

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.

CONFIDENTIAL

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

FOR OFFICE USE ONLY

2023-326

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.

Judge [] took over the case after Judge [] I originally went to him to get reinstated as a victim because Judge [] had removed me. In the first hearing in front of Judge [] where he reinstated me as a victim and I made it very clear I wanted to be involved in the case, I voiced my concern for him being involved because of retaliation.

Judge [] had filed an injunction of harrasment against me for the defendent in [] The two justifications were a picture of the back of my head while standing in my yard and the defendant breaking into my home blackout drunk, use of force was justified by [] court, Judge [] . When the injunction was appealed, Judge [] denied the injuction ruling Judge [] decision "

" This incident of the defendant breaking into my home was also one of two reason why the injuction was issued and violated and found guilty by Judge [] in case [] which Judge [] was now over seeing.

His first hearing which was the only post conviction hearing the victim was notified of was to forgive the defendant for violating probation for many months 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 violating the victims rights and according to [] claimed incompetence, Judge [] graduated law school.

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OFFICE OF THE ARIZONA

Honorable
Arizona Court

RE: Victims' Rights Complaint - Court

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.

case () in which he was a victim was dismissed as part of a plea agreement with , wherein girlfriend, was the victim. was informed and it was made clear in the plea agreement that he retained all victims' rights afforded to him as though his case was not dismissed. was the only victim who requested restitution. The 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 restitution or incarceration status or the defendant's contact with or the safety of the victim" and A.R.S. § 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.

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Judge

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

Sincerely,

Compliance Administrator

Enclosures

cc:

Chief Counsel, AZ
Director, AZ

