

State of Arizona
COMMISSION ON JUDICIAL CONDUCT

Disposition of Complaint 21-084

Judge:

Complainant:

ORDER

August 4, 2021

The Complainant alleged a superior court judge improperly ordered action to be taken on a notice of post-conviction relief, which interfered with his right to due process.

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 Barbara Brown, Louis Frank Dominguez, Delia R. Neal, Christopher P. Staring and J. Tyrell Taber did not participate in the consideration of this matter.

Copies of this order were distributed to all appropriate persons on August 4, 2021.

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

FOR OFFICE USE ONLY

2021-084

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.

The United States legal system is based upon the principle that an independent, impartial, and competent judiciary, composed of men and women of integrity, will interpret and apply the law that governs our society. Thus the judiciary plays a central role in preserving the principles of justice and the rule of law. Inherent in all the rules contained in this code are the precepts that judges, individually and collectively must respect and honor the judicial office as a public trust and strive to maintain and enhance confidence in the legal system. This code establishes standards for the ethical conduct of judges and judicial candidates. The code is intended, however, to provide guidance and assist judges in maintaining the highest standards of judicial and personal conduct and to provide a basis for regulating their conduct through disciplinary agencies.

The code consists of four canons. The canons state overarching principles of judicial ethics that all judges must observe. The rules in this code have been formulated to address the ethical obligations of any person who serves a judicial function within the Arizona judicial branch, and are premised upon the supposition that a uniform system of ethical principles should apply to all those authorized to perform judicial functions.

Canon 1. A judge shall uphold and promote the independence, integrity, and impartiality of the judiciary, and shall avoid impropriety and the appearance of impropriety. Terminology in this code defines impropriety as conduct that violates the law, court rules or provisions of this code,

(Attach additional sheets as needed)

Continue
Attachment

and conduct that undermines a judge's independence, integrity, or impartiality.

Rule 1.1 Compliance with the law. Law is also defined as encompassing court rules as well as ordinances, regulations, statutes, constitutional provisions, and decisional law.

Mr. (Defendant) received a Notice from the county Court. The Notice was by Judicial Administrative Assistant

for Judge. The content of the Notice states the Petitioner has filed a Notice of Post-conviction Relief, and issued several orders pertaining to Mr. (Defendant) in (See Notice enclosed) The

Petitioner is unknown to Mr. based upon Mr. did not file a Notice of Post-conviction relief in on or about

Mr. New that the Arizona rules of Criminal Procedures would prohibit Mr. from filing a premature Notice of Post conviction, while Mr. case is with the jurisdiction of the Arizona Court.

Rule 32.4(3)(4). Judge (county Court) Not only abused his discretion, but has issued orders without adhering to the rules of the Court in which he knew or should have known is a violation. Issuing the orders shows misconduct with intent to interfere with Mr.

Due Process as well as violating the following canons of the Arizona Code of Judicial Conduct Canon 1, Rule 1.1, 1.2, Canon 2, Rule 2.3, Rule 2.5

Based off the terminology defined in the Code Judge has clearly violated the aforementioned rules. Thereby Mr. is requesting

the manifested conduct by Judge falls well within the rules of the Commission on Judicial Conduct General Provision Section B Rule and Rule 17 Section C should be applied.

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: _____

Mr. _____ Did Not file a Notice of Post conviction Relief
Judge _____ issued orders in a Notice, knowing that Mr.
Case is within the Jurisdiction of the court _____ Arizona
rules of criminal Procedures establishes the time for filing a Notice
of Post conviction Relief. Judge _____ did Not adhere to the
Rules of criminal Procedures Based upon the terminology prescribed
in the Arizona Code of Judicial conduct misconduct and abuse
of office has been established.

Thank you

A foregoing copy mailed to: The Department of
this day of _____

IN THE COURT
COUNTY, STATE OF ARIZONA

Date: _____

Judge: _____

By Judicial Administrative Assistant: _____

THE STATE OF ARIZONA,

Plaintiff,

vs.

Defendant(s).

NOTICE

The Petitioner has filed a Notice of Post-Conviction Relief.

IT IS HEREBY ORDERED appointing _____ to represent the Defendant as to the Post-Conviction Relief.

IT IS FURTHER ORDERED directing former counsel, _____, to provide new counsel with a copy of their file within () from the date of this Notice.

FURTHER ORDERED directing counsel for Post-Conviction Relief to file a Petition within () if appropriate, from the date of this Notice.

FURTHER ORDERED that the following transcripts be prepared and furnished to counsel on or before

<u>Transcript</u>	<u>Date</u>	<u>Reporter</u>
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Jury Trial-Day		
Jury Trial-Day		
Jury Trial-Day		
Jury Trial-Day		
Jury Trial-Day		
Jury Trial-Day		
Jury Trial-Day		
Priors Hearing		
Sentence		

**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.**