

State of Arizona
COMMISSION ON JUDICIAL CONDUCT

Disposition of Complaint 14-053

Judge:	No. 109641035613216A
Complainant:	No. 109641035613216B

ORDER

The complainant alleged two superior court judges were violating his legal rights by failing to dismiss criminal charges that are time-barred and denying various other motions.

The responsibility of the Commission on Judicial Conduct is to impartially determine if the judges 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 found no evidence of ethical misconduct and concluded that the judges did not violate the Code in this case. The commission does not have jurisdiction to review the legal sufficiency of court rulings. Accordingly, the complaint is dismissed in its entirety, pursuant to Rules 16(a) and 23.

Dated: March 26, 2014.

FOR THE COMMISSION

/s/ George A. Riemer

George A. Riemer
Executive Director

Copies of this order were mailed to the complainant and the judges on March 26, 2014.

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

Dear Sirs,

I am a pro-per litigant at the
 Jail (AZ.)

I have been incarcerated for
 over two (2) years on a prosecutorial
 time-barred Offense. Judge

of the Court of
 for county is

well aware of this illegality, but
 will not overrule the previous
 Judges' ruling,
 without good cause appearing.

My Complaint is that there
 is good cause appearing: The accused
 has a substantive right that
 cannot be disturbed. The offense
 was complete on

and was tolled until state had
 actual knowledge of defendant's
 Identity (The running of the
 year limitations period) as
 the alleged offender. State v. Aguilar
 (App. Div. 2008) 218 Ariz. 25, 178 P.3d 497.

Criminal Law 152

Accordingly the statute of limitations was tolled on _____, when subsection (E) was added to A.R.S. 13-107 which states: The period of limitation does not run for a serious offense as defined in §13-706 during anytime when the identity of the person who commits the offense or offenses is unknown. This occurred

_____ the date the defendant's DNA was matched with the crime scene DNA through CODIS, which retriggered the running of the limitations period or caused it to recommence causing the statute of limitations defense to "vest" in the year _____ because the state of Arizona did not indict the defendant till

_____ the defendant has a limitations defense-right that has vested STATE V. GUM (APP. DIV. 1 2007) 214 Ariz. 397, 153 P.3d 418 Criminal Law \rightarrow 146

Therefore the defendant has a substantive right that is being disturbed by the state in misapplying A.R.S. 13-107(A) (2001 and 2002) to a case.

Arizona Courts have consistently held that the "statutes of limitations" in effect at the time of the crime controls:

Taylor v. Cruikshank (App. Div. 2 2006)
214 Ariz. 40, 148 P.3d 84.

Criminal Law ~~149~~ 149.

Applying A.R.S. 13-107(A) to defendant's case is in violation of the ex-post facto clause, since the instant case is governed by the 1993 and 1997 version of A.R.S. 13-107(E).

The defendant has an accrued vested statute of limitations defense and is protected by the legislation of Arizona and this substantive right should not be disturbed by the untimely indictment

of Case No.

This Case should never have
been opened or filed.

Respectfully,

(Pro. Per. defendant)

Copies of the foregoing have
been sent to:

Hon. Judge

Court Judge)

Com. on Judicial Conduct
1501 W. Washington
Suite 229
Phx, Az, 85007

Having been sent on this day
of

Signed:

(defendant)