

State of Arizona
COMMISSION ON JUDICIAL CONDUCT

Disposition of Complaint 10-287

Complainant: No. 1404210898A

Judge: No. 1404210898B

ORDER

The complainant alleged that a municipal court judge committed misconduct when he approved an incorrect statement in a plea agreement and failed to order additional restitution. The commission reviewed the matter and found no evidence that the judge engaged in unethical conduct in reaching his decision. Moreover, judicial rulings are not subject to review by the commission. Accordingly, the complaint is dismissed pursuant to Rules 16(a) and 23.

Dated: December 28, 2010.

FOR THE COMMISSION

/s/ Keith Stott

Executive Director

Copies of this order were mailed to the complainant and the judge on December 28, 2010.

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

On September 2, 2010 Honorable City Magistrate/Judge _____ signed a plea agreement containing a false statement of material fact "VICTIM WAS SATISSFIED WITH CORRECTED WORK". The necessary elements for the court to accept a plea agreement provide in ARS 13-4423 does not exist; resulting in noncompliance of the law. Victim was also not notified of all plea proceedings. Violation of Rule 1.1. I do not believe due diligence was exercised or the necessary preparations were taken in reviewing the case file documents. The victim requested restitution, was not and is still not satisfied. Violation of Rule 2.5.

Victim filed a complaint with the AZ ROC against Mr. Steven Adams. The complaint was then forwarded to the prosecutor's office and charges were filed. Victim documented and turned in to the prosecutor's office requests for restitution and a victim impact statement.

The case file contained; which I have enclosed as supporting evidence:

1. A victim impact statement with the victim's request for restitution.
2. E-mail correspondences between the victim and Melissa Solano of victim services updating victim's impact statement in regards to restitution as the actual total of damages became apparent.
3. Receipts for work that was done and paid for by the victim and estimates for work that still needs to be done caused by Mr. Steve Adams contracting without a license.
4. File should have contained notes from a meeting victim scheduled with prosecutor in which victim made clear request for restitution. Prosecutor also instructed victim to hire an A/C contractor and provide the bills to him for restitution.
5. Pictures of hole cut in wall and damage to pot shelf during A/C work by the non licensed contractor that still exists.

Because it does not exist the case file lacked:

1. Notification of all plea proceedings provided to victim necessary element of the law to accept a plea agreement.
2. Any evidence that "VICTIM WAS SATISSFIED WITH CORRECTED WORK"
3. Any written or verbal rescission of victims request for restitution.
4. Any written or verbal waiver of victims rights to be notified of all plea negotiations.
5. Any evidence the defendant reimbursed out of pocket expenses incurred by the victim either at the prosecutor's direction or as a result of corrective work done or that the defendant reimbursed victim for estimates for work that still needs to be done.

I believe that on September 2, 2010 Honorable City Magistrate/Judge _____ also violated the victim's rights provided by ARS 13-4428. The victim exercised her right to heard by providing written statements of her request for restitution. The victim's written voice was disregarded. Had the

