

State of Arizona
COMMISSION ON JUDICIAL CONDUCT

Disposition of Complaint 18-074

Judge: Steven J. Fuller
Complainant: Commission on Judicial Conduct

ORDER

The responsibility of the Commission on Judicial Conduct is to impartially determine if a judicial officer has engaged in conduct that violates 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 opened a file on its own initiative to monitor a criminal investigation into allegations against Judge Fuller. Having reviewed the results of that investigation, and based on the information available at this time, the Commission voted to dismiss this Commission-initiated matter pursuant to Rules 16(a) and 23(a). Given the already-public nature of this matter, and pursuant to Commission Rule 9(c)(2), the Commission further voted to disclose this unredacted dismissal order.

Commission member George H. Foster, Jr., Art Hinshaw and J. Tyrrell Taber did not participate in the consideration of this matter.

Dated: August 15, 2018

Copies of this order were distributed to all appropriate persons on August 15, 2018.

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

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The Washington Post

National

APNewsBreak: Arizona judge investigated over sex abuse claim

By Jacques Billeaud | AP March 8

PHOENIX — An Arizona judge is being investigated on allegations of sexually abusing a girl from when she was 13 until she reached adulthood, The Associated Press has learned.

The alleged victim, now 25, told investigators last year that Pinal County Superior Court Judge Steven Fuller touched her genitals and buttocks repeatedly and also showed her pornography, according to a police report obtained by The Associated Press.

The woman said she and the judge knew each other before the alleged abuse occurred but the Associated Press is not identifying her because it generally does not name alleged sexual assault victims.

Deputy James Allerton, the spokesman for the Pima County Sheriff's Department, confirmed that an investigation of the judge is underway but declined further comment on the probe and the allegations.

Fuller's lawyer, Dennis Wilenchik, vehemently denied the allegations against his client, a former prosecutor who has served as an elected judge for the last seven years in Pinal County just south of the Phoenix metropolitan area. Fuller, through an assistant, declined a request from the AP to comment.

Matt Long, a lawyer for the woman who made the allegations, said Fuller presided over criminal cases after the allegations were made against him, raising questions about whether the investigation would affect his judicial decisions.

"It's something I would want to know as a prosecutor or defense attorney," Long said.

Fuller was reassigned to handle civil cases in an order signed Tuesday by Judge Stephen McCarville, the presiding judge for Pinal County. Todd D. Zweig, the administrator for Pinal County Superior Court, said in a statement that Fuller requested the reassignment while the allegations are pending. He did not say when Fuller made the request.

The alleged abuse occurred years ago and was reported in late September to police in the Phoenix suburb of Mesa by a lawyer for the Mormon church who said the alleged victim revealed the alleged abuse to her bishop. She spoke with investigators several weeks later, saying she was coming forward after being encouraged to do by Paul Babeu, a family friend who was the Pinal County Sheriff from 2009 through 2016.

The woman told investigators that she first told her mother when she was around age 13 that Fuller had touched her inappropriately but that her mother told her making those kind of claims could ruin others' lives. The woman in an interview and through emails with the investigator said the abuse continued on an almost weekly basis for years with Fuller touching her genitals and rubbing against her, the police report said. She told police Fuller separately showed her pornography.

The lawyer for the Mormon church went to police in Mesa, thinking that was where some of the alleged abuse occurred. Mesa police initially investigated but turned over the case to Pinal County authorities after discovering the alleged abuse happened in Pinal County. Pinal County officials seeking to avoid a conflict of interest handed the case to Pima County Sheriff's Department. The Mesa police report obtained by the AP does not state in what years the alleged abuse happened, but said it stopped when she became an adult.

The alleged victim made a "confrontation call" to Fuller in early February in an attempt to get him to admit wrongdoing, Long and Wilencheck said.

Fuller denied the allegations and hung up, said Wilenchik, who characterized the allegations as a smear tactic aimed at damaging Fuller's career.

"She is not the victim of anything," Wilenchick said. "Steve Fuller didn't do anything to make her into a victim. Steve is the victim."

Long said his client stands by what she has told authorities.

Heather Murphy, a spokeswoman for the Arizona Commission on Judicial Conduct, which investigates allegations of misconduct against judges, declined to say whether complaints stemming from the sexual abuse allegations have been filed against Fuller or whether the agency is conducting an investigation of the judge.

McCarville did not respond to an email and phone message seeking comment on Fuller’s status as a judge.

Zweig said the court is prepared to take steps to maintain public confidence in Pinal County’s court system.

“While the allegations are under investigation, measures will be taken as necessary or appropriate to minimize any potential for compromising the public’s confidence in the Court or the administration of justice,” he said.

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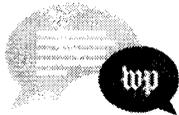
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