

State of Arizona
COMMISSION ON JUDICIAL CONDUCT

Disposition of Complaint 21-265

Judge: Donald G. Roberts

Complainant: Commission on Judicial Conduct

ORDER

November 21, 2022

The Administrative Office of the Courts commenced an operational review of the Coconino County Justice Court, Page Precinct, on March 4, 2021. The preliminary findings of the Administrative Office of the Courts were forwarded to the Commission on August 6, 2021, and the Commission initiated this complaint against Donald G. Roberts, Justice of the Peace, Coconino County Superior Court, Page Precinct. The Administrative Office of the Courts issued its final report on January 28, 2022. The report contained evidence that Judge Roberts had violated the law, failed to conduct hearings in accordance with proper procedures, displayed poor judicial demeanor, violated the rights of litigants appearing before him, imposed improper and excessive sentencing terms, and gave priority to a non-court related matter.

An investigative panel of the Commission was convened in this matter. After reviewing the available information, the investigative panel concluded there was reasonable cause to believe that one or more grounds for discipline existed that could not be resolved through dismissal or informal sanction. Accordingly, a Statement of Formal Charges seeking formal disciplinary sanctions was filed with the Commission on August 1, 2022. Judge Roberts died on September 30, 2022, while the formal proceedings were pending. At this time, there is no purpose in continuation of these proceedings. The formal charges are therefore dismissed pursuant to Commission Rule 23(a).

Because formal charges were pending, this dismissal order and the Statement of Formal Charges shall be posted to Commission's website without any identifying information redacted.

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Commission member Barbara Brown did not participate in the consideration of this matter.

FOR THE COMMISSION

/s/ Louis Frank Dominguez
Hon. Louis Frank Dominguez
Commission Chair

Copies of this order were distributed to all appropriate persons on November 21, 2022.

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FILED

AUG 01 2022

**ARIZONA COMMISSION ON
JUDICIAL CONDUCT**

**STATE OF ARIZONA
COMMISSION ON JUDICIAL CONDUCT**

Inquiry concerning)	
)	Case No. 21-265
Judge Donald G. Roberts)	
Coconino County Justice Court,)	STATEMENT OF CHARGES
Page Precinct)	
Coconino County)	
State of Arizona)	
)	
<u>Respondent.</u>)	

An investigative panel of the Commission on Judicial Conduct (Commission) determined that there is reasonable cause to commence formal proceedings against Judge Donald G. Roberts (Respondent) for violations of the Code of Judicial Conduct. This statement of charges sets forth the Commission's jurisdiction and specifies the nature of the alleged misconduct.

JURISDICTION

1. The Commission has jurisdiction of this matter pursuant to Article 6.1, Section 4 of the Arizona Constitution and the Rules of the Commission (Commission Rules).
2. This Statement of Charges is filed pursuant to Rule 24, Commission Rules.

3. Respondent has continuously served as a justice of the peace in Coconino County Justice Court, Page Precinct (Page Precinct) since January 2003 and currently holds that position. Prior to that he served as a justice of the peace in Coconino County, from January 1987 through December 1994. He was serving in his capacity as a judge at all times relevant to these allegations.

4. As a judge, Respondent is subject to the Code of Judicial Conduct (last amended January 1, 2022) (Code) as set forth in Rule 81, Ariz. R. Sup. Ct.

PRIOR DISCIPLINE

5. Closed files pertaining to discipline of Respondent may be referred to and used by the Commission or by Respondent for the purpose of determining the severity of the sanction, a pattern of misconduct, or exoneration of the judge pursuant to Commission Rule 22(e).

6. Consistent with the requirements of Commission Rule 22(e), undersigned Disciplinary Counsel (Counsel) notified Respondent on April 29, 2022, that his prior disciplinary history may be so used.

FACTUAL ALLEGATIONS

7. The Administrative Office of the Courts (AOC), under the supervision of the Supreme Court, conducts operational reviews of Arizona courts pursuant to Article 6, Section 3 of the Arizona Constitution.

8. On March 4, 2021, AOC commenced an operational review of the Page Precinct.

9. On August 5, 2021, pursuant to information conveyed by AOC, the Supreme Court issued Administrative Order No. 2021-128, which noted allegations of irregularities in the judicial operation of the Page Precinct.

10. Administrative Order 2021-128 transferred administrative control and oversight of the day-to-day operations of the Page Precinct to the Hon. Dan Slayton, Presiding Judge of the Arizona Superior Court in Coconino County. The administrative order further ordered that Respondent be assigned solely to non-judicial duties as authorized by Judge Slayton.

11. Administrative Order 2021-128 remains in effect as of the date of filing this Statement of Charges. Respondent remains restricted to non-judicial tasks and the Page Precinct itself remains under the supervision of Judge Slayton.

AOC Operational Review

12. The AOC's operational review concluded with the issuance of a final report "Court Operational Review for Page Justice Court" (AOC Operational Review) on January 28, 2022.

