

State of Arizona
COMMISSION ON JUDICIAL CONDUCT

Disposition of Complaint 20-153

Judge:

Complainant:

ORDER

August 26, 2020

The Complainant alleged that a municipal court judge colluded with the prosecutor and defense counsel in his criminal case.

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).

Commission member J. Tyrell Taber did not participate in the consideration of this matter.

Copies of this order were distributed to all appropriate persons on August 26, 2020.

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

FOR OFFICE USE ONLY

2020 - 153

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 complaint is for collusion between the judge, the prosecutor and the public defender, whom I thought would act in my behalf.

I was arrested for disorderly conduct. My wife and I had an argument and I broke her cell phone. I never struck her or caused any physical harm. After spending a night in jail I appeared before judge _____ prior to appearing, the prosecuting attorney offered a plea deal, which I rejected, thinking the whole deal was way out of proportion. The prosecutor said that if I rejected the deal, it would be 'off the table'. When appearing before the judge, he offered me a public defender _____ times. I thought "why not hear what he has to say". The judge then gave me a financial form to complete. I completed the form, I never saw the judge look at it. I was under the impression the a public defender would only be assigned if you could not afford a lawyer.

On the form, I stated that I owned a late model Porsche, paid for, I owned a late model Ford Expedition, paid for, I had a _____ house paid for and a few _____ in the bank, I am retired and my only income is social security.

The public defender immediately began badgering me to accept the plea deal. He tried intimidation saying that if found guilty I could serve _____ months in jail. He also said that since I was retired and not looking for work a bad background check wouldn't matter. he was relentless. I told him that I thought the deal was off the table. He said it was back on. After his badgering I reluctantly agreed.

The plea deal included attending counseling and alcohol testing. There was never any mention of paying for these. After all, I was given 4 forms. Three of which were signed or initialed by me. The fourth page, not signed or initialed stated that I would have to pay for all of this.

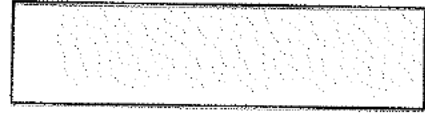
There was to me obvious collusion between the judge, the prosecutor and the public defender. The collusion between the judge, the prosecutor and the public defender cost me about _____ and yes, I also bought my wife a new cell phone.

It is obvious that the purpose of the collusion between the judge, prosecutor and public defender was to clear the courts dockets from future trials. They wanted a 'win' without working for it. I was anticipating justice. I did not anticipate being tricked by people that portray themselves as professionals.

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