

State of Arizona
COMMISSION ON JUDICIAL CONDUCT

Disposition of Complaint 25-126

Judge:

Complainant:

ORDER

September 26, 2025

The Complainant alleged a pro tem superior court commissioner made improper rulings and interrupted victims 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 member Roger D. Barton did not participate in the consideration of this matter.

Copies of this order were distributed to all appropriate persons on September 26, 2025.

CONFIDENTIAL

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

FOR OFFICE USE ONLY

2025-126

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.

please see attached documents.

Historical Prior Convictions

There is a major conflict between two Judges within the _____ County Superior Court regarding what determines what is or is not a Historical Prior Convictions.

The *Defendant* [_____ hereafter referred to as *Defendant*] Pled Guilty as Charged for the convictions of Class 3 and Class 6 felonies on _____ in two separate cases, plus the second case included (ACO) Allegation of Historical Prior and (AFL) Allegation of Felony Committed While on Release, but the *Defendant* had evaded Sentencing for almost four (4) years and a prison term in _____ County Superior Court. The *Defendant* then committed additional crimes while on bench warrant status and has Pled Guilty to two additional Class 3 and Class 5 felonies in _____ County Superior Court in a case with eight (8) victims.

Judge A stated - “

.”

Judge B stated - “

.”

After I had a long conversation with _____ office on an old HB 2361 in _____ that did NOT go through regarding 13-703 Repetitive offenders; sentencing, where Paragraph K attempted to change the law to read “HISTORICAL PRIOR FELONY CONVICTION MAY BE USED ONLY IF THE PERSON WAS CONVICTED OF AND SENTENCED”. Current law DOES NOT require someone to be SENTENCED, but only CONVICTED for them to apply.

Furthermore, under _____ * **“The Meaning of “Conviction”: What Can be Used: A conviction means a determination of guilt, not a formal entry of judgment. *State v. Walden*, 183 Ariz. 595, 905 P.2d 974 (1995). A determination of guilt occurs by a plea in open court, or by the return of a guilty verdict.” *Id.* “The Court analyzed the meaning of conviction under both the Rules of Criminal Procedure and in its ordinary usage.” “To require the formal entry of judgment would lead to irrational and arbitrary results.” Plus in “*State v. Chad Lee* 189 Ariz. 590, 944 P.2d 1204 (1997). The Court said that convictions entered prior to sentencing may be considered regardless of the order in which the underlying crimes occurred or the order in which the convictions were entered.”**

As I understand, Judge A would be correct in his statement according to current law, but Judge B unreasonable sentenced the *defendant* as a NON-REPETITIVE OFFENDER which would be incorrect, according to law. In addition, Judge B incorrectly used _____ case as a precedent in ours (details below). At a Judges level this should NOT be happening.

*Source - _____

Judge Court - (Judge A)

iPhone Recording - Before court started.

Prosecutor : “

”

“

”

County Superior Court

Judge : “

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Judge “

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Prosecutor “

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Judge : “

Prosecutor : “

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Judge : “

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Judge : “

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Judge : “

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Judge : “ ”

Judge : “ ”

Judge : “ ”

Judge : “ ”

Judge : “ ”

Judge : “ ”

Judge : “ ”

Prosecute : “ ”

iPhone Recording - After court ended.

“ ”

Prosecutor : “

”

Judge **Court - (Judge B)**

County Superior Court

Judge : “

” He was referring to the Class 3 and Class 5 felonies in the 2nd plea, but the 3rd final plea agreement was for Class 3 and Class 5 felonies.

County Superior Court

In my Victim Impact Statement.

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

**FOR ACCESS TO THE
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.**