

State of Arizona
COMMISSION ON JUDICIAL CONDUCT

Disposition of Complaint 18-002

Judge:

Complainant:

ORDER

The complainant alleged a municipal court judge failed to follow the rules of criminal procedure.

The responsibility of the Commission on Judicial Conduct is to impartially determine if the judge engaged in conduct that violated the provisions of Article 6.1 of the Arizona Constitution or the Code of Judicial Conduct and, if so, to take appropriate disciplinary action. The purpose and authority of the commission is limited to this mission.

The commission does not have jurisdiction to review the legal sufficiency of the judge's rulings. In addition, the commission found no evidence of ethical misconduct and concluded that the judge did not violate the Code in this case. Accordingly, the complaint is dismissed in its entirety, pursuant to Rules 16(a) and 23(a).

Dated: February 14, 2018

FOR THE COMMISSION

/s/ Margaret H. Downie

Margaret H. Downie
Executive Director

Copies of this order were distributed to all appropriate persons on February 14, 2018.

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

CONFIDENTIAL

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

FOR OFFICE USE ONLY**2018-002****COMPLAINT AGAINST A JUDGE**

Name: _____ Judge's Name: _____

Instructions: Use this form or plain paper of the same size to file a complaint. Describe in your own words what you believe the judge did that constitutes judicial misconduct. Be specific and list all of the names, dates, times, and places that will help the commission understand your concerns. Additional pages may be attached along with copies (not originals) of relevant court documents. Please complete one side of the paper only, and keep a copy of the complaint for your records.

I BELIEVE MAGISTRATE POLICY, REFUSING TO ADJUDICATE CASES INVOLVING PRISONERS WITHIN THE ARIZONA DEPARTMENT OF CORRECTIONS, TO BE A VIOLATION OF DUE PROCESS OF LAW, AN ABRIGATION OF THE ARIZONA RULES OF CRIMINAL PROCEDURE AND THE ARIZONA CONSTITUTION, AND THAT IMPOSITION OF SUCH A POLICY UPON THE CLERK OF THE IS TANTAMOUNT TO OBSTRUCTION OF JUSTICE. ENCLOSED ARE COPIES OF ALL APPLICABLE DOCUMENTS IN SUPPORT OF MY ASSERTION.

ATTEMPTING TO RESOLVE AN UNADJUDICATED TRAFFIC CASE IN
, I TWICE ATTEMPTED TO FILE A RULE 8.3(b), ARCP, NOTIFICATION OF IMPRISONMENT AND REQUEST FOR DISPOSITION, AND ON BOTH OCCASIONS THE IGNORED MY PLEADINGS. IN A LETTER FROM THE PRESIDING MAGISTRATE OF THE INFORMED ME THAT IT IS HIS POLICY TO REVIEW UNADJUDICATED MATTERS ONLY UPON RELEASE FROM CONFINEMENT, AND THAT NO FURTHER COMMUNICATION WOULD BE RECEIVED FROM THE COURT. THE ATTACHED CORRESPONDENCES WILL SHOW THAT HE WAS TRUE TO HIS WORD.

I BELIEVE THIS TO BE A DENIAL OF DUE PROCESS OF LAW, AND I BELIEVE IMPOSITION OF SUCH A POLICY ON THE TO BE OBSTRUCTION OF JUSTICE. ARTICLE 6, SECTION 21 OF THE ARIZONA CONSTITUTION REQUIRES TIMELY DISPOSITION OF ALL MATTERS FILED. DOES RULE 8.3(b), ARCP, APPLY TO EVERY JUDGE IN THE STATE EXCEPT
PLEASE ADVISE...

(ENCLOSURES)