

State of Arizona
COMMISSION ON JUDICIAL CONDUCT

Disposition of Complaint 06-244

Complainant: No. 1295000157A

Judge: No. 1295000157B

ORDER

The commission reviewed the complaint filed in this matter and found no ethical misconduct on the part of the judge.

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

Dated: December 19, 2006.

FOR THE COMMISSION

/s/ Keith Stott
Executive Director

Copies of this order were mailed to the complainant and the judge on December 19, 2006.

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

I am submitting this complaint on Judge [redacted] due to his recent illegal judgment and sentencing he had made on my father, [redacted] on [redacted] Judge [redacted] originally sentenced my father in [redacted] for two consecutive sentencing of 5 ½ years and lifetime probation for the third account of attempted child molestation. This sentencing was under the impression of a plea bargain that if my father agreed to terms they would drop all accounts on my mother, [redacted]. Recently my father was told that he was not complying with his probation classes. Although my father has attended regularly and paid up to date on his fees, Judge [redacted] decided to sentence him to another 4 ½ years to prison for failing to comply with parole, and for also being in [redacted] County without permission during [redacted] last year at a hotel with his grandchildren who are under the legal age of eighteen. My father never left the county of [redacted] because my husband and I went by ourselves to [redacted] on that day to visit my him and my mother to have [redacted] diner. My father's lawyer claimed that there happens to be a reliable source that could testify that my father did leave the county to visit his grandchildren. However, this reliable source never made it to the court house for my father's hearing. Also there is no billing history or hotel records to show proof that my father or mother purchased a room outside the county [redacted].

Now please let me explain the other illegal part to my father's recent sentencing. Judge [redacted] this past year illegally contacted a victim of my father's charges. The third account that my father is under probation for is my nephew, my father's grandson, [redacted]. After the sentencing of my father in [redacted] our family had no or very limited contact with [redacted]. A few years ago he himself established contact with me and my mother, which is his grandmother, [redacted]. He wanted us back into his family. Since he has come back into our family he has let us in on information regarding my father's current situation with Judge [redacted]. My nephew [redacted] had mentioned to me, and his Grandmother, that Judge [redacted] called him personally and was planning on sending back his Grandfather, [redacted] to prison and that he needed his help on this. Judge [redacted] illegally called a victim to obtain grounds to send my father back to prison for his personal interest. We have proof of this on a text message that [redacted] had sent me when we were first discussing this matter. You can also get phone records of [redacted] old cell phone to show that Judge [redacted] did contact him. [redacted] explained to the Judge that he was not pleased with this, that his grandfather, [redacted] already did his time and to leave him alone. [redacted] also told me that he would admit to this in court if asked about. He feels real bad that Judge [redacted] is attempting to destroy his family. After [redacted] years [redacted] still considers us family.

After this happened my father attempted to tell his lawyer, PUT NAME OF LAWYER HERE. My father's lawyer immediately did not want to help. He said that he did not want to be the reason why this Judge lost his job. The lawyer knowing that he could help my father in this situation deliberately

decided not to, forcing my father to suffer unnecessary prison time.

After all of this I attempted to get legal advice from a relative that knows lawyers and other legal professionals. They have all said the same thing regarding Judge [] misconduct. They have stated that Judge [] should have been removed from the case for "just cause". And that he should not be practicing law anymore. My father has constitutional rights regardless of signing a plea bargain on attempted sexual molestation charges, despite his innocence. (Which can be proven due to one or both of the children having genital warts and my father legally through medical examinations has never had a history of genital warts and currently does not have them.) Also there could have been a chance that my father could have had a change of venue regarding the location of the hearing due to illegal interests of the court and the Judge.

My father, in all regards, has been sentenced illegally. We have been going through issues with this particular Judge and court house for the past [] years. They would not give us my father's plea bargain paperwork for the [] years until we found out recently that if the courts do not hand it over we can apply for the "freedom of information act." To which the courts finally gave us the Plea Bargain after [] years of asking for it. My father's hearing was also getting pushed back due to the Judge wanting to make sure he did not do an illegal sentencing. We hope as a family that if we can have the Judges misconduct reviewed justice can be served. On proving this misconduct we would also like to have my father's case reviewed because the Judge could have illegally entered several plea bargains to cover his mistakes.

This Judge has a history of sentencing criminals unfairly. My brother, [] is sitting in county jail awaiting his sentencing on stealing a television out of []. He also is cited for child endangerment because an off duty [] employee followed my brother out to his car to stop him. This girl jumps into the car to stop [] with her baby in her hands. If [] would have known the girl and the baby were going to attempt to get into the car he would have not tried to back out to drive off. Judge [] feels it is necessary to sentence my brother [] to 30 years in prison. I feel my brother was in the wrong for theft but not for endangerment. We also have found out that on other court cases recently Judge [] has sentenced a person convicted of murder to four years. Our family feels a personal attack on us from this Judge. We are also confused by this since we have in no way violated or demeaned Judge [] in the past or in presence.

Please help assist us and citizens of this great state. We do put faith that the justice system is fair and that Judge [] actions are in no means a reflection of that system.