

State of Arizona
COMMISSION ON JUDICIAL CONDUCT

Disposition of Complaint 21-026

Judge:

Complainant:

ORDER

April 7, 2021

The Complainant alleged a superior court judge improperly dismissed his post-conviction relief matter.

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).

Commission members Roger D. Barton and Louis Frank Dominguez did not participate in the consideration of this matter.

Copies of this order were distributed to all appropriate persons on April 7, 2021.

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2021-026

COMMISSION ON JUDICIAL CONDUCT

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1501 W. Washington St, Suite 229

Phoenix, Arizona 85007

Re: Due Process Complaint

Subject: Judge

I, _____, with assistance (I am a blind inmate), file this
complaint against Judicial Officer Judge _____,
judge in _____ county.

The complaint is as follows.

In _____ and most recently in _____ I filed Notices for
Post-Conviction Relief, expecting to file my actual PCR brief once all
matters had been resolved. I was not afforded that process, thus
denying me the right granted to others similarly situated. I have
attached the following exhibits to prove my point.

Exhibit 1; Filed Notice of PCR dated _____

Exhibit 2; Courts Summary Dismissal dated _____

Exhibit 3; My objection to the Dismissal/Reconsideration

Exhibit 4; Denial of Reconsideration

*Delay Due to COVID-19 epidemic,
/

Our Court has repeatedly stated that a " " is a " 'form, which lets all parties aware that a brief shall be filed. (Most recently in Garza v. Idaho, 139 S Ct. 733 (2019)). (See ARCP Rule 32.4 (b)(2))

In Arizona our Rule 32 system has been substantially amended and the Notice does not require a petitioner to produce an actual claim, provide any details, submit evidence etc. That is the province of a brief. (See ARCP Rule 32.7 (b)).

I provided all the necessary information required in the Notice but Judge dismissed the Notice outright just after my Notice was filed. Because the Judge wrote I provided " " regarding what the text, video, or change in law might be, that I provided no " " that renders my sentence unlawful, and there was no way to determine the " " of my claims " "

I submitted more information on the reconsideration to provide more details and laws on why I must be afforded an opportunity to file an actual brief but the Judge denied my request. Stating I made a " " argument in a previous PCR filed on , which was also summarily dismissed.

But, the fact is I am making new claims not " " claims. In summary I have been denied DUE PROCESS of Law (USCA 14).

This Due Process violation, I have heard, was also happening in County (See Complaint No.) but this has been corrected after the filing of a complaint.

allowing petitioners to have briefs filed and not summarily dismissing " " "

I understand this commission has no " " to really sanction judges who violate Due Process of law but it can and has put judges on notice. My intention is for this commission to do an actual investigation into this matter. Even though it cannot really help justice for defendants like me.

All I have asked is for the Courts (Judges) to allow me to file an actual brief and use of the full panoply of our adversarial system our justice relies on, which wealthy petitioners have at their disposal by the use of an attorney.

I thank this commission for its time and patience and would be grateful for any full and fair hearings.

FILED
TIME _____

**IN THE COURT OF THE STATE OF ARIZONA
IN AND FOR THE COUNTY OF**

**CLERK'S NOTICE OF FILING A RULE 32
NOTICE OF POST-CONVICTION RELIEF**

STATE OF ARIZONA,	Plaintiff,	County	Court #:
Vs.			
	Defendant.		

I, _____, Deputy Clerk for the _____ Court of the State of Arizona, in and for the County of _____, hereby notify you of the filing of a Rule 32 Notice of Post-Conviction Relief in the above entitled cause.

This is to certify that this date I have forwarded a copy of the Rule 32 Notice of Post-Conviction Relief in its' entirety to the Arizona _____ the _____ County Office, the Attorney for the Defendant, or Defendant Pro _____

Copy mailed this _____ :

cc:

Form 24(b). Notice Requesting Post-Conviction Relief

Court Name or Location:

County

STATE OF ARIZONA, Plaintiff

[CASE/COMPLAINT NO.]

-vs-

**NOTICE REQUESTING
POST-CONVICTION RELIEF**

Defendant (first, middle, and last name)

If the Defendant was sentenced after a trial or after a probation violation hearing, the Defendant must request relief under **Rule 32** of the Arizona Rules of Criminal Procedure.

If the Defendant was sentenced after a plea of guilty or no contest, after the admission of a probation violation, or after an automatic violation of probation, the Defendant must request relief under **Rule 33** of the Arizona Rules of Criminal Procedure.

There are time limits for filing this notice. See section C below. There are also time limits for filing a petition for post-conviction relief. See **Rules 32.7 and 33.7**.

A. INFORMATION ABOUT THE DEFENDANT:

1. Name (first, middle, and last): _____
2. Date of Birth: _____
3. Mailing address: _____
City, State, Zip Code: _____
4. Is the Defendant currently in jail or prison? Yes No
If yes, the Defendant's inmate number is: _____

B. INFORMATION ABOUT THE DEFENDANT'S SENTENCE:

1. The Defendant was sentenced on the following date: _____
2. The Defendant was sentenced after:
 - a plea of guilty or no contest.
 - a trial.
 - an admission of a probation violation.
 - an automatic violation of probation (because the Defendant was convicted of another crime).
 - a probation violation hearing.
3. The Defendant was sentenced in this case for the following crime or crimes: _____
4. The Defendant received the following sentence: _____
5. The Defendant was represented by the following lawyer at sentencing: _____
6. After the Defendant was sentenced, the Defendant had an appeal: Yes [] No
If yes, the appellate court issued its mandate on: _____

**THE COMMISSION'S POLICY IS
TO POST ONLY THE FIRST FIVE
PAGES OF ANY DISMISSED
COMPLAINT ON ITS WEBSITE.**

**FOR ACCESS TO THE
REMAINDER OF THE
COMPLAINT IN THIS MATTER,
PLEASE MAKE YOUR REQUEST
IN WRITING TO THE
COMMISSION ON JUDICIAL
CONDUCT AND REFERENCE
THE COMMISSION CASE
NUMBER IN YOUR REQUEST.**