

State of Arizona
COMMISSION ON JUDICIAL CONDUCT

Disposition of Complaint 14-001

Judge:	No. 1084314841A
Complainant:	No. 1084314841B

ORDER

The complainant alleged a superior court judge improperly failed to hold the State in contempt and that the judge improperly cut him off when the judge knew he and his lawyer was not in agreement.

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. 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: February 19, 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 19, 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

8014 001

COMPLAINT AGAINST A JUDGE

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 _____ JUDGE _____ WAS ADVISED THAT THE STATE HAD FAILED TO PRODUCE LAB RESULTS AND RECORDINGS OF INTERVIEWS OVER THE PAST SEVERAL MONTHS. THE JUDGE ISSUED AN ORDER TO THE STATE THEY HAD UNTIL THAT EVENING TO PRODUCE SEA EVIDENCE. ON _____, A MONTH LATER, THE JUDGE WAS AGAIN INFORMED OF THE STATE BEING IN CONTEMPT. THE TRIAL DATE WAS SET FOR _____, THUS THE DEADLINE FOR ENTERING ALL EVIDENCE HAD PASSED. WE WERE _____ DAYS TO TRIAL. THE JUDGE FAILED TO ENFORCE HIS PREVIOUS ORDER AND ALLOWED THE TRIAL DATE TO BE EXTENDED TO _____, THUS RECREATING A NEW TIME FRAME. THIS DATE EXTENDS BEYOND THE "LAST DAY" OF _____. WHEN I ASKED TO SPEAK THE JUDGE CUT ME OFF SAYING ONLY THE ATTORNEY. IT BECAME CLEARLY EVIDENT THERE WAS A STRONG ARGUMENT BETWEEN THE ATTORNEY AND ME, THUS THE COURT SHOULD HAVE HEARD MY POINT. REFUSED ANY DEFENSE ARGUMENT AND STATED HE WOULD HEAR THE STATES CASE MANAGER'S REASONING FOR FAILING TO PRODUCE EVIDENCE. CLEARLY SHOWING PREJUDICE AGAINST DEFENSE TO THE POINT OF PRESENTING AN ARGUMENT ON BEHALF OF THE PROSECUTOR. THE HEARING ON _____ SHOULD HAVE, AS SCHEDULED, BEEN ARGUMENT OR MOTION FOR DISMISSAL, WHICH THE JUDGE SHOULD HAVE KNOWN COULD NOT BE POSTPONED. A SEPARATE COMPLAINT HAS BEEN FILED ON ATTORNEY _____ TO ARIZONA STATE BAR, FOR HER PREJUDICIAL AND INAPPROPRIATE ACTIONS AS WELL. _____ CLEARLY HEARD THE ARGUMENT BETWEEN _____ AND MYSELF, AS WELL AS HER COMMENT "SEE, I TOLD YOU THE JUDGE IS FOR THE STATE" AS SHE DEPARTED.

(Attach additional sheets as needed.)