

State of Arizona  
COMMISSION ON JUDICIAL CONDUCT

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Disposition of Complaint 20-267

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Judge:

Complainant:

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**ORDER**

December 16, 2020

The Complainant alleged a superior court judge lied to 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 Colleen E. Concannon did not participate in the consideration of this matter.

Copies of this order were distributed to all appropriate persons on December 16, 2020.

Judge

ordered to have a  
psychological evaluation done which is a 26.5 rule,  
Psychological

Evaluation Honorable said on

That he  
had to do what the Dr. said, 4-5 times in open  
court.

The psvchologist evaluation, was done on  
at

At County Jail, with  
The report from the doctor is on file. The report  
was filed in the court  
at on

at at the Judgment and  
sentencing hearing.

Judge " ' in open court. About what he  
said on

That he had to do what the Dr. said and

he did not do what  
the Dr. said.

Judge                    sent me to prison for  
on

Copies

Filed on

RPO

HONORABLE

COURT REPORTER:

HEARING DATE:

<p>vs.</p> <p style="text-align: center;">Plaintiff,</p> <p style="text-align: center;">Defendant.</p>	<p>CASE NO:</p> <p>CHANGE OF PLEA HEARING</p> <p>START:</p>
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**APPEARANCES:**

Defendant.

This is the time set for a Change of Plea Hearing in

The Court has received a kite from the Defendant requesting a new attorney and Motion to Withdraw.

The Court addresses the Defendant; the Defendants requests to move forward with as his attorney; holds in abeyance his Motion to Withdraw.

The Court is presented with a Plea Agreement as to both matters.

The Court finds that the Defendant is years of age; has completed of Special Education; the Defendant reads very little and understands if read to him the language (the Defendant agrees to stop the Court if he does not understand); the Defendant has not consumed any alcohol, illegal drugs or prescription medications within the past 24 hours.

The Defendant asks for clarification of the case; the Court addresses the Defendant; the Defendant agrees that he understands this plea agreement.

The Defendant is agreeing to plead guilty to the offenses of: **Count 1: Reduced to Attempted Molestation of a Child**, pursuant to **Count 1: Luring a Minor under the age of Fifteen for Sexual Exploitation**; and **Count 15: Attempted Sexual Conduct with a Minor in**

The Court advises the Defendant of the possible penalties involved for the offenses listed above and goes over all the terms of the plea agreement. The Court further advises the Defendant of the possible penalties, including if the Defendant is placed on probation, and then violates probation. The Court advises the Defendant of the possible consequences of having a felony conviction, reads the immigration warning, and finds that the Defendant is not presently on probation or parole in any other matter.

The Court finds the Defendant has read or has had to the plea agreement read to him, and it has been explained to the Defendant by Defense Counsel; the Defendant understands the plea agreement, and it contains everything agreed to between the parties. The Court further confirms the Defendant has signed the plea agreement.

The Court advises the Defendant of his rights, and the rights being given up by entering into this plea agreement, including the right to appeal; and finds that there were no promises made, other than those contained in the plea agreement; that no force was used and no threats were made to get the Defendant to enter into this plea agreement.

The Court reads the charges contained in the Felony Indictment and asks the Defendant for his pleas.

The Defendant enters his pleas of guilty.

The Court advises the Defendant of the elements of the offenses and discussion ensues regarding the factual basis.

Based on the record, the Court finds the Defendant has knowingly, intelligently and voluntarily pled guilty to the offenses of: **Count 1: Reduced to Attempted Molestation of a Child**, pursuant to **Count 1: Luring a Minor under the age of Fifteen for Sexual Exploitation;** and **Count 15: Attempted Sexual Conduct with a Minor** in

The Court further finds that there is a factual basis for the pleas; and the pleas are accepted and entered of record.

Defense Counsel requests a Rule 26.5 evaluation by

**IT IS FURTHER ORDERED** directing the Probation Department to prepare a written Pre-Sentence Investigation and Report in this matter.

**IT IS ORDERED** directing the Probation Department to include the risk level of the Defendant or the notification level of the Defendant for the purposes of DPS monitoring pursuant to A.R.S. §13-902(G).

**IT IS ORDERED** directing \_\_\_\_\_ to prepare a Rule 26.5 evaluation of the Defendant.

**IT IS ORDERED** setting this matter for **Judgment and Sentencing on \_\_\_\_\_ at \_\_\_\_\_**

**IT IS ORDERED** that the Defendant shall be held without bond pursuant to Rule 7.2(C).

The Court stands in recess at

cc:

ATTORNEY \*

COUNTY JAIL \*

PUBLIC DEFENDER \*

COUNTY PROBATION \*

HONORABLE

HONORABLE  
DIVISION:  
COURT REPORTER:

}  
HEARING DATE:

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vs.	Plaintiff,	CASE NO:
	Defendant.	JUDGMENT & SENTENCING PRISON
		START:

**DATE OF BIRTH:**

The State is represented by \_\_\_\_\_ Deputy County Attorney; the Defendant is present with counsel,

The Defendant is advised of the charge, the determination of guilt and is given the opportunity to speak.

Pursuant to A.R.S. §13-607, the Court finds as follows:

**WAIVER OF TRIAL:** The Defendant knowingly, intelligently and voluntarily waived his right to a trial with a jury; his rights to confront and cross examine witnesses, his right to testify or remain silent and his right to present evidence and call his own witnesses after having been advised of these rights. The determination of guilt was based upon a plea of guilty.

Having found no legal cause to delay rendition of judgment and pronouncement of sentence, the Court enters the following Judgment and Sentence.

**As to both matters:**

**IT IS THE JUDGMENT OF THE COURT** that the Defendant is guilty of the following crime(s), that upon due consideration of all the facts, law and circumstances relevant here, the Court finds that suspension of sentence and a term of probation are not appropriate and that a sentence of imprisonment with the \_\_\_\_\_ is appropriate.

**THE COURT FURTHER FINDS** that there are circumstances sufficiently substantial to call for a Presumptive or Aggravated or Mitigated term as indicated. These circumstances are stated by the Court on the record.

**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.**