

State of Arizona
COMMISSION ON JUDICIAL CONDUCT

Disposition of Complaint 12-223

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| Complainant: | No. 1449510602A |
| Judge: | No. 1449510602B |

ORDER

The complainant alleged a pro tem justice of the peace improperly delayed numerous rulings.

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.

After review, the commission decided to dismiss this matter with a private advisory regarding delay. The case is dismissed pursuant to Rules 16(b) and 23(a).

Dated: December 4, 2012.

FOR THE COMMISSION

/s/ Louis Dominguez

Louis Frank Dominguez
Commission Chair

Copies of this order were mailed to the complainant and the judge on December 4, 2012.

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

CONFIDENTIAL

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

FOR OFFICE USE ONLY

2012-223

COMPLAINT AGAINST A JUDGE

Your name:

Judge's name:

Date: 8/14/12

Instructions: You can use this form or plain paper of the same size to file a complaint. Please describe in your own words what the judge did that you believe constitutes judicial misconduct. Be specific and list all of the names, dates, times and places that will help us understand your concerns. You may attach additional pages but not original court documents. Print or type on one side of the paper only, and keep a copy of the complaint for your files.

This case has been pending since 2009. This is a very unusual case, and Judge [redacted] was appointed on April 1, 2010. I believe that Judge [redacted] is the 5 Judge to sit on this matter. As of yet, no Jury trial has been held. One was scheduled for December 2011, but Judge [redacted] delayed it because the Defendant was pro per. The Def would also say it was because of pending Motions which have not been ruled upon. At that time, Dec 2011, I was appointed as advisory Counsel to Mr Wilson. Since then, there has been an ongoing problem with Judge [redacted] not ruling on motions. Everyone involved, from the clerk to the prosecutor to Defense side, have continually requested these motions be heard. At Status Conferences I have pled with the Judge. Attached is an email I have sent, I have even requested Judge [redacted] the local presiding Judge assist, to no Avail. Judge [redacted] continued the last ~~trial~~ trial date because he had not ruled on the motions, and claimed his email was giving him problems. This was one of several promises and excuses to act which he has not done. Currently there are at least 10 pending motions, with some of them being nearly a year old. Most are way past the 60 day mark. At this point it is clear the trial date will be moved again, and hopefully someone can help us (including the tax payers of County) to bring this matter to trial. Attached is a time line of the case which shows the pending motions and email from me to Judge [redacted] which was never responded to.

(Attach additional sheets as needed)