

State of Arizona
COMMISSION ON JUDICIAL CONDUCT

Disposition of Complaint 19-212

Judge:

Complainant:

ORDER

November 5, 2019

The Complainant alleged a superior court judge failed to rule on a request for early termination of probation.

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 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).

Commission members Roger D. Barton, Barbara Brown, George H. Foster, Jr., and Diane M. Johnsen did not participate in the consideration of this matter.

Copies of this order were distributed to all appropriate persons on November 5, 2019.

CONFIDENTIAL

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

FOR OFFICE USE ONLY

2019-212

COMPLAINT AGAINST A JUDGE

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.

On _____ I filed a motion with the Clerk of the Court requesting the Supervised Probation be terminated early. Pursuant to Arizona Revised Statutes 13-901(E), the trial court may terminate the period of probation and discharge the defendant if the ends of justice will be served by this and the conduct of the defendant warrants it. As of today, _____ there has been no ruling on that motion. It is clearly documented in the attached Case History showing the Motion was received by the Court. At this point, Judge _____ is over _____ delinquent on ruling on this Motion.

Over the _____ numerous attempts have been made to receive a ruling. Repeatedly, the Clerk that answers the phone has stated they have to contact the County Attorney for the case, as well as my Probation Officer. Two separate Probation Officers have been contacted by the Court during this time and responded that they are in favor of termination. They have claimed repeatedly that the Motion would be given to the Judge.

Since the beginning of the year, I have contacted the Court _____ separate times. On _____ With the exception of _____ the Clerk simply hung up on me when I informed her I was inquiring on my Motion from the previous year.

Per Rule 91(E) of the Rules of the Supreme Court of Arizona, the Judge has 60 days to issue a ruling. This ruling has far exceeded the period. Furthermore, each Clerk is required to submit a report on the last day of each quarter detailing the Motions that have exceeded that period, but have not been ruled on. This Motion should have been detailed in the _____ and _____ therefore making the Judge duly aware of the delinquency.

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Criminal Court Case Information - Case History

Case Type: Criminal

Location:

Case Information

Party Information

Disposition Information

Party Name ARSCode Description

Crime Disposition Code
Date

Disposition

Date

Case Documents

Filing Date Description

Docket Date Filing Party