

State of Arizona
COMMISSION ON JUDICIAL CONDUCT

Disposition of Complaint 17-149

Judge:

Complainant:

ORDER

The complainant alleged a superior court judge left an excessive bond in place, displayed animosity toward him, and had a conflict of interest hearing his case.

The responsibility of the Commission on Judicial Conduct is to impartially determine if the judge engaged in conduct that violated the provisions of Article 6.1 of the Arizona Constitution or the Code of Judicial Conduct and, if so, to take appropriate disciplinary action. The purpose and authority of the commission is limited to this mission.

The commission does not have jurisdiction to review the legal sufficiency of the judge's rulings. In addition, the commission found no evidence of ethical misconduct and concluded that the judge did not violate the Code in this case. Accordingly, the complaint is dismissed in its entirety, pursuant to Rules 16(a) and 23(a).

Commission member Louis Frank Dominguez did not participate in the consideration of this matter.

Dated: September 19, 2017

FOR THE COMMISSION

/s/ George A. Riemer

George A. Riemer
Executive Director

Copies of this order were distributed to all appropriate persons on September 19, 2017.

This order may not be used as a basis for disqualification of a judge.

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

FOR OFFICE USE ONLY

2017-149

COMPLAINT AGAINST A JUDGE

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.

Judge failed to give weight of evidence to consider documents providing that of court failed to properly distribute foregoing copies to the appropriate address on file. Please see documents attached. To which failed to address a summons notifying defendant of future hearings. Putting the address but not the apartment number. The summons was returned and a warrant was issued along with new charge for failure to appear. See attachments to show disclosure that defendant's address is correctly inputted into disclosure by arresting officer including apartment number. Therefore setting bail amount to a substantial amount of 10,000 showing on clerical error or mistake warrant was issued on defendant learned of the warrant through own personal research and posted bail on to which court date was not determined yet. For there was no case activity until a certificate of mailing was sent to the wrong address for the second time with no apartment number which resulted in a bond forfeiture. Not only defendant did not receive documents. Neither did the or.

After all this judge allowed excessive bail per rule 7 to stay in place even after giving weight of evidence that I showed consistent evidence of past court appearances

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Furthermore the defendant requested a 60 day continuance citing Rule 15 to gather explanatory evidence and supplemental disclosure to prepare for defense, defendant did waive this. There was no objection from State, denied the 60 day request. Showing animosity, judicial misconduct and vigorous ruling from the bench toward defendant. Defendant's attorney of record later filed a charge of judge per rule 10.1 and put judge on notice for this complaint.

After receiving supplemental disclosure and investigation it shows a prior sentencing as a sentencing prosecutor in him self as having involvement in my case. failing to recuse

It clearly shows conflict of interest also to mention to assert defendant's right to a reasonable opportunity to arrange for independent test of his blood see attachment

Respectfully Submitted,