

State of Arizona  
COMMISSION ON JUDICIAL CONDUCT

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Disposition of Complaint 13-053

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Judge:	No. 1234710523A
Complainant:	No. 1234710523B

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**ORDER**

The complainants alleged a superior court judge engaged in substantial and unreasonable delay in their case.

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 reviewing the information provided by the complainants and relevant court records, the commission found no evidence of ethical misconduct and concluded that the judge did not violate the Code in this case. Accordingly, the complaint is dismissed in its entirety pursuant to Rules 16(a) and 23.

Dated: April 19, 2013.

FOR THE COMMISSION

/s/ George Riemer

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George A. Riemer  
Executive Director

Copies of this order were mailed to the complainants and the judge on April 19, 2013.

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

MAR 14 2013

March 13, 2013

**Commission on Judicial Conduct**  
1501 W. Washington Street, Suite 229  
Phoenix, AZ 85007

RE: Judge  
Yuma County Superior Court  
Denial of Arizona Constitutional Right

Dear Commission of Judicial Conduct:

Early in 2012 two recall petitions were assigned serial numbers by the city of Yuma for the recall of city councilmen and

At the Yuma County Fair I exercised my Constitution Right to petition the abuses of my government by signing my name as a qualified elector of the city of Yuma on April 3, 2012: copies of these petitions are enclosed.

Subsequently, the Political Action Committee (PAC) formed to circulate the recall petitions submitted the petitions to the city of Yuma on June 1, 2012 and received a temporary receipt for the petitions submitted.

As per the Arizona Revised Statutes (ARS), the petitions were processed by the offices of the Yuma city clerk and the Yuma County Recorder. During the process, the Yuma city clerk exceeded the time limit for processing prior to transmitting the

recall petitions to the Yuma County Recorder. The recall petitions were 'deemed' to not have the required numbers of signatures of qualified electors residing in the city of Yuma.

The PAC, Recall Them All, formed to circulate the petitions determined that errors had been made by the city of Yuma and the Yuma County Recorder and filed suit against a city of Yuma employee and the Yuma County Recorder. That litigation was heard and dismissed by Judge [redacted] the Yuma County Superior Court. The city of Yuma retained outside counsel without authorization by the Yuma city council, as required by Resolution R2279; a copy of the resolution is enclosed.

The PAC then filed an appeal to the Arizona Appellate Court and on November 30, 2012 the case was remanded to Judge [redacted] to hear and resolve.

Today is the one hundred third day, since the case was remanded.

Please accept this transmittal, as a formal complaint, completed complaint form enclosed, of the denial of the Arizona Constitution right of almost 2,000 qualified electors to recall Yuma city councilmen

The remedy requested is the direction to Judge [redacted] to have the recall of Yuma city Councilmen [redacted] placed on a special election now scheduled for May 21, 2013 and that Judge [redacted] order that the offices now held by Yuma city councilmen are vacated.

This letter is being co-signed by other qualified electors that exercised their Arizona Constitution right denied by Judge

Finally, we would respectfully ask that judicial note of the denial of our constitutional rights be forwarded to the Arizona Supreme Court for immediate removal of Judge from the Yuma County Superior Court.

Sincerely yours,

Enclosures (4)

Copy to the State bar of Arizona