

State of Arizona
COMMISSION ON JUDICIAL CONDUCT

Disposition of Complaint 14-342

Judge:

Complainant:

ORDER

The complainant alleged a superior court judge made improper rulings in a criminal case.

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.

The commission does not have jurisdiction to review the legal sufficiency of the judge's rulings. In addition, 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: November 5, 2014

FOR THE COMMISSION

/s/ George A. Riemer

George A. Riemer
Executive Director

A copy of this order was mailed
to the judge on November 5, 2014.

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

In trial minutes dated _____ at the bottom of page 2, it is noted that Judge _____ granted the Defense Motion To Preclude Evidence That The Defendant Lacks Remorse: IT IS ORDERED granting the motions in _____ re smuggling contraband, changing counsel and threats against trial participants and lacking remorse.

Members of the Commission: As you well know, remorse or lack thereof, is an integral and central element in assessing a defendant's penalty. Withholding from this jury, any and all evidence pertaining to the defendant's obvious lack of remorse, is tantamount to instructing the jury outright *not* to impose the _____ in this case. The jury may decide, even given evidence of her remorselessness, to _____ But, disallowing the State, barring the State, from presenting evidence that the defendant herself, has put into play in this case, is not giving this jury the complete or truthful picture of this defendant's conduct and demeanor. Leaving that evidence out is blatant omission of relevant and important information. The jury should have this information and then be allowed to decide. The defendant's sentencing in AZ should not come about at the sole discretion of a Judge, when there is a jury already seated, present and ready to deliberate upon the facts. And as one who should act as a steward of Justice, a Judge should allow them the opportunity to do their job, rather than hinder or impede their ability to reach a sentencing verdict, by omitting or disallowing relevant and pertinent evidence.

2) AZ's Bill of Rights for victims, states that the _____ family is entitled: To be treated with fairness, respect, and dignity, and to be free from intimidation, harassment, or abuse, throughout the criminal justice process and to a speedy trial or disposition and prompt and final conclusion of the case after the conviction and sentence.

3) The defendant has harassed and abused the family, and Judge _____ has allowed, the following:

i. The defendant sells

ii. The defendant has given _____ from behind bars and immediately following the _____
These are just 3 of them:

- On _____, just _____ after the Guilty verdict:
- On _____, also the same day of the Guilty verdict:
- On _____, after Allocation (but before the deadlock as to Sentencing):

iii. The defendant runs a twitter account by proxy. (
Under the AZ Bill of Rights for Victims, how is the defendant allowed to give _____ proxy?

iv. The defendant collects _____ (by proxy) from the public, through the sale of her _____ The defendant also solicits (by proxy) from the public, for her defense. Are these activities illegal? I.e. Can a defendant solicit funds, when she has claimed financial indigence and the defense is being funded by the taxpayers of AZ? The defendant has done all of this brazenly, publicly and repeatedly. I have no connection to any parties in this case. And yet, I was able, through simple internet searches, find all of the information as listed below:

Irrevocable _____ Fund
Trustee:

Account No.

The first image is the defendant's twitter account
 aunt,

and the second has repeatedly been posted online everywhere by the defendant's

It is my understanding that Judge _____ has the power to impose gag orders on the defendant and, indeed, any relevant parties (like the defendant's family), if it is deemed appropriate and necessary. And Judge _____ has issued several admonitions to the current sitting jury, and has greatly curtailed media access. But, to date, Judge _____ has not once instructed the defendant to refrain from _____ or giving _____ or _____ items for sale, that the defendant

As a member of the public with something of a legal background, this has been a very troubling case to watch:

The _____ family suffered a terrible loss the day their brother was murdered. And so viciously. Then, his memory was assailed, in death, with unfounded and unproven accusations of domestic violence and sexual deviance during the trial. While unpopular, the legal reasons for allowing a defendant's pursuit of virtually any defense, can at least be explained.

Since his death, the family continues to be assaulted (by the defendant) through _____ for money. And most recently, the constant delays and certain rulings (as granted by the Court) add more insult to already grievous injury.

This has been a difficult letter to write. I was taught the utmost respect and belief in our legal system. Professionally, I maintain that belief in my work. Personally, it has become increasingly difficult to manage. There are literally thousands of people _____ this case unfold. As _____ with an interest in this case, I get personal opinion-related questions about this case all the time. I answer to the best of my ability and with the understanding that as someone who is not a first-person participant, I am not privy to many of the legal goings-on of this case. It is clear by the tone and kinds of questions that I receive that the vast majority of the public feels that the legal system has become yet another casualty in this case.

On behalf of all who are concerned about the course this case has taken, I respectfully bring all of this to the Commission's attention at this time, and with some urgency, as the Penalty Phase is _____ It is my hope that these matters, in particular and especially in regards to the _____ Ruling on the Defense's Motion To Preclude, can be reviewed and reconsidered by the Court, in time to allow this jury to properly deliberate on all of the relevant facts of the case and not just some. (Also provided for your review, this link contains a rolling count of members of the public that share my concern about the issues presented in this letter:

The defendant's murder of their brother was a vicious blow to the _____ family. Her actions since the murder _____ have been yet another to the family and to the legal system. Judge _____ permissiveness in allowing all of these things to occur and continue, unchecked, could be the biggest legal transgression yet.

Please don't let it be.

Respectfully,