



MARICOPA COUNTY SHERIFF'S OFFICE

JOSEPH M. ARPAIO
SHERIFF



November 30, 2009

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

Re: Complaint Regarding Retired Judge Kenneth Fields

Dear Commissioners:

Please accept this letter as a formal complaint against Retired Judge Kenneth Fields for his violating the judicial canons, failing to uphold the integrity and independence of the judiciary, failing to perform the duties of his office impartially, and displaying conduct that brings the judiciary into disrepute.

My name is David Hendershott and I am the Chief Deputy of the Maricopa County Sheriff's Office, 100 West Washington Suite 1900 Phoenix, Arizona 85003 . My telephone number is: 602.876.1801.

I respectfully request that the Commission investigate Judge Fields for conduct that may violate the Judicial Code of Conduct. The incidents that may violate the Judicial Code are specifically alleged below as follows:

First, the Maricopa County Sheriff's Office served as the investigating agency in the criminal matter involving County Supervisor Donald T. Stapley, Jr., CR2008-009242 . Chief Judge Barbara Mundell selected Judge Fields to preside over the case. However, Judge Fields made public statements reflecting his open hostility towards the prosecuting agency. For example, the Arizona Republic quoted Judge Fields as calling County Attorney Andrew Thomas and special prosecutor Dennis Willencheck's actions "reckless." Similarly, just weeks before Judge Mundell appointed Judge Fields to the Stapley matter, Judge Fields made statements to the Veterans' Court Committee showing his negative opinion of the Sheriff's Office and County Attorney Thomas. A court employee, Robin Hoskins, witnessed Judge Fields' statements and felt the statements raised enough concern that Ms. Hoskins ultimately reported Judge Fields'

statements to Judge Anna Baca. Judge Fields erred when he did not recues himself in the Stapley matter in spite of his clearly inappropriate public statements and clear hostility towards the prosecution. Instead of recusing himself, Judge Fields refused to disclose how or why he was appointed and refused to acknowledge any conduct that demonstrated his lack of impartiality.

Second, although I understand that the Commission's does not address actual decisions on cases, I want to bring one specific decision to the Commission's attention. Judge Fields' decision in *State v. Stapley*, currently on appeal, set aside over 15 years of action by the Maricopa County Board of Supervisors. The Board intended to adopt financial disclosure requirements and in fact had required its members to make certain disclosures every year . The Board's actions clearly impacted the Sheriff's Office as the investigative agency charged with ending public corruption. Yet, Judge Fields' decision ignored these concerns.

Finally, upon information and belief Judge Fields knew about pending issues involving Judge Mundell, including Judge Mundell's connection to both the court tower investigation and the Stapley investigation supervisor Don Stapley. Further, upon information and belief, Judge Fields obtained this information because he is Judge Mundell's long-time friend and trusted confidant. I believe Judge Fields' knowledge that his friend Judge Mundell played a part in several Sheriff's Office investigations caused Judge Fields to be even more biased against the Sheriff's Office and other prosecuting agencies.

I affirm, under penalty of perjury, that the foregoing information and the allegations contained in the attached complaint are true and correct.

Signature *[Handwritten Signature]* Date: 11/30/09

Sworn before me this 30th day of November, 2009

[Handwritten Signature]
(Signature of Notary Public)

My Commission Expires:

