

State of Arizona
COMMISSION ON JUDICIAL CONDUCT

Disposition of Complaint 14-210

Judge:

Complainant:

ORDER

The complainant alleged a superior court judge engaged in judicial misconduct by failing to consider mitigating evidence and imposing an unduly harsh sentence.

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.

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

Dated: August 6, 2014

FOR THE COMMISSION

/s/ George A. Riemer

George A. Riemer

Executive Director

Copies of this order were mailed
to the complainant and the judge
on August 6, 2014

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

CONFIDENTIAL

State of Arizona

Commission on Judicial Conduct

1501 W. Washington Street, Suite 229

Phoenix, Arizona 85007

FOR OFFICE USE ONLY**2014-210****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 you believe 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.

This complaint is brought forth by the forementioned signee, against the forementioned Judge. This issues at hand are blatant violations of my 14th amendment rights of the United States Constitution of America. As I went before Judge _____ on for sentencing, Judge showed biasness, prejudice, and vindictive harassment, resulting in aggravated sentencing where there were no applicable laws to support such aggravation. Thus placing Judge in violation of Canon 1 Rule 1 Compliance; Canon 2 Rule 2.3 (b) Bias, prejudice, and harassment. of the Judicial Code of Conduct (Rule 81). The following events took place to cause this action to be brought forth.

On _____ I appeared before Judge _____ for sentencing. At which time Judge was very unprofessional, rude, bress, and making comments such as "there is no place in society for him." in regards to myself. He abused his Authority and refused to grant me the right to be heard in court by refusing to allow my attorney and myself an opportunity to prove the facts of my hospitalization. In fact, Judge disregarded the faxed document which was an official hospital documentation showing that I was hospitalized at the time of sentencing. (prior sentencing date of _____)

The Judge never checked his messages for _____ which would have proven the fact that I did contact the Courts in an attempt to rectify the matter. At this point the Judge did fail to bring forth evidence and information which would have served to negate the aggravation of my sentencing or provided mitigative factors for sentencing, and thus showing Judge to be, extremely, unjustifiably, and unduly harsh in the sentencing. Judge stated that I never contacted the Courts or him. It is obvious that this matter was never investigated. From the time I changed my plea, the Judge has been threatening me with _____ years in prison.

(see Attachment)

First date of _____, then on _____ and finally sentencing me to _____ on _____. I have evidence and witnesses which prove my hospitalization true. The Judge and prosecution mocked my illness and down played the seriousness of my physical and mental condition. Since they alleged not to understand the seriousness which would warrant a hospital to have me admitted into its care. It was most assuredly not a mocking, nor a mockable matter as my life was in danger of ending due to my condition. My counsel _____ assured the courts of the fact I was in contact with him, and that I did call the Courts and the Judge twice and left a message on the Judges machine. Judge _____ stated that, "I was not creditable;" So that would mean that neither was the hospital, my attorney, nor my witnesses which were present and available to speak in my behalf. No matter what the evidence was that was presented to the Judge, he had malice and bad intentions for me in his personal perception of me. And in his personal dislike for and of me. He *the Judge* violated my rights of Due Process and the equal protections of the laws. And his sentencing of me, he truly borders on cruel and unusual punishment as the Judge not only aggravated my sentence by going outside of the sentencing agreement within the plea; but he totally disregarded the entire plea by sentencing me to consecutive sentences, and not allowing me the opportunity to pull out of the plea. Judge _____ actions are not in accordance with that befitting of a Judge as he blatantly ignored the facts for the purpose of sentencing me the way he sought to do

as is evident by his threats to give me years in prison. which he (Judge) did do on

For.. all reasons and facts listed within I submit this compliant to the Commission for review and request that all corrective judicial measures that can be applied for the purpose of rectifying this wrong be implimented to this matter.

Humbly Submitted