

State of Arizona
COMMISSION ON JUDICIAL CONDUCT

Disposition of Complaint 16-061

Judge:

Complainant:

ORDER

The complainant alleged a superior court judge was biased in favor of the prosecution, improperly allowed a criminal case to proceed after the statute of limitations had expired, and improperly failed to recuse himself.

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(a).

Dated: April 12, 2016

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 April 12, 2016.

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

I understand the commission cannot reverse court orders or assign a new judge to a case.

I declare, under penalty of perjury, that the foregoing information and the facts I have provided upon which my allegations of judicial misconduct are based are true and correct.

Signature: _____

Date: _____

INSTRUCTIONS

Use the following space or plain paper of the same size to explain your complaint. Explain why you believe what the judge did constitutes judicial misconduct. Be specific and list the names, dates, times, and places relevant to your allegations. Additional pages may be used and relevant copies of documents may be sent with your complaint (please do not send original documents). Use one side of each page only and write legibly or type your complaint. Please keep a copy of your complaint for your records.

I believe _____ violated the following Arizona Codes of Judicial Conduct:
 canon 1, Rule 1.1; Compliance with the law, including the Code of Judicial Conduct;
 canon 1, Rule 1.2 Promoting Confidence in the Judiciary, by being impartial, and avoid impropriety and the appearance of impropriety;
 canon 1, Rule 1.3 Avoiding abuse of the prestige of Judicial Office. A Judge shall not abuse the prestige of judicial office to advance the personal or economic interests of the Judge or allow others to do so.
 Canon 2 Rule 2.2 Impartiality and Fairness. A Judge Shall uphold and apply the law, and shall perform all duties of judicial office fairly and impartially.
 Canon 2, Rule 2.5, Competence, diligence
 possible canon 2 Rule 2.4 External Influences on Judicial Conduct; by the prosecution

_____ has received irreparable injury and emotional duress due to _____ unwillingness to take preventive and corrective measures to ensure her constitutional rights and due process were protected by the prosecution and her defense attorneys. _____ defense attorney _____ would tell _____ a couple times or more that the prosecution was not providing disclosure or the _____ pictures of _____ injuries and the non-compliance of prosecution, but tell _____ not to worry about it.

In previous _____ On _____ the _____ granted the prosecutor Motion to Dismiss, _____, the charges of Count 1; Aggravated Assault, a class 4 felony and Count 2; Assault, a class 1 Misdemeanor, without prejudice for the reasons that it will be resolved in _____ signed the order even though the statute of limitation would expire for the refiling of the misdemeanor assault, or any new misdemeanor charges. Therefore allowing her to be prosecuted again in _____ for the same misdemeanor assault charge. _____ allowed the prosecution to dismiss the charges in _____, to pursue misdemeanor charges in _____ in re: _____ which is still pending, even though the statute of limitations had expired. _____ seems to be on the side of the prosecution, even when the prosecution failed to provide Brady material (exculpatory evidence) such as her picture of her injuries, unwillingness of the _____ to provide the _____ video, unwillingness of the prosecution to comply with Defendant's request for Disclosures in _____ ent on for _____ months.

_____ as _____ hearing on _____ allowed the prosecution to again charge her with the same misdemeanor assault charge, that was dismissed in _____ and in which the court currently does not have jurisdiction, since the statute of limitation expired. _____ did not let the _____ know that the statute of limitations expired for the misdemeanor assault, and was unwilling to prevent or protect _____ from the prosecution in charging for the same misdemeanor assault. And ordering that a summons shall issue, and setting this matter for Arraignment before a different Judge.

Isn't it a conflict of interest for _____ to preside over a _____ hearing after he was assigned and presided in the criminal case _____ that was previously pending against her? Especially since he knew some of the case material previously disclosed by the prosecution and her previous defense attorney.

I believe this behavior is prejudicial to the administration of Justice. The justice system (and Judges) are suppose to protect the public (or accused) from malicious prosecution, and make sure their constitutional rights and due process are complied with, not ensure they become victims of an unjust criminal system. Not allow the prosecution to do whatever they want, or because they feel the prosecution is always in the best interests of the State.

I believe _____ is promoting the interests of the prosecution (state) , as justice requires. _____ has a pattern of allowing the prosecution, even through public defenders, to do what the prosecution wants.

_____ should not have to be coerced or expected to take a plea to satisfy the prosecution, especially since she feels she is innocent. Or keep being subject to new charges filed if she does not take a plea. _____ cannot afford an independent attorney.

I understand that the filing of this complaint does not affect both criminal cases pending against her.