

State of Arizona  
COMMISSION ON JUDICIAL CONDUCT

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Disposition of Complaint 09-050

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Complainant: No. 1332000526A

Judge: No. 1332000526B

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**ORDER**

The commission reviewed the complaint filed in this matter and found no evidence of ethical misconduct on the part of the judge. The complainant was given the option to have a trial but chose to enter into a plea. Whether the terms were explained adequately or the plea was knowingly or intelligently made are not matters within the commission's jurisdiction to review. The complaint is dismissed pursuant to Rules 16(a) and 23.

Dated: April 21, 2009.

FOR THE COMMISSION

\s\ Keith Stott  
Executive Director

Copies of this order were mailed to the complainant and the judge on April 21, 2009.

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

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

CJC 09-050

COMPLAINT AGAINST A JUDGE

Your Name:

Judge's Name:

Date: 2/28/09

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.

THE COMPLAINANT SAYS,

ON JULY 11TH, 2008, DURING A SETTLEMENT CONFERENCE HEARING. JUDGE OF COUNTY SUPERIOR COURT ACCEPTED A PLEA OF GUILTY ON BEHALF OF THE COURTS, FROM A INNOCENT MAN. THIS JUDICIAL OFFICER NOT ONLY PERFORMED NUMEROUS ACTS OF MISCONDUCT AND DECEPTION, BUT ALSO ABUSED THE POWER AND AUTHORITY OF HIS JUDICIAL OFFICE, BY ASSISTING AND PERSUADING COMPLAINANT INTO ACCEPTING PLEA DEFER, ALTHOUGH HE KNEW COMPLAINANT DID NOT KNOWINGLY AND INTELLIGENTLY UNDERSTAND THE AGREEMENT IN ITS FULL CAPACITY. THIS MISCONDUCT WAS PERFORMED AT THE ASSISTANCE AND REQUEST OF DEPUTY COUNTY ATTORNEY AND COMPLAINANTS OWN DEFENSE COUNSEL

COMPLAINANT CONTENDS:

1ST JUDGE DISPLAYED PREJUDICE BEHAVIOR TOWARDS COMPLAINANT THROUGH OUT HEARING. (VIOLATIONS OF CANON 1 A AND CANON 3 B(5)(7))

2ND JUDGE ALLOWED DEFENSE ATTORNEY TO ANSWER QUESTIONS ADDRESSED TO THE COURTS, BY COMPLAINANT (VIOLATIONS OF CANON 2 B AND CANON 3 B(2)(4))

3RD JUDGE ALLOWED PROCEEDINGS TO CONTINUE, ALTHOUGH HE KNEW

(Attach additional sheets as needed.)

COMPLAINANT PROFESSED HIS INNOCENTS. (VIOLATIONS OF: CANON 1 A, CANON 2 B, AND CANON 3 B (5)(6))

4<sup>TH</sup> JUDGE ASSISTED DEPUTY COUNTY ATTORNEY AND DEFENSE COUNSEL INTO DECEIVING COMPLAINANT ABOUT FACTS OF PLEA AGREEMENT. (VIOLATIONS OF: CANON 1 A, CANON 2 B, AND CANON 3 (2)(5)(6))

5<sup>TH</sup> JUDGE ALLOWED BOTH COUNTY ATTORNEY AND DEFENSE COUNSEL TO PURSUDE HIM TO VIOLATE HIS COURT STAFF RIGHTS (VIOLATIONS OF: CANON 1 A, CANON 2 B, AND CANON 3 A, B(2)(3)(4)(5)(6))

6<sup>TH</sup> JUDGE MODIFIED PLEA AGREEMENT AFTER IT WAS SIGNED BY ALL PARTIES. NOT ONCE BUT TWICE. PLEA SHOULD HAVE BEEN VOIDED AND A NEW COPY IN ENTIRETY PRODUCE. (VIOLATIONS OF: CANON 1 A, CANON 2 B, AND CANON 3 B (5)(6))

7<sup>TH</sup> JUDGE PERFORMED DISHONESTY BY ACCEPTING PLEA AGREEMENT. THEN ALLOWED DEPUTY COUNTY ATTORNEY TO STATE TESTIMONY ON RECORD, THAT THEY KNEW COMPLAINANT DID NOT AGREE WITH, AND WOULD HAVE NEVER SIGNED THE PLEA AGREEMENT IF TESTIMONY WAS STATED BEFORE THE ACCEPTANCE OF PLEA BY THE COURTS. THIS DECEPTION CAUSED A INNOCENT MAN TO ENTER A PLEA OF GUILTY.

### CONCLUSION

IF JUDGE WOULD HAVE TAKEN CONTROL

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OF HIS COURTROOM AND FOLLOWED PROCEDURES ACCORDING TO  
THE LAW. MY CONSTITUTIONAL RIGHTS WOULD NEVER HAD BEEN  
VIOLATED, BY DEPUTY COUNTY ATTORNEY AND DEFENSE  
COUNSEL ALONG WITH THIS JUDICIAL OFFICIAL.  
JUDGE DUTIES WERE TO MAKE  
SURE ALL PARTIES, UNDERSTOOD EVERYTHING INVOLVED WITH THIS  
MATTER AND COME TO SOME KIND OF AGREEMENT IF POSSIBLE.  
NOT HELP THESE TWO COURT OFFICERS RAILROAD A INNOCENT MAN  
INTO A GUILTY PLEA!

NOTE: ATTACHED IS A COPY  
OF SETTLEMENT CONFERENCE  
TRANSCRIPT DATED JULY 11TH, 2008