

State of Arizona  
COMMISSION ON JUDICIAL CONDUCT

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Disposition of Complaint 10-295

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Complainant: No. 1404910864A

Judge: No. 1404910864B

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**ORDER**

The complainant alleged that a justice of the peace was rude and allowed a prosecutor to be rude. The commission reviewed the allegations along with video recording of the hearing and found no evidence of misconduct on the part of the judge. The complaint is dismissed pursuant to Rules 16(a) and 23.

Dated: January 21, 2011.

FOR THE COMMISSION

/s/ Keith Stott

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Executive Director

Copies of this order were mailed to the complainant and the judge on January 21, 2011.

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

October 27, 2010

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Attn: Judicial Ethics Advisory Committee  
1501 W. Washington Street, Suite 229  
Phoenix, Arizona 85007  
602-452-3200

To Whom It May Concern:

On October 4, 2010, I was present in Arrowhead Justice Court, Judge John Keegan's court, although he was not the presiding judge that day. The reason for this writing is the conduct and unprofessional treatment that was displayed by Deputy County Attorney, Harold Brenneman towards me and how his conduct was condoned by the Judge who was present in the courtroom that day.

I was in the court in regards to State of Arizona vs. Mitchell Earich. My mother who is the victim in the case was not present for the proceeding because of circumstances that I was there to explain to the court when, I was approached by a male who did not identify himself to me but who was wearing a badge that I could not see his name. The male asked "where is your mother?". I stated "she was not present because", and I did not get to finish my sentence because the male stated "you called and confirmed today!" I replied that I had not called but had called on Friday, September 29<sup>th</sup> to confirm my mother's appearance. The male then proceeded to the Prosecutor's table and I then learned that he was Mr. Brenneman. At that point, Mr. Brenneman, turned around and again stated that I had called that day to confirm appearance of my mother to which I replied again that I had not called. Mr. Brenneman then proceeded to talk to the Deputy who joined him at the table. The defendant was sitting next to me and I commented that Mr. Brenneman would not listen to why my mother was not present and at that time Mr. Brenneman turned around to me and stated that he was asking for a Show Cause Hearing. I stated to the defendant "they want to hold a 80 year old with Dementia in contempt of court without even asking what happened?. Mr. Brenneman turned around and said to me "it is not her we want to hold in contempt but you for telling her not to come to court!" I was in disbelief and saying nothing but shaking my head, I was then told by the Judge to stop "shaking my head" or I would have to leave the courtroom...

I am not writing to try this case,I am writing this because I have never seen conduct so unprofessional and unethical. I worked in Detention for MCSO and Tempe Police Department for over 12 years. I have been in City,Justice,Superior courts,I have testified for the State and I have never witnessed behavior like this nor do I think any Judge would tolerate such a display of unprofessionalism.

Arizona Code of Conduct,Rule 1.2,Comments 1,2 and 5 ,I feel apply to Mr. Brenneman's conduct. Arizona Code of Conduct,Rule 2.3 ,Comment 2 also applies to his conduct. Arizona Code of Conduct,Rule2.8 was also violated. See attached.

I am unaware of the protocol of your agency,but my "wish" would be that "someone"unbeknowest to the court and Mr. Brenneman be a spectator in that courtroom to see if this is everyday behavior or if Mr. Brenneman has singled me out for whatever reason. My mother will be present on November 15 for the Show Cause hearing.

Thank you for your time in this matter

Cc:Victim Services Division Attn: Veronica Perez  
Channel 3 Investigators