional sheets as needed)

the [ ] therefore Judge [ ] had a judicial duty of disqualifying himself from both of my sons' cases for judicial bias, but he did not.

Judge [ ] made no on-the-record effort of a Remittal of Disqualification.

Judge [ ] slandered my sons and the [ ] name in open court.

I am personally offended because my sons could not receive a fair trial due to judicial bias and prejudice. Judge [ ] had to recuse himself from

both of my sons' cases. [ ] Attorney, [ ] filed

a \*MOTION FOR CHANGE OF JUDGE FOR CAUSE PURSUANT TO RULE 10.1, ARIZONA

RULES OF CRIMINAL PROCEDURE on [ ] and it was granted. A

new Judge was assigned to my son [ ] case No. [ ]

for cause. [ ] Attorney, [ ] filed a \*PETITION FOR POST-

CONVICTION RELIEF and for a new judge due to judicial bias on [ ]

[ ] It was granted, and a new judge was assigned to my son [ ]

This all took place in Superior Court in [ ] Arizona. I am filing a complaint against Judge [ ] for Judicial bias and prejudice against my sons and the whole [ ] family. Judge [ ] should have kept his opinions to himself and recused himself from both of my sons' cases. Judge [ ] definitely committed Judicial Misconduct.

\* Enclosed are copies of pages, [ ] from the [ ] OSC hearing transcripts; a copy of the motion for change of judge for cause for [ ] and copy of the petition for post conviction relief for [ ]