

State of Arizona  
COMMISSION ON JUDICIAL CONDUCT

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Disposition of Complaint 10-228

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Complainant:	No. 1400610609A
Judge:	No. 1400610609B

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**ORDER**

The complainant alleged that a superior court judge was biased, allowed improper testimony, and made improper statements during sentencing. After analyzing the allegations, the judge's response, and the transcript of the proceeding, the commission decided to issue a private comment advising the judge of his obligation to comply with Rule 2.8(c) of the Code of Judicial Conduct, which prohibits judges from commending or criticizing jurors for their verdicts other than in a court order or opinion in a proceeding. Judges may only express appreciation to jurors for their service to the judicial system and the community.

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

Dated: December 20, 2010

FOR THE COMMISSION

\s\ William Brammer

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J. William Brammer, Jr.  
Commission Chair

Copies of this order were mailed to the complainant and the judge on December 20, 2010.

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

September 7, 2010

2010-228

To whom it may concern:

I am writing this letter on behalf of . My name is  
and I am Timothy's mother. I do not feel that Timothy received a fair trial. Judge  
was the presiding Judge over the trial and I feel he allowed unjust behavior to  
occur in the court room. Judge allowed witnesses to sit in court and listen to other  
witnesses who were scheduled to testify before they gave their testimony. This permitted  
them to change their story to corroborate with other witnesses. Judge also allowed  
Ronald McCracken's statement stand after Ronald admitted he lied under oath. In  
addition, one of the principle investigators in this case admitted he lied to the grand jury  
to get this case pushed through the system. After Judge learned about this, he still  
allowed the investigators testimony to stand and the trial to continue. In the middle of  
the trial, Judge took a week vacation; which is unheard of in a capital murder trial.  
At sentencing , my son, made his statement proclaiming his innocence.  
Judge immediately followed my son's statement with the following: " You can  
proclaim your innocence all you want , but I believe you did it." "Jurors good call on this  
one." I feel that this type of comment from the presiding Judge was totally inappropriate  
and insensitive to me. I believe my son when he says the wrong person was convicted. I  
would greatly appreciate it if someone would look into my concerns.

Sincerely,