

State of Arizona
COMMISSION ON JUDICIAL CONDUCT

Disposition of Complaint 20-336

Judge:

Complainant:

ORDER

February 17, 2021

The Complainant alleged a superior court judge failed to issue a timely ruling and made improper rulings in his 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).

Copies of this order were distributed to all appropriate persons on February 17, 2021.

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

FOR OFFICE USE ONLY

2020-336

COMPLAINT AGAINST A JUDGE

Your name: _____ Judge's name: _____ Date: _____

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.

On _____, I submitted a Petition/Motion to Correct the Sentencing on _____ Pursuant to Article 6 § 21 of the Arizona Constitution, the _____ is required to act on all filings within a _____ period. However, the Court (_____) failed to act on the Defendant's Motion that was filed on _____ (and has still yet to rule on the Motion). While the Defendant had a Rule 32 pending, the Petition was not filed under Rule 32 statutes as the Motion dealt with an error by the Court in sentencing Defendant with _____ However, pursuant to _____ (_____) the Court must identify the felonies as " _____ " as the _____ were dependent on each other. The Judge (_____) over the Defendant's case has refused to abide by Article 6 § 21 of the Arizona Constitution, the _____ has additionally committed perjury by signing, and avowing under penalty of perjury, any and all documents stating that he has no issues on his case load that has not been addressed in the _____ required by the Arizona Constitution, and procedural required, per se, as a function of Due Process of Law (5th and 14th Amendment; Article II § 4), at Arizona Rules of the Supreme Court Rule 91(e). Additionally, the _____ Court Clerk of Court filed Defendant's Petition for Writ of Habeas Corpus as a Post-Conviction Relief Brief on _____ and had ordered the State to respond by _____. The State filed their Response on _____ which is in violation of Arizona of Criminal Procedure Rule 32.9 as the Court (_____) had order the State to respond by _____ and the State had not filed requesting for an extension of time, and no extension was granted by the Court (_____). However, the Court (_____) accepted the State's filing even after the Defendant filed Motions requesting that the Court strike the State's Response from the record as untimely, which the Judge (_____) denied. The Court (_____) placed on the record that the State is not being held to the same standards as pro se inmates. Also pursuant to Rules of Criminal Procedure Rule 32.9 (a)(2), the State failed to meet the requirements of providing actual evidence to contradict the facts that the Defendant has now placed on the record of the cases in question, yet the _____ not only allowed the State's Response to be retained on the record, but he used the statements without facts from the State to overrule the facts submitted by the Defendant.

This abuse of discretion, abuse of power, and misconduct by the _____ has violated _____ federal constitutional rights to Due Process, Amendments 4, 5, 6, and 14, the Arizona State Constitutional rights, Article 2 section 1, 4, 5, 15, and 24, the color of the law, and the supremacy clause of the federal constitution.

COMPLAINT AGAINST A JUDGE

FILE NO. _____

TO THE COMMISSION ON JUDICIAL CONDUCT:

I, the undersigned complainant, believe that Judge _____ of the (check one) municipal court; justice court; superior court; court of appeals; or supreme court located in the city of _____ and county of _____, Arizona, has committed misconduct.

GENERAL ALLEGATIONS

I also allege that the judge's misconduct involves one or more of the following (check all that apply):

A plea of guilty or no contest or a finding of guilty to a crime punishable as a felony under Arizona or federal law or of any other crime that involves moral turpitude under such law.

A disability that seriously interferes with the performance of judicial duties that is or is likely to become permanent.

Willful misconduct in office.

Willful and persistent failure to perform duties.

Habitual intemperance (addiction to alcohol or drugs).

Conduct prejudicial to the administration of justice that brings the judicial office into disrepute.

A violation of the Arizona Code of Judicial Conduct.

In support of these allegations, I submit the attached statement of facts and request that the commission take appropriate action to investigate the judge's conduct.

Complainant's name: _____ Telephone: _____

Street Address: _____

City: _____ State: _____ Zip Code: _____

Complainant's Signature: _____ Date: _____

Check here if you are involved in a lawsuit that is still pending before this judge. Case No.: _____

Statement of Facts

Your Name:

Judges Name:

Date:

On _____, I submitted a Petition/Motion to Correct the Sentencing on _____ Pursuant to Article 6 § 21 of the Arizona Constitution, the _____ Court is required to act on all filings within a _____ period. However, the Court (_____) failed to act on the Defendant's Motion that was filed on _____ (and has still yet to rule on the Motion). While the Defendant had a Rule 32 pending, the Petition was not filed under Rule 32 statutes as the Motion dealt with an error by the Court in sentencing Defendant with _____. However, pursuant to _____ the Court must identify the felonies as “ _____ ” as the _____ were dependent on each other. The Judge (_____) over the Defendant's case has refused to abide by Article 6 § 21 of the Arizona Constitution, the _____ has additionally committed perjury by signing, and avowing under penalty of perjury, any and all documents stating that he has no issues on his case load that has not been addressed in the _____ required by the Arizona Constitution, and procedural required, per se, as a function of Due Process of Law (5th and 14th Amendment; Article II § 4), at Arizona Rules of the Supreme Court Rule 91(e).

Additionally, the _____ Clerk of Court filed Defendant's Petition for Writ of Habeas Corpus as a Post-Conviction Relief Brief on _____ and had ordered the State to respond by _____. The State filed their Response on _____ which is in violation of Arizona of Criminal Procedure Rule 32.9 as the Court (_____) had order the State to respond by _____ and the State had not filed requesting for an extension of time, and no extension was granted by the Court (_____). However, the Court (_____) accepted the State's filing even after the Defendant filed Motions requesting that the Court strike the State's Response from the record as untimely, which the Judge (_____) denied. The Court (_____) placed on the record that the State is not being held to the same standards as pro se inmates. Also pursuant to Rules of Criminal Procedure Rule 32.9 (a)(2), the State failed to meet the requirements of providing actual evidence to contradict the facts that the Defendant has now placed on the record of the cases in question, yet the _____ not only allowed the State's Response to be retained on the record, but he used the statements without facts from the State to overrule the facts submitted by the Defendant.

This abuse of discretion, abuse of power, and misconduct by the _____ has violated _____ federal constitutional rights to Due Process, Amendments 4, 5, 6, and 14, the Arizona State Constitutional rights, Article 2 section 1, 4, 5, 15, and 24, the color of the law, and the supremacy clause of the federal constitution.