

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

FOR OFFICE USE ONLY

CJC-08-164

COMPLAINT AGAINST A JUDGE

06-30-08

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.

In the case now pending in The Arizona Court of Appeals,

on appeal will indicate that ^{the record} negligently or purposefully prevented the filing of a timely notice of appeal to the Minute Order of ~~the~~ that I delivered to the Superior Court ^{on} (See US Postal Proof of Delivery in the case file in the Court of Appeals).

Thereafter, on ^{then} Minute Order dismissing the Motion on the grounds "Having reviewed the case record it appears that the Motion may have failed to file a timely notice of appeal and/or the attempt to appeal the matter was procedurally defective." ^{on} ~~this order~~ I filed a notice of appeal to this Order which was not filed until after the jurisdictional time for timely filing had expired. The Judge then ordered the Court Clerk to prepare a record on appeal which was delivered to the Court of Appeals which, shortly thereafter, dismissed the appeal on the grounds of lack of jurisdiction. I filed a motion to set aside this dismissal that included US Post Service proof of delivery of both notices of appeal.

The Superior Court had ordered the clerk to divert all my pleadings to the judge in order for him to determine if the pleadings could be properly filed. The first notice of appeal does not show in the record on appeal. The second notice is in the record but indicates that it was not filed in a timely manner. This constitutes a ^(Attach additional sheets as needed) violation of Justice, does it not?

See the Court record on appeal especially the motions to set aside the Minute Order thereon.