

State of Arizona
COMMISSION ON JUDICIAL CONDUCT

Disposition of Complaint 14-232

Judge:

Complainant:

ORDER

The complainant alleged that a superior court judge improperly relied on an ex parte letter.

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: September 4, 2014

FOR THE COMMISSION

/s/ George A. Riemer

George A. Riemer
Executive Director

Copies of this order were mailed to the complainant and the judge on September 4, 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

2014-232

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 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 At A Severance Hearing, Judge gave
Notice to the court of an Ex parte letter he received from a
codefendant in the defendant's case, Judge Ruled
on this Ex parte letter, based on what was said in this letter
Judge severed the defendant from both codefendants
leaving both codefendants joint. Stating reasons for severance
are antagonistic and prejudicial to the defense of defendant
that keeping the defendants together will not give them a
fair trial. Displayed judicial misconduct, by accepting
this Ex parte letter, not notifying all parties of its existence,
then making a ruling because of this letter without
finding out the truthfulness of the facts in regards to this
letter. Judge allowed this letter to give him a
negative and bias opinion of the defendant, the defendant
is proper, and Judge purposely would not
acknowledge or rule on none of the defendant's motions,
stagnating the defendant's preparations for trial, on
at a hearing, Judge make reference to the fact that from
information that he has obtained that codefendant (codefendant
who wrote Ex parte letter) might not had a part in this crime, might
just have been there, that me has been in custody for
that me deserves for this case to be over, Judge is basing
his assumptions from his reading of the Ex parte letter, which should
not have been allowed by Judge Pursuant to the rules

CONFIDENTIAL

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

FOR OFFICE USE ONLY

2014-232

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 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.

That's prescribed for him to follow under code of judicial conduct Rule 81) Rule 2.9
Ex parte communication (A) (1) (a) (b) (2) (3) (4) (5) (6) (B) (c) and (D) Judge
Allowed the State to page 2 the Defendant. Drop all charges with prejudice
then refile the charges under a new case #. To attempt to cure the original
severance, because the Defendant invoked his speedy trial right, if
had not read this ex parte letter, he would not have abused his discretion
on rulings in this case. Because of bias information received, Judge
joined the Defendant back with both codefendants, then
severed codefendant from Defendant, placing Defendant with
the other codefendant. This is a blatant violation of abuse of his
discretion and also of the Defendant's rights, see second sentence
hearing on see Judge conduct and actions toward
the Defendant and in regards to the Defendant case,
Judge is in violation of judicial misconduct, and
has blatantly violated or allowed the Defendant's rights to be
violated, and has purposely stigmatized or allowed the defendant
preparation for trial to be stigmatized by the state.