

State of Arizona
COMMISSION ON JUDICIAL CONDUCT

Disposition of Complaint 20-246

Judge:

Complainant:

ORDER

November 25, 2020

The Complainant alleged a superior court commissioner was biased against a defendant and improperly used his juvenile record against him.

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 does not have jurisdiction to overturn, amend, or remand a judicial officer's legal rulings. 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 Gus Aragón did not participate in the consideration of this matter.

Copies of this order were distributed to all appropriate persons on November 25, 2020.

CONFIDENTIAL

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

FOR OFFICE USE ONLY

2020-246

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.

In the matter of

Pertain to the Arizona Administrative policy a judge (commissioner) shall perform the duties of judicial office impartially, competently, and diligently. In the letter below I will provide information to demonstrate that Commissioner _____ did not perform his duties in line with this Administrative policy.

This letter is on the behalf of _____ (age _____) attended court this morning (_____) I was outside the courthouse available and hoping to speak to the judge and public defender on _____ s behave if needed. I was shocked when I received a txt message at _____ from _____ saying he was being arrested and that the Commissioner _____ brought up his juvenile case. (Case that had been closed) Commissioner _____ had _____ arrested at court this morning. During today s hearing, Commissioner _____ made comments that he remembered _____ being in his court room as a juvenile. He made comment that _____ failed to appear when hew as a juvenile. (those cases were closed)

Attorney _____ commented in some aspect that this juvenile incident/case should not have weight nor been brought up in court or used to make a decision in this current case. _____ sited the law and _____ s civil right being violated. This was an initial appearance. In the past year, _____ has had _____ court dates and he has attended every court hearing. He has not missed one.

When the time came to discuss the next court hearing, both _____ Attorney stated _____ did not need to be attainted and could set a pretrial conference as charged had not yet been formally filed. I spoke to the court at _____ and no charges had been filed on _____ case.

Commissioner _____ disregarding _____ request to not place _____ in jail, and _____ Attorney and the _____ agreed and told Judge _____ that they were not requesting jail time. The _____ reported no charges had been formally filed. (This was the initial appearance; the case had been dismissed in _____ at the last hearing date).

Per I _____, both the _____ and he, _____ explained to the judge that neither party was requesting jail time. Judge _____ went against the _____ and _____ attorney s request, and placed _____ under arrest. and booked into _____

_____ reported he sited the law and disagreed with the Commissioner _____ on several laws and cited repeatedly _____ s civil rights. _____ stated to commissioner _____ that _____ again was in agreement for _____ not to be detain, but Commissioner _____ did it anyway.

During court Commissioner _____ commented that he knew _____ for _____ as a juvenile and _____ was a runner (age _____). Therefore, he was placing _____ in jail without bond; and _____ would sit in jail for the _____ until the bond hearing. Shocking that Commission _____ went against what both parties agreed with. _____ argued that this was not legal, and _____ did not request this.

Administrative Code (A.A.C.): RULE 2.2. Impartiality and Fairness A judge shall uphold and apply the law, and shall perform all duties of judicial office fairly and impartially

I believe that Commissioner _____ violated Administrative code Rule 2.2 , as he was unable to make a fair decision due to his personal bias with _____ Commissioner _____ punished _____, for _____ past as a juvenile (age _____), and placed him in _____ without bond. The commissioner took this

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bond; and [redacted] would sit in jail for the [redacted] until the bond hearing. Shocking that Commission [redacted] went against what both parties agreed with. [redacted] argued that this was not legal, and [redacted] did not request this.

Administrative Code (A.A.C.): RULE 2.2. Impartiality and Fairness A judge shall uphold and apply the law, and shall perform all duties of judicial office fairly and impartially

I believe that Commissioner [redacted] violated Administrative code Rule 2.2 , as he was unable to make a fair decision due to his personal bias with Commissioner [redacted] punished [redacted] for [redacted] cast as a juvenile (age [redacted]), and placed him in [redacted] without bond. The commissioner took this action against what [redacted] was asking as well as the attorney.

Both [redacted] and [redacted] agreed in court this morning [redacted] to sign the legal docs to have the bond hearing at that time and just set the bond so [redacted] would not have to go to jail. Yet Commissioner [redacted] again disagreed with both parties and had [redacted] arrested.

During this hearing [redacted] attorney sited to commissioner [redacted] that he has violated [redacted] constitutional rights/civil rights and was not following law, yet Commissions [redacted] continued to say, " [redacted] ", and he would refer back to [redacted] as a [redacted] year old.

RULE 2.11. Disqualification (A) A judge shall disqualify himself or herself in any proceeding in which the judge's impartiality might reasonably be questioned, including but not limited to the following circumstances: (1) **The judge has a personal bias or prejudice concerning a party or a party's lawyer, or personal knowledge of facts that are in dispute in the proceeding.**

A.A.C.

- Discriminatory actions and expressions of bias or prejudice by a judge, even outside the judge's official or judicial actions, are likely to appear to a reasonable person to call into question the judge's integrity and impartiality.

A reasonable person clearly could identify that commissioner [redacted] actions at today's hearing were discriminatory, and clearly showed his bias towards

I Pead with this office of Commissioner on Judicial Conduct to review the transcripts, listen to the hearing and see the violation and Discriminatory actions that were displayed today. . . .

Thank you for taking the time to read this, please contact me if you need any further information.