

State of Arizona
COMMISSION ON JUDICIAL CONDUCT

Disposition of Complaint 08-297

Complainant: No. 0308110258A

Judge: No. 0308110258B

ORDER

The Commission on Judicial Conduct reviewed a self-reported incident involving delay, and found no wrongdoing on the part of the judge. Although the judge ruled on a motion after the applicable time limits had expired, the judge has taken affirmative steps to ensure that delay will not occur again.

The complaint is dismissed pursuant to Rules 16(a) and 23(a).

Dated: March 12, 2009

FOR THE COMMISSION

Executive Director

Copies of this order were mailed to the complainant and the judge on March 12, 2009.

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

CJC - 08 - 297

NOV 21 2008

November 19, 2008

Judicial Conduct Commission
c/o E. Keith Stott, Jr., Esq.
1501 W. Washington Street, Suite 229
Phoenix, Arizona 85007

Re: self-report; 60 day rule violation

Members of the Commission,

I bring to your attention that I have ruled 20 days beyond the required 60 day period in cause number

The pleadings on the Defendant's Rule 32 Petition for Post-Conviction Relief were submitted to me for ruling on A ruling should have been issued October 25, 2008. My staff correctly tickled the pleadings and calendared the due date. My minute entry ruling was issued November 14, 2008. I have granted the Defendant a hearing.

This is the first such petition in which, after review of numerous claims on handwritten pleadings, I felt there might be some merit to the defendant's claims. I did legal research and sought the assistance of a staff attorney. After gathering the law that I needed to make a decision, I took additional time to consider the severity of the issues before issuing my ruling. In hindsight, I should have requested relief from the 60 day rule from the Chief Justice. My criminal calendar has been extraordinarily busy. I realize this is no excuse and I regret my action.

I am concerned that I may have inadvertently signed an erroneous certification that I had no matter under advisement for more than sixty days. While there has been no harm or prejudice occasioned by this delay, I feel it necessary and appropriate to bring this matter to your attention.

I have resolved to review pleadings of this type earlier in the process to assure appropriate prioritization in the future. I will not hesitate to request additional time in the future should I feel it is needed.

Please contact me with any concerns or questions.