

State of Arizona
COMMISSION ON JUDICIAL CONDUCT

Disposition of Complaint 12-047

Complainant: No. 1436310739A

Judge: No. 1436310739B

ORDER

The complainant alleged that a superior court commissioner conspired with his attorney and the prosecutor to dismiss charges against him and then refile them under another case number and for a different offense.

The responsibility of the Commission on Judicial Conduct is to impartially determine if the commissioner engaged in conduct that violated the provisions of Article 6.1 of the Arizona Constitution or the Code of Judicial Conduct and, if so, to take appropriate disciplinary action. The purpose and authority of the commission is limited to this mission.

After reviewing the information provided by the complainant along with the electronic history of the case, the commission found no evidence of ethical misconduct and concluded that the commissioner did not violate the Code in this case. Accordingly, the complaint is dismissed in its entirety pursuant to Rules 16(a) and 23.

Dated: March 21, 2012.

FOR THE COMMISSION

/s/ George Riemer

George A. Riemer
Executive Director

Copies of this order were mailed to the complainant and the judge on March 21, 2012.

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

2012-047

COMPLAINT AGAINST A JUDGE

Your name:

Judge's name:

Date: 2-6-2012

Instructions: You can use this form or plain paper of the same size to file a complaint. Please describe in your own words what the judge did that you believe constitutes judicial misconduct. Be specific and list all of the names, dates, times and places that will help us understand your concerns. You may attach additional pages but not original court documents. Print or type on one side of the paper only, and keep a copy of the complaint for your files.

On 12-20-2011 at approximately 08:30 I was scheduled to appear in superior court in the state of Arizona, Maricopa County for a Pre-Trial Conference for the Charges Discharging Fire Arm at A Occupied Structure and Aggravated Assault. That my Public Defender Brett Turley and Prosecutor: Ryan Powell were trying to get me to take a Plea. On those Charges As I was waiting patiently for my Defender to appear He made his approach into the courtroom at 9:45am As he acknowledged me looking toward my way smiling pointing to his glasses letting me know he likes my glasses then he looked at me then came over to me and said they have a Plea on the table today you may not want it but I have to tell you. I said ok what is it. He said 7 years. I said Now no thanks? Then my defender stated that's **** up using the Curse word. I said I don't want that Plea then my defender Brett Turley stated Ok I need to speak with the Prosecutor: Ryan Powell. They then walked out of the courtroom to converse back and forth then they came back into the courtroom they were approximately outside the courtroom for 10 to 15 minutes they then walk back into the courtroom then Commissioner called my Case and I went up As Comm. ran down the normal Procedures Asking me

(Attach additional sheets as needed)

②

My name and to verify my info and then ran down the Charge's they have against me. she then let me know that today was the last day to take the Plea? the Plea was 7 year's she stated do you except. I said No. Then she stated am I sure? I then stated Again yes i'm sure., then she stated I'm going to give you some more time to think about it I may not be sure. I said Ok she then went on to the nex case then she came back to my case and stated that my time was up and what do I wish to do. I stated I still don't want the Plea? she then got real upset and stated, so you don't want the Plea trying to presure me into takeing the Plea. I then said again no mam no thank you i dont want that Plea. she then Ask me once and I stated No? then my defender Brett Turley stated yor Honor May I and the Prosecutor approach the bench Commissioner. stated yes you may. and my defendender Brett Turley stated to (Commissioner) Me and the Prosecutor came to a agreement to dismiss the charges of Dischargeing A Fire Arm at a structure And Aggravated Assault And Page 2 the Defendant and

Add Endangerment and also change the case number make it like it's A new Case. Then Commissioner stated

No, I am not going to be able to do this in my courtroom. To Prosecutor:

Do you agree with that? Prosecutor Ryan Powell. Yeah, I agree with it?

(Commissioner) Do you know that I can get in trouble because of this.

We can get in trouble because of this. Public Defender Brett Turley stated to (Commissioner)

The only way we can get in trouble is if he the (Defendant) is Educated enough to make a paper trail. And if the clerk's do not pick it up we have nothing to worry about.

then (Commissioner) stated Well, um I don't know about this but if anything falls back then I am getting in trouble and you guys are getting in trouble because I do not suppose to be doing this. Then Brett Turley states

well me and you to (Comm) we do not have nothing to worry about because my name or your name is not going to be on the paper's

(Case History Clerk log). Then Defender



2012-047

(Commissioner Land Prosecutor
Ryan Powell violated my rights