

State of Arizona
COMMISSION ON JUDICIAL CONDUCT

Disposition of Complaint 13-068

Judge:	No. 1464610459A
Complainant:	No. 1464610459B

ORDER

The complainant alleged a superior court judge twice delayed issuing rulings beyond 60 days.

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 complainant along with the judge's response, 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: May 24, 2013.

FOR THE COMMISSION

/s/ George Riemer

George A. Riemer
Executive Director

Copies of this order were mailed to the complainant and the judge on May 24, 2013

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

APR 01 2013

March 27, 2013

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

Dear Commission,

I am filing this complaint regarding Judge who in two separate instances has failed to abide by the Arizona Rules of Court regarding disposition of my Post Conviction Relief matter.

On 11/04/09 the Court ruled in its minute entry that my Post Conviction Relief matter, was ready for review and assigned to [redacted] for review/ruling. The matter was ruled on 2/10/10 (98 days later). The matter was filed with the Clerk of the Court on 2/18/10 and was not

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received by me until 2/23/10. In the meantime on 2/5/10 I sent a request to the Arizona Supreme Court for guidance on what to do because I had not received a ruling. Then on 2/20/10 I filed a motion for time frame violation alleging that no ruling had been issued. To my knowledge that motion was never ruled on by the courts. These actions show that I diligently tried to resolve this issue.

In the second instance on 1/16/13 the court ruled in an amended minute entry that my petition for Post Conviction relief matter was ready for review and assigned to [redacted] for review/ruling. As of this date I have not received a ruling in this matter. (70+ days).

Arizona Rules of Criminal Procedure Rule 32.4(c) states that the court shall review a petitioner's rule 32 petition within 20 days after petitioner's reply was due. In both of the aforementioned instances the review time has not been met.

This also places the judge out of compliance with the following rules of judicial conduct:

(2)

Canon I - Rule 1.1 and Canon II - Rule 2.2 which state that the Judge shall comply, uphold, and apply the law.

Canon II - Rule 2.5 and Rule 2.7 state that a Judge's duties shall be performed competently, diligently, and promptly and that the Judge shall hear and decide matters assigned to him.

has twice failed to abide by the Court rule in the aforementioned matters. These failures have affected the speedy disposition of my post conviction relief matters to which I am entitled. I am respectfully requesting a full inquiry into this matter

Thank you