

State of Arizona
COMMISSION ON JUDICIAL CONDUCT

Disposition of Complaint 17-198

Judge:

Complainant:

ORDER

The complainant alleged a superior court judge allowed a prosecutor to engage in unethical behavior and entered an unjust sentence in a criminal matter.

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: October 4, 2017

FOR THE COMMISSION

/s/ George A. Riemer

George A. Riemer
Executive Director

Copies of this order were distributed to all appropriate persons on October 4, 2017.

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

CONFIDENTIAL

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

FOR OFFICE USE ONLY

2017-198

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.

My name is [redacted]. I am the [redacted] of [redacted]. I am communicating with you to register a formal complaint in regards to [redacted] hearings on [redacted] and [redacted] with Judge [redacted].

Judge [redacted] allowed the [redacted] throughout both sessions of testimony, to be extremely unprofessional. Her tone and language were both humiliating and untruthful. This was a [redacted] hearing, and not a trial, as [redacted] had taken a plea agreement upon the advice of his [redacted] attorney and [redacted]. Her persecution of him was not necessary and was so very hurtful to him and the people who were in the courtroom to support him. She called him a "[redacted]" and a "[redacted]". Per the ethical standards published by [redacted] this was unethical behavior.

The [redacted] witness to testify was an [redacted]. Though she had [redacted] people testify before her, she was obviously under stress and had difficulty getting to the podium. After a few minutes of testifying she became confused. Her voice became weaker and then she collapsed, hitting the courtroom floor. At this point, [redacted] turned off the recorder and left the courtroom. [redacted] and a few others ran to her. [redacted] began yelling."

After [redacted] she started screaming for someone to do something and [redacted] arrived. The courtroom was emptied and we were all ushered to the lobby. The [redacted] had to leave through the same lobby, with [redacted] on a [redacted] and an [redacted] on the [redacted].

We stayed in the lobby, as we were not told if the hearing was to [redacted] or be [redacted]. We were told later the hearing [redacted].

It was [redacted] when the hearing resumed. During that time, Judge [redacted] had the weight of witnessing the [redacted] and the testimony of the those who gave statements against [redacted] in his mind. Those of us there to support [redacted] worried Judge [redacted] would be unable to render a just sentence. Our fears multiplied when we were told [redacted] had arranged for [redacted].

to be delivered . We were held in suspense while the phone was dialed and , identified himself. His testimony was loudly broadcast throughout the courtroom. blamed his on in a dramatic way. Nothing relating to the cases before the court was mentioned. were aware she was a who never should have been asked to withstand the ordeal of a hearing. This was not caused by , yet, through the actions of the court, the responsibility was implicitly placed on .

Judge , after listening to ; supporters, and hearing ; statement of heartfelt sorrow, and self blame, took about ; of consideration and then sentenced ; to for the on a allowing However, the sentences were to be This sentence for charges on a ; are most unreasonable and unjust.

For example, refer to the recent sentence of , a , who used a weapon, and was charged with many more felonies, and received

Though had agreed to a plea, Judge had the power to use his discretion in his decision. The unethical and unprofessional behavior of , as well as the and family, resulted in a sentence that violated any reasonable sense of justice.

throughout the courtroom, and her ; , should have been reason enough for Judge to recuse himself from any future court proceedings involving

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