State of Arizona

COMMISSION ON JUDICIAL CONDUCT

Disposition of Complaint 23-326

Judge:

Complainant:

ORDER

February 23, 2024

The Complainant alleged a city court judge pro tem did not comply with victim's rights 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 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 February 23, 2024.

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Arizona Commission on Judicial Conduct 1501 W. Washington Street, Suite 229 Phoenix, Arizona 85007 FOR OFFICE USE ONLY

2023-326

COMPLAINT AGAINST A JUDGE

	luder	
Name:	Judge 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.		
Judge took over the case after Judge victim because Judge had removed me. In the reinstated me as a victim and I made it very clear I concern for him being involved because of retaliation	I originally went to him to get reinstated as a ne first hearing in front of Judge where he wanted to be involved in the case, I voiced my on.	
into my home blackout drunk, use of force was just injunction was appealed. Judge den	while standing in my yard and the defendant breaking ified by court, Judge . When the ied the injuction ruling Judge decision " nto my home was also one of two reason why the	
His first hearing which was the only post conviction defendant for violating probation for many months	hearing the victim was notified of was to forgive the with no punishment, stating "	
Judge would hold the next hearing in secret, which he would release the defendant from probation without notifying the defendants, even though he clearly knew the victims wanted to be heard and had a right to. The victims would not know he was released from probation until the defendant was circling the female victim at a park in with a bowie knife.		
No justice was served, Judge was found to be claimed incompetence, Judge gra	e violating the victims rights and according to duated law school.	

CONFIDENTIAL

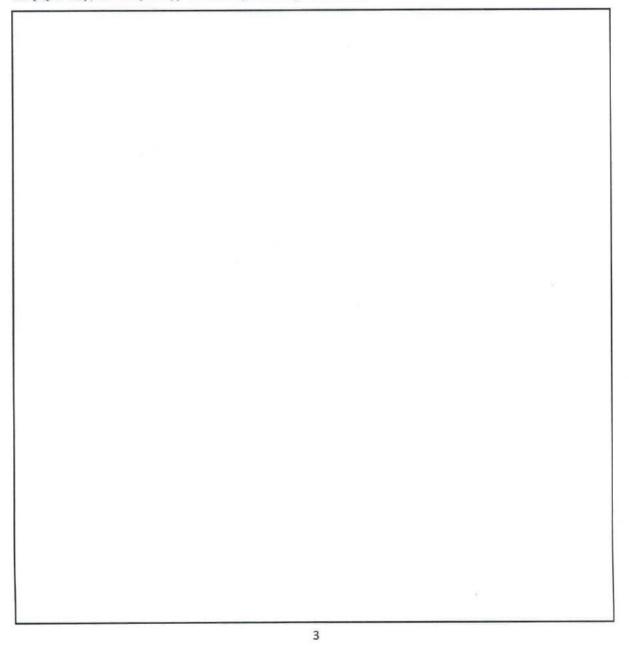
Arizona Commission on Judicial Conduct 1501 W. Washington Street, Suite 229 Phoenix, Arizona 85007

FOR OFFICE USE ONLY

COMPLAINT AGAINST A JUDGE

	Jud	lge
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.



OFFICE OF THE ARIZONA

Honorable Arizena

Court

RE: Victims' Rights Complaint -

Cesart

Dear Judge

This letter is in reference to a victims' rights complaint filed by alleging victims' rights violations occurred related to asserted that he was not made aware of probation proceedings that consequently affected restitution. Upon review of notification letters, court documents and my conversation with the Court, our office determined that victims' rights violations did occur related to AZ Const. art. II, § 2.1(A)(3) and A.R.S. § 13-4415, notice of probation modification, termination or revocation disposition matters.

) in which he was a victim was dismissed as part of a plea agreement with COMME | girlfriend, was the victim. was informed , wherein and it was made clear in the plea agreement that he retained all victims' rights afforded to him as though was the only victim who requested restitution. The his case was not dismissed. Clerk of Court received victim contact information on . In a review of the documents it was found that on three separate occasions the defendant walked in (was not on court calendar) and was seen by a judge. During these proceedings, restitution was suspended or reduced without the victim's knowledge. As you are aware, A.R.S. § 13-4415(A)(2) points out that victims have the right to be notified of any hearing on a proposed modification of the terms of probation. Further, A.R.S. § 13-4415(B)(1) provides, "[on] request of a victim who has provided a current address or other current contact information, the court, or if the case is in the superior court, the probation department shall notify the victim of the following: 1. Any proposed modification to any term of probation if the modification affects reatitution or incarceration status or the defendant's contact with or the safety of the victim" and A.R.S. 5 13-4415(B)(2), which requires the court to notify the victim of the right to be heard.

As you can see from the enclosures, the Clerk of Court did provide notice to for all scheduled proceedings; the issue is when the defendant is not on the court calendar. In these instances the courts should contact the victim by phone or reschedule the proceedings. These suggestions were provided to the court clerk. Page 2 Judge

Please contact me if you have any questions. I can be reached at

Sincerely,

v Compliance Administrator

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Enclosures

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Chief Counsel, Director, AZ AZ.



