

State of Arizona
COMMISSION ON JUDICIAL CONDUCT

Disposition of Complaint 15-277

Judges:

Complainant:

ORDER

The complainant alleged a superior court judge served as both attorney and judge on his case. The complainant also alleged a retired superior court judge, then serving as a tribal court judge, was not impartial and improperly delayed his trial. Lastly, the complainant alleged a superior court judge was not impartial and coerced him into taking a plea. All allegations involved the complainant's criminal case.

The responsibility of the Commission on Judicial Conduct is to impartially determine if the judges 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 judges did not violate the Code in this case. Accordingly, the complaint is dismissed in its entirety as to all three judges, pursuant to Rules 16(a) and 23.

Commission members Anna Mary Glaab and J. Tyrrell Taber did not participate in the consideration of this matter.

Dated: February 5, 2016

FOR THE COMMISSION

/s/ George A. Riemer

George A. Riemer
Executive Director

Copies of this order were mailed to the complainant and the three judges on February 5, 2016.

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

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

FOR OFFICE USE ONLY

2015-277

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.

• Rule 1.1 A judge shall comply with the code of judicial conduct at all times - Judge _____ smiled when he heard it was a plea bargain in my case.

• Rule 1.2 A judge shall at all times act in a way that promotes confidence in the independence, integrity and impartiality. - Judge _____ smiled when he heard about the plea. Judge _____ did not look at the case but instead was told about the case in open court by _____

• Rule 2.2 A judge shall uphold and apply the law and shall perform all duties fairly and impartially. Judge _____ smiled when he heard it was a plea, did not allow for motions, had case explained in open court because he did not have time to review it, and showed extreme prejudice when he did not read the case.

Rule 2.3 must be treated fairly and impartially without harassment - Judge _____ smiled and nodded when he heard it was a plea bargain.

Rule 91.E Rules of Superior Court prohibits justice of peace from being compensated.

• Every person in _____ County that had a criminal case or has one pending are summarily denied motions in the defendants cases

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I was forced to accept a plea by being told I would get _____ when I was convicted.
Judge _____ violated ethical conduct - Judge _____ had a conversation during which he said that everybody would take a plea in his court room. He said his _____ and there would be _____
Before court and during court prosecutors and attorneys in the back of the room were laughing.

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- Judge showed prejudice against me by not allowing me to put in motions in his defense.
- Judge did not comply with the law including the code of judicial conduct at all times. Judge smiled and nodded at myself several times both in and out of court.
- Rule 1.2 A judge shall act at all times in a way that will promote confidence in the independence and integrity and impartiality. - Judge smiled and nodded at me on several occasions on and off the bench.
- Rule 2.2 A judge shall uphold and apply the law and shall perform all duties of the judicial office fairly and impartially.
- Rule 2.3 Harassment must be treated fairly and impartially w/o harassment - multiple times the judge smiled and nodded while on the bench.
- Article 2.11 Arizona Constitution requires the judge to not necessarily delay anything.
- Rule no judge should go longer than 30 days to answer a motion - 180 days for trial.
- ARS 12-128.01 A speedy disposition on any case must be met with such time period.
- Rule 91. E Rules of Superior Court prohibits justice of peace from being compensated.

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• Judge _____ was a public defender and had my case. He knew the situation and traded information with the prosecutor.
• Rule 1.1 Says a judge will comply with the law including the code of judicial conduct.
• Rule 1.2 A judge shall promote confidence in the judiciary.