

State of Arizona
COMMISSION ON JUDICIAL CONDUCT

Disposition of Complaint 19-007

Judge:

Complainant:

ORDER

The Complainant alleged a superior court commissioner did not timely conduct a preliminary hearing.

The role of the Commission on Judicial Conduct is to impartially determine whether a judicial officer has engaged in conduct that violates the Arizona Code of Judicial Conduct or Article 6.1 of the Arizona Constitution. There must be clear and convincing evidence of such a violation in order for the Commission to take disciplinary action against a judicial officer.

The Commission does not have jurisdiction to overturn, amend, or remand a judicial officer's legal rulings. The Commission reviewed all relevant available information and concluded there was not clear and convincing evidence of ethical misconduct in this matter. The complaint is therefore dismissed pursuant to Rules 16(a) and 23(a).

Dated: May 15, 2019

Copies of this order were distributed to all appropriate persons on May 15, 2019.

CONFIDENTIAL

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

FOR OFFICE USE ONLY

2019-007

COMPLAINT AGAINST A JUDGE

Commissioner

Name _____

Judge's Name: _____

Instructions: Use this form or plain paper of the same size to file a complaint. Describe in your own words what you believe the judge did that constitutes judicial misconduct. Be specific and list all of the names, dates, times, and places that will help the commission understand your concerns. Additional pages may be attached along with copies (not originals) of relevant court documents. Please complete one side of the paper only, and keep a copy of the complaint for your records.

I was _____ for _____ misdemeanors
and _____ on _____ my
initial appearance was held on _____
at the _____
with Judge _____
I was given _____
court dates. One was a status
conference set for status conference
preliminary hearing
scheduled for _____ I
did not have my status conference
until _____ I confirmed
my preliminary hearing
that day to Judge _____
By law he was suppose
to had released me that
day because it had been
more than _____ day deadline
for a preliminary hearing.
The _____ day was
working days the _____ day
deadline was _____
times out. I will show you
the law. Criminal rules of procedure.
I was not charged with a non-bailable
offense

16A ARS. Rules, Crim. Proc, Rule 5.1 PS 1
Rule 5.1 Right to a Preliminary hearing;
Waiver; Continuance

- a) Right to a Preliminary Hearing.
A defendant has a right to a Preliminary hearing if charged with a felony. A preliminary hearing must commence before a magistrate no later than days after the defendant's initial appearance if the defendant is in custody, or no later than after the defendant's initial appearance if the defendant is not in custody, unless:
- 1) the complaint is dismissed
 - 2) the hearing is waived;
 - 3) the defendant has been transferred from the court for criminal prosecution on specified charges
 - 4) the magistrate orders the hearing continued under (c)
- c) Continuance.
- 1) Release absent Continuance.
- IF a preliminary hearing for an in-custody defendant did not commence within day as required under (a) and was not continued, the

defendant must be released from custody, unless the defendant is charged with a non-bailable offense, in which case the magistrate must immediately notify the county's presiding judge of the reasons for delay.

2) Continuance - On motion or on its own, a magistrate may continue a preliminary hearing beyond the day hearing only if it finds the extraordinary circumstances exist and that delay is indispensable to the interests of justice. The magistrate also must file a written order detailing the reasons for these findings. The court must promptly notify the parties of the order.

I never hid an order from a Judge continuing the preliminary hearing beyond a day deadline. I never had preliminary hearings, and then had a grand jury but legally they

PS3

Shouldnt of had one because
I was suppose to have
been released

He did not follow the
law of Criminal procedure.

Because he knew that you
could only have a preliminary
hearing on a complaint
with a felony. I had
misdemeanors and Felony.

did not file the
complaint with Court
under rule 2.2 for
the misdemeanors.

The alleged crime occurred
in the

I am still in custody.