

State of Arizona
COMMISSION ON JUDICIAL CONDUCT

Disposition of Complaint 07-127

Complainant: No. 1310110695A

Judge: No. 1310110695B

ORDER

The commission reviewed the complaint filed in this matter as well as the recording of the court proceeding and found no ethical misconduct on the part of the judge. Although the prosecutor indicated that she thought no complaint would be filed, there was no definitive ruling and no motion to dismiss. The judge was within her authority to set a bond in the case.

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

Dated: June 26, 2007.

FOR THE COMMISSION

/s/ Keith Stott
Executive Director

Copies of this order were mailed to the complainant and the judge on June 26, 2007.

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

State of Arizona
Commission on Judicial Conduct
1501 W. Washington Street, Suite 229
Phoenix, Arizona 85007
FOR OFFICE USE ONLY

CJC-07-127

COMPLAINT AGAINST A JUDGE

Instructions: Describe in your own words what the judge did that you believe constitutes misconduct. Please provide all of the important names, dates, times and places related to your complaint. You can use this form or plain paper of the same size to explain your complaint, and you may attach additional pages. Do not write on the back of any page. You may attach copies of any documents you believe will help us understand your complaint.

On [] I appeared in [] Justice Court representing [] at a hearing pursuant to ARS §13-3961.A.5. The State, per [] moved to vacate the hearing due to the fact that [] was charged under ARS §13-1303.A. which is only a class six felony at most, and §13-3961.A.5 requires a class 1, 2,3, or 4 felony. The motion was allowed without objection. The court then proceeded to address release conditions. I noted that the probable cause statement and police reports did not support a felony charge, but at most a misdemeanor, due to no physical injury to the victim, and the absence of any facts showing that the victim was detained by [] at the time of his arrest. On that basis I moved to withdraw from the case, as appointment of counsel is only mandated where confinement is contemplated. The court noted that the 48 hour time limit for filing of complaint had not yet run, and asked the State if a complaint filing was contemplated. The State indicated that a complaint would not be filed. The victim addressed the court saying that [] did not detain her at any time, and that she did wish him released to return home with her. I requested that he be released on his own recognizance. The State did not oppose his release on his own recognizance

CJC-07-127

Despite uncontested testimony that [] was innocent of the charge, and an avowal that the State would not be filing charges (at least not within the 48 hour time limit), Judge [] [] ordered that [] be held and set a secured bond in the amount of [] []

I have filed herewith relevant documents from the court file, and email between myself and the State's attorney.

(Attach additional sheets as needed)