

State of Arizona  
COMMISSION ON JUDICIAL CONDUCT

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Disposition of Complaint 20-050

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Judge:

Complainant:

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**ORDER**

May 28, 2020

The Complainant alleged that a superior court judge accepted his change of plea in a criminal case, even though it was not entered into knowingly, intelligently, or voluntarily.

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 complaint is therefore dismissed pursuant to Commission Rules 16(a) and 23(a).

Copies of this order were distributed to all appropriate persons on May 28, 2020.

Sir/Madam,

My name is \_\_\_\_\_ I was tried in the \_\_\_\_\_  
Court in the County of \_\_\_\_\_ under the Honorable \_\_\_\_\_  
My criminal case is No. \_\_\_\_\_ I Plead Guilty and was  
sentenced to \_\_\_\_\_ years on \_\_\_\_\_ This Plea was not entered  
into knowingly, intelligently, or voluntarily. Please refer to transcripts  
as I highlight the following judicial errors:

### Change of Plea

- 1) Defendant states he is "Special ED Student" and does not understand English.
- 2) Defendant states he only "Briefly" read the Plea.
- 3) Defendant made bizaare statements to include, "Just take me to Prison for the rest of my life," "Give me the Death Penalty". Then spoke of committing suicide, (Judge \_\_\_\_\_ did not report this to Mental Health staff at the Jail).
- 4) Defendant states, "I have never done any-thing wrong."
- 5) Judge \_\_\_\_\_ takes multiple "Pauses" because Defendant asserts his innocence.
- 6) Defendant states he has "No choice".
- 7) Defendant request a "Settlement conference" which went ignored by Judge \_\_\_\_\_
- 8) Defendant makes up a fantastic tale of "Being pulled out by my ankles and pointed with a Shotgun."
- 9) Defendant states "Not Satisfied!" when asked if he understood. Judge \_\_\_\_\_ did not explore this to exhaustion and instead said "Okay. Moving on."
- 10) Again when asked if he was satisfied, the Defendant said "No" "No", I'm not satisfied!"

- 11) Defendant mumbles "Uh-Huh" which the Court misconstrues as an affirmative and does not explore it.
- 12) Defendant asked for counsel, oblivious that he was currently being represented.
- 13) Defendant states, "I am literally being forced into \_\_\_" "I am being forced to sign a Plea", "I have no choice."
- 14) The Court considers not accepting the Plea on separate occasions
- 15) The Court acknowledges the Defendants "Frustration" even "Outrage" \_\_\_ a correct interpretation by the Court would have been an involuntary Plea.
- 16) Defendant states "No" and does not agree to the facts outlined by his counsel. To this the Court replied, "I'm not gonna have a man here telling me he is innocent enter a Guilty Plea, I don't get enough to do something as awful as that." Shortly after that statement, and without proper exploration, Judge \_\_\_ accepted a false Guilty Plea from the Defendant.
- 17) Defendant utters a suicidal thought, "I desire to depart and be with CHRIST." The Court did not report this to Mental Health.

It is clear, from the statements made at the Change of Plea on \_\_\_ that the conduct of presiding Judge \_\_\_ fell far below the prevailing norms of his profession and are in violation of Judicial conduct set forth by the Arizona Supreme Court. At a minimum Judge \_\_\_ should have requested further evaluation, to include a possible Rule 11. He did not. He allowed a disabled, suicidal, and coerced man to plead Guilty and sign for \_\_\_ years. \_\_\_ Shameful! As such, it is humbly requested that this body review the aforementioned claim and sanction the Honorable \_\_\_ accordingly. Please keep Defendant apprised of the disposition of this matter.

Dated

Respectfully,

IN THE COURT OF THE STATE OF ARIZONA  
IN AND FOR THE COUNTY OF

STATE OF ARIZONA,	)
	)
Plaintiff,	)
	)
Vs	)
	)
	)
	)
	)
<u>Defendant.</u>	)

BEFORE THE HONORABLE  
REPORTER'S TRANSCRIPT OF PROCEEDINGS

CHANGE OF PLEA

For:

BY:

1 APPEARANCES:  
2 For the Plaintiff

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For the Defendant

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BEFORE THE HONORABLE

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THE COURT: This is State

10 versus I have a plea agreement here on my  
11 desk. Sorry. I don't think we had it.

12 is going to be entering a guilt  
13 plea at this time?

14 That is my understanding, judge.  
15 That is the original of the plea agreement. It was what I  
16 put up there.

17 THE COURT: I know this is a  
18 tough time here for you, but if you are going to enter a  
19 plea agreement, I have a several questions I have to ask  
20 you to make sure that you are entering the plea agreement  
21 knowingly, intelligently, voluntarily.

22 Are you ready to go forward at this time?

23 THE DEFENDANT: Yes.

24 THE COURT: If at anytime you don't  
25 understand anything, you need some explanation, by all

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COMPLAINT IN THIS MATTER,  
PLEASE MAKE YOUR REQUEST  
IN WRITING TO THE  
COMMISSION ON JUDICIAL  
CONDUCT AND REFERENCE  
THE COMMISSION CASE  
NUMBER IN YOUR REQUEST.**