

State of Arizona
COMMISSION ON JUDICIAL CONDUCT

Disposition of Complaint 13-052

Judge:	No. 1463211006A No. 1463210488B
Complainant:	No. 1463211006A

ORDER

The complainant alleges that a pro tem justice of the peace violated his rights as a victim and a justice of the peace violated the rules of criminal procedure.

The responsibility of the Commission on Judicial Conduct is to impartially determine if the judge 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 review, the commission found no evidence of ethical misconduct and concluded that neither judge violated the Code in this case. The commission approved sending the pro tem judge a private advisory letter regarding the handling of cases involving victims. The complaint is dismissed pursuant to Rules 16(b) and 23(a).

Dated: May 31, 2013.

FOR THE COMMISSION

/s/ Frank Louis Dominguez

Frank Louis Dominguez
Commission Chair

Copies of this order were mailed to the complainant and the judges on May 31, 2013.

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

3-11-2013

COMPLAINT AGAINST A JUDGE

Dear Sir and/or Madam;

I am formally making a complaint against _____ for her intentional, knowing, and grossly negligent violations of victim's rights.

On 11-29-2012 at 9:00 a.m. the Defendant _____ was to have an initial appearance on three Felony charges, under A.R.S. 13-3623 and 13-3601 Child Abuse per Domestic Violence, A.R.S. 13-3405 Possession of Marijuana, and A.R.S. 13-3415 Possession of Drug Paraphernalia. I arrived at the _____ Courthouse at 8:15 a.m. sharp, and at 8:40 a.m. I received a call from Detective _____ of the Police Department informing me that _____ had already been seen by the Judge and was gone. I said that was impossible as I had been here the whole time and the defendant's court time was scheduled for 9:00 a.m.. Detective _____ advised me that he was going to be there at the scheduled time to serve upon the defendant a Superior Court Order issued on November 20th, 2012 by the Honorable Superior Court Judge _____ of ORDER OF PATERNITY, TEMPORARY ORDERS OF CUSTODY AND PARENTING TIME.

I went up to the court clerks window and found that Detective _____ was correct, Judge _____ had seen the defendant and her counsel, _____ back in chambers. I was ready to have a stroke, for 77 days the defendant had kidnapped our daughter trying to play a victim and my one chance to get my daughter and keep her safe was gone for the sake of this judge not following procedures and Arizona Laws for victims' rights.

I had to wait around in the courtroom to address this judge as to the huge mistakes she had made and the stress put unto myself because of her actions and behaviors in not believing that a victims presence was needed.

At around 12:30 p.m. when only I and another girl were left in the courtroom from the mornings dockets, I addressed the Court. I informed _____ that she let the defendant go when there was a NO CONTACT ORDER OF PROTECTION for our then 13 month old daughter in place issued on the 25th of October, 2012 from the Honorable _____ of the Superior Court, and that I dropped off a copy of it that

same day it was issued to be put in the file of the defendant's at the Court and that the Sheriff's Office was to serve her said Superior Court Order at 9:00 a.m. this morning if the defendant made her initial appearance. Judge admitted that she didn't see it in the file and that she didn't look at the file too closely.

I informed the Court that Detective of the Police department was to serve the defendant with the Superior Courts Order of Temporary Custody.

I informed the Court that a felony complaint had been filed for Custodial Interference against the defendant for the 77 days she had kidnapped our daughter.

Enclosed you will find that the Arizona Attorney General's Office concurred with my complaint filed to support two violations of Victim's Rights per A.R.S. 13-4420 and A.R.S. 13-4421 and in no way could it possible understand or comprehend the serious stress and frustration this Judicial Officer caused unto myself for her not following the laws as mandated by the Arizona State legislature and Arizona Constitution afforded to the public and victims of crimes.

Enclosed is a copy of the Superior Courts Amended Order of Protection.

Enclosed is a copy of the Superior Courts Order of Paternity, Temporary Orders of Custody and Parenting Time.

Enclosed is a copy of the Police Department Custodial Interference Complaint.

Judge caused so much stress unto myself as a victim, and victim representative all for not caring to following the laws and caring about a victims right to be heard. She had violated the laws she was sworn to uphold. I hope this agency does the right thing, makes the right conclusions and sanctions this Judicial Officer appropriately so no other will have to go through what I did.

Sincerely:

3-11-2013

3-11-2013

COMPLAINT AGAINST A JUDGE

Dear Sir and/or Madam;

I am formally making a complaint against Judge _____ of the Justice Court for his intentional violation of Arizona State Law and the frustration and stress bestowed upon myself for this judicial officers actions and behaviors towards a suspect.

Judge _____ signed a Felony Complaint on 10-18-2012 against _____ see enclosed attachment of complaint.

Judge _____ then issued a felony summons for the defendant _____ to appear on or before the 29th day of November, 2012. Please see attachments from the _____ Attorney's Office Victim Services, and the Office of The Arizona Attorney General confirming the summons and the "open" court date for the defendant _____

Judge _____ of the _____ Court has violated a Arizona Statute of the Arizona Rules of Criminal Procedure, RULE 3.2 (b). Please see attachment.

In Judge Lundy violating Rule 3.2, he let a suspect who had been charged by the County Attorney's Office remain at large for an additional 12 days. The Defendant in this case had kidnapped our daughter for a total of 77 days, and this judicial officer let this defendant have an additional 12 days over what the law allows for their initial appearance to be summoned to by law.

This judicial officer DID NOT state a DATE, Judge _____ left the door open to this defendant as to whatever day she wanted to appear for her three felony charges. In my discussion with the supervisor of the Arizona Attorney Generals Office, Victim Services, Victim Rights Complaint Department I am also correct that in Judge _____ leaving the door open to any suspect to appear on criminal charges that the victim or victims in the case are not able to exercise their rights as Arizona Law allows for. The victims have the right to make a statement, they have the right to be present at all criminal proceedings, they have the right to due process, they have the right to a speedy

trial or resolution of the criminal case involving the defendant. And with judge

rights to be adhered to and respected, A.R.S. 13-4421 INITIAL APPEARANCE is the first step in victims rights and the victim cannot invoke his or her rights as guaranteed by the Arizona State Legislature or the Arizona Constitution if the victims are unable to ascertain when the defendant is to have a court date. In violating Arizona Law did he expect the victims or victim representative to show up at the Courthouse for 42 days straight in hopes the defendant will show up and retrieve his kidnapped 13 month old daughter? This judicial officer enabled a defendant 12 more days to commit the criminal offense of Custodial Interference under A.R.S. 13-1302.

This judicial officer DID NOT MAKE this defendant appear on the summons "within 30 days of the filing of a complaint" as the Arizona Rules of Criminal Procedure mandate.

I would hope that this commission imposes the necessary sanctions onto Judge for the great latitude he gave to a felony suspect, for he gave no respect to Arizona Law, and more importantly the victims that the suspect was summoned to appear in court on for committing her criminal offenses. The stress of the "process" is great enough, when your daughter was physically, emotionally, and mentally hurt, and then kidnapped for an extra 12 days, it is a lifetime of pain and suffering, all because of yet another judge violating the law, violating the victims' once again.

Please make the sanctions appropriate, victims look for the courts to be just and impartial.

Sincerely: