

State of Arizona
COMMISSION ON JUDICIAL CONDUCT

Disposition of Complaint 17-215

Judge:

Complainant:

ORDER

The complainant alleged a superior court commissioner, now retired, improperly enhanced his sentence in a criminal proceeding.

The responsibility of the Commission on Judicial Conduct is to impartially determine if the commissioner 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 commissioner's rulings. In addition, the commission found no evidence of ethical misconduct and concluded that the commissioner 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: October 12, 2017

FOR THE COMMISSION

/s/ George A. Riemer

George A. Riemer
Executive Director

Copies of this order were distributed to all appropriate persons on October 12, 2017.

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

2017-215

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.

The plea agreement presented by the state of AZ in regards to Burglary, stated that the state would allege only 1 prior felony conviction the alleged prior was promoting prison contraband.

At the sentencing phase the state recommended the presumptive term of 1. The states recommendation was based on the single prior conviction alleged in the plea agreement.

During sentencing, made record in open court that the defendant would be sentenced to an excess of in addition to the states recommendation of 1. The judge then stated his decision was based on a history of crimes against people. These allegations included assaults and a old theft of a car.

The judge clearly abused his authority by alleging prior misdemeanor convictions and a felony prior clearly not listed on the plea agreement.

