

State of Arizona
COMMISSION ON JUDICIAL CONDUCT

Disposition of Complaint 07-246

Complainant: No. 1319010673A

Judge: No. 1319010673B

ORDER

The commission reviewed the complaint and found no misconduct on the part of the superior court commissioner who conducted the settlement discussion in the underlying criminal case. During a settlement discussion, a judge or commissioner may talk frankly with a defendant about the possible outcomes of a trial and give an evaluation of the strengths or weaknesses of the case. If the defendant decides not to enter a plea, then the case returns to a different trial judge for final resolution. A motion to withdraw a plea can only be decided by the trial judge.

Because the contents of the complaint do not support the claims, the complaint is dismissed pursuant to Rules 16(a) and 23(a).

Dated: February 11, 2008.

FOR THE COMMISSION

g\ Keith Stott
Executive Director

Copies of this order were mailed to the complainant and the judge on February 11, 2008.

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-07-246

Woboda

COMPLAINT AGAINST A JUDGE

Your name:

[Redacted]

Judge's name:

[Redacted]

Date: 7-20-07

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 [Redacted] at a "Settlement Conference" Judge [Redacted] Deputy County Atty [Redacted] and Attorney [Redacted] All Ganged up on me and made me cry, telling me I had to sign a plea agreement for 6.5-13.0 years in prison. If I took my case to trial, I would do 22 years in prison because they all (3) swore I would lose in trial!! I explained that I was innocent and that I wanted to take my cases to trial, but Judge [Redacted] and County Attorney [Redacted] All continued to coerce & force me into signing a plea agreement. That I did not have any desire or intention of signing without a trial! I believe I was subjected to a coordinated attack and that Judge/Comm. [Redacted] knew and had full knowledge of [Redacted] Court as well as participated in the coercion. I'm aware that the attorneys have a advocacy position, but I was of the impression that the judge was supposed to be fair and impartial in all cases. Judge [Redacted] Actions at the very least give the impression of bias and impropriety, and the worst were an intentional violation of my right to a fair and impartial trial. I feel they took advantage of the fact that I only have a 6th grade education and that I have no family or people to come & speak in my behalf.

(Attach additional sheets as needed)