

State of Arizona
COMMISSION ON JUDICIAL CONDUCT

Disposition of Complaint 09-323

Complainant: No. 1379500177A

Judge: No. 1379500177B

ORDER

The complainant alleged that a retired superior court judge made openly hostile public statements against the officer's department and failed to disqualify himself in a case involving the same department. Following a comprehensive review and analysis of the issues, the commission found no evidence of misconduct on the part of the judge and dismissed the complaint pursuant to Rules 16(a) and 23.

Dated: June 18, 2010.

FOR THE COMMISSION

\s\ Keith Stott

Executive Director

Copies of this order were mailed to the complainant and the judge on June 18, 2010.

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



MARICOPA COUNTY SHERIFF'S OFFICE

JOSEPH M. ARPAIO
SHERIFF



November 30, 2009

DEC 01 2009

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

Re: Complaint Regarding Retired Judge

Dear Commissioners:

Please accept this letter as a formal complaint against Retired Judge _____ for his violating the judicial canons, failing to uphold the integrity and independence of the judiciary, failing to perform the duties of his office impartially, and displaying conduct that brings the judiciary into disrepute.

My name is _____ and I am the _____ of the Maricopa County Sheriff's Office, 100 West Washington Suite 1900 Phoenix, Arizona 85003 . My telephone number is:

I respectfully request that the Commission investigate Judge _____ for conduct that may violate the Judicial Code of Conduct. The incidents that may violate the Judicial Code are specifically alleged below as follows:

First, the Maricopa County Sheriff's Office served as the investigating agency in the criminal matter involving County Supervisor _____ Jr., CR2008-_____. Chief Judge _____ selected Judge _____ to preside over the case. However, Judge _____ made public statements reflecting his open hostility towards the prosecuting agency. For example, the Arizona Republic quoted Judge _____ as calling County Attorney _____ and special prosecutor _____ actions "reckless." Similarly, just weeks before Judge _____ appointed Judge _____ to the _____ matter, Judge _____ made statements to the Veterans' Court Committee showing his negative opinion of the Sheriff's Office and County Attorney _____. A court employee, _____ witnessed Judge _____ statements and felt the statements raised enough concern that Ms. _____ ultimately reported Judge _____

statements to Judge _____ Judge _____ erred when he did not recues himself in the matter in spite of his clearly inappropriate public statements and clear hostility towards the prosecution. Instead of recusing himself, Judge _____ refused to disclose how or why he was appointed and refused to acknowledge any conduct that demonstrated his lack of impartiality.

Second, although I understand that the Commission's does not address actual decisions on cases, I want to bring one specific decision to the Commission's attention. Judge _____ decision in *State v. _____* currently on appeal, set aside over 15 years of action by the Maricopa County Board of Supervisors. The Board intended to adopt financial disclosure requirements and in fact had required its members to make certain disclosures every year . The Board's actions clearly impacted the Sheriff's Office as the investigative agency charged with ending public corruption. Yet, Judge _____ decision ignored these concerns.

Finally, upon information and belief Judge _____ knew about pending issues involving Judge _____ including Judge _____ connection to both the court tower investigation and the _____ investigation supervisor _____ Further, upon information and belief, Judge _____ obtained this information because he is Judge _____ long-time friend and trusted confidant. I believe Judge _____ knowledge that his friend Judge _____ played a part in several Sheriff's Office investigations caused Judge _____ to be even more biased against the Sheriff's Office and other prosecuting agencies.

I affirm, under penalty of perjury, that the foregoing information and the allegations contained in the attached complaint are true and correct.

Signature _____

Date: _____

Sworn before me this 30th day of November, 2009

(Signature of Notary Public)

My Commission Expires:

