

State of Arizona
COMMISSION ON JUDICIAL CONDUCT

Disposition of Complaint 07-267

Complainant: No. 1320800027A

Judge: No. 1320800027B

ORDER

The commission reviewed the complaint filed in this matter and found no ethical misconduct on the part of the judge. The issues raised involve legal and procedural matters outside the jurisdiction of the commission. The commission is not a court and cannot review cases to determine whether or not a judge's decision is correct. Therefore, the complaint is dismissed pursuant to Rule 16(a).

Dated: December 10, 2007.

FOR THE COMMISSION

Executive Director

Copies of this order were mailed to the complainant and the judge on December 10, 2007.

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

CJC-07-267

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 3-19-07 I signed a plea bargain that stipulated 10.5 to 15 years. As per the plea agreement (term #7) if the court decides to reject the plea either the court or defendant has a chance to back out of the plea. On sentencing day Judge [redacted] sentenced me to 16 years. This is out of the maximum range on the plea bargain. When brought to her attention she stated she did not have to run concurrent or consecutive sentences. That was not the point I was debating. She went over the max range and the plea clearly stipulates 10.5 to 15 for all counts whether run concurrent or consecutive. (sentencing transcripts Pg's 16 & 17) when I tried to bring it up again she would not let me speak and said her sentence stands (Pg 18) I believe she knew exactly what she was doing and she clearly violated procedural and constitutional rights by not giving me a chance to back out of the plea when she did not abide by it. I also believe this is blatant misconduct and unfair use of her power on the bench. I would appreciate your looking into this for me.

Thank You!

(Attach additional sheets as needed)