

State of Arizona
COMMISSION ON JUDICIAL CONDUCT

Disposition of Complaint 20-259

Judge:

Complainant:

ORDER

December 11, 2020

The Complainant alleged a superior court judge was biased against him and made numerous errors 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 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 Denise K. Aguilar did not participate in the consideration of this matter.

Copies of this order were distributed to all appropriate persons on December 11, 2020.

CONFIDENTIAL

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

FOR OFFICE USE ONLY

2020-259

COMPLAINT AGAINST A JUDGE

Name: _____ Judge's Name: _____ Judge

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.

Prior to my sentencing Judge _____ continued my mitigation/sentencing hearing _____ TIMES over _____ My request for a new attorney was denied. My request for transcripts ignored. Sentencing Judge _____ imposed was beyond the guidelines of A.R.S. Judge _____ has made orders in corrections of clerical errors SEVERAL times, corrections as to my sentencing, corrections as to fees assigned, etc. My entire case file is riddled with error after error. Many still not corrected. Judge _____ has ordered substance abuse treatment and more recently post-conviction drug court. How is this possible when I have no prior criminal record related to drugs. Never been charged. Never been under the influence. Most recently my probation officer forced me to sign a waiver of hearing voluntarily agreeing to incarceration. Subsequently I withdrew that waiver asking for a show cause hearing as well as legal counsel appointed. Instead Judge ordered a warrant for me. My plea agreement was for Fraudulent Use Of a Credit Card in the amount of \$ _____. I was sentenced for a class 6 felony (court records show me guilty of a F4) Intensive Probation has been imposed along with Drug court. I don't have any restitution or drug history. This along with the many many errors documented in my case file I feel Judge _____ is representing extreme biasism, violating my civil rights and exhibiting gross misconduct.

IN THE
IN AND FOR THE COUNTY OF

Plaintiff,
vs.
Defendant.

No.
Division:
PLEA AGREEMENT

*Transcript on
this date
clarifies what
plea agreement
was suppose to
be.*

The _____ and the defendant hereby agree to the following dis

Plea: The defendant agrees to plead **GUILTY** to:

MODIFIED COUNT ONE: FRAUDULENT USE OF A CREDIT CARD: A CLASS SIX FELONY, IN VIOLATION OF A.R.S. §§13-2105(A)(1), 13-2105(B), 13-2105, 13-2101, 13-701, 13-702 and 13-801 committed on or about, the _____ day of _____

This is a **NON** dangerous, **NON** repetitive offense under the criminal code.

Terms: On the following understandings, terms and conditions:

_____ 1. This crime carries a presumptive sentence of _____ : a minimum sentence of _____ if trial court makes exceptional circumstances finding); and a maximum sentence of _____ if trial court makes exceptional circumstances finding).

If the defendant is sentenced to prison, the defendant shall also be sentenced to serve a term of community supervision equal to one-seventh of the prison term to be served consecutively to the actual period of imprisonment. If the defendant fails to abide by the conditions of community supervision, the defendant can be required to serve the remaining term of community supervision in prison.

Probation **IS** available. Restitution of economic loss to the victim and waiver of extradition for probation revocation procedures will be required.

The maximum fine that can be imposed is \$ _____ plus _____ surcharge. Special conditions regarding the sentence imposed by statute (if any) are:

_____ 2. The parties stipulate to the following additional terms, subject to court approval at the time of sentencing as set forth in paragraph 7: **PARTIES STIPULATE, THE DEFENDANT SHALL BE RELEASED TO PRE-TRIAL SERVICES ONCE HE ENTERS THIS PLEA AGREEMENT. THE DEFENDANT SHALL BE SENTENCED TO A TERM OF PROBATION.**

VICTIM NOTIFICATION STATUS

- Victim was notified of plea agreement.
 Victim was not notified because:
 No Victim.

_____ 3. The following charges are dismissed, or if not yet filed, shall not be brought against the defendant: **COUNT TWO AND COUNT ONE AS ORIGINALLY CHARGED.**

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IN THE
IN AND FOR THE COUNTY OF

) Case No.: :

Plaintiff,

ORDER

vs.

)
Defendant.

This matter came properly before the court on

IT IS ORDERED that the Sentencing set on is vacated

and reset to before the Hon.

DATED this

~~PRESIDING~~ JUDGE

Copies of the foregoing placed

in the boxes of:

Hon. l

First date of
sentencing...
Eventually
sentencing
transpired on

Later!

COUNTY

Date

Judge

No.

Almost
to date of
original charge.

vs.

County Attorney
By:

Defense Counsel
By:

DATE OF BIRTH:

SENTENCE OF PROBATION

The State is represented by the above named Deputy County Attorney; the defendant is present with counsel named above.

Court Reporter is present.

WAIVER OF TRIAL

Pursuant to A.R.S. §13-607, the court finds as follows: The defendant knowingly, intelligently, and voluntarily waived the right to a trial with or without a jury, the right to confront and cross examine witnesses, the right to testify or remain silent and the right to present evidence and call witnesses after having been advised of these rights. The determination of guilt was based upon a plea of guilty.

JUDGMENT OF THE COURT

IT IS THE JUDGMENT OF THE COURT that the Defendant is guilty of the crime(s) set forth below:

COUNT: MODIFIED COUNT ONE

OFFENSE: FRAUDULENT USE OF A CREDIT CARD

FELONY CLASS: SIX

IN VIOLATION OF A.R.S. SECTIONS: 13-2105(A)(1), 13-2105(B), 13-2105, 13-2101, 13-701, 13-702,

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IN AND FOR THE COUNTY OF

vs.

Plaintiff,

Defendant.

Case No.:

ORDER CORRECTING MISTAKE OR
ERROR IN JUDGMENT OR SENTENCE

Hon.

It appears that a mistake appears in the record arising from oversight or omission, and therefore, pursuant to Rule 24.4, Arizona Rules of Criminal Procedure:

IT IS ORDERED, that a certain paragraph or sentence in the order suspending sentence and imposing conditions of probation dated,

PROBATION FEES at a rate of \$ _____ beginning the first day of the second month following release from custody and due on the first of each month thereafter until paid in full.

Be corrected to read:

PROBATION FEES at a rate of \$ _____ beginning the first day of the second month following release from custody and due on the first of each month thereafter until paid in full.

Dated this _____

SUPERIOR COURT JUDGE

Copies of the foregoing mailed/delivered this _____ to:

**THE COMMISSION'S POLICY IS
TO POST ONLY THE FIRST FIVE
PAGES OF ANY DISMISSED
COMPLAINT ON ITS WEBSITE.**

**FOR ACCESS TO THE
REMAINDER OF THE
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.**