

State of Arizona
COMMISSION ON JUDICIAL CONDUCT

Disposition of Complaint 10-081

Complainant: No. 0009310319A

Judge: No. 0009310319B

ORDER

The complainant alleged a judge failed to rule on his Rule 32 petition within the required time. The commission reviewed the complaint and found no evidence of ethical misconduct on the part of the judge. The complaint is dismissed pursuant to Rules 16(a) and 23.

Dated: June 15, 2010.

FOR THE COMMISSION

\s\ Keith Stott

Executive Director

Copies of this order were mailed
to the complainant and the judge
on June 15, 2010.

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**2010-081****COMPLAINT AGAINST A JUDGE****Your name:** _____**Judge's name:** _____**Date:** 03/23/2010

Instructions: You can use this form or plain paper of the same size to file a complaint. Please describe in your own words what the judge did that you believe constitutes judicial misconduct. Be specific and list all of the names, dates, times and places that will help us understand your concerns. You may attach additional pages but not original court documents. Print or type on one side of the paper only, and keep a copy of the complaint for your files.

Judge is in violation of Canon 3B(8) of the Arizona Code of Conduct.
This is because of her failure or refusal to promptly dispose of my Rule 32 of-
Right Petition. ¶ The 20-page Petition was lodged by my attorney, Cedric
Martin Hopkins, on November 27, 2009. The State's 11-page Response
(which contained a request for summary Judgment at pages 1, 10, and 11
of the Response) was filed on December 2, 2009. My attorney's 12-page Reply
was lodged on December 31, 2009. ¶ In violation of Rule 32.6(c) of the
Arizona Rules of Criminal Procedure (ARCP), Judge has failed or
refused to review my Rule 32 Petition within twenty days after my Reply was
filed. ¶ Furthermore, Judge is in violation of Article 6 § 21 of the
Arizona Constitution by failing/refusing to decide on my Rule 32 of-Right Petition
within 60 days of its submission. ¶ As per ARCP Rule 32.3, my Rule 32 Petition
is part of the original criminal action (Apache County CR) and not
a separate action such as an appeal or special action. Therefore, it is
subject to the same time limits as any criminal procedure before a
Superior Court in Arizona. ¶ This instant failure/refusal to dispose of
this judicial matter, promptly, is further evidence of a pattern of
practice against me by Judge (See Complaint 07-238 Filed by me
with this Commission in 2007; and also Special Action CA-SA 09-0063, BARR
v. Grimsley/Wilkins.) This pattern of practice is characterized by the two (above
referenced) delays of more than one year, each, in decisions/orders that
should have taken less than 20 days. Is that to be the fate of my Rule
32 of-Right Petition?! Justice delayed is justice denied.
Please recommend that Judge should voluntarily excuse her-
self from this case.

(Attach additional sheets as needed)