

State of Arizona
COMMISSION ON JUDICIAL CONDUCT

Disposition of Complaint 24-168

Judge:

Complainant:

ORDER

May 31, 2024

The Complainant alleged improper demeanor and violation of victim's rights by a justice of the peace pro tem hearing a criminal case.

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 does not have jurisdiction to overturn, amend, or remand a judicial officer's legal rulings. 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 Regina L. Nassen and Christopher P. Staring did not participate in the consideration of this matter.

Copies of this order were distributed to all appropriate persons on May 31, 2024.

CONFIDENTIAL

Arizona Commission on Judicial Conduct
1501 W. Washington Street, Suite 2
Phoenix, Arizona 85007

FOR OFFICE USE ONLY

2024-168

COMPLAINT AGAINST A JUDGE

Name: Judge's Name: Judge

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.

Court for _____ The victim in the case _____
 _____ was present with me as the hearing was called after the _____ hour. I am his wife
 and at his discretion designated representative.

As the Victim's representative at his discretion, I submit statements on his behalf and after discussion with him, regarding considerations for release on the listed defendant. During the hearing, the Bench had discussion with the Victim Witness Advocate representative and the Judge said loud enough for and I to hear, that she was planning to strike my written statement from the record and that the victim should speak for himself as "

I have the extracted page from the Arizona Victim's Bill of Rights; reference 13-4403, paragraph A. Also included are the victim's VA 100% disability letter outlining his rating, and the follow up from the alleged assault on the victim.

The victim is a Combat Veteran with a service related disability, also the Victim's Bill of Rights permits him to ask someone he designates to speak for him at any point in time, and he has designated me should his injuries and aftermath make it difficult for him to do so in situations that may directly or indirectly play into both combat injuries and injuries related to the alleged assault. The Judge's statements appear to have the same regard for the victim's as I witnessed in another situation as referenced below, and relevant to the appearance of the Judge's statements in this case.

The victim is for all intensive purposes is a Disabled American Veteran, and therefore is a protected class.

To my knowledge the Judge does not have a medical degree, therefore in addition to superficially appearing to violate the Victim's rights, she also assumed any and all of his functionality without medical knowledge on _____ and _____. After her comments, subsequent comments said out loud by the Deputy Public Defender indicated that the assault was merely some kind of mild _____, again loud enough for the Victim and myself to hear, which is something that could have been expressed quietly or in a private discussion with the defendant.

When I appeared before this very Judge _____ while the victim was trying to remain employed in a regularly volatile environment at _____ (Security), while suffering the after effects of the compounded injury, the Judge had no problem with my written statement as I appeared with the Victim Witness advocate and requested an NCIC warrant be issued for the defendant's failure to appear.

It should be noted I, (_____ was also present before this Judge in _____ of _____ where she made flippant statements in regards to the victim's rights, which were also heard, acknowledged and engaged in by the Deputy Public Defender present at the time. My statement can be seen in the Judicial Complaint related to _____. This is noted as in relation to the current event, the Judge's Statements in _____ as it relates to the possible change in demeanor from _____ of _____ vs. the _____ hearing and its outcome listed above.

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

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COMPLAINT AGAINST A JUDGE

Name: Judge's Name:

Judge

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.

Please see attached documents as referenced in the statement.
VA Rating
Victim's Bill of Rights excerpt
Victim's follow up post alleged assault

// END //

D. Constitution of Arizona, any implementing legislation or court rule is no longer entitled to such rights.

13-4402.01. Victims' rights; dismissed counts

- A. If a criminal offense against a victim has been charged but the prosecution on the count or counts involving the victim has been or is being dismissed as the result of a plea agreement in which the defendant is pleading to or pled to other charges, the victim of the offenses involved in the dismissed counts, on request, may exercise all the applicable rights of a crime victim throughout the criminal justice process as though the count or counts involving the person had not been dismissed.
- B. As to each count that is dismissed, the prosecutor shall notify the probation department if the victim requested the victim's rights pursuant to this chapter.
- C. For each victim who is involved in the dismissed counts and who requested the victim's rights, the prosecutor shall forward to the probation department information within the prosecutor's possession that would enable the probation department to carry out its duties as prescribed by this chapter.

