

State of Arizona
COMMISSION ON JUDICIAL CONDUCT

Disposition of Complaint 14-038

Judge:	No. 1098014877A
Complainant:	No. 1098014877B

ORDER

The complainant alleged that a superior court judge improperly denied a request to revise a juvenile restitution order and that the judge, a prosecutor, and a defense attorney completely ignored all the evidence in a case involving his son.

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 judge's rulings. Accordingly, the complaint is dismissed in its entirety, pursuant to Rules 16(a) and 23.

Dated: March 12, 2014.

FOR THE COMMISSION

/s/ George Riemer

George A. Riemer
Executive Director

A copy of this order was mailed to the complainant and the judge on March 12, 2014.

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



STATE OF ARIZONA

JANICE K. BREWER
GOVERNOR

EXECUTIVE OFFICE

Dear Mr.

The Governor's Office of Constituent Services is in receipt of your letter received
As Director of Constituent Services, I am responding on behalf of the Governor's Office.

I am sorry to read about your recent experiences in court. The Governor does not have the legal authority to amend a court order. As you may know, complaints can be filed with the Arizona Commission on Judicial Conduct which is overseen by the Arizona Supreme Court. I can only suggest that you contact the Commission if you feel that the Court Judge engaged in judicial misconduct. For your convenience, I am providing the appropriate contact information:

Commission on Judicial Conduct
1501 W. Washington St., Suite 229
Phoenix, AZ 85007
Telephone: 602-452-3200
cjc@courts.az.gov

We thank you for bringing this matter to our attention and hope you will obtain the assistance you seek.

*This case was refer
to your office.*

Thanks

Sincerely,

Director, Constituent Services

Governor's Office/Commission on Judicial Conduct
Arizona State Legislature
1700 W. Washington St.
Phoenix, Arizona 85007

Re: Court :
I , several cases of Judge's abnormalities, Prosecutor and Defense attorneys and the Probation office.

To Whom it may Concern:

I am seeking your assistance on several cases where there were some bad judgment decisions on behalf on the Court Judge, Prosecutor and Defense attorney. Hopefully you can research and make revisions to ARS 8-344 where the JOINT/SEVERAL is to be used in specific cases only. Not where there are several juveniles in different ages. This is the only section of the ARS that talks about restitution. The first one is on a Restitution Order where my and other were involved . All were ordered restitution JOINT/SEVERAL account. The ages of the at the time of adjudication were years old and the other was and my son was . The year old initiated the offense followed by the year old and last was my son according to testimonies of the year old child.

The Restitution Order was on
A Court Hearing was requested to Amend Court Orders on
and re-filed on and the Court date on -Deny

Per ARS 8-344 it states that if a juvenile is adjudicated , the court, after considering the nature of the offense and the , physical and mental condition and EARNING CAPACITY of the , shall order the to make full or partial restitution. (See ARS attached). At this time one of the was only years old and not CAPABLE of finding employment especially with a Conviction. and will not hire a with a Conviction and in there is no yard work to be done. It's all rock front yards. In conclusion all parents work from pm and are not allowed to take time off work after the is out of school , in the event that if the found employment. In there are the following fast food restaurants . The rest are family

restaurants.

Re:

On _____, there was a Court meeting with the _____ Court _____, the Prosecutor and Defense attorneys, Probation officers. The purpose of this court was to request for the Judge to amend the previous Court Order of JOINT/SEVERAL and to divide the Restitution amount equally between the _____ families. I pleaded with the Judge and told her that the amended orders would help out all of the families involved as they would just focus on the amount to which they were just responsible for instead of assuming if the other families were going to be making payments. Which in this case that is what happened. (see letter that I presented for this action).

I told the Judge that I did not wanted our properties to be place on liens in the event that we paid what supposedly would have been our share of the restitution by the time our _____ reach the age of _____ and the Restitution was still not paid in full. The Judge, the _____ officers assured me that that would not happened to us. That the only reason our property would be placed on lien was if we had unpaid _____ or attorney fees. That the Court Order did not ordered the parents to be responsible for the Restitution. The Judge denied my request to amend the Court Orders.

I feel that the Judge, the Prosecutor and Defense attorneys and the Probation Officers did not take into account what ARS 8-344 stipulates and the inability of the _____ to be gainfully employed especially with a Conviction. I am pretty sure that if the Court Orders would have been amended this Restitution would have been paid on our behalf what we would have been responsible for.

On _____, I received a Billing statement from _____ Office (see attached). I called _____ from that department regarding this account. She told me that since my _____ was already _____ years old that she was going to submit a _____ Restitution Order for the Judge to sign. That probably in this Order the Judge was going to order for our properties, cars to be place on liens and that the Federal and State income tax refunds to be garnished until the restitution account was paid in full. I told her that this was not fair to us since when I requested for the Restitution

Re:

Order to be amended everybody told me that this would not happen. And that the fact that the other juveniles were not yet years old. And that the purpose of my request to amend the Restitution Orders was to avoid all of these. She further told me that the Restitution was going to start to accumulate interest . I asked her if the whole amount of the restitution account was going to accumulate interest or just my son's share since the other were not years old yet. She could not give me an answer to this question. She just made reference to ARS 12-1611 or 12-1612.

I really don't know why the Judge did not follow the stipulations of ARS 8-344 and that it was not going to be appropriate due to the fact that all were of different ages and were going to reach their birthday at different times. Neither the Prosecutor or Defense attorney objected to the decision of JOINT/SEVERAL knowingly that the were of different

Therefore, I am requesting your assistance in this matter and amend this Court Order to divide the Restitution equally between the families.

Sincerely,

The Second case (see paperwork enclosed) is regarding at school where my confronted the . My son was charged with Threatening and Intimidation. In spite of all the evidence, testimonies of of the witnesses who testified that the was arrogant, intimidating to the other students, Police Dept. reports that included chats regarding this incident where other students stated that my son was not the only one that wanted to confront the . because of the way he is he. The Judge, the Prosecutor and Defense attorney completely ignored all of this evidence and let the BULLY walk, free of everything. And my was punished. My is not an angel and that is why he is very upset with the justice system. To make matters worse the police officer that cited my told us that he could not take witnesses to court because they were going to lie for him. AMAZING !!!!!