

State of Arizona
COMMISSION ON JUDICIAL CONDUCT

Disposition of Complaint 24-074

Judge:

Complainant:

ORDER

June 14, 2024

The Complainant alleged a justice of the peace improperly delayed ruling on a motion to seal filed in a 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 reviewed all relevant available information and concluded there was not clear and convincing evidence of ethical misconduct in this matter. The Commission particularly noted that the court file in the underlying criminal case was purged prior to the filing of this complaint, in accordance with that court's record retention policy. The Commission lacks sufficient evidence to evaluate the allegation of a delayed ruling. The complaint is therefore dismissed pursuant to Commission Rules 16(a) and 23(a).

Commission member Barbara Brown did not participate in the consideration of this matter.

Copies of this order were distributed to all appropriate persons on June 14, 2024.

CONFIDENTIAL

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

FOR OFFICE USE ONLY

2024-074

COMPLAINT AGAINST A JUDGE

Name:

Judge's Name:

Instructions: Use this form or plain paper of the same size to file a complaint. Describe in your own words what you believe the judge did that constitutes judicial misconduct. Be specific and list all of the names, dates, times, and places that will help the commission understand your concerns. Additional pages may be attached along with copies (not originals) of relevant court documents. Please complete one side of the paper only, and keep a copy of the complaint for your records.

I was acquitted of all charges in this case in _____ When the new law passed to seal records, I filed a petition to seal on _____ with _____ Court. Judge _____ has failed to rule on my petition to seal, period. I believe they are supposed to rule on motions within 60 days of filing. Here we are a year later with no ruling.

I have called and gone in person to _____ Court at least _____ times over the past year and always talked to supervisor _____ to find out if it was ruled on or why not. _____ could not give ever me any answers.

The Judge has failed in her duty to rule on petitions before her.

Person Filing: _____
Mailing Address: _____
City, State, Zip: _____
Phone: _____
Representing: Self Attorney Other State Bar No. _____

County Courts, Arizona

STATE OF ARIZONA
vs.

CASE NUMBER: _____

Defendant

PETITION TO SEAL CRIMINAL CASE RECORDS (ARS § 13-911)

Read ARS § 13-911 in its entirety before completing this petition. This petition is intended to help those who are seeking to seal a criminal case record under ARS § 13-911 and refers solely to the records that exist under the control of the courts, Department of Public Safety, prosecutor's offices and law enforcement agencies. Any case record that was published or distributed prior to sealing may still be accessible and may not be impacted by the granting of an order to seal case records.

NOTE: Items marked with an asterisk (*) are required fields.

Pursuant to ARS § 13-911, Petitioner hereby petitions the court to order the sealing of criminal case records related to Petitioner, as indicated in this petition. As grounds for this petition, Petitioner states as follows:

SECTION I. CASE RECORDS RELATED TO A CRIMINAL OFFENSE

1. PETITIONER'S INFORMATION (required)*

- a. Petitioner's name:* _____
- b. Petitioner's address:* _____
- c. Date of birth:* _____
- d. Email address:* _____
- e. Name at the time of arrest, if not the same as above:* Same as above

2. CASE RECORD INFORMATION (required)*

- a. What were you charged with or the offense for which you were arrested if no charges were filed:

- b. Court that adjudicated the charge(s) or if charges were not filed, the court that would have adjudicated the charge(s):
Court
- c. Court case number if charge(s) were filed:
 1. Count I: _____
 2. Count II: _____
 3. Count III: _____
 4. Count IV: _____

Additional counts continue on a separate page.

3. ADDITIONAL CASE RECORD INFORMATION (if known)

- a. Location of arrest: _____
- b. Name of the arresting agency: County Sheriff
- c. Date of arrest: _____
- d. Name of the prosecuting agency if charges were filed: County Prosecutor
- e. Name of the justice court and the justice court case number if the case was initially filed in a justice court but was transferred to the superior court. n/a

4. DESCRIBE YOUR SITUATION (required)*

You must check at least one box that applies to your situation.

- I was arrested for a criminal offense and no charges were filed. **If checked, please go to Section III.**
- I was charged with one or more criminal offenses and the charge(s) were subsequently dismissed or resulted in a not guilty verdict at trial. A dismissal or not guilty verdict was entered on _____.
- I was charged with a criminal offense and a judgment of guilt was entered on _____.

SECTION II. SENTENCE COMPLIANCE

- 1. I have satisfied all required monetary terms of the sentence, including outstanding fines, fees, restitution, or other court-ordered financial obligations.* Yes No N/A.
- 2. I have completed all other terms of the sentence, such as incarceration, probation, employment, classes, drug/alcohol testing, or other requirements.* Yes No N/A.
- 3. I have received an absolute discharge from the Arizona Department of Corrections.* Yes No N/A.

You may not file this petition if you checked "No" to questions 1, 2 or 3 above.