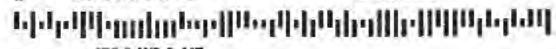
13-4403. Inability to exercise rights; lawful representatives; notice; definition

- A. If a victim is physically or emotionally unable to exercise any right but is able to designate a lawful representative who is not a bona fide witness, the designated representative may exercise the same rights that the victim is entitled to exercise. The victim may revoke this designation at any time and exercise the victim's rights.
- B. If a victim is incompetent, deceased or otherwise incapable of designating a representative to act in the victim's place, the court may appoint a lawful representative who is not a witness. If at any time the victim is no longer incompetent, incapacitated or otherwise incapable of acting, the victim may personally exercise the victim's rights.
- C. If the victim is a minor or vulnerable adult the victim's parent, child or other immediate family member may exercise all of the victim's rights on behalf of the victim. If the criminal offense is alleged against a member of the minor's or vulnerable adult's immediate family, the victim's rights may not be exercised by that person but may be exercised by another member of the immediate family unless, after considering the guidelines in subsection D of this section, the court finds that another person would better represent the interests of the minor or vulnerable adult for purposes of this chapter.
- D. The court shall consider the following guidelines in appointing a representative for a minor or vulnerable adult victim:
 - 1. Whether there is a relative who would not be so substantially affected or adversely impacted by the conflict occasioned by the allegation of criminal conduct against a member of the immediate family of the minor or vulnerable adult that the relative could not represent the victim.
 - 2. The representative's willingness and ability to do all of the following:
 - (a) Undertake working with and accompanying the minor or vulnerable adult victim through all proceedings, including criminal, civil and dependency proceedings.
 - (b) Communicate with the minor or vulnerable adult victim.
 - (c) Express the concerns of the minor or vulnerable adult victim to those authorized to come in contact with the minor or vulnerable adult as a result of the proceedings.
 - 3. The representative's training, if any, to serve as a minor or vulnerable adult victim's representative.
 - 4. The likelihood of the representative being called as a witness in the case.
- E. The minor or vulnerable adult victim's representative shall accompany the minor or vulnerable adult through all proceedings, including delinquency, criminal, dependency and civil proceedings, and, before the minor's or vulnerable adult's courtroom appearance, shall explain to the minor or vulnerable adult the nature of the proceedings and what the minor or vulnerable adult will be asked to do, including telling the minor or vulnerable adult that the minor or vulnerable adult is expected to tell the truth. The representative shall be available to observe the minor or vulnerable adult in all aspects of the case in order to consult with the court as to any special needs of the minor or vulnerable adult. Those consultations shall take place before the minor or vulnerable adult testifies. The court may recognize the minor or vulnerable adult victim's representative when the representative indicates a need to address the court. A minor or vulnerable adult victim's representative shall not discuss the facts and circumstances of the case with the minor or vulnerable adult witness, unless the court orders otherwise upon a showing that it is in the best interests of the minor or vulnerable adult.



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We realize you may be dealing with difficulties during the COVID-19 pandemic. The Department of Veterans Affairs (VA) may be able to help.

WHAT WE'RE DOING

If you have...



New VBA debt (established after April 1, 2020)

Collection actions have stopped until October 2021. You do not have to act until you receive the Debt Management Center's (DMC) notification letter after October 1, 2021.



New and existing Veterans Health Administration (VHA) medical care debt

Due to the passage of the American Rescue Plan, copayments for medical care and prescriptions provided by the VHA during the period of April 6, 2020 through September 30, 2021 will be cancelled. All copayments paid to VA for medical care and prescriptions for the period of April 2020 to present will be refunded. For more information, call the Health Resource Center at **1-866-400-1238**.

VA will resume debt collection activities beginning October 1, 2021.

OTHER VA DEBT-RELATED EFFORTS

- VA will **not** refer delinquent debts to credit reporting agencies or the Department of the Treasury through September 30, 2021
- VA Home Loan applications will continue for Veterans with unresolved debt payment issues

For help or to confirm whether this information applies to your VA benefit debt, contact the Debt Management Center by submitting an online inquiry at: <https://iris.custhelp.va.gov/app/ask> or call **1-800-827-0648**.

IF YOU NEED ASSISTANCE

For assistance with benefit-related claim support, please visit our website at: <https://benefits.va.gov> or call **1-800-827-1000**.

We're working to find additional ways to serve you during this crisis. Please follow national and local guidelines to stay healthy and safe.

**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.**