

State of Arizona
COMMISSION ON JUDICIAL CONDUCT

Disposition of Complaint 09-349

Complainant: No. 0308110838A

Judge: No. 0308110838B

ORDER

A judge self-reported a delay in ruling. The commission reviewed the matter and concluded that the delay was an isolated incident involving significant mitigating factors. Accordingly, the complaint was dismissed with a confidential comment pursuant to Rule 16(b).

Dated: March 16, 2010.

FOR THE COMMISSION

\s\ William Brammer

J. William Brammer, Jr.
Commission Chair

Copies of this order were mailed
to the complainant and the judge
March 16, 2010.

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



SUPERIOR COURT OF ARIZONA
COUNTY OF MOHAVE

DEC 23 2009

December 17, 2009

State of Arizona Commission on Judicial Conduct
1501 W. Washington
Phoenix, AZ 85007

Re: Violation of A.R.S. 12-128.01

Dear Members of the Commission on Judicial Conduct:

The purpose of this letter is to self-report what I believe to be a violation of A.R.S. §12-128.01 in *State of Arizona v. Ari Benjamin Feinner*, Mohave County Cause No. CR-2007-0561. *State v. Feinner* is a capital case that is currently set for trial on January 25, 2010. Oral arguments were held on August 21, 2009 for several pending motions filed by both the state and the defendant. Many of these motions had been filed in anticipation of an upcoming trial date, but the trial date was continued to January 2010. Many of these motions were resolved on the record at that hearing. However, the court took two (2) of the state's motions to preclude hearsay at trial under advisement.

This case was reset for an evidentiary hearing on December 16, 2009. I reviewed the file in preparation for the hearing and discovered that I had not yet ruled on the two motions. I brought this fact to the attention of the parties and advised that I would issue a ruling without further delay. While not particularly relevant to the reason for this letter, I will note that neither party voiced objection – or for that matter any concern whatsoever -- over how the delay might have impacted their preparation of the case. I also spoke to Mr. E. Keith Stott, Jr. on December 16, 2009 to inquire about where to send this self-reporting letter.

I regret this oversight, and further regret that I filed monthly certifications attesting that I had no matters pending for more than 60 days for the months of October and November, 2009. I will have a ruling issued on the two pending motions in the *Feinner* case no later than Monday, December 21, 2009. To prevent any further incidents of this nature, I have designated a legal tablet on my bench as a form of 'to-do list' that will serve as a dedicated record of all issues I take under advisement that I can review and act upon in a timely fashion. My judicial assistant and I will also enter notations on our respective calendars setting 'ticklers' out 10 and 20 days after a matter is taken under advisement.

Again, I regret the necessity of this letter. Thank you for your time and consideration. Please contact me if you have any questions or require further information.

Very truly yours,

Mohave County Superior Court