

State of Arizona  
COMMISSION ON JUDICIAL CONDUCT

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Disposition of Complaint 13-087

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Judge:	No. 1079114662A
Complainant:	No. 1079114662B

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**ORDER**

The complainant alleged a pro tem superior court judge made inappropriate statements, improperly denied a request for change of judge, ignored the state's failures to abide by discovery obligations, improperly denied a motion, and delayed his case.

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 reviewing the information provided by the complainant, relevant portions of the transcripts, and the judge's response, the commission found no evidence of ethical misconduct and concluded that the judge did not violate the Code in this case. Accordingly, the complaint is dismissed in its entirety, pursuant to Rules 16(a) and 23.

Dated: June 18, 2013.

FOR THE COMMISSION

/s/ George Riemer

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George A. Riemer  
Executive Director

Copies of this order were mailed to the complainant and the judge on June 18, 2013.

*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**

**8013-087**

**COMPLAINT AGAINST A JUDGE**

Your name:

Judge's name:

Date: April 16<sup>th</sup>, 2013

**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.

Complainant; was arrested on July  
24<sup>th</sup>, 2012, to only one Court of Third degree burglary of an  
Jewelry, this fact is stated in the Complaint and  
within the Magistrate's order; the State  
Failed to file an timely information within 10 days and instead  
indicted the Complainant on ~~24<sup>th</sup>~~ August 3<sup>rd</sup>, 2012. To two  
Courts of Third degree burglaries, one of an  
that the Complainant was never arrested  
and booked to and in Court two, the original charge of  
an Third degree burglary of an  
the Judge has shown and acted with prejudice and bias  
against the Complainant and tend to be participating in ex Parte  
null proceedings with the Deputy County Attorney,  
by ; 1). During a status conference the Judge stated to the  
Assistant Public Defender who represented Complainant at  
that time "what does he know, what are you afraid of  
he don't have the type of education to be afraid of, watch  
this - Mr. may I ask you what the highest  
Grade of education you completed? when Complainant  
answered her stating "The 10<sup>th</sup> Grade" The Judge turned  
to the Assistant Public Defender and stated "see all he has  
is a 10<sup>th</sup> Grade education, what can he do?" The Complainant  
bring to the attention of this Commission that the question had  
no place within these Proceedings and there was no  
explanation given as to why this question was asked!

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(Attach additional sheets as needed)

1. 2). Immediately after the Complainant filed  
2. a motion to withdraw the Assistant Public Defender  
3. '1', during status conference number three,  
4. he filed a motion for a change of Judge from Judge  
5. '1', that Complainant should have been  
6. automatically granted on the first request, but Judge  
7. '1', refuse to recuse' from his case,

8. 3). The Judge after several orders at different times  
9. for the state, to produce the witnesses to be  
10. interviewed dating back to several months and after  
11. several continuances of trial and the state still  
12. have not produced the witnesses, the Judge still  
13. refuse to penalize the state and on April 15<sup>th</sup>,  
14. 2013, Judge '1', stated on the record that  
15. the witnesses are cooperating and without any  
16. motion being before he allowed the state to  
17. continue the trial or at least without any notice  
18. to the Complainant when the law states that a  
19. motion for such request shall be filed, 4). on  
20. April 15<sup>th</sup>, 2013, the Judge denied Complainant motion  
21. on grounds not presented in his motion and fail to  
22. order the state to respond to the motion, and 5).  
23. the Judge has continue Complainant trial that is not  
24. a complex case for well over a year.

25. Complainant request that a monitor from this  
26. office be sent to monitor the trial, and  
27. proceedings while it investigate his complaint.  
28.

(Page 2) Date: April 16<sup>th</sup>, 2013,