

State of Arizona
COMMISSION ON JUDICIAL CONDUCT

Disposition of Complaint 16-154

Judge:

Complainant:

ORDER

The complainant alleged a superior court judge was biased in favor of the state and made improper comments during his sentencing hearing.

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).

Commission member Peter J. Eckerstrom did not participate in the consideration of this matter.

Dated: July 20, 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 July 20, 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.

Please refer to attached sentencing transcript to quote

I believe _____ abdonded his Judicial Duty of Conduct and abused his authority that showea bias and favoritism behavior towards the State.

I was convicted of _____ counts of amended _____ goes as far to say this really should have been a manslaughter and/or second degree murder case, if not an INTENTIONAL MURDER CASE. Siding with the family representative, to _____

_____ says although the Jury was not persuaded that I intentionallv or deliberately committed these offenses, they did find beyond a reasonable doubt He addresses my family, saying they disagree and stand with continued disbelief with the verdicts. This is true Who could ever believe that their own flesh and blood or their loved one might be found responsible _____ were not found by the jury. Judge has no right to decide what my family believes. If for one minute my family thought I was responsible _____ I would not have the support I have today.

The 911 call - The reason of the call was because _____ in a result _____ and became unresponsive. The call was not about _____ injured as a _____ stated by _____ I absolutely had no idea _____ was as significant as it is at the time I made the 911 call for help. _____ was having a _____ and _____ I maintained the fact that _____ had _____ and _____ and _____ . The findings of fact by _____ are prejudice and impartial.

made the following remarks during sentencing

comments to me when pronouncing sentence reflect that he was biased in favor of the State to the point that he made factual findings contrary to the jury's verdict.

The jury notably found me guilty of _____ and not guilty of _____. The State merely proved _____ was injured _____. There was no evidence or finding by the jury that I committed any " _____ " acts. The jury did not find I even acted intentionally, much less _____ yet the _____ interjected his personal belief and _____ existed when he pronounced my sentence. This demonstrates the judges bias and favoritism towards the State. Because judicial bias constitutes structural error, prejudice is presumed.

Judicial remarks that are Critical or disapproving of, or even hostile to, counsel, the parties, or their cases, ordinarily do not support a bias or partiality challenge. They may do so if they reveal an opinion that derives from an extrajudicial source; and they will do so if they reveal such a high degree of favoritism or antagonism as to make a fair judgement impossible.