State of Arizona COMMISSION ON JUDICIAL CONDUCT

	Disposition of Complaint 11-024	
Complainant:	N	No. 1402610678A
Judge:	N	No. 1402610678B

ORDER

The complainant alleged that a superior court judge improperly denied his request to have transcripts prepared for his Rule 32 motion for post-conviction relief. The commission reviewed the allegations and found no evidence of ethical misconduct on the part of the judge. The judge acted within his authority in denying the request. The commission is not a court and cannot change judicial decisions. Accordingly, the complaint is dismissed in its entirety pursuant to Rules 16(a) and 23.

Dated: April 27, 2011

FOR THE COMMISSION

/s/ Keith Stott
Executive Director

Copies of this order were mailed to the complainant and the judge on April 27, 2011

This order may not be used as a basis for disqualification of a judge.

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	150) W. Washing for street, suite 229	
	Phoenix, Arizona 85007	
	STATE OF ARIZONA	
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	Commission for John Charles	
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	Complainant Comp	LATUT
	No:	
	Judge	
	Comes now the Complainant,	and hereby
THE STREET STREET, STREET, & Man.	requests this commission on Inscrib Contret, Pursuant to	·
	Conduct Rules, Supreme Court Roles and other Well-establish	1
	and discipline , sugge, Superior Cart	. 1
	Canby of Marriaga to protect the Rubire, Defendants,	and maintain high skewards
	for the judiciary and administration of justice. Con	uplamant Complaint 13
	based on the following memorandous of Points and	· 1 A
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Memorcalin of Porots and Authorities

factual Backround

on Ayast 31,2010 Complainant filed a "motion for Preparation of Post Conviction relief" Porsount A.R. crom. P. Rule 32.4, Ait. II & 4 constat Arry and the III Amendment due provess coust of u.s. Complainant requested the court to order preparations of the transcripts for the Initial appearance, Preliminary nearing, arraignment and each Settlement Court. In Cases 2003- and cazook- except settlement cont. on June 22m, 2009 and that the transcripts be sent to the auplanent for prepention of Post Convictory Relief. Complainant Specifically skeled he "needs them to show the court that he was demand buil unlawfilly by the court of Marrioga."

Complainent Specifically skets "Hon ... den [ies] complainent his

right to causel, right to release, the right to examine any forms presented to the judge, the right to examine any forms presented to the judge, the right to cross examine the alleged witnesses in case # 2004- the right to a hearing inherently similar to a preliminary hearing, and the right to hestify and present witnesses depriving [complainent] . 4 11 borby w. hart due process of law in violation of the XIII Amendment, bue process, Const of Vis .

Complement specifically shited he needed the transcripts", to show how my Altomay was

on Systember 14, 2010 Hon States, " Detendant's explaination of why he needs the transcripts prepared do not fell without the Seope of a Rule 32 processing. IT IS ORDERED damying defendants motion. (cazade minute untry 9/94/2010.)

I A The Commission on Judicial Conduct should investigate and discipline Hou because is unethroal by denying complainants request for transcripts, preparetron for Post Conviction Relief by Stating," Defendants explained from of why he news the transcripts prepared do not fall within the Scope of a Rule 32 proceeding.

