

State of Arizona
COMMISSION ON JUDICIAL CONDUCT

Disposition of Complaint 08-283

Complainant: No. 1348500112A

Judge: No. 1348500112B

ORDER

The commission reviewed the complaint filed in this matter and found no evidence of ethical misconduct on the part of the judge. Although the judge was straightforward about the possible consequences of going to trial; this conduct is acceptable in a settlement conference setting.

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

Dated: March 6, 2009.

FOR THE COMMISSION

\s\ Keith Stott
Executive Director

Copies of this order were mailed to the complainant and the judge on March 6, 2009.

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

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To Whom it May Concern,
07 October, 2008

I, _____ have lived in _____ Arizona for fourty-five years and I loved this town until May of this year. I had the up most respect for the Police Department and the Judges.

Judge _____ has dissolved what I believe in. Judge _____ was the Judge in my grandsons _____ trial. Judge _____ has seen my grandson on many occasions. To me I believe that Judge _____ should not have proceeded on this case.

My grandson was brought before Judge _____ for violation of probation. At his sentencing Judge _____ said he would like to have sentenced him for his up coming case right then and there. The results of the DNA had not came back yet and they wanted him to take a plea. His Public Defender _____ said that he will not fight for _____ because he was not being paid by _____

When all the evidence and arguments were presented to the jury Judge _____ told the members of the jury how to proceed. Judge _____ also told the members of the jury that around six thirty p.m. they would get super if still deliberating and that at nine p.m. the doors will be locked. At around six p.m. they informed us that the jury had reached a verdict. After the jury read us the verdict we were informed by a witness that they had seen Judge _____ by the deliberating room and a few minutes went by and Judge _____ came throught the door and said they have reached a verdict. i know it would be the witness's word against the Judges word.

The police officer that investigated this case, my grandson had known him from school. This detective should have steped down and let another detective take over the case because I believe that it was a conflict of interest. I had to use most of my retirement money to get my grandson a private attorney because _____ would not deffend him. _____ private attorney wanted to post pone the trial so he could get an expert witness to testify about _____ drug habits and the Judge would not allow it because the states witness was going out of town on a vacation.

When the DNA came in they clearly stated that it did not match _____ and they also said that it had appeared she had intercourse with either an African American or Hispanic male. _____ is neither of those. The detective's sargent got on the stand and told the jury that they did not have any evidence that placed _____ at the scene of the crime. The jury did not take any of that in consideration. They should have been out trying to find the real suspect.

When the detectives conducted the interview on my grandson he was under the influence of marijuana and they did not bother giving him a drug test. They were putting words in his mouth and because he was under the influence of marijuana so he was going along with what they say. When they came back from a smoke break they asked him again about this woman and her life he would repeat to them what they told him before the smoke break. To me he was not in the right state of mind to be questioned about something that serious.

The victim in this case attended all of probation violation hearings when she had no business being there. During the trial when they were showing the evidence and playing the 911 call, the victim was laughing the whole time. I am sorry but if that was me and I was sexually assaulted I would not be laughing and joking around with the detective on the case I would be hurt and scared to the point that I would not be able to come face to face with the person. The victim was cut on the hand when the alleged assault took place. They did not find any blood anywhere. Please help us.

Thank you for your time.

I is sister. I would like to add a few things. When my brother is under the influence of marijuana he does not comprehend what is going on and you can tell him something and a little bit later you can ask him a question and he will what you just said to him like five or ten minutes before that. is not a violent person and I know that because anytime something bad would happen his friends would jump in so he did not get hurt. My brother can not fight. He is scared to hit a person even if they hit him first. I do not understand why he was found guilty when there was no evidence and the description of the suspect that the victim gave the police did not match my brother. Can you please help us or me. I need to know the truth. My brother has two kids that need him but instead of being out here to take care of them he is in prison for something that he did not do. WHY!!! I was at every court date that he had and at the end of his trial the prosecuting attorney contradicted himself at least three times. He was not making any sense. Thank you for your time and I do hope you look into this matter.