

State of Arizona
COMMISSION ON JUDICIAL CONDUCT

Disposition of Complaint 11-269

Complainant: No. 1430110205A

Judge: No. 1420110205B

ORDER

The complainant alleged that a superior court judge failed to ensure he received copies of the court rulings on his several Rule 32 petitions for post-conviction relief.

The responsibility of the Commission on Judicial Conduct is to impartially determine if the judge engaged in conduct that violated the provisions of Article 6.1 of the Arizona Constitution or the Code of Judicial Conduct and, if so, to take appropriate disciplinary action. The purpose and authority of the commission is limited to this mission.

After reviewing the information provided by the complainant and the response from the judge, the commission found no evidence of ethical misconduct and concluded that the judge did not violate the Code in this case. Accordingly, the complaint is dismissed in its entirety pursuant to Rules 16(a) and 23.

Dated: February 23, 2012.

FOR THE COMMISSION

/s/ George Riemer

George A. Riemer
Executive Director

Copies of this order were mailed to the complainant and the judge on February 23, 2012.

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**2011-269****COMPLAINT AGAINST A JUDGE**

Your Name:

Judge's Name:

Date: 10-24-2011

Instructions: Describe in your own words what the judge did that you believe constitutes misconduct. Please provide all of the important names, dates, times, and places related to your complaint. You can use this form or plain paper of the same size to explain your complaint, and you may attach additional pages. Do not write on the back of any page. You may attach copies of any documents you believe will help us understand your complaint.

THE ABOVE NAMED JUDGE WAS TRIAL JUDGE IN MARCH 1, 2005 SENTENCING JUDGE IN MAY 31, 2005 AND RULE 32 JUDGE IN MY CASE ON MAY 31ST 2005 I WAS SENTENCED TO 15 YEARS FIAT FOR ALLEGEDLY POINTING A GUN AT A ALLEGED VICTIM A CLASS 3 DANGEROUS FELONY AND 2ND DEGREE ESCAPE 2 YEARS AFTER I LOST TRIAL. THE JUDGE AT HIS OWN DISCRETION AMENDED THE INDICTMENT WHEN THE STATE ALLEGED A ARS 13-604.T VIOLATION PRIOR TO TRIAL. MY PROBLEM IS THAT TWICE DURING MY RULE 32 PETITIONS I HAVE NOT BEEN NOTIFIED OR GIVEN NOTICE THAT MY PETITIONS HAVE BEEN DISMISSED MY FIRST PETITION WAS DISMISSED ON MARCH 27, 2009 AND I WAS NOT MADE AWARE UNTIL I ASKED MY ATTORNEY AND I WAS GIVEN TIME EXTENSION ON 10-21-09 ON MARCH 25 2010 I FILED A PETITION ON FACTS THAT EXIST WICH PROVE I AM INNOCENT WHERE THE ALLEGED VICTIM WROTE A LETTER CLAIMING TO HAVE BEEN THREATENED BY THE STATE PROSECUTOR AND COERCED THE JUDGE NEVER EVEN ASKED FOR A INVESTIGATION NOR did He GIVE ME A NOTICE OF DISMISSING MY CLAIM NOW ON THE 19 OF OCT 2011 I RECIEVE A LETTER FROM THE RULE 32 MANAGEMENT UNIT WITH TWO MINUTE ENTRY'S STATEING MY POST CONVICTION PROCEEDINGS WERE DISMISSED ON 3-3-2011 WICH MAKES IT THE SECOND TIME THE SAME INCIDENT HAPPENS I DO NOT KNOW IF THIS IS HIS WAY OF HARASSMENT OR WHY THIS CONDUCT IS HAPPENING I KNOW I AM ENTITLED RELIEF AND He CAN DENIE IT IF He WISHES BUT I HAVE A RIGHT TO BE NOTIFIED WHEN He DISMISSES MY PETITIONS, APPROXIMATELY A WEEK BEFORE I RECIEVED THIS LETTER I WROTE TO THE CLERK OF THE COURT AND ASKED ABOUT THIS CASE NUMBER AND ANOTHER, I BELIEVE IF I HAD NOT WROTE TO THE CLERK I WOULD OF STILL BEEN WAITING FOR A RESPONSE TO MY POST CONVICTION RELIEF PROCEEDINGS.

(Attach additional sheets as needed.)