

State of Arizona
COMMISSION ON JUDICIAL CONDUCT

Disposition of Complaint 13-329

Judge:	No. 1104714829A
Complainant:	No. 1104714829B

ORDER

The complainant alleged that a superior court commissioner improperly allowed the State to withdraw from a prior plea agreement.

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 review, the commission found no evidence of ethical misconduct and concluded that the commissioner did not violate the Code in this case. The commission does not have jurisdiction to review the legal sufficiency of the court rulings. Accordingly, the complaint is dismissed in its entirety, pursuant to Rules 16(a) and 23.

Dated: January 22, 2014.

FOR THE COMMISSION

/s/ George Riemer

George A. Riemer
Executive Director

Copies of this order were mailed to the complainant and the commissioner on January 22, 2014.

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

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COMPLAINT AGAINST A JUDGE

DEC 11 2013

Your Name: _____ Judge's Name _____ Date: _____

Instructions: Describe in your own words what the judge did that you believe constitutes misconduct. Please provide all of the important names, dates, times, and places related to your complaint. You can use this form or plain paper of the same size to explain your complaint, and you may attach additional pages. Do not write on the back of any page. You may attach copies of any documents you believe will help us understand your complaint.

On _____ in _____ Superior Court _____ was the presiding Judge on my case. Maricopa County Attorney _____ offered me a plea which I accepted. Once I entered the courtroom for my change of plea hearing Judge _____ advised me of all my constitutional rights that I would be giving up as part of this change of plea and I was fully aware of my consequences. _____ also told me that the court was not bound to have to accept the plea, then went on to ask me if any promises were made to me or if I had consumed any medication within the last _____. After I answered no, she went ahead and accepted my guilty plea on record, and set my sentencing for _____. At my sentencing the state wanted to withdraw and she allowed the state to which was a clear abuse of discretion by granting the states motion to withdraw from a plea agreement that the court had previously accepted.

According to _____ Trial court is not authorized under the contract doctrine of impracticability to grant states motion to withdraw from plea agreement with defendant that court had previously accepted