

State of Arizona
COMMISSION ON JUDICIAL CONDUCT

Disposition of Complaint 11-079

Complainant: No. 1415610729A

Judge: No. 1415610729B

ORDER

The complainant alleged that a superior court judge violated his right to be heard and improperly made up his mind without hearing mitigating testimony from family members. After reviewing the complaint and the judge's response the commission found no evidence of misconduct on the part of the judge. The transcript of the hearing did not substantiate the allegations. Accordingly, the complaint is dismissed in its entirety pursuant to Rules 16(a) and 23.

Dated: July 20, 2011.

FOR THE COMMISSION

/s/ George Riemer

Executive Director

Copies of this order were mailed to the complainant and the judge on July 20, 2011.

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

CONFIDENTIAL

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

FOR OFFICE USE ONLY

2011-079

COMPLAINT AGAINST A JUDGE

Your Name:

Judge's Name:

Date: 3-9-2011

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.

ON MARCH 1 2011 I WAS ON JUDGE CALENDER FOR A MILDIGATED SENTENCIO 6
BETWEEN 9:30 - 10:30 AM. WE BEGAN WITH THE OPENING OF MY NAME AND BIRTHDATE. THEN THE
STATE PROSECUTOR NAMED APRIL SPOUSEL STOOD UP AND TOLD THE JUDGE THAT SHE IS RECOMMENDING THE
7 YEARS ON MY PLEA WHEN SHE RECOMMENDED THE DAY I ENTERED INTO THE PLEA THAT SHE IS RECOMMENDING
5 YEARS. THEN MY ATTORNEY DAVID ANTHONY CUTLER ARGUED THAT SHE HAD PROMISED THAT SHE WOULD
RECOMMEND THE 5 YEARS AND SHE DENIED IT IN FRONT OF THE JUDGE AND US AND MY FAMILY SUPPORT.
BOTH SIDES ARGUED BACK AND FORTH AND THEN APRIL SPOUSEL SAID SHE TOLD US SHE WOULD RECOMMEND
IT AND WE ALSO HAVE AN EMAIL FROM APRIL SPOUSEL TO DAVID CUTLER AND IT STATES IN THE EMAIL
THAT SHE WILL RECOMMEND THE 5 YEARS. THEN THE JUDGE ASKED TO START THE MILDIGATED FACTORS
AND MY ATTORNEY DAVID CUTLER DID A FINE JOB ON IT AND THEN THE JUDGE ASKED APRIL
SPOUSEL FOR AGGRAVATING FACTORS AND THEN MY FAMILY WANTED TO TALK ON MY BEHALF AND THE
JUDGE SAID IT WILL NOT MATTER WHAT THEY SAY BECAUSE HE HAD MADE UP HIS MIND AND
HE GAVE ME THE 7 YEARS. UNDERSTAND THE CASE HAD TO DEAL WITH A DETECTIVE AS A VICTIM
THAT NOTHING HAD HAPPENED TO HIM. THE JUDGE MENTIONED IN HIS SENTENCING STATEMENT THAT
THE VICTIM IS A LAW ENFORCEMENT AGENT. SO THE JUDGE HAD VIOLATED THE ARIZONA
CODE OF JUDICIAL CONDUCT 2.4 B. EXTERNAL INFLUENCES ON JUDICIAL CONDUCT " A JUDGE SHALL
NOT PERMIT FAMILY, SOCIAL, POLITICAL, FINANCIAL, OR OTHER INTERESTS OR RELATIONSHIPS TO INFLUENCE THE
JUDGE'S JUDICIAL CONDUCT OR JUDGEMENT" AND JUDGE USED POLITICAL MEANS. ALSO JUDGE
VIOLATED CODE 2.2. IMPARTIALITY AND FAIRNESS " A JUDGE SHALL UPHOLD AND APPLY THE LAW
AND SHALL PERFORM ALL DUTIES OF JUDICIAL OFFICE FAIRLY AND IMPARTIALLY." WITH JUDGE
SIDED ON THE STATED SIDE BEFORE HEARING OR EVEN GIVING A CHANCE TO MY FAMILY TO SPEAK
ON MY BEHALF. HE SIDED WITH THE PROSECUTOR APRIL SPOUSEL WHEN SHE HEARD IN COURT TO THE JUDGE AND
THE JUDGE HAD USED THE POLITICAL MEANS THAT A DETECTIVE WAS A VICTIM. I HAD 25-
35 FAMILY MEMBERS THAT WERE THERE THAT HEARD ALL THE MISCONDUCT AND WERE SHOCKED AT THE RESULT.

(Attach additional sheets as needed.)

2011-079

IT IS NOT RIGHT FOR A JUDGE TO BE ON THE STAND AND JUDGE A PERSON IF HE OR SHE WILL NOT JUDGE BY FOREKNOWS. THE JUDGE LET THE PROSECUTOR VIOLATE THE FOLLOWING RULES OF PROFESSIONAL CONDUCT. ER 3.8 A & B, 3.5 A, 3.4 B, 3.3 A1, 4.1 A, 8.4 C & F AND THE JUDGE BROWED IT OF LIKE ITS OK TO LIE TO HIM BECAUSE SHE IS A PROSECUTOR. I KNOW ALL THE JUDGES LOOK FORWARD TO GETTING REJECTED TO THE JUDGES STANDS SO THEY ALL GO FOR THE STATE SIDE WHEN CONVICTION COMES BUT DONT LET A PROSECUTOR GET AWAY WITH LYING 3 TIMES ON RECORD AND THEN ADMIT TO IT AND ALSO THROW IN A FALSIFYING ALIGATION AND GET AWAY WITH IT. I WOULD LIKE THE PROPER ACTIONS TAKEN AGAINST JUDGE WE ALREADY HAVE ALOT OF CORRUPTION IN THE STATE AND NOW WE GOT THE JUDGES THAT CANT JUDGE BY THE CODES THE SWORE IN ON.

3-9-2011.