

State of Arizona
COMMISSION ON JUDICIAL CONDUCT

Disposition of Complaint 20-184

Judge:

Complainant:

ORDER

January 27, 2021

The Complainant alleged a pro tem judge engaged in witness tampering.

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 members Denise K. Aguilar and Louis Frank Dominguez did not participate in the consideration of this matter.

Copies of this order were distributed to all appropriate persons on January 27, 2021.

CONFIDENTIAL

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

FOR OFFICE USE ONLY

2020-184

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.

Rule 1.1: A judge shall comply with the law, including the Code of Judicial Conduct

On _____ the _____ was referred _____
detailing a Domestic Violence incident between Defendant _____ and Victim _____
that had occurred on _____ Defendant had been arrested and booked into the _____
by the (_____ Defendant pled guilty on the _____
morning of _____ to Disorderly Conduct (Domestic Violence) in _____ Court Docket _____

_____ indicates that while the _____
investigated the _____ incident, Victim (_____) stated that in a recent and prior _____
Domestic Violence incident that occurred in _____ --while acting as Defendant _____
Defense Attorney--contacted Victim and stated " _____

_____ " As a result,
Victim alleged she did not appear at Defendant's trial in the _____ Court captioned under case _____
and the criminal charges against _____ were dismissed.

_____ opened an investigation on _____ listing _____
as an " _____ " for the charge of _____
This investigation is detailed under _____ and is attached to _____
this electronic filing. It should be noted that _____ interviewed and audio-recorded his conversation _____
with Victim, which can be provided upon request to the Arizona Commission on Judicial Conduct.

It should also be noted that a complaint was filed on _____ with the _____ against _____
for acts arising out of this same alleged conduct. The reason for the delay between _____
was due to the fact that the _____ was actively working a _____
felony criminal investigation (inactivated _____), that neither the _____ nor the _____
should have interfered with.

The _____ has been in communication with the _____ regarding _____
alleged conduct as well as the filing of the complaint with the _____ and _____
this complaint with the Arizona Commission on Judicial Conduct.

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Incident/Investigation Report

Agency:

Case Number:

Incident Information

Date/Time Reported	Date/Time Occurred	Date/Time Found	Officer
Incident Location			Supervising Officer
Incident Case Status	Status Date	Incident Case Disposition	Disposition Date
MO Factors		Body Worn Camera Used	

Charges

1	Charge Type	Description	Statute	UCR	Att Com
Alcohol, Drugs or Computers Used <input type="checkbox"/> Alcohol <input type="checkbox"/> Drugs <input type="checkbox"/> Computers		Location Type	Premises Entered	Forced Entry	Weapons
Entry	Exit	Criminal Activity			1.
Bias Motivation		Bias Target	Bias Circumstances		2.
					3.
					Hate Group

Victims

Seq. #	Type	Injuries	Residency Status	Ethnicity
1	INDIVIDUAL	██████	██████	██████
Name (Last, First, M)				SSN
				██████
AKA	Race	Sex	DOB	Age
	████	████	██████	████
				Height
				████
				Weight
				████
				Hair
				████
				Eyes
				████
Address			Secondary Phone	Primary Phone
████████████████████			██████████	██████████
Employer Name/Address				Business Phone
/				
Scars, Marks, Tattoos or other distinguishing features				
Victim of Crimes				

Incident/Investigation Report

Agency:

Case Number:

Other Persons Involved

Name Code Involved, Other	Seq. # 2	Injuries None	Residency Status				Ethnicity				
Name (Last, First, M)						SSN					
AKA			Race	Sex	DOB	Age	Height	Weight	Hair	Eyes	
Address						Secondary Phone			Primary Phone		
Employer Name/Address						Business Phone					
Scars, Marks, Tattoos or other distinguishing features											
Name Code Investigative Lead	Seq. # 1	Injuries None	Residency Status				Ethnicity				
Name (Last, First, M)						SSN					
AKA			Race	Sex	DOB	Age	Height	Weight	Hair	Eyes	
Address						Secondary Phone			Primary Phone		
Employer Name/Address						Business Phone					
Scars, Marks, Tattoos or other distinguishing features											



Incident/Investigation Report

Agency:

Case Number:

Notes/Narratives

NARRATIVE

Synopsis:

On _____ at about _____ hours, _____ responded to investigate a domestic violence incident involving a _____ . During the investigation _____ made allegation that she had been assaulted in past by _____ and he had been arrested. She was contacted by his attorney, _____ and convinced her not to go to court resulting in the case being dismissed.

Narrative:

On _____ I was conducting my assigned duties as a _____ by reviewing domestic violence which had recently occurred. I reviewed report _____ and learned _____ had responded to investigate a domestic violence incident on _____ at _____ hours. _____ was reporting being assaulted and damage to her property committed by _____ . As a result of the investigation _____ was arrested and booked on charges of assault DV, disorderly conduct DV, and criminal damage DV.

I read in the report _____ stated she had been assaulted in the past by _____ . However, she had been contacted by his attorney, _____ and convinced not to testify. _____ had told _____ " _____ had not gone to court and the case was dismissed.

I activated this report in order to investigate the allegation of witness tampering committed by _____ I conducted research using police resources and located a prior case for _____ investigated by the _____ under report number _____ . The case involved _____ reporting being assaulted by _____ was arrested for domestic violence assault and booked into custody. I located the case for this incident under case number _____ . The case was dismissed by the prosecutor's office.

On _____ the case under report number _____ was resolved by the _____ Court. _____ did not represent _____

I left a voicemail for _____ requesting she contact me.

Conclusion:

This case is active pending further investigation.

CONTINUATION

**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.**