

State of Arizona
COMMISSION ON JUDICIAL CONDUCT

Disposition of Complaint 24-133

Judge:

Complainant:

ORDER

August 30, 2024

The Complainant alleged a superior court judge made an improper ruling and did not timely rule on a petition for post-conviction relief.

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 Denise K. Aguilar and Christopher P. Staring did not participate in the consideration of this matter.

Copies of this order were distributed to all appropriate persons on August 30, 2024.

CLERK OF COURT BY: _____

ARIZONA

COURT

COUNTY

Case No.

2024-133

STATE OF ARIZONA,

Plaintiff,

v.

Defendant

JUDICIAL MISCONDUCT COMPLAINT
AGAINST JUDGE

(To: Presiding Judge).

Defendant hereby lodges a judicial misconduct complaint against Court judge for violation of Arizona Code of Judicial Conduct (Hereafter "Ariz. CJC").

PREAMBLE

In Judge conducted a evidentiary hearing in the above captioned case to determine the parameters of sentence for 1st degree murder. As a result of the hearing judge held that had a illegally lenient sentence of determinate years with yrs. months community supervision and ordered to release from prison. Attachment 1.

Local news agencies lambasted judge for her ruling and filed a lawsuit against judge for her ruling.

The Court reversed ruling saying that the community supervision sentence was unlawful. Attch. 2.

The court of held the removal of the community supervision sentence release requirement was an amendment of sentence. Attch. 3.

filed a new Rule 32 PCR arguing that pursuant to A.R.S. 13-4032(5) and Rule 24.3, Ariz. R. Crim. P. as defined by State v. Dawson, 164 Ariz 278, 286 (1990) the state court(s) did not have jurisdiction to amend sentence to a harsher

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County Court Clerk of the

term of imprisonment years after the sentence issued.
Judge issued a ruling that was contrary to the record and the controlling law. Said that the state court never amended sentence even though the had already ruled the court did amend the sentence. ruled the year month community supervision was not part of the sentence even though the earlier court held a evidentiary hearing and found it was part of the sentence. ruled the sentence was never illegally lenient even though judge had already found it was. Said gave the court jurisdiction to correct the lenient sentence by filing a PCR, even though the law is well established that a appellate court cannot correct a sentencing error to the detriment of a criminal defendant based on its review of his PCR. State v. Dawson, 164 AriZ 278 (1998).
See Attachment 4.

Judge violated Rules 2, 2.2, 2.4(A) & (C) and 2.5(A) AriZ. CJC.

filed a Motion for Rehearing requesting judge to fix the errors in the ruling. Even though the rules require to rule on motion within months, over months has now passed with no ruling on the motion. has filed multiple request for a ruling with no response.

The intentional misstatement of material facts and rulings contrary to controlling law out of fear of public clamor, criticism and partisan interests violates Arizona's Code of Judicial Conduct.

Dated

By

Defendant Pro Se,

I, certify I gave the foregoing to prison officials for mailing on . By , Clerk of Court Original Plus Two Copies mailed to , Clerk of Court

ATTACHMENT 1

COURT, STATE OF ARIZONA, In and for the County of

STATE OF ARIZONA, vs. PLAINTIFF, DEFENDANT.	Case No. DECISION AND ORDER RE: MOTION FOR CLARIFICATION	<small>Clerk's Office use only.</small> FILED CLERK OF THE COURT BY _____ DEPUTY
HONORABLE		Date:

The court has reviewed Defendant's Motion for Clarification filed _____, and having set the time for a non-appearance review on an expedited basis for this date, and the State not having filed any response to the motion,

IT IS THE ORDER OF THE COURT GRANTING THE MOTION, as follows:

The _____ Decision and Order, stated:

THE COURT NOW CLARIFIES the _____ Decision and Order as follows:

This is a final order, pursuant to Rule 33.13, Ariz. R. Crim. Proc.

DATED THIS _____ DAY OF _____

JUDGE OF THE

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ATTACHMENT 2

**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.**