The Commission on Judica (Conduct Should muestigate and discipline Hou

because is unethreal by denying complaints request for transcripts, preparation for Post Conviction Relief by Stating, " Defendants explaination of why he needs the transcripts prepared do not fall within the Suppe of a Rule 32 Proceeding, When in fact Complainants explaination why he needs the transcripts do fall within the Scope of Rule 32 proceedings-"Completenant regrested the court to order prepartion of the transcripts for initial experience, prelimming hearing, arrangement and each Settlement Conf The Cases CR 2003and cr 2006-"(nestron for preparation of lost Convertion Relief filed 8-13-2010) " Complainant specifically stated "Hom ... denied complainent his right to coursel, right to release, the right to examine any forms presented to the judge, the right to many me of the cross examine the alleged witnesses in case #2006- , the right to a hearing in herently similar to a preliminary hearing, and the right to testify and present w. Aresses depriving complainment & liberty without due process of low in wolfton of the XIV Amendment," du process, const et u.S. Complement specifically stated he needed the transcripts, "to show how my Attorney was ineffective in representing me? A. R. Cyrm P. Rule 32. 1 Scope of Remedy provides Gram for retrefare: a. The Conviction or the Sentence was in violation of the constitution of the United States or of the state of Armona. e.(2) The defendant exercided due diliquice in securing the newly discovered maternal facts A.R. CAMP. Rule 32. 1 Scope of Renedy Comment [Amended 2007] Greneral, the unifred procedure of Rule 32; 1) Consolibites the last five avenues ruto a single comprehensive remedy, (Answer habeas Curyus, write Curam mobrs, motion to movify or race to juyenent funder Court Rule 60(C)) motion for new trust or newly discovered evoluties and delegal expent)

All-crim P. Rule 32. 1 Scope of Remedy Comment [Amender 2007] continued

Rule 32.1 (6). most fraditional Collatural affactis are encompassed within paragraph

(8). Claims of denical of Canall, of Micompetency of Counsel, and of Michael of rights

based on the fedural or Arreona constitution are included.

Complement specifically state) he needed the trenscripts, "to show how my patronay was in effective in representing me" falls under the A.R. crim P. Rule 32.1 Scope of Penedy a. the Conviction or the sentence was in violation of the Constitution of the uniter states or of the State of Arrana, Arcrim p Rule 32.1 Scope of Renedy comment [Anendonatoward Rule 32. (a) neest to within pare grayon (c) claims of demal of Counsel, In competency of Loursel.

Compliance to specifically sheld "How ... denned compliance this right to coursel, right to release, the right to cross examine any forms presented to the judge, the right to cross examine the alleged withustes in case #2006. The right to a hearing in Linently similar to a pre liminary hearing, and the right to heatify and precent witnesses depriving complainent of liberty without due process of law in no bettern of the XIV Amendment "but process, coast of US. falls under the A.R. crim P. Rule 32.1 Scope of Remedy a. The Conviction or the Santence was in mobilism of the Constitution of the united States in of the shele of Arreasa", A.R. crim P. Rule 32.1 Scope of Remedy comment United States in of the shele of Arreasa", A.R. crim P. Rule 32.1 Scope of Remedy comment I Amendment 2007 I Rule 32.1(a), ... "and of violations of fights (complians alled) based on the federal or Arravaa Constitutions are included."

High Conduct is unethocal because he denied complainants neglicit for transcripts, preparetion for lest anichon retreet by stating, "Defendants explaination of why he needs the transcripts prepared do not fall without the Scope of a Rule 32 proceeding" when in FACT complaintants explaination why he needs the transcripts do fall within the Scope of Rule 32 proceedings.

It is unethreal for Hun to day complaments requests for transcripts

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when the explainations given by complainant falls within the Scope of Rule 32 because conduct does not conform to moval norms-farrness and standards of the Judicial anduct. Exertisely Rules of the Supreme Court Code of strateged anduct Canon 2 A judge shall Avoid Impropriety and the appearance of Impropriety in All of the Judges Activities A. A price shell respect and comply with the law and shell act a fall frances the a manner that promotes public pute constituence in the sutegrity and imported by of the judiciary. Commentary [canon 2 A] [2004] "Actual improprieties under this Standard include violetrus of low, "COURT RULES" (Emphisis Added) or other Specific provisions of this code.

"Order damping duferbuts mution" because "Defendant's exploration of why he news the transcripts prepared do not fell within the Scope of a Rule 32 proceeding when ru FACT complainents explainstron why he needs the transcripts prepared to fall within the Scope of Rule 32 proceedings is a violation of Court Rules' and is therefore convert that is unethreal.

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Supreme Court Rules and ofter well-established Arizona lew should investigate and discipline , Judge Superior Cort of the state of Arrane, landy of Marrage to protect the Rubbre, Defendants, and marktain high standards for the judiciary and the administration of justice for the reasons stated in this Complaint

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And 9/14/2010 hornste entry