

State of Arizona
COMMISSION ON JUDICIAL CONDUCT

Disposition of Complaint 09-154

Complainant: No. 1364610552A

Judge: No. 1364610552B

ORDER

The commission reviewed the complaint filed in this matter and found no evidence of ethical misconduct on the part of the judge. Moreover, whether the judge's decision is right or wrong is a matter outside the jurisdiction of the commission. Accordingly, the complaint is dismissed pursuant to Rules 16(a) and 23.

Dated: July 23, 2009.

FOR THE COMMISSION

\s\ Keith Stott
Executive Director

Copies of this order were mailed to the complainant and the judge on July 23, 2009.

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

ARIZONA STATE PRISON

JUN 11 2009

, ARIZONA

ARIZONA JUDICIAL COMMISSION
1501 WEST WASHINGTON STREET
PHOENIX, ARIZONA 85007

RE: COMPLAINT AGAINST JUDGE

/ POST CONV. RELIEF

DEAR JUDICIAL COMMISSION:

ON APRIL 2, 2009 DEFENDANT FILED A MOTION FOR RECONSIDERATION RE: DISMISSAL OF PETITION FOR POST-CONVICTION RELIEF. DEFENDANT PROVIDED EXHIBIT A TO THE COURT WHICH WAS A STAMPED CONFORMED COPY OF A PETITION FOR POST-CONVICTION RELIEF, WHICH DEMONSTRATED A THREE PAGE 28 USC SUB. 1746 STATEMENT, THREE EXHIBITS WHICH CONSTITUTED SPECIFIC FACTS TO SUPPORT THE PCR CLAIMS, IN AN AMENDED PCR PETITION.

HOWEVER, THE COURT HAD STATED WITHIN THE PCR DISMISSAL THAT DEFENDANT HAD NOT PRESENTED THE ABOVE INFORMATION. THIS WAS BECAUSE ON DECEMBER 3, 2008 THE COURT HAD DIRECTED DEFENDANT TO SUBMIT AN AMENDED PETITION AND THE COURT ON MARCH 27 2009 READ AND DISMISSED THE UNAMENDED PETITION.

SECTION 21, ARTICLE VI OF THE ARIZONA STATE CONSTITUTION AND A.R.S. 12-128.01 CONSTITUTE STANDARDS WHICH JUDGE HAS FAILED TO ABIDE BY.

SUCH FAILURE IS IN DIRECT VIOLATION OF CANONS OF JUDICIAL CONDUCT: 1 (a), 2 (a), 3 (A) (B) (1) AND (8). IN CONJUNCTION WITH RULES OF THE SUPREME COURT SECTION VIII, RULE 91 (E).

RULE 91 (E) REQUIRES EVERY MATTER SUBMITTED FOR DETERMINATION TO A JUDGE OF THE SUPERIOR COURT FOR DECISION SHALL BE DETERMINED AND RULING MADE NOT LATER THAN SIXTY DAYS FROM SUBMISSION THEREOF, IN ACCORDANCE WITH THE ARIZONA STATE CONSTITUTION.

SUBMITTED THIS 8 DAY OF JUNE 2009.

SUBMITTED AND SWORN TO BEFORE ME THIS 8 DAY OF JUNE 2009.

2-15-2013

MY COMMISSION EXPIRES

