

State of Arizona
COMMISSION ON JUDICIAL CONDUCT

Disposition of Complaint 17-156

Judge:

Complainant:

ORDER

A superior court judge self-reported a delayed ruling in a criminal case.

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 review, 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(a).

Commission members Art Hinshaw, Roger D. Barton and Margaret H. Downie did not participate in the consideration of this matter.

Dated: August 16, 2017

FOR THE COMMISSION

/s/ George A. Riemer
George A. Riemer
Executive Director

Copies of this order were distributed to all appropriate persons on August 16, 2017.

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

2017-156

RE: Self Report of Violation of 60 Day Rule

The [redacted] has a protocol for processing Rule 32 Petitions for Post-Conviction Relief. All Petitions are monitored by an Assignment Judge and staff attorney until they are ripe for a judicial ruling. When they are ripe, the Assignment Judge will issue a Minute Entry reflecting the appointment for a Judicial Officer's ruling. The staff attorney will e-mail the Judge assigned advising him/her of the assignment along with the pleadings filed. If the staff attorney opines that the Petition is untimely, she will also forward a draft ruling reflecting that conclusion.

On [redacted], our Rule 32 Assignment Judge advised me that a Rule 32 case that had been assigned to me in [redacted] had not been ruled on. I have had a [redacted] and so, I have done [redacted] of Rule 32 cases. My protocol has been to copy the Assignment Judge's e-mail to my Judicial Assistant, review the pleadings and whatever else is necessary, and then e-mail a ruling to my Clerk and Judicial Assistant. Because my Judicial Assistant and I have long ago purged e-mails, neither of us can uncover where the glitch arose for [redacted] case. The best guess is that it was related to the fact that [redacted] case had been filed under seal by a previous Judge.

I met with the current Rule 32 Assignment Judge on [redacted]. We shared that we both investigated our respective files to try to figure out how it happened without success. I advised her that I would issue a ruling as soon as possible and notify you folks.

I have included with this letter the e-mail that the Rule 32 Team had found in their records and forwarded to me on [redacted], and my now issued ruling. In my ruling, I acknowledged that it was much delayed, and I apologized to the parties. To this Body, I now acknowledge my breach of the 60 day Rule and apologize.

Respectfully,

*Arizona Commission on Judicial Conduct
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