

State of Arizona  
COMMISSION ON JUDICIAL CONDUCT

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Disposition of Complaint 19-157

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Judge:

Complainant:

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**ORDER**

The complainant alleged a superior court judge engaged in ex parte communications, made inappropriate comments during a criminal sentencing, and was biased in favor of the defendant.

The role of the Commission on Judicial Conduct is to impartially determine whether a judicial officer has engaged in conduct that violates the Arizona Code of Judicial Conduct or Article 6.1 of the Arizona Constitution. There must be clear and convincing evidence of such a violation in order for the Commission to take disciplinary action against a judicial officer.

The Commission reviewed all relevant available information and concluded there was not clear and convincing evidence of ethical misconduct in this matter. The Commission approved sending the judge an advisory letter encouraging the judge to avoid making comments that could be perceived as biased against law enforcement. *See* Rule 1.2. The complaint is therefore dismissed pursuant to Commission Rules 16(a) and 23(a).

Commission members Barbara Brown and George H. Foster, Jr., did not participate in the consideration of this matter.

Dated: November 6, 2019

FOR THE COMMISSION

/s/ Louis Frank Dominguez  
Hon. Louis Frank Dominguez  
Commission Chair

Copies of this order were distributed to all appropriate persons on November 6, 2019.

**CONFIDENTIAL**

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

**FOR OFFICE USE ONLY**

**2019-157**

**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.

Arizona Commission on Judicial Conduct  
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To whom it may concern,

My name is [redacted] I have been a police officer since [redacted] At the time of the criminal incident at issue, I was the [redacted] for the [redacted]. In that case, we were executing a search warrant for narcotics and our SWAT team served the search warrant in SWAT gear with "POLICE" on the front and back of their vests. The offender in the case, [redacted] physically attacked me with a leg sweep while I had him handcuffed. His assault on me caused me to fall to the ground on and damage my arthritic knee, causing intense pain.

Criminal charges against offender [redacted] were brought, as follows: Attempt to commit aggravated assault, a class 6 felony, [redacted] case occurring in [redacted] County. [redacted] took a plea for a class 6 undesignated felony, and sentencing occurred at [redacted] in Superior Court. A few minutes into the sentencing proceedings, Defense Counsel [redacted] handed the defense's written sentencing memorandum to Judge [redacted] but a copy was not provided to the prosecutor. After reading the memo, Judge [redacted] stated that it was very helpful information, and proceeded to make several inaccurate and inflammatory comments disparaging the judge who accepted the plea, the police department and me as the victim. For example, at approximately [redacted] into the proceeding, Judge [redacted] stated that "

" She made this statement despite the fact that the offender had assaulted a police officer and had knowingly, willingly, and intelligently entered into a plea agreement admitting to committing an aggravated assault on a police officer. Judge [redacted] then sentenced the offender to only [redacted] of probation instead of the expected [redacted] of probation. It is appalling that this offender was only sentenced to [redacted] of probation for committing an aggravated assault on a police officer, and it is also appalling that Judge [redacted] stated in open court that "

" I have never heard of [redacted] of probation for a felony offense, let alone for assaulting a police officer. As the victim of a violent felony crime, that type of sentence is offensive.

I am also very concerned as to why Judge [redacted] was commenting openly in court regarding a defense sentencing memo that the State was not able to review or rebut. That memo was obviously authored by defense counsel to benefit his client, who had already taken a plea, yet

Judge            somehow concluded that she had no reason to doubt the information provided in the sentencing memo. As a victim of an aggravated assault, I feel that Judge            showed a clear bias for the offender, a bias against the police, and a bias against me as the victim of this crime.

As a crime victim that was treated poorly by the sentencing judge, I request and expect a response from the Arizona Commission on Judicial Conduct. I look forward to hearing from you. Thank you.

Respectfully,