SECTION III. PRIOR SEALING OF RECORD(S)

- 1. Have you previously filed a petition to seal case records under ARS § 13-911 in this case? Yes No
If yes, what was the date of your last petition? _____

SECTION IV. OTHER INFORMATION FOR THE COURT

- 1. Have you been convicted of any other offenses since the conviction for which you are asking the court to seal records?
 Yes No
- 2. Are there any pending charges that you are aware of that have been filed against you? Yes No Unknown.
- 3. Is there anything else you would like the court to consider regarding this petition?

Ruling was Rule 20 Acquittal.

- 4. Attached is other pertinent documentation (non originals). List attached documents:

Judgment Sentence Order - Acquittal

NOTICE
 This petition may be denied if information in this petition is found to be inaccurate.
 You must notify the court of any new charges that are filed against you after this petition is filed, regardless of state or jurisdiction.
 If you filed an appeal from a limited jurisdiction court regarding the charges that you seek to have sealed, you must also file a petition in superior court if you want those records sealed.

DECLARATION

I declare under penalty of perjury that the information I have provided in this petition and any attachments are true and correct to the best of my knowledge.

Date _____

 Petitioner / Petitioner's Attorney Signature

Printed Name: _____
 Mailing Address: _____
 City, State, Zip: _____

County Courts, Arizona

STATE OF ARIZONA

CASE NUMBER: _____

JUDGMENT AND SENTENCE ORDER

MODIFIED (All terms of the original order not modified remain in full force and effect.)

Defendant: 0

THE COURT RENDERS JUDGMENT and Orders as follows:

Violation Codes: 15-1402 A A. _____ B. _____ C. _____ D. _____ E. _____

Not Guilty / Not Responsible	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Dismissed	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Guilty / Responsible	\$ _____	\$ _____	\$ _____	\$ _____	\$ _____	\$ _____
Surcharges waived	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Sentence Suspended	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

Attorney Reimbursement \$ _____ Warrant Fee \$ _____ \$30.00 Default Fee \$35.00 FARE Delinquent Fee

FARE Special Collection Fee \$15.00 Drug Assessment Per Charge (Effective offense date 8/2/12 - 8/5/16)

\$50.00 DV Services Fund Assessment (Effective 7/20/11) \$50.00 DV Address Confidentiality Assessment (Effective 1/1/2012)

Restitution

- Restitution shall be paid through the Maricopa County Check Enforcement Program, 3131 W. Durango Rd., Phoenix, Arizona 85009 (602-372-7300) in monthly installments of \$ _____ beginning on the _____ day of _____ and each month thereafter until paid in full. For a total of: \$ _____
- Shall be paid to the victim(s) as directed on the Order for Payment of Restitution.
- | | | | | | | |
|---------------------------|----------|----------|----------|----------|----------|----------|
| DUI (Prison Constr Fund) | \$ _____ | \$ _____ | \$ _____ | \$ _____ | \$ _____ | \$ _____ |
| DUI (Addl Assessment) | \$ _____ | \$ _____ | \$ _____ | \$ _____ | \$ _____ | \$ _____ |
| OUI (Boating Safety Fund) | \$ _____ | \$ _____ | \$ _____ | \$ _____ | \$ _____ | \$ _____ |
| EXTREME DUI (Abatement) | \$ _____ | \$ _____ | \$ _____ | \$ _____ | \$ _____ | \$ _____ |
- The defendant shall pay jail costs for every day served on these charges at the rate of \$307.00 for the first day and \$90.00 for every day thereafter. For a total of: \$ _____
- The fine shall be reduced if the defendant shows the following proof to the court NO LATER THAN: _____
- Insurance (in effect on the date of violation) A new 6-month policy of insurance Current registration
- Legible or duplicate driver's license Reinstated driver's license Other: _____

ALL AMOUNTS ARE DUE AND PAYABLE TODAY. If you are unable to pay today you must report to the Court's Fines Manager. A \$20.00 time payment fee will be added to fine(s) not paid in full today. Additional penalties will be added to all balances not paid as agreed. Collection costs will be added to all balances referred to a collection agency.

Cash bond of \$ _____ shall be applied as follows:

\$ _____ \$ _____ \$ _____ \$ _____ \$ _____ \$ _____

Any remaining bond is exonerated.

IT IS FURTHER ORDERED: Reduced agreed

- Additional orders as set forth on the JUDGMENT AND SENTENCE ORDER ADDENDUM
- Additional orders as set forth on the DOMESTIC VIOLENCE ADDENDUM.

Until all conditions of this order are completed, you must immediately notify the court in writing of any change of address or telephone number.

Date: _____
Justice of the Peace

I acknowledge receipt of a copy of the foregoing Judgment and Sentence Order. I understand that, if I fail to comply, the court will take appropriate action as follows: Direct MVD to suspend my driver's license and/or registration. My privilege to drive will remain suspended until the judgment and any additional penalties are paid in full, or issue an order requiring me to show cause why I should not be held in contempt and a warrant may be issued for my arrest.

I am a teacher certified to teach by the Board of Education or I am teaching in a community college district or a charter school.

I am not a teacher.

Date: _____
Defendant's signature _____