

State of Arizona
COMMISSION ON JUDICIAL CONDUCT

Disposition of Complaint 15-239

Judge:

Complainant:

ORDER

The complainant alleged a superior court commissioner made improper rulings and displayed inappropriate demeanor in a probation revocation proceeding.

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.

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

Dated: October 7, 2015

FOR THE COMMISSION

/s/ George A. Riemer

George A. Riemer
Executive Director

Copies of this order were mailed to the complainant and the commissioner on October 7, 2015.

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

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.

To start, DN the Judge intentionally disregarded my Due Process rights, by using (all) my Historical priors against me, knowing that any prior cannot be used to aggravate my sentence. I believe that because of who I used to be, and my prejudiced the judges performance and duty to determine guilt. Not once did he ask if I was still an member. This violates Canon 2.3.

Then, hearing from my attorney that, "upon returning from an out-of-state transfer, Mr. [redacted] couldn't find a residence in [redacted] County, so (we) took him down to [redacted] County, and he completed his parole. Upon completion of his parole, he did contact the Probation Office. He was then told to go to [redacted] County. While there, he found a place and a job. Then, he was told to go to [redacted]. However, they didn't want him. So he returned to [redacted] County and immediately reported to his Probation (Continued on 2-A)

officer.

My attorney basically stated I followed all the rules and did what I was told to do. Yet, Judge [redacted] would not have it. He decided I was guilty without reviewing [any] Probation records, sign-in forms or phone records of mine or the Probation office, to verify the facts. This is a violation of Canon 2.9 (C).

Based on the above violation, Judge [redacted] had a duty to check the Prosecutors honesty, and evidence. Yet he didn't. This is a violation of Canon 2.15 (b), (d).

Taking action to address misconduct on defense attorney or prosecutor, is a Judge's obligation, especially when there was no factual evidence that I violated probation. Why would counsel state that I followed all the rules if I didn't?

Furthermore, with this kind of Prosecutorial or Probation office misconduct, it should have raised a (red) flag. Ignoring or denying known misconduct undermines the Judges responsibility to a fair hearing.

and results in prejudice, and this violates my 14th Constitutional Amendment right to Due Process of law, i.e.; a fair hearing.

Finally, Judge [redacted] stated, Mr. [redacted] you didn't have a [redacted] What kind of language is this from a Judge? This was not dignified or courteous. This was criticism at its worst. This simply may imply a judicial expectation in future cases that (all) defendants be criticized. Yet, we know this does not happen, all the time, to all defendants. This impairs the Judge's ability to be fair and impartial. This is a violation of not only Canon 2, B (6), Comment (2) but the 5th Constitutional Amendment to; The right to be treated equal.

Based on this complaint, Judge [redacted] violated the first rule of the Code of Official Conduct, rule 1.1.

Conclusion:

Judge [redacted] expressed
1) Willful Misconduct in Office, 2)

(2-8)

A persistent failure to perform his duties, in my case alone, 3) A violation of the Code of Judicial Conduct;

I am requesting that not just an investigation be conducted, but that Formal Charges be brought against him for violating my 14th Constitutional rights, and that he be removed from the bench permanently, to avoid this happening to others.

Evidence in support, see
1) Disposition Hearing/Probation
Revocation, pgs 7, Line 13 through
Line 19 of pg 8, and pgs 9-10.
And also, pg 11, Line 3-14.
2) Affidavit of