

State of Arizona  
COMMISSION ON JUDICIAL CONDUCT

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Disposition of Complaint 23-247

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Judge:

Complainant:

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**ORDER**

October 6, 2023

The Complainant alleged a superior court judge acted improperly while conducting a settlement conference in a 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 members Barbara Brown, Colleen E. Concannon, and Louis Frank Dominguez did not participate in the consideration of this matter.

Copies of this order were distributed to all appropriate persons on October 6, 2023.

Commission of Judicial Conduct  
 7507 W. Washington St. Ste 229  
 Phoenix Az. 85007

Case No.

2023-247

Please find inclosed transcript of Settlement conference, where as previously brought to this Commission's attention, Judge violates almost every Canon of Judicial Conduct. This was the beginning of a course of conduct that; as it violates law and Court rules can only be deemed Criminal in nature.

On the transcripts from this hearing, I repeatedly refuse to except the plea offered by the State, each time with the court attempting to pitch the "benefits" of the deal. on Pg. and throughout the hearing attempts to intimidate me into taking a plea, on behalf of the State. The Judge explains falsely that I will get years at trial or up to on the deal. Of note, immediately after I refused to except the plea on the appropriate range of was applied reducing the number of needed Jurors, and the possible maximum sentence by approximately. Although I find it plausible that is entirely incompetent, having not the most rudimentary understanding of the law, it's applications or the fundamentals of conducting trial, but ignorance and professional incompetents present an equal danger to the credibility of the courts.

At this hearing, despite my continued refusal to except the State's deal, Judge persistently pursued the plea. Judge intentionally or erroneously greatly inflated possible maximum sentence, repeatedly denied my attempts to turn down the States offer, despite my statement declining to think about or further consider the offer, decided that I would do so and waive time to do it and finished by advising me not to consider guilt or innocence nor strength of case, but rather the extent he could punish me if I chose not to cooperate.

Under no circumstances could any reasonable minded person conclude that Judge acted with impropriety or from a neutral position, infact Judge appears to be highly motivated to persuade me to waive Constitutional rights and plead guilty. With these tactics to coerce my plea, the Judge violated 5th, 6th and 14th Amendment rights, almost all the Canons of Judicial conduct and unquestionably displayed bias and prejudice. Judge before any evidence or testimony was introduced, determined guilt. This continued to be evident throughout proceedings.

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APPEARANCES:

For the State:

Deputy County Attorney,

For the Defendant:

Deputy Public Defender.

T R A N S C R I P T     O F     P R O C E E D I N G S

THE COURT: State of Arizona versus  
, I have appearing on  
behalf of the who is present in custody.  
, this is your case?  
: (No oral response.)

THE COURT: appearing on behalf of  
the State.

We're set for Pretrial Conference, a Donald  
Hearing, a Settlement Conference and a possible change of plea.  
, good afternoon.  
: Hey.

THE COURT: Okay. Counsel, where are we at today?  
: Your Honor, there is a plea offer in  
this case, that can plead guilty to one count of  
attempted aggravated assault as a Class 4 felony.

THE COURT: would you pull that microphone toward

1 you?

2 : Yes, sir. There's a stipulated --  
3 it's stipulated that defendant shall be sentenced to a term of  
4 supervised probation as well mental health terms of that  
5 probation. I have discussed that with

6 I did review with him what he was facing under the  
7 Indictment as to the dangerous offenses and at this time  
8 is not inclined to accept that plea. I think we  
9 need a little more thorough Donald Hearing.

10 THE COURT: Okay.

11 : And otherwise we're going to ask that  
12 a trial date be set.

13 THE COURT: Okay. All right.

14 (A discussion was held off the record between  
15 and .)

16 THE COURT: , what we're going to do  
17 is again step through a Donald Hearing. It's your opportunity  
18 to hear from the Court what the maximum sentence is you could  
19 face if you to go trial and you're sentenced to the maximum  
20 sentence I can impose.

21 we'll then talk about the plea agreement. And  
22 does somebody have a copy of that that I can look at?

23 : Yes, sir.

24 THE COURT: we'll talk about the plea agreement,  
25 the maximum sentence under the plea agreement, and then we'll

1 also talk about any stipulations or recommendations that the  
2 State might be making. Okay?

3 : Um-hum.

4 THE COURT: All right. So this is a three-count  
5 Indictment. Count 1 is an aggravated assault charge and it is  
6 non-dangerous and non-repetitive. It's a Class 3 felony. So  
7 we have a Class 3.

8 : If the Court's looking at the  
9 Indictment --

10 THE COURT: Yeah.

11 : -- this is a dangerous offense.

12 THE COURT: Oh. You're right. You're right. So  
13 it is a dangerous offense.

14 Count 2 is disorderly conduct, a Class 6 felony,  
15 also a dangerous offense and a domestic violence offense, Class  
16 6 dangerous.

17 And then a Class 1 misdemeanor for Count 3,  
18 criminal damage.

19 So, , is there anything else in the  
20 defendant's past that would subject him to an elevated  
21 sentencing range?

22 : Yes, Your Honor. Defendant has  
23 three prior felony convictions out of the state of Arizona --  
24 the state of and those have three separate offense  
25 dates, so that would be one historical felony conviction.

1                   In addition, he has a           felony conviction out  
2 of                   Court. That would make him a  
3 category three offender and he committed the present offense  
4 while on felony probation.

5                   THE COURT: So that gives -- while on felony  
6 probation?

7                   : On felony probation.

8                   THE COURT: Okay. So that means the minimum term  
9 is the presumptive; right?

10                  : Yes, that is correct.

11                  THE COURT: Okay.

12                  (A discussion was held off the record between  
13 and                  .)

14                  THE COURT: Okay. And then are any of the prior  
15 felonies dangerous felony convictions?

16                  (A discussion was held off the record between  
17 and                  .)

18                  : It -- it doesn't appear so.

19 The -- I'd have to look at the document carefully to see if the  
20 endangerment out of                  is a dangerous felony, but from  
21 the information I have right now I -- I don't see that or I  
22 don't know.

23                  THE COURT: Okay. For a first offense dangerous  
24 Class 2 felony, the maximum is           years just for Count 1; is  
25 that right?

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

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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.**