

State of Arizona
COMMISSION ON JUDICIAL CONDUCT

Disposition of Complaint 23-327

Judge:

Complainant:

ORDER

February 23, 2024

The Complainant alleged a city court judge 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

2023-327

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 found the defendant guilty of violating 4 court orders in 1 day she gave him probation in place of jail. When the case was finalized I was removed as a victim, so I had not rights. The Judge then held secret hearings to which she was not enforcing probation, eventually lowering the restitution to per month, state minimum was . There was no one to object because Judge had removed me as a victim. The restitution he did pay was issued to the wrong victim who never even filed for restituion but the Judge still deducted it from restitution owed to me. She was leaving the defendant in violation of probation for approximately months at a time refusing to enforce probation, if he wasnt going to follow probation he should have been put in jail but she looked the other way. No probation or justice was ever served for the case. According to her defense was "

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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,
Director, AZ

, AZ

