

State of Arizona
COMMISSION ON JUDICIAL CONDUCT

Disposition of Complaint 13-275

Judge:	No. 1085514791A
Complainant:	No. 1085514791B

ORDER

The complainant alleged a justice of the peace was rude and ignored him.

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 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: February 3, 2014.

FOR THE COMMISSION

/s/ George Riemer

George A. Riemer
Executive Director

Copies of this order were mailed to the complainant and the judge on February 3, 2014.

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

2013-275

COMPLAINT AGAINST A JUDGE

Name. _____ Judge's Name. _____

Instructions: Use this form or plain paper of the same size to file a complaint. Describe in your own words what you believe the judge did that you believe constitutes judicial misconduct. Be specific and list all of the names, dates, times, and places that will help the commission understand your concerns. Additional pages may be attached along with copies (not originals) of relevant court documents. Please complete one side of the paper only, and keep a copy of the complaint for your records.

On _____ after agreeing to a stipulated plea-agreement with the prosecutor through my attorney _____, it was presented to Judge _____. This was the third time I appeared in court for the same case in front of Judge _____. Each time he asked me a question, I responded to him respectfully with, "Yes/No your honor." I came prepared and dressed appropriately (each time wearing a pressed suit and tie).

Judge _____ reviewed the documents and asked the prosecution to provide a summary of the events that led to the plea agreement. The prosecutor proceeded to provide a summary of the events of my arrest, according to the _____ City Police Dept. arrest report. While attorney _____ spoke, Judge _____ looked attentively at her, acknowledging the things she was saying, and listened intently to what she had to say. Upon her conclusion, Judge _____ asked me (the defense) if there was anything I would like to add. I responded affirmatively, and began to explain several factors I thought were relevant to the case that I believed were important for the Judge to hear.

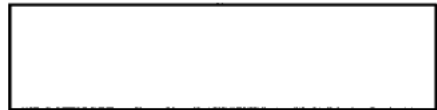
In my experience with the court system in _____ it is not unreasonable for a Judge to hear the defendant's rationale or explanation of his actions, or even for the defendant to request the court's mercy with regard to how his financial situation has been affected by the arrest, then make a judgement as to what he believes is fair based on both parties' statements. I do not know if Judge _____ had this opportunity before him on that day, but I began to explain what I believed was relevant. Among the items I mentioned firsthand before the court were my apologies for the events that led to my arrest and my acknowledgment of responsibility. Almost immediately after I began speaking to the Judge, he turned to the clerk sitting at the bench beside him and appeared to be referencing something on a sheet of paper he was handing to her. He continued the conversation with her, pointing things out on the paperwork. I paused briefly to see if the Judge was simply making a brief comment to the clerk, and waited for him to return his attention toward me. As he did, I began speaking again. Within seconds, Judge _____ again turned to the clerk and began speaking to her once more. His conversation was lengthy, and it became obvious to me that he was clearly not concentrating on the statement I was giving.

I soon concluded my testimony. Judge _____ turned back around. Without acknowledging any part of my testimony, Judge _____ began reading the terms of my sentencing.

CONFIDENTIAL

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

FOR OFFICE USE ONLY



COMPLAINT AGAINST A JUDGE

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I listened intently, looking at the Judge as he spoke, and followed the terms of the agreement, ultimately signing all of the documents, as was required of me.

In my opinion, Judge _____ actions that day showed indiscriminate bias toward me and in favor of the prosecution. It appeared as though he had made up his mind about the case immediately after listening to the prosecution. His outright lack of respect for the judicial process was not only unprofessional, but was blatantly disrespectful toward me and the other members of the legal system and witnesses in the court that day.

In closing, I firmly believe that Judge _____ was in violation of multiple "Canons" of the most recent Arizona Code of Judicial Administration, Part 1, Chapter 3, Section 1-303, as posted on the AZCourts.gov website (as of October 23, 2013). These Canons include but are not limited to:

- Canon 1, Rule 1.2: Promoting Confidence in the Judiciary
- Canon 2, Rule 2.2: Impartiality and Fairness
- Canon 2, Rule 2.3: Bias, Prejudice and Harassment
- Canon 2, Rule 2.8: Professionalism

Additionally, while questioning me from a list of the items that Judge _____ later checked off in court, he neglected to read one portion of the list, nor was I at any time advised of this. This sentence stated, "The defendant is satisfied with the services of his/her attorney." I never was asked this question in court. Had I been asked this question by the Judge or been given the opportunity to answer the question whether verbally or in writing (using my initials, as was instructed on the paperwork-as opposed to the Judge's markings), I would have answered that I was -not- satisfied with the services provided to me by my attorney.

My confidence in the Arizona Judicial system, particularly with the legal, ethical, and moral deficiencies presented to me in _____ Arizona from the date of my arrest through the conclusion of my final hearing, has left me with little faith that fairness and impartiality exist there. I can only leave this experience believing that my case was not given the impartiality it deserved, nor was I given the same respect that I showed Judge _____ on multiple occasions. As a faithful member of an aspect of the legal system in California, it truly disheartens me in ways that I find troubling to have to write.