13. The AOC Operational Review found 39 areas of non-compliance at the Page Precinct.

14. The AOC Operational Review determined in particular that Respondent failed to comply with numerous laws and rules of procedure as follows:

- a. Failed to advise defendants of all pertinent rights during criminal arraignment proceedings in violation of Rules 14.1, 14.4 Ariz. R. Crim. Proc. [AOC Operational Review, Area of Non-Compliance 1.1.]

b. Failed to consistently record guilty plea proceedings in violation of Rule 17.1, Ariz. R. Crim. Proc. [AOC Operational Review, Area of Non-Compliance 1.2.]

c. Required parties to state confidential information, specifically confirmation of date of birth and social security number, on the record in open court, in violation of Rule 123, Ariz. R. Sup. Ct. [AOC Operational Review, Area of Non-Compliance 1.3.]

d. Imposed financial obligations on criminal defendants without legal authority by ordering completion of the LifeSkills course through Wise Choice Alternatives without said course being approved by the appropriate governing entity, in violation of A.R.S. §13-3601.01(A) and §28-1387(B). [AOC Operational Review, Area of Non-Compliance 2.3.]

e. Issued initial appearance warrant bond amounts that were excessive, in violation of Rule 17.2(a), Ariz. R. Crim. P., and A.R.S. §13-3967(B); [AOC Operational Review, Area of Non-Compliance 14.1.]

f. Assessed civil traffic sanctions that exceeded the statutory maximum in violation of A.R.S. §28-1598, §28-727, §28-2532, §28-2153A, and §28-855. [AOC Operational Review, Area of Non-Compliance 16.1.]

The Coconino County Human Resources Investigation

15. On August 5, 2021, the office of Coconino County Human Resources issued an Investigative Summary outlining the following instances of misconduct committed by Respondent;

a. Engaged in “bullying” of staff as defined by Coconino County Policy 4.3(A)(5) on June 15, 2021, by raising his voice and saying “shit” or “this is bullshit” in anger upon returning from lunch to find a new matter pending.

b. Made an inappropriate comment to employee Jennifer Greyeyes when he stated “your gray hair makes you look old.”

c. Instructed employee Alice (Beth) Hanson to cancel a pre-planned medical leave in December 2020 as the court was short staffed.

Other Instances of Misconduct

16. Respondent imposed an illegal sentence in *State v. Jeremy Begay*, CR2010-02251, Coconino County Justice Court, Page Precinct. Respondent ordered a total of 180 days in jail for a contempt finding in addition to 155 days already served on a Class 1 Misdemeanor. This sentenced exceeded the maximum number of days authorized by Arizona law. Additionally, the public defender’s office was not notified when the jail sentence was imposed.

17. Respondent imposed an illegal sentence in *State v. Casey Dennison*, CR2012-00347, Coconino County Justice Court, Page Precinct. Respondent incorrectly counted jail time in 24-hour increments, resulting in a five-day undercount of defendant’s time-served credits.

18. On or about the afternoon of February 16, 2021, Respondent utilized court equipment to attend a real estate licensing class over Zoom during court hours. While Respondent was engaged on Zoom with the real estate class, an individual appeared at the Page Precinct seeking an order of protection. Respondent was

informed of the order of protection request but did not disengage from the real estate class, and the individual was eventually sent to the municipal court.

VIOLATIONS OF THE CODE OF JUDICIAL CONDUCT

19. Respondent's conduct, as described above in Paragraphs 7-18, violated the following provisions of the Code and Arizona Constitution. Specifically:

a. Rule 1.1 which requires a judge to act in compliance with the law, including the Code.

b. Rule 1.2 which requires a judge to "act at all times in a manner that promotes public confidence in the independence, integrity, and impartiality of the judiciary," and to "avoid impropriety and the appearance of impropriety."

c. Rule 2.8(B) which requires that a judge act with patience, dignity and courtesy toward litigants, court staff and others the judge may deal with in an official capacity.

d. Rule 3.1(E) which requires that a judge shall not make use of court premises, equipment or other resources unless such other use is permitted by law.

e. Article 6.1, Section 4, of the Arizona Constitution, which forbids a judge to engage in conduct that is prejudicial to the administration of justice that brings the judicial office into disrepute.

REQUESTED RELIEF

WHEREFORE, Disciplinary Counsel hereby requests that a duly appointed Commission Hearing Panel recommend to the Supreme Court that Respondent be censured, suspended, or removed from judicial office; that costs be assessed against Respondent pursuant to Commission Rule 18(e); and that the court grant such other relief as it deems appropriate.

Dated this 1st day of August, 2022.

COMMISSION ON JUDICIAL CONDUCT

Ariel I. Worth
Disciplinary Counsel

A copy of this pleading was served on August 1, 2022, upon Respondent, via email, to:

dmroberts82@gmail.com
Hon. Donald G. Roberts
Coconino County Justice Court

A copy of this pleading was hand-delivered on August 1, 2022, to:

Ariel I. Worth
Disciplinary Counsel
Commission on Judicial Conduct

By: /s/ Kim Welch
Kim Welch, Commission Clerk