

State of Arizona
COMMISSION ON JUDICIAL CONDUCT

Disposition of Complaint 13-228

Judge:	No. 1025914757A
Complainant:	No. 1025914757B

ORDER

The complainant alleged a superior court judge demonstrated bias against him and his attorney by displaying a rude and unprofessional demeanor during several hearings in 2004 and 2005.

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 complaint, the commission concluded that the alleged misconduct is too remote in time to warrant further investigation. Accordingly, the complaint is dismissed in its entirety, pursuant to Rules 16(a) and 23.

Dated: October 2, 2013

FOR THE COMMISSION

/s/ George Riemer

George A. Riemer
Executive Director

Copies of this order were mailed to the complainant and the judge on October 2, 2013.

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

YOUR NAME:

DATE: SEPT. 4, 2013

COMPLAINT AGAINST A JUDGE

2013-228

DURING MY BOND REDUCTION HEARING IN OCTOBER OF 2004, [REDACTED] DISPLAYED RUDENESS TO ME AND MY COUNSEL, [REDACTED] WAS CURT IN HIS ADDRESS. FURTHER, [REDACTED] APPEARED TO TAKE OFFENSE OF MY CRIMINAL HISTORY. HE MADE A PREJUDICIAL STATEMENT ABOUT MY CRIMINAL HISTORY DATING TO 1960. JUDGE [REDACTED] JUDICIAL DEMEANOR WAS NOT PROFESSIONAL DURING THIS PROCEEDING. HE RUSHED MY PROCEEDING THROUGH AND GAVE ME HAUGHTY STARES.

ON MAY 12, 2005, I APPEARED BEFORE JUDGE [REDACTED] WITH MY COUNSEL, [REDACTED] TO PULL MY PLEA THAT HAD BEEN SIGNED IN DECEMBER OF 2004. [REDACTED] ASKED FOR A CONTINUANCE WHEN THE JUDGE DENIED MY RIGHT TO PULL MY PLEA. HIS HONOR STATED THAT THERE HAD ALREADY BEEN TOO MANY CONTINUANCES IN THIS CASE WHEN NONE HAD PREVIOUSLY BEEN REQUESTED BY [REDACTED]. [REDACTED] CONTINUED HIS DISPLAY OF ANTI-PATHY FOR ME IN HIS CURTNESS OF REMARKS AND HISTRIONIC GLARES DIRECTED AT ME. HIS HONOR'S CONDUCT ON THE BENCH WAS MALICIOUS.

IN THIS APPEARANCE [REDACTED] DENIED MY COUNSEL'S REQUEST FOR AN EVIDENTIARY HEARING. HE DISREGARDED THE LAW BY NOT ALLOWING ME TO PROVIDE EXCULPATORY EVIDENCE AND DEFENSE WITNESSES. FURTHERMORE, I WAS DENIED A MITIGATION HEARING AT THIS SAME APPEARANCE. DURING THIS PROCEEDING, [REDACTED] CALLED UPON THE LEAD DETECTIVE, [REDACTED] TO SPEAK. DETECTIVE [REDACTED] THEN LED THE

COURT THROUGH A DIATRIBE OF MISTRUTHS CONCERNING MY CRIME. I HAD NEVER EVEN MET THIS MAN.

I WAS ADVISED BY _____ THAT I WOULD BE SENTENCED IN THIS APPEARANCE. I BEGAN READING THE FACTUAL BASIS OF MY PLEA AND STOPPED. THE FACTUAL BASIS WAS INCORRECT. AT THIS POINT, _____ REVEALED THAT WE COULD ALWAYS GO BACK AND CHANGE IT AND STATED THAT IT WASN'T A PROBLEM BECAUSE THE JUDGE LIKED HER. IT WOULD APPEAR THAT A CONFLICT OF INTEREST INVOLVING THE JUDGE EXISTED. THE FACTUAL BASIS WAS NOT FACTUAL. THE PROSECUTOR WROTE THE FACTUAL BASIS. THE JUDGE KNEW THERE WAS NO CO-DEFENDANT IN MY CASE, BUT ALLOWED ME TO READ A STATEMENT REGARDING A CO-DEFENDANT. I ASKED IF I COULD ADDRESS THE COURT AND JUDGE SAID I HAD ALREADY HAD THE CHANCE TO SPEAK, AND I WAS THERE TO BE SENTENCED.

DURING MY SENTENCING, MY PRIOR CHARGES WERE BROUGHT UP. PRIOR CHARGES EXISTED IN MY HISTORY, BUT WERE MORE THAN TEN YEARS OLD. JUDGE _____ WAS ALREADY PREJUDICED TO MY CRIMINAL HISTORY FROM HIS STATEMENT IN MY BOND REDUCTION HEARING. THE JUDGE DISPLAYED RUDE, MALICIOUS AND ANIMUS DEMEANOR EVERY TIME I ENCOUNTERED HIM. HE SHOWED GROSS MISCONDUCT AFTER RISING FROM THE BENCH FOLLOWING MY SENTENCING BY TURNING BACK TO ME AND GLARED, SAYING, "I HOPE YOU NEVER SEE THE STREETS OF PHOENIX AGAIN!" THAT WAS A PARTICULARLY DEROGATORY, MALICIOUS, PERSONAL REMARK. IT PROVED TO ME HIS PERSONAL PREJUDICE

AND BIAS AGAINST ME. THE REMARK WAS OFFENSIVE, COMING AFTER A SENTENCE OF 16 $\frac{1}{4}$ YEARS. AT THE TIME, I WAS 62 YEARS OF AGE. IN A CASE WHERE THERE WAS NO VIOLENCE AND NO VICTIMS THE JUDGE TRIED TO GIVE ME A LIFE SENTENCE.

JUDGE DISPLAYED HABITUAL INTEMPERANCE IN HIS ATTITUDE TOWARD ME IN EACH APPEARANCE I HAD BEFORE HIM. HE ALSO DISPLAYED CONDUCT PREJUDICIAL TO THE ADMINISTRATION OF JUSTICE THAT BRINGS THE JUDICIAL OFFICE INTO DISREPUTE. DID NOT UPHOLD THE

INTEGRITY AND INDEPENDENCE OF THE JUDICIARY BY NOT ESTABLISHING AND MAINTAINING HIS OWN CONDUCT TO THE HIGH STANDARDS THAT THE JUDICIARY ARE PRESERVED.

FURTHERMORE, DID NOT PERFORM THE DUTIES OF JUDICIAL OFFICE IMPARTIALLY AND DILIGENTLY. HIS HONOR WAS NOT PATIENT, DIGNIFIED AND COURTEOUS TO ME AS A LITIGANT. HE DID NOT PERFORM HIS JUDICIAL DUTIES IN MY ENCOUNTERS WITHOUT BIAS OR PREJUDICE. FOR THE AFORE-MENTIONED VIOLATIONS OF THE CANONS OF JUDICIAL CONDUCT THAT FALL WITHIN THE SCOPE OF AUTHORITY OF THE ARIZONA COMMISSION OF JUDICIAL REVIEW I MAKE THIS COMPLAINT AGAINST JUDGE

FOR THE EXAMPLES OF MISCONDUCT GIVEN IN THE PRECEDING NARRATIVE.

SWORN BEFORE ME THIS 4TH DAY OF SEPTEMBER, 2013.

