

State of Arizona
COMMISSION ON JUDICIAL CONDUCT

Disposition of Complaint 16-344

Judge:

Complainant:

ORDER

The complainant alleged a superior court judge was biased against her and improperly sentenced her in a criminal 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).

Dated: February 8, 2017

FOR THE COMMISSION

/s/ George A. Riemer

George A. Riemer
Executive Director

Copies of this order were distributed to all appropriate persons on February 8, 2017.

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

Comp

2016-344

To Whom This May Concern:

On
years in the
on

I was sentenced to

First off, yes I did sign a plea that allowed
for my judge to have complete control over
my sentencing within the plea. I have now
found out that this is considered an open
ended plea deal. I had signed the plea
under the instruction of my lawyer who
assured me I would get probation and
not to worry about it and to trust him.

The fear was put into me when I still hesitated
that if I took it to trial I was looking at
aer count. I had been charged
with counts when I did the math

I opted to sign the plea. But I still questioned
why he wouldn't counter back for another plea,
who signs the first plea offered.

The plea allowed

of
the option of sentencing me to
imposed to

presumptive of

with a
and a max of

on that fateful day the judge sentenced me
to years in citing no mitigating

factors. Unfortunately, for me my lawyer waited until the day of my sentencing before submitting my mitigating paperwork. The judge stated ~~in~~ his reason as finding aggravating circumstances.

A lot of things happened during my sentencing that my lawyer should have objected to that he didn't:

- Defense council didn't object to

- there was an objection heard when the judge indicated

when the

of one of the

needed a

returning to

and made a sentencing request. In the maximum sentence with the statement wasn't read at my sentencing, but noted by the court it was previously read.

- Positive letters had been gathered in support of mitigating circumstances but were not submitted to the court or probation department in advance of the pre-sentence interview. My documents indicated

- The pre-sentencing report was not provided to me until the time of sentencing. The judge gave a break (recess) to afford me and my lawyer the opportunity to read the report and that maybe the court would have a chance to look through my mitigating documents but that he would still be conducting other hearings. After the break the court didn't indicate either way if the documents

had been read.

The sentence. remit

and as a result of the missing documentation they felt I wasn't a viable candidate for probation. During my sentencing I had multiple family members and friends that spoke on the substantiating mitigation evidence belatedly proffered by my lawyers. But showed no interest in hearing any of this.

I could go into further points but I have just finally come to terms with my fate. Yes, I did file all the steps for a Rule 32 but sadly, missed the deadline for my Habeas Corpus as a result of wrong guidance by person who ~~was~~ represented himself to be a lawyer. I later found out

He led my family and I to believe I stood a better chance with ~~then~~ this. Sadly he told me this a week before the deadline expired which gave me no time to seek further counsel or attempt to file the paperwork myself.

I did file ~~and was denied~~ in that year. But I honestly don't anticipate ever winning on especially in this state.

I will say prison has made a huge impact on me in a very positive way. I have taken every

program and course provided to me. Even those not related to my crime, or made sense as I don't have a drug or alcohol problem.

I have many certifications that have been received from my work as well as that

was offered, but have opted that before advancing further to confirm if I would be able to use the certification upon my release.

I have gained employment ~~which~~ working which is completely out of my experience or knowledge. But I have moved up the chain and am now:

An the company. Promotions:

Now I know your asking what is your point. I am hoping that somebody to take another look at my case, more critically my sentencing. I want an

to be held Accountable for not remaining unbiased on my case as well as others that have come before him

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COMPLAINT ON ITS WEBSITE.**

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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.**