

State of Arizona
COMMISSION ON JUDICIAL CONDUCT

Disposition of Complaint 16-141

Judge:

Complainant:

ORDER

The complainant alleged a justice of the peace made statements in a semi-public forum that might reasonably be expected to affect the outcome or impair the fairness of a matter pending or impending in a court.

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(a).

Commission member Margaret H. Downie did not participate in the consideration of this matter.

Dated: August 15, 2016

FOR THE COMMISSION

/s/ George A. Riemer

George A. Riemer
Executive Director

A copy of this order was mailed to the judge on August 15, 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.

See attached

TO: Members of the Arizona Commission on
Judicial Conduct
FROM:
RE:

It is with mixed regret and responsibility that we send this inquiry and complaint to the Commission. Due to personal positions and community standing, we are unable to disclose our identities. Nevertheless, the situation described necessitates your investigation and sanction.

We had the [redacted] of attending [redacted] at the [redacted] on [redacted] in [redacted] While the [redacted] were appropriate in [redacted] and addresses to [redacted] of the community, the [redacted] delivered understandable that [redacted] took many of us aback. While it is certainly [redacted] may affect the reasoning and responsibilities of [redacted] did not demonstrate any such [redacted] Rather, as a [redacted] he engaged in a political diatribe against [redacted] and especially the person [redacted] While he declared his faith in the legal system, he also said that as [redacted] was a [redacted] it was necessary to [redacted] by making people more aware by imposing serious consequences

It was evident that his comments and speech was in a direct contradiction of his duties under the Arizona Code of Judicial Conduct.

Under the Arizona Code of Judicial Conduct 2014, Arizona Supreme Court Rule 8I, Rules of the Supreme Court, as amended November 2009, Rule 2.10: Judicial Statements on Pending and Impending Cases:

- (A) A judge shall not make any public statement that might reasonably be expected to affect the outcome or impair the fairness of a matter pending or impending in any court, or make any nonpublic statement that might substantially interfere with a fair trial or hearing.

In this [redacted] seemed to lose sight of his constant judicial role and responsibilities as well as the due process rights of the accused. Judge [redacted] seemed to be more intent on making a name for himself in the public spotlight than he was [redacted] The Defendant is presumed innocent until proven guilty. By Judge [redacted] declaring that the [redacted] was due to the direct actions of [redacted] announced to the community that as a judge, he found the defendant to be guilty. The impact of his statements and declarations were politically charged, evidence of an individual soapbox and personally disdainful.

Furthermore, Judge [redacted] as a [redacted] is assigned to hear [redacted], including cases for [redacted]

combination thereof. His condemnation and public declarations indicate his bias, prejudice and partiality as to the presumed guilt of the offender. How, given the statements he made, can any defendant expect to have a perception of fairness or independence?

His _____ appear to be a violation of the Commission Rules pursuant to Rule 3.1 Extrajudicial Activities in General:

A judge may engage in extrajudicial activities, except as prohibited by law or this code. However when engaging in extrajudicial activities, a judge shall not:

- (A) participate in activities that will interfere with the proper performance of the judge's judicial duties;
- (B) participate in activities that will lead to frequent disqualification of the judge...

Perhaps _____ was made to _____, it could be overlooked as _____, although that was not evident. The _____ The _____ was _____

As indicated, this is an anonymous complaint, but it represents the discomfort and distain that many _____ as well as those who _____ felt that a sitting judge should not reverse our Constitutional principles and declare an accused is guilty unless proven otherwise and when so denounced by a judge.