

State of Arizona
COMMISSION ON JUDICIAL CONDUCT

Disposition of Complaint 24-277

Judge:

Complainant:

ORDER

November 22, 2024

A superior court commissioner self-reported a delayed ruling in 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 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 Delia R. Neal did not participate in the consideration of this matter.

Copies of this order were distributed to all appropriate persons on November 22, 2024.

Attachments: [image001.png](#)

24-277

From:

Sent:

To: Commission on Judicial Conduct <CommissionJudicialCo@courts.az.gov>

Subject:

Good afternoon:

I am a Commissioner in Superior Court. One of my assignments is Court. This is a self-report of a matter that was assigned to me for more than 60 days without a decision.

In , the Defendant filed a Notice Requesting Post-Conviction Relief. The Defendant originally filed notice of the request on , in a Motion for Order to Produce Transcripts. The Motion noted that transcripts were needed for the “ ” petitions for post-conviction relief. Although the case was electronically assigned to the Court Judge in , the Clerk’s Office forwarded the Request to the wrong judicial officer. That judge ordered the preparation of transcripts, but they did not assign a PCR attorney or schedule an internal review. In spite of the judge’s Order, it does not appear that transcripts were ever prepared.

On , the Defendant filed a Notice Requesting Post-Conviction Relief. The Clerk’s Office forwarded the Notice to a second wrong judicial officer. That second judicial officer returned the Notice to the Clerk’s Office. The Clerk’s Office again forwarded the Notice to this same second wrong judicial officer. That second judicial officer again returned the Notice to the Clerk’s Office. It does not appear that the Clerk’s Office did anything further with the Notice.

Each of these two pleadings should have been forwarded to the judge assigned to Court. This is one of my assignments. They were never forwarded to my Division. Months passed.

On , the Defendant filed a Motion to Remove Sex Offender Registration. This Motion was forwarded to my Division on . This matter is assigned to me because I am assigned to Court. Upon review of the file, I saw the two previous requests from the Defendant, which had not been acted upon.

On , I ordered the preparation of transcripts, assigned a PCR attorney, and scheduled an internal review on .

I am speaking with the Clerk’s Office to find ways to avoid these kinds of mistakes in the future. I will also check with an specialists to see if there is a way to check to make sure these types of misassigned requests can be identified by my Division in a more timely manner.

Thank you for your consideration of this matter.

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Phone:

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