

State of Arizona
COMMISSION ON JUDICIAL CONDUCT

Disposition of Complaint 07-119

Complainant: No. 1309610054A

Judge: No. 1309610054B

ORDER

The Commission on Judicial Conduct reviewed the complaint filed in this matter and found no ethical misconduct on the part of the judges. Although their decisions were controversial and widely reported by the press, there is no evidence that the judges violated the Code of Judicial Conduct. In the absence of bad faith or an abuse of judicial discretion, neither of which was present in this instance, the commission is prohibited from taking disciplinary action against judges for their decisions. Accordingly, the complaint is dismissed pursuant to Rule 23(a).

Dated: September 7, 2007.

FOR THE COMMISSION

/s/ Keith Stott
Executive Director

Copies of this order were mailed to the complainant and the judges on September 7, 2007.

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

Regarding Judge [redacted]

CJC-01-119

My name is [redacted] and [redacted] was to be my legal brother-in-law this upcoming March when I marry his sister, [redacted]. However, [redacted] was senselessly killed [redacted] by a drunk driver who ran a red light and then struck the vehicle in which [redacted] was a passenger in, thus ejecting him from the vehicle where he was pronounced dead on the scene. Not only did this defendant, [redacted] run a red light when under the influence of alcohol [redacted] (BAC), but she is also an illegal immigrant. In November of 2006, proposition 100 was passed by an overwhelming 78% yes vote. That approval brought a new law into effect and that was to make illegal immigrants who commit serious crimes unbondable. The main reason of course being due to the potential flight risk and then they would never stand trial for the crime(s) they committed. [redacted] admitted to being here illegally, yet, a bond was initially set at [redacted] by Commissioner [redacted] Justice Courts. Then, when the manslaughter charge was added to the already numerous counts of forgery, aggravated assault, etc, Commissioner [redacted] actually lowered the bond to [redacted]. You would think there would be some swiftness within our judicial system to correct this obvious error by this time, especially due to the constant media coverage/attention, however, nothing changed. In fact, Judge [redacted] saw this case [redacted] days after the accident and stated that he did not feel he had proper jurisdiction to override another officer of the courts' decision, setting of the bond at [redacted]. Judge [redacted] did mention that if the allowance was brought to his attention then he would be willing to consider such a thing. Later that week, the prosecuting attorneys did bring such evidence and Judge [redacted] revoked the bond. The following week, he stepped down from his position with [redacted] Superior Court and was then labeled as a [redacted] Courts' Judge. Come to find out, Judge [redacted] had sent a memo to other officers of the court not to ask what legal status defendants held. By doing so, Judge [redacted] did not uphold his duties to the law and United States Constitution. This is why I write this complaint today. The constitution is in existence so our laws will be followed by appropriate jurisdiction and the example above clearly shows procedure was not followed correctly. Commissioner [redacted]

[] should have never issued a bond for [] and the error within our judicial system certainly should have been caught by the time Commissioner [] saw the case before him. Judge [] did indeed revoke [] bond after a second hearing, however, he knew what was coming with all of the media's attention and the fact that his prior memo would come to light. Luckily, this mishap did not permit the defendant to flee our country, but the same may not hold true in future scenarios. I feel Judge [] should lose his job and be removed from his position immediately as he deliberately violated his sworn in duties.

Regarding Commissioner [REDACTED]

CJC-07-119

My name is [REDACTED] and [REDACTED] was to be my legal brother-in-law this upcoming [REDACTED] when I marry his sister. [REDACTED] However, [REDACTED] was senselessly killed [REDACTED] by a drunk driver who ran a red light and then struck the vehicle in which [REDACTED] was a passenger in, thus ejecting him from the vehicle where he was pronounced dead on the scene. Not only did this defendant, [REDACTED] run a red light when under the influence of alcohol [REDACTED] (BAC), but she is also an illegal immigrant. In November of 2006, proposition 100 was passed by an overwhelming 78% yes vote. That approval brought a new law into effect and that was to make illegal immigrants who commit serious crimes unbondable. The main reason of course being due to the potential flight risk and then they would never stand trial for the crime(s) they committed. [REDACTED] admitted to being here illegally, yet a bond was set at [REDACTED] This is why I write this complaint today. The constitution is in existence so our laws will be followed by appropriate jurisdiction and the example above clearly shows procedure was not followed correctly. Commissioner [REDACTED] should have never issued a bond for [REDACTED] Luckily, this mishap did not permit the defendant to flee our country, but the same may not hold true in future scenarios.

Regarding Commissioner [redacted]

CJC-07-119

My name is [redacted] and [redacted] was to be my legal brother-in-law this upcoming [redacted] when I marry his sister, [redacted]. However, [redacted] was senselessly killed [redacted] by a drunk driver who ran a red light and then struck the vehicle in which [redacted] was a passenger in, thus ejecting him from the vehicle where he was pronounced dead on the scene. Not only did this defendant, [redacted], run a red light when under the influence of alcohol ([redacted] BAC), but she is also an illegal immigrant. In November of 2006, proposition 100 was passed by an overwhelming 78% yes vote. That approval brought a new law into effect and that was to make illegal immigrants who commit serious crimes unbondable. The main reason of course being due to the potential flight risk and then they would never stand trial for the crime(s) they committed. [redacted] admitted to being here illegally, yet, a bond was initially set at [redacted] by Commissioner [redacted] Justice Courts. Then, when the manslaughter charge was added to the already numerous counts of forgery, aggravated assault, etc, Commissioner [redacted] actually lowered the bond to [redacted]. This is why I write this complaint today. The constitution is in existence so our laws will be followed by appropriate jurisdiction and the example above clearly shows procedure was not followed correctly. Commissioner [redacted] [redacted] should have never issued a bond for [redacted] and the error within our judicial system certainly should have been caught by the time Commissioner [redacted] saw the case before him. Luckily, this mishap did not permit the defendant to flee our country, but the same may not hold true in future scenarios.