

State of Arizona
COMMISSION ON JUDICIAL CONDUCT

Disposition of Complaint 08-209

Complainant: No. 0131510749A

Judge: No. 0131510749B

ORDER

The commission reviewed the complaint filed in this matter as well as the recording of the hearing, and found no ethical misconduct on the part of the judge.

The complaint is dismissed pursuant to Rules 16(a) and 23.

Dated: December 10, 2008.

FOR THE COMMISSION

 \s\ Keith Stott
Executive Director

Copies of this order were mailed to the complainant and the judge on December 10, 2008.

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

AUG 15 2008

CJC - 08 - 209

Commission on Judicial Conduct
1501 West Washington
Suite 229
Phoenix, Arizona 85007

To Whom it May Concern:

The purpose of this correspondence is to advise the Commission on Judicial Conduct of the unethical and unprofessional conduct of _____ with regard to the administration of _____

My daughter, _____ is the subject of that _____ case, and, I am her custodial parent.

My daughter was charged with shoplifting, and, initially an agreement was reached in the case providing for a summary dismissal of all charges upon my daughter writing an essay setting forth her reasons for why shoplifting is a bad thing. Additionally, _____ was to complete 24 hours of community service. My reasoning for agreeing to this plan for my daughter was that I did not want to have the matter concluded without her facing some responsibility for her actions, and, this seemed the best route to take. I had been considering a Misdemeanor Compromise pursuant to Arizona Revised Statutes section 13-3981; however, by my paying the victim and having the matter dismissed, _____ might not understand the substance and severity of her actions.

Prior to the disposition hearing of this matter, _____ did author the essay that was required; however, she did not complete any of the community service. _____ had a valid reason as her Grandmother, _____ was terminally suffering with cancer and a great deal of _____ time was spent with _____ who was the ONLY remaining grandparent that she had left. _____ passed away from her cancer a few days before the disposition hearing, and, I as the custodial parent, requested that the matter be continued to afford _____ more time given the impact of her Grandmother's passing. _____ refused this most reasonable request. At the time of the disposition hearing of this matter, _____ was still in mourning at the loss of her

only living grandparent, and, was not competent to understand the matters being discussed.

As if this aberrant conduct was not enough to show this Commissioner's bias and lack of temperament, this is not the reason that I am compelled to make this most serious complaint against

Once the Commissioner refused to grant my daughter and I a continuance of this matter, I directed her lawyer to refuse to accept any further pleas on this case and to set the matter for trial so that I could complete the Misdemeanor Compromise pursuant to ARS section 13-3981.

Commissioner _____ wrongfully interfered with my dealings with my daughter's lawyer and forbid my request, ignoring my oratory in the courtroom and asking my daughter what she wanted to do. My 16 year old daughter is without any legal capacity to answer the Commissioner and the Commissioner further committed acts of unethical conduct by refusing my intervention with my daughter's lawyer to force the matter to trial. Instead, the Commissioner made a finding that my daughter wanted to end this matter and not go for a trial knowing full well that my daughter did not understand what was being done in court and further violating my rights as the Father and custodial parent. We are speaking of a 16 year old minor child who had just witnessed the death of her only remaining Grandparent a few days prior.

How can a 16 year old child understand what a Misdemeanor Compromise is let alone be forced to choose between her Father's directive and the advise of her lawyer who was not allowed to have a discussion with me about the merits of a Misdemeanor Compromise and to explain it to _____? By precluding this exchange, Commissioner _____ demonstrated a venomous malfeasance for the office to which he was appointed. I have been a credit card customer of the victim, _____ for more than 32 years, and, I am more than confident that I could have easily obtained the Misdemeanor Compromise that I sought to obtain for my daughter.

Let's regroup at this point for some important remembrances. My reasons for not going after the Misdemeanor Compromise initially were to make sure my daughter was afforded an opportunity to respect the severity of the consequences of her actions. Once Commissioner _____ refused to afford more time for my daughter to complete the community service due to the death of her Grandmother, it was clear that there was no sterling example of jurisprudence to teach her having witnessed the total disrespect of Commissioner _____ which demonstrates the sick depravity to which our courts have sunk to. My daughter chose to be with her only remaining living Grandparent in her final months and weeks of life only to see first hand the insensitive lack of ethics from the bench in this case upon expressing her interests in completing her community service once afforded some additional time.

CJC - 08 - 209

I have also filed a bar complaint against my daughter's lawyer and attached to that complaint a copy of this letter. I will also be filing a legal malpractice action against the defense counsel retained to represent my daughter.

I hold Commissioner _____ in contempt and I am hopeful that this honorable Commission will agree that the Commissioner's conduct was deplorable and beneath any form of respect or tolerance for the Bench and the State of Arizona.

I urge that Commissioner _____ be publicly sanctioned and that he further be ordered to reverse his rulings setting this matter for trial so that the matter of a Misdemeanor Compromise might be properly pursued.